

Agenda for Development Management Committee

Tuesday, 4 September 2018; 10am



[Members of the Committee](#)

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

[View directions](#)

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01395 517542, Issued 23 August 2018

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[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 Friday 24 August up until 12 noon on Thursday 30 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 7 August 2018 (Page 4-9)
- 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 10-11)
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.

17/3022/MOUT (Major) (Page 12-55)
Woodbury and Lympstone
Blackhill Quarry
Woodbury, Exeter, EX5 1DH

18/1081/FUL (Minor) (Page 56-75)
Woodbury and Lympstone
Exton Top Yard
Exmouth Road, Exton

17/2493/FUL (Minor) (Page 76-88)
Exmouth Town
Manor Hotel Garages
Beacon Place, Exmouth

17/2749/FUL (Minor) (Page 89-97)
Whimple
British Telecom Telephone Repeater Station
Whimple

Break

Afternoon Session – the applications below will not be considered before 1.30pm.

18/1444/FUL (Minor) (Page 98-113)

Axminster Town
Westwater Barn
Land North Of Westwater, Westwater, Axminster

18/1451/FUL & 18/1452/LBC (Other) (Page 114-125)

Otterhead
Woodhayes
Luppitt, Honiton, EX14 4TP

18/1360/COU (Minor) (Page 126-133)

Yarty
Cloverhayes Farm
Smallridge, Axminster, EX13 7JN

18/1673/FUL (Other) (Page 134-139)

Seaton
110 Scalwell Lane
Seaton, EX12 2ST

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 7 August 2018

Attendance list at end of document

The meeting started at 11am and ended at 2pm.

***9 Minutes**

The minutes of the Development Management Committee meeting held on 3 July 2018 were confirmed and signed as a true record.

***10 Declarations of interest**

Cllr David Barratt; 18/0607/FUL; Personal interest; Sidmouth Town Councillor

Cllr David Barratt; 18/0199/FUL; Personal interest; acquaintance of the landowner

Cllr Colin Brown; 19/0419/VAR; Personal interest; Proprietor of a hotel where drivers at the racetrack sometimes stay

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, Cllr Bruce de Saram and Cllr David Key advised that they had been lobbied in respect of application 17/1270/FUL.

***11 Appeal statistics**

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

The Development Manager drew Members' attention to the appeal of applications 17/0878/FUL and 17/1879/LBC which had been allowed. The Committee were advised that they formed a joint planning and listed building application where the Inspector felt that the works proposed would not amount to any material harm to the building as one of special architectural or historical interest.

The Development Manager also drew Members' attention to the appeal of applications 17/0542/FUL and 17/0638/LBC which had been determined at Development Management Committee with the subsequent appeals dismissed on the basis of the harm identified to heritage assets being upheld.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 3 2018/2019.

For each application, the Development Manager advised that the correct policy reference was the NPPF 2018, not NPPF 2012, but notwithstanding this the policy position remained substantially the same for each application.

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

Peter Burrows

Paul Carter

Bruce de Saram

Steve Gazzard

Geoff Jung

David Key

Jim Knight

Helen Parr

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:

Ian Hall

Val Ranger

Marianne Rixson

Apologies:

Committee Members

Councillors

Ben Ingham

Mark Williamson

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL
Development Management Committee
Tuesday 7 August 2018; Schedule number 3 – 2018/2019

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:
<http://eastdevon.gov.uk/media/2561055/070818combinedDMCagenda.pdf>

Sidmouth Sidford
(SIDMOUTH)

18/0607/FUL

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.

RESOLVED: REFUSED (contrary to officer recommendation) with delegated authority given to the Development Manager to draft reasons for refusal. Members determined that the development represented over-development of the site with a detrimental impact upon the amenity of surrounding residents due to the loss of, and lack of, car parking, and cramped site layout. In addition, Members determined that the loss of the front flint wall was unacceptable as it was contrary to the emerging Neighbourhood Plan with resultant loss of a key characteristic and feature of the area.

Dunkeswell
(DUNKESWELL)

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.

RESOLVED: APPROVED with conditions as per officer recommendation and subject to an additional condition requiring details of a scheme to minimise light pollution from the proposed windows to be submitted to and approved in writing by the LPA in order to minimise the impact from light pollution on the AONB. The Committee further resolved that when these additional details are submitted for approval they should be considered by officers in consultation with the Chairman and Vice-Chairman of Development Management Committee.

Newton Poppleford
and Harford
(NEWTON
POPPLEFORD)

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 2 no.
dwellings and 1 no. B1 office unit.

RESOLVED: APPROVED as per officer recommendation and subject to:

1. The replacement of condition 11 with the following condition regarding the removal of PD Rights: Notwithstanding the provisions of Schedule 2 Part 1 Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no hard surfaces shall be constructed within the curtilage of the dwellings hereby permitted. (Reason – To ensure that such development only takes place in conjunction with satisfactory drainage arrangements to avoid increased surface water run-off in accordance with Policy EN22 (Surface Run-Off Implications of New Development) East Devon Local Plan 2013-2031.)
2. The replacement of condition 10 with the following wording to reflect the latest submitted reports: 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 Appendix 4 of Bat and Nesting Bird Survey Report (Version 001) dated August 2018 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.)

Coly Valley
(COLYTON) 18/1352/FUL & 18/1353/LBC

Applicant: C H Johnson

Location: 3 Sunnyside, South Street, Colyton, EX24 6EP

Proposal: Refurbished outbuilding.

RESOLVED: APPROVED as per officer recommendation.

Broadclyst
(WHIMPLE) 18/0936/OUT

Applicant: M Baker (Property Services Ltd.)

Location: Land to the North of Southbrook Court, Southbrook Lane,
Whimple

Proposal: Outline application (all matters reserved) for the erection of up
to five dwellings.

RESOLVED: APPROVED as per officer recommendation.

Axminster Rural
(HAWKCHURCH) 17/1270/FUL

Applicant: M Baker (Property Services Ltd.)

Location: Land to the South of Pound Road (North of Woodcote National
Grid Sub Station), Hawkchurch, EX13 5TX

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

RESOLVED: To submit to the judgement of the Planning Inspector as per
officer recommendation and an additional recommendation that
in light of this decision, the Planning Inspectorate be made
aware that Members of the Development Management
Committee expressed its support for the request from the local
community to the Planning Inspectorate for an Informal Hearing
or Inquiry to enable the community to make their case for the
appeal to be dismissed.

Axminster Rural
(HAWKCHURCH) 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 and unfettered independent residential use.

RESOLVED: REFUSED as per officer recommendation.

Axminster Rural
(AXMINSTER) 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.

RESOLVED: REFUSED as per officer recommendation.

**East Devon District Council
List of Planning Appeals Lodged**

Ref: 17/2624/FUL **Date Received** 23.07.2018
Appellant: Mr David Perry
Appeal Site: The Steep Dunkeswell Honiton EX14 4RG
Proposal: Removal of redundant industrial building (B8) (previously developed land) and erection of a single two storey detached dwelling (C3)
Planning Inspectorate Ref: APP/U1105/W/18/3207808

Ref: 18/0673/FUL **Date Received** 24.07.2018
Appellant: Miss Burstow
Appeal Site: Flat 1 58 East Budleigh Road Budleigh Salterton EX9 6EJ
Proposal: Retention of a single garage & loggia
Planning Inspectorate Ref: APP/U1105/W/18/3207895

Ref: 18/0358/FUL **Date Received** 27.07.2018
Appellant: Mr F Tiley
Appeal Site: 10 Essington Close Exmouth EX8 4QY
Proposal: Extensions to rear and side including extension to roof area to provide loft conversion
Planning Inspectorate Ref: APP/U1105/D/18/3208136

East Devon District Council
List of Planning Appeals Decided

Ref: 17/1177/FUL **Appeal Ref:** 17/00062/REF

Appellant: Mr Duncan Rawlings

Appeal Site: Pembroke House 109 Beer Road Seaton

Proposal: Erection of 2 no. dwellings

Decision: **Appeal Dismissed** **Date:** 10.08.2018

Procedure: Written representations

Remarks: Delegated refusal, countryside protection and amenity reasons upheld (EDLP Strategy 7 and Policies D1 & D3).

BVPI 204: **Yes**

Planning Inspectorate Ref: APP/U1105/W/17/3187243

Ward Woodbury And Lymptone

Reference 17/3022/MOUT

Applicant Clinton Devon Estates (Mr L Rix)

Location Blackhill Quarry Woodbury, Exeter EX5 1HD

Proposal Outline application seeking approval of access for construction of up to 3251 sqm (35,000 sq ft) of B2 (general industrial) floor space with access, parking and associated infrastructure (details of appearance, landscaping, scale and layout reserved for future consideration)



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: 4th September 2018	
Woodbury And Lympstone (WOODBURY)	17/3022/MOUT	Target	Date:
		21.03.2018	
Applicant:	Clinton Devon Estates (Mr L Rix)		
Location:	Blackhill Quarry Woodbury		
Proposal:	Outline application seeking approval of access for construction of up to 3251 sqm (35,000 sq ft) of B2 (general industrial) floor space with access, parking and associated infrastructure (details of appearance, landscaping, scale and layout reserved for future consideration)		

RECOMMENDATION:

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

EXECUTIVE SUMMARY

This application is before Members as the officer view is contrary to that of the Ward Member and Parish Council, and as the proposal also represents a departure from the adopted development plan.

The site lies in the open countryside, this part of which is designated as an AONB and lies adjacent to the Pebblebed Heaths SAC, where development should be strictly controlled so that it does not detrimentally impact on the character and appearance of the surroundings. However, that does not represent a bar on all development, proposals that accord with the development plan can be acceptable subject to their impacts. In this instance the EDDC Local Plan would only allow for the small scale expansion of existing businesses, the proposed floorspace is up to 2,251 square metres and therefore not small scale. As such the proposal represents a departure from the development plan.

The proposal site represents a former quarrying processing plant area which, when the initial quarrying permission was granted was envisaged to be returned to heathland as part of the wider restoration of the quarrying area. However, in 2010 a clause was inserted in the Restoration and Aftercare scheme to allow for a planning permission to be sought on the proposal site for an alternative use.

This proposal seeks outline permission with access to be considered for buildings to extend the existing business on site – Blackhill Engineering - with a new area

(1.13 times larger than the application site) of mitigation to be provided to the south west of the site.

Despite the proposal representing a departure from local plan policy, the development is supported in principle due to the wider economic benefits associated with the expansion of the business and its specialist and highly skilled nature that includes providing engineering support to Hinckley Point.

The site is visible in its surroundings, especially from the north on Woodbury Common, however the visibility is of the existing Blackhill Engineering buildings and the quarrying equipment. The proposed buildings (as indicated on the illustrative plans) would be set up to 6.5 metres lower than the existing tallest building, an LVIA has been submitted with the application. There is good tree screening from the public highway such that the site is not readily visible on passing, the only long range views are from the network of footpaths across the common. It is considered that the lower height buildings proposed could assimilate well into their surroundings subject to appropriate materials and their height being conditioned at that shown in the illustrative drawing.

An Appropriate Assessment has been carried out concluding that the proposed mitigation would ensure no likely significant impacts on the designated areas.

The existing quarry site is served by a dedicated access from the B3180 that allows vehicles to enter and leave via different carriageways that are adjacent to each other, this arrangement would continue for the proposal. When it was operating the aggregate industries trip generation produced around 320 heavy goods vehicle movements per day (160 inbound and 160 outbound) together with vehicle movements for Blackhill Engineering, the proposals would produce around 134 vehicle movements (117 inbound and 117 outbound), being a mixture of cars and heavy goods vehicles, thus resulting in a reduced number of vehicle movements to and from the site. On this basis the proposal would accord with Policy TC7 of the EDDC Local Plan and the guidance contained in Paragraph 109 of the revised NPPF as the residual cumulative impacts on the road network would not be severe.

The proposal, on balance due to the economic benefits of the proposal, outweighing the mitigated impacts on the protected landscape is considered to be acceptable and therefore is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Council heard about some of the history of this site which was the operational area of the quarry and comprised about 20% of the whole quarry area. Quarrying and processing of material on the site was being discontinued and it had been expected that the whole site would revert back to a natural area as it was part of the AONB and had other scientific classifications.

It was pointed out that the site was in the open countryside as defined in the ED Local Plan and as such only small scale expansions would be allowed where it was clearly demonstrated that an existing business was full to capacity. The Parish Council is of the view that this had not been demonstrated. The parish Council is of the view that the area is not a brownfield site as it was a former quarry that was being remediated. It would therefore become a greenfield site in the open countryside. As such it could not normally be expected to gain planning permission for industrial use.

Details of the type of heavy engineering equipment that could be manufactured on the site, extracted from the Company's website, were circulated and the Parish Council was deeply concerned at the adverse impact that moving such loads would have on the rural road network. This application is NOT SUPPORTED on the grounds that this is in the AONB and should be returned to a natural state to form part of the surrounding areas. The existing road system in the area is not designed to cope with movement of vehicles carrying the type of heavy industrial equipment that would be manufactured on the site. The Clerk adds that there are industrial areas nearby that are much more suited to this kind of operation.

Further comments:

Further to my responses to planning application no 17/3022/MOUT, our investigations show that the argument in favour of creating additional employment on the former Blackhill Quarry site makes no mention of the availability, or lack of, of a local pool of skilled labour.

Skilled fabricators/welders for heavy projects are already in very short supply in the Southwest with wages in the Exeter area being around £14 - £15 per hour. Above this level the work will not migrate from the industrial centres of the Midlands and the North. Local competition is provided by Devonport Dockyard which is currently offering £25 per hour for self-employed skilled fabricators/welders. Skilled workers often travel further afield to seek higher pay on major infrastructure projects but tend not to move permanently to areas with a limited number of potential employers.

The Parish Council is therefore of the view that the business case for the application is flawed and may well result in the business units being let to other businesses. It is the Parish Council's strong view that this site is not suitable for the creation of a Business park and the application should be refused as it is likely that the Units will be let generally and this could lead to further arguments for extension in the future.

Woodbury & Lympstone - Cllr R Longhurst

I reserved my comments on this application until the applicant had time to comment or take action on my requests. This has not been forthcoming so I must OPPOSE the application.

This land is Woodbury Common and the community expect to be able to enjoy the beauty of it. This was the intention and consequent expectation when the quarry was opened. This application is not in line with this and offers no alternatives.

Technical Consultations

East Devon AONB

Nature of response

Consultation

Background to comments, site description/context (a summary of the National, County and District character assessments)

This is an outline application seeking approval of access for construction of up to 3251 sqm (35,000 sq ft) of B2 (general industrial) floor space with access, parking and associated infrastructure (details of appearance, landscaping, scale and layout reserved for future consideration).

Natural England National Character Area Assessment

NCA No : 148

NCA Name: Devon Redlands

Key Statements of Environmental Opportunity relevant to this site

SEO 2: Manage, enhance and where necessary protect the diversity of land use and activity which gives the Devon Redlands its distinctive character. Increase the connectivity of key habitats for the benefit of landscape, biodiversity and ecosystem services.

- Positively managing the lowland heath on the East Devon Pebblebed Heaths to ensure continuing contribution to landscape character, improved condition of historic assets, biodiversity, sense of place and tranquillity.

The NCA for the Devon Redlands recognises that existing consents for sand and gravel extraction around the nationally and internationally important East Devon Pebblebed Heaths presents many challenges while the restoration that has occurred will continue into future years provides both biodiversity and recreation opportunities.

Devon Landscape Character Area Assessment

DCA Name: Pebblebed Heaths and Farmland

Special Qualities and features:

- Sense of isolation, tranquillity, and remoteness, enhanced by natural qualities of the heath, woodland, and commons.

- Rarity value as one of Devon's few areas of remaining lowland heath.

- Varied wildlife habitats including SSSI, SAC and SPA designations on heathland habitats valued for endangered species such as Dartford Warbler, Nightjar and invertebrates.

- Valued area for recreation with good access provision and high carrying capacity. Woodbury Common associated with Arthur Mee and described in Peach L Du Garde Guide to Unknown Devon

Key management guidelines relevant to this site

Protect

- Protect the landscape's strong sense of tranquillity and remoteness with areas of semi-natural vegetation reinforcing a sense of wildness.
- Plan for the restoration of worked out quarries to heathland wherever feasible

Development Control Consultation Response

Landscape Character Assessment details

LCT No : 1C

LCT Name

Pebblebed Heaths

Key Landscape Characteristics of the LCT(s) within which the site is located

- High, level to gently undulating open plateau
- Extensive lowland heath, conifer plantations and some beech woods
- Mix of unenclosed heath and conifer plantations
- Major north-south route along western edge, with some minor roads
- Unsettled, except at northern end (outside AONB)
- Distinctive geology influences vegetation and land use
- Extensive recreational and biodiversity use
- Panoramic views

Landscape Management Guidelines

Recommendations relevant to this site/application

Semi-natural habitats: conserve and enhance by

1. Encouraging appropriate management, restoration and extension of open heathland areas, including scrub management by grazing where possible.
2. Ensuring that restoration of worked out quarries is primarily to heathland habitat wherever possible.

Further Comments

NPPF calls for valued landscapes to be protected and enhanced (NPPF 109) with the greatest weight being given to conserving landscape and scenic beauty in National Parks and Areas of Outstanding Natural Beauty (AONBs) (NPPF 115).

It is understood that this proposal has not been determined as major development by the local planning authority as defined under the current NPPF 116. However, we believe it would be of value to all, given the sensitivity and significance of this location, to clearly justify:

- the need for this particular development and the impact of refusing or permitting it on the local economy and
- the costs and scope of developing elsewhere or meeting the need in some other way

The submitted LVIA and ecological reports address the third point; the potential detrimental effect on the landscape, environment and recreational opportunities and mitigation thereof.

Current Landscape Character Assessments (LCA) refer to the tranquillity and sense of remoteness in this part of the AONB and the opportunity to achieve improved biodiversity and recreational opportunities on restored mineral extraction sites.

- Positively managing the lowland heath on the East Devon Pebblebed Heaths to ensure continuing contribution to landscape character, improved condition of historic assets, biodiversity, sense of place and tranquillity.

The NCA for the Devon Redlands recognises that existing consents for sand and gravel extraction around the nationally and internationally important East Devon Pebblebed Heaths presents many challenges while the restoration that has occurred will continue into future years provides both biodiversity and recreation opportunities.
Development Control Consultation Response

The Devon LCA identifies the need to protect these qualities

- Protect the landscape's strong sense of tranquillity and remoteness with areas of semi- natural vegetation reinforcing a sense of wildness.

The cessation of the processing activity therefore offers an opportunity to enhance the tranquillity of this particular location. The expectation of many was that restoration would follow the cessation of the processing plant at Blackhill, leaving only the remaining Blackhill Engineering site. This proposal seeks to modify this outcome and in doing so, proposes expanding the engineering works into the former processing area and offering alternative enhanced habitat as mitigation on land adjacent to this site.

The proposal will add light industrial buildings to an area originally proposed for restoration to heathland. These buildings will be similar in scale and form to the existing buildings on the Blackhill Engineering Services site, but at approximately 5m lower (LVIA report Figure 8) they are proposed to 'sit below the height of the

surrounding tree belt'. However, the existing landform with mature trees and vegetation to the periphery of the site do not currently screen the site completely and therefore these new buildings will, within the current landscaping, have a visual and character impact on the location and through the associated business activity, impact on the relative tranquillity.

The proposed development of this site would result in a permanent loss of restoration to heathland of 0.81 hectares. However, the mitigation proposals would compensate for this impact by creating 2.26 hectares of heathland on what is currently a coniferous plantation south of the existing Blackhill Engineering plant with additional measures to include:

- 1) construction of a bat hibernaculum within the footprint of Blackhill Quarry to help expand and maintain the local populations of greater and lesser horseshoe bats in a favourable conservation status in the long term;
- 2) erection of bat boxes on retained trees around the site;
- 3) provision of great crested newt hibernacula within the restored heathland; and
- 4) provision of shrub planting to improve connectivity for dormice.

These additional measures are to be welcomed. Measures to retain, manage and enhance the mature tree structure enclosing the site will assist in screening the existing engineering works and any new proposals, as well as creating habitat. The ecological assessment indicates the proposal to retain the hardstanding for general industrial use and restore 2.26 ha of heathland on the plantation woodland to the south would provide a net biodiversity balance of 1.13 times greater than the existing requirement to restore the hardstanding to heathland.

The coniferous woodland to the south of the site is proposed to be removed and restored to alternative heathland creation. Soil sampling has indicated this area would provide suitably appropriate conditions to enable effective heathland restoration and a moderate positive beneficial effect on the landscape; increasing the landscape and ecological value of the site and its context and increasing the interconnectivity of existing adjacent heathland natural habitats. It arguable, as suggested in the ecology report, that this would provide a better-connected alternative to the proposed area within the former processing site, given this would be impacted more directly by the to and fro of any activity of the existing engineering business.

The development is assessed in the LVIA as having a neutral effect on the East Devon AONB (Landscape Character Area NCA148), Pebblebed Heaths LCT and SAC and adjacent areas of the Commons. The associated reinstatement of an area of heathland to the south of the site; increasing interconnectivity of natural habitats to the south and north of the site, are assessed as having a moderate positive beneficial effect on the landscape.

Development Control Consultation Response

It is however recognised that in the winter months and from specific but limited viewpoints, there will be some visual impact resulting from the proposed development. (Viewpoint 11/Woodbury Castle areas) which should be regarded as a negative impact.

Tranquillity

It is inevitable that by expanding the engineering works at this site there will be no net reduction in the traffic and business activity at this location. A major concern of the earlier processing activity was the traffic impact across the local area and in nearby communities. The expectation being that the restoration of the site would significantly reduce this impact following removal of the processing plant. This issue will remain of concern therefore unless detailed arrangements can be made to address these concerns and demonstrate the tranquillity of the AONB has been considered fully. This should address matters of lighting, noise controls, vehicles movements and hours of operation.

Conclusion

The assessment considers the potential effects of the proposals in relation to the existing baseline (brownfield former quarrying site comprising hardstanding, machinery, buildings and parking). It could be argued that the assessments for the proposals should be based on the proposed restoration of the site as a baseline, rather than the existing processing site infrastructure, given this was the original intent of the planning conditions associated with the processing plant.

In addition to local plan and landscape policy, of relevance is the East Devon AONB Management Strategy policy RES2 - Encourage the development of sustainable employment opportunities that are compatible with the AONB purpose and objectives, promote good design and encourage people to continue to live and work within their communities.

Although not deemed major development, the location, need and alternative sites for this development proposal should demonstrate why this application is justified and to what extent the proposed mitigation ensures the AONB is, on balance, conserved and enhanced and therefore meets the AONB purposes.

If approved:

- We concur with the recommendation in the ecological report that a planning condition be imposed, requiring a detailed heathland habitat establishment and management plan to be produced and agreed with RSPB, Natural England and East Devon AONB and that this should be incorporated and considered more broadly as part of the wider Pebblebed Heaths management planning by CDE.
- We suggest that the proposed new buildings are of a design and material that maximises integration with the surrounding landscape character and that lighting is strictly conditioned.

- There remains opportunity to consider additional planting to screen the new and existing engineering buildings (over time) from distance views from the vicinity of Woodbury Castle and approaching B3180 road from the north.

- That consideration is given to enhancing the recreational local access network and in particular, the long-distance footpath, the East Devon Way.

East Devon AONB Management Strategy Policy Reference(s)

P2 - Provide advice and support on planning policy and development to enable the special qualities of the historic and landscape character to be protected, conserved and enhanced.

RES2 - Encourage the development of sustainable employment opportunities that are compatible with the AONB purpose and objectives, promote good design and encourage people to continue to live and work within their communities.

Further references

National Character Area 148 - Devon Redlands (Natural England 2014)
Devon Landscape Character Assessment (Devon CC 2012)
Development Control Consultation Response
Landscape Character Assessment & Management Guidelines (EDDC 2008)
East Devon AONB Management Strategy (2009-14)
National Planning Policy Framework (NPPF)

Contaminated Land Officer

No additional comments.

Environment Agency

We consider that the proposal will be acceptable if the subsequent planning permission includes a condition to secure investigation and remediation of any contamination that might be present on site. Our recommended condition and reasons for our position are provided below.

Condition - Contamination investigation and remediation

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - a. all previous uses
 - b. potential contaminants associated with those uses
 - c. a conceptual model of the site indicating sources, pathways and receptors
 - d. potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reasons: To protect the water environment.

Advice - Contaminated land

Previous uses on and adjacent to site may have resulted in the contamination. Construction of new buildings has the potential to disturb any contaminants present and create new pathways for pollution. Our remit on this matters extends only to impacts on the water environment ('controlled waters'). In order to ensure that any contamination on site is identified and remediated we have recommended inclusion of the condition above. Standard land contamination condition is needed.

Further comments:

Thank you for consulting us on the described planning application. Having reviewed the amended plans, I can confirm that our previous position remains unchanged as set out in the reply sent on 7 February 2018.

Please contact us if you require any further advice.

Environmental Health

I have considered this application and I accept the conclusions of the Air Quality Technical Note prepared by Kairus Ltd which states the air quality would increase by less than 1% which would have no impact on residential properties in the vicinity. Therefore I have no further pollution issues to raise on this proposal.

EDDC Trees

No objection to the principle of the proposed scheme.

I have reservation over the proximity of the proposed industrial units and the adjacent wooded areas. The lack of buffer zone between the indicative unit locations and surrounding tree cover will inevitably lead to future pressure to prune back / remove trees where they grow out into contact with the units. The existing Blackhill site to the west shows better spatial separation between build structures and retained trees.

Loss of, or reduced density of the boundary woodland will have the potential to reduce the effectiveness of the screening and views into the site from the sensitive visual receptors on Woodbury common and detrimentally impact on the wider AONB.

Further comments:

As already stated I have concerns over the proximity of the proposed units and the adjacent boundary tree screen; specifically Units 1, 3 and 4. There is insufficient

buffer zone around these units and the boundary trees. The long term security of these boundary trees is important as identified in the LVIA.

