

**Agenda for consultative meeting of the  
Planning Committee  
Wednesday, 16th March, 2022, 10.00 am**



**Members of Planning Committee**

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

East Devon District Council  
Border House  
Heathpark Industrial Park  
Honiton  
EX14 1EJ  
DX 48808 HONITON  
Tel: 01404 515616  
**www.eastdevon.gov.uk**

**Venue:** Online via zoom

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

(or group number 01395 517546)

Issued: Thursday, 3 March 2022; Re-issued Thursday, 10 March 2022

**Important - this meeting will be conducted online and recorded by Zoom only.  
Please do not attend Blackdown House.  
Members are asked to follow the [Protocol for Remote Meetings](#)**

This meeting is being recorded by EDDC for subsequent publication on the Council's website and will be streamed live to the Council's Youtube Channel at <https://www.youtube.com/channel/UCmNHQruge3LV4hcgRnbwBw>

**[Speaking on planning applications](#)**

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

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

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

The day before the meeting a revised running order for the applications being considered by the Committee and the speakers' list will be posted on the council's website (agenda item 1 – speakers' list). Applications with registered speakers will be taken first.

**Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting.** One representative can be registered to speak on behalf of the Council from 10am on Monday, 7 March 2022 up until 12 noon on Thursday, 10 March 2022 by leaving a message on 01395 517525 or emailing [planningpublicspeaking@eastdevon.gov.uk](mailto: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](mailto: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.

Between 8<sup>th</sup> December 2021 to 11<sup>th</sup> May 2022, the Council has delegated much of the decision making to officers. Any officer decisions arising from recommendations from this consultative meeting will be published on the webpage for this meeting in due course. All meetings held can be found via the [Browse Meetings](#) webpage.

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

Details of the revised running order for the applications and speakers' list.

2 **Minutes of the previous meeting** (Pages 6 - 14)

Minutes of the Planning Committee meetings held on 16 February and 23 February 2022

3 **Apologies**

4 **Declarations of interest**

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

5 **Matters of urgency**

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

6 **Confidential/exempt item(s)**

To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

7 **Planning appeal statistics** (Pages 15 - 27)

Update from the Development Manager

### **Applications for Determination**

- 8 **19/2132/MFUL & 19/2133/LBC (Major) WOODBURY & LYMPSTONE** (Pages 28 - 80)  
Exton Farm, Exmouth Road, Exton, EX3 0PZ.
- 9 **21/1129/VAR (Major) BROADCLYST** (Pages 81 - 92)  
Unit 2 Jacks Way, Hill Barton Business Park, Clyst St Mary, EX5 1FG.
- 10 **21/1798/FUL (Minor) COLY VALLEY** (Pages 93 - 147)  
Land on the east side of Tower Road, Offwell.
- 11 **21/1714/FUL (Minor) HONITON ST MICHAELS** (Pages 148 - 161)  
The Old Workshop, Kerlakes Court, Honiton, EX14 1FL.
- 12 **21/3255/FUL (Minor) TRINITY** (Pages 162 - 186)  
Building north of Harbour Close, Combyne, EX13 8SX.
- 13 **22/0058/FUL (Minor) TALE VALE** (Pages 187 - 197)  
Pitmans Farm, Dulford, Cullompton, EX15 2ED.
- 14 **21/2989/FUL (Minor) WEST HILL & AYLESBEARE** (Pages 198 - 209)  
Little Glade, West Hill Road, West Hill, Ottery St Mary, EX11 1TU.
- 15 **21/3343/VAR (Minor) BEER & BRANSCOMBE** (Pages 210 - 221)  
Beer Social Club, Berry Hill, Beer, EX12 3JP.
- 16 **21/2167/FUL (Minor) SEATON** (Pages 222 - 231)  
Playing Fields, Scalwell Lane, Seaton.
- 17 **22/0348/CPL (Minor) OTTERY ST MARY** (Pages 232 - 237)  
19 Coleridge Road, Ottery St Mary, EX11 1TD.

**Please note:**

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

[Decision making and equalities](#)

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

**Revised running order and speaker list for the planning applications**

**PLEASE NOTE – IF REQUIRED THE MEETING WILL BE ADJOURNED AT APPROXIMATELY 1PM FOR A 30 MINUTES BREAK**

<b>Agenda item 10</b> Application number: 21/1798/FUL (Minor) Pages 93 - 147 Ward: Coly Valley Address: Land on the east side of Tower Road, Offwell Ward Members: Cllr Paul Arnott / Cllr Helen Parr	
<b>Objectors</b>	Steve Guilbert
	Anthony Norris
<b>Applicant</b>	Andrew Luxton Tel: 01404 42553
<b>Offwell Parish Council</b>	Adrian Jenkins Tel: 01404 43220
<b>Ward Members</b>	Cllr Helen Parr

<b>Agenda item 14</b> Application number: 21/2989/FUL (Minor) Pages 198 - 209 Ward: West Hill & Aylesbeare Address: Little Glade, West Hill Road, West Hill, EX11 1TU Ward Member: Cllr Jess Bailey	
<b>Objectors</b>	Matt Bennett
	Peter Quincey
<b>Agent</b>	Michael O'Connor
<b>West Hill Parish Council</b>	Cllr Alan Cook
<b>Ward Member</b>	Cllr Jess Bailey

<b>Agenda item 8</b> Application number: 19/2132/MFUL & 19/2133/LBC (Major) Pages 28 - 80 Ward: Woodbury & Lymptone Address: Exton Farm, Exmouth Road, Exton, EX3 0PZ Ward Members: Cllr Ben Ingham / Cllr Geoff Jung	
<b>Woodbury Parish Council</b>	Cllr Graham Murrin
<b>Agent</b>	Iestyn John Tel: 07901 334674
<b>Ward Members</b>	Cllr Ben Ingham / Cllr Geoff Jung

<b>Agenda item 12</b> Application number: 21/3255/FUL (Minor) Pages 162 - 186 Ward: Trinity Address: Building north of Harbour Close, Combyne, EX13 9SX Ward Members: Cllr Ian Thomas	
<b>Objectors</b>	Nicholas Wright
	Mathew Dalton-Aram Tel: 01297 23261 (on behalf of residents that have objected)
<b>Agent</b>	Katherine Brommage
<b>Ward Member</b>	Cllr Ian Thomas

**Agenda item 9** Application number: 21/1129/VAR (Major) Pages 81 - 92 Ward: Broadclyst  
Address: Unit 2 Jacks Way, Hill Barton Business Park, Clyst St Mary, EX5 1FG  
Ward Member: Cllr Chris Pepper / Cllr Eleanor Rylance  
Committee Ward Member: Cllr Sarah Chamberlain

<b>Agent</b>	lestyn John Tel: 07901 334674
<b>Ward Member</b>	Cllr Rylance

**Agenda item 11** Application number: 21/1714/FUL (Minor) Pages 148 - 161  
Ward: Honiton St Michaels  
Address: The Old Workshop, Kerslakes Court, Honiton, EX14 1FL  
Ward Members: Cllr Mike Allen / Cllr Jake Bonetta / Cllr Phil Twiss

<b>Ward Members</b>	Cllr Jake Bonetta
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**Agenda item 13** Application number: 22/0058/FUL (Minor) Pages 187 - 197 Ward: Tale Vale  
Address: Pitmans Farm, Dulford, Cullompton, EX15 2ED  
Committee Ward Member: Cllr Philip Skinner

<b>Applicant</b>	Robert Persey (on behalf of the applicants) Tel: 01404 841202
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**Agenda item 15** Application number: 21/3343/VAR (Minor) Pages 210 - 221  
Ward: Beer & Branscombe  
Address: Beer Social Club, Berry Hill, Beer, EX12 3JP  
Committee Ward Member: Cllr Geoff Pook

<b>Agent</b>	Rachel Collins Tel: 01297 552622
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**Agenda item 16** Application number: 21/2167/FUL (Minor) Pages 222 - 231  
Ward: Seaton  
Address: Playing Fields, Scalwell Lane, Seaton  
Ward Members: Cllr Marcus Hartnell / Cllr Dan Ledger / Cllr Jack Rowland

<b>No speakers</b>
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**Agenda item 17**  
Application number: 22/0348/CPL (Minor) Pages 232 - 237  
Ward: Ottery St Mary  
Address: 19 Coleridge Road, Ottery St Mary, EX11 1TD  
Ward Member: Cllr Peter Faithfull / Cllr Vicky Johns  
Committee Ward Member: Cllr Geoff Pratt

<b>No speakers</b>
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**EAST DEVON DISTRICT COUNCIL****Minutes of the consultative meeting of Planning Committee held online via zoom on 16 February 2022****Attendance list at end of document**

The meeting started at 10.00am and ended at 4.10pm. The meeting was adjourned at 1pm and reconvened at 1.30pm.

**101 Minutes of the previous meeting**

Members were happy to accept the minutes of the consultative Planning Committee held on 19 January 2022.

**102 Declarations of interest**

104. 21/0103/FUL (Minor) EXMOUTH LITTLEHAM.

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

104. 21/0103/FUL (Minor) EXMOUTH LITTLEHAM.

Councillor Eileen Wragg, Personal, Received lobbying correspondence some time ago in respect of this application.

104. 21/0103/FUL (Minor) EXMOUTH LITTLEHAM.

Councillor Tony Woodward, Personal, Known to one of the objectors speaking against the application.

106. 21/3255/FUL (Minor) TRINITY.

Councillor Geoff Pratt, Personal, Member of the East Devon Area of Outstanding Natural Beauty Partnership.

107. 21/2875/VAR (Minor) SIDMOUTH TOWN.

Councillor Eileen Wragg, Personal, Had received a lobbying telephone call in respect of this application.

108. 21/1497/FUL (Minor) DUNKESWELL & OTTERHEAD.

Councillor Colin Brown, Personal, Ward Member for Dunkeswell & Otterhead.

109. 21/2888/FUL (Minor) DUNKESWELL & OTTERHEAD.

Councillor Colin Brown, Personal, Ward Member for Dunkeswell & Otterhead.

110. 21/1972/FUL (Minor) WHIMPLE & ROCKBEARE.

Councillor Geoff Pook, Personal, Commercial interest as connected with the applicant and advised that he would like to be removed to the virtual lobby during this application and would not take part in discussions or the vote.

110. 21/1972/FUL (Minor) WHIMPLE & ROCKBEARE.

Councillor Richard Lawrence, Personal, Ward Member.

113. 21/2447/FUL (Minor) EXMOUTH TOWN.

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

113. 21/2447/FUL (Minor) EXMOUTH TOWN.

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

113. 21/2447/FUL (Minor) EXMOUTH TOWN.

Councillor Eileen Wragg, Personal, The Chair noted on behalf of the Committee that the Council was in ownership of the land.

113. 21/2447/FUL (Minor) EXMOUTH TOWN.

Councillor Olly Davey, Personal, Ward Member; Recently received correspondence from an acquaintance advising about vandalism to the building and asked him for some background information about the building.

113. 21/2447/FUL (Minor) EXMOUTH TOWN.

Councillor Steve Gazzard, Personal, Known to the person who runs the scouts hut.

### 103 **Planning appeal statistics**

The Committee received and noted the planning statistics report setting out five appeal decision notices, two had been dismissed and three had been allowed.

The Development Manager drew attention to the first appeal allowed advising the Planning Inspector had allowed the appeal for application 20/0003/FUL - land north-west of Littletown Villas, Manor Crescent, Honiton, determining that although the site was within a flood zone it was in a suitable location and would not be vulnerable to flooding.

The Development Manager advised about application 20/2789/FUL – Water Tower at Mount Pleasant, Exmouth Road, Aylesbeare, which had previously had two appeals dismissed. The Inspector determined that the removal of the tower and water tank would have visual benefit on the character and appearance of the area.

Finally on application 21/0822/VAR – Sundown, Littlemead Lane, Exmouth, the Development Manager advised the Inspector had determined that although the garden proposed would be smaller it would not be out of character for the vicinity.

Clarification was sought about the Inspector's decision to allow the appeal within a flood zone and suggested there was a need for guidance from the Environment Agency. In response the Development Manager advised he was happy to invite the Environment Agency to a future meeting and that the Environment Agency flood maps were coming under greater criticism, questioning and re-mapping and as such officers were being careful to ensure that an objection from the Environment Agency on flood risk grounds would stand up to scrutiny on appeal. The Chair invited Members to prepare questions in advance.

### 104 **21/0103/FUL (Minor) EXMOUTH LITTLEHAM**

**Applicant:**

Mr D Crocker.

**Location:**

Chestnuts, 65 Salterton Road, Exmouth, EX8 2EJ.

**Proposal:**

Demolition of existing buildings and construction of nine apartments with associated parking, cycle and bin stores and creation of new vehicular access onto Salterton Road.

**RECOMMENDATION:**

Of refusal contrary to officer recommendation.

Members considered that the increased height, bulk and massing of the building results in a harmful impact upon the amenities of the occupiers of Bronte Court contrary to Policy D1 of the Local Plan. In addition, Members considered that the design proposal, by reason of its height, bulk, massing and site coverage, was out of character with the area contrary to Policy D1 of the Local Plan and paragraph 130 of the NPPF, Policy EB2 of the Exmouth Neighbourhood Plan and the Avenues Design Guide.

105 **20/2865/FUL (Minor) SEATON**

**Applicant:**

Townsend Park Ltd.

**Location:**

Land rear of 15 Townsend Road, Seaton, EX12 2AY.

**Proposal:**

Demolition of existing house and erection of eight dwellings, five 4-bed and three 3-bed and enlargement of existing access.

**RECOMMENDATION:**

Of refusal as per officer recommendation.

106 **21/3255/FUL (Minor) TRINITY**

**Applicant:**

Mr Park Perry.

**Location:**

Building North of Harbour Close, Combpyne, EX13 8SX.

**Proposal:**

Change of use of part of building to B2 Use and retention of single storey side extension.

**RECOMMENDATION:**

Of refusal contrary to officer recommendation.

Members considered that noise from the proposed use, including noise from additional traffic would result in an inappropriate and harmful use to the amenity of local residents and tranquillity of the AONB contrary to Strategy 46 and Policies D1 and EN14 of the Local Plan and paragraph 185 of the NPPF.

107 **21/2875/VAR (Minor) SIDMOUTH TOWN**

**Applicant:**

Mr Spencer Brinton (East Devon Estates Ltd.)

**Location:**

55 Peaslands Road, Sidmouth, EX10 9BE.

**Proposal:**

Variation of Condition 2 (approved plans) and Condition 4 (landscaping) of planning application 21/1148/FUL (construction of a two storey dwelling).

**RECOMMENDATION:**

Of deferral for more information in relation to whether the current construction complies with approved plans and to seek comments from the Council's Landscape Architect with regard to the suitability of the replacement planting scheme given the tight nature of the development to the site boundaries.

108 **21/1497/FUL (Minor) DUNKESWELL & OTTERHEAD**

**Applicant:**

Mr Rex Dymond.

**Location:**

Building adjacent Turbury, Dunkeswell.

**Proposal:**

Replacement of existing agricultural building with five live-work units.

**RECOMMENDATION:**

Of approval as per officer recommendation but subject to a change to Condition 5 to a compliance condition to reflect the fact that a landscaping scheme has now been submitted as part of the application.

109 **21/2888/FUL (Minor) DUNKESWELL & OTTERHEAD**

**Applicant:**

Eve Vergano & Oliver Adams.

**Location:**

Higher Moorlands Farm, Luppitt, Honiton, EX14 4SY.

**Proposal:**

Combined application for two replacement agricultural buildings and change of use to extend farmhouse garden commensurate with the approval of house extension under 20/1004/FUL.

**RECOMMENDATION:**

Of approval as per officer recommendation.

110 **21/1972/FUL (Minor) WHIMPLE & ROCKBEARE**

**Applicant:**

Mr J Haimes.

**Location:**

Land East of The Old Rectory, Rockbeare.

**Proposal:**

Change of use of land from agricultural to dog walking area with the erection of a timber shed, fencing and hard standing.

**RECOMMENDATION:**

Of approval as per officer recommendation.

111 **21/3011/FUL (Minor) WOODBURY & LYMPSTONE**

**Applicant:**

Mr & Mrs Clements.

**Location:**

3 Spring Meadow, Jackson Meadow, Lympstone, EX8 5DF.

**Proposal:**

Proposed single storey rear extension – revised scheme.

**RECOMMENDATION:**

Of refusal contrary to officer recommendation.

Members considered that the proposed extension would have a detrimental impact upon the amenity of the adjoining occupiers by reason of additional overshadowing and impact upon the outlook from the property. The impact was considered to be disproportionate given the small size of the garden to the adjoining property. As such the proposal is contrary to Policy D1 of the Local Plan.

112 **21/3211/FUL (Minor) YARTY**

**Applicant:**

Sharon & Nigel Harding.

**Location:**

Land and building South East of Courshay Springs, Hawkchurch.

**Proposal:**

Proposed conversion of a redundant building to form one residential dwelling and associated works.

**RECOMMENDATION:**

Of approval as per officer recommendation.

113 **21/2447/FUL (Minor) EXMOUTH TOWN**

**Applicant:**

5<sup>th</sup> Exmouth Sea Scouts, C/O Paul Humphries Architects Ltd.

**Location:**

5<sup>th</sup> Exmouth Sea Scouts, Scout Hut Imperial Road, Exmouth, EX8 1DB.

**Proposal:**

Proposed demolition and construction of new club and boat house.

**RECOMMENDATION:**

Of approval as per officer recommendation.

114 **21/3182/FUL (Minor) SIDMOUTH SIDFORD**

**Applicant:**

Nick & Jackie Pratt.

**Location:**

6 Stevens Lane, Sidmouth, EX10 9UL.

**Proposal:**

Construction of single storey rear extension.

**RECOMMENDATION:**

Of approval as per officer recommendation.

**Attendance List**

**Councillors present (for some or all the meeting)**

E Wragg (Chair)

S Chamberlain (Vice-Chair)

C Brown

O Davey

B De Saram

S Gazzard

R Lawrence

G Pook (left the meeting at 3pm prior to application 21/1972/FUL)

G Pratt

P Skinner

T Woodward

**Councillors also present (for some or all the meeting)**

C Gardner

P Hayward

N Hookway

B Ingham

G Jung

I Thomas

**Officers in attendance (for some or all the meeting)**

Wendy Harris, Democratic Services Officer

Amanda Coombes, Democratic Services Officer

Chris Rose, Development Manager

Shirley Shaw, Planning Barrister

Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Ian Winter, Environmental Health Officer

**Councillor apologies:**

K Bloxham

A Colman  
M Howe  
D Key  
J Whibley

Chairman .....

Date: .....

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Planning Committee held online via zoom on 23 February 2022**

#### **Attendance list at end of document**

The meeting started at 11.30 am and ended at 12.05 pm

#### **115 Minutes of the previous meeting**

The minutes of the previous meeting held on 16 February 2022 were deferred to the next meeting.

#### **116 Declarations of Interest**

Minute 117. 21/1436/FUL (Minor) BROADCLYST.

Councillor Sarah Chamberlain, Personal, Ward Member for Broadclyst.

#### **117 21/1436/FUL (Minor) BROADCLYST**

##### **Applicant:**

Mr Mike Palmer.

##### **Location:**

Park Farm, Farringdon, EX5 2JD.

##### **Proposal:**

Construction of bungalow with parking space.

##### **RECOMMENDATION:**

Of approval contrary to officer recommendation.

Members considered that the application site fell within the curtilage of Park Farm and that given this, and given that the flood area only marginally exceeds 100sqm the proposal caused no wider harm and complies with Policy Farr5 of the 'Made' Farringdon Neighbourhood Plan. As such, the proposal also complies with Strategy 7 of the Local Plan. Conditions delegated to the Development Manager in consultation with the Chair and Vice Chair of Planning Committee and Ward Members.

#### **Attendance List**

##### **Councillors present:**

E Wragg (Chair)

S Chamberlain (Vice-Chair)

C Brown

B De Saram

S Gazzard

R Lawrence

G Pook

P Skinner

T Woodward

**Officers in attendance:**

Chris Rose, Development Manager  
Shirley Shaw, Planning Barrister  
Wendy Harris, Democratic Services Officer

**Councillor apologies:**

K Bloxham  
A Colman  
O Davey  
M Howe  
D Key  
G Pratt  
J Whibley

Chairman .....

Date: .....

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

Agenda Item 7

**Ref:** 21/2341/FUL **Date Received** 02.02.2022  
**Appellant:** Mr & Mrs B Yard  
**Appeal Site:** 7 Nurseries Close Exton Exeter EX3 0PG  
**Proposal:** Installation of front dormer and Sun lounge  
**Planning Inspectorate Ref:**

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**Ref:** 21/1748/FUL **Date Received** 07.02.2022  
**Appellant:** Mr and Mrs Daffin  
**Appeal Site:** Stable And Store At Higher Road Woodbury Salterton  
**Proposal:** Change of use from equestrian stable and store building to residential dwelling and annexe with minor alterations  
**Planning Inspectorate Ref:** APP/U1105/W/22/3292273

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**Ref:** 21/3021/FUL **Date Received** 28.02.2022  
**Appellant:** Caroline Campbell  
**Appeal Site:** Valley View Woodhouse Lane Uplyme Lyme Regis DT7 3SX  
**Proposal:** Demolition of garage and construction of single storey timber frame building to provide holiday accommodation.  
Resubmission of application 20/1535/FUL.  
**Planning Inspectorate Ref:** APP/U1105/W/22/3293939

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

**Ref:** 18/F0437                      **Appeal Ref:** 21/00057/ENFAPP

**Appellant:** Steven Goldring  
**Appeal Site:** Woodcroft Copse Weston  
**Proposal:** Appeal against an enforcement notice served in respect of the construction of a storage building without planning permission  
**Decision:** **Appeal Allowed**                      **Date:** 07.02.2022  
**(with conditions)**  
**Procedure:** Written representations  
**Remarks:** Enforcement Notice quashed, countryside protection and agricultural justification reasons overruled (EDLP Strategy 7 & Policy D7).

The Inspector noted that there was a small polytunnel that was being used for growing plants, a bird house and feed bin within a chicken wire enclosure, fruit cages and 3 small ponds under construction. The shed is not large and is used for storage purposes to serve these various activities. He found its size to be commensurate with this purpose.

In the light of the evidence before him, the Inspector found that there was justification for the building as required by LP Policy D7 and Strategy 7.

The Inspector commented that the only public views of the shed was from Weston Lane and moving northwards on the lane, it is soon lost from sight entirely and is not prominent in the landscape.

He concluded that there was justification for the shed and that it did not cause harm to the character and appearance of the area. The development therefore accorded with the terms of LP Policy D7 and Strategy 7 and the Government's National Planning Policy Framework.

**BVPI 204:** **No**  
**Planning** APP/U1105/C/21/3282796  
**Inspectorate Ref:**

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**Ref:** 20/2734/OUT **Appeal Ref:** 21/00055/REF  
**Appellant:** Mr P Sparks  
**Appeal Site:** Barn Close Kennels Combe Raleigh Honiton EX14 4SG  
**Proposal:** Demolition of existing kennel buildings and construction of 2no detached dwellings (outline application with all matters reserved)  
**Decision:** **Appeal Dismissed** **Date:** 10.02.2022  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, accessibility and landscape reasons upheld (EDLP Strategies 7 & 46 and Policies D1, D2, D3 & TC2).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/21/3282287  
**Inspectorate Ref:**

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**Ref:** 21/1441/ADV **Appeal Ref:** 21/00065/ADVREF  
**Appellant:** Mr Graeme Hughes  
**Appeal Site:** Martins Of Exeter Ltd Sandygate Exeter EX2 7JL  
**Proposal:** Installation of 1x48 sheet freestanding digital advertising display unit, measuring 6.4m wide x 3.4m high and comprising pressed metal frame and sealed LED lighting  
**Decision:** **Appeal Dismissed** **Date:** 10.02.2022  
**Procedure:** Written representations  
**Remarks:** Officer recommendation to approve, Committee refusal. Amenity reasons upheld (EDLP Policy D4).  
**BVPI 204:** **No**  
**Planning** APP/U1105/Z/21/3285218  
**Inspectorate Ref:**

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**Ref:** 19/2710/MFUL **Appeal Ref:** 21/00032/REF  
**Appellant:** S Paull (Yourlife Management Services Ltd)  
**Appeal Site:** Site Of Redgate & Land At Tesco Salterton Road Exmouth  
**Proposal:** Erection of extra care/assisted living accommodation (Class C2) with communal facilities and car parking; erection of Class B1(b) or B1(c) accommodation (322 sqm employment floorspace) with associated car parking; development to be accessed from Salterton Road.

**Decision:** **Appeal Allowed (with conditions)** **Date:** 17.02.2022

**Procedure:** Hearing

**Remarks:** Officer recommendation to approve, Committee refusal. Employment land provision reasons overruled (EDLP Strategies 22 & 32 and Exmouth NP Policies EE2, EE3 & Action EEA1).

The Inspector considered that the weight of evidence pointed clearly towards the conclusion that the proposal would not harm business and employment opportunities in the area. The scheme would therefore accord with the provisions of Strategy 32 of the EDLP and there was no conflict with Strategy 22 when the two policies are read together within the development plan as a whole.

The Inspector acknowledged that Policy EE2 is supportive of new employment uses and, given the scheme would provide employment floorspace, he considered there would be no conflict in this regard. Policy EE3 refers specifically to the change of use from an employment use to residential, leading to a reduction of employment. Action EEA1 is not a policy itself but seeks to endorse the approach to the reuse of allocated employment land reflected within the EDLP.

The Inspector concluded that the site would be suitable for the proposal having regard to the development plan's approach to the delivery of employment provision. The scheme would not conflict with Strategy 22 and would accord with the objectives of Strategy 32 of the EDLP. It would also accord with Policy EE2 and there would be no conflict with Policy EE3 of the ENP.

**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/21/3276990  
**Inspectorate Ref:**

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**Ref:** 21/0110/FUL **Appeal Ref:** 21/00060/REF  
**Appellant:** Mr & Mrs Jefferson  
**Appeal Site:** Lower Marsh Farm Marsh Green Exeter EX5 2EX  
**Proposal:** Conversion of existing outbuildings to form residential dwelling  
**Decision:** **Appeal Dismissed** **Date:** 17.02.2022  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, accessibility reasons upheld (EDLP Policies D8 & TC2 and Strategies 5B &7, Rockbeare NP Policy Rock 07).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/21/3283597  
**Inspectorate Ref:**

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**Ref:** 21/0182/FUL **Appeal Ref:** 21/00048/REF  
**Appellant:** Mr and Ms J M and D Jones and Mayerova  
**Appeal Site:** 13 Park Way Exmouth EX8 3QG  
**Proposal:** Proposed detached dwelling  
**Decision:** **Appeal Dismissed** **Date:** 21.02.2022  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, amenity reasons upheld (EDLP Policy D1 and ENP Policy EB2).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/21/3279851  
**Inspectorate Ref:**

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**Ref:** 21/0238/LBC **Appeal Ref:** 21/00062/LBCREF  
**Appellant:** Mr Hillier  
**Appeal Site:** 4 Counters Court Mill Street Sidmouth EX10 8DW  
**Proposal:** Replacement windows and doors: 1no. window at ground floor and 1no. window at first floor on rear north elevation; 1no. window at first floor and double doors on side west elevation and 1no. door and 2no. windows on front south elevation  
**Decision:** **Appeal Dismissed** **Date:** 24.02.2022  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, listed building conservation reasons upheld (EDLP Policy EN9).  
**BVPI 204:** **No**  
**Planning** APP/U1105/Y/21/3284637  
**Inspectorate Ref:**

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**Ref:** 21/1651/FUL **Appeal Ref:** 21/00067/REF  
**Appellant:** Mr Andrew Wadhams  
**Appeal Site:** Figgins Church Road Lympstone Exmouth EX8 5JT  
**Proposal:** Creation of off road parking to support installation of electric vehicle charging point  
**Decision:** **Appeal Dismissed** **Date:** 24.02.2022  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, listed building conservation reasons upheld (EDLP Policies EN9 & EN10).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/21/3285963  
**Inspectorate Ref:**

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**Ref:** 21/1652/LBC **Appeal Ref:** 21/00068/LBCREF  
**Appellant:** Mr Andrew Wadhams  
**Appeal Site:** Figgins Church Road Lympstone Exmouth EX8 5JT  
**Proposal:** Removal and reinstatement of part of front wall to garden to create off road parking to support installation of electric vehicle charging point.  
**Decision:** **Appeal Dismissed** **Date:** 24.02.2022  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, listed building conservation reasons upheld (EDLP Policies EN9 & EN10).  
**BVPI 204:** **No**  
**Planning** APP/U1105/Y/21/3286111  
**Inspectorate Ref:**

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## East Devon District Council List of Appeals In Progress

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

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**App.No:** 20/2710/FUL  
**Appeal Ref:** APP/U1105/W/21/3275285  
**Appellant:** Mr Coletti  
**Address:** 2 Brooklyn Stowford Sidmouth EX10 0NA  
**Proposal;** Change of use of land and construction of hardstanding to allow the siting of 2no. shepherd huts for holiday accommodation  
**Start Date:** 6 July 2021  
**Procedure:** Written reps.  
**Questionnaire Due Date:** 13 July 2021  
**Statement Due Date:** 10 August 2021

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**App.No:** 20/1618/FUL  
**Appeal Ref:** APP/U1105/W/21/3276272  
**Appellant:** Mr Henry Slade  
**Address:** Land To West Of B3180 Between The Existing Houses Tetry And Panorama West Hill  
**Proposal;** Proposed new two storey dwelling  
**Start Date:** 6 July 2021  
**Procedure:** Written reps.  
**Questionnaire Due Date:** 13 July 2021  
**Statement Due Date:** 10 August 2021

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**App.No:** 20/1115/COU  
**Appeal Ref:** APP/U1105/W/21/3277838  
**Appellant:** Mr Mark Perry  
**Address:** Building North Of Harbour Close Combyne  
**Proposal;** Proposed change of use of 1 no existing structure from agricultural to B1 and B2 use  
**Start Date:** 17 August 2021  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 31 August 2021  
**Statement Due Date:** 28 September 2021

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**App.No:** 21/F0029  
**Appeal Ref:** APP/U1105/C/21/3278461  
**Appellant:** Mr Mark Perry  
**Address:** Building North Of Harbour Close Combyne  
**Proposal;** Appeal against an enforcement notice served in respect of the unauthorised change of use of a building from agricultural to B1 and B2 use  
**Start Date:** 17 August 2021  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 31 August 2021  
**Statement Due Date:** 28 September 2021

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**App.No:** 20/1801/FUL  
**Appeal Ref:** APP/U1105/W/21/3281230  
**Appellant:** Mrs A Golding  
**Address:** Edenvale Turf Courtlands Dulford Cullompton EX15 2EQ  
**Proposal;** Proposed replacement dwelling.  
**Start Date:** 7 October 2021  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 14 October 2021  
**Statement Due Date:** 11 November 2021

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**Ref.No:** 18/F0086  
**Appeal Ref:** APP/U1105/C/21/3283353  
**Appellant:** Darren Squires  
**Address:** Long Range Park, Whimble  
**Proposal;** Appeal against enforcement notice served in respect of caravan park homes being used as permanent residences (Nos 2,3,4,5,6,10 &12)  
**Start Date:** 18 October 2021  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 1 November 2021  
**Statement Due Date:** 29 November 2021

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**App.No:** 20/2734/OUT  
**Appeal Ref:** APP/U1105/W/21/3282287  
**Appellant:** Mr P Sparks  
**Address:** Barn Close Kennels Combe Raleigh Honiton EX14 4SG  
**Proposal;** Demolition of existing kennel buildings and construction of 2no detached dwellings (outline application with all matters reserved)  
**Start Date:** 23 November 2021  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 30 November 2021  
**Statement Due Date:** 28 December 2021

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**App.No:** 20/0933/OUT  
**Appeal Ref:** APP/U1105/W/21/3282445  
**Appellant:** Mr & Mrs C Fayers  
**Address:** Land South Of Underhill Close Lympstone  
**Proposal;** Construction of predominately single storey dwelling with annexe accommodation (outline application with all matters except access reserved)  
**Start Date:** 23 November 2021  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 30 November 2021  
**Statement Due Date:** 28 December 2021

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**App.No:** 20/2481/FUL  
**Appeal Ref:** APP/U1105/W/21/3281523  
**Appellant:** Mr Dominic Morgan  
**Address:** New Fountain Inn Church Road Whimple Exeter EX5 2TA  
**Proposal;** Subdivision of public house to create dwelling and construction of three 2 bedroom dwellings with associated parking and gardens  
**Start Date:** 25 November 2021  
**Procedure:** Hearing  
**Questionnaire Due Date:** 2 December 2021  
**Statement Due Date:** 30 December 2021  
**Hearing Date:** 15 February 2022

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**App.No:** 21/0106/FUL  
**Appeal Ref:** APP/U1105/W/21/3280492  
**Appellant:** Miss Pia-Maria Boast  
**Address:** Land Adjacent 4 Cheese Lane Sidmouth  
**Proposal;** Proposed new dwelling  
**Start Date:** 8 December 2021  
**Procedure:** Written Reps.  
**Questionnaire Due Date:** 15 December 2021  
**Statement Due Date:** 12 January 2022

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**App.No:** 21/2069/PIP  
**Appeal Ref:** APP/U1105/W/21/3285255  
**Appellant:** Mr & Mrs ND & PF McIlveen  
**Address:** Nursery Garage Courtlands Lane Exmouth EX8 5AB  
**Proposal;** Residential development  
**Start Date:** 15 December 2021  
**Procedure:** Written Reps.  
**Questionnaire Due Date:** 22 December 2021  
**Statement Due Date:** 19 January 2022

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**App.No:** 20/2701/FUL  
**Appeal Ref:** APP/U1105/W/21/3287929  
**Appellant:** Mr Martin Jackson  
**Address:** 18 Hartley Road Exmouth EX8 2BQ  
**Proposal;** Construction of dwelling.  
**Start Date:** 18 January 2022  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 25 January 2022  
**Statement Due Date:** 22 February 2022

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**App.No:** 21/1795/FUL  
**Appeal Ref:** APP/U1105/D/21/3289211  
**Appellant:** Mr And Mrs Peter Tyldesley  
**Address:** 1 Cowley Barton Cottages Cowley Exeter EX5 5EL  
**Proposal;** First floor rear extension with the addition of 2 x dormer, pergola to the front and single storey outbuilding to rear for use as garden room.  
**Start Date:** 19 January 2022  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 24 January 2022

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**App.No:** 21/0811/FUL  
**Appeal Ref:** APP/U1105/W/21/3288093  
**Appellant:** Oliver Cleaver  
**Address:** Land And Buildings Opposite Hembury Close  
Broadhembury Honiton EX14 3LE  
**Proposal;** Demolition of an existing barn and construction of a 4 bedroom dwelling in its place  
**Start Date:** 18 January 2022  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 25 January 2022  
**Statement Due Date:** 22 February 2022

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**App.No:** 21/2232/FUL  
**Appeal Ref:** APP/U1105/D/21/3288212  
**Appellant:** Mr S Taylor  
**Address:** The Meade Sanctuary Lane Woodbury Exeter EX5 1EX  
**Proposal;** Installation of new vehicular access  
**Start Date:** 1 February 2022  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 8 February 2022

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**App.No:** 20/2887/FUL  
**Appeal Ref:** APP/U1105/W/21/3287477  
**Appellant:** Chris Hammett  
**Address:** Land Adjacent Harepath Hill Seaton EX12 2TF  
**Proposal;** Proposed agricultural storage building and associated works, including new access (resubmission of planning application 19/1141/FUL)  
**Start Date:** 7 February 2022  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 14 February 2022  
**Statement Due Date:** 14 March 2022