Following my earlier comments I would have expected to see an amendment to the proposed plan showing greater separation of the indicative site layout and boundary trees. Without seeing an amended plan showing more appropriate buffer zone around the boundary trees I would be concerned that the proposed scale of the scheme cannot be accommodated in the confines of the proposed site without negatively impacting on the boundary trees and wider amenity of the AONB.

Environmental Health

I have considered this application and recommend that the following conditions are attached to any permission granted:

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.

No machinery shall be operated, no processes carried out and no deliveries accepted or despatched except between the hours of 07.00hrs and 18.00hrs Monday to Friday, or 07.00 and 13.00hrs on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of local residents from noise.

Natural England

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.

SUMMARY OF NATURAL ENGLAND'S ADVICE:

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON:

EAST DEVON AREA OF OUTSTANDING NATURAL BEAUTY (AONB)

EAST DEVON PEBBLEBED HEATHS SSSI

EAST DEVON PEBBLEBED HEATHS SPECIAL AREA OF CONSERVATION (SAC)

EAST DEVON HEATHS SPECIAL PROTECTION AREA (SPA)

As submitted, the application could have potential significant effects on the East Devon AONB, East Devon Pebblebed Heath SSSI, East Devon Pebblebed Heath SAC and East Devon Heath SPA. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

Landscape and Visual Impact Assessment (LVIA) - received on 5th February 2018

Further information on the proposed ecological mitigation.

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's advice on other issues is set out below.

Additional Information required

We have been in discussions with Clinton Devon Estates regarding the proposals. We received an updated LVIA on 5th February 2018 but we will need time to consider the assessment before making any detailed comments. We are awaiting further information on the effectiveness of the proposed ecological mitigation.

As it stands, we have significant concerns regarding the potential impacts of these proposals. We will provide more detailed advice once we have reviewed the additional information.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

If you have any queries relating to the advice in this letter please contact me on 0208 026 7400.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

Please consult us again once the information requested above, has been provided.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

ANNEX A - ADDITIONAL ADVICE

Natural England offers the following additional advice:

Landscape

Paragraph 109 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or

dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

Soils

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced standing advice¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraph 113 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found here². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

Ancient woodland and veteran trees

You should consider any impacts on ancient woodland and veteran trees in line with paragraph 118 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forest Commission have produced standing advice for planning authorities in relation to ancient woodland and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

1 <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>
2 <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Environmental enhancement

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 9, 109 and 152 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.

- Restoring a neglected hedgerow.

- Creating a new pond as an attractive feature on the site.

- Planting trees characteristic to the local area to make a positive contribution to the local landscape.

- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.

- Incorporating swift boxes or bat boxes into the design of new buildings.

- Designing lighting to encourage wildlife.

- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.

- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)

- Planting additional street trees.

- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.

- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraph 75 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The

National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#)

Contaminated Land Officer

I have considered the application and do not anticipate any contaminated land concerns as this application proposes a commercial use on land that is already in use for commercial purposes.

Devon County Council, Minerals & Waste

To clarify, Devon County Council as Mineral Planning Authority would not wish to raise any objection to the proposal so long as adequate compensatory habitat to replace the lost area of heathland is provided elsewhere and that this is secured by condition or legal agreement.

In such a scenario it would not then be reasonable for the County Council to seek to enforce the provisions of the legal agreement insofar as they relate to this small parcel of land.

Economic Development Officer

East Devon District Council

Economic Development Response: 17/3022/MOUT

Outline application seeking approval of access for construction of up to 3251 sqm (35,000 sq ft) of B2 (general industrial) floor space with access, parking and associated infrastructure | Blackhill Quarry Woodbury Exeter EX5 1HD

Summary:

EDDC's Economic Development team have reviewed this application and associated documents.

This outline application seeks to accommodate (entirely within the existing industrial site) and improve the effectiveness and efficiency of an established and growing local business.

Recently acquired by the SC Group, Blackhill Engineering is a growing local business of almost 70 years. They are seeking to provide an additional 71 high GVA skilled jobs via development of their existing site which is owned by applicants Clinton Devon Estates. The site is remote from housing and the proposed units are lower than those currently onsite, unseen from key viewpoints in the surrounding AONB. The scheme requires no transport access modifications or landscape change.

From an economic development perspective, this application is particularly welcomed.

The district economy continues to be characterised by lower than UK average wages (£19,241 compared to £22,199 per annum); a lower than average employment density; lower levels of productivity compared to both the UK and European averages (EkosGen, 20144); and has fallen behind in the delivery of new jobs each year compared to new housing.

This application for a significant level of additional, higher GVA employment is a tangible step towards alleviating these challenges to our economy and addressing this fundamental imbalance in the delivery of our Local Plan.

Consultee Representations:

Before a consideration of the economic case in favour of this proposed development, we have examined the consultation responses and representations.

Blackhill Engineering have highlighted in their support for the application that the proposed scheme does not encroach onto the protected heathland. In fact, the new facility is to be developed entirely on pre-existing hardstanding to replace the existing taller quarry plant buildings.

The submitted Ecology Appraisal (Dec, 2017) is useful in clarifying mitigation measures to provide alternative roosting provision for bats. The report examines all relevant NPPF and EDDC Local Plan policies and guidance, finding that "as the site is largely hardstanding and buildings that are in industrial use, a change to B2 industrial use is unlikely to have an impact on the qualifying features of the European designated site, or CWS (County Wildlife Site)."

We also note the lack of objection from the EDDC Trees Officer to this application which is restricted to existing areas of hardstanding with no trees, scrub or other natural habitats proposed for removal. The submitted Arboricultural Impact Assessment (2017) finds a positive long term impact on amenity value associated with the proposed scheme along with a neutral arboricultural impact, holding that "All publicly visible trees are retained and the proposed development, in arboricultural terms, accords with local and national policy."

Lastly, we acknowledge the view of Devon County Council's Planning, Transport and Environment team that restoration to heathland has a limited prospect of success on this small 1.09 ha. parcel of land. In stating their lack of objection, they highlight the rationale for more effective off-site biodiversity mitigation.

Economic Case:

It's important to appreciate the significance of this application for both the local future of this expanding engineering employer, and to the required development of the district's wider economy.

The government has been clear in its Industrial Strategy (2017) of the need to both support and encourage our exporting businesses. This we feel is especially relevant to our consideration of the current application in facilitating an exemplar exporter¹,

who offer unique capabilities to meet complex machining projects, to secure a critical and timely opportunity for growth.

Higher GVA employment:

A key strength of the proposed scheme is the higher productivity and value (GVA) of the associated new jobs to our local economy.

Provision of these skilled jobs, apprenticeships and training will help address some of the key challenges facing our economy, reducing our dependence on surrounding economies, increasing the quality of local employment opportunities and closing the productivity gap².

The proposal presents a valuable opportunity to both attract and retain working age residents in East Devon. This is significant as our working age population is small and forecast to diminish even further, with just 56% of the district's current population of working age compared to 64% nationally (EkosGen, 2014).

The submitted Statement on Business Case and Economic Needs (Bell Cornwell. Dec, 2017) goes some way to highlighting the economic benefits of the proposed scheme, but falls short of a full economic impact assessment which should ideally accompany an application of this commercial merit. As useful as the Statement is in highlighting why this is an essential businesses growth requirement on this site of existing operation, it fails to provide a fuller picture of the salient wider economic benefits which would follow from the proposed scheme.

The application comes at a time when Local Authorities are specifically challenged with supporting the development of high GVA employers - enabling us to make tangible steps towards meeting the local productivity challenges set out in the Heart of the South West Local Enterprise Partnership's (HoTSW LEP's) Productivity Strategy (2018)³.

¹ The SC Group was awarded the Queen's Award for Enterprise in 2017 for its export activity. See submitted Statement on Business Case and Economic Needs (Bell Cornwell. Dec, 2017).

² Productivity growth in the Heart of the South West: A Technical Paper (2016) <http://www.torbay.gov.uk/media/9006/productivity-growth-in-hotsw-a-technical-paper.pdf>

³ Stepping up to the Challenge: Productivity Strategy 2018. See: <http://www.torbay.gov.uk/media/11027/hotsw-productivity-strategy.pdf>

Productivity:

East Devon has the fourth lowest productivity level of any Devon district, equivalent to 80% of the national average with GVA per employee at £42,162 (2015)^{2 6}. An additional £425m of value added would be generated per year in East Devon if our productivity levels were to match the national average⁴.

More recent data produced for the HoTSW LEP (2016)² shows East Devon to contribute just 6.5% of total GVA in the HoTSW LEP area.

Whereas it might be an expectation that East Devon's GVA increase between 2000 and 2015 fell substantially behind Exeter's (at 1.6% and 3.4% respectively), it may be more surprising that our productivity growth over the same period also falls behind that of Mid Devon (1.9%); Mendip (1.7%); North Devon (2.8%); Sedgemoor (3.2%); South Hams (1.8%); Teignbridge (1.8%); Torrington (2.2%); West Devon (2.7%); the SW (2%) and UK (1.9%) - See Appendix 1.

It is important to understand the direct impact that meaningful planning support and enablement has on these respective productivity figures when geared towards encouraging higher GVA employment growth, as apparent in the current application.

SQW analysis of Cambridge Economics Local Economy Forecasting Model data (2014 baseline) 6 shows that former quarrying employment in this location had an average local GVA per job of £20,000. The proposed 71 engineering jobs will have a local GVA per job of around £40,000 - double the worth to our local economy at a time when skilled employment is a key priority.

This is especially relevant since East Devon is already over-represented by lower productivity jobs compared to the national average. This issue is compounded further by the fact that jobs within these sectors in Devon are less productive again compared to their England average (SQW Productivity report to Devon County Council: June, 2015).

Local Economic Implications:

The proposed development is rare in its ability to directly enable an established key employer, which has dramatically increased its turnover, to further expand its market reach. It will provide the company with the ability to secure and complete more valuable worldwide contracts here in East Devon with an upskilled local workforce, two thirds bigger than currently exists. Unlocked contract opportunities will include larger civil engineering projects, further supply to the European Space Agency and Hinckley Point C new nuclear facility - Europe's largest construction project.

Should this application for the company's required expansion be refused, such larger contracts worth up to £15m per year to our local economy will remain beyond the reach of the business and the higher productivity jobs will simply not be delivered. Such a scenario would bring with it the very real prospect of an award winning firm (a valuable part of the prestigious SC Group) being given no alternative but to relocate outside of the district to meet the growing international demand for its products.

This would represent an adverse and avoidable loss of a successful engineering firm which has delivered a 567% increase in annual turnover from 2015 to 2017; 34 existing skilled jobs; 4 engineering apprenticeships; wider supply chain employment and valuable business rates income.

4 East Devon Area Profile, EkosGen (2014).

See:

<http://www.devonomics.info/sites/default/files/documents/East%20Devon%20Area%20Profile.pdf>

Policy:

Having established the lack of landscape impact and the ability of this scheme to mitigate potential effects on the natural environment and ecology, Para 7 of the NPPF reminds us that the planning system must also perform an economic role - to be given considerable weight in determining the sustainability of proposed development.

This role is described as "contributing to building a strong, responsive and competitive economy".

This application is consistent with this NPPF requirement, increasing the number of more productive, higher paid jobs in our district, strengthening the GVA contribution of an established and expanding local business of regional and national significance.

The NPPF compels Local Planning authorities to;

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. (Para 17, Pt.3)
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value [the industrial application site is not] (Para 17, Pt.8).
- securing economic growth in order to create jobs and prosperity. (Para 18)
- ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. (Para 19)
- to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. (Para 20)
- Investment in business should not be over-burdened by the combined requirements of planning policy expectations. (Para 21)
- support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances. (Para 21, Pt.3)

- Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. .. support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings. (Para 28)

East Devon Local Plan (2013 - 2031):

Within the submitted Planning Statement (2017), the Agent details some of the relevant East Devon Local Plan (2013 - 2031) policy.

E7 is notable given the lack of adverse impact on highways, residential amenity, nature and landscape⁵.

Beyond this, we are compelled to highlight one important point in relation to Strategy 46 that shouldn't be overlooked - that of severely limited alternative B use premises in East Devon.

In response to significant and growing unmet demand for employment premises across the district, the Economic Development team have recently secured access to a comprehensive commercial premises database in order to get a more accurate picture of market supply. Upon review, we have had to communicate to planning colleagues the severe and protracted shortage of available and more affordable B use land and premises to the point of market failure in many areas (specifically this is outside of the Growth Point and Enterprise Zone). Honiton and surrounds are notable in this regard, as is Exmouth and we can confirm that Blackhill Engineering's development requirements cannot easily or quickly (given stalled allocations) be accommodated outside of their developed industrial location.

Recent constraints targeted at both Greendale and Hill Barton employment locations further reduce our ability to accommodate such valuable commercial development opportunities.

There is a clearly identified need for the subject business to expand with such positive recent trading (567% increase in annual turnover) taking their existing facility beyond capacity. The SC Group would not be seeking to take this substantial investment forward if they were uncertain of their ability to secure new employees with (or who can develop) the requisite skills to build on their successes.

Sadly, given the incredibly constrained supply of available B use land and premises across most of our rural district, we are deeply concerned that refusal in this instance would likely result in the loss of another highly successful and expanding business from a district at risk of failing to responsibly accommodate the evolving needs of some of its most valuable and productive employers.

Economic Development will continue to support exporting manufacturers through the current unpredictable environment, especially those with capacity to directly improve the district and region's economy, working age profile and ailing productivity performance⁶.

The economic case in favour of this proposed development on their existing site is particularly compelling. It is strongly recommended to our Planning colleagues for approval.

Other Representations

196 representations have been received, 193 of which raise the following concerns:

- Impact on East Devon Area of Outstanding Natural Beauty (AONB)
- Impact on Pebblebed Heaths Special Area of Conservation (SAC)
- Increase in heavy traffic
- Impact on flora and fauna
- Not a suitable location for an industrial estate
- Noise pollution
- Air pollution
- Existing employment sites should be looked at before this one
- Increased traffic through Woodbury
- Restoration is the only option
- No public transport serving the site
- Further erosion of a beautiful place enjoyed by locals over many years
- Should be a recreational area
- No justification to override original intent and return to heathland
- Increased permeable area and increase surface water run off
- Compromised pedestrian safety in Woodbury
- Dangerous precedent
- Where will the skilled workers come from?

3 letters of support have been received raising the following points:

- Sensible use of an already degraded site
- Larger area of mitigation proposed on a more appropriate site where flora and fauna would thrive
- East Devon needs more employment opportunities for skilled workers
- Net reduction in traffic

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

Strategy 5 (Environment)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 5 (Environment)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

E5 (Small Scale Economic Development in Rural Areas)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN16 (Contaminated Land)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2018)

National Planning Practice Guidance

Site Location and Description

The site forms part of Blackhill Quarry, directly adjoining the B3180 and comprises a number of buildings and areas of hardstanding which were until recently occupied by the company undertaking aggregate processing. The processing plant is currently being dismantled, as the quarrying activities have now ceased. The site of the proposal occupies an area of 1.09 hectares situated in the open countryside between the Pebblebed Heaths and areas of farmland and woodland (plantations). The site lies in the East Devon AONB.

Proposed Development and Site Background

This application seeks outline planning permission with all matters reserved for subsequent approval apart from access for the removal of the former quarrying equipment and replacement with B2 (General Industry) buildings of up to 3,251 square metres of floorspace.

Illustrative plans have been submitted indicating 4 buildings of varying size on the footprints of existing quarrying infrastructure, the tallest buildings indicated on the site would be 12.5 metres in height.

It is important to note the background to the evolution of this site and its planning history to understand the justification for submission of this application.

The quarrying activities at Blackhill date back to 1957 when the winning of minerals was granted permission by Devon County Council under reference (EM/3953), since this time there have been a number of proposals to expand the quarrying area.

In 2010 under reference DCC/3003/2010 an application was submitted for 'Retention of quarry processing plant and ancillary features and the importation of as-dug sand and gravel for processing' part of which included a restoration and aftercare scheme. The restoration and aftercare scheme provided for the removal of the existing quarrying processing plant, associated infrastructure, weighbridge and weighbridge office from the site, however, it also made provision for the landowner to seek planning permission for an alternative use of the site (referred to as Area 12) providing a planning application was submitted by the end of 2017.

ANALYSIS

The main considerations in the determination of this application relate to:

- The principle of the proposed development
- Economic benefits
- Appropriate Assessment
- The impact of the proposal on its surroundings
- Impact on ecology
- Impact on trees
- Impact on highway safety and pollution
- Drainage
- Securing the long term maintenance of the compensatory area
- Planning balance

Principle

The site lies in the open countryside as defined by Strategy 7 of the East Devon Local Plan where all development must be strictly controlled so that it does not impact unreasonably on the character and appearance of its surroundings. That does not represent a bar on all development, however, only proposals which are in accordance with a specific policy of the Local Plan would be permissible unless other material considerations outweigh this. In this instance as the site lies outside of any recognised built up area boundary it must be judged whether there are any economic based policies which would support the provision of new employment units.

Policy E7 of the Local Plan supports the expansion of existing employment sites, however, as this site was a former quarry and was envisaged to be returned to heathland once operations had ceased (save for the Blackhill Engineering building) it cannot be considered to be a recognised employment site under the umbrella of Policy E7.

Policy E5 of the local plan supports the small scale growth and expansion of business in the rural area subject to the following criteria:

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

However, before assessing the proposed scheme against these criteria, it must be determined whether or not the proposed development represents small scale. The proposed floor space of the industrial buildings would be in excess of 3,250 square metres, and whilst the policy does not define small scale, it is not considered that this level of development would be classified as small scale.

Accordingly, there are no policies contained in the East Devon Local Plan that would support the proposed development and therefore the principle of the proposed development is considered to be contrary to Strategy 7 of the plan. The proposal does not therefore accord with the Development Plan and as such the application has been advertised as a departure.

Other material considerations and economic benefits

Despite the lack of Local Plan policy support for the proposals, there needs to be an assessment of whether there are any other material planning considerations that may outweigh the lack of local plan support for the proposal.

A statement on business case and economic needs has been submitted in support of the application seeking to justify the quantum of development proposed including a larger metal processing building, an additional fabrication building(s) and a purpose built painting and finishing building based on the current business' need to expand and grow its workforce up to 80 full time employees plus a further 25 normally working off site.

The Council's Economic Development Department have been consulted on this application and have the following comments to make regarding the economic impact that the proposal would have:

It's important to appreciate the significance of this application for both the local future of this expanding engineering employer, and to the required development of the district's wider economy.

The government has been clear in its Industrial Strategy (2017) of the need to both support and encourage our exporting businesses. This we feel is especially relevant to our consideration of the current application in facilitating an exemplar exporter, who offer unique capabilities to meet complex machining projects, to secure a critical and timely opportunity for growth.

The proposed development is rare in its ability to directly enable an established key employer, which has dramatically increased its turnover, to further expand its market reach. It will provide the company with the ability to secure and complete more valuable worldwide contracts here in East Devon with an upskilled local workforce, two thirds bigger than currently exists. Unlocked contract opportunities will include larger civil engineering projects, further supply to the European Space Agency and Hinckley Point C new nuclear facility - Europe's largest construction project.

Should this application for the company's required expansion be refused, such larger contracts worth up to £15m per year to our local economy will remain beyond the reach of the business and the higher productivity jobs will simply not be delivered. Such a

scenario would bring with it the very real prospect of an award winning firm (a valuable part of the prestigious SC Group) being given no alternative but to relocate outside of the district to meet the growing international demand for its products.

This would represent an adverse and avoidable loss of a successful engineering firm which has delivered a 567% increase in annual turnover from 2015 to 2017; 34 existing skilled jobs; 4 engineering apprenticeships; wider supply chain employment and valuable business rates income.

In response to significant and growing unmet demand for employment premises across the district, the Economic Development team have recently secured access to a comprehensive commercial premises database in order to get a more accurate picture of market supply. Upon review, we have had to communicate to planning colleagues the severe and protracted shortage of available and more affordable B use land and premises to the point of market failure in many areas (specifically this is outside of the Growth Point and Enterprise Zone). Honiton and surrounds are notable in this regard, as is Exmouth and we can confirm that Blackhill Engineering's development requirements cannot easily or quickly (given stalled allocations) be accommodated outside of their developed industrial location.

Recent constraints targeted at both Greendale and Hill Barton employment locations further reduce our ability to accommodate such valuable commercial development opportunities.

There is a clearly identified need for the subject business to expand with such positive recent trading (567% increase in annual turnover) taking their existing facility beyond capacity. The SC Group would not be seeking to take this substantial investment forward if they were uncertain of their ability to secure new employees with (or who can develop) the requisite skills to build on their successes.

Sadly, given the incredibly constrained supply of available B use land and premises across most of our rural district, we are deeply concerned that refusal in this instance would likely result in the loss of another highly successful and expanding business from a district at risk of failing to responsibly accommodate the evolving needs of some of its most valuable and productive employers.

Economic Development will continue to support exporting manufacturers through the current unpredictable environment, especially those with capacity to directly improve the district and region's economy, working age profile and ailing productivity performance.

The economic case in favour of this proposed development on their existing site is particularly compelling. It is strongly recommended to our Planning colleagues for approval'.

Accordingly it is considered that the economic benefits of the proposal weigh heavily in favour of the scheme, such that if permission were to be granted it would be appropriate to secure the permission on a personal basis for the benefit of Blackhill Engineering only.

Appropriate Assessment

It has been identified that the proposed location of the development would be within, adjacent to, or in close proximity to the following sites:

- o Pebblebed Heaths (SSSI, SAC, SPA)
- o East Devon AONB

As such the proposal is likely to result in significant direct/indirect effects on these designations such that an Appropriate Assessment of the impact is required. The Appropriate Assessment can consider whether any mitigation measures to be provided as part of the development would mitigate any likely significant effects.

In providing an assessment of the likely environmental impacts from the proposed development, it is pertinent to note that the site has had numerous quarrying permissions for the siting of plant to process the materials since the 1970s and which are conditioned to have ceased by December 2016. These permissions included numerous heavy goods vehicles (HGVs) trips along the local and wider strategic road network. This area was envisaged to be remediated and returned to heathland (together with the other parts of the quarry) on the original permission, however, a clause was inserted in the most recent restoration and after care scheme to enable Area 12 (the land subject of the application) to be subject to a planning application for an alternative use if submitted before the end of 2017 (this application). There is an existing business immediately to the south west of the site which is not subject to any of the remediation measures required on the proposal site.

However, for the purposes of this assessment regard must be given to the fall-back position of a restored site.

Whilst the proposed buildings and associated uses could have significant direct/indirect impacts upon the aforementioned sites, the application puts forward a number of mitigation measures to reduce the overall impact, these are as follows:

- o Creation of 2.8 hectares of compensatory heathland on a site to the south of the proposal site;
- o Construction of a bat hibernaculum within the footprint of Blackhill Quarry to help expand and maintain the local populations of greater and lesser horseshoe bats;
- o Erection of bat boxes on retained trees around the site;
- o Provision of great crested newt hibernacula within the restored heathland; and
- o Provision of native shrub planting around the perimeter of the site to improve connectivity for dormice.

These mitigation measures are comprehensive and have been well conceived to take account of the likely significant impacts that the proposed development could have on an area that was envisaged to be remediated and returned to heathland, albeit that it would still need to provide some form of access to the existing business.

However, it is also recognised that some of these measures (should planning permission be granted) would need to take place in any event such as the alternative bat habitat provision.

The area proposed to be created as additional heathland habitat is currently plantation woodland which would be lost to create the new habitat, Whilst this has its own habitats and eco-systems within it, there is no reason to suggest that this plantation would be retained, certainly there is no planning legislation that would prevent these trees being felled and the habitat lost. A heathland habitat, which could be secured through a condition with appropriate management responsibilities, would remain under planning control and the area proposed more than mitigates for the site area to be lost. In addition, although the application site could be returned to managed heathland habitat, it would have the access to Blackhill Engineering running through it and as such provision elsewhere without the access would be of increased benefit.

The mitigation proposed is considered to be appropriate to ensure that there are no likely significant effects from the development. The Appropriate Assessment concluding this is attached to this report.

Any further comments from Natural England on the proposed mitigation in relation to the Appropriate Assessment will be updated verbally at the Committee meeting.

Impact of development on surroundings

The site lies in the open countryside, designated as an Area of Outstanding Natural Beauty (AONB), and is surrounded on all boundaries by areas of woodland and heathland together with area of restored heathland following the cessation of the quarrying activities. Adjacent to the northern boundary of the site lies the B3180 highway which is set at a lower level than the site.

In terms of the revised NPPF, Paragraph 172 requires that great weight is given to conserving and enhancing landscape and scenic beauty in AONBs, the conservation and enhancement of wildlife and cultural heritage are also important considerations. It also recognises that the scale and extent of development within the AONB should be restricted, however, whether a proposal constitutes 'major development' (which should be refused unless the development is in the public interest) is a matter for the decision maker taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

In this instance, the proposed development, at 3251 square metres floorspace, is considered to constitute major development.

Paragraph 172 of the NPPF confirms that: 'Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.'

Paragraph 172 goes on to clarify that considerations of such applications should include an assessment of the need for the development including any national considerations and impact upon the local economy; the cost/scope of developing

elsewhere; and, any detrimental effects on the environment. These are considered in turn below.

With regard to the need for the development and any national considerations or local economic impacts, these are outlined in the application and summarised above under the Economic Development Managers comments. The business is important to the local economy, provide a specialist engineering skill. The expansion of the business and these skills provide local economic benefits and the expansion of the business will also support the construction of Hinckley Point C, one of the largest construction projects that is of national significance.

The business is already established on the site and provision of the new building divorced from the existing site would not be economical or practical. Whilst it is technically possible that the whole business could move to alternative premises, the costs of this will be such that they are prohibitive and would not enable the support for Hinckley Point that is required in the short term.