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**App.No:** 21/0875/FUL  
**Appeal Ref:** APP/U1105/W/21/3288638  
**Appellant:** Mr & Mrs Bere  
**Address:** Barns North Of Luton Lane Farm Payhembury  
**Proposal;** Demolition of the existing and redundant barns and construction of a single dwellinghouse, annexe and garage (alternative to change of use of agricultural building to dwellings under class Q approval reference 19/0285/PDQ)  
**Start Date:** 8 February 2022  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 15 February 2022  
**Statement Due Date:** 15 March 2022

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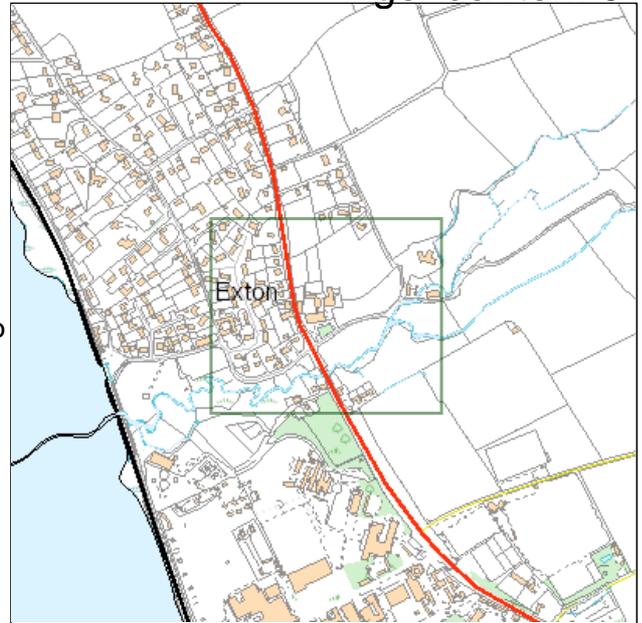
**Ward** Woodbury And Lymstone

**Reference** 19/2132/MFUL & 19/2133/LBC

**Applicant** Hayes Grange LLP

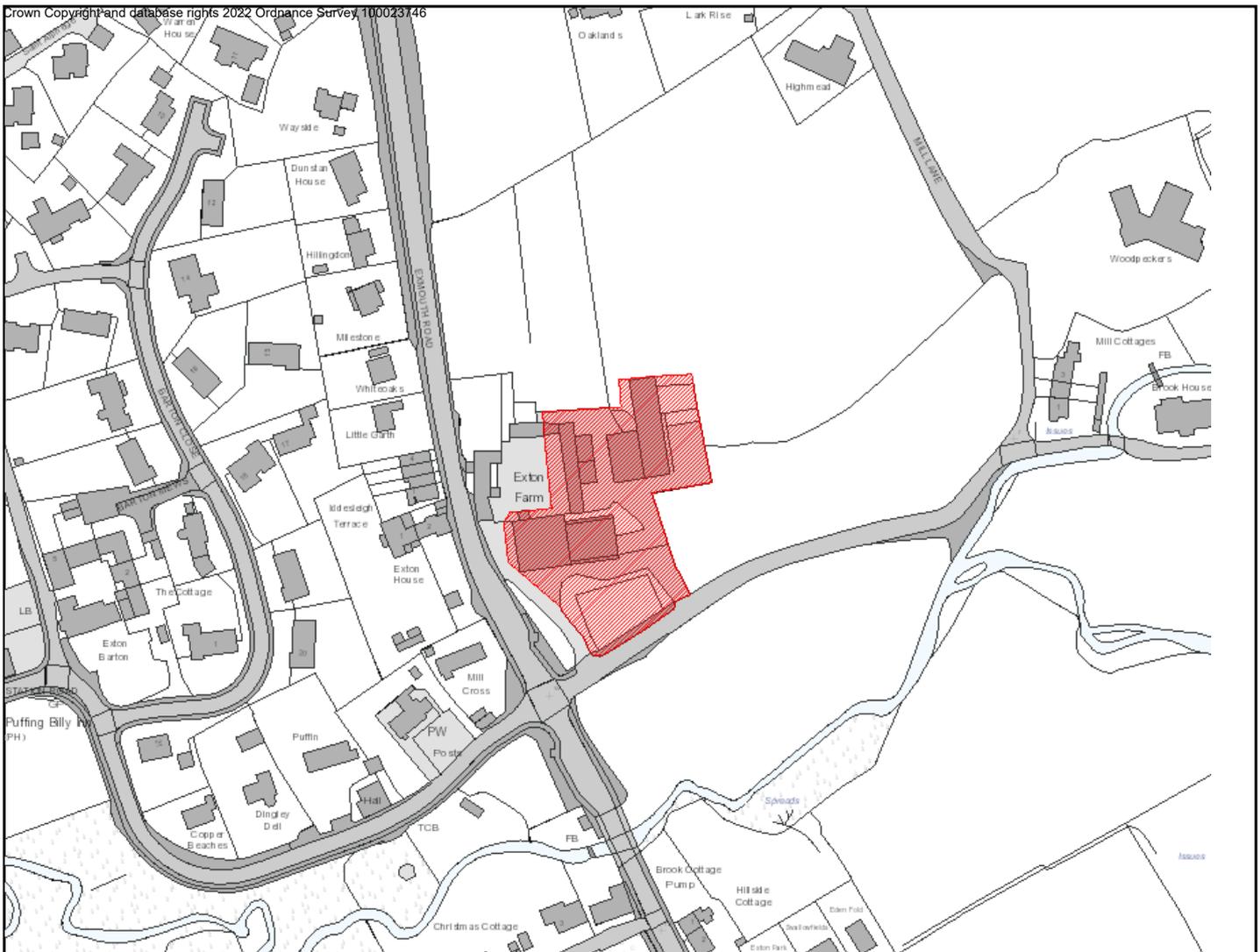
**Location** Exton Farm Exmouth Road Exton Exeter EX3 0PZ

**Proposal** (19/2132/MFUL) Conversion of existing barns to 3 no. residential dwellings and the demolition of existing barns and their replacement with 7 no. new build dwellings, alterations to existing vehicular access onto Mill Lane, parking, drainage and landscaping. (19/2133/LBC) Conversion of barns to form 3 no. residential dwellings



**RECOMMENDATION 19/2132/MFUL:** 1. Adopt the appropriate assessment  
2. Approve subject to prior signing of a legal agreement

**RECOMMENDATION 19/2133/LBC:** Grant subject to conditions



		<b>Committee Date: 16<sup>th</sup> March 2022</b>
<b>Woodbury And Lympstone (Woodbury)</b>	<b>19/2132/MFUL</b>	<b>Target Date: 10.02.2020</b>
<b>Applicant:</b>	<b>Hayes Grange LLP</b>	
<b>Location:</b>	<b>Exton Farm Exmouth Road</b>	
<b>Proposal:</b>	<b>Conversion of existing barns to 3 no. residential dwellings and the demolition of existing barns and their replacement with 7 no. new build dwellings, alterations to existing vehicular access onto Mill Lane, parking, drainage and landscaping.</b>	

**RECOMMENDATION:** 1. Adopt the appropriate assessment  
2. Approve subject to prior signing of a legal agreement

		<b>Committee Date: 16<sup>th</sup> March 2022</b>
<b>Woodbury And Lympstone (Woodbury)</b>	<b>19/2133/LBC</b>	<b>Target Date: 06.01.2020</b>
<b>Applicant:</b>	<b>Hayes Grange LLP</b>	
<b>Location:</b>	<b>Exton Farm Exmouth Road</b>	
<b>Proposal:</b>	<b>Conversion of barns to form 3 no. residential dwellings</b>	

**RECOMMENDATION:** Grant subject to conditions

#### **EXECUTIVE SUMMARY**

This report relates to two applications at Exton Farm. They are before the Planning Committee as the development constitutes a major proposal which is a departure from the development plan.

The applications relate to the redundant barns located opposite Exton Farm. The site is accessed off a minor road, close to its junction with the A376 (known as Exeter Road); there are traffic lights, including a pedestrian crossing, at the

junction between these roads. Also joining Exeter Road in the same place is a minor road into the village of Exton. There is also a bus stop at the junction, and a pavement alongside the A376. The application site lies outside of a built-up area.

The site itself consists of a number of barns and other agricultural buildings. Some of these are of a modern nature, whilst others are more historic. The original farmhouse is a grade II star listed structure. There are a number of trees and/or hedges which provide some screening of the site from the aforementioned highways, particularly when viewing the site from the south.

Planning permission is sought to convert one of the existing barns into 3 dwellings. Additionally, it is proposed to demolish the other barns and to construct 7 dwellings in their place. Vehicle parking, a domestic curtilage and landscaping are also proposed as part of the development.

The proposal represents a departure from adopted development plan policy because Exton is not considered to be a settlement that can support future housing growth due to it not having sufficient services and infrastructure to support daily living although it does have good transport links. However, recent appeal decisions (referenced in the report) have found that sites close to the crossroads and train station can be considered acceptable relying upon services in other settlements. As such it is considered, on balance, that the principle of housing on this site is acceptable.

The proposals would take place in close proximity to the grade II\* listed building and concerns some of its curtilage listed farm buildings, whilst there would undoubtedly be an impact on the setting of the main farmhouse and outbuildings, the report discusses the positive impacts that would arise from removing the older buildings on site and more modern extension to the curtilage listed structures to better reveal their significance together with securing the long term future and maintenance of the buildings. Accordingly, the less than substantial harm that would occur is considered to be outweighed by the public benefits of the scheme.

The design of the proposed scheme has been through various iterations following comments from the conservation officer and Historic England, together with comments from the landscape architect and is now considered to be a sensitive scheme given its rural setting and close to the heritage assets such that it accords with adopted development plan policy and guidance contained in the NPPF.

Whilst the Parish Council and Ward Member raise concerns regarding the road and junction accessing the site flooding due to its location within flood zones 2 and 3, the proposed dwellings and parking fall outside of the flood zone with alternative means of escape and access from the site if required.

Other aspects of these scheme including highways, drainage, ecology archaeology and impacts on third parties have been considered in the report and been found to be acceptable.

**Given the considerations discussed above and benefits from the development, it is considered that these applications are acceptable. Consequently, it is recommended that these applications are approved.**

## **CONSULTATIONS**

### **Local consultations**

#### Woodbury And Lympstone - Cllr Geoff Jung

I have viewed the documents and attended a site visit for the planning application for 19/2132/MFUL for the conversion of existing barns to 3 no. residential dwellings and the demolition of existing barns and their replacement with 7 no. new build dwellings, alterations to existing vehicular access onto Mill Lane, parking, drainage and landscaping at Exton Farm Exmouth Road Exton.

Because this is a redundant farm facility close to the residential area and it will provide suitable housing for the local area, I support this application.

I reserve my final view on this application until I am in full possession of all the relevant arguments for and against.

Further comments:

Thank you for your report and recommendation. I note that this application is recommended for approval. I originally supported the application that replaced a redundant farm and associated buildings with properties that would provide accommodation, and generally tidy up a redundant site.

However, despite concerns from myself, the Parish Council and requests to the consultees regarding flood and highway issues, the problem of continued flooding onto Mill Lane and the adjacent main Exmouth to Exeter Road means that the proposed access for pedestrians and vehicles will mean they will be entering a flood whenever there is a substantial storm event.

I fully appreciate that the site itself will not be affected by flooding but I am afraid I cannot support an application that will affectively not provide the safe access and ingress for residents during a flood event.

Therefore, I will be objecting to this application until there is a satisfactory solution to the ongoing surface water dangers effecting the wider location along Mill Lane and the Main Road

#### Parish/Town Council

NOT SUPPORTED. Concern over flooding issues requiring input from Highways and the Environment Agency.

Further comments:

SUPPORT. Subject to a satisfactory solution to the flood risk and drainage issues for access to the 376 and Mill Lane.

### **Technical consultations**

## Conservation

### BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

See listing description and information on file

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

This application was the subject of pre-application advice under 18/0182/PREAPP for Exton Farm which is listed Grade II. A site meeting was held on Wednesday 29th May 2019, and included Historic England. There is no objection in principle to the conversion of the historic barns to housing. However, any scheme will need to be mindful of both setting of the listed farmhouse and the inherent character and appearance of the barns. Some of the comments made at pre-application stage are still relevant.

Site Plan: the existing brick farm building range is to be retained and converted to 3no residential units. The barn closest to the farmhouse (North Shed) is to be removed along with the Dutch Barn, Dairy, Cow Shed, Silage clamp and South Barns. There is no objection in principle to the removal of the existing outbuildings as listed above. The proposal includes the construction of two further ranges of new dwellings, No's 4-6 to the south and No's 7-10 to the east. Parking and courtyard space are incorporated into the scheme.

#### Existing barns

Ground floor: whilst it is appreciated that the original farm buildings were grouped around the courtyard, some separation would allow the use of openings in the south gable end of the brick barns. In addition, to remove the need to include a rooflight on the west elevation see below. Some reconfiguration of the layout maybe required to address other issues relating to the proposals. The kitchen and utility room to Unit 3 have no windows;

First floor: some reconfiguration of the layout maybe required to address other issues relating to the proposals;

Roof plan: the refurbishment of the roof is welcomed. Any rooflights should be on the east slope away from the Grade II\* listed farmhouse. These should be flush fitting conservation type;

West elevation: the rooflights should be omitted and re-located on the east slope away from the farmhouse. With regards fenestration, the use of the existing openings is welcomed and the use of shutters. However, the fenestration itself is overly domestic and requires simplification;

East elevation: see comments below relating to wrapping round existing barns.

North elevation: the glazing to the first floor should be simplified;

Section A: existing roof structure retained, strengthened and insulated. This will need to be conditioned;

Section C: as above;

Section Through Curtilage: as above;

New units

The south range No's 4-6 wrap around the corner of the existing brick barns, which impacts on the existing structure. Consideration should be given to some separation between the two. The units are considerably larger in scale and footprint than the brick barns. This is clearly demonstrated on North elevation.

The east range No's 7-10 replace the Dutch Barn & Cow Shed and are considerably larger in scale and footprint than the brick barns.

4-6 Elevations: no objection in principle, but whilst the materials and overall appearance has an agricultural feel, the pattern of design/fenestration etc is very regular;

4-6 Roof plan: no objection to corrugated metal roof. The rooflights should be re-located to the south slope away from the Grade II\* listed farmhouse;

7-10 Elevations: no objection in principle, but whilst the materials and overall appearance has an agricultural feel, the pattern of design/fenestration etc is very regular;

7-10 Roof plan: no objection to corrugated metal roof;

Landscaping: see comments from Chris Hariades under 19/2132/MFUL;

Boundary treatment: other than the principle for estate railing, the other two boundary treatments shown are both very domestic. See further comments from Chris Hariades under 19/2132/MFUL;

Heritage Impact Assessment: no specific comments, but please note that Exton Farmstead - Keystone Report: whilst this is referenced in the Heritage Impact Assessment, this comprehensive and useful document has not been submitted with the application. It should form part of any submission for LBC & PP;

Structural Survey: this report carried out in October 2019 appears to demonstrate that the historic barns are generally in good condition and capable of conversion without major reconstruction;

General points: the existing courtyard needs to be kept free of domestic paraphernalia including physical division, gardens etc. The existing layout is still dominated by the access road and parking spaces. This needs to be minimised and less formal, see

landscape comments, see above. Lamp posts are unlikely to be acceptable and an alternative lighting scheme considered. The proposed courtyard is also still too formal.

Whilst it is appreciated that the majority of openings are on the west elevation of the brick range, careful consideration needs to be given to the relationship between the farmhouse, barns and courtyard. The scheme would be better orientated with the frontage for the barns facing east but this will require considerable skill and re-working of the layouts.

Historic England comments: please note the comments and concerns raised by Historic England.

Further comments:

Amended plans received 26th May 2020:

The amended plans seeks to address the concerns raised in the previous comments and further detailed comments are set out below:

Site Plan: as before, the existing brick farm building range is to be retained and converted to 3no residential units. The barn closest to the farmhouse (North Shed) is to be removed along with the Dutch Barn, Dairy, Cow Shed, Silage clamp and South Barns. There is no objection in principle to the removal of the existing outbuildings as listed above. The proposal includes the construction of two further ranges of new dwellings, No's 4-6 to the south and No's 7-10 to the east. Parking, bicycle lock-up, bins/recycling provision and courtyard space are incorporated into the scheme.

Existing barns

Ground floor: the separation and the re-location of the southern range has allowed the use of openings in the south gable end of the brick barns and the rooflight on the west elevation has now been removed, see below. The kitchen to Unit 3 now utilises the existing opening. The estate railings to the courtyard boundary referred to within the Heritage Statement are not shown, see comments below;

First floor: some reconfiguration of the layout has been undertaken to address other issues relating to the proposals. Bedroom to Unit 3 only has a rooflight which will need to conform to Building Regulations as means of escape;

Roof plan: the refurbishment of the roof is welcomed and it is noted that the roof adjoining Unit 1 is now to be a monopitched corrugated material. In addition, a double height arch has been inserted between the existing and new units to the south, see below. The rooflights have now been re-located on the east slope away from the Grade II\* listed farmhouse and this is welcomed. These should be flush fitting conservation type;

West elevation: the rooflights have now been omitted and re-located on the east slope away from the farmhouse and this is welcomed. The fenestration has now been simplified and in conjunction with the use of the existing openings and the use of shutters and is an improvement to the overall appearance of the traditional barns. A

new double height arched entrance has been inserted as the link between the existing barns and the new southern units and this is a creative solution to address the concerns previously raised;

East elevation: previous comments relating to wrapping round existing barns now addressed. New arch as above. Existing openings re-used and minimal on this elevation;

North elevation: no changes to the glazing to the first floor, please clarify. The changes to the roof of the single storey link to Unit 1 are noted;

Section A: existing roof structure retained, strengthened and insulated. This will need to be conditioned. Changes to link to Unit 1 noted;

Section C: as above;

Section Through Curtilage: as above;

New units (19/2132/MFUL)

The south range No's 4-6 has now been re-located away from the corner of the existing brick barns, to reduce the impact on the existing structure and a new double height arch link has been inserted to address this issue. This is considered to be a creative solution. The units have now been reduced in height to match the ridge line of the existing barns via the link archway. In addition, the footprint is now in keeping with the brick barns.

4-6 Elevations: changes to the fenestration and materials have been made, no objections in principle, subject to conditions/samples;

4-6 Roof plan: it is noted that the roof is now shown as slate on the detailed plans for Units 4-6, but shown as 'suitably aged clay tiles' on the site plan, please clarify. The rooflights have been omitted;

The east range No's 7-10 replace the Dutch Barn & Cow Shed and are still considerably larger in scale and footprint than the brick barns. No changes appear to have been made to this aspect of the scheme, please clarify.

Comments therefore as before:

7-10 Elevations: no objection in principle, but whilst the materials and overall appearance has an agricultural feel, the pattern of design/fenestration etc is very regular;

7-10 Roof plan: no objection to corrugated metal roof;

Landscaping: see comments from Chris Hariades under 19/2132/MFUL;

Boundary treatment: it is noted that the courtyard is to be retained as an open space with cobbled area to Units 1 - 3 enclosed by estate railing. However, this does not appear to be shown on any plans, see below. Please clarify;

Heritage Impact Assessment April 2020 Rev C: no specific additional comments, but please note that Exton Farmstead - Keystone Report: whilst this is referenced in the Heritage Impact Assessment, this comprehensive and useful document has still not been submitted with the application. It should form part of any submission for LBC & PP;

Structural Survey: this report carried out in October 2019 appears to demonstrate that the historic barns are generally in good condition and capable of conversion without major reconstruction;

General points: the existing courtyard has now been kept free of domestic paraphernalia including physical division, gardens etc. However, there is still concern relating to how the individual space for each unit will be sectioned off and the fact that any use of this area will be directly opposite the farmhouse impacting on amenity and use. It seems that limited consideration has been given to the relationship between the farmhouse, barns and courtyard. It is appreciated that the majority of openings are on the west elevation of the brick range, but from a use and amenity aspect, the scheme would be better orientated with the frontage for the barns facing east. There is concern that the gardens to the east will have little functional use;

Historic England comments: an 'Assessment of alternative uses and impacts on listed building' has been produced to address the specific comments raised by Historic England regarding the change of use of the barns to residential. This covers various alternative uses including continuing agricultural, commercial, office space, retail, and leisure. It concludes that '...only a residential scheme is able to minimise the degree of impact, facilitate other benefits and be viable. It is therefore considered that there is a strong justification for a residential use relative to the other possibilities'.

Please note any further comments and concerns raised by Historic England relating to this aspect.

Further comments:

ADDRESS: Exton Farm, Exmouth Road, Exton

GRADE: II\* APPLICATION NO: 19/2132/MFUL

Amended plans received 18th November 2020:

None of the additional information or amended plans appear to have addressed the concerns raised previously in June 2020. See previous comments.

Historic England comments: please note the comments and concerns raised by Historic England.

Historic England

Thank you for your letters of 26 May 2020 regarding further information on the above applications for listed building consent and planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the applications.

### Significance

The application site forms the farmstead to Exton Farmhouse, a 17th century property based on a three room cross passage plan form. The farmhouse is unusual due to its size and its elevated sense of status as seen through features such as the projecting first floor porch and the quality of the surviving architectural detailing. This has resulted in the house being listed at grade II\*.

The associated farmstead consists of a 19th century range facing the house across the farmyard. There is a large modern barn to the south of the courtyard and a smaller range to the north. The complex remains subservient to the house and creates a clear sense of hierarchy between the principal building and the functional elements of the site.

Historic England provided comments on the earlier scheme for the comprehensive redevelopment of the site for residential use. Our comments focused on two main areas: firstly, ensuring that the design continued to reflect the agricultural character of the site; and secondly, the potential impact of the site's subdivision on the long term sustainable future of the principal house.

### Impact of the changes to the architectural approach

As part of the revised proposals, a number of design changes have been made to address the comments raised in our previous letter, which are welcomed.

This includes the omission of the soft landscaping within the courtyard area and the delineation of the associated land through the change in materials. It also includes a revised approach to the fenestration and the omission of the roof lights. The application has also looked to address the design and scale of the new barn, which sits more comfortably against the historic range. The revisions have helped to lessen the visual impact of the development on the farmhouse's significance as derived from its setting (Para 200, NPPF).

The proposal's landscaping uses more traditional local materials to address the surfaces; however, it still introduces suburban features into the setting of the farmhouse, in particular the proposed treatment of the eastern boundary along the drive to the main house. Further consideration should be given to this aspect of the scheme to minimise the impact of the development on the significance of the house derived from its setting (Para 190, NPPF).

### Impact of the proposed change of use

The conversion of all supporting outbuildings, with the exception of one unit, results in the fundamental and permanent subdivision of the farmhouse from its farmstead. With the change in farming practises, Historic England acknowledges that often historic farm-building's intended uses are no longer viable. When considering alternative uses,

we would encourage that the site is considered holistically, including the principal house. This approach will ensure that the uses proposed are compatible with the continued occupation of the main property, retain its sense of hierarchy through the subservience of the barns and reduce the potential pressures for future further development on the site.

Consequently, any proposal will need to show how the change of use is sustainable not only financially but also in terms of the future conservation of the house and the farmstead, in order to demonstrate that it forms the optimum viable use for the site.

### Relevant National Planning Policy and Guidance

When considering the proposals, the council should consider the relevant policies in the NPPF. These include Para 196, where any harm to the heritage asset needs to be balanced against the public benefit of the scheme including the site's optimum viable use. Further guidance can also be found in Para PPG 015 Reference ID: 18a-015-20190723 of the PPG with regard to optimum viable use.

### Position

The revisions to the proposed design has minimised the visual impact of the scheme on the farmhouse. This is through the reduction in scale and the loss of overly domestic features. Further steps could be taken to address the suburban character of the site, in particular the treatment of eastern boundary of the farmhouse's main drive.

In respect of the change of use, the permanent subdivision of the site will erode the sense of hierarchy within the complex as well as limit the opportunities available on site to provide future sustainable development, if required, to support the on-going conservation of the grade II\* listed Farmhouse. These elements will need to be taken into consideration by the council, while they consider whether this scheme forms the optimum viable use for the site.

### Recommendations

Historic England has concerns regarding this application on heritage grounds.

The revised design has addressed previous concerns raised. We would encourage the council seek further steps to address the suburban layout of the proposal, particular along the east boundary of the main drive to the grade II\* listed farmhouse. In consideration of whether the development presents the optimum viable use for the site, the council in their deliberation need to be confident that this proposal will ensure the future conservation of the asset as a whole, including the farmhouse (Para 196, NPPF).

The council in determining this application, should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. They should have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Further comments:

Thank you for your letter of 18 November 2020 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

#### Historic England Advice

Historic England does not have any further comments to make on the newly submitted information. The advice set out in our letter dated the 24th June 2020 remains extant and we would refer you to that letter to inform your assessment of the proposals.

#### Recommendation

Consequently, Historic England continues to have concerns regarding this application on heritage grounds.

The revised design has addressed previous concerns raised. We would encourage the council seek further steps to address the suburban layout of the proposal, particular along the east boundary of the main drive to the grade II\* listed farmhouse (NPPF, Para 200).

In consideration of whether the development presents the optimum viable use for the site, the council in their deliberation need to be confident that this proposal will ensure the future conservation of the asset as a whole, including the farmhouse (Para 196, NPPF).

The council in determining this application, should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. They should have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

EDDC Landscape Architect - Chris Hariades

EDDC Landscape and green infrastructure response to planning application

Application no.

19/2132/MFUL

Exton Farm, Exton

Description

Conversion of existing historic barns to three dwellings and demolition and replacement of existing modern barns with seven new-build dwellings, associated car parking, infrastructure and alteration of existing access to Mill Lane

EDDC Planning Area

West

Date of response

5/12/2019

## 1 INTRODUCTION

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

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

## 2 REVIEW OF SUBMITTED INFORMATION

### 2.1 Reports and surveys

#### 2.1.1 Ecological survey, version 1.0

The ecological survey is limited to consideration of the impact of nesting birds and bats currently using the existing buildings, and makes recommendations for undertaking building works under an ecological watching brief, providing alternative roosting/ nesting provision and use of non-breathable cladding membranes.

There is no consideration of other habitat around the site, particularly the willow copse adjacent to the Mill Lane boundary or surrounding hedgerow and the potential for habitat enhancement for bio-diversity benefit as required under Local Plan Strategy 47.

The assessment makes no recommendations for limiting light spill from the proposed development to avoid impact on bat commuting and foraging patterns.

#### 2.1.2 Tree survey, impact assessment and protection

None provided.

#### 2.1.3 Existing site plan, dwg. no. 1209\_101

The existing site plan fails to show the full extent of existing trees to the southern site boundary and as evident in the aerial photograph below.

A revised plan should be submitted that shows these together with an indication of ground levels at the base of trees.

Image here

## 2.1.4 Design and access statement (DAS), revision B

Para 3.1.4 Access and landscaping - Notes preference for low level task lighting but provide no detail. Details are required of all external lighting including wall mounted units. Lighting design should conform with Guidance Note 08/18 - Bats and Artificial Lighting in the UK, Institute of Lighting Professionals/ Bat Conservation Trust, 2018.

## Para 3.1.5 Sustainability

Water butts should be provided to collect and store roof water for each garden. Given the easy access to the Exe Cycle Trail the site is a good location for cycle commuting to Exeter and Exmouth. However, there is no mention of sustainable transport or provision for cycle storage within the DAS although the Proposed Site Plan, dwg. no. 1209\_201 rev D, indicates a location for cycle parking/ bin storage and possible positions for bicycle lock ups in the gardens of plots 1-6.

All dwellings should have suitably designed secure, covered cycle storage with sufficient space to store a minimum of two bikes per unit plus additional gardening equipment or, alternatively, equivalent shared facilities. Details of the locations and design of these should be provided.

## Para 3.1.10 Landscaping

The proposed use of estate type metal post and rail fencing between rear gardens and the historic (listed) farmstead is contrary to pre-app advice provided by both Historic England and the EDDC Conservation officer that the western farmyard should be kept open and free of any divisions.

## 2.1.5 Layout and landscape proposals

Proposed landscaping plan - dwg. no. 1209\_206A  
Proposed site plan, dwg. no. 1209\_201 Rev D

While the overall layout is generally acceptable there is a lack of consideration of existing trees and hedgerow, local distinctiveness and biodiversity and the following points should be addressed:

### a) Mill Lane frontage

The proposals for the site frontage with Mill Lane should seek to retain the existing verge and willow copse, as seen in the photo below, in order to maintain the rural character of the lane with minimal cutting back to achieve required visibility splays. No roadside railings or kerbing should be provided.

Image here

### b) Treatment of the willow copse (Planting zone 1)

Although the condition of many of the trees in the copse is poor, the area provides opportunity for SUDS drainage management and biodiversity enhancement, while the existing trees will provide screening of the development from Mill Lane. The indication on the site plan and landscaping plan that the area will be used as a park with lawn

under the trees would entail the loss of most if not all of the existing trees which would be unacceptable.

A carefully considered design and management proposal is required for this area that accounts for these factors, allows for clearance of dumped material and otherwise retains its rough character rather than seeking a manicured appearance.

The need for a new pedestrian path along the western margin of the copse would reduce its size and is considered unnecessary as the adjacent driveway could be used instead if a pedestrian access is deemed necessary from the southwestern corner of the site.

c) Site entrance

I have concerns about the appearance and impact of the proposed stone entrance columns, for which there is no local precedence and consider these should be omitted.

Suitable demarcation should be provided across the site entrance to delineate between public highway and private access drive such as a pitched stone rumble strip using locally sourced stone.

d) Parking and vehicular circulation

Consideration should be given to utilising the existing entrance to the west side of the site for vehicular access to the proposed car park with a pedestrian only access at the eastern end. This would avoid adverse impact on the frontage to Mill Lane.

e) Proposed surface finishes

The proposed use of granite setts and granite chippings does not reflect local vernacular or rustic farmyard character and are considered unsuitable.

Reclaimed granite kerbing could be acceptable but in most instances is considered unnecessary and edgings to rear and sides of carpark areas would generally be better as discrete, flush.

The use of clay pavers to private paths could be acceptable subject to reflecting local brick type and being laid stretcher bond rather than herringbone as proposed.

f) Courtyard design between plots 1-3 and 7-10

The proposed hard surfacing of the footprint of the Dutch barn within the centre of the courtyard with fan laid granite setts is out of character and will restrict adequate water getting to the proposed trees. This area would work better if planted with suitable ground cover plants which could also then serve as an infiltration area for the SUDS scheme.

A suitable, permeable natural bound gravel path with suitable local aggregate would be more appropriate surfacing for surrounding paths.

g) Tree root protection zones (RPAs)

The RPAs of existing trees to be retained to the north side of planting zone 1 appear to be compromised by the proposed bin-store, access path, parking bays and associated edgings. Conflicts could be avoided by reducing the width of parking bays

to 2.5m and a more considered design approach based on an evaluation of tree condition and constraints.

#### h) Planting

The proposed planting details are inadequate. A clear planting strategy is required identifying existing trees and hedgerow to be removed and retained and proposed trees, native structure planting, hedgebanks, ornamental planting, grass and wildflower meadow / wetland.

The proposed planting of Ash as indicated on the tree schedule is prevented under legislation to control the spread of Ash die back.

The statement in the drawing notes that there is to be no tree planting in private gardens is contradicted by their inclusion on the plan. Tree planting should be included within gardens on the boundaries with communal space.

Suitable native or semi-ornamental hedgerow and occasional small/ medium sized trees should be provided behind proposed estate railings to garden boundaries fronting onto communal areas to provide screening and softening.

#### 2.1.6 Boundaries - drawing no. 1209\_208

Proposed estate railings should be limited to the boundaries with communal areas to the east side of plots 1-3, the south side of plots 4-6 and west side of plots 7-10 front gardens to plots . Railings should be dark painted and a hedge should be planted behind them to include small/ medium trees at suitable spacings.

The proposed dwarf brick with Chiswick railing detail around the historic courtyard to the west contradicts the DAS (para 3.1.10) and is considered too urban and out of character for this situation. It is also contrary to advice provided by Historic England and EDDC conservation officer that no enclosure should be provided. It is suggested that traditional cobble stone paving should be provided within the dwelling curtilages with some trees planted in appropriate pits along the boundary line to provide some privacy between the farmhouse and west elevation of plots 1-3 which have large windows looking out across the yard.

There is a contradiction in the height for privacy fencing which is shown as 900mm high on drawing 1209\_208 but rear gardens of plots 7-10 are shown as 1.8m high timber board on drawing no. 1209\_206A. The drawings should be checked and amended accordingly.

The northern and eastern application site boundaries abutting fields should be native Devon hedgebank constructed in accordance with Devon Hedge Group recommendations (Appendix A) in order to provide biodiversity value and suitable screening of the proposed development in views from across the adjoining fields. There is scope to widen the planting bed to the rear of parking bays 16-21 by moving them westwards by 1.5m.

#### 2.1.7 Drainage

Two alternative drainage strategies have been submitted, one based on Attenuation of surface water, dwg. no. 7000 P2 and the other on Infiltration, dwg. no. 7001 P2. The latter is far more preferable in terms of on-site storm water management and biodiversity benefit but it is understood that further percolation results are required before it can be confirmed whether it is viable.

In respect of foul drainage, the proposed routing of the foul drainage run through the willow copse should be avoided by running it either through the roadside verge or parking area to the north of the copse instead.

### 3 CONCLUSIONS & RECOMMENDATIONS

#### 3.1 Acceptability of proposals

On the basis of the details submitted the scheme should be considered in conflict with Local Plan policies Strategy 47 and policies D1, D3 and D4 and is consequently unacceptable in terms of landscape design/ impact.

However, subject to the following information being provided reflecting the above points the scheme could be considered for approval:

BS 5832 2012 tree survey, arboricultural impact assessment plan and tree protection plan.

Amended Design and Access Statement.

Amended ecological impact assessment to include areas of the site beyond the existing buildings.

Revised site layout, boundaries treatment, planting and drainage strategies reflecting points at section 2 above.

Details of proposed structures/ cycle stores and retaining walls.

It is recommended that a chartered landscape architect is engaged to provide appropriate hard and soft landscape design and advice.

#### 3.2 Conditions

In the event that the additional details noted at section 3.1 above are satisfactory and approval is recommended, the following conditions should be imposed:

1) Notwithstanding the submitted details no development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:

Detailed planting plan(s) at minimum 1:200 scale providing details of locations and species of proposed trees, shrubs, hedging and herbaceous plants and areas of turf/ grass seed/ wildflower meadow/ wetland within the site boundaries together with details and location of trees and hedgerow to be retained and removed.

Soft landscape proposals shall be accompanied by a schedule detailing the proposed plant species/ seed mixes, their form, 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 including specification for preparation

of subsoil, topsoil supply, depth and cultivation, planting seeding, mulching, means of support and first year maintenance. Details of the various tree pit and staking details required and calculations of tree soil volumes should also be provided.

Construction details for all boundary treatments, retaining walls, steps, ramps, pavings, hard surfacing, proposed structures, stores and site furniture.

Details of proposed Devon Hedgebanks to be built in accordance with Devon Hedge Group recommendations (refer Appendix A).

External lighting details including wall mounted units, to include type of fittings and support, construction details, proposed times of operation and means of control together with a lux level lighting plan. Lighting design should conform with Guidance Note 08/18 - Bats and Artificial Lighting in the UK, Institute of Lighting Professionals/ Bat Conservation Trust, 2018.

Proposed and existing site levels, indicating proposed locations and extent of retaining walls, steps and ramps and indication of slopes greater than 1:3 gradient.

Detailed surface water drainage plan including locations and surface and invert levels of gulleys and downpipes, drainage runs, inspection chambers, drainage basins and any inlet and outlet details.

Details and location of any ecological mitigation measures in accordance with the ecological survey recommendations.

The approved planting scheme shall be carried out in the first planting season after completion of the groundworks and the building construction works or prior to first occupation whichever is the earliest unless otherwise agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

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

## 2) Management and maintenance

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

(Reason - To ensure that the details are considered at an early stage in the long term interests of preserving and enhancing 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.)

Further comments:

Having reviewed the amended information submitted in support of the above application I comment as follows:

Layout amendments as per Planning Revisions Key Site Plan dwg. no. 1209-212

Generally the proposed amendments are acceptable and address most of the layout issues in my previous landscape response dated 5/12/2020, but the following issues are noted:

Secure covered cycle storage is not shown and should be indicated on the plan. Perhaps suitable location to north of existing Dutch barn.

The need for a pedestrian path to the east side of the access road to the farmhouse seems unnecessary especially as pedestrians will be emerging on to a lane with no footway. Perhaps a 1m mown grass verge could be provided instead as a refuge.

Additional information required as previously requested  
Ecological survey to be extended to cover whole site.

Tree survey

Levels information based on detailed topographic survey including levels at base of existing trees to be retained in vicinity of paved areas should be provided.

Confirmation is required that the foul drainage proposals will be amended to avoid passing through the willow copse on the southern site boundary.

Other comments

As an alternative to tarmac surface for the car park exposed aggregate concrete with suitable brownish pink ballast and brushed aggregate finish would be more in keeping with existing farmyard character with permeable gravel parking bays.

It is noted that cobble paving is now proposed to the western curtilage of the converted barns. The Survey of Devon cobble church paths Devon Cobbled Churchyard Paths: Evaluating their Significance, Survival and Adaptation' by Keystone Historic Buildings Consultants, March 2016 , although focussed primarily on church paths, provides useful guidance on typical farmyard cobbling and laying details.

As previously noted water butts to collect roof rainwater should be provided to rear gardens.

Conditions

Should the application be approved conditions relating to landscape, drainage and external lighting will be required as set out in my previous landscape response.

Housing Strategy Officer

This application is for the conversion and replacement of farm buildings to provide 10 dwellings. 10 dwellings is considered a major development and therefore there would be a requirement to provide 50% on-site affordable housing (5 units).

The applicant is however claiming that vacant building credit should apply. Vacant building credit was introduced to promote development on brownfield sites. It allows the floorspace of existing buildings that are to be redeveloped to be offset against any affordable housing requirements. The planning officer will decide if they agree that the buildings are 'vacant' and whether the credit can be applied.

The proposed footprint plan (plan no. 1209\_207) states that the existing floor area of the buildings is 1279 sq m and the proposed footprint is 799 sq m. based on these floor areas this would remove any affordable housing obligation.

Further comments:

My previous comments still apply and I do not have any further comments on these additional plans.

Further comments:

I have no further comments to make on this application.

Devon County Highway Authority

The site in question is located on Mill Lane, (L409) onto Exmouth Road (A376) upon where a four-arm signal controlled crossing is present.

The proposed access to the development is to be upgraded to 6m wide, without these works, concerns were raised by the County Highway Authority in the pre-application (18/0182/preapp) that the in and out movement may cause traffic to back up on Mill Lane and disturb the traffic light system, therefore the upgraded access is welcomed.

The proposed dwellings will each have access to at least two parking spaces, with the parking layout also making provisions for disabled parking spaces and secure bike storage.

The site is close to the Exe-Estuary commuter cycle route, together with the train station and frequent bus services to both Exeter and Exmouth. Therefore with all these sustainable travel modes I believe the trip generation from this development will be limited. The site has historically had permitted agricultural use and therefore would have incurred traffic movements to the site, additionally, of a more obtrusive nature.

Therefore the County Highway Authority has no objection to this planning application.

Recommendation:

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

## RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

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
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Further comments:

The County Highway Authority (CHA) has visited the site and examined the application details and has the following comments:

The development proposal is for the conversion and change of use of existing buildings currently for agricultural use for 3 dwellings and the demolition of other agricultural outbuildings to be replaced by 7 new dwellings in their place.

The site is located off Mill Lane in Exton close the signalled four way junction on the A376.

The application proposes a new footway connection from the site's vehicular access to the existing footway on the A376 and also as a separate pedestrian access, this footway should be a minimum 2 metres wide..

The site is near the Exe Estuary Trail and is close to public transport links with bus stops on both sides of the A376.

It is reasonable to say that a volume of traffic is already generated by the agricultural use of the site and these will be replaced by a small increase in the number of traffic movements as predicted in the TRICS forecast. The CHA does not consider such an increase to be severe.

#### Proposed Vehicular Access

The existing access will be upgraded and widened with entry and exit tapers to cater for large service and delivery vehicles with suitable visibility splays provided for the 85% percentile vehicle speeds commensurate with signed and observed traffic speeds.

The applicant will most likely offer the new access and some of the internal road layout for adoption by the CHA, and any required street lighting will be decided then. I ask that the Parish Council make their opinion known regarding street lighting to the CHA at that point.

#### On-site Parking Provisions

The proposal includes off-road parking for cycles and cars, and it is good to see that provision is included for some of these parking spaces will cater for electrically charged vehicles.

A Construction Traffic Management Plan will be required for this development.

#### Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. 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
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

2. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram Proposed Site Plan 1209\_201D where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway/drive level and the distance back from the nearer edge of the carriageway of the public highway shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway shall be 43.0 metres in a south westerly direction towards the A376 and 33.0 metres in the other direction.

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

#### Contaminated Land Officer

I have considered the application and do not anticipate any contaminated land concerns because any surface contamination remaining from the agricultural use will be removed during oversite and landscaping works.

Further comments:

I have considered the application and do not anticipate any concerns in relation to contaminated land

Further comments:

We have considered the application and the amendments from that previously proposed appear to be largely cosmetic. We are not aware of any additional constraints regarding contamination in relation to this site. Therefore, we do not anticipate any contaminated land concerns because any surface contamination remaining from the agricultural use will be removed during oversite and landscaping works.

#### Environmental Health

I have considered the application and do not anticipate any environmental health concerns once the development is completed. However the attention of the applicant must be drawn to the council's Construction Sites Code of Practice to ensure that the development works do not unreasonably impact on local residents.

02/06/2020 Addendum: further to additional submissions received in May 2020, we have no additional comments to make.

Further comments:

I recommend approval with conditions:

Before the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

#### EDDC Trees

Although in principle I have no objections to the change of use and conversion of the barns I do have the following concerns:

- There has been no arboricultural input/survey/TPP/AMS submitted yet there are trees on site
- The species selection on the landscaping scheme is inappropriate on species selection/location
- The landscaping trees close to the buildings will require a sufficient volume of soil to grow, which will include tree pit design
- The planting zone 3 requires re-looking at as the proposal to retain the existing trees, allowing new ones to grow and maintaining a lawn area is not feasible
- Locating parking and street lights within the rpa/developing canopy of trees will cause ongoing conflict

Further comments:

I do not feel the newly submitted information covers my previous concerns

#### Natural England

Thank you for your consultation.

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 15/11/2019.

The advice provided in our previous response applies equally to these amended details.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment

and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Devon County Archaeologist  
Application No. 19/2132/MFUL

Exton Farm Exmouth Road, Exton Exeter, EX3 0PZ - Conversion of existing barns to 3 no. residential dwellings and the demolition of existing barns and their replacement with 7 no. new build dwellings, alterations to existing vehicular access onto Mill Lane, parking, drainage and landscaping: Historic Environment

My ref: Arch/DM/ED/34883a

I refer to the above application and your recent consultation. The proposed development lies in an area of archaeological potential with regard to medieval settlement and farming activity in this area - Exton Farm dates to the early/mid-17th century while Exton House to the west dates to the late 16th century - and will have an impact upon the appearance and fabric of a range of late 19th century agricultural buildings that are to be converted. Groundworks associated with the demolition of the extant modern agricultural buildings and the subsequent construction of the new dwellings have the potential to expose and destroy archaeological and artefactual deposits associated with the later medieval settlement and farming activities here. As such, the impact of development upon these heritage assets should be mitigated by a programme of work that should investigate, record and analyse the historic building fabric and archaeological evidence that will otherwise be affected by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

## Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of the historic building fabric and archaeological evidence that may be affected by the development'

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

Please note that this is a variation of the usually worded archaeological condition.

I would envisage a suitable programme of work as taking the form of:

- o a rapid photographic and written record of the historic agricultural buildings to be converted, and
- o the archaeological monitoring and recording of all groundworks associated with the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits.

The results of the historic building recording and archaeological fieldwork, as well as and any post-excavation analysis undertaken, would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

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

Further comments:

I refer to the above application and your recent re-consultation. The Historic Environment Team do not have any additional comments to make to those already made, namely:

The proposed development lies in an area of archaeological potential with regard to medieval settlement and farming activity in this area - Exton Farm dates to the early/mid-17th century while Exton House to the west dates to the late 16th century - and will have an impact upon the appearance and fabric of a range of late 19th century agricultural buildings that are to be converted. Groundworks associated with the demolition of the extant modern agricultural buildings and the subsequent construction of the new dwellings have the potential to expose and destroy archaeological and artefactual deposits associated with the later medieval settlement and farming activities here. As such, the impact of development upon these heritage assets should be mitigated by a programme of work that should investigate, record and analyse the

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#### Environment Agency

Environment Agency position

We have no objection to the proposed development as submitted. The reason for this position and advice is provided below.

Based on the view that there is substantial operational development as part of this application, before you determine the application, your Authority will also need to be content that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework (NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

Reason - The site is located partially within flood zones 2 and 3, identified by Environment Agency Flood Maps as having a medium to high probability of flooding. We have reviewed the Drainage Strategy and Flood Statement' (Clarkebond, E05192/DS) and consider that we can agree with the conclusions made within.

We recognise that the dwellings themselves are located in an area of flood zone 1, at low risk of flooding, however the access and egress onto Mill Lane are located within flood zones 2 and 3. This area could experience water depths of up to 600mm during the design flood event which may prevent direct access/egress to the site.

Your authority will need to consider whether the provision of safe refuge within the dwelling in Flood zone 1 is adequate when considering this flood risk. We recommend that you consult your authority's Emergency Planners for advice on this.

#### Advice - Flood Resilience

In view of the potential flood risks in this locality, we would advise that any developer of this site gives consideration to the use of flood resilient construction practices and materials in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce rehabilitation time in the event of future inundation. Detailed information on flood proofing and mitigation can be found by referring to the CLG free publication 'Improving the Flood Performance of New Buildings'. Please see the link below:

[http://www.planningportal.gov.uk/uploads/br/flood\\_performance.pdf](http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf)

Please contact us again if you require any further advice.

Thank you for re-consulting us on the above planning application.

We confirm that our response dated 26 Nov 2019 still applies. We have no objections to the proposed development because the dwellings themselves will be located within flood zone 1 (low probability of flooding). However, given that part of the development is located within flood zones 2 and 3 (medium and high probability of flooding respectively), before the application is determined your Authority will need to consider:

- o Application of the flood risk Sequential Test; and
- o Emergency evacuation in consultation with your Emergency Planners.

Please let us know if you have any further queries.

#### Further comments:

Thank you for your re-consultation on the above application. I have reviewed the submitted documents and consider that no changes have been made that affect our position outlined in our response in November 2019.

Please contact me if you have any questions or wish to discuss this further.

#### DCC Flood Risk Management Team

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

#### Observations:

The applicant has produced an underground attenuation based surface water drainage strategy but proposed to offer infiltration facilities should infiltration testing confirms the suitability of soakaways.

However, these underground systems cannot be considered as truly sustainable means of drainage because they do not provide the required water quality, public amenity and biodiversity benefits, which are some of the underpinning principles of SuDS. Consequently, above-ground SuDS components should be utilised unless the applicant can robustly demonstrate that they are not feasible; in almost all cases, above and below-ground components can be used in combination where development area is limited.

The applicant should also note that in accordance with the SuDS Management Train, surface water should be managed at source in the first instance. The applicant will therefore be required to explore the use of a variety of above-ground source control components across the whole site to avoid managing all of the surface water from the proposed development at one concentrated point (e.g. a single attenuation pond). Examples of these source control components could include permeable paving (which could be underdrained), formalised tree pits or other bioretention features such as rain gardens, as well as green roofs, swales and filter drains.

Further comments:

We will not be providing comments at this stage as the amendments do not relate to drainage. Our response dated 28th November 2019 still stands.

Further comments:

Recommendation:

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

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with our DCC groundwater monitoring policy.

(b) A detailed drainage design based upon the approved Exton Farm Drainage Strategy and Flood Statement (Report Ref. E05182, Rev. S2\_P1, dated 20th September 2019) and the results of the information submitted in relation to (a) above

(c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.

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

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

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

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

Observations:

It is proposed to utilise extensive permeable paving and gravel for the parking and access areas before discharging to the site control feature. A rain garden/ bio-retention feature is also proposed for the courtyard area to provide source control benefits for the drainage of this local area.

The site access and ingress falls within the floodplain. This development should consider creating a ditch along the Mill Lane, next to Gillbrook to help to channel the water back into the brook during flow events.

Hock Lee  
Senior Flood and Coastal Risk Officer

Other Representations

Four comments from third parties have been received, of which three are objections and the other is neutral. The objections raised relate to:

- Flooding.
- Lack of street lighting in Mill Lane.
- The height of units 7 to 10.

The neutral representation asks about an existing gateway into a field. It is unclear which gateway the author of that representation is referring to.

**PLANNING HISTORY**

Reference	Description	Decision	Date
88/P2416	Demolition Of Farm Buildings & Erection Of New Cattle & Agric Storage Building.	Approval with conditions	07.03.1989
85/P1920	Demolish 2 Barns Adjacent To Exton Farm.	Approval - standard time limit	17.02.1986

89/P0148	Demolition Of Farm Building. Erection Of New Implement/poultry Building.	Approval with conditions	05.09.1989
89/P1528	Demolition Of Barn & Adjoining Monopitch Shed.	Approval - standard time limit	05.09.1989
91/P0700	Conversion Of Farm Shop To Farm Shop And Sub Post Office.	Refusal	02.07.1991
91/P0701	Alterations	Approval with conditions	02.09.1991
03/P1317	Light Industrial Workshops	Withdrawn	23.02.2006

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 49 (The Historic Environment)

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)

EN6 (Nationally and Locally Important Archaeological Sites)

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

EN8 (Significance of Heritage Assets and their setting)

EN9 (Development Affecting a Designated Heritage Asset)

EN14 (Control of Pollution)

EN16 (Contaminated Land)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2021)

NPPG (National Planning Practice Guidance)

#### **Site Location and Description**

These applications relate to the redundant barns located opposite Exton Farm. The site is accessed off a minor road, close to its junction with the A376 (known as Exeter Road); there are traffic lights, including a pedestrian crossing, at the junction between these roads. Also joining Exeter Road in the same place is a minor road into the village of Exton. There is also a bus stop at the junction, and a pavement alongside the A376.

The site itself consists of a number of barns and other agricultural buildings. Some of these are of a modern nature, whilst others are more historic. The original farmhouse is a grade II star listed structure. There are a number of trees and/or hedges which provide some screening of the site from the aforementioned highways, particularly when viewing the site from the south.

The site is located in a valley which has a small watercourse running along it. Consequently, the southern edge of the site where the public highway is located falls within a flood zones 2 and 3 as determined by the Environment Agency (EA).

#### **Proposed development**

Planning permission is sought to convert one of the existing barns into 3 dwellings. Additionally, it is proposed to demolish the other barns and to construct 7 dwellings in their place. Vehicle parking, a domestic curtilage and landscaping are also proposed as part of the development.

The site is not located within a built-up area boundary and, therefore, in planning policy terms is considered to be in the open countryside; the application has been advertised as a departure from the development plan.

#### **ANALYSIS**

The main considerations in the determination of these applications relate to:

- Principle and sustainability
- Affordable housing
- Design and listed building impact
- Flooding and drainage
- Highway and parking matters
- Visual and landscape matters and trees
- Wildlife impact and habitat mitigation
- Archaeology
- Environmental Health
- Neighbour impacts
- Third party comments

### **Principle and sustainability**

The application site lies outside of a built-up area and, therefore, is deemed to be in the open countryside (Exton is not a village that is envisaged to support additional housing growth due to its lack of services required for daily living), where all development must be strictly controlled so that it does not detrimentally impact upon the character and appearance of its surroundings, however, this does not represent a bar on all development as proposals that accord with a specific policy of the plan are acceptable in principle. In this instance whilst there are policies that allow barn conversions to residential use close to existing settlements (explored in more detail below), there are no policies that would allow the demolition of existing agricultural buildings and construction of new dwellings. Therefore, the development is contrary to the provisions of Strategy 7 (Development in the Countryside) of the Local Plan.

The nature of the proposal, which includes the conversion of some of the existing buildings, is such that it can be considered under policy D8 (Re-use of rural buildings Outside of Settlements), which sets out the circumstances under which such development can be permitted. In terms of the key elements of this policy, it is considered that:

- Although discussed in more detail later in this report, the design of the development is suitable given the nature of the existing buildings.
- The building to be converted is structurally sound and capable of conversion.
- There are no traffic concerns relating to the development. Although, this matter is discussed in greater detail later in the report.
- The application form clearly states that the buildings are now redundant, so the development would not result in the loss of an existing agricultural business.
- Through design and landscaping, the development can take place without visual harm to the area.
- The submitted Structural Survey confirms that the building which it is proposed to convert is suitable for conversion.

Given the above, despite the fact that several of the points raised above are discussed in greater detail further into this report, it is considered that the conversion of the barns would comply with Policy D8 of the Local Plan.

The new build dwellings to be provided in place of existing agricultural buildings, however, are not supported by any policies of the Local Plan, in these circumstances unless there are any material considerations that would outweigh the policy harm.

The reasons included in the decision not to include Exton within the settlements that are considered acceptable to support future housing growth (Strategy 27) during the formulation of the Local Plan was because it did not have sufficient services to support daily living, this is blanket approach applied to the whole settlement. It is considered necessary to consider the sustainability credentials of each site rather than apply the blanket policy approach as some areas of Exton are more sustainable than others due to their proximity to transport infrastructure that make journeys to further afield settlement that are more sustainable more appealing.

It is acknowledged that Exton does have good transport links; with the train station, bus services and access to the Exe Estuary cycle path, and also has a public house. However, it does not contain the facilities required for it to be considered a sustainable settlement. A list of settlements to include in Strategy 27 was considered in detail in the examination of the local plan - the list is based on the Small Towns and Villages Development Suitability Assessment produced by EDDC, which was used by the Local Plan Inspector to finalise the list of settlements for Strategy 27. This did not include Exton which whilst rating highly in transportation terms, was considered to be a settlement that lacks everyday facilities and services such as a shop, post office or school, such that residents are likely to be overly dependent on the use of the car to access facilities of that nature.

However, notwithstanding the proposals conflicting with the accessibility and sustainability requirements of adopted policies of the Local Plan, in addition to the site's location where future occupiers are likely to be overly dependent on the use of the car, which would also be contrary to the provisions of Policy TC2 (Accessibility of New Development) of the Local Plan, there have been a number of recent appeals in which Inspectors have taken a different view on residential developments on the southern side of Exton.

The general approach from Inspectors in appeal decisions for residential development at Foye, River Front in Exton (Ref APP/U1105/W/15/3139662) and Orchard Cottage (ref APP/U1105/W/18/3196758) was that these sites have been found to be sustainably located. This is on the basis that they are on the southern side of the settlement and considered to have unusually good access to a range of non-car options for travel (train station, cycle route, bus routes) to nearby villages larger local centres and onwards to national networks. In the Orchard Cottage appeal in particular, the Inspector noted the following:

*'So whilst the development would inevitably generate some car journeys, future occupiers of the dwelling would have real opportunities to travel by non-car modes for commuting or making day-to-day trips to retail and community facilities. This would undoubtedly minimise the need to travel by car. It would*

*also have the potential to support services in nearby villages as well as Exton, helping to maintain the vitality of these rural communities. As a result, I do not consider the site to be remote from essential facilities'.*

*....I conclude that the proposed development would be in a suitable location, in terms of accessibility to local facilities and services. I therefore have no conflict with Strategy and policy TC2 of the Local Plan in the context of this issue. The proposal would also be consistent with the Framework insofar as it seeks to locate housing where it will enhance or maintain the vitality of rural communities'.*

The site to which this application relates is located where the access to public transport is very similar to the aforementioned appeal site, and range of facilities in Exton has not changed since those appeals were determined. Consequently, notwithstanding the proposal's conflict with Strategy 7 and 27 of the Local Plan, it is considered that the proposal would be sustainably located and add to the viability of the existing services and provide a range of units to add to the village's housing stock and is, therefore, acceptable in principle.

### **Affordable housing**

The buildings to which this application relates are vacant, the applicant's agent in the original submission considered that the proposal would benefit from vacant building credit and therefore no affordable housing would be required, however the vacant building credit legislation does not relate to agricultural buildings and the therefore the requirement to provide 50% affordable housing on site remains.

The applicant's agent raised concerns that they could not provide the policy compliant level of affordable housing on site. The Council's adopted guidance on Planning Obligations provides clear commentary on applications where there is a viability concern. In order to establish the level of affordable homes that the proposed development could reasonably afford to provide, a bespoke viability assessment was produced. This has been independently assessed by Plymouth City Council and whilst there has been protracted on-going negotiations between all parties, an agreement has been reached that the proposal could afford to provide three of the dwellings for affordable occupation.

The viability review report undertaken by Plymouth City Council comments the following in conclusion:

*'10.1. In our opinion the AVA2 submitted in support of the planning application presents a reasonable conclusion that 30% affordable housing can be provided as part of the proposed development having considered local and national policy and the evidence available. In the context of the CVA analysis, 30% affordable housing is a reasonable negotiated position, especially with the additional build cost evidence provided with the AVA2. The LPA could consider including an upward review mechanism to secure additional affordable housing above this level should the sales values be at towards the higher end of our analysis.*

*10.2. We note that registered providers may not consider the unit types offered appropriate due to their size. The Council should consider the possibility that an off-site contribution being necessary to secure a contribution for affordable housing from the site in this eventuality.'*

At the request of officers, the agent has provided documentary evidence that none of the three affordable housing providers contacted would be willing, for various reasons including location but primarily the small number being provided, to take on ownership of the units once they are constructed and therefore are seeking to provide the Council with a payment of £278,980 in lieu of affordable housing so that they can be constructed elsewhere.

Notwithstanding the findings of the viability report, as the percentage of affordable homes falls short of the policy complaint position and in accordance with the adopted guidance it would be necessary to impose an overage clause to enable the Council to recover some of the 'super profit' that the development could make should the financial situation improve and exceed the profit expected in the viability report, 17.8%. This could enable more affordable homes to be built in the local area.

Accordingly, whilst it is disappointing that no affordable homes would be constructed on site, the payment in lieu would enable houses to be built elsewhere locally to meet the needs of the district in accordance with Strategy 34 of the EDDC Local Plan. Furthermore, the imposition of an overage clause could mean that more money toward affordable housing is provided should circumstances not foreseen in the viability report change.

Accordingly, it is considered that the proposed development would be in accordance with the Council's adopted Planning Obligations SPD and Strategy 50 of the East Devon Local Plan together with guidance in the NPPF and NPPG.

### **Design and listed building impact**

The farm house at Exton Farm is a grade II star listed building and, therefore, is of significant historic interest. However, such a designation does not necessarily mean that the property, or its immediate surroundings should be immune from any future development. Instead it is important to consider the duty under Section 66 of the Town and County Planning (Listed Buildings and Conservation Areas) Act which requires Local Planning Authority 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.

In this regard, it is considered that the design of the proposed conversions (units 1, 2 and 3) is such that their appearance would be sympathetic to the curtilage listed barns buildings themselves as well as the main listed farmhouse; many of the original features and their scale would be retained and, consequently, it is considered that this element of the development would not give rise to harm to the listed building or its setting. The conservation officer and Historic England have been heavily involved in ensuring that amendments were sought to the originally submitted in a proactive manner to ensure that the scheme could work with the existing buildings together with removing some of the later additions so that it would better reveal the significance of

the original buildings. The same is true of how the courtyard elevation and outside space (which has been limited to avoid domestic paraphernalia and clutter) is treated where it would interact with the main farmhouse, this element of the scheme is key to protecting the significance of the heritage assets as well as the setting of the main farmhouse.

Units 4 to 6 would be constructed as new builds, replacing barn structures. They would constitute a terrace of properties, and would be constructed to be of a similar scale and design to the converted buildings which they would adjoin by way of an archway. It is considered that the scale and form of these structures would be such that they would be compatible with the retained structures and the listed farm house. Additionally, it is considered that the proposed fenestration on the northern, western elevations (which face toward the listed building) and eastern elevation is also compatible. It is possible to argue that the fenestration on the southern elevation would be less compatible. However, that elevation would face away from the listed building, and the number and nature of openings is considered to be compatible nature. Given the above, on balance, it is considered that the construction of units 4 to 6 would not result in harm to the listed building, and would represent an enhancement to the setting of the listed building when compared to the existing structures.

The new building structures which would contain units 7 to 10 would be of a different design to that of the other units; it would be slightly larger in terms of bulk and would not have the appearance of a former agricultural building. However, this structure would be located to the east of the other elements of the development and, consequently, would be detached from the immediate influence on the listed building, as screening and separation will be provided by distance and the other structures. However, some visual influence on the listed building would still exist. Despite this, it is considered that the influence of this structure on the listed building would be reduced by the other elements of the development to ensure that it would not result in harm to the listed building; especially so when other development equally close to the listed building, such as existing properties to the north and west, is taken into account.

In the early stages of considering this application, it was clear that Historic England (HE) and the Council Conservation Officers had concerns regarding the impact of the development on the setting of the listed building. A particular concern related to the suburban nature of the buildings, as originally proposed. Consequently, amendments to the proposal were sought, and later comments from these consultees, in particular from HE, indicate that this concern has been overcome. As detailed above, planning officers concur that the design is now of a nature which would not result in harm to the listed building.

Accordingly, whilst there would be an impact on the setting of the heritage assets, where great weight should be given to the conservation of the farmhouse and curtilage listed buildings whose grade II\* listed status gives them high significance, this impact would be a less than substantial harm, in such circumstances Paragraph 196 of the NPPF indicates that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this instance the conversion of the curtilage listed buildings in a sensitive manner would secure long term viable use for the buildings and better reveal their significance through removal of existing structures. The removal of the more modern farm

buildings, the majority of which have reached and/or are reaching the end of their life would aid in opening up views of the assets and whilst constructing new dwellings in their place would have limited harm to the setting of the assets, the significance of the assets is more than the setting, the character and historic interest of the grade II\* building and its curtilage buildings would not be harmed, in fact they would overall be enhanced. Taking this together with the fact that the long term maintenance of the buildings would be secured, houses would be provided in a sustainable part of the village and support local services and the contribution toward affordable housing locally it is considered that the limited harm on the lower end of less than substantial harm would be outweighed by the public benefits to the scheme.

The proposal is considered to be acceptable in accordance with Policy EN9 of the EDDC Local Plan, the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

With regard to the design of the proposal, Policy D1 (Design and Local Distinctiveness) of the Local Plan is the key policy. As discussed above, it is considered that the proposals have been designed in such a way that they respect the setting of the site, with particular regard to the listed building, by way of the fenestration, scale, massing and form of the buildings. Some concerns have been raised by a third party about the height of the eastern most building. However, it is considered that this building would not be of a height which would be out of character or visually harmful to the area.

Given the above comments, it is considered that the proposal is acceptable in terms of its design and impact on the listed building.

### **Flooding and drainage**

The proposed properties would be constructed outside the flood zone, as would their associated parking and amenity areas. However, the flood zone does include a small strip of the site frontage, where the vehicle entrance would be situated. The flood zone runs down the road, across Exmouth Road and down to the estuary. Although officers are not aware of the site itself flooding, officers understand that the highway top the front of the site and the junction flood a handful of times each year.

Given that the dwellings are outside of the flood zone, the Environment Agency (EA) has confirmed that it has no objection to the proposal. The EA does, however, make reference to the requirement for a sequential test to be considered given that a small part of the site falls within flood zones 2 and 3. With regard to this, it is clear that the benefits provided from the development, particularly in terms of the conversion of the curtilage listed barns, could not be provided elsewhere. As such, it is considered that the Sequential Test is passed and officers are satisfied that the development is acceptable, on the basis the development represents the best use of a sustainably located brownfield site and would ensure the security of the listed building. It is also relevant to note that in a flood event, whilst the residents may not be able to access the site by car, they would be able to gain access/egress through the adjoining farmyard or adjoining fields to the east. This is therefore unlikely to result in pressure on emergency services to visit the site in a flood event.

Although the concerns raised by the Parish Council and Ward Member in relation to flood risk are noted, the comments appear to be requesting significant engineering works by the Environment Agency and/or Devon County to reduce the flood risk in this location which will require works further upstream. This of course is beyond the remit of this application and as it's an existing situation that the applicant will not be adding to, it is unreasonable to ask them to address this.

With regard to drainage, the Devon County Flood Risk Management Team originally objected to the proposal. However, following amendments to the scheme, Devon County Flood Risk Management Team has confirmed that it no longer objects to the application.

Given the above comments, it is considered that the development would accord with the provisions of policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-off implications of New Development) of the Local Plan, as well as the relevant sections of the NPPF.

### **Highway and parking matters**

The County Highway Authority (CHA) has provided detailed comments relating to this application. They conclude by confirming that the CHA has no objection to the proposal subject to a condition relating to a CMP (Construction Management Plan) being imposed in the event that this application is approved.

The support of the CHA is based on:

- the development would not result in a notable increase in traffic beyond that which could be generated by the site in agricultural use.
  - the provision of a footway to the existing footway on the A376.
  - a suitable vehicular access and visibility spays being provided.
  - an adequate number of vehicle parking spaces and cycle storage being provided.
- The provision of electric car charging points is also highlighted.

Policy TC9 (Parking Provision in new Development) states that 2 parking spaces per dwelling must be provided in this instance. Ten units are proposed, and 21 parking spaces are proposed; thus exceeding the policy requirement. Policy TC9 also requires provision for at least one cycle parking space per unit to be provided. The proposed site plan shows the provision of cycle parking, and the text on the plan details how this will be provided. Consequently, it is considered that the development would meet the requirements of Policy TC9.

Given the comments of the CHA, it is also considered that the development would meet the requirements of Local Plan Policy TC7 (Adequacy of Road Network and site Access).

Overall, it is considered that the proposal is acceptable with regard to parking and highway matters.

### **Visual and landscape matters and trees**

The application site is located within a valley, running roughly from east to west. This limits the longer distance views of the site in all directions, with the site being most visible when viewed either up or down the valley or when passing through the valley on the A road. However, these views are broken up by existing built and landscape features. Consequently, long distance views of the site are limited.

Notwithstanding that, it is considered important that suitable landscaping is included within the scheme in order to further reduce the visual impact of the development on the countryside, as well as to ensure that the setting of the listed building is respected. A landscaping plan has been provided with the proposals, and that has been assessed by the Council's Landscape Architect. Largely speaking the Landscape Architect is supportive of the proposal and the suggested landscaping. However, the Landscape Architect highlights some areas where the submitted detail is weak or could be changed. Consequently, some conditions are recommended to ensure that enhanced details are provided in the event that this application is approved. It is considered that these conditions would be reasonable in order to ensure that the landscaping installed is effective and fully respects the location of the development in the countryside and adjacent to a listed building.

With regard to trees, the Council's Arboricultural Officer has observed that there are trees on the site but that a full tree survey has not been provided, but has also stated that he has no objections in principle to the proposal. Given that, it is considered that a trees survey can be obtained by condition in the event that this application is approved.

Given the above comments it is considered that the proposal is acceptable in terms of its visual amenity, landscaping matters and the impact on trees, in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONB's) and Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and D3 (Trees and Development Sites) of the Local Plan, in addition to the relevant parts of the NPPF.

### **Wildlife impact and habitat mitigation**

The Protected Species Report submitted with the application indicates that evidence of Bat roosting and bird nesting in parts of the site was present. Furthermore, Bats and birds were witnessed at the site. Consequently, a number of recommendations are made in the Protected Species Report, and it is considered reasonable to impose a condition ensuring that the development takes place in accordance with those, should this application be approved. Natural England has not objected to the conclusions of the Protected Species Report.

The nature of this application and its location close to the Exe Estuary and/or 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 offered through a Heads of Terms which could be secured through a S106 agreement should planning permission be granted. 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. A copy of the appropriate assessment as agreed by Natural England is appended to this report. In this instance, this will be secured through a Section 111 legal agreement.

Natural England has not advised the Council of any concerns relating to the proposal having a detrimental impact on Exe Estuary or the East Devon Pebblebed Heaths.

Consequently, the proposal is considered to accord with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the Local Plan in addition to the relevant sections of the NPPF.

### **Archaeology**

The Devon County Archaeologist has confirmed that, in addition to having an impact on the Range, the ground works associated with the demolition of the modern farm buildings, as well as the construction of the new buildings, have the potential to expose and destroy archaeological and artefactual deposits associated with the later medieval settlement and farming activities at Exton Farm. Consequently, the Devon County Archaeologist has confirmed that the impact of development upon these heritage assets should be mitigated by a programme of work that should investigate, record and analyse the historic building fabric and archaeological evidence that will otherwise be affected by the proposed development. Therefore, a condition relating to the provision of a Written Scheme of Investigation (WSI) has been recommended by Devon County Archaeologist. It is considered that, should this application be approved such a condition is appropriate, and would ensure that the development complies with Strategy 49 (The Historic Environment) and Policies EN6 (Nationally and Locally Important Archaeological sites) and EN7 (Proposals Affecting Sites Which May Potentially be of Archaeological Importance) of the Local Plan, in addition to the relevant sections of the NPPF.

### **Environmental Health**

The proposal has been considered by the Council's Environmental Health Department with regard to Environmental Health matters as well as contaminated land factors. In both instances, the consultation responses confirm that there are no concerns. Consequently, subject to the condition suggested, which relates to the submission of a Construction Environmental Management Plan (CEMP), to control matters such as hours of work, noise and vibration, being imposed, it is considered that the development is acceptable in this regard. It would accord with the relevant Local Plan policies EN14 (Control of Pollution) and EN16 (Contaminated Land), in addition the relevant sections of the NPPF.

## **Neighbour impacts**

The nearest neighbouring property to the site is Exton Farmhouse, which is located within the blue line. Some parts of the development would be located reasonably close to that property. However, it is considered that the design of the development, in relation to the distance between the farm house and the proposed residential units, and the layout/nature of proposed openings is such that it would not lead to an unacceptable loss of amenity to the occupiers of the new dwellings or the farm house. Especially so, since the farmhouse is within the blue line.

In terms of properties located outside the blue line, the nearest are on the opposite side the A376. It is considered that there would be sufficient distance between those properties and the proposed dwellings to ensure that no loss of amenity would arise. There are other dwellings located to the north, east and south of the site, but these are a considerable distance from the site, so it is considered that no loss of amenity for the occupiers of these dwellings would arise.

Consequently, it is considered that the proposal as acceptable in this regard, and would comply with the relevant sections of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.

## **Third party comments**

Two of the first concerns raised in the objections received have been considered in the above text. The matter which hasn't been specifically mentioned above is the lack of street lighting in Mill Lane. This matter hasn't been drawn to the Council's attention as an area of concern by the CHA. The pedestrian entrance to the development, in particular, would be located very close to the junction of Mill Lane and the A376; the latter of those roads has street lights, as does Station Road which leads from the aforementioned junction into Exton. So it is considered that there is sufficient street lighting, especially as the CHA has not raised a lack of street lighting as a concern. If the person raising the concern about street lighting is referring to lighting on Mill Lane to the east of the site, it wouldn't be a matter which it would be reasonable to address as part of this application as the existing properties on Mill Lane have existed for many years without street lighting.

## **CONCLUSION**

The proposal represents a departure from adopted development plan policy because Exton is not considered to be a settlement that can support future housing growth due to it not having sufficient services and infrastructure to support daily living although it does have good transport links. However, recent appeal decisions (referenced in the report) have found that sites close to the crossroads and train station/cycle route can be considered acceptable relying upon services in other settlements. As such it is considered, on balance, that the principle of housing on this site is acceptable.