With regard to local impacts upon the environment, suitable mitigation for the ecological impact is proposed as detailed above. Turning to the wider landscape impact, as existing the site is visible in its surroundings with the tops of the green quarrying equipment and buildings being visible especially when travelling south along the B3180 from Woodbury Common towards Exmouth where the topography descends revealing the site towards the bottom of the valley. However, there is good existing tree screening such that it is only the uppermost extent of the infrastructure that is visible, the Blackhill Engineering buildings are also visible from this viewpoint. At closer quarters views from the public highway are well screened, although views from the network of public footpaths which cross the commons are possible.

The illustrative plans indicate a number of buildings on the former processing yard of the former quarry which would perform different functions to support the existing business on site, the floorspace of these buildings would be up to 3,251 square metres. The height of the buildings would be a maximum of 12.5 metres, this would mean they would be 4 metres higher than the existing northernmost building on site (this building is not readily visible in the surroundings), but 4 metres lower than the 'hopper' and 6.5 metres lower than the main processing building which are visible in the surrounding from the viewpoints previously discussed.

The current Landscape Character Assessment (LCA) refers to the tranquillity and sense of remoteness in this part of the AONB and the opportunity to achieve improved biodiversity and recreational opportunities on restored mineral extraction sites. The cessation of the processing activity therefore offers an opportunity to enhance the tranquillity of this particular location. The expectation of many was that restoration would follow the cessation of the processing plant at Blackhill, leaving only the remaining Blackhill Engineering site. This proposal seeks to modify this outcome and in doing so, proposes expanding the engineering works into the former processing area and offering alternative enhanced habitat as mitigation on land adjacent to this site. The proposal would add general industry buildings to an area originally proposed for restoration to heathland. These buildings will be similar in scale and form to the existing buildings on the Blackhill Engineering Services site, but at approximately 5m lower (LVIA report Figure 8) they are proposed to 'sit below the height of the

surrounding tree belt'. However, the existing landform with mature trees and vegetation to the periphery of the site do not currently screen the site completely and therefore these new buildings would, within the current landscaping, have a visual and character impact on the location and through the associated business activity, impact on the relative tranquillity.

A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the proposal which assessed the impact the proposed buildings would have from various receptor points (much along the lines a discussed above but also wider viewpoints where there would be very limited views). It concludes that the proposals constitute a small component within the wider landscape character area and would have a minor beneficial effect upon the landscape through the reduction in the scale and visibility of the site when compared to the existing structures on the site. However, the fact that the original quarrying permission sought restoration of the whole quarrying area must be taken into account notwithstanding the provision for Area 12. Accordingly, it is important that any development on the site would not have a detrimental impact on the surrounding protected AONB landscape.

Measures to retain, manage and enhance the mature tree structure enclosing the site would assist in screening the existing engineering works and any new proposals, as well as creating habitat. The ecological assessment indicates the proposal to retain the hardstanding for general industrial use and restore 2.26 ha of heathland on the plantation woodland to the south would provide a net biodiversity balance of 1.13 times greater than the existing requirement to restore the hardstanding to heathland.

The coniferous woodland to the south of the site is proposed to be removed and restored to alternative heathland creation. Soil sampling has indicated this area would provide suitably appropriate conditions to enable effective heathland restoration and a moderate positive beneficial effect on the landscape; increasing the landscape and ecological value of the site and its context and increasing the interconnectivity of existing adjacent heathland natural habitats. It arguable, as suggested in the ecology report, that this would provide a better-connected alternative to the proposed area within the former processing site, given this would be impacted more directly by the to and fro of any activity of the existing engineering business.

It is considered that the proposed development, presented in illustrative form, could assimilate well into its surroundings, however this would be on the basis of restricting the heights of the buildings to that shown on the illustrative plans, protecting the existing mature trees and screening, ensuring that proposed materials are appropriate to the setting and considering the overall scale of the proposed buildings, furthermore, the mitigation measures would need to be secured. These would need to be secured through appropriate conditioning on any approval and considered in any reserved matter application(s).

In light of the above, and despite the proposal representing major development in the AONB, it is considered that exceptional circumstances exist which enable this application in this location to be supported.

The exceptional circumstances include the mitigation for the ecological impacts, lack of harmful visual impact/effect on the environment, local and national economic

benefits from the proposal, and lack of suitable alternative way of expanding the business.

Impact on designated wildlife species

An ecological appraisal has been submitted with the application which undertook, desktop studies and field surveys including bat emergence surveys. Commentary on each affected protected species are detailed below:

Bats - The demolition of the workshop building on the northern part of the site adjacent to the road would result in the loss of a long-eared bat day roost (as identified in the emergence surveys) and could result in other species of bats being disturbed. As such it is proposed to provide a bat hibernaculum within the footprint of Blackhill Quarry to help expand and maintain the local populations of greater and lesser horseshoe bats and erect bat boxes on retained trees around the site.

Dormice - Whilst the proposed development of demolishing the existing buildings and replacement with new industrial buildings is unlikely to have a detrimental impact on dormice habitat, the applicant's recognise the importance of the species and propose to provide additional native shrub planting around the perimeter of the site to improve connectivity between sites for dormice.

Nesting birds - The demolition of the steel framed buildings would result in the loss of a swallow nesting site, it is proposed to mitigate this through the recommendation that the buildings be demolished between October and February (outside of the nesting season), or where not possible to make a thorough inspection of the building before demolition and if necessary wait until young birds have left the building.

Great crested newts - Whilst the proposed development of demolishing the existing buildings and replacement with new industrial buildings is unlikely to have a detrimental impact on great crested newt habitats, the creation of new heathland would create the opportunity to provide a great crested newt hibernacula

It is therefore considered that the proposed development would not detrimentally impact on protected species, subject to the proposed mitigation measures being secured, in accordance with Policy EN5 of the EDDC Local Plan.

Impact on trees

There are a large amount of trees on and surrounding the site which have the potential to be impacted upon as a result of this proposal, specifically those on the frontage of the site bounding the B3180 public highway. The Council's Tree Officer has raised concerns regarding the proximity of the buildings to the root protection areas of retained trees, however, those buildings are shown for illustrative purposes and there would be sufficient room within the site to accommodate the quantum of development proposed without impacting unreasonably on the tree. Accordingly, subject to appropriate safeguarding conditions protecting the root protection areas of retained trees the proposal is considered to be acceptable in relation to Policy D3 of the EDDC Local Plan.

Impact on highway safety and pollution

The existing quarry site is served by a dedicated access from the B3180 that allows vehicles to enter and leave via different carriageways that are adjacent to each other, this arrangement would continue for the proposal. When it was operating the aggregate industries trip generation produced around 320 heavy goods vehicle movements per day (160 inbound and 160 outbound) together with vehicle movements for Blackhill Engineering, the proposals would produce around 234 vehicle movements (117 inbound and 117 outbound), being a mixture of cars and heavy goods vehicles, thus resulting in a reduced number of vehicle movements to and from the site. On this basis the proposal would accord with Policy TC7 of the EDDC Local Plan and the guidance contained in Paragraph 109 of the revised NPPF as the residual cumulative impacts on the road network would not be severe.

There would be 62 no. parking spaces, 4 no. mobility parking spaces, 3 no. electric vehicle charging points, 8 no. covered motor cycle spaces and 10 no. covered cycle spaces.

However, this does not take into account the position that was expected prior Area 12 being considered as having potential for alternative uses other than as a remediated site. Therefore, it must be borne in mind that from an environmental perspective that the number of vehicle movements verses a remediated site would not be decreased as much as a remediated site which could undermine to a small degree the tranquillity of this part of the AONB. The increase in vehicle movements from a remediated site would be 134 movements per day (67 inbound and 67 outbound). It is inevitable that by expanding the engineering works at this site there will be only a limited reduction in the traffic and business activity at this location. A major concern of the earlier processing activity was the traffic impact across the local area and in nearby communities. The expectation being that the restoration of the site would significantly reduce this impact following removal of the processing plant. On balance however the reduction over historic traffic movements is welcomed with the economic benefits outweighing the slight increase in traffic over the remediated levels.

The Council's Environmental Health Officer raises no objections to the proposed development subject to appropriate safeguarding conditions including hours of operation, lighting times and construction management plans.

As such the proposal is considered to be acceptable in relation to Policies TC7 and EN14 of the EDDC Local Plan and Paragraph 109 of the revised NPPF.

Drainage

A drainage strategy and flood risk assessment has been submitted with the application which are indicated as being illustrative at this stage, the details of which are considered acceptable in principle as commented by the Environment Agency subject to submission of a detailed design submitted at the reserved matters stage.

Securing the long term maintenance of the compensatory area

The various measures proposed for mitigation discussed earlier in this report need to be secured and implemented at appropriate stages throughout the development such that it is considered necessary for detailed phasing and long term management plans together with exact locations of bat boxes and hibernacula to be submitted at the reserved matters stage. The land for all mitigation measures proposed lies within the applicant's control and therefore the use of conditions is considered appropriate rather than the need for a legal agreement.

However, as there is an existing legal agreement between the landowner and Devon County Council regarding the site being restored to heathland, it is considered that a variation to this agreement would be required to enable this proposal to be implemented, if approved. This is however a matter between the two aforementioned parties and does not require a legal agreement with the Local Planning Authority.

Planning balance

The proposal represents a departure from the development plan as it would introduce additional commercial activity in an area where there is no policy support for the large scale expansion of a rural based business. Furthermore, the site was envisaged to become remediated heathland in the original restoration and aftercare scheme secured as part of the quarrying permission, any departure from that scheme has the potential to have detrimental impacts of the protected AONB landscape and the adjacent Pebblebed Heaths which are an Area of Special Control (SAC). However, in 2010 a clause was added to the restoration and aftercare scheme allowing for Area 12, where the processing plant and associated infrastructure of the quarry was houses, to be subject of a planning application for an alternative use if submitted by the end of 2017.

The proposal being considered in this application would provide for the expansion of Blackhill Engineering (which would be a personal permission enuring for Blackhill Engineering only on any permission) something which could provide significant national and local economic benefits. The area to be restored to heathland is currently a plantation and would be larger than the area of the application site and potentially in a more advantageous position given that the road serving Blackhill Engineering currently dissects the previously envisaged restored heathland. Furthermore, the improved bat, dormouse and great crested newt habitats are seen as a benefit to the scheme.

However, as the proposal represents major development within the East Devon AONB, the decision maker needs to be sure that there are exceptional circumstances to support the proposal and that the development is in the public interest. It is considered that an exceptional circumstances case can be made given the economic benefits from the expansion of the business on the local economy and through the support that the business will be able to give to the construction of one of the country's largest construction sites at Hinkley Point C. In addition, there are not considered to be any wider effects on the environment, particularly given the mitigation proposed, and officers are satisfied that there are no alternative site or viable ways of providing an expansion to the business outside of the AONB.

In light of the above and the substantial economic benefits from the proposal the application is recommended for approval.

RECOMMENDATION

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

1. Approval of the details of the layout scale and appearance of the buildings and the landscaping of the site (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.
(Reason - In accordance with the requirements of Section 92 of the Town & Country Planning Act 1990.)
3. The proposed B2 General Industry buildings and associated parking hereby approved shall only be used for the expansion of the business known as Blackhill Engineering and shall not be sub-divided, let or used by any other business.
(Reason: The justification provided for the expansion of the existing business and the economic benefits that this would bring to the local area carry material weight in an area where an expansion of this size is not supported by local plan policies. In addition, the circumstances of the business provide the exceptional circumstances to ensure that the proposal complies with paragraph 172 of the revised National Planning Policy Framework).
4. As part of any reserved matters application detailed proposals for the location and design of the bat boxes, bat hibernacula, great crested newt hibernacula, increased shrub planting to encourage connectivity between dormouse habitats together with a long term management plan of these features and the restored area of heathland as identified in the Ecological Appraisal Addendum by Richard Green Ecology dated April 2018 shall be submitted. The development shall thereafter be carried out in accordance with such agreed details and in accordance with the phasing plan required by Condition 5 of this permission.
(Reason: To ensure the planned mitigation measures for biodiversity enhancement and wildlife protection are appropriate and provided in an appropriate manner in accordance with Policies EN5 (Wildlife Habitats and Features) and Strategy 5 (Environment) of the East Devon Local Plan and advice contained in Paragraphs 170, 172, 175 and 176 of the revised National Planning Policy Framework)

5. As part of any reserved matters application a phasing plan and accompanying statement shall be submitted indicating how and when the proposed development of on site buildings and associated parking/turning will be carried out together with how and when the off site mitigation measures will take place. (Reason - To ensure the development is carried out in an appropriate manner together with the planned mitigation measures for biodiversity enhancement and wildlife protection in accordance with Policies EN5 (Wildlife Habitats and Features) and Strategy 5 (Environment) of the East Devon Local Plan and advice contained in Paragraphs 170, 172, 175 and 176 of the revised National Planning Policy Framework)

6. Contamination investigation and remediation
 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 1. A preliminary risk assessment which has identified:
 - a. all previous uses
 - b. potential contaminants associated with those uses
 - c. a conceptual model of the site indicating sources, pathways and receptors
 - d. potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To protect the water environment in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan and advice contained in Paragraph 178 of the revised National Planning Policy Framework)

7. 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 in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan)

8. As part of any reserved matters application, a lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable. The development shall thereafter be carried out in accordance with the agreed scheme.

(Reason: To ensure that light pollution levels are kept to a minimum in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan and advice contained in Paragraph 180 of the revised National)

9. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
- (a) The timetable of the works;
 - (b) Daily hours of construction;
 - (c) Any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) The number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) The compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) Hours during which no construction traffic will be present at the site;
 - (i) The means of enclosure of the site during construction works; and
 - (j) Details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) Details of wheel washing facilities and obligations
 - (m) Details of the amount and location of construction worker parking.
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.
- (Reason: To ensure the site is managed in an appropriate manner and does not detrimentally impact upon highway safety in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan).

10. As part of any reserved matters application a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority; such a

scheme to include detailed plans outlining the soft landscape proposals accompanied by a specification detailing the proposed species, their planting size, the density at which they will be planted, any specific planting matrices, the number of plants of each species and notes describing how the scheme will be implemented. For the avoidance of doubt the scheme shall include additional planting on the northern and north western road boundaries. 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. As part of any reserved matters application a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and particularly focusing on the 2.8 hectares of compensatory heathland on the site to the south of the proposal site, shall be submitted to and approved in writing by the Local Planning Authority prior to any development taking place. The proposals as approved shall be carried out as approved for the full duration of the plan.

(Reason - To ensure that the details are 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 New East Devon Local Plan 2016.)

12. As part of any reserved matters application a detailed Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved AMS. The AMS shall include full details of the following:

- a) Implementation, supervision and monitoring of the approved Tree Protection Scheme

- b) Implementation, supervision and monitoring of the approved Tree Work Specification

- c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme

- d) Timing and phasing of Arboricultural works in relation to the approved development. Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection

and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval. (Reason - To ensure retention and protection of trees on the site during and after construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2016.)

13. The heights of buildings submitted as part of any reserved matters application shall not exceed those indicated on illustrative drawing number 3666.P.AS.002 received on 19.12.2017.

(Reason: The site lies in the East Devon AONB and the application has been accompanied by an LVIA, the relative heights of the proposed buildings have been assessed on this basis and the level of harm produced taken into account in accordance with Policy D1 and Strategy 46 of the East Devon Local Plan and advice contained in Paragraph 172 of the revised National Planning Policy Framework)

14. As part of any reserved matters application the detailed drainage design for the site shall be submitted building upon the principles outlined in the Drainage Strategy and Flood Risk Assessment by Clarkebond received on 19th December 2017.

(Reason: To ensure that the proposed drainage of the site is considered with the proposed layout of the site as a whole in accordance with Policies EN19 (Adequacy of Foul Sewers and Adequacy of Sewerage Treatment Systems) and EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan

15. No machinery shall be operated, no processes carried out and no deliveries accepted or despatched except between the hours of 07.00hrs and 18.00hrs Monday to Friday, or 07.00 and 13.00hrs on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of local residents from noise in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan.

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.

The applicant's attention is drawn to the fact that there is a legal agreement between the landowner and Devon County Council regarding the restoration of the site to heathland (09/P1053), this would need to be varied to enable the proposed development to be implemented.

Plans relating to this application:

3666.P.SLP.001	Location Plan	19.12.17
BTC17099 P2	P_01 Other Plans	19.12.17

List of Background Papers

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

The Conservation of Habitats and Species Regulations 2017, Section (63)



Appropriate Assessment

Part A: The proposal

Application reference no. and address:	17/3022/MOUT – Blackhill Quarry, Woodbury
Brief description of proposal: (Bullet point list of key proposals)) Outline application seeking approval of access for construction of up to 3251 sqm (35,000 sq ft) of B2 (general industrial) floor space with access, parking and associated infrastructure (details of appearance, landscaping, scale and layout reserved for future consideration).
European site name(s) and status:	East Devon Pebblebed Heaths SPA, East Devon pebblebed Heaths SSSI, East Devon pebblebed Heaths SAC, East Devon AONB.

List of interest features:

East Devon Heaths:

The East Devon Heaths are located about 6 km north-east of Exmouth in south-west England. Lying on the acidic Bunter Pebblebeds, these areas form the largest blocks of lowland heath in Devon. The dry heaths on the higher ground are dominated by Heather *Calluna vulgaris*, with frequent areas of Bell Heather *Erica cinerea*, Western Gorse *Ulex gallii*, Bristle Bent *Agrostis vinealis* and Purple Moor-grass *Molinia caerulea*. There has been some invasion by Pine *Pinus* spp. and Birch *Betula pendula*, and Bracken *Pteridium aquilinum* has become locally abundant. In the shallow valleys, wet heaths and mires are dominated by Cross-leaved Heath *Erica tetralix*, Purple Moor-grass, Heather, Dwarf Gorse *Ulex minor* and *Sphagnum* mosses. Characteristic species here include Meadow Thistle *Cirsium dissectum*, Lesser Butterfly-orchid *Platanthera bifolia*, Common Sedge *Carex nigra*, and in the boggiest places, Common Cottongrass *Eriophorum angustifolium*, Bog Asphodel *Narthecium ossifragum* and sundews *Drosera* spp. Patches of willow *Salix* spp. scrub have developed in some places. These heaths support breeding Nightjar *Caprimulgus europaeus* and Dartford Warbler *Sylvia undata* (which are both dependent upon continuity of open heath with fringing scrub) in numbers of European importance.

This site qualifies under **Article 4.1** of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:

During the breeding season;

Dartford Warbler *Sylvia undata*, 128 pairs representing at least 8.0% of the breeding population in Great Britain (Count, as at 1994)

Nightjar *Caprimulgus europaeus*, 83 pairs representing at least 2.4% of the breeding population in Great Britain (Count, as at 1992)

What potential hazards are likely to affect the interest features (refer to the risk factors listed below)?

Sensitive interest feature	Potential hazard	Outline exposure to hazard and likely impact if known
SPA habitat	Loss of habitat as a result of the development. Disturbance from the development operations (noise, fumes, traffic and people using the heaths) including construction impacts.	<p>The proposal will result in the loss of 1.09ha of land that is to be remediated back to open land support the heathlands following the closure of the quarrying activities.</p> <p>The development would result in the 1.09ha not being returned to heathland supporting the Pebblebed Heaths.</p> <p>The development will also result in traffic disturbance and employment/industrial activity immediately adjacent to the heaths. This could result in general noise and disturbance as well as pressure from staff and visitors using the adjacent heathland at break times.</p>
SPA habitats & communities	Physical damage to SPA habitats/ communities	<p>Loss of 1.09ha of land that was to be remediated back to open land supporting the heathlands.</p> <p>Some localised physical damage to habitats, substrates, and invertebrate communities could be caused from the construction process and additional use of the heathlands.</p>

Are there other proposals in the area which may give rise to ‘in combination’ effects?

List other proposals which have been considered

There are existing planning consents for housing and holiday accommodation close to the SPA, in East Devon, Exeter and Teignbridge.

The EDDC Local Plan allocates in the region of 17,100 houses in East Devon.
The Teignbridge Local Plan allocates in the region of 12,500 houses in the District.
The Exeter Core Strategy aims to allocate 12,000 houses in Exeter and East Devon.

The emerging greater Exeter Strategic Plan will be likely to allocate a greater number of dwellings for each authority.

Outline potential cumulative or 'in combination' effects.

Each new dwelling granted within 10k of the Pebblebed Heaths is required to provide a financial contribution that goes towards mitigating the impact from additional residential development.

The mitigation is overseen by a joint Committee of members from East Devon District Council, Teignbridge District Council and Exeter City Council. The Committee jointly administers the impact upon the European Sites and co-ordinates the mitigation.

There are no others developments proposed close to the site that could result in in-combination effects.

11. Mitigation Measures

Describe the mitigation measures that are proposed as part of the submitted application.

Whilst the proposed buildings and associated uses could have significant direct/ indirect impacts upon the aforementioned sites, the application puts forward a number of mitigation measures to reduce the overall impact, these are as follows:

- o Creation of 2.8 hectares of compensatory heathland on a site to the south of the proposal site;
- o Construction of a bat hibernaculum within the footprint of Blackhill Quarry to help expand and maintain the local populations of greater and lesser horseshoe bats;
- o Erection of bat boxes on retained trees around the site;
- o Provision of great crested newt hibernacula within the restored heathland; and
- o Provision of native shrub planting around the perimeter of the site to improve connectivity for dormice.

These mitigation measures are comprehensive and have been well conceived to take account of the likely significant impacts that the proposed development could have on an area that was envisaged to be remediated and returned to heathland, albeit that it would still need to provide some form of access to the existing business.

However, it is also recognised that some of these measures (should planning permission be granted) would need to take place in any event such as the alternative bat habitat provision.

The area proposed to be created as additional heathland habitat is currently plantation woodland which would be lost to create the new habitat, Whilst this has its own habitats and eco-systems within it, there is no reason to suggest that this plantation would be retained, certainly there is no planning legislation that would prevent these trees being felled and the habitat lost. A heathland habitat, which could be secured through a condition with appropriate management responsibilities, would remain under planning control and the area proposed more than mitigates for the site area to be lost. In addition, although the application site could be returned to managed heathland habitat, it would have the access to Blackhill Engineering running through it and as such provision elsewhere without the access would be of increased benefit.

The relevant conditions would need to secure a landscape management plan for the 2.8ha of compensatory heathland including its long-term management, maintenance schedules and landscaping. This will need to be provided with any reserve matters application.

There is also a need for a Construction and Environmental Management Plan, and Construction Management Plan, to be submitted and approved before development commences to control construction routes, constructions hours, noise and dust.

Finally, there is a need for the reserve matters application to provide details of the provision and long-term management of the bat hibernacula, great crested newt hibernacula and management of the dormouse habitat.

Natural England's Response	
Are the proposed measures sufficient?	Yes
Part C: Conclusion	
12. Conclusion: Is the proposal likely to have a significant effect 'alone' or 'in combination' on a European site?	No likely significant effect subject to the mitigation being secured and provided.

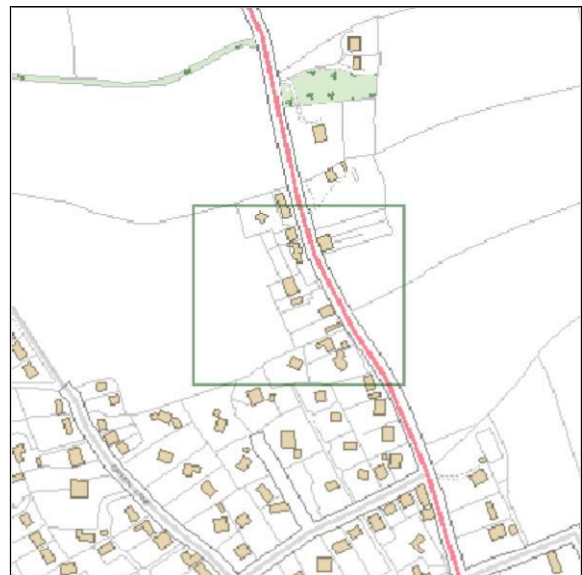
Ward Woodbury And Lymstone

Reference 18/1081/FUL

Applicant Mr Alford

Location Exton Top Yard Exmouth Road Exton

Proposal Creation of 'live/work unit', comprising removal of agricultural building and construction of dwelling and conversion of barn to associated 'work' 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: 4th September 2018
Woodbury And Lypstone (WOODBURY)	18/1081/FUL	Target Date: 27.07.2018
Applicant:	Mr Alford	
Location:	Exton Top Yard, Exmouth Road, Exton	
Proposal:	Creation of 'live/work unit', comprising removal of agricultural building and construction of dwelling and conversion of barn to associated 'work' 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 of the Development Management Committee because it is a departure from the Local Plan.

Planning permission is sought to re-develop the site for a live work use which would involve the demolition of the one of larger agricultural buildings and the construction of a 4 bedroom two storey dwelling and the conversion and re-cladding of the existing smaller Dutch barn for use as a workshop for the applicant's catering business.

In planning terms the site is located within the countryside where policies of restraint apply. Strategy 7 (Development in the Countryside) of the Local Plan states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

Whilst there is support for small scale economic development in rural areas under the provisions of policies E5 (Small Scale Economic Development in Rural Areas) and D8 (Re-use of Rural Buildings Outside of Settlements) of the East Devon Local Plan which would support the principle of the conversion of the existing barn into a workshop for the events catering business, it is the proposed dwelling and the justification for a residential property on site which needs to be carefully considered against Local Plan policies having due regard for the fact that Exton is not considered to be a sustainable location for new development along with the

policies contained within the recently revised National Planning Policy Framework.

Whilst a catering business in this location would be contrary to the provisions of Strategy 7 and Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the Local Plan, the site benefits from a fall-back position whereby the applicant could apply under permitted development rights to convert the building to an employment use and residential dwelling. Such applications would be likely to be acceptable and would not require an assessment of whether the site is sustainably located.

This fall-back position weighs heavily in favour of the proposal and is considered to justify the proposal despite the residential element being contrary to Local Plan policies.