The proposals would take place in close proximity to the grade II\* listed building and concerns some of its curtilage listed farm buildings, whilst there would undoubtedly be an impact on the setting of the main farmhouse and outbuildings, the report discusses

the positive impacts that would arise from removing the older buildings on site and more modern extension to the curtilage listed structures to better reveal their significance together with securing the long term future and maintenance of the buildings. Accordingly, the less than substantial harm that would occur is considered to be outweighed by the public benefits of the scheme.

The design of the proposed scheme has been through various iterations following comments from the conservation officer and Historic England, together with comments from the landscape architect and is now considered to be a sensitive scheme given its rural setting and close to the heritage assets such that it accords with adopted development plan policy and guidance contained in the NPPF.

Whilst a small strip of land along the site frontage with the public highway falls within the flood zone, the parking, amenity areas and proposed dwellings lie outside of the flood zone with alternative means of escape if necessary. In addition, it is beyond the scope of this application to address wider flooding matters caused upstream, these matters falling to the Environment Agency as the relevant body, or Devon County as flooding occurs on their highway.

Accordingly, on balance, it is considered that the proposed development is acceptable subject to the prior signing of a legal agreement to secure an affordable housing contribution and overage clause together with appropriate safeguarding conditions.

### **RECOMMENDATION 1**

**19/2132/MFUL - APPROVE** subject to the following

1. Adopt the appropriate assessment
2. The prior signing of a legal agreement to secure the following:
  - Affordable housing contribution of £278,980
  - An overage clause to secure a share of any 'super profit' towards affordable housing

And subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. Notwithstanding the submitted details no development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:
  - Detailed planting plan(s) at minimum 1:200 scale providing details of locations and species of proposed trees, shrubs, hedging and herbaceous plants and

areas of turf/ grass seed/ wildflower meadow/ wetland within the site boundaries together with details and location of trees and hedgerow to be retained and removed.

- Soft landscape proposals shall be accompanied by a schedule detailing the proposed plant species/ seed mixes, their form, 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 including specification for preparation of subsoil, topsoil supply, depth and cultivation, planting seeding, mulching, means of support and first year maintenance. Details of the various tree pit and staking details required and calculations of tree soil volumes should also be provided.
- Construction details for all boundary treatments, retaining walls, steps, ramps, pavings, hard surfacing, proposed structures, stores and site furniture.
- Details of proposed Devon Hedgebanks to be built in accordance with Devon Hedge Group recommendations (refer Appendix A).
- External lighting details including wall mounted units, to include type of fittings and support, construction details, proposed times of operation and means of control together with a lux level lighting plan. Lighting design should conform with Guidance Note 08/18 - Bats and Artificial Lighting in the UK, Institute of Lighting Professionals/ Bat Conservation Trust, 2018.
- Proposed and existing site levels, indicating proposed locations and extent of retaining walls, steps and ramps and indication of slopes greater than 1:3 gradient.
- Detailed surface water drainage plan including locations and surface and invert levels of gulleys and downpipes, drainage runs, inspection chambers, drainage basins and any inlet and outlet details.
- Details and location of any ecological mitigation measures in accordance with the ecological survey recommendations.
- Details of the location of any meter boxes.

The approved planting scheme shall be carried out in the first planting season after completion of the groundworks and the building construction works or prior to first occupation whichever is the earliest unless otherwise agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

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

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

(Reason - To ensure that the details are considered at an early stage in the long term interests of preserving and enhancing 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.)

5. Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

In any event, 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 - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required in interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

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

(Reason - To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of the historic building fabric and archaeological evidence that may be affected by the development. A pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any

disturbance of archaeological deposits by the commencement of preparatory and/or construction works.)

7. Before the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

(Reason - To ensure that the development, and preparation for it, do not result in environmental harm or harm to the amenity of the occupiers of other properties, to accord with the provisions of Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan. A pre-commencement condition is required to ensure that the relevant details are agreed prior to activity on site taking place).

8. 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
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.  
(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;  
(Reason: To ensure that the development does not compromise highway safety, and to ensure that the development is in accordance with the provisions of Policy TC7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan).

9. The development hereby permitted shall be undertaken in accordance with the details contained within the Assessment, Recommendations and Mitigation section of the Protected Species Survey, dated September 2018, and produced by Richard Green Ecology.  
(Reason - To ensure that the development does not result in harm to protect species, in accordance with Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan).
10. Before development above foundation level 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 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.)
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule 2 Part 1 Classes A, B, C, D, E, F, G or H for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool (other than any enclosure approved as part of the landscape management scheme).  
(Reason - The space available would not permit such additions without detriment to the character and appearance of the area and the listed building, or to the amenities of adjoining occupiers, in accordance with Policies D1 (Design and Local Distinctiveness), EN8 (Significance of Heritage Assets and Their Setting) and EN9 (Development Affecting a Designated Heritage Asset) of the Adopted East Devon Local Plan 2013-2031.)
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule 2 Part 2 Class A, for the erection of any fences, walls gates or other means of enclosure (other than any enclosure approved as part of the landscape management scheme).  
(Reason - The space available would not permit such additions without detriment to the character and appearance of the area and the listed building, or to the

amenities of adjoining occupiers, in accordance with Policies D1 (Design and Local Distinctiveness), EN8 (Significance of Heritage Assets and Their Setting) and EN9 (Development Affecting a Designated Heritage Asset) of the Adopted East Devon Local Plan 2013-2031.)

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule 2 Part 11 Classes A, B, C, D, E, F, G, H or I for the installation of domestic renewable energy installations.  
(Reason - The space available would not permit such additions without detriment to the character and appearance of the area and the listed building, or to the amenities of adjoining occupiers, in accordance with Policies D1 (Design and Local Distinctiveness), EN8 (Significance of Heritage Assets and Their Setting) and EN9 (Development Affecting a Designated Heritage Asset) of the Adopted East Devon Local Plan 2013-2031.)
14. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram Proposed Site Plan 1209\_201D where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway/drive level and the distance back from the nearer edge of the carriageway of the public highway shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway shall be 43.0 metres in a south westerly direction towards the A376 and 33.0 metres in the other direction.  
(Reason: To provide adequate visibility from and of emerging vehicles, and to ensure that the development is in accordance with the provisions of Policy TC7 (Adequacy of Road Network and Site Access) of the Adopted 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.

#### **RECOMMENDATION 2**

**19/2133/LBC - APPROVE** subject to the following conditions:

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.  
(Reason - To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)

2. The 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 above foundation level 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 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. Before the relevant parts of the works begin on the items specified below, the following details and specification for these items shall be submitted to and approved in writing by the Local Planning Authority: (Select from following list)
  - Roofing materials including product details, sample and method of fixing.
  - Size, type and manufacturers model of all roof lights, including method of flashing.
  - New rainwater goods including profiles, materials and finishes.
  - Lead work, including profiles and details of any ornamentation.
  - Roof ventilation systems.
  - New windows including sections, mouldings, profiles and paint colour. Sections through casements, frames and glazing bars should be at a scale of 1:2 or 1:5.
  - Replacement windows including sections, mouldings, profiles and paint colour. Sections through casements, frames and glazing bars should be at a scale of 1:2 or 1:5.
  - New doors including sections, mouldings, profiles and paint colour. Sections through panels, frames and glazing bars should be at a scale of 1:2 or 1:5.
  - Replacement doors including sections, mouldings, profiles and paint colour. Sections through panels, frames and glazing bars should be at a scale of 1:2 or 1:5.
  - Eaves and verge details including construction and finishes.
  - External vents, flues and meter boxes.
  - Sample of new bricks including mortar colour and specification and bond type.

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

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

#### 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 these applications:

Sept 2018	Protected Species Report	25.09.19
1209_205 : units 7-10	Proposed Combined Plans	25.09.19
1209_207 : proposed footprint plan	Other Plans	25.09.19
1209_208 : proposed boundary treatment plan	Other Plans	25.09.19
1209_201F	Proposed Site Plan	01.05.20
1209_202B: floor/roof - listed barn (units 1-3)	Proposed Combined Plans	01.05.20
1209_203B : elevations/sections - barn (units 1-3)	Proposed Combined Plans	01.05.20
1209_204B : units 4 - 6	Proposed Combined Plans	01.05.20
1209_212 Planning Revisions Key Site Plan	Proposed Site Plan	01.05.20
1209_2011-P Rev I	Proposed Site Plan	19.11.20
1209_206E_Proposed Landscaping Plan	Landscaping	19.11.20

Appraisal  
November 2020

Ecological Assessment 19.11.20

List of Background Papers

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

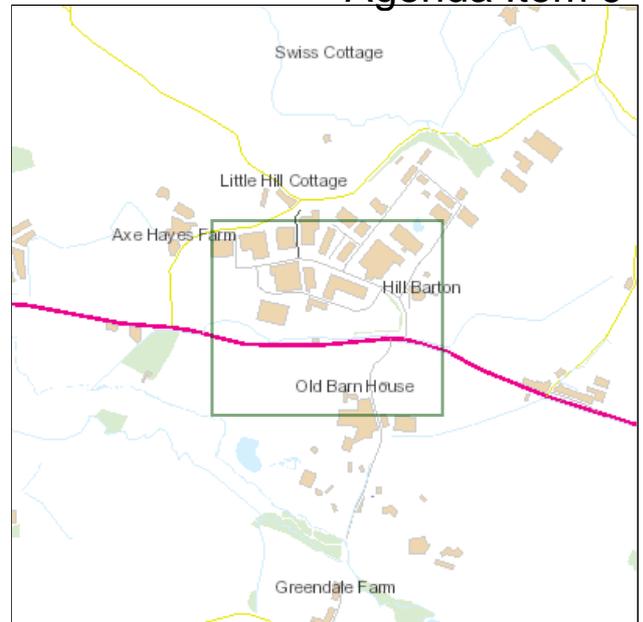
**Ward** Broadclyst

**Reference** 21/1129/VAR

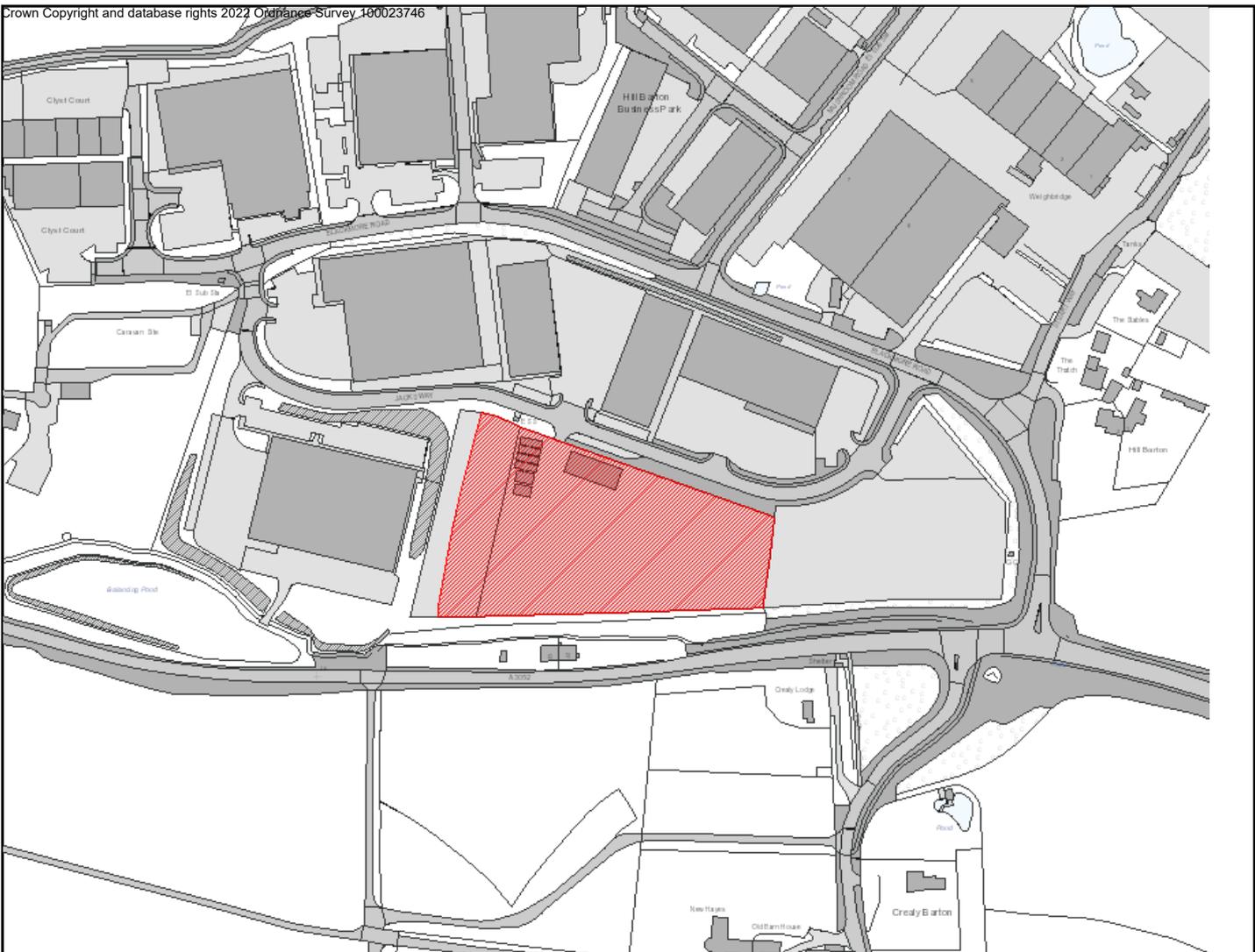
**Applicant** Mercedes Benz South West

**Location** Unit 2 Jacks Way Hill Barton Business Park  
Clyst St Mary Exeter Devon EX5 1FG

**Proposal** Variation of conditions 3 (lighting hours) and 4 (hours of operation) of planning permission 13/2069/MRES



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 16<sup>th</sup> March 2022</b>
<b>Broadclyst (Farringdon)</b>	<b>21/1129/VAR</b>	<b>Target Date: 20.07.2021</b>
<b>Applicant:</b>	<b>Mercedes Benz South West</b>	
<b>Location:</b>	<b>Unit 2 Jacks Way</b>	
<b>Proposal:</b>	<b>Variation of conditions 3 (lighting hours) and 4 (hours of operation) of planning permission 13/2069/MRES</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Members as the application is a variation to a major application where the officer recommendation is contrary to the view of the Parish Council.**

**The site lies on the established Hill Barton Business Park and concerns the compounds immediately to the left and the entrance to the estate which are operated by Mercedes as their south west hub for moving group stock around the country. There are a handful of residential properties to the south of the site and to the east.**

**This application has been submitted as a tandem application to 21/1130/VAR and 21/1131/VAR as together they cover the whole site that Mercedes function from. The other two applications proposed the same variations and have recently been approved at a Chair Delegations meeting.**

**The proposal has been amended during its consideration. When first submitted the application sought to remove conditions 3 and 4 to enable a 24 hour use of the site and allow the lighting to be used when required. However concerns were expressed by the planning team and by the Council's Environmental Health officer, who, whilst not objecting in principle, required installation of acoustic fencing and further mitigation measures to make the proposal acceptable in noise and light impact terms. Following discussions with the applicant's agent the final amendments have reduced the proposed operational hours down from 24 hours to 0700 to 2200 daily together with the lighting hours complementing these hours, furthermore, operational hours of 0600 to 2200 in the northernmost part of the site to the workshop areas and not include the car storage areas closest to the nearest residents.**

**Whilst the Environmental Health officer has raised no objections on noise grounds to operations starting at 7am and running until 10pm across the site, subject to a Noise Management Plan and screening to the boundaries, officers feel that operations close to the boundary of residents until 10pm is unneighbourly and would be harmful to the residents amenity from the, movement of cars and the associated headlights and activity. As such, it is considered that any extended hours should be limited to the workshops at the northernmost part of the site which is away (90 metres) from neighbouring dwellings. This is in line with the recent consents on other applications covering the site determined recently at Chair Delegation.**

**The application is therefore recommended for approval but with the extended hours applying to the northernmost part of the site only.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Farringdon Parish Council has major concerns and unanimously finds this application totally unacceptable. The conditions were imposed in the first place in order that the commercial activity of this business would not impinge on the amenity of local residents. The removal of conditions 3 and 4 would be in contravention of the Farringdon Neighbourhood Plan Policy Farr 6. The parish council has already commented) on the recent applications of 21/1129VAR, 21/1130/VAR, 21/1131/VAR. Our comments as submitted before (22/09/2021) on these applications still stand. This application should be refused

PREVIOUS COMMENT 21/1129VAR, 21/1130/VAR, 21/1131/VAR. submitted 22/09/21

Farringdon Parish Council cannot support any extension to working hours and boundary lighting. Extending the hours and lighting to 10pm is extremely anti-social. 7am - 7pm is a long enough period for business hours. Cumulative out of hours noise is already a major concern for the parish. This business is in a rural setting in open countryside. Operations of this kind should remain in Marsh Barton Industrial Estate and not be moved to Farringdon

Policy Farr 6 of the Farringdon Neighbourhood Plan states:

"All business /commercial development should:

- a) respect the character of its surroundings by way of its scale and design
- b) not harm the surrounding landscape
- c) not adversely effect any listed building, heritage asset, or setting
- d) not have an adverse effect on the living conditions of its neighbours
- e) not have an unacceptable adverse impact on the transport network or parking provision
- f) safeguard residential amenity and road safety
- g) promote access on foot by bicycle or by public transport
- h) mitigate any adverse effects of noise air pollution and light pollution and
- i) ensure there is no increase in flood risk "

These current conditions are very important and are in place to protect the amenity of Farringdon residents. They are entirely reasonable and in accordance with policy. The parish council is unanimously against their removal.

## **Technical Consultations**

### Environmental Health

I have considered the application 21/1129/VAR and I recommend approval with conditions:

#### Lighting

1. All existing external lighting must be re-aligned to ensure they are all mounted with a tilt angle of <10 degrees from the horizontal plane.
2. Any future upgrade, additions or replacement of external lighting must ensure that the lighting complies with the requirements for an Environmental Zone 2.
3. A 40m length 2.5m high solid screen/ fence shall be installed along the boundary fence to the rear of 43 & 44 Sidmouth Road (in the same location as the additional hedge line) in order to protect nearby light sensitive receptors from the lights from vehicle movements on the site.

#### Noise

4. Prior to extending the hours of operation, a Noise Management Plan (NMP) will be submitted for approval by the Local Planning Authority. On written approval of the NMP by the Local Planning Authority, the NMP will be implemented and operated during the hours of 19.00hrs until 07.00hrs. All activity on the site thereafter between the hours of 19.00hrs - 07.00hrs shall be carried out in accordance with the NMP.

The NMP must detail the methods by which the sites management will systematically assess, reduce and prevent noise emissions from the site, through operational techniques, managerial techniques and abatement technologies. The NMP will undertake the following:

- o identify and employ appropriate measures to minimise the generation of noise from the site
- o prevent levels of noise exposure outside the boundary of the site which would result in noise complaints
- o minimise the risk of unplanned 'noisy' events which have the potential to result in offsite noise complaints
- o control noise at source by good operational practices, the correct use and maintenance of plant/equipment and staff training

The NMP is a controlled document and forms part of the Site's Management System. The specification for the periodic review and update of this plan will be set out within the Management System and will be on an annual basis, as a minimum. However, this plan should be reviewed as required should the following occur:

- o significant changes are made to plant/equipment or operational practices on the site

- o the LPA requests that the NMP is updated
- o complaints are received, which on subsequent investigation result in the identification of further control measures or remedial action, in addition to those already set out within the NMP.

Further comments:

**Noise**

I'm satisfied that the applicants noise management plan should address any environmental health concerns.

**Lighting**

All existing external lighting must be re-aligned to ensure they are all mounted with a tilt angle of <10 degrees from the horizontal plane.

Any future upgrades, additions or replacement of external lighting must ensure that the lighting complies with the requirements for an Environmental Zone 2 and any LED replacement floodlights should be mounted with a 0 degree upward tilt.

A 7 day programmable time switch is installed to the current lighting. Lighting must be programmed to switch on/off to suit the proposed hours of operation thus ensuring that when the site is not in use the lighting is switched off.

DCC Flood Risk Management Team

We have no in-principle objections to the above planning application, from a surface water drainage perspective.

**Observations:**

Conditions 3 and 4 do not relate to surface water so we have no comment on the above application.

Other Representations

Two representations has been received as a result of this application raising the following concerns:

- Increased noise pollution
- Increased light pollution
- Increased traffic
- Not suitable near residential properties.

**PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
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13/2069/MRES	Retrospective application for use as vehicle storage compound including construction of temporary workshop building, wash down area, security fencing, 5no C.C.T.V columns and 15 no lighting columns and siting of 4 no temporary portacabin offices. (approval of details of layout, scale, appearance and landscaping pursuant to outline planning permission 12/2597/MOUT).	Approval with conditions	11.09.2014
21/1130/VAR	Variation of conditions 3 (lighting hours) and 4 (hours of operation) of planning permission 14/2650/FUL	Approval with conditions	10.02.2022
21/1131/VAR	Variation of conditions 2 (lighting hours) and 3 (hours of operation) of planning permission 20/0259/FUL	Approval with conditions	10.02.2022

## **POLICIES**

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

D1 (Design and Local Distinctiveness)

EN14 (Control of Pollution)

D2 (Landscape Requirements)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Neighbourhood Plan

### **Site Location and Description**

The site lies on the established Hill Barton Business Park which is located in the open countryside served by the arterial route of the A3052 Exeter to Sidmouth highway. The site currently comprises car storage for the Mercedes Benz dealership with associated small scale buildings used in the administration of moving the cars up and down the country where the need arises. The site is served directly off the industrial estate feeder road. There are two residential properties immediately to the south of the site.

### **Proposed Development**

This application seeks full planning permission for the variation of conditions 3 (lighting) and 4 (hours of operation) of application 13/2069/MRES to allow the business to operate for extended hours.

Condition 3 of 13/2069/MRES stated the following:

The boundary lighting to the site shall only operate between the hours of 7am and 7pm and the lighting units on the north, east and south elevations shall be angled at no more than 15 degrees above the horizontal plane. Only yellow, sodium, bulbs shall be used in the lighting columns. Low height sensor security lights shall be installed at the site to provide local short term lighting.

(Reason - To control light pollution and to protect the amenity of nearby residents in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan.)

Condition 4 of 13/2069/MRES stated the following:

The use shall not take place other than between the hours of 0700 hours and 1900 hours.

(Reason - To protect adjoining occupiers from excessive noise and disturbance in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan)

It is proposed to extend the hours of operation from 0600 hours to 2200 hours. As originally submitted the applicant was seeking to remove the conditions to allow for a 24 hour operation.

This application has been submitted as a tandem application with 21/1130/VAR and 21/1131/VAR as together they cover the whole site that Mercedes function from. These other two applications propose the same variations and have recently been approved at a Chair Delegations meeting.

### **ANALYSIS**

The main consideration in the determination of this application is the impact of the increased activity on site and use of associated lighting on nearby sensitive noise receptors (private dwellings) and the impact on the wider countryside surroundings.

## Impact on amenity

The proposal has been amended during its consideration. When first submitted the application sought to remove conditions 3 and 4 to enable a 24 hour use of the site and allow the lighting to be used when required. However, concerns were expressed by the planning team and by the Council's Environmental Health officer, and following discussions with the applicant's agent the final amendments have reduced the proposed operational hours down from 24 hours to 0700 to 2200 across the main part of the site but to 0600 to 2200 on the northernmost part of the site where the structures and entrance are located. The floodlights would be used between the same times.

The current hours of 0700 to 1900 cover the whole of the site (which is covered by three historical permissions), and it is considered that the properties on the southern boundary of the site are those that would have the greatest impact of any increase in activity on the site.

The Council's Environmental Health Officer (EHO) has been supportive of the planning departments view that a 24 hour operation may have a detrimental impact on the surroundings, especially in the absence of any mitigation measures.

Whilst the Environmental Health officer has raised no objections on noise grounds to operations starting at 7am and running until 10pm across the whole site, subject to a Noise Management Plan and screening to the boundaries, planning officers feel that operations close to the boundary of residents until 10pm is unneighbourly and would be harmful to the residents amenity from the movement of cars and the associated headlights and activity. As the residents pre-date the use on the site, it is considered that they should benefit from a high level of protection to their amenity, particularly given that they adjoin a busy A-road to their southern boundary.

Whilst further fencing could be erected to help screen the use, it is considered that the residents would still be impacted from the use, particularly during the spring and summer months whilst in their gardens or with windows open. As such, it is considered that any extended hours should be limited to the workshops at the northernmost part of the site which is away (90 metres) from neighbouring dwellings and where the application proposes hours of 6am to 10pm. This is in line with the recent consents on other applications covering the site determined recently at Chair Delegation.

In addition, the current lighting should be amended to a less than 10 degree angle rather than the 15 degrees in the previous condition together with sensor for turning off at certain times.

Although officers are not agreeing to the applicants request for an extension of the hours of operation until 10pm closest to the nearest residents, as the application is a for a variation of condition, the local planning authority are entitled to amend the hours to those that they do consider reasonable.

It is not considered that there would be a significant increase in traffic as a result of this proposal as all that is being sought is additional business hours to work on cars within the group stock/on site, and there is limited capacity for more vehicles on site.

There would be no wider visual impact.

The proposal is therefore considered to be acceptable in relation to Policies EN14 and D1 of the EDDC Local Plan but subject to lesser hours than being requested by the applicant.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

1. East Devon District Council as local planning authority HEREBY APPROVE THE FOLLOWING RESERVED MATTERS of the above described development proposed in the application numbered as shown above and in the plans and drawings attached thereto, relating to:-
  - a) Layout
  - b) Appearance
  - c) Scale
  - d) landscaping

This Reserved matters application numbered as shown above is made pursuant to the Outline Planning Permission 12/2597/MOUT granted on the 14th March 2013.

The following conditions attached to the Outline Planning Permission referred to above are discharged in relation to this site:

5, 6, 8, 9, 10, 14, 15, 16 and 17.

The following additional conditions are attached to this Reserved Matters approval:

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. The boundary lighting to the site shall only operate between the hours of 6am and 10pm and the lighting units on the north, east and south elevations shall be angled at no more than 10 degrees above the horizontal plane. Only yellow, sodium, bulbs shall be used in the lighting columns. Low height sensor security lights shall be installed at the site to provide local short term lighting. Any future upgrades, additions or replacement of external lighting must ensure that the lighting complies with the requirements for an Environmental Zone 2 and any LED replacement floodlights should be mounted with a 0 degree upward tilt. A 7 day programmable time switch shall be installed to the current lighting prior to the extended hours being implemented. Lighting must be programmed to switch on/off to suit the proposed hours of operation thus ensuring that when the site is not in use the lighting is switched off.

(Reason - To control light pollution and to protect the amenity of nearby residents in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan.)

4. The use of the northern most part of the vehicle compound (extent identified in the Noise Management Plan dated 1st November 2021) shall not take place other than between the hours of 0600 hours and 2200 hours. The remainder of the vehicle compound approved under this application shall not be used outside of the hours of 0700 and 1900 hours.

(Reason - To protect adjoining occupiers from excessive noise and disturbance in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan)

5. Notwithstanding the submitted details, within 3 months of the date of this decision the planting details (including the 1.8m planting to the inside of the security fence) as shown on the Landscape Plan (dated June 2014), Additional Planting South on drawing number SPP.1457.4B (dated July 2014) and as detailed on the Planting and Maintenance Notes (dated 11.03.14) shall have been provided 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 - In the interests of amenity of adjoining residents and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the Emerging New Local Plan.)

6. Within 3 months of the date of this permission, the interception swales as detailed within the Flood Risk Assessment dated 06 May 2014 hereby approved shall have been provided and in full operation. The swales shall therefore remain in perpetuity.

(Reason - In the interests of the amenity of nearby residents and to adequately control surface water run off in accordance with Policies D1 (Design and Local Distinctiveness) of the East Devon Local Plan and Emerging New Local Plan and in accordance with the national Planning Policy Framework.)

#### 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 historical planning application is referenced under 13/2069/MRES for which the approved plans were as follows:-

Number    Type of Plan    dated .....

1303-02A2PLAN REV C    Layout                    16.09.13

A	Photos	16.09.13	
B	Photos	16.09.13	
C	Photos	16.09.13	
D	Photos	16.09.13	
1	Proposed Floor Plans	16.09.13	
PORTACABIN	Proposed Floor Plans	16.09.13	
PORTACABIN DETAILS	Additional Information	16.09.13	
MARQUEE LAYOUT	Layout	16.09.13	
1303-02A2PLAN REV A	Layout	16.09.13	
7016- SITE PLAN	Proposed Site Plan	16.09.13	
E	Photos	16.09.13	
S-D-01 P2 (DRAINAGE DETAILS)	Other Plans	16.09.13	
CONCRETE SLAB INFO	Additional Information	16.09.13	
	Design and Access Statement	16.09.13	
C13460-E-900 T01 (LIGHTING)	Layout	16.09.13	
FENCING DETAILS	Additional Information	16.09.13	
F	Photos	16.09.13	
BELL CORNWELL LETTER	Additional Information	25.09.13	
COLUMNS DETAILS	Additional Information	25.09.13	
MRECEDES BENZ	Additional Information	25.09.13	
	Flood Risk Assessment	05.08.14	
PLANTING & MAINTENANCE NOTES	General Correspondence	11.03.14	
SPP.1457.4B	Other Plans	05.08.14	
LANDSCAPE PLAN	Other Plans	05.08.14	

This decision notice for the variation should be read in conjunction with these previously approved plans.

Plans relating to this application:

identifying area for use	Other Plans	04.11.21
	Noise Impact Assessment	04.11.21

List of Background Papers

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

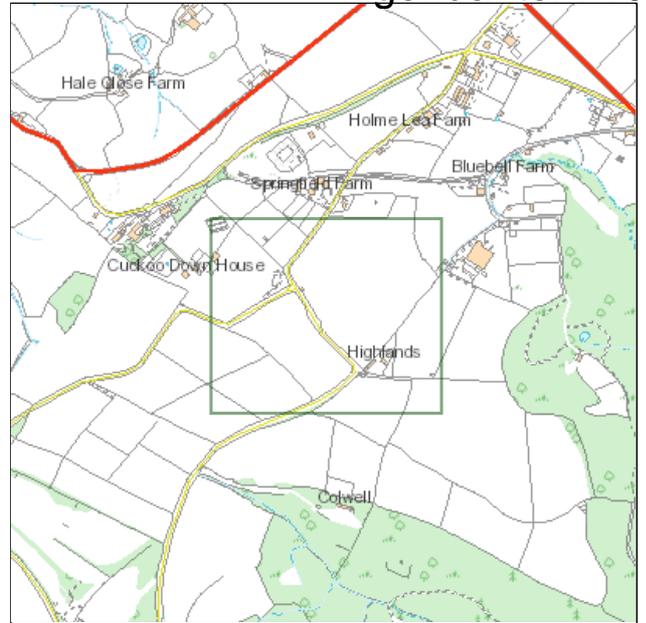
**Ward** Coly Valley

**Reference** 21/1798/FUL

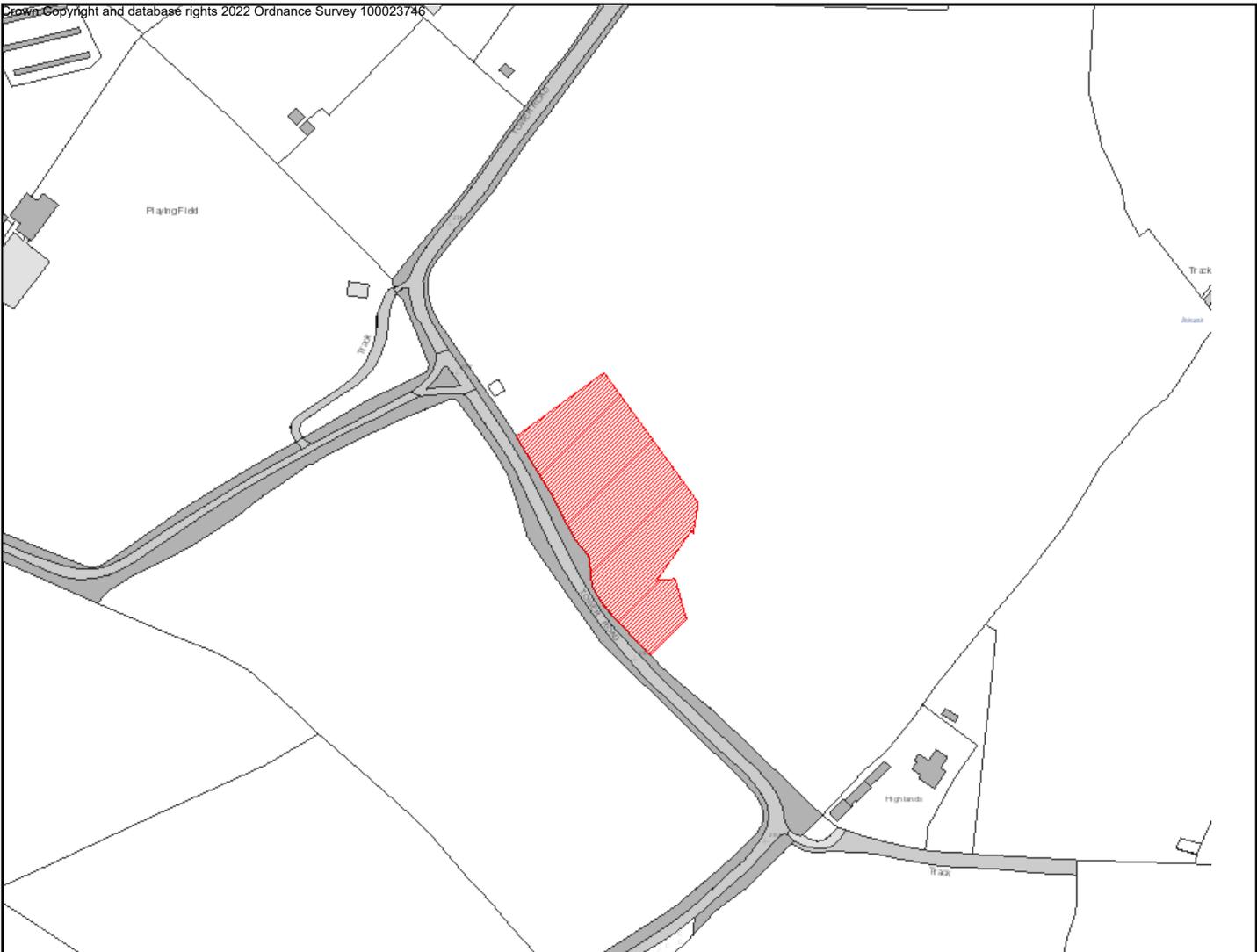
**Applicant** Stags Estate Agents

**Location** Land On The East Side Of Tower Road Offwell Honiton

**Proposal** Change of use of an existing agricultural building and associated works for use as a Livestock Collection Centre.



**RECOMMENDATION: APPROVE subject to conditions**



		<b>Committee Date: 16<sup>th</sup> March 2022</b>
<b>Coly Valley (Offwell)</b>	<b>21/1798/FUL</b>	<b>Target Date: 31.08.2021</b>
<b>Applicant:</b>	<b>Stags Estate Agents</b>	
<b>Location:</b>	<b>Land On The East Side Of Tower Road</b>	
<b>Proposal:</b>	<b>Change of use of an existing agricultural building and associated works for use as a Livestock Collection Centre.</b>	

**RECOMMENDATION: APPROVE subject to conditions**

#### **EXECUTIVE SUMMARY**

The application is before committee because the officer recommendation differs from that of one of the ward members.

The site relates to an existing livestock building and adjoining land. It is located in open countryside to the west of the village of Offwell and south of the A35 and within the East Devon Area of Outstanding Natural Beauty. The site is accessed via Tower Road which joins the A35 approximately 1 km to the northeast of the site.

The proposed scheme seeks to re-use the building at the site as a livestock collection centre to replace the recent closure of this service at the Cattle Market in Honiton. The proposed operation would involve local farmers delivering livestock to the site on collection days with a pre-arranged price for their livestock having already been agreed. Later the same day the livestock is collected and transported on (mainly to abattoirs). The collection service has previously operated twice weekly from its current site and similar operation is envisaged from the proposed site, the rest of the time the building would be empty.

Policy D8 of the Local Plan permits the re-use of redundant rural buildings to new uses, subject to a number of specified criteria being met. Policy E5 similarly allows for 'small scale' economic development in rural areas and expansion of existing businesses, including where these involve the conversion of existing buildings. The proposal has been assessed against the relevant criteria of policy D8 and the building is found to be capable of conversion and the method of conversion would involve very little change to the building itself. The remaining site areas around the building would experience some change, largely through re-

surfacing and ancillary works but additional landscape planting to the current open boundaries of the site would screen this in wider views.

There has been considerable local opposition to the scheme, primary amongst these concerns appears to be the impact of the development on the local highway network. It has been suggested that these local roads are not suitable to safely accommodate the traffic that would be associated with the use of the site, in terms of their narrow nature, lack of adequate passing places and the impact of the increased volume and type of traffic (larger vehicles/lorries) on the character of these roads and safety of the other road users. Whilst these genuine concerns are acknowledged there are no objections in this regard from National Highways or Devon County Council as the highways authority, subject to provision of 2 no. passing places being provided by the applicant on highways maintained land. The highways authority has objected to the proposal on the basis of the potential for traffic associated with the site from spreading mud and debris onto the adjoining highway but it is considered that this could be addressed through agreeing the surfacing of the internal access route. It is not therefore considered that, subject to appropriate conditions, that permission could reasonably be withheld on highway safety grounds.

In other regards the proposal would result in some loss of existing hedgebanks in order to facilitate the construction of the required passing places and widening of the site access but replacement planting could be secured and with the additional planting to the other site boundaries, overall there would be a net increase in hedge planting which would help to conserve the surrounding AONB landscape.

Concerns have also been raised with regards to the amenity and environmental impacts of the development. In amenity terms the site is some distance from the nearest residential property and the use would be limited to two operational days per week. In environmental terms there would be limited external changes to the building or site and any loss of hedgebanks required to facilitate the construction of passing bays could be compensated by replacement and additional planting. It is also recognised that the livestock use of the site would be no greater than could currently occur, without restriction.

In other regards the proposal is found to be acceptable or could be made so through the imposition of suitably worded conditions and accordingly is recommended for approval.

## **CONSULTATIONS**

### **Local Consultations**

#### Coly Valley - Cllr Helen Parr

I have missed the deadline for comments re the above application.

However I have concerns re the suitability of Tower Rd which is narrow and winding, with few passing places, and other minor access roads, as borne out by the DCC Highways objection.

## Offwell Parish Council

### **Most recent comments:**

Offwell Parish Council note that a combined revised site layout / block plan P02 REV P11 has been submitted by the applicants showing the two proposed revised passing bays associated with the application for the Livestock Collection Centre and also the proposed revised surfacing of the vehicle circulation route around the building.

With regard to the two passing bays, the Parish Council has taken further advice from the Chartered Engineer who provided the initial critique of the document supplied by Trace Design.

Whilst no dimensions are shown on the block plan, previous information submitted by Trace Design has shown the passing bay adjacent to the proposed collection centre to be 30m long and the passing bay adjacent to Broad Park to be 15m long both additional with splays of approximately 45 degrees.

The 15m bay is wholly inadequate to accommodate a large vehicle.

Furthermore, the design of the entrance splays into the Collection Centre are based on the swept path of articulated lorries and in fact two articulated lorries are shown in parking bays on the block plan PO2 REV P11. Presumably to facilitate maximum size lorries to collect the livestock following their delivery.

The Parish Council attach a computer aided design (CAD) of a passing bay which would be suitable to allow such an articulated lorry to enter and exit from a live carriageway, with splays it measures some 68m long.

Clearly the proposed passing bays are under designed and will not accommodate the type of vehicles expected to use the Collection Centre.

If the passing bays were properly designed in accordance with attached CAD design,, this would involve the destruction of 140m of Devon hedge bank together with the loss of associated oak trees.

The Parish Council would also comment that even if the two passing bays were to be constructed to a proper design, they would not alleviate the passing and other problems along the remainder of Tower Road.

To illustrate the problems that even a rigid lorry, we attach herewith 6 photographs of a rigid body livestock lorry at different points along Tower Road. These photographs together with previous photographs submitted by the Parish Council clearly demonstrate the unsuitability and difficulties of Tower Road as the location for the Livestock Collection Centre. The narrowness of the road in places, the lack of suitable passing places, the lack of adequate visibility at many of the entranceways along the road, the difficult bends with the swept paths for large vehicles and the lack of pavements all contribute to the unsuitability and the highway safety issues associated with Tower Road as the location.

Furthermore, the applicants and their Highways consultants Trace Design have never considered that vehicle traffic travelling to the livestock collection centre from Axminster will in most likelihood exit the A35 onto the minor service lane past the Bishops Tower to Tower Road. Trace Design have not mentioned this lane at all in either their original transport statement or their addendum statement. They have chosen not to address or answer the Parish Council's previously submitted concerns in this respect.

As regards the site layout plan, whilst a permeable surface has been specified on the plan to overcome the problem of mud carried on to the road there is no mention of how the storm water run-off will be dealt with from the roof of the large shed and the concrete road way and although the extra track will be permeable the clay sub soil in this area will not allow the water to drain away.

There needs to be a storm water attenuation tank included in the plans into which storm water is piped and stored, the tank will have a relatively small outlet pipe and a water brake which only allows a regulated amount of water into the local ditches to avoid flooding.

The Parish Council would also point out that the site layout plan is incorrect in that it shows a small barn building which has actually been demolished and does not show the proposed farm dwelling for which planning permission was granted on the 31<sup>st</sup> March 2021 (Planning Reference No. 20/1039/FUL). The plans and information submitted for that planning application showed that the old field gate entrance at that point was to be used for access to that dwelling only and not for agricultural vehicle access to the field. In view of the fact that the proposed livestock collection centre will be totally enclosed from the field, the question arises as to how the farmer will gain access to the field and the large new replacement barn he is in the process of erecting. This is a material fact which needs to be addressed and answered in the consideration of the planning application for the livestock collection centre.

In conclusion, Offwell Parish Council continues to object to this application.

### **Comments on amended scheme:**

Offwell Parish Council resolved at a meeting on the 8<sup>th</sup> December 2021 to object again for a second time to this application on the following grounds:-

#### **Highways & Transport Issues**

The applicants submitted an addendum to Transport Statement from Trace Design who had been commissioned by them to respond to the objections raised by Devon Highways Authority and Offwell Parish Council. The stated brief of the addendum was to respond and rebut the objections and provide additional information as applicable.

The Parish Council has studied the addendum in detail and do not believe that it rebuts the objections raised by the Parish Council and the Highways Authority.

The Parish Council response to the addendum is by answering/correcting numbered paragraphs in it as follows with the words in italics being Trace Design's (TD's) own words as found in their report:-

2.1 *“Tower Road....allows for two cars passing each other at all times except from a very short section at the southernmost end.”*

This ignores the 10m section adjacent to the drive to Collwell House, the 80m section at Broad Park, and the 50m section at the garden centre. The majority of vehicle movements will be from the A35 at Tower Cross to the site, a distance of some 900m, livestock would be brought to the Collection Centre in cattle lorries or wide trailers often drawn by tractors. Using road widths supplied by Trace Design (TD) the sections of road where a large vehicle and car could pass is at best 41%, but for two lorries only 12%. Whilst there are a couple of errors in TD's survey, they now generally correlate well with the ones supplied by the Parish Council (see Appendix 1 attached), so Trace Designs analyse statement as shown above in italics is incorrect.

2.2 TD state that the single 90 degree bend in Tower Road adjacent to Cuckoo Down Lane is at least 5.5m wide and could *“allow the passing of two large vehicles”* However the swept path of a lorry does not allow any vehicle to pass a lorry at this location.

2.3 TD state that *“The third bend is located closer to the junction with Northleigh Hill Road and has a passing place on it to also allow the passing of two vehicles comfortably”*

This statement is totally incorrect. The bend is extremely difficult to navigate safely for two vehicles to pass particularly when one is a large vehicle or lorry and it is impossible when two large vehicles meet at this bend. On such occasions vehicles often queue up behind on one sides to and around the bend and on the other to the junction and onto Northleigh Hill road. To illustrate this point please refer to the photograph in the attached Appendix 4 showing how just one lorry can totally dominate the road width and prevent any vehicle from passing.

2.6 TD's own definition of a pinch point is given in Paragraph 2.8 of the original TS being 4.4 – 4.5m. Using the road widths supplied by TD the percentage of carriageway less than or equal to 4.5m is 47%, their proposal to create two passing places would therefore provide little benefit.

2.7 *“however these should not be considered as ‘pinch points’ as two cars can pass each other comfortably”*

None of the pinch points mentioned in the first paragraph above can accommodate two cars.

2.8 TD's on-site measurements compare closely with those already provided by the Parish Council which makes clear that Tower Road is demonstrably not *“more than suitable to accommodate the predicted traffic”*

The TS includes an extract from the Governments Manual for Streets Table 7.

The complete wording provided below that Table in the Manual is “Table 7.1 Illustrates what various carriageway widths can accommodate. They are not necessarily recommendations” conveniently this is omitted by TS.

2.14 *The Highway Authority did not raise an objection to the increase in vehicle numbers to and from the site under planning application reference 20/1039/FUL.”*

The planning application 20/1039/FUL was actually for a farm workers dwelling and the re-siting of a small shed. The Highway Authority quite correctly recognised that the increase in vehicle numbers from a private house would be insignificant.

2.15 *“With an average increase of 5 vehicles per day on a daily basis this is not considered to be severe....”*

Given that the Collection Centre will only be open two days a week the average traffic increase should not be averaged out over a whole week as TS have done but just the two stated days of operation.

2.18 The Parish Council upholds the view regarding the irrelevance of the use of the facility at Zeal Monachorum to predict the theoretical use of the calf rearing unit.

Even if the comparison was accepted the figures contained in Tables 4, 5 and 6 of the original traffic survey do not bear scrutiny. Table 4 shows movements of 6 full time workers who create 12 vehicle movements per day at Zeal Monachorum but the landowner, Mr Bamburger, has obtained planning permission for a farm workers dwelling on the site negating all these daily vehicle movements.

Had the calf rearing operation ever been in operation delivery of straw and removal of manure would surely have mainly come from the farm in Stoney Lane via Cuckoo Down Lane negating a further 10 weekly movements.

The 8 weekly loads of cattle by artic and smaller lorries would also not be required.

The net effect of the foregoing is to reduce the apparent daily movements in Table 6 from 15.03 to just 2.05. Stags provide the vehicle movements in Section 4.16 of the original traffic survey the maximum of which is 65, deduct 2 and the increase over and above the calf rearing unit would be 63.

Taken over a 3 hour period up until 10am *“with the livestock collected and removed from site shortly afterwards.”* As noted by Stags information paragraph 4, lets assume another hour.

Therefore, on a Monday morning there will be 16 vehicle movements per hour or one just under every 4 minutes. Add in commuter traffic between 8 and 9 on to a section of road which is only wide enough for two lorries to pass in 13% of its length and the only outcome will be chaos.

2.26 Trace Designs on site measurements do not show that a large percentage of the road capable of allowing a car and large vehicle to pass the percentage is 41%

Additionally the TS report fails to consider the problems caused by:-

1) lack of adequate visibility from circa 20 property or field entrances on to Tower Road.

2) lack of footways or flat verges to provide refuge for pedestrians, runners, dog walkers, horse riders, cyclists between the A35 and the site.

3) lack of traffic management entering and departing from the garden centre.

4) inadequate highway maintenance funds to deal with the damage which will be caused to the soft edges of Tower Road by large vehicles attempting to pass each other.

5) the effects of agricultural vehicles dragging mud on to the road when the *“compacted earth,”* on the ring road referred to on the site drawings of the livestock collection centre, becomes rain soaked and turns in to a quagmire with all the vehicle movements.

2.26 There is good correlation between the road width information supplied by TD and those attached to the Parish Council response with only a one percent variation. This

confirms that only 41% of Tower Road from the A35 to the site is suitable only to allow a lorry and car to pass and only 13% suitable for two lorries to pass.

Appendix 4 attached provides a selection of photographs showing large lorries and tractor with trailer on Tower Road which clearly demonstrate the lack of space which would be available for a car to pass let alone another lorry.

2.27 Appendix F (not D as stated) shows two passing places, both requiring the destruction of Devon hedge banks, the passing place adjacent to Broad Park is of insufficient length to contain an articulated lorry and only creates the bare minimum for two large vehicles to pass. No dimensions are provided by TD to accurately locate where it is intended to be constructed, and their plans are not drawn to scale. The Parish Council has tried to estimate as best as possible the exact location. Appendix 2 attached shows two possible locations for the passing place adjacent to Broad Park.

Location A assumes the passing bay would be sighted midway between existing trees so they would not be affected by the passing bay construction, however this is in one of the narrowest part of the road and would require the maximum amount of hedge destruction.

Location B Whilst it is always unwise to scale from drawings particularly given that the drawing they supply is not to scale. (Compare the 5.5m road width with the length of the bay 15m it should be approximately 3 times longer but it is not!) This location would be within the root spread of two trees, one being a mature oak and therefore unacceptable.

3.2 The Critical Analysis provided freely by a retired qualified Professional Highways Engineer to the Parish Council was unbiased offering no personal opinion and was professionally written to highlight errors and omissions in the Traffic Survey. In contrast to Trace Design, who were presumably employed by Stags to support their application.

3.3 TD's comments are erroneous and their description of Tower Road and it's usage bears no resemblance to the actual and true facts. Large vehicles and lorries often and regularly use Tower Road causing constraints and difficulties for other road users.

3.4 It is unclear why TD question the Highways Authority's definition of a pinch point when in Paragraph 2.8 of the original Transport Statement, TD define a pinch point as a 4.4 - 4.5m road width The road width data supplied by TD indicate five such locations between the A35 and the site.

3.5 TD's comments are yet again erroneous and bear no resemblance to the true situation. In places there is barely sufficient room for a pedestrian, dog walkers to stand as a large vehicle or lorry passes. The Parish Council wishes to refer the Planning Officer to the comments sent in by many persons which mention the safety hazards and concerns of pedestrians, dog walkers, runners and horse riders. Also the photographs in Appendix 4 attached clearly demonstrate the truth of the Parish Council's statement.

3.6 & 3.7 Again TD's comments are erroneous. There are skid marks and many vehicle drivers do NOT drive at low speeds and do NOT provide a safe environment for pedestrians and others.

3.8, 3.9 & 3.10 The traffic associated with the granted permission for the calve rearing unit is not comparable to the traffic which would be generated by the proposed

livestock Collection Centre and then obviously raises different Highways impacts and concerns.

Tower Road does NOT have the ample capacity to accommodate the additional vehicle traffic generated by the proposed development as claimed by TD.

3.11 Trace Design state that the edge erosion is *“based on a perception from the consultant preparing these comments, which are unjustified and unsupported by evidence.”*

Trace Design’s statement is totally false and demonstrates again that they have not undertaken a true and accurate assessment of Tower road. The evidence of the road edge erosion is clearly shown in Appendix 3 attached with photographs of 18 edge overrun /edge erosion locations identified in Tower Road.

Trace Design go on to explain that *“Devon County Council inspected this road on the 26/07/2021 as shown in **Figure 1** below. There are no improvements proposed on this road by Trace Design is aware of.”*

Figure 1 shown on page 14 is in fact a plan of Cuckoo Down Lane!!! This error together with other questionable conclusions drawn by Trace Design leads one to repudiate the accuracy of their submission in total, Could it have been just a desk top survey?

3.20 The Parish Council has obtained Dept. of Transport data on traffic accidents recorded by Police Officers over the last 20 years. The data showed the proliferation of accidents on the A35 between Devils Elbow and the Mount Pleasant junction and along the length of Tower Road from the A35 to the golf course junction. It is clear from this information that the majority of accidents in this area are concentrated at Tower Cross on the A35 and to a slightly lesser extent at Devils Elbow and Mount Pleasant near the A35 junction to Offwell and minor lane past the Bishops Tower. The other black spot is centred at the other end of Tower Road at its junction with the Northleigh Road together with several accidents in Tower Road itself, particularly at the Tower Road/ Springfield Lane /Unnamed minor lane crossroads junction.

As regards the A35, the Parish Council have previously approached the Highways England to consider imposing a speed limit on this section of the A35 or installing speed cameras due to safety hazards caused by speeding vehicles at junctions such as Tower Cross and the Offwell junctions.

It is Parish Councils overwhelming belief that the accidents statistics will indisputably increase should the Livestock Collection Centre become a reality.

3.12 The development in Zeal Monachorum is of no relevance whatsoever in consideration of this planning application and comparison of the traffic levels for the granted the calving unit with the proposed livestock collection centre.

3.16. 3.17 & 3.18 Whilst TD admit to errors in the Transport Statement they somehow still come to the unbelievable conclusion that the proposed development would result in an increase of less than 1 vehicle trip per day ( based on a 7 day working week). This is totally erroneous and misleading particularly with statements by both Stags and TD showing that at present the Livestock Collection centre only operates on two days of the week.

3.22,3.23 & 3.24 The Parish Council totally refute TD’s statements in these paragraphs and how they arrive at their conclusions.

The Parish Council state that the following comments from the Parish Council’s previous critical analysis are still valid and correct:-

The access has had little use over several years save for the grazing of sheep and cultivating crops in the field behind the existing shed.

The proposal requires uprooting a significant length of well-established Devon hedge bank in an Area of Outstanding Natural Beauty.

It has been shown above that the figure of just 5 trips per day is wrong. Stags summary attached to this application details 45,000 head of sheep, 2600 head of cattle and 2000.

Trace Design in their response have completely ignored the concerns expressed by the Parish Council in relation to the minor service road from the A35 past the Bishops Tower to Tower Road. It was not considered in their original Transport Statement or in their response statement. This omission, together with lack of details and the various errors in both documents clearly demonstrates that they have NOT conducted a full and thorough assessment of the local highway network and the impact of the vehicles associated with the planning application.

The detailed documents and responses submitted by the Parish Council clearly show that Tower Road is not a suitable location and that the additional traffic generated by the proposal would create many traffic problems along both Tower Road and the minor service road. These two rural roads are restrictive in width with few passing places which are in the main private entranceways, poor visibility splays and no pavements. Both roads are well used by walkers, joggers, cyclists and horse riders and the additional traffic of large livestock lorries and 4x4 or tractors with livestock trailers would create extra problems and dangers for these users.

Another consideration is that the farmers take their animals to the livestock collection centre in their own vehicles and trailers. Some may take only a few animals, others a lorry full. but there will certainly be a lot of vehicle movements on each of the two mornings taking into account the annual throughput of animals. The applicants have still not produced any evidence and details of the traffic movements in and out of the existing centre over the last 5 years. This information should have been presented with their application as it must be readily available from their records.

### **East Devon Local Plan 2013-2031**

The Parish Council still consider that the application proposal is contrary to: \_

Strategy 7 (Development in the Countryside)

Strategy 28 (sustaining and Diversifying Rural Enterprises)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

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

Policy RC6 (Local Community Facilities)

TC7 (Adequacy of Road Network and Site Access)

The Parish Council would also add that the permission for the Building of the Calf Unit was only granted in January 2017.

The Planning Officer's report stated that "*Policy D8 of the Local Plan permits new agricultural building subject to demonstration of agricultural need and a number of criteria relating to design and landscape impact; amenity impact; there are no other building that could meet the need; acceptable traffic impact, and; suitable drainage. The building was required to enable the expansion of the calf stock reared on the farm from 200 to 400 and to allow separation of different age groups as well as handling and vehicle movement within the building. A detailed justification statement has been provided in support of the application. Subject to consideration of other issues the proposal is considered to be acceptable in principle under D8.*"

The Building was subsequently constructed in the last 24 months and in June 2020 an application was made by the farmer for a farm workers dwelling which was granted on the 31<sup>st</sup> March 2021. That planning proposal was within the countryside where isolated dwellings require special circumstances. Special circumstances existing within paragraph 79 of the NPPF and policy H4 of the local plan for the creation of rural workers dwellings where an essential agricultural needs can be established. Focusing this essential need the EDDC Local Plan Policy H4 lays out the criteria relevant for establishing this essential need.

The farmer had to present justification again of the agricultural need/ financial viability of the farming enterprise and the need for an agricultural worker's dwelling onsite for animal welfare reasons. Confidential accounts and documentation was provided to the planning officer to confirm the financial viability of the farming enterprise going forward and the justification for the dwelling.

The present application is now for a change of use to a livestock collection centre by another party (Stags). This is in direct contravention of Policy D8 on a number of matters

The Parish Council is of the opinion that the application does still undermine the granted permission for the calving unit and is contrary to the National Planning Policy Framework (NPPF) and the various EDDC Local Plan policies.

The proposed use will harm the countryside by way of Traffic with an unacceptable increase in traffic on the local highway network which is unsuitable for this increase, and be detrimental to the amenity of nearby residents.

The transport addendum includes the proposal for two passing places to be constructed, both requiring the destruction of Devon hedge banks. The passing place adjacent to Broad Park would almost certainly entail the removal of a large section of Devon bank and would impact on or necessitate the removal of mature Oak trees. These trees and that Devon bank are known to be important and significant feeding habitats for Owls and Bats. Policy D8 clearly states that applications for the reuse of rural buildings should be accompanied by the results of a combined bat and owl survey. This has not been done and should have been done as the proposed passing places will impact on the feeding/roosting habitats of these important wildlife species. In addition Bats are protected by legislation and this includes protection of existing foraging /commuting habitats. Planning authorities have a legal obligation to consider whether bats are likely to be affected by a proposed development. The authority should request that the applicants commission an appropriate bat and owl survey and should not consider the application until sufficient information on bats is available to them.

### **Environmental Impact**

The Parish Council note that an Environmental Impact assessment has not been submitted but are of the opinion that one should be requested for the following reasons:

- 1) The site is in open countryside, outside the Built-Up Area Boundary and within an AONB.

- 2) The proposed change of use will result in detrimental impacts on residential amenity particularly from the extra traffic along Tower Road and the minor service road and the type of vehicles involved. Livestock vehicles and trailers are notorious for the loud rattling noise they create both when loaded with animals and empty.

The applicants state in their Design and Access statement that modern livestock vehicles are equipped with quiet hydraulic ramp systems and that will result in minimal noise arising from loading/unloading animals.

Whilst this may possibly apply for collection lorries, this would not be the case for the farm vehicles with trailers and there would be considerable noise during the unloading of animals.

- 3) The applicants state that they will install a 84,000 litre effluent tank for waste and drainage and that there would be a washout area to allow vehicles to disinfect prior to making a return journey or prior to loading new animals. Also that after each collection day the building and surrounding impermeable areas will be washed down thoroughly with water which will drain into the effluent tank system.

Furthermore, they state the effluent from this 84,000 litre tank system will be spread on the farmland during appropriate periods or tankered away.

However, no assessment has been made of the environmental impact of either a leak of this effluent with it's disinfectant chemicals or from when it is spread on the land.

The Parish Council is particularly concerned about the effluent affecting the water quality in the nearby Offwell Woods and its stream and ponds. These woods and it's water system of streams and ponds are recognised as areas of significant biodiversity and wildlife importance. Any changes in nutrient levels or effects from the disinfectants used resulting from an effluent leakage or from being spread on the land could adversely affect the water quality. The water in the Offwell Woods system originates from the various field ditches around and below the site of the proposed livestock collection centre.

The Parish Council would request that the applicants be requested to submit an ecological report on the impact of the proposal. Also that EDDC Planning notify the Forestry Commission (the owners and managers of Offwell Woods) of the planning application and request them to comment.

### **Site Re-Location of the Livestock Collection Centre**

The Parish Council are aware that the existing Livestock centre has to be relocated from it's existing Honiton Silver street location but are of the opinion that the proposed application site on Tower Road is totally unsuitable.

Whilst the Parish Council acknowledge the importance of the existing livestock collection centre to farmers within the East Devon, South Somerset and West Dorset, it should be relocated to a more suitable site.

The applicants state in their Design and Access statement that since 2019 they have investigated and considered multiple alternative sites but that none were found to be suitable. The proposed site in Offwell was considered in their opinion to be the most suitable site.

They have now provided some brief details of their search for an alternative site and the reasons why other sites (other than the proposed site at Offwell) were considered to be unsuitable.

Due to lack of knowledge of the other sites, the Parish Council are unable to comment on those other than the Honiton Showground site.

The Parish Council are sceptical of their statements about the unsuitability of that site for the following reasons:-

1) A parishioner has spoken to Mr Ben Moore, the Chair of the Association who said that the Association had not been formally approached by Stags to explore and fully discuss the possibility in detail the possibility of the Collection Centre relocating to the Showground Site.

2) Stags state that there is no existing building or infrastructure and no services or drainage and that the costs were prohibitive

Whilst the Parish Council accept that there is no existing building on the site and the costs would be substantial, Stags cannot have given serious consideration to these matters if they dismissed this potential site without having held formal discussions with the Association.

Whilst the costs of a new building would be substantial, surely Stags as a large multi-million Company should be prepared to invest in a new site for one of their commercial business operations. Any such investment could have been accompanied by asking their 450 vendors who use the existing site to be part of a Cooperative investment in the new site. (a sum of £500 from each vendor would raise in excess of £225,000). This coupled with an investment from Stags itself and the possibility of available grants would easily have provided the funding for the new building and associated costs.

3) One would reasonably assume that as part of their consideration of the Showground site that they would have spoken to Honiton town Council to seek their assistance.

However, when the Parish Council contacted Honiton Town Council about this application, it was surprised to learn that the applicants had never contacted the Town Council to advise them that they were searching for a new site and to seek the Town Council's assistance.

4) The Parish Council is of the opinion that the ideal location for the Collection Centre is the Honiton Showground. It is ideally located with excellent access off the A30. It and both the surrounding minor service road network and A30 are fully capable of safely handling a large number of vehicles including large lorries and vehicles with trailers. This is clearly evidenced on and around the date of the annual Honiton Show when it has many hundreds of vehicles of all types and sizes to safely accommodate.

The Showground site is a 140 acre site owned by the Honiton & District Agricultural Association who purchased it in 2003. The Association is a registered Charity with charitable objectives inclusive of the aims to promote Agriculture, and industry in Agriculture and industry in general.

Whilst there is no existing suitable building on the site, it is possible that one could be built subject to planning permission being approved, which would be beneficial for not only Stags but also the Association as it would provide a regular income.

Stags in addition to their additional information statement also provided plans of the proposed Livestock Collection Site. These plans were clearly not correct as the new Farm Storage Barn for which permission had been granted and was presently being constructed was not included on the plans when in fact its position impinged into the area of the site. The Parish Council on sight of the plans immediately drew the Planning Authority's attention to this matter and at their request Stags subsequently submitted a revised plan. However, this demonstrates the lack of information and correct detail associated with the submission of this planning application.

Stags have also made reference to the fact that the Collection Centre would have to comply with certain legislation and be annually licensed by both the AHDB and the local authority animal health department. The legislation contains certain requirements and Parish Council request that the Planning Authority seek confirmation from both these statutory bodies that the submitted proposed site plan would meet these requirements. In this respect the Parish Council are concerned about the following matters:-

a) As regards that no external/other livestock can be located on or immediately adjacent to the site. The landowner has previously grazed sheep on the field and there is no mention as to what the field will be used for and what purpose the farm storage barn which is immediately right next to the site will be used for. There is no mention if that building would have any form of communication entry into the site.

Also another farmer who owns the field immediately opposite the entranceway to site regularly grazes cattle in that field.

b) The plan shows that the one way vehicle circulation around the building within the site will be a compacted earth field perimeter access track. This as mentioned by both the Highways Authority and the Parish Council will turn into a muddy quagmire when it is rain soaked. The Parish Council are concerned about mud being transferred onto the Highway but also the possible bio security hazards of disease transmission from vehicle to vehicle as they travel through the same mud. Surely this vehicle circulation route should be concrete in order to minimise/eliminate this risk and be capable of being washed down. If so, this could produce more effluent, surfacing run off and washing off water being produced necessitating more tankering way journeys and/or more spreading on the land at appropriate times.

c) Also the lorry washout is situated at the start of the circulation route. Surely it should be situated at the other side of the building on the exit side.

Finally, the Parish Council wish to say that it recognises that Offwell is a rural parish and has always been supportive of the farming community within and immediately surrounding the Parish.

In fact, the Parish Council supported the planning application for the erection of the Calf Rearing Livestock Building and only made constructive comments in relation to the planning application for the erection of the replacement farm storage building.

It appreciates the importance of the Livestock Collection Centre to the farming community within East Devon, South Somerset and West Dorset but must object to this planning application as Tower Road is an unsuitable location for all the above mentioned reasons.

### **Original comments:**

Offwell Parish Council resolved at a meeting on the 26th July 2021 to object to this application on the following grounds:

#### Highways & Transport Issues:

The applicants submitted a Transport Statement from Trace Design who they had commissioned to prepare a technical statement to support the planning application.

The Council do not believe that Trace Design fully considered and assessed the roads which would be affected by the proposed application and the traffic generation issues and impact on other road users and the local community.

The Council were concerned by the lack of detail in some respects, interpretations of the proposed vehicle trip generation and the total omission of the minor service road from the A35 past the Bishops Tower to Tower Road. This narrow lane is used by many vehicles from the Axminster direction as a quicker access route off the A35 to get on to Tower Road.

The Council were so concerned that they asked a professionally qualified local resident to conduct a critical analysis of the Trace and Design Transport Statement and also a survey of the road widths in both the above minor service road and Tower Road from the A35 to the proposed site taken at 20 metre intervals. The resident has been a Chartered Civil Engineer for 39 years and has been involved in the design, construction and maintenance of highways and structures for most of his career having worked for Devon County Council for 23 years and South West Highways Ltd for 20 years.

The Council were also concerned that Trace and Design had not properly assessed the existing amount of traffic along Tower Road, instead merely stating that it was lightly trafficked. The Council felt that this was an important consideration and therefore organised a detailed traffic count on both the above mentioned minor service road and Tower Road.

This was conducted on Monday, 2nd August 2021 for a 8 hour period from 8.00am to 4.00pm.

The survey showed that there were :-

427 traffic movements in the 8 hrs along Tower road averaging 53 per hour.

164 traffic movements in the 8 hours along the minor service road averaging 20 per hour

( the movements are inclusive of vehicles, pedestrians, cyclists and horse riders)

It should be noted that these two traffic counts took place on the School Holiday period and also on the first week of the main Summer holidays period and as such the level of traffic was less than that normally experienced on this particular minor road network.

We attach herewith copies of the following documents :-

- a) Critical Analysis of the Trace and Design Transport Statement
- b) Road Width survey of Tower Road and the Minor service road.

These documents clearly show that Tower Road is not a suitable location and that the additional traffic generated by the proposal would create many traffic problems along both Tower Road and the minor service road. These two rural roads are restrictive in width with few passing places which are in the main private entranceways, poor visibility splays and no pavements. Both roads are well used by walkers, joggers, cyclists and horse riders and the additional traffic of large livestock lorries and 4x4 with livestock trailers would create extra problems and dangers for these users.

Another consideration is that the farmers take their animals to the livestock collection centre in their own vehicles and trailers. Some may take only a few animals, others a lorry full. but there will certainly be a lot of vehicle movements on each of the two mornings taking into account the annual throughput of animals. The applicants have not produced any evidence of the traffic movements in and out of the existing centre over the last 5 years. This information should have been presented with their application as it must be readily available from their records.

East Devon Local Plan 2013-2031

The Parish Council consider that the application proposal is contrary to: \_

Strategy 7 (Development in the Countryside)

Strategy 28 (sustaining and Diversifying Rural Enterprises)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

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

Policy RC6 (Local Community Facilities)

TC7 (Adequacy of Road Network and Site Access)

The Parish Council would also add that the permission for the Building of the Calf Unit was only granted in January 2017.

The Planning Officer's report stated that 'Policy D8 of the Local Plan permits new agricultural building subject to demonstration of agricultural need and a number of criteria relating to design and landscape impact; amenity impact; there are no other building that could meet the need; acceptable traffic impact, and; suitable drainage. The building was required to enable the expansion of the calf stock reared on the farm from 200 to 400 and to allow separation of different age groups as well as handling and vehicle movement within the building. A detailed justification statement has been provided in support of the application. Subject to consideration of other issues the proposal is considered to be acceptable in principle under D8.'

The Building was subsequently constructed in the last 24 months and in June 2020 an application was made by the farmer for a farm workers dwelling which was granted on the 31st March 2021. That planning proposal was within the countryside where isolated dwellings require special circumstances. Special circumstances existing within paragraph 79 of the NPPF and policy H4 of the local plan for the creation of rural workers dwellings where an essential agricultural needs can be established. Focusing this essential need the EDDC Local Plan Policy H4 lays out the criteria relevant for establishing this essential need.

The farmer had to present justification again of the agricultural need/ financial viability of the farming enterprise and the need for an agricultural worker's dwelling onsite for animal welfare reasons. Confidential accounts and documentation was provided to the planning officer to confirm the financial viability of the farming enterprise going forward and the justification for the dwelling.

The present application is now for a change of use to a livestock collection centre by another party (Stags). This is in direct contravention of Policy D8 condition 5 in that it will undermine the viability of an existing agricultural enterprise (the ongoing viability and need of which has only just been proven to the planning authority) or require a further replacement building to fulfill the same function.

The Parish Council also feel that the proposed change of use and loss of the permitted calf rearing unit for an existing viable farming business would be contrary to the National Planning Policy Framework (NPPF)

#### Environmental Impact

The Parish Council note that an Environmental Impact assessment has not been submitted but are of the opinion that one should be requested for the following reasons:

1) The site is in open countryside, outside the Built-Up Area Boundary and within an AONB.

2) The proposed change of use will result in detrimental impacts on residential amenity particularly from the extra traffic along Tower Road and the minor service road and the type of vehicles involved. Livestock vehicles and trailers are notorious for the loud rattling noise they create both when loaded with animals and empty.

The applicants state in their Design and Access statement that modern livestock vehicles are equipped with quiet hydraulic ramp systems and that will result in minimal noise arising from loading/unloading animals.

Whilst this may possibly apply for collection lorries, this would not be the case for the farm vehicles with trailers and there would be considerable noise during the unloading of animals.

Also the applicants do not state how early in the morning, the farmers would start arriving at the site. This information should have been provided.

3) The applicants state that they will install a 25,000 litre effluent tank for waste and drainage and that there would be a washout area to allow vehicles to disinfect prior to making a return journey or prior to loading new animals. Also that after each collection day the building and surrounding impermeable areas will be washed down thoroughly with water which will drain into the effluent tank system.

Furthermore, they state the effluent from this 25,000 litre tank system will be spread on the farmland during appropriate periods or tankered away.

However, no assessment has been made of the environmental impact of either a leak of this effluent with it's disinfectant chemicals or from when it is spread on the land.

The Parish Council is particularly concerned about the effluent affecting the water quality in the nearby Offwell Woods and its stream and ponds. These woods and it's water system of streams and ponds are recognised as areas of significant biodiversity and wildlife importance. Any changes in nutrient levels or effects from the disinfectants used resulting from an effluent leakage or from being spread on the land could

adversely affect the water quality. The water in the Offwell Woods system originates from the various field ditches around and below the site of the proposed livestock collection centre.