The proposal is considered to be acceptable in terms of its impact on the character and appearance of the area, residential amenity, highway safety and ecology and trees and on balance is considered to be acceptable.

The application is therefore recommended for approval.

CONSULTATIONS

Local Consultations

Woodbury & Lympstone - Cllr R Longhurst

I believe that whatever decision is reached it can be criticised as breaching or within Local Plan policies - depending on which is viewed. I strongly support no development in the Green Wedge or Coastal Protection Area but also believe we must not turn down employment opportunities in the countryside. Additionally the place is a broken farm and needs some investment. Given the support of the two neighbours I have to lean in favour of Support - but await the comments of the Case Officer. I would like to wait for further information on this application before I decide.

Further comments: A very thorough report. I am glad that the Officer came down on the SUPPORT side and I concur with his findings. I regret that I am off on holiday on 4th so will be unable to attend DMC. Please can my SUPPORT be noted at the meeting.

Parish/Town Council

NOT SUPPORTED. Development in the open countryside.

Technical Consultations

County Highway Authority

Does not wish to comment

South West Water

Location: Exton Top Yard Exmouth Road Exton EX3 0PQ

Your ref: 18/1081/FUL

Our ref: MPP130618 EX3 0PQ

Proposal: Creation of 'live/work unit', comprising removal of agricultural building and construction of dwelling and conversion of barn to associated 'work' unit.

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection

Please find enclosed a plan showing the approximate location of a public sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal.

Foul Sewerage Services

South West Water advises a Planning Condition to emphasise that: Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.

Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.

Surface Water Services

The statutory Water and Sewerage Undertaker supports the Planning Policy Guidance for Flood Risk & Coastal Change statement. To accompany its planning application, the applicant must demonstrate how its proposed development will have separate foul and surface water drainage systems and not be detrimental to existing infrastructure, the public and environment (and that any provisions for protecting infrastructure have been agreed with SWWL as service-provider). The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable, Provide written evidence as to why Infiltration devices, including Soakaways, Swales, Infiltration Basins and Filter Drains do not meet the design standards as specified in either H3 Building Regulation standards for areas less than 100m². Soakaways serving larger areas must meet the design standard specified in BS EN 752-4 (para 3.36) or BRE Digest 365 Soakaway Design.

2. Discharge to a surface waterbody; or where not reasonably practicable, Provide written evidence for refusal of discharge consent from owner of water body (Environment Agency, Local Authority, Riparian Owner etc)

3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable, Provide written evidence for refusal of discharge to drainage system (Highway Authority, Environment Agency, Local Authority, Private ownership)

4. Discharge to a combined sewer.(Subject to Sewerage Undertaker carrying out capacity evaluation)
South West Water will carry out a hydraulic capacity review of the combined sewerage network before permission will be granted to discharge to the combined sewer.

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that discharge to the public combined sewerage network is not an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

Your LPA will be mindful of Local Plan policy to limit the adverse (including cumulative) effect of proposed development such that sustainability is paramount and flooding risk is not increased elsewhere, together with Paragraphs 162 of the NPPF, and Paragraphs 109 and 120 of PPG (Conserving and enhancing the natural environment).

I trust this clarifies the water and drainage material planning considerations for your LPA, however if you have any questions or queries, please do not hesitate to contact me either via e-mail: developerservicesplanning@southwestwater.co.uk or direct line: 01392 443983.

Please quote reference number MPP130618 EX3 0PQ in all communications and correspondence.

Natural England

Dear Sirs,

Planning consultation: Creation of 'live/work unit', comprising removal of agricultural building and construction of dwelling and conversion of barn to associated 'work' unit
Location: Exton Top Yard Exmouth Road Exton

Thank you for your consultation on the above dated 01 June 2018 which was received by Natural England on 01 June 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.

SUMMARY OF NATURAL ENGLAND'S ADVICE (in line with the South East Devon

European Sites Mitigation Strategy (SEDESMS) and the Joint Approach of your authority) DESIGNATED 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, East Devon Heaths SPA and Exe Estuary SPA 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/SPA, 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 sites occurring there should be no additional impacts upon the SSSI interest features of the Exe Estuary SSSI.

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

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

ANNEX A

Natural England offers the following additional advice:

Landscape

Paragraph 109 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or

dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the. Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

Protected Species

Natural England has produced standing advice¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Environmental enhancement

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 9, 109 and 152 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- o Providing a new footpath through the new development to link into existing rights of way.
- o Restoring a neglected hedgerow.
- o Creating a new pond as an attractive feature on the site.
- o Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- o Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- o Incorporating swift boxes or bat boxes into the design of new buildings.
- o Designing lighting to encourage wildlife.
- o Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- o Links to existing greenspace and/or opportunities to enhance and improve access.
- o Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- o Planting additional street trees.
- o Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- o Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered.

Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here

1 <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

Environmental Health

I have considered this application and do not foresee any Environmental Health Issues with this proposal therefore I have no further comment to make.

Other Representations

Two letters of support have been received at the time of writing of this report stating:

-) Tidying up the site would improve the outlook of the village
-) Improvement in appearance of the site

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 27 (Development at the Small Towns and Larger Villages)

Strategy 31 (Future Job and Employment Land Provision)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

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

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

H4 (Dwellings for Persons Employed in Rural Businesses)

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)

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

EN22 (Surface Run-Off Implications of New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Site Location and Description

The site refers to Exton Top Yard around 0.1 ha in size and comprises of a hardstanding yard with two agricultural barns of modern construction and a small area of fenced grass land. The site lies between residential properties to the south east and the North West which front onto the A376 and agricultural land to the south west. The site has an existing vehicular access onto the A376. The site is located in the countryside (Exton does not have a built-up area boundary) and falls within an area designated as a Green Wedge.

Planning History

Planning permission for demolition of the barns and construction of a dwelling was refused by the Council in 2006 under planning reference 06/0723/FUL. This application was refused on the grounds of the site being located outside of the boundary of Exton, the design and size of the dwelling and the visual impact on the countryside and the character and appearance of the area and the impact on the Green Wedge under the East Devon Local Plan 1995-2011.

Proposed Development

Planning permission is sought to re-develop the site for a live work use which would involve the demolition of the one of larger agricultural buildings and the construction of a 4 bedroom two storey dwelling and the conversion and re-cladding of the existing smaller Dutch barn for use as a workshop for the applicant's catering business. The proposed dwelling would be 2 stories with a traditional vernacular design approach using a palette of materials which include render and timber boarding for the walls under a natural slate roof. The dwelling would be 'L' shape in form with traditional pitched roofs and a chimney feature and would occupy part of the footprint of the existing modern agricultural building. The Dutch barn would be re-clad and converted to the 'work' element of the proposal.

The supporting planning statement accompanying the planning application explains that the applicant's business is 'Creative Catering' which provides catering for events including weddings, battle re-enactments and parties which includes hog roasts, canapes, buffets and waiter service etc. It is understood the business is currently run from a property at Exton Farm. The intention is that the applicant would run the business from the converted Dutch barn as a work unit which would contain a small office, equipment storage, a large cold room for the refrigeration of food, storage of non-perishable food and drink and a food preparation area. It is explained that for many catering events food must be prepared fresh which requires the applicant to start preparation in the early hours of the morning to ensure that it is ready to be transported to the event. As a result the work involves unsociable hours and close proximity to the work unit is said to be essential for convenience and to reduce constant commuting between home and work.

Issues and Assessment

The main issues to consider in determining this application are in terms of the principle of development having regards for the site's location in the open countryside and the nature of the business and the justification that has been put forward in support of the proposed 'live-work' unit along with an assessment of the economic benefits, the impact on the character and appearance of the area and the residential amenities of the occupiers of surrounding properties, the ecological and arboricultural impact and whether there are any highway safety issues.

Although described as a 'live-work' unit, a live-work unit is usually contained within a single structure that is sub-divided internally to provide a living area and a work area.

Whilst it is appreciated that the proposed house and work units are inter-related, in effect the application is asking for consent for a separate business unit and dwelling.

ANALYSIS

Principle

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

In planning terms the site is located within the countryside where policies of restraint apply. Strategy 7 (Development in the Countryside) of the Local Plan states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

Whilst there is support for small scale economic development in rural areas under the provisions of policies E5 (Small Scale Economic Development in Rural Areas) and D8 (Re-use of Rural Buildings Outside of Settlements) of the East Devon Local Plan, and within the new NPPF which would support the principle of the conversion of the

existing barn into a workshop for the events catering business, it is the proposed dwelling and the justification for a residential property on site which needs to be carefully considered against Local Plan policies having due regard for the fact that Exton is not considered to be a sustainable location for new development along with the policies contained within the recently revised National Planning Policy Framework.

Paragraph 79 of the NPPF seeks to avoid the development of isolated homes in the countryside unless there are special circumstances which includes the essential need for a rural worker to live permanently at or near their place of work. In-line with the provisions of paragraph 79, policy H4 (Dwellings for Persons Employed in Rural Businesses) of the Local Plan offers some policy support for dwellings in the countryside for people employed in rural businesses or activities. The pre-amble to this policy explains that rural workers are those people whose place of work is located in, and related to, the countryside, typically comprising farm workers, forestry workers and others involved in rural-based enterprise.

The applicant originally sought pre-application advice for this scheme in which officers expressed concern that the catering business is not a rural-based enterprise or a business that necessarily requires a rural location to successfully operate. Such a catering business could for example be run from an industrial unit or a business premises in a more sustainable location within a town or village. Furthermore officers were not satisfied that the nature of the business and the process of food preparation and transportation provided sufficient justification or presented a convincing case for an essential business need for someone to be living on site in a settlement considered to be an unsustainable location for new residential development as identified by Strategy 27 (Development at the Smaller Towns and Larger Villages) of the Local Plan.

This is still considered to be the case and there is not considered to be an essential need for a worker to live on site in association with this business.

However, in this instance there is a fall-back position for the residential element that weighs heavily in favour of the residential element of the proposal.

Fall-back Position

In addition to considering local planning policies the local planning authority is required to consider other material considerations insofar as they are relevant to the planning application. In this instance it is considered that the permitted development rights provided by Schedule 2 Part 3 Classes Q and R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended March 2018), creates a fall-back position for the creation of a residential dwelling on the site that the Applicant could utilise without requiring planning permission.

Class Q enables the conversion and change of use of agricultural buildings to residential dwellings as a form of permitted development where certain criteria are satisfied. Similarly Class R enables the change of use of agricultural buildings to a variety of business uses. With two agricultural buildings currently present at the application site, the Applicant therefore could undertake the proposed development as permitted development. The local planning authority could not prevent this. As such

the principle of establishing a live and work unit at the site represents a realistic fall-back position. This fall-back position is a relevant material consideration which the local planning authority should take into account in determining this application.

The two case precedents outlined below confirm how the matter of 'fall-back positions' should be considered by local planning authorities in determining planning applications.

Planning Appeal: Great Wapses Farm (ref: APP/D3830/W/16/3156030):

The Great Wapses Farm case related to a proposal for a new build dwelling to replace a building which had been granted prior approval for conversion to a dwelling. In allowing the appeal the Inspector commented that:

The appeal site is within a comparatively isolated location in the open countryside and distant from nearby services and facilities. On the face of it the proposal would therefore conflict with the approach in the policies cited above and with relevant elements of the Framework.

However of critical importance to this appeal is that prior approval was granted by the Council for the change of use of an agricultural building to a dwelling at Great Wapses Farm on 22 December 2015 (the '2015 permission'). I understand that the 2015 permission remains extant and there is no evidence before me to indicate that it is unlikely to come forward were this appeal to be dismissed.

The Inspector goes on to state that:

In my view the effect of this change in respect of the intensity of domestic use and consequently use of private vehicles is likely to be highly limited. Indeed works that affect only the interior of a building are not development, and as such there is nothing before me to indicate that a third bedroom within the permitted dwelling could not have been created without the need for express planning consent in any event. The Council furthermore accept that in respect of overall size the current proposal and permitted scheme are similar.

For the above reasons the proposal before me would result in no significant effects in relation to the suitability of the location for residential development compared with the scheme permitted via the 2015 permission. Therefore although conflict would arise with the relevant provisions of saved policies C1 and T4 of the Local Plan and policies DP10 and DP19 of the emerging plan and with relevant elements of the Framework, the harm arising from this conflict is outweighed by the existence of the 2015 permission. I cannot therefore conclude other than that the appeal site is an appropriate location for the development proposed [emphasis added].

This case is considered to demonstrate that the previously consented 'Class Q' Prior Approval (which does not necessarily need to be implemented in order for it to be taken into account) was a significant factor which can be taken into consideration for a replacement dwelling and outweigh policy conflicts arising from a dwelling in the countryside. Additionally, the slight increase in the number of bedrooms was not considered to present a significant impact on the suitability of the site.

Judicial Review: Mansell v Tonbridge and Malling BC [2017] EWCA Civ 1314:

Again, a case where conversion of an agricultural building via Class Q was previously given Prior Approval and proposals for demolition and replacement as an alternative were also put forward.

Importantly, this judgement discusses the relevance of permitted development representing a “fall-back position”. It highlights the need for a fall-back position having a “real prospect” of the development being implemented (for example where a site is allocated for development or where planning permission has been granted) and the realistic likelihood of its being brought about.

It indicates that consideration *should* be given to what could be achieved using permitted development rights for alternative forms of development and that weight should be given to the fall-back position as a ‘material consideration’. Therefore, determination of such an application should have regard to the Planning History of a site, particularly where a specific fall-back scheme makes it possible for comparison to be made.

Therefore, whilst it was acknowledged in that case that there was a departure from the Development Plan, the permitted development rights afforded to the site presented a realistic fall-back position and it was reasonable to believe that this would be implemented should planning permission for the alternative not be granted.

Taking all of the above into account and notwithstanding original reservations about the residential element of this proposal, and its conflict with Strategies 7 and 27 and policy H4 of the Local Plan, this site would make use of previously developed land and would be well related to Exton as a settlement albeit one which is not considered strategically to be a sustainable location for new development because of its lack of services and facilities to serve every day needs of residents. Furthermore the fall-back position provided by permitted development rights is a material consideration which should be afforded a significant amount of weight.

On balance having regard for the above it is considered that the residential element of the proposal is acceptable given the fall-back position that is sufficient to justify a departure from the policies within the Local Plan. On balance, the principle of development in this location is considered to be acceptable.

Character and Appearance

The site is located in the countryside however it is not isolated and is surrounded by residential properties. Visually the site is dominated by the modern agricultural building and it is accepted that there would be some visual benefits from tidying up the site and through the removal of the large modern barn.

When viewed from the outside of the site, the proposed dwelling and work unit would be viewed within the context of the surrounding residential development and as an infill site would result in little harm to the character and appearance of the surrounding area and would not undermine the provisions of Strategy 8 (Development in Green Wedges) of the Local Plan which seeks to resist developments that would add to

existing sporadic or isolated development or damage the identity of a settlement or lead to or encourage settlement coalescence. The visual harm also needs to be considered against the fall-back position of the barns being able to be converted to residential and employment use.

The proposed dwelling would be of a traditional design whose form and size would be appropriate for the size and configuration of the site and the character and appearance of the surrounding area or the countryside. Subject to a condition requiring the submission of samples of materials for the dwelling and the work unit and a more detailed landscaping scheme, the proposed development is considered to be comply with the provisions of policy D1 (Design and Local Distinctiveness) of the Local Plan which seeks to ensure developments respect the key characteristics and special qualities of the area and ensure that the scale massing, density, height, fenestration and materials of buildings relate well to their context.

Residential Amenity

The proposed dwelling would be sited over the footprint of the existing modern barn. Its removal would be of benefit to the amenities of the occupiers of properties which border the site. Whilst the two storey dwelling would have a degree of impact on the occupiers of School House to the north, it is not considered that it would be sufficiently harmful in terms of being unduly over bearing or over dominant to sustain an objection. The dwelling would be offset to this property and its garden and would result in an acceptable relationship between the two.

First floor windows on the northern elevation would be limited to bathrooms and stairwells and one secondary bedroom window. It is not considered that this would give rise to unacceptable levels of overlooking or loss of privacy to sustain an objection.

Intensification of the use of the site and the introduction of a business use on the site would have a degree of impact, however, given its limited scale and the nature of the business it is not considered that it would be any more harmful than use of the site for agriculture in terms of potential for noise and disturbance.

The Council's Environmental Health Officer has considered the application and does raise any concerns. It is however considered necessary and reasonable to impose conditions controlling hours of delivery and noise levels from plant and equipment associated with the work unit. A condition restricting the use of the work unit to a food catering business (a B2 use) is recommended to ensure that the use of the building cannot be changed without planning permission to prevent undue noise to neighbouring properties.

The proposal is considered to comply with the provisions of policy D1 (Design and Local Distinctiveness) of the Local Plan which seeks to ensure that proposals do not adversely affect the amenities of existing residents.

Highway Safety

The proposal would utilise the existing vehicular access onto the A376 which has reasonable visibility in both directions. Cessation of agricultural use would result in large machinery no longer using the access which is likely to be of benefit to users of the highway. No objections have been received from the County Highway Authority and the proposal is considered to comply with the provisions of policy TC7 (Adequacy of Road Network and Site Access) of the Local Plan. The submitted site plan demonstrates that sufficient space would be provided within the site for the parking and turning of vehicles so they can leave in a forward gear onto the A376. The proposal is considered to comply with the provisions of policy TC9 (Parking Provision in New Development) of the Local Plan.

Ecological Impact

The application is accompanied by a Phase 1 Habitat Survey and preliminary bat assessment prepared by Lee Ecology. The report concludes that the proposed development would not adversely affect reptiles, bats, dormice or amphibians. Subject to a condition for the provision of habitat enhancement measures which includes two bird nest boxes the proposal is not considered to adversely affect legally protected species and complies with the provisions of policy EN5 (Wildlife Habitats and Features) of the Local Plan.

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

Arboricultural Impact:

The application is accompanied by an Arboricultural Impact Assessment prepared by a qualified arboriculturalist which indicates that two Elder shrubs or trees identified as C category would need to be removed. The root protection areas of trees outside of the site on the northern and eastern boundary are likely to have already been affected by the existing concrete yard which covers the majority of the site. Whilst no comments have been received from the Council's tree officer, it has been verbally been indicated that the trees on the site do not pose any significant above or below constraints to the

proposed development. Subject to a condition requiring the submission of a tree protection plan and an arboricultural method statement the impact of the development on trees is considered to be acceptable and in accordance with the provisions of policy D3 (Trees and Development Sites) of the Local Plan.

Surface Water and Drainage

South West Water have advised that surface water run-off for the development, to discharge to the public combined sewerage network would not be an acceptable method of disposal and therefore a condition is recommended requiring the applicant to submit a scheme for surface water disposal which uses SUDs unless demonstrated to be unfeasible to do so. This would ensure that flooding risk is not increased elsewhere in accordance with policy EN22 (Surface Water Run-Off Implications of New Development).

South West Water also suggests a condition to emphasise that: Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.

CONCLUSION

Whilst the conversion of one of the buildings to an employment use is acceptable in principle and supported by local plan policies and the NPPF, it is the associated residential element that does not benefit from any local plan support and represents a departure from Local Plan Policy.

However, the site does benefit from a fall-back position of being able to apply for the conversion of a barn to residential use under which consideration of the location of the site in relation to services and facilities is not required.

Given that the applicant could apply to convert the buildings to a business and employment use under the prior approval route, it is considered that this fall-back position is of such weight that the proposal can be supported.

The design of the buildings are considered to be acceptable and given this, given that the site is already developed, and given that conversions of the building can take place under the fall-back route, it is not considered that the proposal would cause harm to the Green Wedge within which the site lies.

Given the close relationship of the work unit to the residential unit, and given the live-work nature of the application, it is recommended that the employment unit be tied to the residential element.

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 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.)
4. The work unit and all non-residential parts of the site shall be used as a food catering business and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking an re-enacting that Order with or without modification).
(Reason: To protect adjoining occupiers from noise and disturbance in accordance with the requirements of policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).
5. The occupation of the dwelling hereby permitted shall be restricted to a person (and their dependents) who is solely or mainly employed in the food catering business operating from the site.
(Reason - The proposed dwelling is justified because of the link to an employment use of the building by the resident which would make a contribution to the local economy, and would be of a sustainable nature (in terms of traffic generation and highway safety) as a result of the live/work use of the site. For these reasons the development would satisfy the relevant criteria of Strategy 7 (Development within the Countryside) and policies and E5 (Small Scale Economic Development in Rural Areas) of the East Devon Local Plan 2013-2031 and paragraphs 81 and 84 of the National Planning Policy Framework.
6. Within three months of occupation of the dwelling hereby approved, the conversion works to the create the work unit shall have been completed in accordance with the details shown on drawing no's PL 378393/16 and SK 378393/10A and the business shall be operational.
(Reason: To ensure that the employment benefits of the scheme are realised in accordance with the provisions of policy E5 (Small Scale Economic Development in Rural Areas) of the East Devon Local Plan 2013-2031)
7. The specific noise level of any plant installed and operated on the site must not exceed 25dBa (5dB below nighttime background which can be taken as 30dBa) at the boundary of the nearest noise sensitive dwellings between the hours of

11pm to 7am, and must not exceed the background level at any other time. Background noise level to be measured as La90dBa.

(Reason: To protect the amenity of local residents from noise in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

8. No deliveries shall be accepted or despatched to or from the site except between the hours of 07.30 to 2100hrs Monday to Friday, or 07.30 to 1300hrs on Saturdays, and not at all on Sundays or Bank Holidays.

(Reason: To protect the amenity of local residents from noise in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

9. Prior to the cooking of hot food on the site, full details of a scheme for the treatment of cooking smells, including details of the manufacturers recommendations for cleaning and maintenance shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved treatment scheme and used at all times when cooking is taking place.

(Reason: To avoid odours detrimental to the living conditions of the amenities of the occupiers of residential properties in accordance with the provisions of policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

10. Prior to the commencement of any works on site a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) for the protection of all retained trees on the site, shall be submitted to and approved in writing by the Planning Authority. The TPP and AMS shall adhere to the principles embodied in current version of British Standard 5837 and shall indicate exactly how and when the trees will be protected during the development.

The AMS shall provide for the keeping of a Site Monitoring Log (SML) to record monthly ad-hoc site inspections of the tree protection measures, the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures that may be required. On completion of the development, the completed SML shall be submitted to the Planning Authority for approval and final discharge of the tree protection condition.

(Reason: To ensure the continued wellbeing of retained trees in the interests of the amenity of the locality in accordance with the provisions of policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031).

11. Notwithstanding the submitted details, prior to any landscaping works being carried out, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority; such a scheme to include details and a specification for hard surfaced areas, the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless 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 former agricultural buildings in accordance with Policies (D1 - Design and Local Distinctiveness), (D2 - Landscape Requirements) of the Adopted East Devon Local Plan 2013-2031.)

12. The development hereby permitted shall be carried out in accordance with the recommendations contained within the Phase 1 Habitat Survey report and preliminary bat assessment prepared by Lee Ecology dated January 2018.

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

13. Foul drainage from the development (and no other drainage) shall be connected to the public foul or combined sewer.

(Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment in accordance with policy EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) of the East Devon Local Plan 2013-2031).

14. With the exception of demolition, no development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

(Reason: To protect water quality and minimise flood risk in accordance with Policy EN22 - Surface Run-Off Implications of New Development of the Adopted East Devon Local Plan 2013-2031 and the guidance contained with the National Planning Policy Framework.)

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:

Phase 1 Habitat Survey Report & Preliminary Bat Assessment	Protected Species Report	09.05.18
	Location Plan	09.05.18
	Arboriculturist Report	01.06.18
SK 378393/10A	Proposed Floor Plans	01.06.18
SK 378393/11A	Proposed Elevation	01.06.18
SK 378393/12A	Proposed Site Plan	01.06.18
PL 378393/ 16	Proposed Elevation	10.08.18

List of Background Papers

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

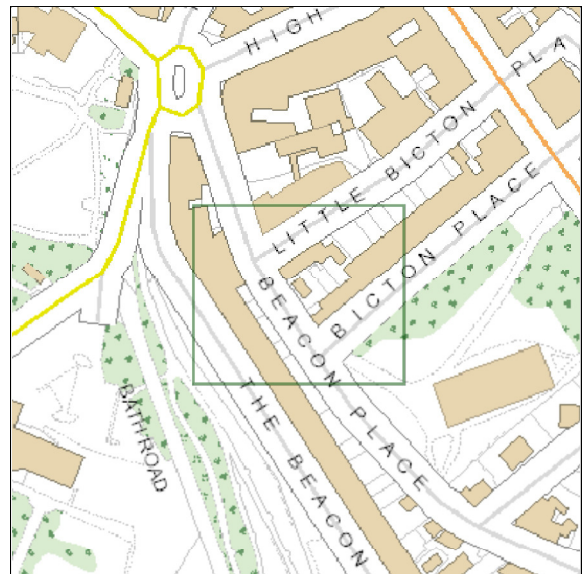
Ward Exmouth Town

Reference 17/2493/FUL

Applicant Mr Harry Tucker

Location Manor Hotel Garages Beacon Place Exmouth

Proposal Demolition of existing garages and redevelopment of forecourt to form 2 new apartments over modified existing parking.



RECOMMENDATION: Approval with conditions

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		Committee Date: 4th September 2018
Exmouth Town (EXMOUTH)	17/2493/FUL	Target Date: 29.01.2018
Applicant:	Mr Harry Tucker	
Location:	Manor Hotel Garages Beacon Place	
Proposal:	Demolition of existing garages and redevelopment of forecourt to form 2 new apartments over modified existing parking.	

RECOMMENDATION:

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

EXECUTIVE SUMMARY

This application is before Members as the officer recommendation is contrary to the view of a Ward Member.

The site lies within the built up area of Exmouth, this part of which is designated as a Conservation Area, close to essential services and infrastructure together with good public transport links to other settlements. Accordingly, the provision of new residential development on this site is acceptable in principle providing the impacts of the proposed development are acceptable in relation to other policies of the development plan.