The Parish Council would request that the applicants be requested to submit an ecological report on the impact of the proposal. Also that EDDC Planning notify the Forestry Commission (the owners and managers of Offwell Woods) of the planning application and request them to comment.

#### Site Re-Location of the Livestock Collection Centre

The Parish Council are aware that the existing Livestock centre has to be relocated from its existing Honiton Silver street location but are of the opinion that the proposed application site on Tower Road is totally unsuitable.

Whilst the Parish Council acknowledge the importance of the existing livestock collection centre to farmers within the East Devon, South Somerset and West Dorset, it should be relocated to a more suitable site.

The applicants state in their Design and Access statement that since 2019 they have investigated and considered multiple alternative sites but that none were found to be suitable. The proposed site in Offwell was considered in their opinion to be the most suitable site.

However, they have produced no documentary evidence to support their statement of them making an arduous search for an alternative site.

The Parish Council are sceptical of their unsupported statement for the two following reasons:-

1) One would reasonably assume that in their searching for a site that they would have considered available sites in and around Honiton such as on the Heathpark Industrial Estate and land sites West of Hayne Lane.

It would also be reasonable to assume that as part of their search, they would have spoken to Honiton Town Council to request their assistance in locating a new suitable site.

However, when the Parish Council contacted Honiton Town Council about this application, it was surprised to learn that the applicants had never contacted the Town Council to advise them that they were searching for a new site and to seek the Town Council's assistance.

2) The Parish Council is of the opinion that the ideal location for the Collection Centre would be on the Honiton Showground. It is ideally located with excellent access off the A30. It and both the surrounding minor service road network and A30 are fully capable of safely handling a large number of vehicles including large lorries and vehicles with trailers. This is clearly evidenced on and around the date of the annual Honiton Show when it has many hundreds of vehicles of all types and sizes to safely accommodate. The Showground site is a 140 acre site owned by the Honiton & District Agricultural Association who purchased it in 2003. The Association is a registered Charity with charitable objectives inclusive of the aims to promote Agriculture, and industry in Agriculture and industry in general.

Whilst there is no existing suitable building on the site, it is possible that one could be built subject to planning permission being approved, which would be beneficial for not only Stags but also the Association as it would provide a regular income. Obviously, funding for the building costs would have to be found.

A parishioner has spoken to Mr Ben Moore, the Chair of the Association who has said that the Association has not been approached by Stags but would welcome such an approach in order to explore the possibility of the Collection Centre relocating to the Showground Site.

The Parish Council would request that the Planning Authority ask Stags to submit full documentary evidence of their arduous search for an alternative site. Also that they are requested to contact the Honiton & District Agricultural Association to discuss and fully explore the possibility and opportunities afforded by the Livestock Collection Centre relocating to the Showground site.

Finally, the Parish Council wish to say that it recognises that it is a rural parish and is supportive of the farming community within and surrounding the Parish. In fact, the Parish Council supported the planning application for the erection of the Calf Rearing Livestock Building and only made constructive comments in relation to the planning application for the erection of the replacement farm storage building. However, the Parish Council objects to the present application for the Change of Use to a Livestock Collection Centre, as the site on Tower Road is totally unsuitable for all of the above mentioned reasons.

#### Attachments

No 1

Proposed Animal Collection Centre, Tower Road, Honiton  
Critical Analysis of the Transport Statement prepared by  
Trace Design commissioned by Stags

The following notes have been prepared to question certain details contained in the above statement which has been prepared in support of the proposal to install an animal Collection Centre in an Area of Outstanding Beauty on the outskirts of Honiton. The proposal will generate additional traffic on a rural minor road which threads its way through the hamlet of houses adjacent to the Bishop's Tower at Tower Cross. The numbering system refers to the paragraphs in the statement.

1.5 States that the report is considered to be a 'fair and unbiased appraisal of the traffic and highways issues arising due to the proposed developments' However, the first paragraph of the Summary, 5.1, on page 29 also states that the report was 'commissioned by Stags to prepare a Transport Statement (TS) to support a planning application' Clearly the report is, in parts, misleading and could have been based on more factual information.

2.5 Tower Road carries large vehicles such as those which supply hay to the Donkey Sanctuary facilities just beyond the golf course and at Weston near Sidmouth. It provides a convenient short cut for all forms of transport from the A35 to the A375 and the A3052 coast road via Farway Common.

2.8 The report omits the fact that there are 8 pinch points less than 4.8m wide (suitable for only one lorry to pass) between the A35 and the proposed site, the narrowest being just 3.8m wide.

2.10 Tower Road has become a popular walking and cycling route. In places there is barely sufficient room for a pedestrian to stand as a lorry passes by.

2.31 The accidents statistics can only be accumulated from reported accidents; it is reasonable to assume that they only represent a proportion of the number of actual accidents which take place. There is no mechanism for recording near misses. Whilst the recording of near misses is a requirement in industry by the HSE this does not apply to the public highway. The proliferation of skid marks on Tower Road bear witness to many unrecorded near misses.

2.33 The site is midway between two blind bends, the opportunity to gather speed at the section of road near the site is limited.

3.7 The Highway Authority were unlikely to object because the site has never been used as a calve rearing unit.

3.10 Whilst the composition of the traffic using the site may be related to agriculture, the fact that the site has rarely ever been used means that any future development would lead to a significant increase in traffic.

3.11 The negligible impact refers only to the site entrance not to Tower Road as a whole.

3.22 The carriageway width on Tower Road from the A35 to the site averages just 4.8m and will be significantly affected by extra journeys. Furthermore, there are several lengths of soft verges which are currently subject to overrun by large vehicles, this in turn leads to erosion of the unsupported edge of the road construction exacerbated by lorries attempting to pass each other where no metaled road surface exists.

4.4 If it is alleged that Tower Road is considered to be only lightly trafficked then the extra vehicle movements will have a greater impact.

4.7 The development in Zeal Monachorum bears no relation to this proposal it was for beef fattening and sheep farming. Both agricultural enterprises requiring feeds and slurry clearance over a period of months. This proposal is a commercial in nature to facilitate the transfer of animals bought and sold elsewhere, their stay at the site amounts to short stays only, the comparison is erroneous.

4.15 Under the sub heading of Proposed Development the vehicle traffic generated varies from 45 to 65 trips in main season to 30 to 35 trips per day in the off-season.

4.19 In Table 7 the last line of Existing use should read 105 however net impact figure should be zero not -105 therefore Net Impact is 111 weekly trips which approximates with the maximum trips in 4.15 above.

4.20 Inexplicably, the figure in Table 7 is reduced to 31 from 36 and then divided by 6 working days to give a figure of just 5 vehicle trips a day?? Clearly, this should be 111/2 giving 55 trips per a factor of ten adrift. Crucially the incorrect figure of 5 trips per day is carried forward to the Summary in 5.16.

5.5 The study refers to accidents where personal injury is involved there must be more incidents where personal injury is not involved. The analysis on the A35 is limited to a small area around the crossroads at Tower Cross however there are many serious accidents at the sharp bend immediately to the north of the junction known locally as Devil's Elbow. These accidents are often caused by queuing traffic backing up from Tower Cross. To the south the junction at Mount Pleasant has seen several bad accidents over the years.

5.8 The access has had little use over several years save for cultivating crops in the field behind the existing shed.

5.9 The proposal requires uprooting a significant length of well-established Devon hedge bank in an Area of Outstanding Natural Beauty.

5.16 It has been shown above that the figure of just 5 trips per day is wrong. Stags summary attached to this application details 45,000 head of sheep, 2600 head of cattle and 2000 head of calves per year, giving a weekly number of 900 sheep 52 cattle and 40 calves. It is highly unlikely that nearly a thousand animals would generate just 5 trips a day.

In summary

Between the A35 and the proposed site there are 20 points of vehicle access on to Tower Road plus one footpath. They consist of a minor crossroads at the end of Springfield Lane and a minor lane leading up from the A35, main road traffic often use this lane when approaching from the Axminster direction coming off the trunk road at speed into a lane that only measures 2.8m wide over a considerable length. A traffic count took place between 8am and 4 pm on 2nd August. Tower Road carried a total of 427 vehicles and the minor road from Mount Pleasant carried 131, (See spread sheets of traffic movements). This minor lane has three private entrances all with insufficient visibility, farmers approaching the Centre from Axminster are quite likely to use this short cut. Both this lane and Springfield Lane have inadequate visibility on to Tower Road.

There is tee junction at the end of Cuckoo Down Lane which is located adjacent to a blind bend in Tower Road. There are 7 field entrances, 5 driveways to private houses, 2 accesses to farms, an entrance to a South West Water reservoir, an entrance to a popular garden centre where there is inadequate visibility and the road is just 4.4m wide, and finally an entrance to a Caravan Club site adjacent to Springfield Farm. Many of these driveways are used as pull ins by vehicles to allow oncoming traffic to pass.

The traffic count carried out by Trace Design will not have included customers to the garden centre but they obviously they do use the lower end of Tower Road and the junction on to the A35.

Based on the requirement to have reasonable visibility from a point 2.4m back from the edge of the road there is only one field entrance adjacent to the A35 junction which would conform to this requirement the other 19 entrances on to the road have inadequate visibility. (See Spread sheet attachment showing road widths between the A35 and the proposed site).

Between the proposed site and the junction with the Farway Road which again has insufficient visibility to the right, there are two significant pinch points, one at the entrance to Colwell House and the other adjacent to the golf club just beyond a sharp blind bend. From the junction with the Farway Road there are entrances to Honiton Golf Club property on each side of the road, only metres away.

This proposal refers to the current situation which clearly Stags wish to develop in the future, it is quite conceivable their Agricultural Sales also would be moved to this location as well. Currently Stags use the Honiton Show Ground for such sales this would seem an ideal location to place the new Collection Centre, it enjoys excellent access off the trunk road network via two-way roads, it would not affect private property and is nearer the town centre. The Honiton and District Agricultural Association whose logo is 'Where farming comes first' would benefit from the income derived from the Centre and would satisfy it's aim to 'promote agriculture and associated industries' The safety of the travelling public whether on foot, cycle or vehicle together with the residents in Tower Road and their visitors will be severely compromised by this ill thought-out proposal.

Steve Guilbert BSc. CEng. MICE

The author of this report has been a Chartered Civil Engineer for 39 years, he has been involved in the design, construction and maintenance of highways and structures for most of his career having worked for Devon County Council for 23 years and South West Highways Ltd for 20 years. Currently he is employed by a piling and rock drilling company as a part time health and safety adviser.

No 2

Surveys of road widths and accesses on Tower Road A35 to Collection Centre and on the Minor Service Road

This attachment is being submitted separately by email to EDDC Planning

Adjoining Parish (Honiton Town Council)

**Most recent comments:**

Honiton Town Council CONTINUES TO OBJECT to the application for the following reasons:

- o The amended plans received do not alter Honiton Town Council views on the application.
- o Honiton Town Council agrees with the objections raised by Offwell Parish Council and Devon County Highways.
- o Honiton Town Council notes that planning application 20/2410/MFUL - Demolition of existing structures and redevelopment to form 57 retirement living apartments for older persons including communal facilities, parking and landscaping - Honiton Cattle Market, Silvert Street, Honiton has been refused on appeal by the Planning Inspectorate.
- o As such Honiton Town Council is of the view that this application is no longer justified.

**Technical Consultations**

Devon County Highway Authority

**Most recent comments:**

22.02.22

I'm very happy with the proposed Highway Conditions 4 and 5. Thank you.

Earlier comments:

10/02/2022

The CHA has been re-consulted on the 24/01/2022 with amended plan P02 Rev P11. This plan also highlights the position of the proposed Passing Bays in blue.

I have also been sent the most recent Consultee Response from the Parish Council including a CAD drawing of:

P02 Revision P11

This plan still shows half of the Vehicle Circulation Route to be of a permeable surface and the position of Lorry Washout facility to be logically at the wrong location.

If the permeable surface is still proposed to be compacted soil this surface would still be likely to be tracked out onto the highway which could make the highway unsafe.

The proposed Lorry Washout facility is located at the start of the Vehicle Circulation Route, it should be located near or just before the exit from the site so that any (compacted mud) can be washed off before re-entering the highway. I do not think that lorry drivers will reverse into the washout facility where it is proposed.

Consultee Response from the Parish Council:

I have read the Parish's response and I'm afraid I cannot agree with their proposed CAD plan for a passing bay. Their plan shows what would be required for an off-line 'Parking Bay' and not what is normally required as a 'Passing Bay'.

Passing bays on country roads normally take the form of widening's in the road to allow for a large vehicle to pass or be passed by another vehicle coming in the other direction. These often take the form of widening's at existing accesses to fields or properties or can be engineered (as proposed) where there are particular narrowing's or pinch-points in the existing highway. They are usually informal in nature and not intended to be places where vehicles can park, as in the Parish's CAD plan.

Conclusion

The plans before me do not change my recommendation in that the proposed compacted earth (permeable or not) and the location of the proposed vehicle washout in the wrong place will lead to mud and detritus being dragged onto the highway, this is contrary to NPPF 111 that could lead to an unacceptable impact on highway safety.

Recommendation:

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

1. NPPF 111 Development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

**Comments on amended scheme:**

**18/11/2021**

The CHA has been consulted on Amended Plans and an Addendum to Transport Statement (published 15/Nov 2021), and has the following comments:

Addendum to Transport Statement

"It is also worth noting that a car and a large vehicle can pass each other for well over 50% of that length and that wider sections of the road and a number of passing places allow for two vehicles passing each other."

1.1 This indicates that for up to 50% of Tower Road may not be suitable for a car and a large vehicle to pass each other. While there are wider sections of the carriageway and a number of informal passing places, these wider sections do not have a road marked centre-line nor are any of the passing places marked as such.

"It is worth noting that there are three bends along the whole extension of Tower Road, with only one of them on the section between the A35 and the site access, with a carriageway width of 5.5m which would allow the passing of two large vehicles and comfortably that of a large vehicle and a car"

1.2 As the CHA has already stated and it is agreed by the applicant that Tower Road is subject to the National Speed Limit of 60mph. Two of the bends on the road are close to the application site. The most southerly bend does not have any warning sign for vehicles approaching it from the south, although it does have a warning bend sign for traffic approaching from the north, past the site. The other bend near the site does not have any bend warning signs, although there is evidence of vehicle overrunning the verge on its approach from the north and the presence of road edge markers indicates the hazard of the roadside drainage gully. The applicant comments that there is only one bend between the site and the A35

however, there is no proposed routing for traffic using the site so large vehicles can approach from either direction. The carriageway width of 5.5m at this bend is assumed to be sufficient for two large vehicles to pass each other on this road however, the 5.5m assumption is taken from Figure 7.1 in Manual for Streets 1 that "illustrates what various carriageway widths can accommodate. They are not necessarily recommendations". 7.2 Street Dimension 7.2.2 of MfS 1 says "Carriageway widths should be appropriate for the particular context and uses of the street. Key factors to take into account include: the volume of vehicular traffic and pedestrian activity; the traffic composition; the design speed; the curvature of the street (bends require greater width to accommodate the swept path of larger vehicles)". Whilst the CHA does not consider that this bend should be widened it contends that it would be difficult for two large vehicles to pass each at this point.

1.3 The applicants Highway Consultant still does not seem to understand that 'Vehicle Speed Measurement on All purpose Roads' DMRB TA 22/81 is not the current advice for the measurement of vehicle speeds on the highway. It is not the case that DMRB TA 22/81 has been superseded by DMRB CA 185, which they say is only for trunk roads, it is the fact that DMRB TA 22/81 has been done away altogether and therefore even though DMRB CA 185 is specifically for trunk roads it is the only advice available for all roads.

The CHA does not wish to over-labour this distinction because in performing the second traffic speed survey they have now conformed with the new guidance in DMRB CA 185.

1.4 The TA now puts forward two number passing bays for consideration and the CHA thinks that these will help large vehicle passage at the locations proposed and it believes that works to achieve these passing bays can be done within the confines of the highway and proposed that they are conditioned within any planning consent. The applicant however will have to enter into an appropriate agreement with CHA to formalise these additions to the highway.

1.5 The access visibility splays have now been defined and the CHA agrees that they are suitable for the recorded traffic speeds on Tower Road and withdraws its previous recommendation (1) for refusal.

1.6 The TA now puts forward detailed measurements of Tower Road and the CHA withdraws its previous recommendation (2) for refusal.

### **30/11/2021**

The CHA has been re-consulted with regard to amended plans P01 REV P4 and P02 REV P7. The CHA is content with P01 REV P4 but has issues with P02 REV P7.

The block plan P02 REV P7 shows a clockwise vehicular circulation route comprising of compacted earth field perimeter access track with the hard surfaced lorry washout facility at the beginning of the circulatory route. This means that vehicles would pass the lorry washout to access the unloading bays and then continue to exit the site, unless they reversed into the lorry washout which seems highly unlikely. Clearly this arrangement needs reconfiguring so that the lorry washout is last on the route before exiting the site. I also have concerns that the compacted earth will in times of inclement weather mean that the track will disintegrate into a muddy quagmire and vehicles will deposit mud and detritus onto the highway.

The CHA believes in respect of the above proposed compacted earth circulation route construction and placement of vehicle cleaning apparatus the application does not conform to the NPPF Paragraph 111 and that this will lead to an unacceptable impact on highway safety in the form of mud and detritus being shed onto the public highway.

Recommendation:

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

1. NPPF 111 Development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Officer authorised to sign on behalf of the County Council  
30 November 2021

### **Original comments:**

Observations:

The County Highway Authority (CHA) has visited the site, surrounding county highway network and studied the proposed plans, D & A Statement and Transport Statement. It has the following comments:

Location:

The site is located on Tower Road which is a rural country road without any footways, which runs from the A35 Honiton to Axminster Trunk Road in the north to Lower

Marlpits Hill road in the south near the Honiton Golf Course and links back into the centre Honiton via Church Hill.

Tower Hill is a fairly narrow road (typically 4.5 metres to 5.5 metres in width), there are some passing places on this road but they are not marked or signed as such.

Tower Road has some sharp bends on it, it is unlit and is subject to the National Speed Limit of 60 mph throughout.

#### Site Access:

The site access proposed is at the existing substandard vehicular access, albeit with enlarged radii to 15 metres on both sides of the access.

#### Local Traffic and Road Width Knowledge:

The CHA has been contacted by and is aware of the concerns raised and put to the LPA by local residents and is grateful for their input into the planning process by pointing out to the LPA recent local unofficial traffic counts and where there are pinch points on the highway. Whilst it has not been able to verify each and every pinch point location, it generally agrees with the picture this type of information paints for the LPA.

#### Traffic Speed Data:

Because the road is subject to the National Speed Limit of 60 mph and the existing access is substandard in terms of visibility for the speed of traffic authorised for the road, the applicant's highway consultant has taken it upon itself to supply its own traffic speed data however, it has not corroborated or sought advice with the CHA on which method of speed measurement would be acceptable to it.

The methodology used by the Highway Consultant and put forward in the TA (Department of Transport Technical Advice Note TA 22/81), is unfortunately out of date as it was superseded by 'Department of Transport DMRB CA 185 Vehicle Speed Measurement' in Nov 2019.

Therefore the CHA does not accept the speed data put forward as the method of its capture does not conform to National Guidance.

The use of this out of date method of traffic speed measurement has influenced the design of the proposed entrance and the visibility required for safe use of the access, subsequently and as a consequence, the CHA recommends that the application is rejected on this point.

#### Development Impact:

The CHA did not object to Planning Application reference 20/1039/FUL because it was concerned with increasing the number of calf stock reared on the farm from 400 to 800 and while this would likely increase the number of away movements from the site, it would not necessarily increase the number of inwards movements as the cattle could be born and bred and reared on the farm.

On the other hand, this proposal would definitely increase the number of traffic (lorry) movements to and from the site.

**Granted Developments:**

The applicant's transport consultants have used an example of a planning application granted in West Newton, Zeal Monachoram, Mid Devon to illustrate the likely traffic movements from this site, which the CHA does not understand. The applicant Stags, as the former proprietor of the existing Livestock and Collection Centre in Silver Street, Honiton, must have more relevant and local knowledge of the transport impact and movements which that site attracts or attracted rather than somewhere else in the county and the CHA rejects the numbers shown in the TA because they are not relevant to the locality.

**Recommendation:**

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

1. The proposed development would be likely to result in a material increase in the volume of traffic entering and leaving the County Road through an access which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 111 of the National Planning Policy Framework where the proposed access would lead to an unacceptable impact on highway safety.
2. The roads giving access to the site are by reason of their inadequate width are unsuitable to accommodate the increase in traffic contrary to paragraph 111 of the National Planning Policy Framework where the proposed development would lead to an unacceptable impact on highway safety.

Officer authorised to sign on behalf of the County Council  
4 August 2021

National Highways

**Comments on amended scheme:**

Thank you for consulting National Highways on proposed amendments to the above application. We offered no objections to the original submission of application 21/1798/FUL as set out in our planning response dated 15 July 2021.

The amendments relate to the proposed layout of the site only, and are unlikely to result in any changes to the predicted traffic generation of the development. As such are satisfied that the amendments are unlikely to result in an adverse impact on the safe operation of the strategic road network, and offer no objections to the amended application.

**Original comments:**

Referring to an application referenced above, seeking permission for the change of use of an existing agricultural building and associated works for use as a Livestock Collection Centre (relocation from Honiton Cattle Market, Silver Street, Honiton), at land on the east side of Tower Road, Offwell, Honiton, notice is hereby given that Highways England's formal recommendation is that we:

a) offer no objection

Highways Act Section 175B is not relevant to this application.

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

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

Annex A - Highways England recommended No Objections:

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

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

This response represents our formal recommendations with regard to the planning application reference 21/1798/FUL, and has been prepared by Sally Parish, Planning Manager for Devon.

Statement of Reasons:

The application seeks full planning permission for the change of use of an existing agricultural building and associated works for use as a Livestock Collection Centre at land on the east side of Tower Road, Offwell, Honiton. The proposal will result in the relocation of the existing Stags Livestock Collection Centre from Honiton Cattle Market, Silver Street, Honiton, to the site east of Tower Road.

The 3,540sqm site is located approximately 350m south of the A35 trunk road, with access taken via the A35/Tower Road junction 800m to the north east.

A Transport Statement (TS) dated May 2021 has been submitted in support of the application by Trace Design, on behalf of the applicants, Stags.

Traffic Impact:

It is noted that due to the nature of the proposed use the traffic generated by the site will vary from week to week depending on the season and time of year, for example on calf collection days it will generate circa 50% of the vehicular traffic generated on the main day of operation.

Based on traffic surveys of the existing livestock centre and the current operation of the proposed site the development will result in a net daily increase of 79 two-way trips on the 'main' operation day, 32 additional two-way trips on the 'second' day and a net reduction of 15 two-way trips on the remaining 5 days of the week (a net increase of 36 two-way trips per week). Whilst the TS does not set out the number of trips which are forecast to occur during the network AM (0800-0900) and PM (1700-1800) peak hours, based on similar operations it is assumed the majority will occur outside of the highway peak periods.

As such, and noting the proposal will result in an offset of traffic from the previous Silver Street site, we are satisfied the development is unlikely to result in an unacceptable safety impact on the safe and efficient operation of the strategic road network, as defined by NPPF.

Recommendation:

Highways England has no objection to application 21/1798/FUL.

#### East Devon AONB

Site/Reference: "Change of use of an existing agricultural building and associated works for use as a Livestock Collection Centre". Land on the East Side of Tower Rd, Offwell, Honiton

Application Reference: 21/1798/FUL

Nature of response: Consultation

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

This application is to relocate Stags Livestock Collection Centre from Honiton Cattle Market, Silver Street, Honiton EX14 1QN. The site is located immediately to the north/east of Tower Rd, Nr Offwell, and falls within National character area (NCA)147 The Blackdowns, Devon County landscape area East Devon Central Ridge and East Devon District landscape character type Open inland planned plateau LCT 1A. Footpath 16 (Offwell) runs to the eastern side of the field.

Natural England National Character Area Assessment:

NCA No: 147

NCA Name: Blackdowns

Key Statements of Environmental Opportunity relevant to this site:

SEO 4: Protect the relatively unsettled, rural character of this nationally important landscape, maintaining open skylines and historic settlement form.

Reflect the local vernacular and geodiversity in new development and encourage provision of high-quality green infrastructure.

- o Promoting the use of landscape character guidance and other landscape tools to ensure that the key characteristics are protected and reinforced through land management and development.
- o Promoting and supporting the significance of historic landscape character in development management. Encourage the management and sustainable development of the dispersed historic settlement pattern of farmsteads, hamlets and larger village settlements.
- o Protecting locally distinctive building styles and the use of local materials, where appropriate and sustainable, and encouraging their integration into new development as well as sustainable technologies.
- o Softening the edges of urban areas to incorporate development into the landscape setting and minimising the impact of lighting and noise to maintain and enhance tranquillity and dark skies.

#### Devon Landscape Character Area Assessment:

DCA Name: East Devon Central Ridge

Key management guidelines relevant to this site:

- Protect:

- o Protect the sparse settlement pattern of clustered hamlets, villages and farmsteads maintaining the settlements' characteristic form and peaceful character.
- o Protect traditional building styles and materials, particularly local chert with red brick detailing, utilising the same styles and materials in new development wherever possible (whilst seeking to incorporate sustainable design).

#### Landscape Character Assessment details:

LCT No:1A

LCT Name: Open inland planned plateau

Key Characteristics of relevance:

- o Settlement generally comprises isolated farmsteads and clusters of buildings at crossroads.

#### Landscape Guidelines:

- o Respect the general pattern of settlement, comprising dispersed farms and dwellings, and hamlets around crossroads.
- o Any expansion of larger settlements/ developed areas should include strengthening of development edges through sympathetic planting (e.g. beech hedgerows and avenues).
- o Promote sensitive conversion of redundant farm buildings to appropriate new uses (e.g. affordable housing; small business units; tourist accommodation).

#### Further Comments:

The National Planning Policy Framework calls for valued landscapes to be protected and enhanced (NPPF 174a) with the greatest weight being given to conserving landscape and scenic beauty in National Parks and Areas of Outstanding Natural

Beauty (AONBs) (NPPF 176). There is a presumption against major development in protected landscapes (NPPF 177).

The NCA and district level LCA's reinforce the need to maintain the sparsely settled and tranquil character in this area of the AONB. Whilst the existing building has a striking impact on the character of the area it has remained little used since its construction so there has been little impact upon the tranquillity of the area. Some consultees have questioned the estimated traffic movements, the accuracy of these estimates are likely to influence the extent that the proposed use would have upon the tranquillity of the area. Should the proposal be approved extensive landscaping of the site would be highly desirable and consideration given to the installation of acoustic fencing to contain much of the on-site noise. A traffic management plan limiting hours of operation might also help reduce its impact on the tranquillity of the area.

East Devon AONB Partnership Plan 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 of the AONB to be protected, conserved and enhanced.

RES1- Encourage the principle of local markets and sustainable local produce where it adds value to the local economy and contributes to the AONB purpose of designation

Further references:

- Landscape Character Assessment & Management Guidelines for NCA, Devon and East Devon
- East Devon AONB Partnership Plan (2019)
- National Planning Policy Framework (NPPF)

EDDC Landscape Architect - Chris Hariades

With reference to the above scheme I have made a quick site visit this morning and reviewed the recently submitted block plan, rev. P11, and make the following observations:

The block plan does not accurately show the location of the existing roadside hedge which is separated from the carriageway by a verge and drainage ditch (see attached photo). A revised plan should be submitted which accurately shows the current and proposed alignment of the hedge and ditch and the extent of the existing tarmac apron to the site entrance.

The site is within the East Devon AONB. The proposals will entail the loss of some 17m roadside hedgerow in order to create a wider entrance and accommodate visibility splays. There will also be an increase in on-site activity and associated traffic on the narrow winding country lane which serves as access from the A35 on the days it is operational. There is, however, opportunity to provide screen planting around the perimeter of the site which could enhance local landscape character and bio-diversity value in accordance with Strategy 3 of the East Devon Local Plan.

Should the application be approved a condition should be imposed requiring the submission and approval of a landscape scheme to include:

- o New boundary hedgebanks a minimum of 2m wide around the perimeter of the site planted with native mixed hedgerow with trees and the inclusion of additional trees within or adjacent to the existing roadside hedge.
- o A specification to cover ground preparation, planting, 5 year establishment maintenance programme and 10 year hedgerow management plan.
- o A 1m grass verge should be provided to the site side of boundary hedges and a post and wire stock-proof fence should be provided to each side.

The approved landscape scheme shall be completed no later than the first planting season following first use of the site. Maintenance shall be undertaken in accordance with the approved details. Any plating or grass areas which fail within five years of completion of planting works shall be replaced with plants of similar size and species.

#### Environmental Health

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

#### EDDC Trees

I have no arboricultural concerns in relation to this change of use application.

#### Other Representations

The application has elicited 87 representations of which 44 are in support of the scheme and 42 raise objections, the reasons for support/objection are summarised below:

#### Reasons for Support:

- Considered to be limited traffic, noise or visual impact resulting from the proposal
- It is vital that EDDC do all they can to facilitate a new livestock centre
- The proposes site has the benefit of removing all of the heavy traffic from the town centre with resulting environmental benefits
- Less travelling time for animals represents welfare improvements
- It is imperative to continue to provide a local market to serve Honiton and environs otherwise there would be a need to travel to Bridgwater or Exeter
- The proposal could represent an opportunity to improve the nature and increase the width of the local approach roads
- The proposals will support job retention both directly and indirectly
- This is a rural farming community and farming should be put first for the good of the countryside as a whole.
- The existing town centre site works without complaint of noise/smell and where there is closer proximity to residential properties, so there is no reason to suggest the proposed sit should cause such issues.
- The proposal would provide improved access compared with the existing town centre site.

## Objections:

- Increased volume of traffic and inadequate nature of local road network to accommodate this, including lack of/inadequate passing spaces
- Damage to existing road and verge as a result of increased traffic movements and type of vehicles used
- Loss of the existing market is a major blow to Honiton where there is a continued need for a livestock market to serve the town
- Poor junction with the A35 likely to result in delays/congestion
- There are other more suitable sites i.e. Honiton Show ground
- This is not an allocated employment site.
- Impact of increased traffic on local residents amenity and highway safety including pedestrians, cyclists and horse riders.
- Impact on local tourism businesses as result of traffic, activity, smell etc.
- The nature of the proposed traffic (HGVs) is inappropriate on the local roads that access the site
- Inadequacy of/ errors with transport statement provided
- Inadequate parking provision within the site to cater for the traffic likely to be attracted to the site
- Impact on the surrounding Area of Outstanding Natural Beauty
- Impact of run-off from vehicle wash downs on Offwell Woods
- Concerns over publicity of the application
- No details provided of waste storage and collection or for dealing with foul sewage
- Impact of surface water run-off from increased yard areas and circulation route
- Vehicles using the site will bring debris from the proposed tracks on to the local road creating danger to vehicles
- The submitted traffic survey does not provide an accurate picture of the use of the approach roads
- Increased noise and smell associated with the livestock use of the site
- Permission has only recently been granted for agricultural worker's accommodation for a calf rearing business – how does the application affect this?
- Impact on water supply to nearby residential properties and local areas of ecological sensitivity
- The consideration of alternative sites is questioned and sites within Honiton for what is considered to be a commercial operation should be looked at first.
- The proposal is contrary to policies of the East Devon Local Plan
- The appeal decision on the existing cattle market site means this remains available for its current purposes and the applicant should seek to renegotiate their lease or look to purchase that site.
- The proposed use undermines the viability of the existing agricultural unit as the calf-rearing unit can no longer operate from it
- No Environmental Impact Assessment has been submitted with the application
- There is insufficient evidence of need for the proposal
- Impact of increased large vehicle movements on the amenity of residential along the access route

- Impact of increased large vehicle movements on the structural integrity of buildings (including historic/listed buildings) due to vibrations caused

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
16/1925/FUL	Erection of livestock shed and widening of access	Approval with conditions	27.01.2017
19/1533/FUL	Erection of agricultural storage building (retrospective).	Approval with conditions	23.09.2019
20/1039/FUL	Proposed erection of a farm worker's dwelling and erection of a replacement farm storage building.	Approval with conditions	31.03.2021

## **POLICIES**

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

Strategy 3 (Sustainable Development)

Strategy 28 (Sustaining and Diversifying Rural Enterprises)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D2 (Landscape Requirements)

D7 (Agricultural Buildings and Development)

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

EN5 (Wildlife Habitats and Features)

E4 (Rural Diversification)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

RC6 (Local Community Facilities)

E5 (Small Scale Economic Development in Rural Areas)

### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

### **Site Location and Description**

The application site relates to an existing livestock building and adjoining land. The building is currently vacant and is cut in slightly to the site with adjoining land to the southwest side and beyond this the local road set at a higher level. The building is finished in light grey metal clad roofsheets with vertical timber boarding above concrete panels to the elevations. There is an existing concrete access track from the southeast side of the building to the junction with the local road and other areas of gravelled surfacing to the north and south of the building. To the south of the building another storage barn is under construction, this however falls outside of the application site. The boundary with the road to the southwest is formed by a native hedge and grass verge but the other boundaries of the site are undefined.

The site is located in open countryside to the west of the village of Offwell and south of the A35 and within the East Devon Area of Outstanding Natural Beauty. The site is accessed via Tower Road which joins the A35 approximately 1 km to the northeast of the site.

### **Proposed development**

Planning permission is sought for the change of use of the building to use as a livestock collection centre and for associated works. Those associated works include:

- construction of a vehicle collection/drop off route around the periphery of the building
- creation of a vehicle washdown area to the southwest side of the building
- Lorry/vehicle parking area to the south of the access
- Installation of 84,000 litre effluent tank for waste and drainage

### **Background**

The applicants are seeking permission to relocate to this site from the site they currently and have historically operated from, Honiton Cattle Market. The supporting statement explains that the cattle market has operated as such since 1910 and that Stag's have operated there since 1995. It goes on to state that as a response to the Foot and Mouth disease outbreak in 2001 the operation of the market changed from that of a traditional livestock market to that of a 'livestock collection centre' which allowed for the continued movement of livestock during the outbreak. Following the Foot and Mouth outbreak this method of operation has continued.

A livestock collection centre differs from a traditional livestock market with the supporting statement referring to the method as a 'drop and go' system. It is

understood that buyers are advised in advance of the price for various livestock and then they are able, on the operational days, to bring their stock for collection and weighing prior to it then being sold on and the livestock transported on (mainly to abattoirs).

Whilst the applicant advises that the current system works well, with the guaranteed price suiting buyers and sellers alike, they are under notice to vacate from their current site and as such have been searching for a suitable site to allow continued operation of the centre.

The current cattle market site has been the subject of a proposed redevelopment scheme to provide 57 no. retirement living apartments and associated facilities under application 20/2410/MFUL (hereinafter referred to as the 'Cattle Market Scheme'). Whilst that scheme was refused and dismissed at appeal a Judicial Review of the Inspector's decision has determined that the appeal should be re-determined, this process has not yet taken place. The Planning Inspectorate has previously requested that they are notified of the outcome of the decision on the current application should this occur prior to determining the 'Cattle Market' appeal, as that appeal is being reconsidered this requirement remains.

The Cattle Market scheme was dismissed on the basis that the Inspector at the time found that the proposal would result in harm to business and employment opportunities in the area as the continued use of the site for such purposes, including for its current use, had not been fully explored. The Inspector however acknowledged that ultimately it is for the land owner to determine what they do with their land but within the constraints of planning law which control the use of land.

The applicants have, in relation to the potential for the continued use of the cattle market site, advised that the appeal decision for that site does not alter the fact that they have no control over the current site and are required to vacate it by the end of January 2022. It should be noted that the appeal decision has been challenged and has been sent back to the planning inspectorate for re-determination, the outcome of the appeal into the loss of the existing livestock collection centre therefore remains undetermined with no dates at present for the likely second Public Inquiry.

Whilst it is the case that the existing cattle market site does not have permission for any alternative use and its continued use for its current purpose would appear to be a logical solution, this is not a matter over which the applicant appears to have any control, as such they are seeking to continue the livestock collection centre use from this alternative site. On this basis the application remains to be considered on its own merits in relation to its suitability to accommodate the proposed use. It is not considered that approval of this permission would undermine the appeal on the Cattle Market site as Local Plan policies seek the retention of that site for employment purposes regardless of any re-location of the existing occupier.

In terms of the planning history of the application site, the existing building on site was granted permission in 2017 under application (16/1925/FUL) as a livestock building for a proposed calf rearing enterprise, improvements to the site access were approved at the same time. The building has been built out as approved but it is understood that it has not yet been used for livestock housing. Subsequently permission

(19/1533/FUL) has been granted for extension of a smaller agricultural storage building on land to the northwest but outside of the site and which had been partially constructed. Most recently permission was granted for an agricultural worker's dwelling again on land to the northwest of the site (partially on the site of the barn relating to application 19/1533/FUL) and which included a replacement for this barn on land to the southeast of the application site (20/1039/FUL). The storage barn is under construction but at the time of writing no works had commenced on the agricultural dwelling.

### **Procedural Issues**

The applicant has provided a recent amendment to the site plan seeking to address the comments of the Council's Landscape Architect in respect of the alignment of the existing hedgerow along the roadside boundary of the site and clarifying the extent of existing hard surfacing at the site access.

### **ANALYSIS**

The main issues in the determination of the application area as follows:

- Principle and policy compliance
- Impact on the character and appearance of the area/Wider Landscape Impact
- Economic Impact/Benefits
- Highways and Access Issues
- Amenity Impact
- Environmental Impact
- Other Issues

### **Principle and policy compliance**

East Devon Local Plan 2013-2031

The Development Plan for the area currently consists of the East Devon Local Plan 2013-2031. There is currently no neighbourhood plan for the parish nor has a draft plan been produced for consultation.

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'.*

There are a number of strategies and policies which might, in principle, support a business use in the countryside these include strategy 28 (Sustaining and Diversifying Rural Enterprises) and policies D8 (Re-use of Rural Buildings Outside Settlements), E4 (Rural Diversification) and E5 (Small scale economic development in Rural Areas). The proposal is considered below in relation to each before other material considerations relating to the principle of the proposal, including compliance with the National Planning Policy Framework, are explored.

Strategy 28 seeks to support developments that will help sustain and diversify agricultural and traditional rural enterprises and add value to rural produce. The strategy specifically makes reference to the reuse of rural buildings to provide jobs and accommodate business startups or expansion. The pre-ambule to the strategy at para. 15.26 states:

*“Farming and allied trades and businesses remain integral to the present and future of East Devon. Furthermore with an increasing onus on food security, local produce and reducing 'food-miles', it is important to establish policy for a productive countryside. The Council will seek to work with partners to secure a viable agricultural sector and promote development that will help retain and enhance farming, including cases where development, diversification and business activity would add value to agricultural, forestry or other rural practices.”*

It is considered that the nature of the livestock centre is such that it provides a valuable service to the farming community and helps to support the local agricultural economy. In principle the strategy is therefore considered to be supportive of the development. However Strategy 28 is a strategic policy which is not considered to provide the specific and explicit policy support required under Strategy 7.

Policy E4, is a more specific criteria based policy that relates to rural diversification proposals and could potentially offer support to proposals that are of an appropriate scale and location and subject to a number of other listed criteria. For a proposal to find support under this policy it must be complementary to or compatible with agricultural operations in the area and be operated as part of an overall farm holding. Whilst the proposed use could be argued to be compatible with agricultural operations in the area and would provide an additional income stream for the farm business it is not considered to represent a diversification proposal and would be operated as a separate business as such this policy is not considered to provide specific policy support for the proposal.

Policy E5, relates to Small Scale economic Development in Rural Areas. The policy does not clarify what is considered to be small in this context. In terms of employment numbers this could be argued to be small whereas in relation to floor area, and envisaged traffic movements the proposal could be considered to go beyond this. The policy permits such development including through the conversion of existing buildings and where the listed policy criteria are met. The application form indicates that the proposal would result in 1.5 FTE (full-time equivalent) posts, however these are understood to be existing posts that would be transferring to the site as opposed to new roles, nevertheless there is some benefit to be derived from securing these existing posts which might otherwise be lost. In terms of additional criteria these

require a safe highway access and the highway network being capable of accommodating any additional traffic as well as being acceptable in landscape, amenity, wildlife and historic terms. Subject to consideration of these criteria the proposal finds some support under this policy.

Policy D8 of the Local Plan provides a framework by which to consider the suitability of the proposed conversion scheme. It seeks to support proposals for the re-use of redundant rural buildings where a number of criteria are met. Those criteria are set out below followed by consideration of the proposal against them:

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

The proposed use would largely not affect the character of the building in that it is a large modern livestock building and where the proposal would continue to see it used for housing livestock. In terms of the building's setting some removal of existing hedgerow is proposed alongside some additional landscaping but this would be limited in its extent. The nature of the use would though result in increased activity at the site which would be focused on collection days, further intensifying any impacts during those periods. This increase in traffic is a major focus of objections to the proposal particularly given the nature of the local roads that serve the site. These highway issues are considered in detail below.

In terms of increasing the need to travel in relation to the proposal whilst vehicle movements at the site would increase these would largely be displaced from trips to the current cattle market site as opposed to additional trips. There is potentially some loss of linked trips where attendees to the current cattle market site might also take the opportunity to attend to other business or leisure interests in the town but the nature of the trips associated with the site i.e. delivering or collecting livestock are ones that already occur at the current site and as such the proposal would not substantively add to the need to travel by car. As the proposal relates to a highly specific business use it is not of a nature that would prejudice village vitality by attracting trade away from existing local businesses.

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

The subject building is of modern design and construction and the limited nature of the proposed works would not adversely affect its character or appearance.

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

These aspects of the building are as existing and in terms of the appearance of the building itself no additional impact would arise from the proposed development

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

Considered separately below.

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

Considered separately below.

The additional criteria relating to residential proposals are not relevant.

The supporting statement makes reference to support to be found under policy RC6 of the Local Plan. This policy deals with proposals for Local Community Facilities and offers support for these on sites within or adjoining Built-up Area Boundaries and subject to a number of criteria being met. Whilst the proposal looks to provide a facility for the wider farming community it does not propose a facility to meet the specific needs of the local community, nor is the site within or adjoining a built-up area boundary, as such the proposal finds no support under this policy.

### **National Planning Policy Framework (NPPF)**

Paras. 84 and 85 of the NPPF aim to support a prosperous rural economy.

Para. 84 states that planning policies and decision should enable: the sustainable growth and expansion of all types of business in rural areas, including through the conversion of existing buildings, and; the development and diversification of agricultural and other land-based rural businesses.

Para. 85 recognises that sites to meet local business and community needs may have to be found adjacent to or beyond existing settlements and in locations not served by public transport. However in such circumstances proposals should not have an unacceptable impact on local roads and should exploit any opportunities to make a location more sustainable. The policy also encourages the use of previously developed land, and sites that are physically well-related to existing settlements, where suitable opportunities exist.

Overall in relation to the principle of development there is considered to be some support for the scheme through policies of the Local Plan, in particular policies E5 and D8 and by extension Strategy 7. Such support is though qualified and dependent on the proposal being acceptable in relation to other specific criteria including landscape, highways and amenity impacts. National planning policies in the NPPF are also considered to provide in principle support.

### **Impact on the character and appearance of the area/Wider Landscape Impact**

The application site lies within the designated East Devon Area of Outstanding Natural Beauty.

Strategy 46 of the EDLP reflects the requirements set out at para. 176 and 177 of the NPPF and the need to give great weight to conserving and enhancing landscape and scenic beauty within AONBs, and; refusing applications for major development other than in exceptional circumstances. For the purposes of the application of para. 177 it should be recognised that ‘major’ development in this sense does not carry the same definition as major development for planning application purposes as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015. In relation to para. 177 footnote No. 60 clarifies that,

*“For the purposes of paragraphs 176 and 177, whether a proposal is ‘major development’ 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 regard the physical development proposed is limited in scale to some limited levelling works immediately adjacent to the building to form the lorry wash off area and some surfacing works around the building. There are no changes proposed to the building itself and as such the landscape impact of this would not change.

The site falls within Landscape Character Type (LCT) 1A-Open inland planned plateau, as defined in the East Devon and Blackdown Hills Landscape Character Assessment (2019). The East Devon AONB Management Team have responded to the application and highlighted that settlement within this character type generally comprises isolated farmsteads and clusters of buildings at crossroads and that landscape guidelines are to:

- o Respect the general pattern of settlement, comprising dispersed farms and dwellings, and hamlets around crossroads.
- o Any expansion of larger settlements/ developed areas should include strengthening of development edges through sympathetic planting (e.g. beech hedgerows and avenues).
- o Promote sensitive conversion of redundant farm buildings to appropriate new uses (e.g. affordable housing; small business units; tourist accommodation).

The comments of the AONB team are noted in relation to the lack of use of the building to date, however permission exists for its use for livestock housing purposes and were the building to be used in line with its permitted use this would, setting aside the impacts of any traffic movements, represent a similar use to that proposed i.e. housing of livestock. There are concerns expressed that increased traffic movements would impact on the tranquillity of the area however in landscape terms the proposal would result in only some localised changes to provide improved visibility at the access and off-site highway improvements. The application drawings indicate proposals to provide a hedgerow to the perimeter of the site, this would help to contain and define the site and provide some landscape and biodiversity benefits. Subject to controlling signage and lighting and securing landscape planting to the site’s periphery it is not considered that objection on the grounds of landscape impact could be sustained.

In relation to impact on the character of the area, change could arise as a result of intensification or change in the way the building is being used and/or as a result of activity (including traffic movements) associated with that use. The existing building

was originally granted to allow expansion of the site owner's calf-rearing and beef enterprises and to allow calves to be kept separate from the main herd to prevent the spread of disease/infection. It is unclear whether the building has ever been put to use for these purposes but it is certainly vacant at present. Nevertheless, there is no planning restriction on the type or number of livestock that could occupy the building, periods when the building could be occupied for such purposes or restriction on movements of such livestock. This being the case, the impact of the proposed livestock use of the building, which is self-limiting in terms of the size of the building, is not in itself considered to represent any additional harm. It is though recognised that on operational days that the increased noise and activity associated with the proposed use is likely to give rise to some harm to the tranquil character of the area.

The amended transport statement indicates proposals to provide passing places on the approach road to the site. The locations for such passing bays are indicated within the appendices of the statement and on the amended block plan but do not form part of the application site and are not within the control of the applicant but fall on highways land. The provision of such bays would involve the creation of 15 and 30 metre bays on the east side of the road on the section of highway between the site and the property known as Broad Park. Such provision would require the removal or significant reduction in the width of hedgerow in these locations, however there do not appear to be any significant hedgerow trees that would be likely to be affected and the Council's arboricultural officer has confirmed that there are no objections in this regard. In addition, the proposed improvements to visibility splays and access arrangements at the site entrance would require the removal of between 10 and 15 metres of native hedgerow.

The loss of hedgerow as proposed would have a harmful impact which would weigh against the proposal both as a result of the hedgerow loss and the effect on the character of the approach road. The applicant has indicated that the landowner would be willing to provide replacement hedgebank provision (or translocation of existing hedgebanks) within land in their control and adjacent to the areas where laybys are proposed. A letter has been provided from the applicant confirming their agreement to such provision which provide continuation of the existing roadside hedgebanks, albeit set back slightly from the road to the rear of the laybys. Overall these changes would have some limited and localised harmful impact on the character of the approach roads particularly until the replacement hedgebanks were to become established. However, as the analysis of road widths by various parties indicates, there is already some variety in the width of the road and laybys within rural roads such as this is not uncommon. The provision of new sections of native hedgerow are also proposed to the site boundaries and which in terms of length alone would be significantly greater than the length lost, however these would be less publically visible. Overall though the impact of hedgerow loss is considered to be localised and limited and taking into account proposed additional/replacement landscaping the character and appearance of the surrounding AONB landscape would be conserved. In order to secure the provision of the replacement hedgerow planting a scheme for provision of such would need to be secured by a Grampian condition requiring their provision prior to the commencement of any 'on-site' works.

The proposed hours of operation may result in requirements for external lighting at certain times of the year and where such lighting could in itself have an impact on the

character and appearance of the area. No details of lighting have been proposed but this could be controlled by condition to ensure it is properly considered to minimise the impacts of any potential light spill.

The impact of the proposed used in terms of potential for increased noise/activity and traffic movements are considered under the amenity and highways sections respectively.

### **Economic Impact/Benefits**

The reason for the application is to provide an alternative site for the livestock collection centre currently operated by the applicant's out of the Cattle Market in Honiton. The need for relocation is set out in the Background section of the report above and is not reiterated here. Whilst there has been significant objection to the proposal there is also a similar level of support from members of the wider community who utilise the existing site. Amongst a number of the objectors, including the parish council, there is also recognition of the need to find a suitable alternative site to allow the continued operation of the business. However objectors that take this stance consider the current application site to be inappropriate and have suggested that there has been limited details provided of alternative site searches that have taken place. In particular, the Honiton Showground, which lies to the north of the A30 to the southwest of the town, has been pointed to as a more suitable and accessible alternative.

The applicant has responded by providing some limited details of alternative sites that have been considered and why these have been dismissed. The reasons for dismissal of alternatives sites range from reasons including lack of existing infrastructure and prohibitive development costs; inability to secure agreement with landowners and proximity to existing unrelated livestock buildings. They have also pointed out that there is no policy requirement for them to provide details of alternative sites that have been considered. This is acknowledged the application is required to be considered against the relevant policies of the Local Plan and other material considerations, and in this instance consideration of alternative sites does not need to be demonstrated, only whether the application proposal is acceptable in its own right and when measured against the relevant polices and other considerations.

In terms of economic benefits that might arise, the application form indicates that the proposal would provide for 1.5 FTE jobs at the site. However, it is unclear whether such posts are additional to any existing or would represent a transferral of those posts from the existing site. In either scenario the direct employment creation at the site is small in scale and can be given only very limited weight. There are though considered to be wider economic benefits to the scheme in securing the continued provision of the livestock collection service to the wider farming community and where it is advised that the next nearest such facilities are in Exeter or Bridgewater. There is a significant level of support from the local farming community on this basis. As well as securing the continued provision of this service within East Devon and close to its present base it would also result in reduced travelling times and distances to alternative benefits, these would represent time and cost savings to customers as well as reduction in vehicle journeys, such benefits weigh in favour of the scheme.

In terms of the loss of the existing building to the existing agricultural enterprise the landowner has been asked to confirm that the proposal would not undermine the viability of his farm business, in response he has advised that:

*“The unit was built for two reasons, firstly we have endemic pneumonia in the current unit, and have no ability to separate animals of different age groups causing welfare issues and calf loss.*

*Secondly, in a unit of this size we would obviously be rearing calves on contract as well as our own. This would generate extra income for the farm, thus helping to insulate from fluctuating milk prices.*

*With the unit as a collection centre we would have a rental income that was guaranteed thus generating the extra income needed to insulate from the milk price fluctuation, and without the associated risks in rearing livestock. We therefore have security in the rent received for the unit as a collection centre and will diversify our business in this way away from the volatile livestock market.*

*We will not require an additional building for calf rearing purposes to replace this building being lost as we no longer intend to pursue this enterprise of the business.*

*A proportion or all of the home bred calves can be sold soon after birth and older beef cattle and dairy replacements purchased as required, this increasing flexibility within the farm.”*

On this basis the proposed use is considered to represent an alternative ‘agricultural based’ use to the previously intended use of the building as a calf-rearing enterprise and that as an alternative rather than being in addition to it would not require replacement buildings to fulfil a similar function and that criteria 5 of policy D8 would be met.

## **Highways and Access Issues**

The application site is located where it is physically isolated from other development and where the local approach roads that serve the site are typically narrow and without footways. Tower Road passed the site links with the A35 to the north and Northleigh Hill Road/Lower Marl pits Hill to the south, the road varies in width along its route and for up to 50% of the route is too narrow to allow a large vehicle and car to safely pass, there are however wider sections and a number of informal passing areas.

National Highways has been consulted in relation to the potential impact on the strategic road network particularly through increased use of the junction of Tower road with the A35, they have raised no objection.

In terms of the impact on the local highway network this is an area that has elicited significant concern from the parish council and a significant number of local residents. Those concerns centre of the following issues:

- i. The suitability of the site’s location to serve the proposed development
- ii. The narrow nature of Tower road and the ability for vehicles to safely pass

- iii. Increase in traffic movements associated with the site
- iv. Inaccuracies in the submitted transport assessment

These issues are discussed in further detail below. In terms of the site itself, the development seeks to utilise the existing highways access but with upgrades and improvements to this to provide suitable visibility in both directions. Devon County Council, as the county highways authority (CHA), has raised no objection in relation to the suitability of the proposed access to safely accommodate the traffic related to the development.

However the CHA has objected to the development on the basis of the internal circulation route and surfacing of this and to the positioning of the vehicle washout area which they consider would make this facility unlikely to be used. As such they suggest that vehicle movements associated with the use would result in mud and debris being shed onto the public highway creating an unacceptable impact on highway safety. They have recommended the application is refused on this basis.

The applicant has been given the opportunity to address the comments raised by the highways authority through the submission of amended plans and whilst the latest plans indicate hard surfacing to the second part of the perimeter circulation route the first part is shown to remain as permeable surfacing and the vehicle washout area has not been relocated. The CHA has maintained its objection and continues to recommend refusal of the application.

The concerns of the CHA are recognised in that were the first part of circulation route to remain as compacted earth, as opposed to some other permeable surfacing, then over time and in inclement weather the surface would become churned up and vehicles leaving the site, would be likely to drag debris onto the adjoining carriageway. However, were a suitable hard but permeable surface to be provided to this part of the site this would appear to prevent mud and other debris from being picked up from the site and deposited on the highway. It is understood that the washout facility is provided primarily to allow the inside of vehicles to be cleaned out as opposed to a facility for washing down the outside of vehicles. The surfacing of this part of the site could be controlled by a suitably worded condition and subject to this it is considered that the concerns of the CHA could be overcome.

#### *The suitability of the site's location to serve the proposed development*

The existing building occupies a rural site at a distance of approximately 2 miles from Honiton where the existing livestock collection centre is located. It is not located where it could be sustainably accessed by a variety of modes of transport and in this regard there is some conflict with policy TC2 of the Local Plan. However, it is also recognised that the nature of the proposed use is such that those accessing the site will invariably be doing so by vehicle and where these movements represent a displacement of vehicle movements from the current site in the centre of Honiton as opposed to new movements. It is further acknowledged that the nature of the proposed use is such that it would be attracting traffic from multiple locations across the district, as would be the case with the operation from the current site in Honiton and in this regard there are limited opportunities to maximise sustainable transport solutions.

As discussed above it has been suggested that there are other sites that would be more suitable to serve the proposed development and that insufficient evidence of the efforts undertaken to explore such alternatives sites and why these have been dismissed have been submitted. However, in this regard it is only the suitability of the site itself that needs to be considered. Whilst a site closer to or within the built-up area boundary of a settlement might be preferable and would allow potentially for some linked trips it is not in this instance and given the nature of the application considered that the location itself is unacceptable subject to other considerations.

#### *The narrow nature of Tower road and the ability for vehicles to safely pass*

There has been detailed analysis of the access route to the site between the junction of Tower road with the A35 and the site entrance by both the applicant's highways consultants and an individual advising the parish council. Whilst there are some areas of disagreement in general there is consensus that the approach road contains a number of narrow sections which would restrict the ability of two vehicles to pass. There is however disagreement on the number and nature of such pinpoints and whether these would permit two cars to pass or a car and a larger vehicle (lorry) to pass. The parish council and local objectors consider that there are fewer passing places than suggested and that there would also be issues with vehicles passing each other at several bends along the route. As a result they consider the approach roads to be unsuitable to accommodate the type of traffic likely to be attracted to the site and that as a result the proposal would increase highway safety danger for all users.

The CHA has considered the additional analysis of road widths prepared by the applicant together with that of the parish council, they have also taken into account the proposed provision of two passing bays that the applicant is proposing could be created within highways controlled land. These passing bays are indicated just to the north of the site access and on the stretch of Tower Road to the southwest of the property known as Broad Park. The CHA has indicated that following submission of more detail on the road widths serving the site and on the satisfactory provision of the passing bays as indicated that their previous objection in relation to the inadequate road widths of the approach roads serving the site would be overcome. Notwithstanding any visual/character impact of their provision (discussed separately) The provision of passing bays within highways land, as proposed, could be secured by a Grampian style condition requiring these to be provided and made available for use prior to the initial use of the site.

#### *Increase in traffic movements associated with the site*

The anticipated trip generation associated with the proposal amounts to 141 trips over the course of an average week, this is based on known trip generation associated with the current site in Honiton. The applicant's transport consultants in comparing this with the number of trips estimated to arise from the current consented use of the site have suggested that over the course of a week (7 days) there would only be a net increase of 6 trips overall. The parish council and some objectors have however pointed out that this averages out the trips occurring on only two days across the whole week, whereas on the busiest operational day there is likely to be significant increased vehicle movement (94 trips are indicated on a Monday). On the busiest day and over an 8 hour period this would equate to just under 12 two way trips per hour.

The Parish council has carried out its own traffic count along this section of road to understand the background level of traffic. The count took place on a Monday in the school holiday where they suggest traffic levels would be lower than normal. The count showed 427 traffic movements in the 8 hrs along Tower Road averaging 53 per hour. These movements were stated to include pedestrian, equestrian and cyclist movements. If all of the movements associated with the proposed use involved vehicles travelling the section of road between the site and the A35 in both directions (and this wouldn't necessarily be the case as some traffic might approach or leave the site from the other direction) the use would average around a 50% increase in traffic on one day a week over background levels. However the impacts are likely to be concentrated in a shorter period of time and where they are likely to be more noticeable.

The CHA has not raised objection on the basis of the number of traffic movements and subject to the provision of passing bays appears to be satisfied that such movements could be safely accommodated on the local road network. There is no doubt that on operational days, and in particular on Mondays that the proposal would represent a significant increase in traffic movements and that during these periods there may be a noticeable change in the character of traffic on the road which may influence the behaviour of other road users, however the CHA is satisfied that these movements could be safely accommodated and the operation of the site in terms of days/hours of operation could be controlled. On this basis it is not considered that the increase in traffic movements of itself would warrant refusal of the application.

#### *Inaccuracies in the submitted transport assessment*

The parish council and local objectors have sought to highlight what they perceive as errors and inaccuracies within the submitted transport assessment, many of these relate to matters considered above in relation to the width of approach roads, nature and volume of traffic and ability for vehicles to safely pass along parts of the approach road, there is also concern that the assessment fails to address the increased use of the minor service road from the A35 past the Bishops Tower to Tower Road. There is no doubt that the Parish Council has significant concerns with the application itself and with details of the submitted documentation however, the Local Planning Authority is reliant on Devon County Council as the County Highways Authority to provide technical guidance on the suitability of development proposals from a highway safety perspective. In this instance although the CHA has highlight some areas of disagreement of their own in relation to evidence presented they have nevertheless not objected to the proposal on the basis of the adequacy of the approach roads, subject to provision of passing bays.

#### **Amenity Impact**

The application site itself is surrounded by agricultural land and as such does not lie immediately adjoining any residential property, there are however residential properties within the vicinity of the site and which could be impacted by the proposed development. The nearest residential property to the site is Highlands, located approximately 150 metres southeast of the site, to the north Broad Park and Springfield Farm are located approximately 200 metres from the site. There are other

properties in the surrounding area and along the principal access route to the site from the A35.

A significant number of objections have been received to the scheme, in terms of amenity impacts these concerns primarily appear to relate to the impact of the increased vehicular movements likely to result from the development and the nature of this traffic. However there have also been concerns raised with regards to noise/smell from livestock that would be using the site and from associated waste management and on the impact of private water sources from spreading of waste material on the land.

In relation to vehicle movements the highways impact of these are discussed in the previous section of this report this sets out the envisaged journeys associated with the proposed use and based on the operation of the site at the same level as the current livestock collection centre i.e. twice a week. In relation to the amenity impacts resulting from this traffic, this is most likely to be from noise impacts and from potential for inconvenience to residents from, for example, vehicles blocking their access points or using these as informal passing bays. The proposed hours of operation of the collection centre are not specified but the additional statement from the applicant states (para. 4.2) that,

*'The livestock are delivered to the site for 3 hours in the morning on Monday up until 10 am, with livestock collected and removed from site shortly afterwards.'*

The statement goes on to set out a similar pattern on Thursday, although this time starting later in the day with deliveries between 10 am and 1 pm. The statement confirms that the site would remain vacant for the remaining 5 days a week. On this basis the traffic associated with the proposed use would be concentrated over just two days a week with the earliest deliveries being from 7 am on Mondays. On these days the increased traffic movements would equate to approximately 1 additional trip each way every 5 minutes (If all of the movements associated with the proposed use involved vehicles travelling the section of road between the site and the A35 in both directions, this wouldn't necessarily be the case though as some traffic might approach or leave the site from the other direction). It is not considered that from an amenity point of view and subject to the local highway network being able to safely accommodate this traffic that this increase in vehicle movement would warrant refusal of the application.

The noise and activity at the site itself could potentially have amenity impacts associated with the loading and unloading of livestock and their temporary housing within the building. However given the separation distance to neighbouring residential properties and the existing lawful use of the building for the permanent housing of livestock 7 days a week, again impacts in this regard whilst again concentrated into a smaller timeframe would not be so harmful as to warrant refusal.

With regards to property damage resulting from the number and type of vehicle movements taking place on the adjoining highway no evidence has been provided to demonstrate that this is currently an issue or that subject to provision of appropriate passing places there would be any reason to withhold permission on the grounds of potential impact on properties along the access route to the site.

Finally it has been suggested that the development could impact on local private water supplies with the spreading of effluent arising from the use of the site on the surrounding land, this and other potential environmental impacts are considered below.

## **Environmental Impact**

The scheme includes the proposed installation of a below ground effluent tank for collection of liquid waste. This would provide for approximately 16 weeks of storage and would seek to ensure compliance with The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010.

The tanks would collect slurry and washout from the building and from the vehicle wash area on the corner of the building. It is suggested that this slurry would either then be collected by a contractor on a regular basis, as would also be the case with any solid waste or would be spread on adjoining land when conditions permit.

The parish council and a number of local residents have raised concerns in relation to the potential impact of surface water run-off and spreading on the local environment and in particular to Offwell Woods which lies at a lower contour to the northeast of the site. As set out above the control over the spreading of slurry is subject to control under separate legislation and where para. 188 of the NPPF states,

*“The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.”*

It should also be recognised that the building in question has permitted use as a livestock building where there is no planning control over the amount of livestock that could be housed within the building or periods of use. As such, were the building to be utilised for its original intended purpose, as part of a calf rearing enterprise or for other livestock housing this could be 24 hours a day 7 days a week, 365 days of the year this would have the potential to give rise to significantly higher levels of effluent which would need to be managed. The current proposal would only involve livestock using the building for 2 days per week and in this regard the impacts from storage and any spreading of effluent would be less than.

In a similar vein it has been suggested that an Environmental Impact Assessment should be required for the development. However, as discussed above the development does not increase the size of the building or its stocking capacity, in fact a lower stocking rate would occur when averaged out across the week. In addition the site area itself falls below the threshold set out in schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 where screening is required. Potentially the most significant impact resulting from the development is the increased traffic related to the proposed use and this is covered by the submitted transport information.

## **Other Issues**

The site lies approximately 70 metres to the north of a below ground mains gas pipeline that crosses the land from northeast to southwest. As such an assessment of the potential impact of the development has been undertaken using the Health and Safety Executives online self-assessment tool (planning advice web app). This considers the proposed uses of the site and access to it and the potential safety risks associated with this. The results of the assessment is that the Health and Safety Executive – ‘Do not advise against; the development. The advice also recommended consulting the pipeline operator (Wales and West Utilities) this has been done but no comments have been received.

The proposal primarily involves the re-use of an existing building for alternative livestock housing purposes and includes some resurfacing works to the immediately surrounding land. In addition there is a requirement for some limited hedgerow removal works at the site entrance to facilitate improved access arrangements and elsewhere to facilitate the construction of new access laybys. These works have the potential to result in some loss of wildlife habitat. On the other hand, the application includes proposals for replacement hedge planting of much greater length and thereby offering compensatory habitat creation and potential for biodiversity net gain. Were the application otherwise considered to be acceptable it would be possible to impose a condition requiring an ecological assessment report covering the affected sections of hedgerow, controlling the timing of any works and securing any mitigation measures to ensure that there is no net loss of habitat and to ensure the favourable conservation status of any protected species.

The proposal would increase impermeable areas on the site through the creation of extended areas of hard surfacing, a drainage plan has been provided indicating how it is intended to manage surface water run-off and to keep this separate from foul drainage. This plan indicates a below ground attenuation tank within the site to its southeast corner with outfall to an existing field drain, such an arrangement is considered appropriate in principle but further details of this to ensure sufficient capacity is provided to ensure outfall can be kept to greenfield run-off rates should be conditioned in the event of an approval.

The Parish council has raised concern with the impact that livestock housed at the site may have on the ability to keep livestock on adjoining land. It is understood this concern stems from comments in the applicant’s additional information statement as follows,

*‘There is also government legislation in place to ensure the welfare standards of animals at these premises under Animal Welfare Act 2006, Welfare of Animals at Markets Order 1990 (WAMO) and Welfare of Animals at Markets (Amendment) Order 1993. One of the requirements states that no external/other livestock can be located on or immediately adjacent to the site making existing farm buildings on active farms impracticable.’ (para. 2.2)*

The applicant has been asked to clarify these comments and their implications. They have advised that the regulations relate to the dedicated site area and not to adjoining land and that as long as animals on the dedicated site are contained and do not come into contact with adjoining animals then the regulations would be met. As all animals

at the site would be contained within the building and from where they would be loaded and unloaded then they would not come into contact with animals on adjoin land. They have also suggested these comments were made in relation to the choice of the Offwell site as opposed to other buildings/sites where such separation would not be possible.

The parish council make reference to perceived inaccuracies in the site layout plan which show a small barn to the north of the site which has been demolished and where a new farm dwelling has previously been granted. The site layout plans are based on Ordnance Survey base maps which may not have been updated to show this barn no longer exists. However it lies outside the site and is unaffected by the proposed development as such this is not considered to be relevant. The permission for the dwelling included permission also for the erection of a storage barn which is indicated to the south of the application site. Whilst the storage barn appears to be under construction as part of the earlier permission this does not mean that the dwelling will necessarily be built out, if it is and this prevents agricultural access to adjoining land then it will be for the landowner to address this matter at the time, including where required through a separate application for planning permission.

## **CONCLUSION**

The application seeks the re-use of an existing agricultural livestock building for an alternative use as a livestock collection centre. Whilst the use represents a loss of the building to the existing agricultural enterprise it represents an alternative 'agriculturally related' use that would provide an alternative and diversified revenue stream to the wider farm business. In addition, the proposal would support the retention of the existing direct employment posts related to the operation of the livestock collection business and where these might otherwise be lost. Though the direct job retention is small and can be attributed only limited weight it is also noted that the proposal appears to benefit from widespread support from the local farming community who value the service it provides. The loss of the service would require local farmers to travel greater distances to alternative collection centres therefore putting additional time and cost constraints on their businesses and increasing transport journeys with the associated negative environmental impacts. The proposal therefore provides wider economic benefits to the agricultural economy which weigh in its favour.

To be weighed against these benefits are any impacts arising from the scheme. In this respect the significant weight of local objection to the scheme is noted and where the traffic impacts of the proposal appear to be primary amongst those concerns. The proposal will undoubtedly result in increased traffic movements along the local roads during the periods when the collection centre is operating and the nature of the traffic attracted to the site would also be of larger vehicles. This change in character of traffic will be discernible and have some impact but the highways authority has not objected to these movements in highways safety terms and subject to conditions to require the provision of the indicated laybys prior to the commencement of the proposed use and for agreement to the surfacing of the circulation route around the building it is considered the proposal can be made acceptable in highway terms. It is also pertinent that the centre is only proposed to operate on two days a week and it is suggested that were permission to be granted it should be restricted as such, as the impact of the scheme have been assessed only on this basis. In other regards, in relation to

environmental impacts the proposal would require the loss or translocation of significant extents of hedge bank but this would be replaced or translocated and additional hedge planting provided, resulting overall in biodiversity net gain. It is also recognised that in terms of wider environmental impacts the traffic movements associated with the proposed use are already occurring and where in the absence of the proposed collection centre longer journeys would be required to further afield centres. In other respects the proposal is considered to be acceptable or its impacts could be made so by conditions.

The concerns of the local community and parish council are recognised and understood however the proposal needs to be assessed on its planning merits and where refusal of the application on the reasons put forward could not be substantiated. On balance, the identified benefits are found to outweigh any harm and approval is recommended.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. The use hereby permitted is restricted to that of a livestock collection centre only and for no other purpose and shall be restricted as follows:
  - a) The operation of the site for the purposes of the delivery and collection of livestock shall be restricted to no more than 2 days per week and shall exclude operation on Saturdays, Sundays and Bank Holidays.
  - b) For the avoidance of doubt there shall be no auctions carried out at, or direct sales from, the site, nor any public access to the site related to the business use other than for the purposes of the delivery or collection of livestock.

(Reason - In order to define the permission, in the interests of the rural character and amenity of the area and the location of the site, where options for accessing it by alternative modes of transport are extremely limited, in accordance with Strategies 5B (Sustainable Transport) & 7 (Development in the Countryside) and policies D8 (Re-use of Rural Buildings Outside Settlements), E5 (Small Scale Economic Development in Rural Areas) and TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 and guidance contained in the National Planning Policy Framework and associated Planning Practice Guidance.)

4. The use of the site as a livestock collection centre shall not commence until the 2 no. passing bays on the approach road to the site, as identified on approved drawing no. P02 rev.P13, have been provided and made available for use in accordance with a scheme for their delivery and ongoing maintenance that has previously been submitted to and approved in writing by the Local Planning Authority in association with the County Highways Authority. Such a scheme shall include details of:
- The construction and finished surfacing of the passing bays;
  - Drainage details;
  - The long term maintenance of the bays;
  - Provision for the translocation, or replacement, at back edge of the proposed passing spaces, of the existing sections of hedgebanks affected by the construction of the passing bays to ensure a continuation of the existing roadside hedgebank;

Once completed the passing bays and adjoining sections of hedgebank shall thereafter be retained and maintained for that purpose.

(Reason - To ensure adequate provision is made for the type of traffic associated with the use of the site in the interests of highway safety and to ensure that such provision does not harm the character and appearance of the area and conserves the natural beauty of the designated AONB landscape, in accordance with Strategies 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and AONBs) and policies D2 (Landscape Requirements) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Frameworks and associated Planning Practice Guidance.)

5. The use of the site as a livestock collection centre shall not commence until the vehicle circulation route around the outside of the livestock building, as identified on approved drawing no. P02 rev.P13, has been constructed and surfaced in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority in association with the County Highways Authority. Once completed the circulation route shall thereafter be retained and maintained, in accordance with the approved details.

(Reason - In the interests of highway safety and to ensure that the vehicle circulation route is appropriately surfaced to avoid the potential for vehicles using it to drag mud and detritus onto the adjoining highway and with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

6. No development shall take place in relation to hedgerow removal until an ecological assessment report, of the section of hedgebanks affected by the construction of the passing bays and access improvements has been carried out, by a suitably qualified person and the findings and recommendations of such an assessment (including any necessary mitigation measures, together with a timetable for their implementation and monitoring) has been submitted to and

approved in writing by the Local Planning Authority. Development shall then proceed in accordance with the approved details.