The site is constrained and lies in close proximity to other residential properties, however, the proposed design, which has been amended during its consideration, is considered to be acceptable not impacting unreasonably on the character and appearance of the Conservation Area or detrimentally impacting upon the setting of adjacent listed buildings; samples of the exact materials to be used would be required prior to commencement of development.

The occupiers of neighbouring properties have raised concerns regarding the overdevelopment of the site and the proximity of the proposed building to their properties and windows. However, through amended plans being submitted, it is considered that the revised design and layout would not detrimentally impact upon residential amenity to warrant refusal of the application.

The impact upon the highway and on pedestrians has been found to be acceptable given the existing use of the site as a car park serving the Manor Hotel opposite and the absence of an objection from Devon County Highways Engineer.

The proposed development is recommended for approval subject to appropriate safeguarding conditions.

CONSULTATIONS

Local Consultations

Exmouth Town - Cllr B Nash

This proposed development of now two houses reduced from the earlier three is still overdevelopment of a small site. The ground, first floor and second floor is overbearing placed within the buildings on either side. The mass takes light away from the gardens and windows of neighbouring buildings. The vehicles entering over the pavement next to a school is not a good safety point. The overall cramped style is not in keeping with other properties in this conservation area.

Parish/Town Council

19.12.17 – No objection.

Further comments 19.05.18 & 26.06.18: Objection on the grounds that the proposal was out of keeping with the Conservation Area. The proposed development would be positioned forward of the existing garages and there were concerns about vehicles reversing out onto the highway especially as the site was very near a primary school. Members did not object in principle to the site being developed but would like to see a reduction in the height from 3 storeys to 2 and not positioned forward of the current building line.

Further comments - 06.08.18 – Objection still stood as the amended plans did not mitigate previous concerns raised that the proposal was out of character and keeping within the Conservation Area.

Technical Consultations

Historic England

Thank you for your letter of 26 July 2018 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

Conservation

09.01.18

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

The site is contained within The Beacon/Louisa Terrace Conservation Area and is noted within the Character Appraisal as being vacant or poorly maintained. The site is currently occupied by 3no. modern lock up garages and open parking currently used by the Manor Hotel. The site is bounded by the converted Chapel to Little Bicton Place, housing to Bicton Place, all unlisted and the rear of The Beacon, all listed Grade II.

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

This application seeks to remove the current parking arrangements and to create new residential accommodation in the form of 3no. duplex apartments at first and attic level accessed at the rear with mews garaging retained for the Hotel.

There is no objection in principle to some form of development on the site. It is clear that the current use of the site is unattractive and detracts from the overall character and appearance of the Conservation Area, including the intimate and varied style of Bicton Place, the unlisted Chapel, but certainly of local historic and some architectural merit, and the important rear elevations to The Beacon, marked by the semi-circular 3 storey bays, stair turrets, and the use of brick, render and slate hanging. However, any proposed development will need to not only improve or enhance the Conservation Area, but ensure that the proposed development is in keeping with the character and appearance of the Conservation Area.

The proposed development extends across the whole of the site up to the rear boundary wall and leaves minimal space either side adjacent to the Chapel and No. 1 Bicton Place. The development is too dominant on the site, particularly the staggered hipped roofline and the dormers windows on the front (SW) elevation. Whilst it is appreciated that the development accommodates parking at ground floor level for the Hotel, this does not facilitate the overall design which appears as one large mass differentiated only by the change in level on the site from NW to SE towards Bicton Place, with rising roofline.

It is considered that the proposed development is out of keeping with the surrounding development and wider Conservation Area and needs to be reduced in both scale and size to provide a more appropriate solution for the site. In addition, the materials should preferably be more traditional utilising a mix of render, timber and natural slate.

Currently, there are views of the Grade II* Church tower from the NW end of Beacon Place, albeit they are partially obscured by the properties in Bicton Place. However, it is considered that the scale and form of the new development will block these views further, see photos on I Drive. This is unacceptable.

If the principle of development is considered to be acceptable, special regard should be given to matters such as overall site coverage, bearing in mind the close proximity of the adjacent properties, scale, height, form, massing, vertical or horizontal

emphasis, and detailed design (eg. the scale and spacing of window openings, and the nature and quality of materials).

PROVISIONAL RECOMMENDATION - PROPOSAL

ACCEPTABLE in principle

UNACCEPTABLE in terms of the overall design and appearance of the development

Amended plans received 18th May 2018:

The amended plans have certainly taken on board some of the comments relating to scale, size, ridge height and the removal of the dormers on the front elevation and including changes to accommodate privacy, overlooking etc. However, the overall design concept remains the same and as a solution for this particular site does not appear to have taken sufficient account of its context or the character and appearance of the Conservation Area.

ACCEPTABLE in principle

UNACCEPTABLE in terms of the overall design and appearance of the development

Amended plans received 26th July 2018:

These changes relate to introducing roof over the proposed amenity areas at the rear of the dwellings. However, this still does not address the concerns relating to the overall design concept.

ACCEPTABLE in principle

UNACCEPTABLE in terms of the overall design and appearance of the development

Devon County Highways

No objection

Other Representations

21 representations have been received raising the following concerns:

- Loss of light
- Overbearing impact
- No parking for occupiers of apartments
- Impact on pedestrian safety, especially school children
- Not in keeping with the Conservation Area
- Impact on foundations of existing buildings
- Overdevelopment
- Increased noise
- Construction impact
- Refuse area inappropriately sited

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

EN14 (Control of Pollution)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

Government Planning Documents

NPPF (National Planning Policy Framework 2018)

National Planning Practice Guidance

Site Location and Description

The site lies in the built up area boundary of Exmouth close to the town centre, this part of the town also lies in the Exmouth Conservation Area.

The site is bound by residential properties and/or their gardens on 3 sides. The properties opposite forming a terrace are all grade II listed buildings together with the grade II* listed Holy Trinity Church building 70 metres to the south east. The site is currently served by Becton Place and constitutes parking and garages serving the nearby Manor Hotel.

Proposed Development

This application seeks full planning permission for the demolition of the existing garage block serving the Manor Hotel and the erection of a building comprising garaging for the Manor Hotel on the ground floor with 2no. apartments contained on the 2 floors above; the apartments would be served by covered dedicated external amenity areas at the rear. As well as garaging on the ground floor there would be a pair of tandem parking spaces on either side of the building together with an area of bin storage for the apartments. This provides a total of 12 parking spaces.

The application has been amended since its original submission which proposed a terrace of 3 dwellings.

ANALYSIS

The main considerations in the determination of this application relate to:

- Principle of the proposed development
- The impact of the development on its surroundings (including heritage assets)
- The impact on residential amenity
- The impact on highway safety
- Habitat regulations

Principle

The site lies in the built up area boundary of Exmouth, close to the town centre where there are a range of facilities required for daily living and good public transport links to further afield such that the site is considered to lie in a sustainable location to support open market housing. Accordingly the proposed development is considered to be acceptable in principle, in accordance with Strategy 6 of the EDDC Local Plan, subject to the impacts of the development being acceptable in relation to their policies contained in the development plan together with any relevant material considerations.

Impact on surroundings, including heritage assets

The site lies within a designated Conservation Area and adjacent to a terrace of grade II listed building and within 70 metres of a grade II* listed church, the impact on each of these will be addressed in turn.

Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on Local Planning Authorities to give special attention to the desirability of preserving or enhancing the character or appearance of that area.

The existing site currently comprises of an ageing single storey garage block which does not in any way preserve or enhance the character of the area. Whilst the proposed building would add a substantial new building into the area, subject to appropriate materials, it could raise the quality of the site and at the very least preserve the character of the area. The building would be set in a forward position within the site compared to the existing garage block, however, the character of this part of the Conservation Area is buildings at the back edge of the footpath.

The Conservation Officer accepts the principle of the redevelopment of the site, but considers the design context fails to raise the standard of the site sufficiently though amended plans that have reduced the potential impact. Given the dual function of the building - to provide parking with accommodation over - and the constrained nature of the site, it is considered that the proposed design would be acceptable.

It is appreciated that the form of development above garages along with the half-hipped roof form is uncharacteristic of the immediate area, however, the site is adjoined by a mix of design styles on a site with a very poor current appearance. As such, it is considered that the proposal would preserve the character and appearance of the area.

Impact on adjacent listed buildings fronting onto the Beacon

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) imposes a duty on Local Planning Authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

It is clear that the current use of the site is unattractive and detracts from the overall character and appearance of the Conservation Area, including the intimate and varied style of Bicton Place, the unlisted Chapel, but certainly of local historic and some architectural merit, and the important rear elevations to The Beacon, marked by the semi-circular 3 storey bays, stair turrets, and the use of brick, render and slate hanging. However, any proposed development will need to not only to preserve or enhance the Conservation Area, but ensure that the proposed development does not harm the setting of the surrounding listed buildings.

As discussed above, the proposed development would be of a form and scale consistent with its surroundings such that development on this site would not detrimentally impact on the setting of the adjacent listed buildings, the key to an appropriate finish of the building would be the materials used in its construction and therefore it is deemed necessary to condition that samples of these are submitted prior to their use on the building.

Impact on Holy Trinity Church

The grade II* listed church lies 70 metres to the south east, there is a terrace of intervening properties (Bicton Place) running perpendicular to the proposal site that screen the vast majority of the site such that it is considered that it would not have a detrimental impact upon its setting.

Impact on residential amenity

The site is surrounded on four sides by residential properties and/or their associated gardens and parking areas. The foremost impact is considered to be on the properties known as 1 and 1a Bicton Place, but has the potential to also impact on the other surrounding properties, the impact on each property will be addressed in turn:

1 Bicton Place

This property bounds the proposal site to the south east currently adjoining the parking area for Manor Hotel. The proposed building would be sited 6.4 metres from the rear elevation of the dwelling, the majority of the windows on the dwelling are contained on its front and side elevations, being on a corner plot. Therefore, whilst the proposed building would be close to the boundary (2.7 metres) and extend up to 7.3 metres in height it is considered that the proposal would not detrimentally impact upon the living conditions of the aforementioned property.

1a Bicton Place

The garden of this property bounds the entire length of the rear boundary of the application site and is set at a lower level than the existing garages. The rear elevation of the house has windows at ground and first floor level. As originally submitted the proposal was for 3 no. apartments spanning the entire width of the site, with the ridge height set higher than is now proposed.

The amended plans for 2 no. apartments would provide some relief from the mass of the building adjacent to the rear elevation of the dwelling, with its height reduced down

to 7.3 metres with a roof sloping away. The garden area would have views of the building, however, given the reduced height of the proposal and the distance from the boundary of the main bulk of the building (set back by 4.5 metres) it is considered that the proposed building would not be overly dominant or block any natural daylight in the garden or dwelling to a detrimental level. On request a roof has been provided above the amenity areas to contain noise and prevent views into and out of the first floor windows of the aforementioned property.

1 and 2 Church Mews

This property bounds the site to the north west and contains secondary windows on its rear elevation to provide light, the main windows, being on a corner plot are on its front and side elevations. The proposal would still allow light to enter these windows. Therefore, whilst the proposed building would be close to the boundary (2.7 metres) and extend up to 7.3 metres in height it is considered that the proposal would not detrimentally impact upon the living conditions of the aforementioned property.

5 and 6 The Beacon

These properties lie on the opposite side of the public highway (Beacon Place) and have been sub-divided in flats in the past. There would be 19 metres separation distance between the properties, with a high brick wall and parking areas between the facades of the buildings, as such it is not considered that the proposed development would detrimentally impact on residential amenity through being overbearing or provide undue overlooking.

Suitable refuse storage is provided off-street accessible to the two dwellings and it is not considered that the proposal would result in unacceptable noise levels from the occupiers. Whilst there could be some impact from construction upon foundations, this will be a civil/Party Wall Act issue. It is however recommended that a condition be placed on any consent for the submission of a CEMP.

Accordingly, it is considered that although the site is constrained, the proposed development could be accommodated without detrimentally impacting upon residential amenity in accordance with Policy D1 of the EDDC Local Plan.

Impact on highway safety

The site is already extensively used by vehicular traffic serving Manor Hotel on the opposite side of the highway, this use would continue on the ground floor of the building and at its sides. The proposed garages would be brought to the edge of the pavement and enclose 8 of the 12 parking spaces inside together with bicycle storage and the entrance to the two apartments. Devon County Highways Engineer raises no objections to the proposed development.

Concerns have been expressed regarding the impact on pedestrian safety with limited visibility of pedestrians using the adjacent footway from within the garages. However, the site is already used for vehicle parking and given the lack of an objection from Devon County, it is not considered that an objection could be sustained on this basis.

The two apartments would not be served by any of the parking below, however, in accordance with Policy TC9 of the EDDC Local Plan, being in close proximity to the town centre where there are good public transport links to further afield settlements, a car free development is considered acceptable in this instance.

The proposal is therefore considered to be acceptable in relation to Policies TC7 and TC9 of the EDDC Local Plan.

Habitats Regulation Assessment and Appropriate Assessment

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

CONCLUSION

The application has been substantially amended since its submission to reduce the number of dwelling from 3 to 2, reducing the bulk of the building and removing from dormer windows.

The site is very constrained being limited in size and adjoining residential properties to on 3 sides and the rear of listed buildings to its frontage.

Whilst the principle of development is acceptable, the need to retain the existing car parking space below the new dwellings has led to a design that is not characteristic of the area and in close proximity to neighbouring properties.

However, the proposal will not have a harmful impact upon surrounding listed buildings given the relationships and distances involved, and has the potentially to improve the appearance of the site.

With regard to the design of the building and its visual impact, a building without parking below and without half-hipped roofs could form be a better design solution for the site but given the current appearance of the site it is considered on balance that the proposal is acceptable and will preserve the character and appearance of the Conservation Area.

The proposal has been designed to protect the amenity of surrounding neighbours despite its close proximity to the site boundaries and two-storey nature. This is achieved through keeping the building height as low as possible and by proposing a rear covered yard and no velux windows in the rear roof slope.

Adequate car parking is proposed to compensate for the loss of the garages and the location of the site is such that the two dwellings do not need their own car parking.

On balance, the proposal is considered to be acceptable.

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 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.)
4. 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 and a compound for construction vehicles. 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 in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan)

5. Notwithstanding the details provided, prior to commencement of development details of the proposed boundary treatment with the neighbouring property known as 1a Bicton Place to the north east shall be submitted to and approved in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with such agreed details and be provided prior to any other works taking place on site (except for demolition).
(Reason – To ensure that the amenity of the adjacent property is maintained and ensure there is sufficient screening during the construction period together with ensuring that the proposed materials are appropriate with the character and appearance of the Conservation Area in accordance with Policies D1 (Design and Local Distinctiveness) and EN10 (Conservation Areas) of the East Devon Local Plan.

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:

2013 1.9.1 SW ELEVATION (AMENDED)	Proposed Elevation	23.05.18
2013 0A	Location Plan	19.10.17
2013 1.0 REV D : GROUND (AMENDED)	Proposed Floor Plans	26.07.18
2013 1.1 REV E : FIRST (AMENDED)	Proposed Floor Plans	26.07.18
2013 1.2 REV D : SECOND (AMENDED)	Proposed Floor Plans	26.07.18
2013 1.7 REV D (AMENDED)	Proposed Site Plan	26.07.18
2013 1.8.1 REV E : AA (AMENDED)	Sections	26.07.18

2013 1.8.2 REV E : BB (AMENDED)	Sections	26.07.18
2013 1.9.2 REV E : NE (AMENDED)	Proposed Elevation	26.07.18
2013 1.9.3 REV E : SE (AMENDED)	Proposed Elevation	26.07.18
2013 1.9.4 REV E : NW (AMENDED)	Proposed Elevation	26.07.18
2013 1.9.5 REV D : NE (AMENDED)	Proposed Elevation	26.07.18
2013 1.9.6 REV D : SE (AMENDED)	Proposed Elevation	26.07.18
2013 1.9.7 REV D : NW (AMENDED)	Proposed Elevation	26.07.18

List of Background Papers

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

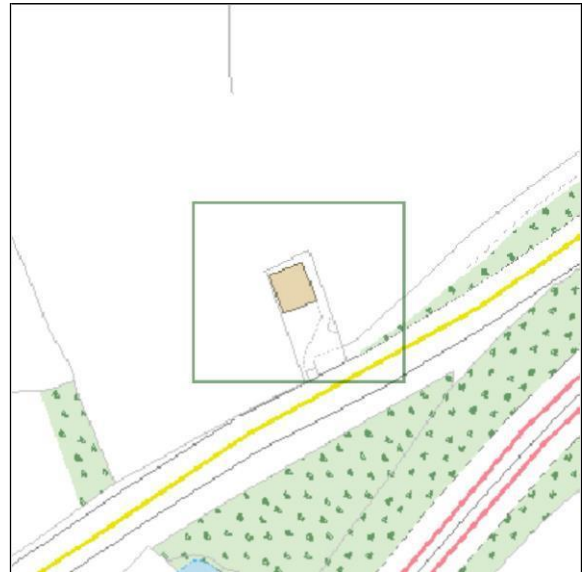
Ward Whimble

Reference 17/2749/FUL

Applicant Mr Barkell - Schmitz

Location British Telecom Telephone Repeater Station, Whimble

Proposal Conversion works to ground levels and extension of telephone repeater station to form 1 no. residential dwelling

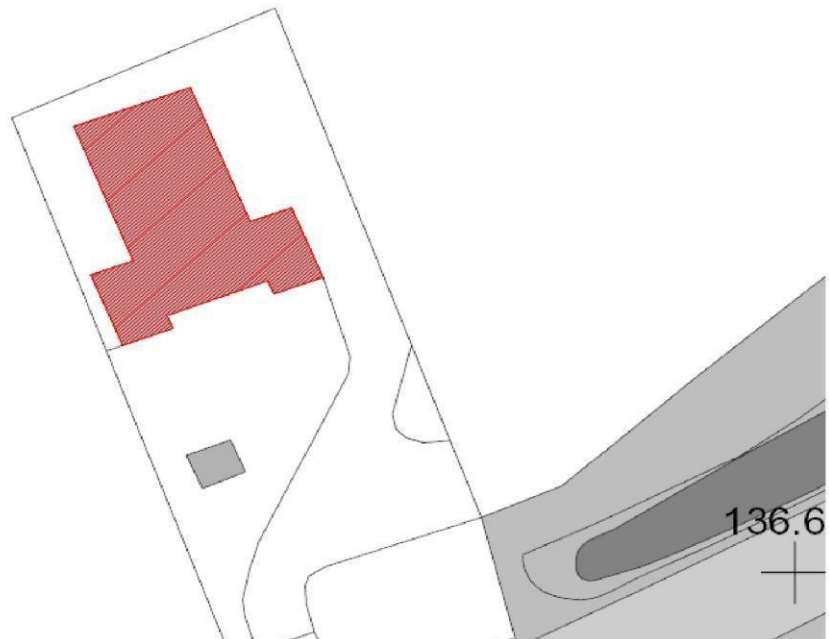


RECOMMENDATION:

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

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Telephone Exchange



		Committee Date: 4th September 2018
Whimple (TALATON)	17/2749/FUL	Target Date: 08.03.2018
Applicant:	Mr Barkell - Schmitz	
Location:	British Telecom Telephone Repeater Station Whimple	
Proposal:	Conversion works to ground levels and extension of telephone repeater station to form 1 no. residential dwelling	

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 brought to committee as it represents a departure from the East Devon Local Plan.

Planning permission is sought for the conversion and extension of a former BT Telephone Repeater Station to a dwelling. The proposal involves the construction of an extension to the front of the building and the conversion of the existing building, maintaining its form and reusing existing openings.

The application site lies in the open countryside in planning terms, where new development is strictly controlled. Whilst there is some support for the re-use and conversion of existing buildings, new residential conversions will normally be resisted unless the building is not suitable for other diversification purposes, its setting will be enhanced and is reasonably well located close to a range of services and facilities.

The site is not sustainably located in terms of walking and cycling, and would effectively result in the majority of trips to services and facilities being made by car which weighs against the proposal. However, the building has been empty for some time and has been the subject of a number of break-ins and vandalism. It is considered that the location, size and topography of the site is such that its conversion to a commercial or office use would not be viable and an empty office/commercial building in this location would be vulnerable to further break-ins outside of office hours and at the weekends.

Whilst not listed the building is considered to be of some merit and worthy of retention, and the proposed conversion is sympathetic to the building. The site would be tidied and an existing outbuilding to the front of the building would be removed. Additional landscaping and planting has been proposed which would enhance the setting of the building, and soften the wider visual impact of the building which is somewhat exposed.

Although the proposed conversion represents a departure from the local plan, the re-use of a redundant building which has been the target of anti-social behaviour and become somewhat of an eyesore is, on balance, considered to be acceptable.

CONSULTATIONS

Local Consultations

Parish/Town Council

1. Desk Study Phase 1- incorrect location given which relates to a different property in Exeter
2. The location of the property is not related to the village community being that it is closer to Whimple.
3. The application does not meet the Local Plan criteria
4. Has a change of use application been made for this property?

Observations

The application would bring a derelict building on a brownfield site back into use which would prevent the illegal dumping of waste and the associated expense of clearing up. We would also welcome this brownfield site to be retained for commercial use

Further comments:

The PC fully support the application, we will be pleased to see a disused building brought back into use. We note that there has been no acknowledgement of the considerable errors raised in our previous comment and these errors are still present in Section 9 & 10 of the Design and Access statement- they refer to an application for flats in Exeter.

There was also difficulty in seeing the plans online- they were feint and not at all clear and certainly not user friendly.

Technical Consultations

South West Water

I refer to the above and would advise that South West Water has no comment.

Contaminated Land Officer

I have considered the application and do not anticipate any contaminated land implications

Other Representations

None received

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

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

EN22 (Surface Run-Off Implications of New Development)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

National Planning Policy Framework 2018

National Planning Policy Guidance

Site Location and Description

The application site comprise a former BT site which houses a single-storey flat-roofed disused telephone repeater station and associated land. The site is located on the northern side of the former A30 (Straightway Head) approximately 200m to the west of the junction with Birdcage Lane. It is within the open countryside.

Proposed Development

Planning permission is sought for the conversion and extension of the existing building on the site to form a residential dwelling, together with associated works to form a drive, garaging and landscaping.

The extension is proposed to the front of the building to provide a garage with terrace over.

ANALYSIS

Consideration and Assessment

It is considered that the main issues are the principle of the proposed development and any impact of this on the character and appearance of the area, on highway safety, ecology and any amenity impact.

Principle

Paragraph 79 of the National Planning Policy Framework (NPPF) states that Local Planning Authorities should avoid new homes in the countryside unless there are exceptional circumstances, such as the essential need for a rural worker to live near

or at their place of work; the development would represent the optimal viable use of a heritage asset, would re-use redundant or disused buildings and enhance its immediate setting, would be a subdivision of an existing dwelling or would be of exceptional quality design.

The application site is located within the open countryside where Strategy 7 (Development in the Countryside) of the East Devon Local Plan (LP) states that new development will only be permitted where it is in accordance with a specific local or neighbourhood plan policy which explicitly permits such development and where it will not harm the distinctive landscape, amenity and environmental qualities within which it is located

Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the LP provides some support for the re-use or conversion of buildings in the countryside outside of Built-up Area Boundaries, subject to a number of criteria, and for a proposed residential use it must be established that the the building is no longer required for agricultural or diversification purposes, that its conversion will enhance its setting, and that the development is located close to a range of accessible services and facilities to meet the everyday needs of residents.

It is not clear how long the building has been unused, but it has been allowed to fall into some disrepair and is understood to have been the subject of break-ins and some vandalism in recent times due to its isolated position and set back from the road. The building still appears structurally sound and capable of conversion.

The application is supported by commercial advice, which suggests that the site would not be suitable to be converted to commercial offices due to its location, lack of public transport and space for parking to support such a commercial use. It is also considered that a commercial use would be unlikely to be supported due to the isolated position being potentially vulnerable to further break-ins and vandalism out of office hours. The advice also suggested that the works required to convert the building would not be commercially viable, even if Exeter rent levels were achieved.

Whilst the submitted advice is not a marketing exercise, it is nevertheless considered to seek to address the potential viability issues of a proposed conversion for a more intensive non-residential use. It is also considered that the conclusions of the report are a reasonable assessment of the realistic prospect of the building being successfully converted to a commercial use. On this basis it is considered that a commercial re-use is unlikely therefore leaving a residential conversion as the only viable alternative.

In planning terms the location of the site is not considered to be sustainable. It is remote and whilst close to main roads, it is accessed by a relatively fast road, with no street lighting or pavements, and very limited facilities and services within a reasonable walking or cycling distance. This issue weighs against the proposal in the overall planning balance and results in the proposal being contrary to Policy D8 that requires the conversion of rural buildings to be close to a range of services and facilities. As such the application has been advertised as a departure.

The building is not listed or recognised as a heritage asset, however it is considered to be of historic interest and worthy of retention. In this respect although the location of the site is regarded as being unsustainable in planning terms, there is some policy through Policy D8 and paragraph 79 of the NPPF support for the reuse of the building for residential purposes where a conversion will bring the building back into a useful purpose and enhance its setting.

The proposed dwelling would accord with aspects of the National Planning Policy Framework that are aimed at boosting the supply of housing, as well as those which recognise the important contribution that small sized sites can make to meeting housing requirements and to increasing the choice of housing and re-using brownfield land. In addition, the proposal would provide support to the construction industry and occupiers of the dwellings would help sustain local services and facilities.

On balance, it is therefore considered that if the proposal can demonstrate that it will enhance its setting, the principle of development can be supported.

Design and Impact on the Character and Appearance of the Area

The proposed conversion has been the subject of a significant re-design during the course of the application, with the current proposal maintaining the simple form of the building, and proposing a modest extension proposed to the front of the building, and cut into the land to minimise any visual impact. This results in the loss of the small outbuilding to the front of the site.

The front extension will provide under-cover car parking with a terrace above and is not considered to form a substantial extension given the removal of the outbuilding. The proposal will utilise the existing site contours such that the extension would only be visible when viewed directly from the front of the building with the new planting screening it from wider views.

The site, although relatively discrete from the road, is quite visible from the surrounding countryside and therefore a sensitive landscaping scheme has been submitted which would provide some relatively simple screening, including the formation of a new turf bank planted with a mixed native species hedge to the open boundaries of the site, together with a number of semi-mature fruit trees and other soft planting.

It is considered that a combination of the tidying of the site, refurbishment of the building, and introduction of a sensitive landscaping scheme would enhance the setting of the building.

Highway Safety

There are no highway safety issues arising from the reuse of the site for residential purposes, with the access onto the road having reasonable visibility in both directions, and adequate space within the site for turning and parking of vehicles.

Ecology

A Wildlife Survey prepared by Butler Ecology has been submitted with the application. This found some potential reptile habitat and the site has the potential for hedgehogs. No further surveys were required, and subject to a condition requiring appropriate mitigation in accordance with the findings of the survey the proposal is considered to be acceptable.

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 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 work 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.

Amenity Issues

It is not considered that the proposed conversion will create any amenity issues.

CONCLUSION

The application represent a departure from local plan policy due to the unsustainable location in planning terms of this proposed residential dwelling.

However there is some support for the proposal from Local Plan Policy D8 and through paragraph 79 of the NPPF for the re-use of the building for subject to it enhancing the appearance of the site.

Despite a lack of marketing for the building, it is accepted that a commercial re-use of the building is unlikely to be viable.

The building is of some merit and is considered to be worthy of retention and as such it is considered that a residential re-use of the site can be supported subject to the design and landscaping ensuring that the proposal enhances its setting.

The front extension to form a garage with terrace above will be cut into the existing site contours and whilst this will be visible from the entrance, it will be screened from other directions.

The proposed scheme is therefore considered to be sympathetic to the design and quality of the building and appropriate landscaping will enhance its setting. On

balance, and subject to appropriate conditions, it is considered that the proposal would be acceptable.

RECOMMENDATIONS

- 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. Before development is commenced, 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 shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
4. The development hereby permitted shall be carried out in accordance with the recommendations and enhancements contained within the Wildlife Survey prepared by Butler Ecology dated 3 January 2018.
(Reason: In the interests of ecology and biodiversity and in accordance with the provisions of policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031).
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the dwelling hereby permitted shall not be enlarged, extended or altered and no sheds, other ancillary buildings, swimming or other pools shall be provided within the curtilage of the dwellings without the prior express consent of the Local Planning Authority.
(Reason - In the interests of the character and appearance of the area in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order

revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be erected within the curtilage of the dwellinghouse other than as indicated on the approved plans.

(Reason - To retain the open and rural character of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031).

NOTE FOR APPLICANT

Informative:

In accordance with the 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:

	Ecological Assessment	08.01.18
	Location Plan	11.01.18
	Block Plan	11.01.18
611-09 Rev C	Design and Access Statement	13.08.18
landscape proposals	Other Plans	10.08.18
Rev A Desk Study	General Correspondence	17.07.18
611-05B (AMENDED)	Proposed Combined Plans	07.06.18
611-06B (AMENDED)	Proposed Elevation	07.06.18
611-07B (AMENDED)	Proposed Site Plan	07.06.18

List of Background Papers

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

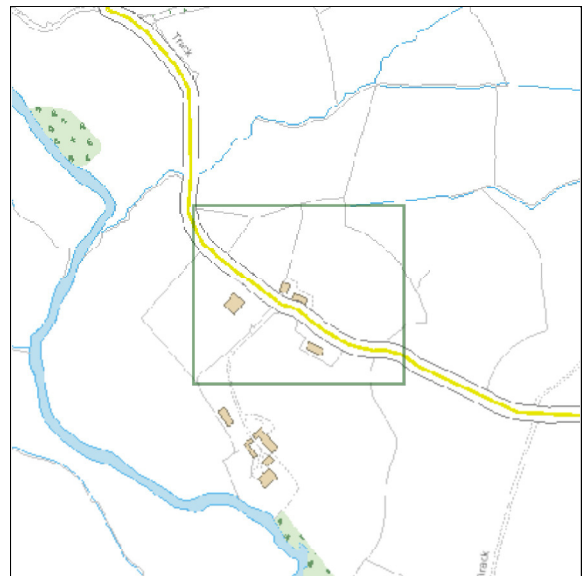
Ward Axminster Town

Reference 18/1444/FUL

Applicant Mr Mark Hurford

Location Westwater Barn Land North Of Westwater
Westwater Axminster

Proposal Conversion of barn to dwelling and change of use of agricultural building to agricultural engineer's workplace to comprise a tied live-work development.



RECOMMENDATION: Refusal

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		Committee Date: 4th September 2018
Axminster Town (AXMINSTER)	18/1444/FUL	Target Date: 16.08.2018
Applicant:	Mr Mark Hurford	
Location:	Westwater Barn Land North Of Westwater	
Proposal:	Conversion of barn to dwelling and change of use of agricultural building to agricultural engineer's workplace to comprise a tied live-work development.	

RECOMMENDATION: REFUSE

EXECUTIVE SUMMARY

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

The application has been submitted following a dismissed appeal on the site for the conversion of one of the barns to residential use on the grounds of the unsustainable location of the site and detrimental visual impact upon the AONB through the introduction of the residential use.

The proposed development is for the conversion of 2 no. agricultural barns, one to a residential dwelling and the other to a workshop. It is proposed that the occupation of the dwelling would be tied to the business that would operate from the other barn. The business in question is that of an agricultural engineer and the supporting information states that, the work, '...is almost always undertaken on a mobile basis.' The applicant suggests that living and working on site would reduce his overall journeys and improve the efficiency and productivity of the business. These potential benefits weigh in favour of the proposal.

On the other hand the site is located in a rural location where access to/from the site would be heavily reliant on private transport. For the residential use this would mean access to shops, schools, services and facilities required in connection with that use. This is contrary to Policy D8 of the Local Plan.

The applicant has not made a case that there is an essential need to reside on the site in relation to the operation of the business and indeed it is not considered any such essential need exists. It is acknowledged that living on the site whilst operating his business out of the adjoining barn may be more convenient for the applicant but that is not the test set out under policy H4 which seeks to resist residential uses outside allocated sites or established built-up area boundaries

other than in exceptional circumstances. No such circumstances have been demonstrated, or argued, in this instance.

The application therefore falls to be considered against Policy D8 and any other material considerations and it is considered that the location of the residential use is in an unsustainable location as detailed within the recent appeal on the site for a residential dwelling. In addition, the residential element would give rise to a harmful impact on the character and appearance of the area, and whilst this could be ameliorated to an extent by proposed landscaping, would still cause some harm to the AONB within which the site sits, similar to the decision on the recent appeal.

It is therefore considered that the harm resulting from the development would clearly outweigh any limited benefits and as such the application is recommended for refusal.

CONSULTATIONS

Local Consultations

Parish/Town Council

AXMINSTER TOWN COUNCIL SUPPORTS THIS APPLICATION SUBJECT TO THE IMPOSITION OF AN AGRICULTURAL TIE

Axminster Town - Cllr A Moulding

I believe this is an appropriate use for this site and will provide tied use for a live/work employment opportunity for a family.

I recommend that the application is approved.

Axminster Town - Cllr D Hull

SUPPORTS THIS APPLICATION SUBJECT TO AN AGRICULTURAL TIE BEING IMPOSED.

Other Representations

None received

Technical Consultations

County Highway Authority

Do not wish to comment.

PLANNING HISTORY

Reference	Description	Decision	Date
02/P1033	Agricultural Workers Dwelling	Refusal	24.09.2002
10/0851/FUL	Construction of agricultural building.	Approval with conditions	15.06.2010
13/0967/FUL	Formation of access to fields	Approval - standard time limit	10.07.2013
16/1622/FUL	Change of use of barn to dwelling	Refusal – Appeal dismissed	05.10.2016

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 7 (Development in the Countryside)

H4 (Dwellings for Persons Employed in Rural Businesses)

D1 (Design and Local Distinctiveness)

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

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

E4 (Rural Diversification)

E5 (Small Scale Economic Development in Rural Areas)

Government Planning Documents

NPPF (National Planning Policy Framework 2018)

National Planning Practice Guidance

SITE LOCATION AND DESCRIPTION

The site is a broad L in shape and measures approximately 1100 m² in area. It is level and has been cut into the natural slope of the land with earth banks at its east and part of its north side.

There are currently two buildings on site. The first is a partially brick faced/partially timber clad open fronted barn located close to and parallel with the western site boundary. This building is sited just to the north of and visible from the site access. The second building is a larger steel framed barn with blockwork to the lower elevations and vertical boarding above under corrugated roof sheets, again this is open-fronted. This building is located on the southern site boundary to the east of the site access.

The remainder of the site comprises a yard area forward of the buildings and part of the adjoining field to the north of the smaller barn. The site is bounded by a wall adjacent to the highway to the south and a wooden fence to the immediate west. A small tree is located close to the southwestern corner of the barn building.

The site is located immediately to the north of a C-class public highway approximately 2 km to the northwest of Axminster. It lies in open countryside outside of any defined built-up area boundary and within the Blackdown Hills AONB. The nearest neighbouring dwellings are Westwater House 41m to the southwest and Four Winds, 56m to the southeast. The land is Grade 4 agricultural land.

BACKGROUND

Permission was sought in 2016, under application 16/1622/FUL for the conversion of the smaller brick barn to a residential use. That application was refused on two main grounds. Firstly, the location of the site in open countryside remote from the goods and services required to support a residential use leading to reliance on private transport for the majority of journeys. Secondly, the impact of the proposed change of use on the open, agricultural and undeveloped character of the site having a detrimental impact on the AONB.

The decision of the Council was appealed but the appeal was dismissed with the Planning Inspector ultimately supporting the Council's two reasons for refusal.

PROPOSED DEVELOPMENT

The current application differs from the previous refusal in that it proposes a live-work style development. The smaller brick barn is still proposed for residential conversion in the same manner as previously proposed. However, the applicant proposes that the residential occupation of the building could be subject to a restrictive condition (or legal agreement) tying such occupation to 'the workplace'. The workplace being the other barn on site which it is proposed would be used in conjunction with the applicant's business as an agricultural engineer.

ANALYSIS

It is considered that the main issues in the determination of the application relate to:

-) Policy Considerations
-) The principle of the proposed use
-) Impact on the character and appearance of the area/AONB landscape

-) Economic Benefits
-) Access and Highway Issues
-) Other Issues

Policy considerations

The Development Plan for the area currently consists of the East Devon Local Plan 2013-2031, there is currently no Neighbourhood Plan in place.

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'.

Policy D8 (Re-use of Rural Buildings Outside of Settlements) permits re-use of redundant rural buildings subject to a number of criteria, relating to the use being sympathetic to and enhancing the rural setting and character of the building and surroundings; the building being structurally sound and capable of conversion without substantial extension alteration or reconstruction; the form bulk and general design of the building and proposed conversion being in keeping with local building styles and materials; the use not giving rise to harm in terms of traffic, parking, storage or pollution, and; the proposal not undermining the viability of an existing agricultural enterprise. In addition where a residential use is proposed it must further be established that: the building is no longer required for diversification purposes; that its conversion would enhance its setting, and; that the development would be located close to a range of accessible services and facilities to meet the everyday needs of residents. This is the main policy that the application should be considered against.

Policy H4 of the local Plan deals with proposals for Dwellings for Persons Employed in Rural Businesses (such as agricultural workers dwellings) and sets out a number of criteria that must be satisfied, including: a proven and essential need for the dwelling to be located on the site for functional reasons; any dwelling being commensurate in scale with that need; the business being established for a minimum of three years (in the case of a permanent dwelling); at least one full time worker must be employed in the relevant business. The application has not been submitted as an application for a rural workers dwelling nor has any evidence been submitted to demonstrate that the proposal would meet the requirements of that policy. Indeed the application specifically states that the application has not been submitted on the basis of a rural worker's dwelling but as a conversion of a rural building and one designed to overcome the previous concerns in this respect. Nevertheless, the applicant seeks to have the application conditioned/controlled to tie its occupation to the work element of the

scheme and as such appears to accept that there is a need to justify the building in relation to the employment element.

Policy E5 of the Local Plan permits small scale economic development and expansion of existing businesses designed to provide jobs for local people. It states such proposals will be permitted where 'if new buildings are involved, it is on previously developed land' and subject to a number of criteria relating to traffic, wildlife, amenity, historic and landscape interests. This policy potentially provides some support to the workshop element of the proposal but does not support the residential element and there is no explicit job creation proposed, the policy is not directly relevant.

Strategy 46 – Landscape Conservation and Enhancement and AONBs requires within AONBs great weight to be given to conserving and enhancing their natural beauty.

Policy TC2 of the Local Plan seeks to ensure that new development is located where it would be accessible by pedestrians, cyclists and public transport in order to minimize the need to travel by car.

Whilst Strategy 31 of the Local Plan makes reference to live/work units in terms of encouragement for their provision on larger scale employment sites and provision for home working within individual dwellings. This is a strategy and not a policy that 'explicitly permits the development proposed' in addition it should not be viewed in isolation but in accordance with other policies (such as policy TC2 above) which seek to locate development in accessible locations.

It is not considered that this is a live-work unit in terms of the generally understood definition of such a proposal whereby the live and work elements occupy space within the same building. Instead the application seeks to convert one barn to a workshop/storage facility and the other to a house, albeit it is proposed that the two are tied to prevent independent occupation/use.

In terms of national policy guidance the National Planning Policy Framework (NPPF) sets out at para.79 the special circumstances that need to be demonstrated in relation to proposals for new isolated homes in the countryside. One such 'special circumstance' referred to is, '*where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting,*' another is where the proposal is designed to meet '*the essential need for a rural worker to live permanently at or near their place of work in the countryside*'. Consideration is given to these special circumstances below.

Para. 83 seeks to support the sustainable growth and expansion of all types of a business and enterprise in rural areas through the conversion of existing buildings and well-designed new buildings. The key issue here is whether the proposal supports the growth and expansion of a business and whether such growth or expansion could be considered to be sustainable in this instance.

Para.172 is reflected in Strategy 46 of the Local Plan.

The principle of the proposed uses

In light of the above, the main policy against which the application should be considered is Policy D8 of the Local Plan, and Paragraph 79 of the NPPF 2018.

The applicant has sought to draw comparison between the site and the permitted development right under Class Q, Part 3 of Town and Country Planning (General Permitted Development Order) (England) Order 2015, which allows for conversion of redundant agricultural buildings to residential use subject to a number of conditions. As the applicant's agent acknowledges this right is not applicable in this case as the site lies within a designated Area of Outstanding Natural Beauty. Whilst it is acknowledged that the Class Q permitted development right does not involve a test of sustainability as it does not apply in this instance it is not relevant. This is a point that was acknowledged by the Inspector in his previous decision.

Policy D8 deals with the conversion of rural building and is a criteria based policy where all of the specified 5 criteria (plus the additional 3 criteria for residential use) must be met for the development to be found acceptable under that policy. Whilst the proposed method of conversion would be relatively sympathetic it would result in a more domestic appearance to both the building and wider site, the implications of this are discussed in more detail below and previously formed a reason for refusal upheld on appeal.

In relation to the structural condition of the barns and the proposed design/method of conversion this is considered to be appropriate. In terms of harm to the countryside through traffic, parking, storage or erection of associated structures there is the potential for some harm to the character and appearance of the area as discussed above both in relation to domestic and business use of the site.

The proposal does not appear to form part of an existing agricultural enterprise and therefore the loss of the buildings would not affect such an enterprise or require similar replacement structures.

For residential proposals policy D8 requires it must be established that:

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

This criteria is considered to be met.

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

The proposal includes proposals to provide native hedge planting to the site boundaries however this is required in order to try to screen views of the site where its residential use and associated paraphernalia would in itself have a harmful impact. Without the intended change of use there would be no requirement for landscaping and therefore the addition of this is not considered to represent specific enhancement in this instance. There are no other elements of the scheme that are considered to represent enhancement.

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

The site occupies an isolated location which is divorced from the shops and services required to meet the day to day needs of future residents. This formed the basis of the first reason for refusal on the earlier application for a straight residential use. That reason was found to be sound and was supported at appeal by the appointed Inspector who commented as follows:

"...that the proposal would be isolated from nearby services and would not provide suitable opportunities for sustainable transport. As such, it would not offer an acceptable location for the proposed development and would be contrary to LP Strategy 7 and LP Policy D8 both of which restrict new development in the countryside other than in a limited number of defined circumstances"

Nothing has changed in this respect and there remains an in principle policy objection to the proposal on the basis of the residential element representing an unsustainable location for new residential development with a harmful impact upon the AONB contrary to Policy D8. This being the case the application should be refused unless material circumstances indicate that an alternative decision should be taken.

Case law

The applicant has referred in their statement to the recent Court of Appeal decision in *Braintree BC v SCLG*, where the court upheld an Inspector's decision to allow a residential development outside of a recognised settlement. The case turned on the interpretation of ministerial guidance in paragraph 55 of the NPPF 2012, 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 (*now superseded by para. 11 on the revised NPPF (2018)*), 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."

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 (2012 version) and the strategic housing policies are less than 5 years old. Within the overall strategic approach there are clear policies 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.

Taking into account that the Braintree case related to a policy position where there was no 5-year housing land supply, and East Devon can demonstrate a 5-year supply, it is not considered that this judgement is relevant in this case.

Live-work benefits

The supporting statement accompanying the application suggests that by accommodating the applicant's business and dwelling on site the number of overall journeys required to be undertaken would be reduced.

It is acknowledged that if the applicant were to be operating a business, in which he was employed full-time on the site then his work based journeys would be reduced. He has usefully provided, at Appendix B to the supporting statement, a map indicating the location of current customers in relation to the application site and an existing workshop building and storage site. This seeks to demonstrate that the proposed site is better related to the applicant's customer base and as a result would reduce the length of journeys and negate the need to travel off-site to separate workshops/storage areas. It is also suggested that an improved storage facility would allow stock to be kept on site reducing the need for as many separate deliveries.

These points are not disputed and whilst the work involved is largely mobile a central base and workshop may well improve the efficiency of the business. Whilst this may provide some benefits it would not necessarily follow that the proposal would represent sustainable development. The application is not just for a workshop/storage base for the applicant's business, but also for a residential use of the site. Living on the site, as opposed to it operating as just a base for the business may remove some journeys and shorten others but this would need to be offset against those associated with the residential use of the site and which would not otherwise occur. Residents living on the site (which might include any spouse/partner or resident dependents) would still need to access services, shops, schools and other facilities and where their options to do so would be largely limited to private transport. As such the location of the site for a residential use is considered to conflict with Local and National Planning Policy objectives and this weighs heavily against the proposal.

Whilst the applicant has suggested that the application should be considered under policy D8, as opposed to H4, for a rural worker's dwelling they have sought to provide information to demonstrate that the business is profitable and expanding and as such would be able to support a dwelling.

This information is acknowledged and whilst it has not been fully analysed it paints the picture of a small but successful business which is looking to expand. However, this in itself is not sufficient justification to permit a dwelling in a location where it would not normally be supported. Primarily, to be considered under policy H4 it needs to be demonstrated that there is an essential rural business need for the occupier of the dwelling to be housed permanently in this location, this has not been demonstrated. The applicant has sought to show that having a dwelling and workshop area on the same site would provide efficiencies to the business, be more convenient to the applicant and potentially reduce journeys associated with both uses, however these do not equate to an essential need. It would appear that the applicant's business is being successfully run on its current format and no justification has been provided that demonstrates that it is essential that the applicant, or another rural worker, resides on site to allow the business to function.

Impact on the character and appearance of the area/AONB landscape

In response to the second reason for refusal on the earlier application the current application includes details of how the site would be landscaped to provide appropriate mitigation for the impact of the residential development. The previous concerns in this respect related to both the impact of views from the public highway to the south of the site and from longer range views in the wider landscape. The proposed planting scheme indicates the planting of a mixed species native hedge to the outer side of the post and rail fencing along the northern and eastern site boundaries and on the boundary to the west, the provision of such a hedge, would help to screen the development from views in the wider landscape.

The East Devon and Blackdown Hills AONB Landscape Character Assessment and Management Guidelines shows the site to fall within Landscape Character Type 3B (Lower farmed and settled slopes). The guidelines for boundary treatments within such areas being to encourage, "...Appropriate management of low wide hedges at a height of 1-1.5m/3-5 feet, to maintain bushy, mixed species character", as such the proposed landscaping would be appropriate in relation to the wider landscape but if managed appropriately would only be partially successful in screening the site and would take some time to successfully establish.

There is also the impact of the proposal on the character and appearance of the immediate area, including from the lane to the south and the public footpath opposite, to consider. From here views into the site would remain but the current open views across the wider landscape would be closed off. Car parking is indicated to the south of the residential barn with garden areas to the north and in order to provide improved visibility from the site access it would also be necessary to cut back/remove planting to either side of the access. It is considered that the residential character of the site would be clearly evident and would result in some harm to the character and appearance of the area. Additionally, there may be other requirements related to the

business use of the site, for storage/security fencing etc. which in themselves may have additional landscape impact.

This view was supported by the Inspector on the previous appeal where he stated:

- ‘6. *The proposal would involve the conversion of the existing barn to a single two storey residential dwelling. The Council accepts that the overall design would not be harmful to the landscape. However, it is concerned that the introduction of a domestic curtilage would inevitably result in the addition of domestic paraphernalia which would detrimentally and irreversibly alter the agricultural character and appearance of the site and negatively impact on this part of the AONB.*

7. *These concerns are well founded. Paragraph 115 of the National Planning Policy Framework (“the Framework”) advises that great weight should be given to conserving landscape and scenic beauty in AONB’s. In view of its location on the junction and the open nature of the roadside boundary, the addition of domestic items and furniture to the site would be clearly visible from the road. Likewise, in view of its visibility within the wider landscape, such additions would erode the agricultural character of the site which would detract from the overall scenic beauty of the landscape. Although I accept that, with suitable screening, the level of harm associated with these additions could be reduced, there is little information available which would demonstrate that such screening itself would not be harmful to the open nature of the surrounding landscape. Without such information, I cannot be certain that any such screening could provide suitable mitigation for the resultant harm.*

8. *Consequently, I find that the proposal would negatively impact on the landscape and scenic beauty of the AONB and would be harmful to its character. As such, it would be contrary to LP Strategy 46 and LP Policy D1. It would also fail to enhance the rural setting and character of the building and surrounding area, and in this sense would also be contrary to LP Policy D8.’*

Economic Benefits

The potential benefits in this respect are threefold and relate to the direct benefits arising through the construction work associated with the conversion; the indirect benefits to local shops, services and facilities through the patronage of future occupiers and any benefits to the business itself.

In the first regard these benefits would be limited in time and scale.

In the second regard there are limited facilities and services in the vicinity and therefore future occupiers are likely to rely mainly on those found in Axminster. The applicant currently appears to live in Axminster and works in the local area and therefore the proposal would result in no increased benefit.

Finally, the proposal could provide some benefits to the business itself, in terms of time efficiencies and providing a central base for the business to operate out of (as discussed above). These benefits are acknowledged but the primarily mobile nature

of the business together with the fact that such benefits could largely still be realised without the proposed 'live' element lessens the weight which can be given to them.

Access and Highway Issues

DCC as the Highway Authority raise no concerns with the proposal.

It is noted that on the previous application to convert the smaller barn to a dwelling they suggested their standing advice should be applied. Whilst no evidence has been provided to demonstrate that the standing advice requirements would be met - indeed it would appear that the visibility requirements would not and could not be met within land in the applicants' control – it is accepted that this was not raised as a concern in relation to the previous residential proposal. At that time, it was considered that the application could be conditioned to ensure compliance with standing advice. Highway safety, or the inadequacy of the sub-standard nature of the site access, did not form an additional reason for refusal on the previous application and the Inspector at appeal did not raise this as an issue. Although there would be a reduction in journeys to work over those related to the previous solely residential proposal, there would be an increase in journeys related to the work element with travel to/from the site on work based trips and work based deliveries of materials. However, given the previous decision in relation to this site and lack of objection from County Highways, the application is acceptable in this regard.

Other Issues

If a workshop use were to be proposed in this location it would have the potential to give rise to amenity impacts, for example through noise associated with the use of equipment employed in the business. This is a quiet rural location where the background noise level is likely to be low. There are some residential properties in the vicinity of the site which could be affected by noise and limited information has been provided in relation to the type of equipment likely to be employed. However, it is acknowledged that the primarily mobile nature of the business would mean that any noise at the site would not be constant and due to the nature of the business would be of a type that could occur on a farm anyway. It would be possible to control hours of work by condition but any other control on noise levels at the site boundary for example might not be possible to achieve.

The applicant has provided a copy of the ecological report that accompanied the previous application. This indicates that the building contains a bat roost used by Pipistrelle bats at the southern gable end of the building and that Swallows have also previously also nested at the barn. It recommends that works should be undertaken outside of nesting season to avoid potential impact on any nesting birds within the building and states that the large adjacent barn nearby will continue to provide opportunities for nesting Swallows, and therefore no mitigation is recommended in relation to the loss of the nest site that would result from the barn's conversion. There is no proposal to alter the existing gable end of the building and no lighting would spill onto bat access points such that the roost and dark flight corridors to and from it would not be affected by the proposed conversion.

The proposal would not result in development of land classed as best and most versatile agricultural land.

No addition to the impermeable roof surface is proposed as part of the conversion and no new impermeable ground surfacing is proposed to be installed, therefore it is not considered that the proposed development would alter the existing surface water run off arrangements.

The Town council and one of the ward member councillors have suggested that an agricultural tie be imposed on the occupation of the residential element of the proposal. However, such a condition would not be relevant as the applicant is not employed in agriculture and therefore could not comply with such a condition. If the view is taken that the development is acceptable in principle a condition could be imposed that restricts the occupation of the residential element to that by persons (and their dependents) employed in the business operating from the site, however there are difficulties with such conditions such as what happens if the business fails, ceases or relocates?

CONCLUSION

The proposed development has the potential to provide some economic benefits by reducing the travel time/journeys of the applicant and helping to improve the efficiency of the business. However, given the primarily mobile nature of the applicant's business such journeys would still occur, albeit reduced. In addition, the proposal would provide a home for the applicant providing some limited social benefit. These benefits do however need to be balanced against the environmental harm that would result from allowing a residential use in this unsustainable location and where occupants would rely solely on private transport to access day to day services and facilities required to support that use and where an essential need for the business to operate from the site is not justified (or argued).

The applicant has submitted the application to be considered against Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the Local Plan and as with the previous application, it is considered that the proposal fails to meet the criteria to this policy due to the visual impact from the new residential use being harmful to the wider AONB, and due to the residential dwelling being in an unsustainable location remote from a range of services and facilities. This harm is considered to outweigh the limited economic benefits.

Although the applicant has not submitted the application on the basis of Policy H4 (Dwellings for Persons Employed in Rural Businesses), the application would not meet the criteria to this policy as there is no essential need for the business to be located on the site.

In addition to concerns regarding the unsustainable location of the residential element, harm would also arise to the character and appearance of the area through the change in character of the site and outside storage/domestic paraphernalia associated with the proposed uses as raised during the previous appeal. Again this environmental impacts would significantly outweigh the limited benefits that would arise and as such the proposal is recommended for refusal for the reasons set out below.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposal would result in the creation of a residential use in a location where it would be remote from shops, services and other facilities required to support everyday living and where no proven essential need for a residential presence in connection with a rural business has been demonstrated. The development is therefore contrary to Strategy 7 (Development in the Countryside) and policies D8 (Re-use of Redundant Rural Buildings), H4 (Dwellings for Persons Employed in Rural Businesses) and TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 and paragraph 79 of the National Planning Policy Framework.
2. The site forms part of the open countryside within an Area of Outstanding Natural Beauty where great weight must be given to the conservation and enhancement of natural beauty. The site has a low key and largely agricultural character and appearance where the development proposed would, through outside storage/domestic paraphernalia and activity associated with the proposed uses, detrimentally and irreversibly altered this. Whilst some landscaping is proposed this would alter the currently open nature of the site to the surrounding countryside and coupled with works to the frontage hedgerow to provide suitable access visibility would have a harmful impact on the character and appearance area and on the Area of Outstanding Natural Beauty. The development is therefore considered to be contrary to the provisions of Strategies 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and AONBs) and Policies D8 (Re-use of Rural Buildings Outside of Settlements) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 and the guidance contained within the National Planning Policy Framework.

Plans relating to this application:

1852/04A (amended)	Combined Plans	23.07.18
1852A/01 - Elevations	Combined Plans	21.06.18
1852/02A - Elevations	Combined Plans	21.06.18
1852/03A - Floor plans	Combined Plans	21.06.18
1852/05A	Proposed Site Plan	21.06.18

List of Background Papers

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

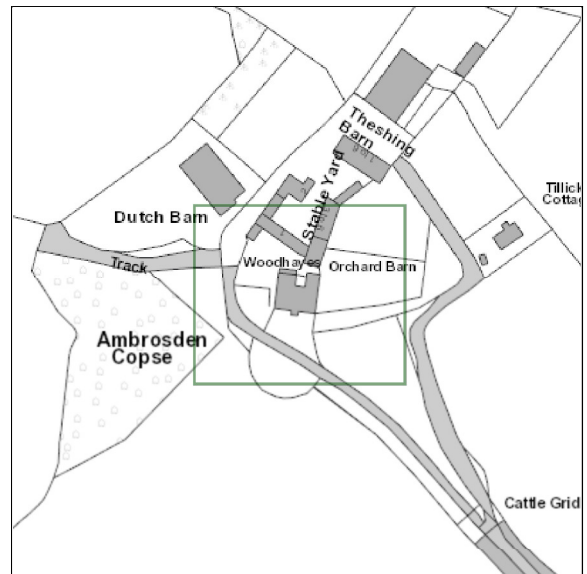
Ward Otterhead

Reference 18/1451/FUL &
18/1452/LBC

Applicant Mrs Christine Page-Turner

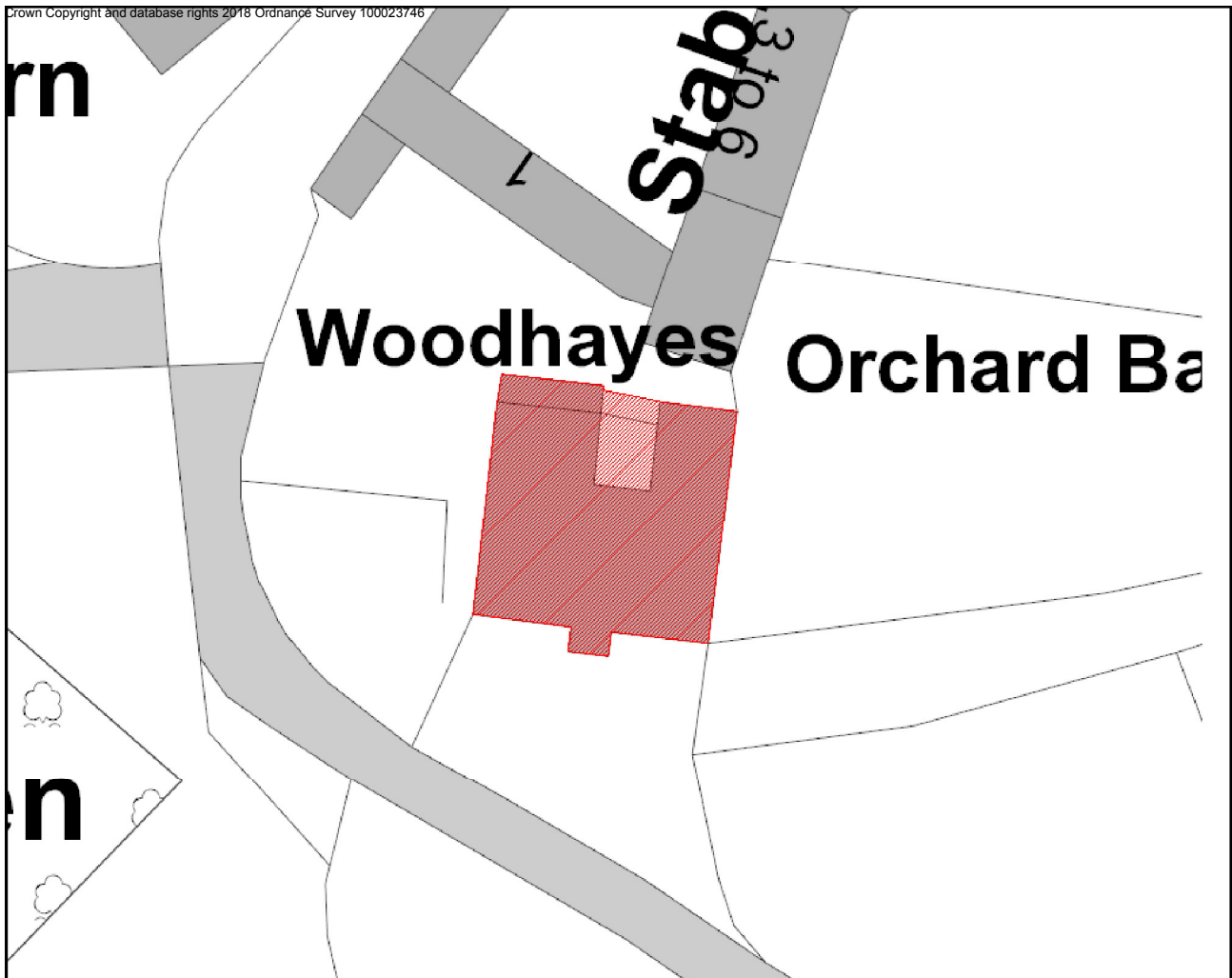
Location Woodhayes Luppitt Honiton EX14 4TP

Proposal Construction of single storey side extension and double storey rear extension and internal alterations to create larger kitchen and access to new extension and second floor extension.



RECOMMENDATION: Refusal

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		Committee Date: 4th September 2018
Otterhead (LUPPITT)	18/1451/FUL & 18/1452/LBC	Target Date: 27.08.2018
Applicant:	Mrs Christine Page-Turner	
Location:	Woodhayes Luppitt	
Proposal:	18/1451/FUL - Construction of single storey side extension and double storey rear extension. 18/1452/LBC - Construction of single storey side extension and double storey rear extension and internal alterations to create larger kitchen and access to new extension and second floor extension.	

RECOMMENDATION 18/1451/FUL and 18/1452/LBC: Refusal

EXECUTIVE SUMMARY

These applications are before Members as the applicant is related to an Officer of the Council.

The applications seek planning permission and listed building consent for single storey and two storey extensions to the east and north sides of the dwellinghouse, Woodhayes, a Grade II Listed Building located in open countryside of the Blackdown Hills. The extensions are proposed in a contemporary style utilising glass, porcelain cladding and aluminium.

Given the scale, form and position of the proposed extensions officers have identified harm to the setting and character of the Listed Building sufficient to object to the application.

Whilst no impact to the amenity of neighbouring properties or wider context of the AONB has been identified, given the harm to the listed building, and lack of wider public benefits to outweigh this harm, it is considered the proposals should be refused.

CONSULTATIONS

Local Consultations

Otterhead - Cllr D Key

I am in support of the alterations and extensions, this is an old property and listed, it is a private secluded house needing a lot of updating to bring it up to date for modern living.

Further comments:

Thank you for the email, I am still supporting this application as I believe that listed Buildings at sometime need updating and the design of the extensions are attractive and completely in keeping with modern design for a listed building.

Clerk To Luppitt Parish Council

Luppitt Parish Council raises no objections to this planning application and sees no issue with the scale of the proposed works in relation to the size of the house.

Technical Consultations

County Highway Authority

Does not wish to comment

Conservation

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

ADDRESS: Woodhayes, Luppitt, Honiton, EX14 4 TP

GRADE: II APPLICATION NO: 18/1451/FUL & 18/1452/LBC

CONSERVATION AREA: Not applicable

PROPOSAL: Construct a single storey extension and double storey rear extension and internal alterations to create larger kitchen and access to new extension and second floor extension

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

LUPPITT ST 10 SE 10/66 Woodhayes 22.2.55 - II House. Early C19, possibly early C18 core. Flemish bond local brick, plastered on the front and sides; stone rubble or brick stacks with brick ; slate roof. Plan: U-plan building. The main block faces south and it has a 2-room plan with central entrance hall and main staircase. These are the principal rooms and each has a rear lateral stack. 2-room plan rear service blocks project at right angles to rear of each end. In both rear blocks the first larger room shares the main block stack. The right (east) rear block now contains the kitchen although the owner claims that the left (west) rear block was the original kitchen. Although the house looks like an early C18 house thoroughly refurbished in the early C19 there is no definite evidence of early C18 work. House is 2 storeys. Exterior: symmetrical 5-window front of 16-pane sashes (some of them horned replacements) arranged around a central doorway behind a Hamstone porch on top of a flight of 3

steps. Its pediment is carried on Tuscan columns. The front doorway contains double 6-panel doors. The front doorway contains double 6-panel doors. The roof is tall and steeply-pitched with sprocketed eaves. There are similar sash windows each side and to rear and a couple of C20 casements with glazing bars at the back end of each service wing. There is, at the back of the right (east) rear wing a service doorway containing a fielded 2-panel door (is this from the early C18 house?) Interior: contains some original (that is to say early C19) joinery detail including an open string stick baluster stair. Listing NGR: ST1729402793

The above listing description, was an assessment of the asset in March 1955 at the date of listing. Which should be considered in conjunction with the supporting information on the assets evolution as a farmhouse, found in the Statement of Significance prepared by Peter Child in support of the current pre-application.

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

The proposal to 'construct a single storey extension and double storey rear extension and internal alterations to create larger kitchen and access to new extension and second floor extension' as proposed through this formal application was subject to a pre-application request received on the 3 May 2018 and subsequent site visit and meeting held on the 31 May 2018, unfortunately the advice offered at pre-application stage, was not taken into account through the formal application, namely;

Removal of the walls within the dairy, as later partitions and partial removal of the kitchen wall adjoining the dairy to allow for a larger kitchen, which provides access to the proposed garden room and office. Would result in the loss of historic fabric and in turn the interpretation of the dairy as part of the historic farmhouse and its relationship with the farmstead sited opposite.

The loss of fabric, in this instance however, would allow for a more efficient kitchen, required for the catering element of the established B&B business and a larger area for family dining. Therefore removal of the internal partitions as proposed would be acceptable as part of the evolution of the dwelling, and its long term viability, subject to a photographic recording programme.

Additional fabric to be removed within the same area, is through a newly formed opening in the existing utility room to provide access to a new day room and office 'orangery' (as described in the D&A statement) located on the east elevation.

As advised, the principle of a garden room 'orangery' to the east elevation is acceptable, however in its current form, the overall scale is considered to compete with the principal dwelling. Whilst I accept the east elevation is less formally articulated than that of the front, I would suggest it continues to be of significance, as part of the built form. Its historic relationship with the immediate setting as a garden area to the farmhouse remains of interest, when balanced against the close proximity of the farmstead to the north-west of the house and the need for private amenity space for the enjoyment of the occupants of the house.

Justification for the orangery is to provide a family room and office, removed from the core of the house and as such B&B guests. The current TV room being within the later infill of the area between the two rear projecting wings, accessed from the rear entrance hall opposite the current diary and ground floor toilet area, used by B&B guests.

Concerns were raised with the Agent and Owner during the pre-application site visit, regarding the future use of the existing TV room as a large corridor for guests to access the ground floor WC when balanced against the need for a the single storey extension, of similar proportions, as a Day Room including TV and office. Concerns being the underuse of the existing planform and making the building work harder without the need for additions.

As suggest the primary concern being the scale of the proposal and lack of full justification for the need to introduce a flat roof rendered single storey extension, with a large pyramid rooflight, sash proportion windows and large bi-folding doors, the scale and composition of which is considered to detract from the character of the heritage asset which is inherently an agricultural farmhouse.

Turning to the proposed two storey glazed extension to rear of the building, as identified the existing single storey, located between the rear projecting wings of the principal building, is a later infill of limited significance, its reconfiguration to form a permanent element of the planform at both ground and first floors is considered acceptable in principle subject to the scale and design of the proposed infill being sympathetic to the principal building.

In light of this, the current proposal albeit in glazing, terminates at the eaves of the existing 'wings' and projects past the built elevation of the farmhouse. Whilst glass has been proposed as a sympathetic material to that of the existing, which is acceptable, the overall scale of the glazed framed which is less transparent in nature, competes with the heritage asset as an infill.

As suggested on site, the principle of a new extension in this location is acceptable, however this should be set within the confines of the existing built form, so as not to dominate the character of the farmhouse.

The location of the plant room, as proposed would result in no harm, however little evidence or information has been provided on the actual harm the introduction of central heating pipes would have on the existing fabric of the house, to allow an informed comment to be give on actual harm.

In summary the introduction of additional space is considered acceptable subject to the mass, scale and design being reconsidered to reflect that of the host building (Woodhayes). Furthermore, little information has been provided on the central heating pipes to allow for an informed decision to be made on its actual harm, in this instance the works as proposed to Woodhayes are considered to result in non-substantial harm with no public benefit.

PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

Other Representations

No third party comments have been received.

PLANNING HISTORY

Reference	Description	Decision	Date
04/P1541	Change Of Use To Craft Workshops/ Offices	Approval with conditions	14.09.2004
04/P1545	Change Of Use To Craft Workshops/ Offices Requiring 4no New Openings	Approval with conditions	14.09.2004
05/2859/CPE	Use of part of building as a single unit of residential accommodation.	CPL Approve	28.11.2005
08/0458/COU	Conversion of farm building to office accommodation, holiday letting annexe and replacement store extension to farmhouse	Approval with conditions	28.08.2008
11/2837/COU	Conversion and extension of dutch barn to office and art gallery	Approval with conditions	13.04.2012
08/0459/LBC	Conversion of farm building to office accommodation, holiday letting annexe and replacement store extension to farmhouse	Approval with conditions	02.07.2008

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

EN8 (Significance of Heritage Assets and their Setting)

EN9 (Development Affecting a Designated Heritage Asset)

EN17 (Notifiable Installations)

Government Planning Documents

NPPF (National Planning Policy Framework 2018)

Site Location and Description

Woodhayes is a Grade II Listed Building located to the north east of Honiton in open countryside of the Blackdown Hills Area of Outstanding Natural Beauty. Given its location above the valley floor on the rising hillside and white appearance it is readily apparent when viewed from the local area.

The wider site consists of the main farmhouse part of which is used as a B&B, a further dwellinghouse and mix of B1 uses accommodated within a courtyard of former agricultural barns to the rear, together with a former Dutch barn to the North West extended and converted to an office and gallery.

Proposed Development

The application is in two parts; firstly a proposed single storey extension to the east side to act as a day room / office with consequent opening up of existing walls on this side of the house included in the application for Listed Building Consent (LBC) to provide access from the existing floor plan of the house as well as removal of internal walls within the ground floor part of the building closest to allow more usable space.

Secondly the addition of a two storey element in the space between the wings of the building to provide a boot room, back hall lobby with gallery above and further new openings at ground and first floor levels to provide access to the existing building as well as bringing in an existing work shop space into the parameters of the overall building so that it can be converted to a cloakroom and plant room.

The extensions are proposed with mainly glazing to the two-storey extension and mix of glazing and porcelain rain screen cladding to the single-storey extension.

Procedural Matters

This is a joint report encompassing Planning Application 18/1451/FUL and application for Listed Building Consent 18/1452/LBC

The Luppitt Neighbourhood Plan is at a draft plan stage and therefore limited weight can be attributed to it.

The labels on drawing no 584/002 received on the 2 July are incorrect. For ease of orientation the elevation labelled as south west actually faces more or less east and is the location for the proposed single storey extension; that labelled SE faces more or less north and is the location of the two storey extension.

Considerations

The main consideration is the impact upon the setting, character and fabric of the listed building.

Setting aside the main issue for the moment in regard to the planning application it is not considered the proposals would be harmful to the amenity of neighbouring properties given the distance from Woodhayes to the nearest exceeds 300m. Additionally the proposal brings about no changes to access or parking arrangements to consider.

There is also no objection in principle to extensions to this building in this location and given the location of the extensions set against an existing building, there are no concerns regarding any harm to the landscape of the Blackdown Hills Area of Outstanding Natural Beauty (AONB).

Assessment of the impact upon the setting, character and fabric of the listed building

The single storey extension:

The internal changes necessary to break through the external wall to access the proposed single-storey extension are not objected to and not considered to cause harm, subject to photographic recording.

The Conservation Officer has objected to this element given the overall floor area proposed, the large pyramid style rooflight and the overall appearance of the extension (in particular the flat roof, window proportions and materials) which would detract from the character of this elevation of the Listed Building that is important in its relationship with the current garden area to the farmhouse. These concerns are shared by Planning Officers and the Statement of Heritage Significance forming part of the application acknowledges the harm to the building from the single storey extension as follows:

‘It will however have significant impact upon the east side elevation (fig 4) but this, unlike the front, is ‘undesigned’ with irregularly placed windows.’

‘The effect upon the appearance of this elevation will be considerable but given the elevation’s lack of architectural quality, the effect upon the building’s overall historic significance will be smaller.’

Although this side of the house is clearly less formal than the south side, the extension would cover almost 75% of this side of the building in terms of the length and juxtapose the rooflight with the underside of the first floor sash windows and although a not insignificant element would be formed of glazing the use of the white cladding gives the impression of weight to the extension and it is considered would result in an element that would compete with the principle building. This is illustrated in the drawing labelled 3D renders.

Whilst in pre-application advice the Local Planning Authority did not submit out of hand the addition of an extension to this east side, nor the removal of fabric that would be

required, it is considered that an extension of this scale and configuration would be harmful to the character and appearance and setting of the Listed Building.

An additional concern has been raised that an extension of this size to form a day room for guests and office is only required due to the loss of the existing office to create the two-storey extension, the ground floor of which would be a gallery space. Officers are concerned that this is an inefficient use of the building resulting in a lack of justification for the size of the single-storey extension proposed.

The two storey extension:

The internal changes necessary to break through the external wall to access the proposed two-storey extension are not objected to and not considered to cause harm, subject to photographic recording.

Officer's objections on this element are that it protrudes behind the existing rear building line as opposed to being kept within it, and would dominate this side of the dwellinghouse. Whilst it is designed in glass, the framing would be seen projecting beyond the existing 'wings'.

Again harm caused by this to the significance of the listed building is reflected within the Statement of Heritage Significance submitted by the applicant's heritage consultant and states:

'Although this new extension will clearly have an impact upon the appearance of the rear elevation of the house, its largely glazed construction will still enable the original character and form of the rear section of the house to be read and the effect upon historic significance will consequently not be great, particularly as this part of the house is not readily visible in conjunction with the rest of the building.'

Although the Statement of Heritage Significance states that the extensions will arguably enhance the historic significance by way of adding good quality architecture, it does not categorically state that the impact is acceptable and that harm will not be caused.

This harm is demonstrated on the true north and east elevation drawings, but also more apparent when viewed from the west given the shorter length wing which shows the termination of this element with glass bubble above the framing of the extension. It is considered this results in a somewhat awkward contrast with the more traditional pitched roof and eaves to the detriment of the character and appearance of the building. This extension is also proposed proud of the existing rear wings.

Given the form, position and scale it is considered that this element of the proposals competes with the heritage asset, and would be harmful to the character, appearance and setting of the Listed Building.

Other Issues

Whilst the applicant has put forward examples of other applications where extensions have been approved it is considered that none are directly comparable to Woodhayes itself; each proposal must be dealt with on its own merits.

Additionally though justification has been put forward in additional comments received from the applicant on the extent of both proposals, they do not outweigh Officers' views on the proposal.

CONCLUSION

Whilst extensions to the building are considered to be acceptable in principle, and no harm is identified to highway safety, the AONB or residential amenity of nearby residents, it is considered that the single-storey side extension (by virtue of its size, design and materials) and the two-storey rear extension (by virtue of its design and projection beyond the rear of the building) cause harm to the significance and setting of the heritage asset.

This harm is considered to be less than substantial.

Paragraph 193 of the NPPF 2018 requires decision makers to give great weight to a heritage assets conservation with paragraph 196 stating that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

In this case there are not considered to be any wider public benefits that outweigh the harm identified. As such planning permission and listed building consent must be refused.

RECOMMENDATION 1

18/1451/FUL

REFUSE for the following reason:

1. The proposal by reason of the scale, form and materials, would fail to reflect the character of Woodhayes, impacting on the appearance of each of the elevations affected, which results in harm to the character and setting of the Listed Building. Although the harm is identified as less than substantial harm the justification put forward does not include public benefits sufficient to outweigh the harm identified in the overall planning balance. The proposals would be contrary to Policy EN9 (Development affecting a Designated Heritage Asset) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031, and paragraphs 193 to 199 of the NPPF 2018.

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:

Location Plan 02 July 2018

Proposed Plans and elevations 580/002 02 July 2018

3D Renders 580/003 2 July 2018

RECOMMENDATION 2

18/1452/LBC

REFUSE for the following reason:

1. The proposal by reason of the scale, form and materials, would fail to reflect the character of Woodhayes, impacting on the appearance of each of the elevations affected, which results in harm to the character and setting of the Listed Building. Although the harm is identified as less than substantial harm the justification put forward does not include public benefits sufficient to outweigh the harm identified in the overall planning balance. The proposals would be contrary to Policy EN9 (Development affecting a Designated Heritage Asset) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031, and paragraphs 193 to 199 of the NPPF 2018.

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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:

Location Plan 02 July 2018

Proposed Plans and elevations 580/002 02 July 2018

3D Renders

580/003

02 July 2018

List of Background Papers

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

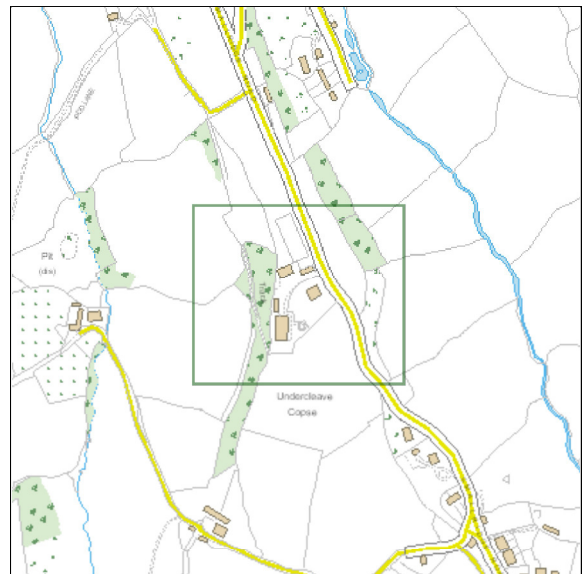
Ward Yarty

Reference 18/1360/COU

Applicant Mr Jolyon Wilde

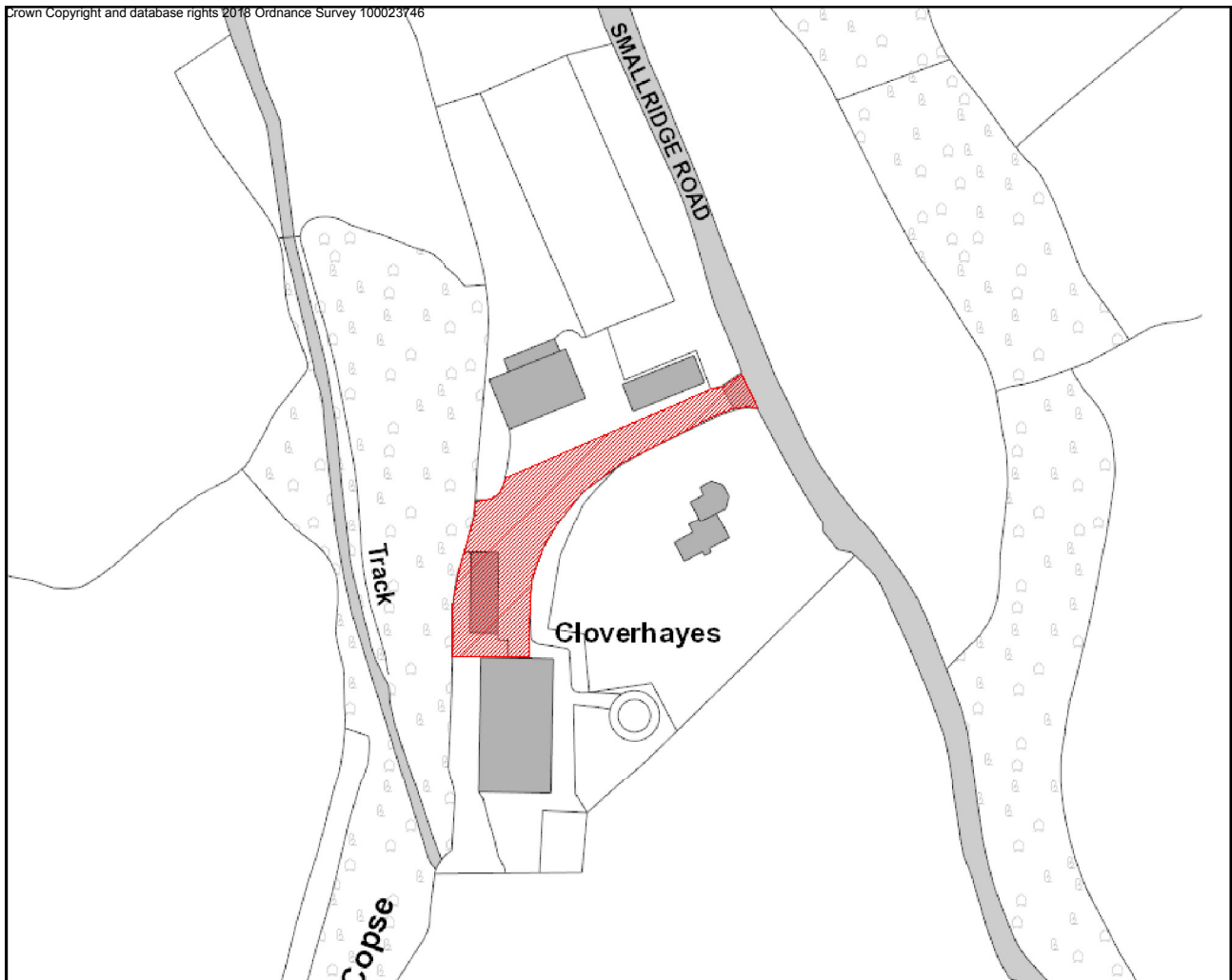
Location Cloverhayes Farm Smallridge Axminster EX13 7JN

Proposal Change of Use and alterations to barn to form holiday let unit



RECOMMENDATION: Refusal

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		Committee Date: 4th September 2018
Yarty (ALL SAINTS)	18/1360/COU	Target Date: 07.08.2018
Applicant:	Mr Jolyon Wilde	
Location:	Cloverhayes Farm Smallridge	
Proposal:	Change of Use and alterations to barn to form holiday let unit	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application has been referred to Committee at the request of the Chairman of the Development Management Committee.

Cloverhayes Farm is located in open countryside to the northwest of Smallridge and within the Blackdown Hills AONB. The proposal seeks permission for the conversion of an existing stable/outbuilding at the site. This building forms part of a small group of agricultural style buildings located to the west of the main dwellinghouse.

It is understood that there are no agricultural operations taking place from the site that would be affected by the loss of this building. In addition the building is considered to be structurally sound and capable of conversion and the design and method of conversion is considered to be appropriate. Furthermore it is recognised that the proposal has the potential to bring about some economic benefits and that this weighs in favour of the application.

However, there are concerns that in this instance the layout and design of the converted building and its associated amenity space would give rise to pressure for future works to protected trees that lie immediately adjacent to the site and where such works would have a detrimental impact on the character and appearance of the area and wider landscape.

Previous experience indicates that where development is allowed in such close proximity to protected trees that this significantly affects the ability to object to or refuse subsequent applications for works to those trees.

In order to address this matter officers have offered the applicants the opportunity to amend their scheme to relieve the likely pressure for tree works by relocating the patio area but they have chosen not to do so.

This being the case, whilst the proposal is in all other respects considered to be acceptable the harm that would arise from likely future tree works adjoining the patio area is considered to outweigh the limited benefits in this instance. Taking the above into account and where the applicant retains the ability to propos alternative designs/layout that are likely to address officer concerns, the application is recommended for refusal.

CONSULTATIONS

Local Consultations

Clerk To All Saints Parish Council
Council supports this application

Technical Consultations

County Highway Authority
Does not wish to comment

EDDC Trees

24/07/18 - Although this conversion is on the original footprint and believed foundations, I have objections to the change of use due to the pressure which this will put on the nearby trees during conversion and during habitation. The canopies overhang the seating area and the main trunk/foliage restricts the views to nil. It is not clear as to whether the development is within the RPA of any trees as there is no survey/TPP/AMS supplied. I would also have concerns of the path of any services to and from the building as there are no details supplied. The trees at the rear of the development are covered by a Tree Protection Order ref 18/0080/TPO

Further comments 10/8/18:

The TPO would not be sufficient because the stables would become an occupied dwelling, the design clearly shows an outside area to be used, therefore there would be an implied ability to use the area, because the dwelling would be under the canopy of the tree this would cause a dampness which would encourage moss and algae to grow on the building and sitting area, there would be sap/honey dew falling from the trees, these are all actionable nuisances and if applications for tree works were to be submitted and refused there are historic appeal cases showing the council having to allow the tree works because it is an implied ability to use the outside areas supplied. I would also have concerns of the path of any services to and from the building as there are no details supplied. The trees at the rear of the development are covered by a Tree Protection Order ref 18/0080/TPO

Other Representations

None received.

PLANNING HISTORY

None relevant to the current application

POLICIES

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

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

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

D3 (Trees and Development Sites)

Strategy 33 (Promotion of Tourism in East Devon)

D2 (Landscape Requirements)

E5 (Small Scale Economic Development in Rural Areas)

E4 (Rural Diversification)

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

EN5 (Wildlife Habitats and Features)

E16 (Proposals for Holiday or Overnight Accommodation and Associated Facilities)

E5 (Small Scale Economic Development in Rural Areas)

Government Planning Documents

NPPF (National Planning Policy Framework 2018)

National Planning Practice Guidance

SITE LOCATION AND DESCRIPTION

Cloverhayes Farm is located in open countryside a short distance northwest of the settlement of Smallridge and to the west side of Smallridge Road. The site lies within the Blackdown Hill Area of Outstanding Natural Beauty and consists of a dwellinghouse and a number of associated buildings. The application relates to a stable building and small area of land around this, located on the western side of the group. There is an area of hardstanding immediately east of the stable and a tree group to the immediate west of the site which is subject to a group Tree Preservation Order. Beyond the trees, which mark the edge of a plateau, the land slopes away to the west.

PROPOSED DEVELOPMENT

Planning permission is sought for the change of use of and alterations to the existing barn/stables to form a holiday let unit. The proposal seeks to work with the existing building and does not seek to extend it, other than the addition of the decked area to the rear. The roof of the building is proposed to be tiled in place of the existing metal sheeting and the elevations would be rendered with new fenestration proposed.

ANALYSIS

The key issues in the determination of the application are considered to be the principle of the proposed use/conversion, economic impact, visual impact, arboricultural impact and highway and travel related issues.

Principle

The site lies in open countryside where development is strictly controlled and only permitted by Strategy 7 of the Local Plan where such development is explicitly permitted by another policy of the Local (or Neighbourhood) Plan.

The Conversion of rural buildings for holiday letting purposes is supported in principle by policy E16 and D8 of the Local Plan and rural business use including conversion of buildings is also supported by Policy E5, subject in each case to a number of criteria being met. In relation to

those criteria the building appears structurally sound and capable of conversion and there is no evidence to indicate that conversion to holiday use would undermine an existing agricultural enterprise. As the proposal is only small scale in nature it is considered to accord with policy E16 of the Local Plan which supports new tourist accommodation in the open countryside where it is within close proximity to the main farm or country house.

Economic impact

The proposed use represents economic activity relating to tourism within a rural area and is considered to be supported in principle by E5 where it generates jobs. Although in this instance there is unlikely to be any direct job creation, given the scale of the development

It is recognised that there would be wider economic benefits to the rural economy that would arise from the proposal as well as some limited benefits related to the conversion works.

Visual Impact

The existing stable building has a simple functional character and where the proposed conversion would not alter its form or bulk. The more visible eastern elevation of the building would retain its simple and functional character with new fenestration proposed in existing openings.

The building is visible in a glimpsed passing view from the public highway to the east it is seen in the context with other existing agricultural style buildings and an existing dwelling close by. Whilst the alterations to the building would lend it a more domestic appearance, and coupled with the parking of occupant's cars close to the building, would give a more residential appearance, given its close relationship with other (larger) buildings on site and existing parking no harm would arise as a result of the proposed changes.

The site occupies a position on the western edge of an inland plateau, with a public footpath approximately 50m to the west at a lower level. The site is screened from view from footpath by group of mature trees on the slope at the edge of the plateau and as a result there would be very limited wider landscape impact.

Trees

The proposed plans indicate larger windows within the western elevation of the building designed to maximise light from this direction. A patio area is also proposed to be created to the immediate west of the unit. The submitted floor plan indicatively shows seating, sun loungers and a hot tub in this area. Whilst these items are not development requiring permission, the area is proposed to become part of the overall holiday let planning unit, with a proposed change use of this area of land from agriculture to a holiday letting use. The indicative items illustrate the typical amenity use of an external area associated with a holiday let.

In response to a query from the Planning Authority, the applicant has clarified that a no-dig method of construction would be used to create this area (i.e. timber decking only). Nonetheless there is a concern that both installation of services to the building and the proposed use of it would put increased pressure on the existing trees and would lead to pressure for works to thin or fell these.

The trees on this boundary are covered by a Tree Preservation Order and provide a wider visual amenity benefit when viewed from the valley to the west and the public footpath.

It is considered that it would be possible to condition a requirement for an Arboricultural Method Statement (AMS) to ensure that the construction impacts and installation of services took account of and avoided harm to trees. However, there remains a significant concern that the proposed use of the building, the location of the associated amenity space and the window arrangements for the building would result in increased pressure for the adjacent TPO trees to be thinned, topped, or felled resulting in harm to the amenity of the area. These trees are mature and in close proximity to the patio, the group extends along the whole length of the stable building, with canopies extending over the amenity area and partially over the roof of the stable building. As a result it is considered likely that the trees to the west of the site would completely shade the patio area and allow little light into the building from the western side. Furthermore, in their current form and due to their being immediately adjacent, the mature tree group is likely to overwhelm and dominate the proposed patio area, cause debris, sap and honeydew to fall within it, cause dampness and excessive shading to the patio and converted building, which would also put pressure on them to be thinned, felled etc.

The Council's own supplementary planning guidance 'Trees and Development' is a material consideration and this states:

"In considering the juxtaposition of trees and buildings, site layout designs will be expected to ensure that trees which are to remain are given adequate space including sufficient allowance for future growth, without the need for excessive or unreasonable pruning. The predicted mature height, branch spread and crown form of individual trees should therefore be assessed in conjunction with site factors such as aspect, topography, soil conditions and exposure (The ultimate mature size of any individual tree will be dependent on site specifics and a qualified assessment should be sought).

Site layouts must ensure that on attaining maturity, trees will not dominate buildings, inevitably leading to concerns about safety and ultimately to requests to fell or heavily prune. Site layouts must ensure that trees will not cause unreasonable obstruction of direct sunlight, or daylight to properties. Factors requiring detailed deliberation include:

- *Individual species characteristics.*
- *Potential for future growth*
- *Garden size and layout*
- *The aspect of the tree from the building*
- *Building to tree clearances*
- *Building orientation*
- *The positioning and size of windows, especially in habitable rooms.*

Site layouts should ensure that garden areas are of adequate size, are large enough to enable normal domestic use and can reasonably accommodate the trees, including allowance for future growth. Garden areas should normally be sufficient to allow reasonable extension of the main dwelling and other permitted development rights without reducing the amount of usable garden space to unacceptable levels."

Although the trees are now subject to a TPO and therefore there is control over works to them there is concern that were permission to be granted this would curtail the Council's ability to resist such future works and that in the event such an application were to be refused the case would be difficult to defend at appeal as there would be actionable nuisances likely to arise because of the close relationship between trees and the holiday let and its associated amenity area.

In this respect there is evidence of historic appeals having been allowed for tree works where there is an implied inability to use outside areas. Indeed in a very recent appeal decision, for the development of 2 no. dwellings on a site in Seaton (APP/U1105/W/17/3187243), the Planning Inspector whilst ultimately dismissing the appeal, raised very similar concerns about the ability to resist future applications for tree works once development has been permitted.

In that case one of the proposed dwellings was proposed to be located close to a line of mature trees, subject to a TPO, on the site boundary the Inspector had the following to say,

“... the close proximity of plot 1 to the group of trees along the eastern boundary of the site could result in occupiers of this proposed dwelling applying future pressure on the Council to agree heavy pruning or felling these trees. If this were to arise it could be difficult for the Council to resist such works. In turn, this would be likely to further erode the character and appearance of the site and be at odds with LP policies D1(3)(d) and D3 relating to trees.”

With the current application the tree group in question is visible as a landscape feature from the public right of way to the west, in a direct approach view. The group is particularly prominent in the view from that path due to its elevated position on a slope at the edge of a plateau. The trees also provide useful screening of the complex of farm buildings. Devon County Council's landscape character assessment of this area is 'Upper Farmed and Wooded Valley Slopes', and notes the following characteristics:

- *Undulating or rolling upper valley slopes*
- *Pastoral farmland, with a wooded appearance, and arable cultivation on lower slopes*
- *Small to medium size fields with irregular boundaries*
- *Deciduous woods and copses, especially on hilltops and upper slopes*
- *Very wide, usually low, species-rich hedges with many hedgerow trees*
- *Dispersed settlement pattern of isolated farms and small villages*
- *Very winding narrow lanes*
- *An intimate and intricate landscape with wider views often restricted by vegetation*
- *Frequently remote and tranquil with little modern development.*

It is considered that the removal/thinning of trees in the group would be likely to create noticeable notches or gaps within it, harming a feature noted in the landscape character assessment and which contributes to the character and appearance of the AONB landscape. As such this would conflict with Policies E5, D3 and Strategy 46 of the Local Plan in terms of protection of conservation of landscape character and maintenance of tree quality. Tree removal could also increase the visibility of built development within the AONB landscape by removing screening of farm buildings.

During the course of the application officers have gone back to the applicants and given them the opportunity to amend the application to re-locate the proposed decking/amenity area and/or to make changes to the building to allow more natural light to be gained from windows to the east, thus reducing the likely pressure for future works to the trees. However, the applicants have chosen not to amend the application. The pressure on TPO trees likely to arise from the application is therefore considered to represent a significant harm in conflict with the Council's own supplementary planning guidance on trees.

Highways and Travel

No objection from the County Highway Authority. Proposal would not significantly increase traffic or need to travel and visibility at the existing access appears reasonable.

Other issues

The style of the existing building and the materials used make it unlikely to contain a bat roost, therefore the proposal is unlikely to cause adverse impact on wildlife or habitats.

CONCLUSION

The proposal would make a minor contribution to economic activity related to tourism within a rural area and the design of the converted building would be acceptable with no likely adverse impacts on highway safety or in relation to travel generation.

However the layout and design of the proposal would create a pressure to undertake works to reduce tree cover within a protected tree group to the east of the site, the group being a feature

which contributes to landscape character within the AONB and is prominent in the view from a public right of way. This harm is considered to be significant and not to be justified or outweighed by identified benefits, as a result the application is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed unit of holiday letting accommodation and its associated external amenity area to the immediate west of it are in close proximity to a protected tree group to their west. The tree group is located on a slope on the edge of a plateau and is an important landscape feature within the AONB which is visible from a public footpath in direct approach views. Due to the arrangement of the windows of the proposed holiday let and the location of the external amenity area directly beneath the canopies of mature trees within the tree group, the proposed use would put pressure upon those trees to be removed, thinned, lopped or topped, in order to improve natural lighting within the holiday let dwelling and in its associated amenity area and to reduce the overwhelming impact of the trees on that amenity area, causing material harm to protected trees and to the AONB landscape, in conflict with Strategy 46 (Landscape Conservation and Enhancement and AONBs), D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the East Devon Local Plan.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

WILJ_CLOV_1/03	Location Plan	12.06.18
WILJ_CLOV_1/01	Existing Combined Plans	04.06.18
WILJ_CLOV_1/02	Proposed Combined Plans	04.06.18

List of Background Papers

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

Ward Seaton

Reference 18/1673/FUL

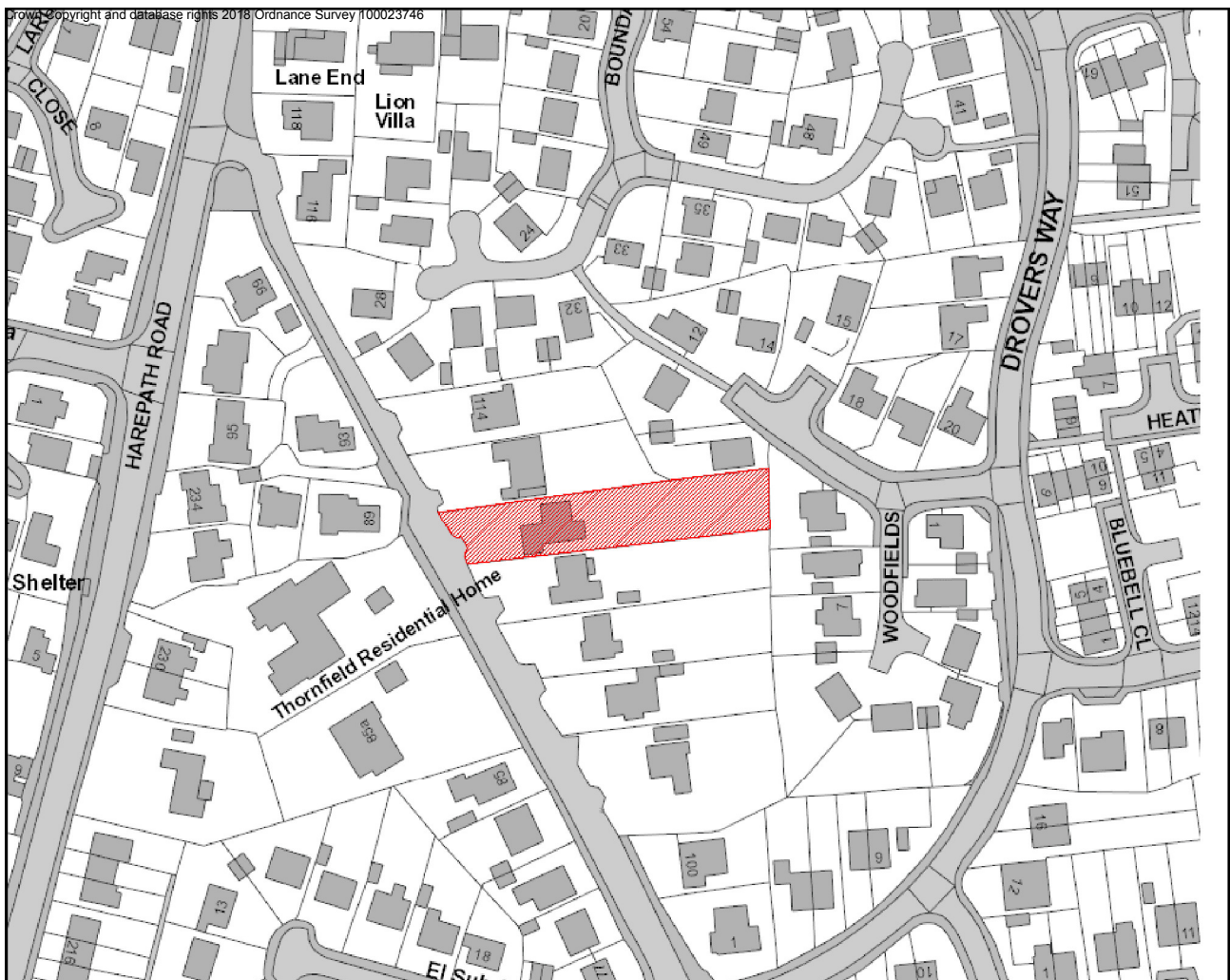
Applicant Mr And Mrs J Watts

Location 110 Scalwell Lane Seaton EX12 2ST

Proposal Construction of 2 storey rear extension, dormer window to front elevation and 1st floor window to side elevation.



RECOMMENDATION: Approval with conditions



		Committee Date:	4th Sept 2018
Seaton	18/1673/FUL		Target Date: 12.09.2018
Applicant:	Mr And Mrs J Watts		
Location:	110 Scalwell Lane, Seaton. EX12 2ST		
Proposal:	Construction of 2 storey rear extension, dormer window to front elevation and 1st floor window to side elevation.		

RECOMMENDATION: Approval – With Conditions.

EXECUTIVE SUMMARY

This planning application is presented to Committee as the applicants are relatives of a Council employee.

The application proposes the construction of a two storey rear extension to this bungalow with a dormer window to the front elevation, and first floor windows to the side.

Taking into consideration, the proposed materials and the overall design, the extension would not cause harm to the occupiers of either of the neighbouring properties in terms of loss of light or overlooking, nor would it cause harm to the amenity/character of the area or the streetscene.

The application is therefore recommended for approval.

CONSULTATIONS RESPONSES:

Parish/Town Council:

Seaton Town Council has no objection to this application

County Highways:

Does not wish to comment

EDDC Trees:

I have no objection to this development – Condition proposed.

The following restrictions shall be strictly observed:

(a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the

greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - To ensure retention and protection of trees on the site prior to and during construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031).

THIRD PARTY REPRESENTATIONS:

1 letter of representation received from the occupiers of number 9 Woodfields – who raised no objection to the proposed works, but requested that arrangements be made to the boundary treatments currently in situ.

PLANNING HISTORY

There is no planning history registered on the site which is relevant to this particular planning application.

POLICIES:

National Planning Policy Framework
National Planning Policy Guidance

Adopted East Devon Local Plan (2013 – 2031)

Strategy 6: Development within Built-Up Area Boundaries
Policy D1: Design and Local Distinctiveness
Policy D3: Trees and Development Sites.

SITE LOCATION AND DESCRIPTION:

110 Scalwell Lane is a detached bungalow situated on a good sized plot, within the built up area boundary on the northern side of Seaton Town.

The property is accessed via Scalwell Lane and has ample off road parking.

To either side of number 110 are detached residential dwellings, similar in style and proportion, some of which have already been extended.

The site is not subject to any particular designations.

PROPOSED DEVELOPMENT:

The application proposes the construction of a two storey rear extension with the first floor in the roof space including dormer windows on the sides, together with a dormer window to the front elevation, and additional first floor dormer window to the side, providing the applicants with additional living accommodation in the form of a new kitchen/diner on the ground floor and two bedrooms on the first floor, one with an en-suite.

The enlargement to the rear would project beyond the original wall by 6.4 metres, measure 8.2 metres wide (10.7 metres including covered patio area), and 6.4 metres in total height.

Two dormer windows are proposed within either side of this enlargement, both with high level windows which are to be obscure glazed.

An additional first floor dormer window is proposed to the side facing South, as well as an additional roof light serving the first floor bathroom and bedroom.

The proposed enlargements would predominantly be constructed using materials which are of a similar appearance to those existing, with the exception of the covered patio area to the side.

There are no changes proposed to the access or parking areas.

ANALYSIS

Matters to consider are the design, form and materials proposed and the impact on the privacy/amenity of neighbouring properties and the character of the area.

The rear extension has a single storey eaves height with the roof sloping away from the neighbours on both sides. The extension is also located off the boundaries and largely behind the dwellings on either side. Accordingly, this extension would not be over bearing or excessively prominent for the neighbours and would maintain a reasonable level of amenity. The dormer windows in the proposed extension would have high level windows fitted with obscure glass and there would be an additional bathroom roof light. Subject to a condition to require these windows to be fitted with obscure glazing, they would not result in a loss of privacy for the neighbours.

The additional first floor bedroom dormer window on the south side of the existing property would be at an oblique angle to the window on the side of the neighbouring property which would offer very limited views and accordingly would not result in an unreasonable loss of privacy.

The Arboricultural Officer has suggested certain protection measures for retained trees. There is a small tree in the rear garden that would not survive the construction of the proposed extension but this does not have sufficient public amenity value to warrant its retention. There are no other trees of sufficient amenity value that would be affected by the proposed extension and therefore the recommended condition is not necessary to make the application acceptable.

The use of materials, the design and the scale of this rear extension would be sympathetic not appear out of keeping with the property or street scene.

Taking all of the above into consideration, the proposed materials as well as the overall design, the extension would not cause harm to the occupiers of either of the neighbouring properties in terms of loss of light or overlooking, nor would it cause harm to the amenity/character of the area or the street scene.

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. Before the extension hereby permitted is first occupied, the high level windows within the two dormer windows on the north and south elevations and the bathroom roof light on the south elevation of the extension, shall be fitted with obscure glass and thereafter no alterations shall be made to the glazing of these windows.

(Reason – in the interests of the privacy of the neighbouring occupiers and to accord with policy D1 (Design and Local Distinctiveness) 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:

Location Plan

Block Plan

B – Proposed Floor Plans

E – Proposed Elevations

F – Proposed Elevations