(Reason - To ensure that appropriate mitigation measures are considered prior to development commencing and in the interests of biodiversity and to ensure the conservation of wildlife habitats and features which may be present, in accordance with policy EN5 - Wildlife Habitats and Features of the East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

7. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include:
- Confirmation of whether replacement hedgebanks or translocation of existing Hedgebanks are proposed adjoining the approved passing bays;
  - Where new sections of hedgebank are to be provided typical cross-section details of these showing how the new sections would tie in with and match the adjoining retained sections of hedgebank, as well as details of planting layout, species mix, plant size and numbers;
  - Where translocation of existing hedgebanks is proposed details of the means of achieving this to ensure the repositioned hedgebank would tie in with and match the adjoining retained sections of hedgebank;
  - Details (including species mix, layout, number and size of plants) of other areas of hedge planting/hedgebank creation around the northwest, northeast and southeast site boundaries as indicatively shown on the approved site plan P02 rev P13.
  - Details of a minimum 1 metre wide grass verge to the site side of existing and proposed boundary hedges
  - Details of post and wire stock-proof fence to new sections of hedge planting
  - Specification to cover ground preparation, planting, 5 year establishment maintenance programme and 10 year hedgerow management plan.
  - Details of any external lighting proposed (including location, type and hours of operation).
  - Details of any signage proposed in relation to the use of the site hereby proposed.

With the exception of the hedgebanks adjoining the proposed passing bays, which shall be completed and planted up prior to the initial use of the site for the purposes hereby approved, the landscaping of the site shall be completed no later than the first planting season following commencement and shall be maintained in accordance with approved details. Any planting or grass areas which fail within five years of completion of planting works shall be replaced with plants of similar size and species in the next planting season.

(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 Strategies 7 - Development in the Countryside, 46 - Landscape Conservation and Enhancement and AONBS and Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

8. Notwithstanding the details provided on the Drainage Strategy plan drawing P05 rev. P3 and prior to commencement of development, other than that related to the provision of the passing bays, further details of the surface water drainage strategy and methods of attenuating surface water run-off, to mimic greenfield run-off rates, shall be submitted to the local planning authority for their written approval. Development shall then proceed in accordance with details as agreed. (Reason - To ensure surface water drainage is appropriately managed within the site in accordance with policy EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013-2031 and guidance set out in the National Planning Policy Frameworks and associated Planning Practice Guidance.)

Plans relating to this application:

P04 Rev P4: Combined Plans Elevations		15.11.21
P01 rev P6	Location Plan	09.02.22
P02 rev P13	Block Plan	10.02.22

List of Background Papers

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

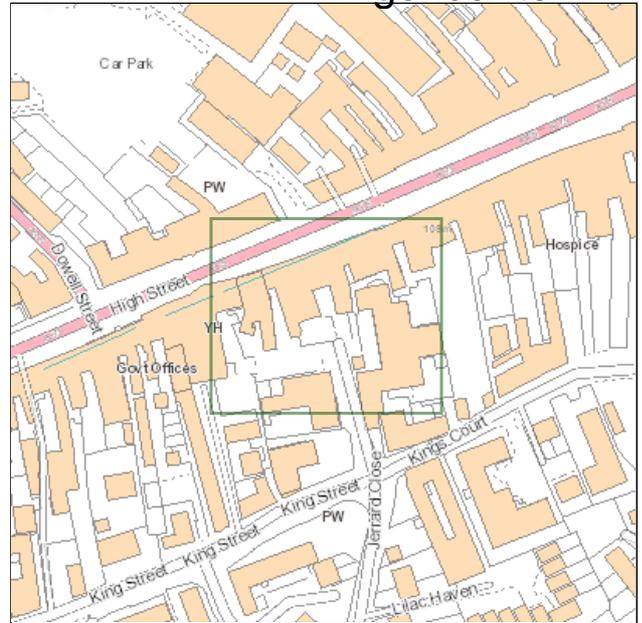
**Ward** Honiton St Michaels

**Reference** 21/1714/FUL

**Applicant** Bodenham (B & H Developments Ltd)

**Location** The Old Workshop Kerlakes Court Honiton EX14 1FL

**Proposal** Construction of 5 bedroom house in multiple occupation (Use Class C4).



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 16<sup>th</sup> March 2022</b>
<b>Honiton St Michaels (Honiton)</b>	<b>21/1714/FUL</b>	<b>Target Date: 20.08.2021</b>
<b>Applicant:</b>	<b>Bodenham (B &amp; H Developments Ltd)</b>	
<b>Location:</b>	<b>The Old Workshop Kerslakes Court</b>	
<b>Proposal:</b>	<b>Construction of 5 bedroom house in multiple occupation (Use Class C4).</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before the Members as the recommendation is contrary to the views of all three ward members.**

**The proposal is for a 5-bed House in Multiple Occupation (HMO) in place of a 2013 approval for two small dwellings. The form of the proposed building is essentially the same as in 2013 but adjustments have been made internally and externally to accommodate the different type of accommodation proposed. In design terms it remains compatible with the character and appearance of the conservation area within which it is located.**

**The site is in a densely developed area with numerous flats and dwellings in close proximity, including several abutting the site. In spite of the close proximity between neighbours, the scheme would secure acceptable living conditions for the occupants of neighbouring properties, avoiding overlooking, loss of light, dominance and harm to outlook.**

**However, in respect of future occupants of the HMO, the accommodation would be compromised in a number of ways owing to the constraints of the site and its surroundings. Two of the bedrooms would have high level windows in the interests of privacy and one of those bedrooms would be quite small, creating a restricted space and outlook. In addition, the only outdoor amenity space would be heavily shaded and would also be used for storage of bicycles which would have to be wheeled through the living room. Whilst the approved scheme also had shortcomings, the new proposal adds to these.**

**No car parking would be provided but the site is in a highly accessible location close to the town centre and bus and train services. There are also car parks close by if any of the occupants own a car.**

In summary, the proposal would make use of a previously developed site in a sustainable location. Whilst it has not been well-conceived in terms of providing high quality living conditions for the occupants owing to the number and size of bedrooms, the restricted outlook from certain rooms, the heavily shaded amenity space and the unsatisfactory bicycle storage arrangements, on balance these shortcomings do not outweigh the benefits of the proposal in terms of providing affordable accommodation in an accessible location, particularly given that the layout complies with HMO Licensing standards. Subject to conditions to protect neighbour amenity and to secure details of materials and other matters, the proposal is supported.

## CONSULTATIONS

### Local Consultations

#### Honiton St Michaels - Cllr Mike Allen

I object to this HMO application because the congestion through overdevelopment in Kerslake court is already substantial and this will only exacerbate the problems of this very congested part of Honiton

#### Honiton St Michaels - Cllr Jake Bonetta

I am in agreement with the residents of this area and object to this planning application. The addition of a very large family home on this already-constrained site seems wholly inappropriate for the area, and will arguably lead to even further congestion and difficulty with parking that is already present in the area.

I am also opposed to this application based on the net loss of a residential dwelling on the site as shown on the application, a move which should be avoided especially considering the current housing price crisis and increasing housing demand we are seeing in Honiton and elsewhere across the District.

I therefore argue that this application is detrimental to the area and is also not needed, and so I object wholly.

#### Honiton St Michaels - Cllr Phil Twiss

I broadly support applications which serve to support a shortage of affordable accommodation in central Honiton, but concerned that the immediate area of this site has been gone past the point of over development, with this likely adding to that.

Noting that DCC Highways comments have no objection to this as a non-car development I think it is very hard to control additional further car movements or parking to and from this site and would like to see management of this issue, which I appreciate is a wider issue than just this application.

On balance I cannot support this application, without an undertaking that there will be 'no traffic' mitigation to restrict additional parking at this site.

#### Parish/Town Council

Honiton Town Council SUPPORTS the application.

### Other Representations

Seven objections have been received raising the following concerns:

- Noise
- Loss of light
- Lack of bin storage
- Disruption during construction
- Lack of parking
- Could generate litter and loitering
- Danger to elderly from additional traffic
- High turnover of residents likely

### Technical Consultations

#### Environmental Health

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

#### Private Sector Housing (EDDC)

PSH only received this consultation on the 24/08/21.

In addition to meeting the requirements of the LACORS Housing Fire Safety Guidance for HMO accommodation and the EDDC Space & Amenity Standards it will require an HMO Licence under the Housing Act 2004.

If approved the applicant should contact PSH to discuss these matters prior to commencing works.

#### Conservation

Condition, rooflights to be conservation type.

#### Devon County Highway Authority

Observations:

The County Highway Authority is happy to accept this development as a non-car development, with Honiton benefiting from many sustainable travel options of bus, train and public car parks.

Honiton town can also offer a range of services and facilities to reduce distant travelling.

Recommendation:

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

### PLANNING HISTORY

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
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04/P1951	Change Of Use To Private Dwelling	Approval with conditions	26.10.2004
05/3374/COU	Change of use from warehouse to ground floor office with 1st floor dwelling.	Refusal	14.02.2006
13/1115/FUL	Conversion and extension of former workshop to form 2 dwellings	Approval with conditions	23.09.2013

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 23 (Development at Honiton)

D1 (Design and Local Distinctiveness)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

## **Site Location and Description**

The site is within the built up area boundary and conservation area for Honiton and is located behind the southern side of the High Street, accessed from King Street and Kerlakes Court. The site was formerly occupied by an L-shaped workshop/store building which was two storey at its eastern end and single storey at its western end. That building has now been demolished other than some perimeter walls that adjoin neighbouring properties. The site is surrounded by buildings on all sides, albeit at varying distances. The majority of these buildings are in residential occupation but some are in commercial use. There is currently no dedicated off street vehicle parking available to the site.

## **Proposal**

This application seeks planning permission for the construction of a two storey building to be occupied as a House in Multiple Occupation (HMO) with five bedrooms. The occupants would live as one household with a shared kitchen and living area and two shared bathrooms but they would have their own bedrooms.

The proposal is a replacement for the planning permission for conversion and extension of the former buildings on the site to provide two dwellings which was

granted planning permission in 2013. That permission involved fairly extensive alterations and rebuilding but the drawings indicated that the eastern and northern walls of the two storey building were to be retained (as well as some other perimeter walls). Those two walls have been demolished, along with the roof, leaving very little of the original two storey structure. As a result, the works required to build the development shown in the 2013 permission would amount to a rebuild rather than a conversion. Given that the permission was for a conversion, it is questionable whether that could now be completed, although the applicant disputes that point.

In addition to the change from two dwellings to an HMO, the differences between this application and the 2013 scheme are:

- The proposal is for an entirely new building not a conversion and extension;
- A first floor element at the west end of the building providing head height above the second set of stairs has been omitted because only one set of stairs is now needed;
- Rooflights have been moved from the south elevation to the north elevation;
- Window designs have been amended on the south and east elevations.

### **Main issues**

The main considerations in the determination of this application are:

- Principle of the proposed development
- Impact of the character and appearance of the area
- Impact on residential amenity
- Access and parking

### **Principle**

The site lies within the built up area boundary for Honiton, close to essential services and infrastructure and in a mainly residential area. The principle of a residential development on this site has been accepted twice before in 2004 and 2013 and there continues to be no objection to the development in principle providing its impacts are acceptable in relation to other policies contained in the development plan.

Where this proposal is different to the earlier schemes is in the type of occupation proposed and this has given rise to some local concern. Whereas the 2013 approval was for two one-bed dwellings, this proposal is for a 5-bed house in multiple occupation. There is therefore concern that the building could be occupied by ten people, as compared to 4 people in the approved scheme.

It is noted, however, that an HMO within Use Class C4 is defined as "Use of a dwellinghouse by not more than six residents as a "house in multiple occupation"". An increase in the number of occupants beyond six may therefore fall outside the scope of any permission granted for a C4 use. In addition, by reference to the Nationally Described Space Standard, only one of the bedrooms (bedroom 2) is large enough to qualify as a double. The other rooms would qualify as single bedrooms except for bedroom 5 which is about 1sqm below the standard for a 1-bed bedroom.

The constraints of Use Class C4 and the size of the bedrooms therefore indicate that the building is only suitable for occupation by up to 6 people in 4 single bedrooms and 1 double bedroom. These matters will also be controlled under the required Environmental Health HMO Licence should planning permission be granted. From discussions with EHO Licensing, they have advised that the applicant has been in discussion with them regarding room sizes and compliance with their legislation and that the proposal is likely to be granted a HMO License. This weighs in favour of the proposal.

Whilst this is potentially more occupiers than the previous scheme, it would not be an over-intensive use of the site relative to the densely developed residential surroundings.

Providing the amenity of future occupants and existing neighbours is secured, the development remains acceptable in principle. The issue of car parking associated with the increase in the number of occupants is dealt with separately below.

### **Impact of the proposal on the character and appearance of the area**

The former one and two storey building has now been demolished and this new proposal is for a two storey building that would span the majority of the site. There is a mixture of two, three and four storey buildings surrounding the site and therefore the scale of the building is not considered to be out of character with its surroundings.

The site lies in the Honiton Conservation Area and Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on Local Planning Authorities to pay special regard to preserving and, where possible, enhancing the character and appearance of the area when determining applications which may affect them. In the 2013 application the Conservation Officer provided the following comments:

"An existing approval from 2004 gave consent for conversion of the existing building envelope into a dwelling. This involved very little change to the external appearance and on this basis support was given by the conservation team.

The current application involves a degree of extension over the single storey section which despite the increase in mass would retain the outbuilding characteristics of the existing structure. Having said that this would emphasise the building line across the burgage plot where the tradition is more to follow the perpendicular line to the High Street. The existing two-storey element at least follows this important urban grain. The section of flat roof does appear a little strange in the context but at least the massing is fragmented by this and the building is articulated in a more positive manner. The amended plans have reduced the roof at this end of the dwelling and the result is simpler and more consistent with the vernacular forms of the existing structure. On this basis I would support the application."

In terms of built form, the proposed building is very similar to the 2013 scheme and therefore the comments made by the conservation officer at that time remain valid.

Whilst the building has an unusual roof form over its central section, overall its scale and massing is acceptable.

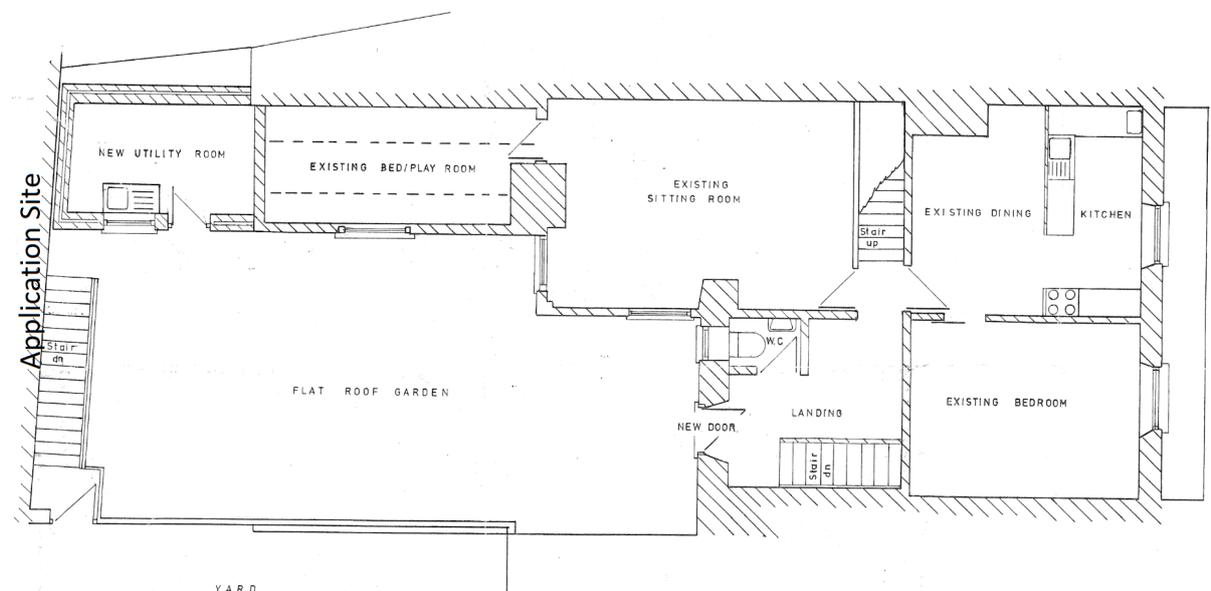
Details of the proposed materials have not been provided in this application, other than timber cladding and render for the walls. There is reference, however, to using the same materials as in the 2013 scheme, namely natural slate for the roof and painted timber for the doors and windows. In principle these are acceptable but further detail should be secured by condition. In addition, natural slate is unlikely to be suitable for the shallow pitch of the roof over the central and western parts of the building so details of the material proposed on those sections of roof are required. Subject to agreement of appropriate materials by condition, the design and appearance of the proposed building is considered acceptable in this location and in keeping with the surrounding buildings.

The proposal is therefore not considered to impact unreasonably on the character and appearance of its surroundings and would preserve the character of the Conservation Area in accordance with Policies D1 and EN10 of the Local Plan.

### Impact on residential amenity

The site is constrained by existing built development on all sides albeit at varying distances and as such the proposal has the potential to impact on the living conditions of surrounding occupants.

To the north of the site lies residential and commercial properties, and in particular there is a flat to the north with a roof terrace adjoining the site. The following layout plan from 1993 indicates how the roof terrace relates to the application site:



The retained rear wall of the former building joins the stairs which rise from ground level to up to the roof terrace. The edge of the terrace is then framed by a metal safety railing. The roof of the proposed building would be raised relative to the retained rear wall by about 1.8 metres. However some of that increase would be due to the roof which would slope away from the terrace. Therefore the apparent height increase

would only be about 1.1m to the top of the eaves. Factoring in the height of the existing wall and the upwards extension, it is estimated that the top of the eaves would be about 2.2m above the floor of the roof terrace. The roof terrace is about 10m deep and 5m wide and this means that, although the proposed building would be to the south, it would not appear overly dominant or oppressive and would not unreasonably impact on residential amenity through blocking outlook or natural daylight to the terrace or the windows of flat. In addition, although the roof would have four rooflights in its north elevation, these would be above eye level and would not intrude on privacy. Furthermore, although there is potential for noise intrusion if the rooflights were open, this is no different to the situation that might arise between any neighbouring properties.

To the east of the site lies The Print House, which is a dwelling with its principal elevation facing the site at a distance of about 7.5 metres. A building in this position would impact on light and outlook for the occupants of The Print House but it would be replacing a building that was only recently demolished. In terms of windows, The Print House has windows facing the site at both ground and first floor level. Those on the ground floor are already subject to intrusion from people accessing surrounding buildings and it was noted that the blinds were closed at the time of the site visit. On the upper floor there are two windows and, although it is not known what rooms they serve, it was noted that the smallest one had a net curtain.

In the elevation of the proposed HMO facing The Print House, one upper floor window would light a stairwell and the other would serve bedroom 2. The separation distance of 7.5m represents a close relationship but the stair window could be obscure glazed without detriment to the occupants of the HMO and this could be secured by condition. Obscuring the bedroom window in a similar manner would create poor living conditions for the occupant of that room. However, given that the window it would face has a net curtain, there is unlikely to be any material intrusion to the occupants of The Print House if the window in bedroom 2 were not obscured – particularly given the positioning of a similar window in the 2013 consent. Subject to obscuring the stair window, the proposal would not impact unreasonably on the occupants of The Print House.

To the south of the site is a dwelling known as 'Holden' which was approved and constructed shortly after permission was granted on the application site in 2013. The proposed dwelling would join the northern gable end of Holden and the south elevation would face Holden's parking area (and that belonging to 'The Old Apple Yard'). In spite of their proximity to each other, the layout of each site is such that there would be no mutual loss of privacy or any other amenity impact. Likewise, owing to the substantial separation distance, there would be no adverse impact on the occupants of the flats further to the south that have a view towards the site.

To the west of the site lies a property known as 'The Old Appleyard' which has a bathroom and a bedroom window overlooking the site, however these are obscure glazed (as required by a planning condition) and therefore there would be no adverse impact on outlook. The single storey nature of the nearest part of the proposed building also means that there would be no material loss of light or sense of dominance.

Turning to the amenity of the occupants of the proposed dwelling, bedroom 5 would be quite small (6.51sqm, the minimum for a single occupancy room in an HMO) and only have high level rooflights with an upwards view of the sky. Bearing in mind that an occupant of an HMO may be inclined to store more of their belongings in the privacy and security of their bedroom, this could be a cramped space. Bedroom 1 on the ground floor would only have a high level window to ensure privacy from people using the adjacent path/yard to access other residential and commercial properties. The window would also be above an area that would be used for storage of recycling.

Whilst the restricted outlook in these two bedrooms would be offset to some degree by the availability of a communal lounge/diner/kitchen, this too would have a restricted outlook. Two of the windows serving the space would have their outlook restricted by the overhanging first floor and all three would look onto a narrow space ranging in depth from 1.6m to 2.9m, part of which would be occupied by bikes. In addition, it is likely that some kind of fence would be required on the boundary for reasons of privacy and security and this would limit the outlook further.

As well as these issues, the only outdoor amenity space serving the property would be heavily shaded by a combination of the overhanging first floor and the neighbouring buildings. It would therefore provide a poor quality amenity space for the occupants. In addition, it would be further compromised because it would provide the only available space for storing bicycles.

In terms of amenity the approved scheme did not set a very high bar because its outdoor amenity spaces were also compromised and neither of the two dwellings met the Nationally Described Space Standard. However, it only proposed two bedrooms (one in each dwelling) and therefore the problems identified in respect of bedrooms 1 and 5 in the new scheme did not arise. In the approved scheme what is now Bedroom 1 was a dining room with glazed doors opening onto a patio; and bedroom 5 was a bathroom. The less intensive occupation of the building in the approved scheme meant that the space could be arranged with the habitable rooms enjoying the best outlook and the other rooms located where the outlook was restricted.

Notwithstanding the shortcomings in the proposed scheme, it is considered that in the absence of adopted standards for dwelling size, garden size and orientation, bicycle storage and bin storage, the proposed HMO would provide adequate living conditions for future occupants given that a HMO Licence is likely to be granted and given that the occupants would be able to share the reasonably sized Kitchen/Dining/Living Area. This is clearly not the best outcome that could be achieved on this site but it is considered that an appeal is unlikely to be successful given the benefits from development in terms of providing low cost accommodation in a highly sustainable location.

### **Access and parking**

This application does not propose to provide any dedicated off street parking to serve the HMO. Whilst it is possible that between them the occupants could have five or more cars, the site lies within 200 metres of a public car park and within walking distance of on street parking and good public transport facilities. Therefore under Policy TC9 the proposal is considered to be acceptable.

It is acknowledged that local residents are concerned that the proposal might give rise to unauthorised parking on private land and additional traffic causing a danger to pedestrians. However, control over the use of the private access and parking areas is a matter for the landowner and therefore such concerns are not a reason to withhold permission. It is reasonable, however, to seek details of access during construction and this can be secured by condition.

### **Other matters**

A condition to secure a programme of archaeological works was imposed on the 2013 permission and although no comments have been received from the Historic Environment Service at DCC for this application, it remains an important consideration. Whilst a written scheme of investigation was agreed in connection with the previous application, none has been submitted with the current application and therefore it is necessary to impose the condition again.

Bicycle storage would be within the outdoor amenity space which would have to be accessed through the living room. As a result of bicycle parking taking up valuable outdoor amenity space and the occupants having to wheel bicycles through the house, the proposal is less than ideal in respect of such provision. Details of the cycle parking layout should be secured by condition.

Bins storage would be outside the dwelling on an area of land adjacent to the access. The drawing indicates that there would be some kind of enclosure around the bins but no details have been provided. In the interests of visual amenity these details should be secured by condition.

### **CONCLUSION**

The proposed development, whilst being different in nature to the scheme it would replace is still appropriate in scale and use for this town centre location. It is well located for access to town centre amenities and would make use of a previously developed site in a sustainable location. Whilst it has not been well-conceived in terms of providing high quality living conditions for the occupants owing to the number and size of bedrooms, the restricted outlook from certain rooms, the heavily shaded amenity space and the unsatisfactory bicycle storage arrangements, on balance these shortcomings do not outweigh the benefits of the proposal in terms of providing affordable accommodation in an accessible location. Subject to conditions to protect neighbour amenity and to secure details of materials and other matters, the proposal is supported.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.

(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.  
(Reason - To ensure, in accordance with Policy EN6 - Nationally and Locally Important Archaeological Sites of the East Devon Local Plan 2013-2031 and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development.)
4. Prior to commencement of development details of a construction compound where equipment and materials will be stored for the duration of the development and a plan indicating where construction vehicles will park shall be submitted to and approved in writing by the Local Planning Authority.  
(Reason - Because the site is constrained and the applicant owns no adjoining land and because the site is within the conservation area, details of the storage are essential to maintain its character and avoid disruption to neighbours in accordance with Policies EN10 - Conservation Areas and D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013-2031.)
5. No development above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted, including roofs, walls, windows, doors, eaves and rainwater goods, 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 conservation area in accordance with Policies D1 - Design and Local Distinctiveness and EN10 - Conservation Areas of the East Devon Local Plan 2013-2031.)
6. No development above foundation level shall take place until details of the rooflights indicated on the approved plans 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 safeguard the character and appearance of the conservation area in accordance with Policy EN10 - Conservation Areas of the East Devon Local Plan 2013-2031.)

7. No development above foundation level shall take place until details of secure storage facilities for five bicycles and facilities for the storage of refuse and recycling containers has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the bicycle and bin storage facilities have been provided in accordance with the approved details. Thereafter they shall be retained in perpetuity.  
(Reason - To ensure that adequate facilities are available for the occupants of the dwelling in accordance with Policies D1 - Design and Local Distinctiveness and TC9 - Parking Provision in New Development of the East Devon Local Plan 2013-2031.)
8.
  - a) There shall be no burning of any kind on site during construction, demolition or site preparation works;
  - b) No construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, and not at all on Sundays or Public Holidays; and
  - c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.  
(Reason - To protect the amenity of local residents from smoke, noise and dust in accordance with Policy EN15 - Control of Pollution of the East Devon Local Plan 2013-2031.)
9. Before the dwelling hereby permitted is occupied the first floor stair window on the east elevation shall have been glazed with obscure glass. The obscure glazing of this window shall thereafter be retained at all times.  
(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013-2031.)
10. 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 upper floor windows, doors or other openings other than those expressly authorised by this permission shall be constructed in any elevation.  
(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013-2031.)
11. Notwithstanding the provisions of Schedule 2 Part 1 Classes A, C, D and E the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) the dwelling shall not be enlarged, improved or altered and no building or enclosure, swimming or other pool or container used for domestic heating purposes for the storage of oil or liquid petroleum gas shall be provided within its curtilage without the prior express consent of the Local Planning Authority.  
(Reason - To protect the character and appearance of the conservation area and the amenity space of the dwelling in accordance with Policies D1 - Design and Local Distinctiveness and EN10 - Conservation Areas of the East Devon Local Plan 2013-2031.)

## NOTE FOR APPLICANT

### Informative:

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

### Plans relating to this application:

5418-C-05 A	Location Plan	09.07.21
5418-04 A.1	Proposed Site Plan	09.07.21
5418-C-11 E	Proposed Combined Plans	02.02.22

### List of Background Papers

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

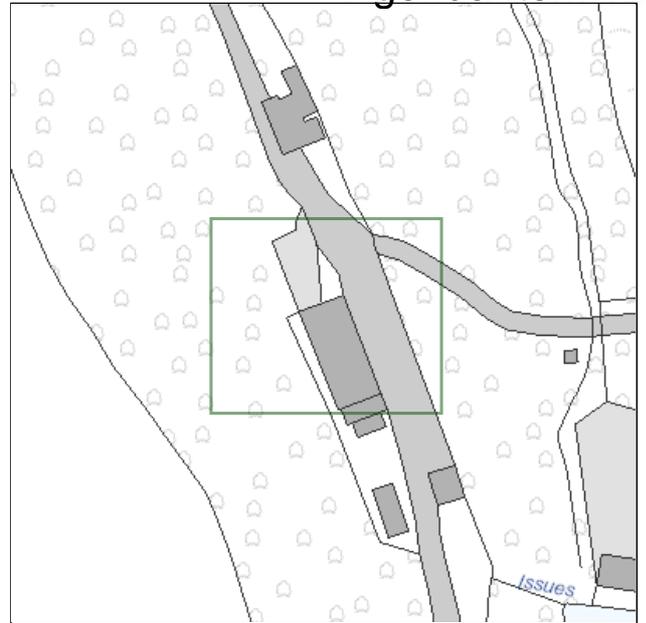
**Ward** Trinity

**Reference** 21/3255/FUL

**Applicant** Mr Mark Perry

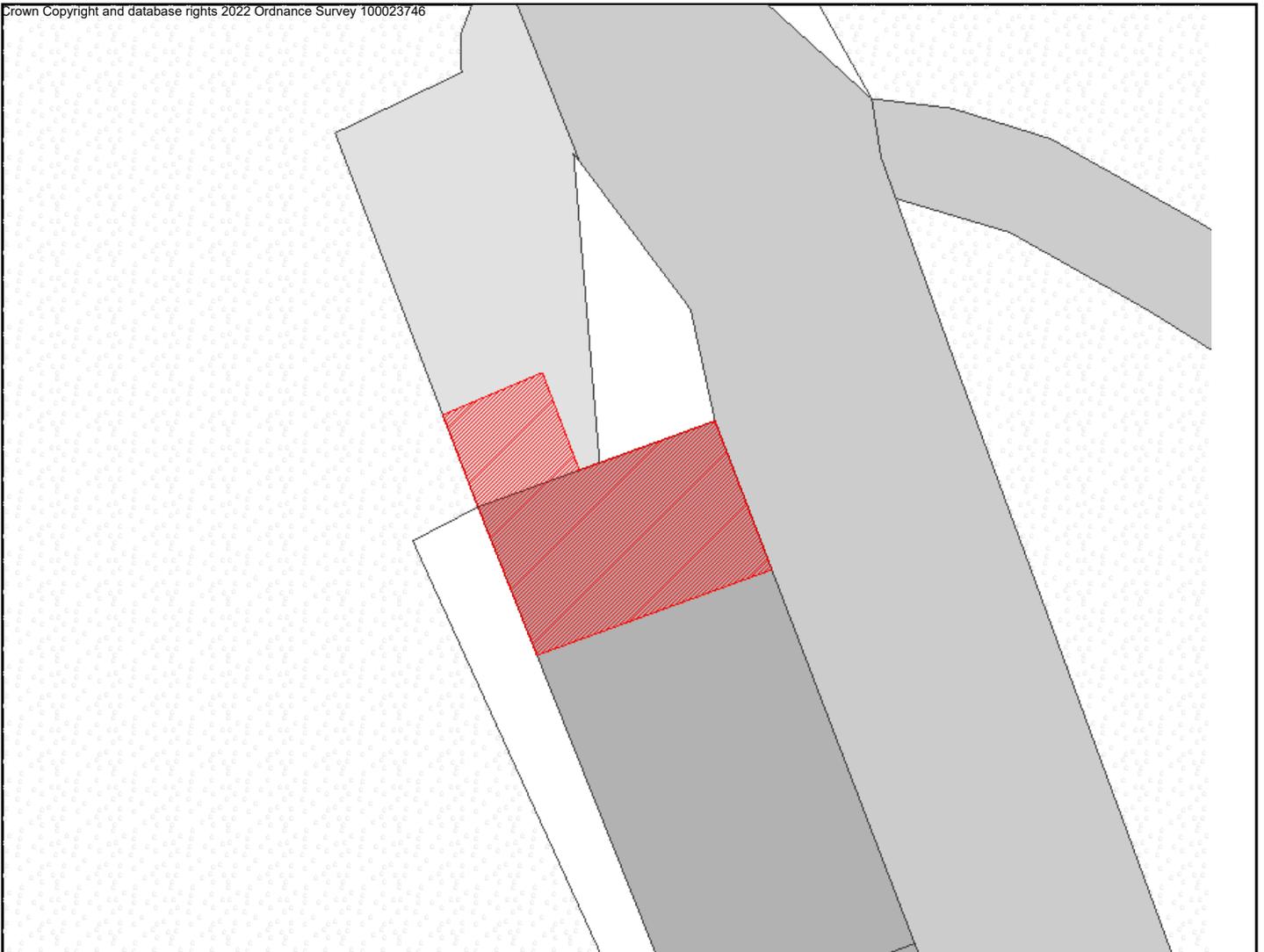
**Location** Building North Of Harbour Close Combyne  
EX13 8SX

**Proposal** Change of use of part of building to B2 use and  
retention of single storey side extension.



**RECOMMENDATION: Retrospective Approval (conditions)**

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		<b>Committee Date: 16<sup>th</sup> March 2022</b>
<b>Trinity (Compyne Rousdon)</b>	<b>21/3255/FUL</b>	<b>Target Date: 10.02.2022</b>
<b>Applicant:</b>	<b>Mr Mark Perry</b>	
<b>Location:</b>	<b>Building North Of Harbour Close Compyne</b>	
<b>Proposal:</b>	<b>Change of use of part of building to B2 use and retention of single storey side extension.</b>	

**RECOMMENDATION: Retrospective Approval (conditions)**

### **UPDATE REPORT**

This application was considered at the virtual consultative Planning Committee on the 16<sup>th</sup> February 2022 where Members recommended to Senior Officers that planning permission be refused. The original report is attached for ease of reference.

Following the decision of the Council in December 2021 to continue with virtual meetings until May this year, in order for the recommendation from the Planning Committee to be made into a formal decision, it requires the recommendation to be agreed and signed-off by a Senior Officer. In this instance, there is concern among the relevant Senior Officer's that the decision from Committee is not supported by the evidence and that pursuing this case through the appeal will put the Council at risk of an award of costs

The application is therefore being returned to Committee for further consideration with this addendum report so that Members can review the wording of the proposed reason for refusal and consider the risks of proceeding with this decision. Senior Officer's can then be assured that the decision is made on a sound basis and that Members are content for the appeal to proceed on the basis of the reason set out.

The opportunity is also being taken to address in a bit more detail some of the questions that arose at the Committee meeting.

At the 16<sup>th</sup> February Committee, Members voted to recommend refusal of planning permission for the following reason:

*'Members considered that noise from the proposed use, including noise from additional traffic would result in an inappropriate and harmful use to the amenity of local residents and tranquillity of the AONB contrary to Strategy 46 and Policies D1 and EN14 of the Local Plan and paragraph 185 of the NPPF.'*

From this recommendation, officers have drafted the following reason for refusal:

*'The site is located in a relatively tranquil part of the East Devon Area of Outstanding Natural Beauty which is sensitive to changes in the acoustic environment. In addition there are numerous residential properties within earshot of the site. The proposed development, which has already commenced, is for an industrial activity which has introduced a type of noise that is harmful to the tranquillity of the area and the health and quality of life of nearby residents. Whilst acoustic insulation has been introduced which effectively limits the volume of noise emitted to acceptable levels, the type of noise emitted from the shot blasting enclosure is uncharacteristic of the sounds of the natural environment in this area which form a peaceful and harmonious acoustic environment in which residents live. The low-level industrial noise emitted from the shot blasting enclosure is harmful to the tranquillity of the AONB and is a type of noise which sounds intrusive to local residents owing to it being discordant with the prevailing acoustic environment. In addition, the development generates extra traffic movements which further erode the tranquillity of the area. The proposal is therefore contrary to Strategy 46 - Landscape Conservation and Enhancement and AONBs and Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the East Devon Local Plan 2013-2031, paragraphs 176 and 185 of the National Planning Policy Framework 2021 and Planning Practice Guidance.'*

Officers are concerned that they will not be able to defend this reason for refusal due to a lack of hard evidence to justify that noise from the shot blasting will harm the amenity of nearby neighbours or the tranquillity of the AONB within which the site sits.

In order to defend the inevitable appeal, officers need to provide evidence to justify that the proposal causes harm by way of noise to nearby residents and on the AONB.

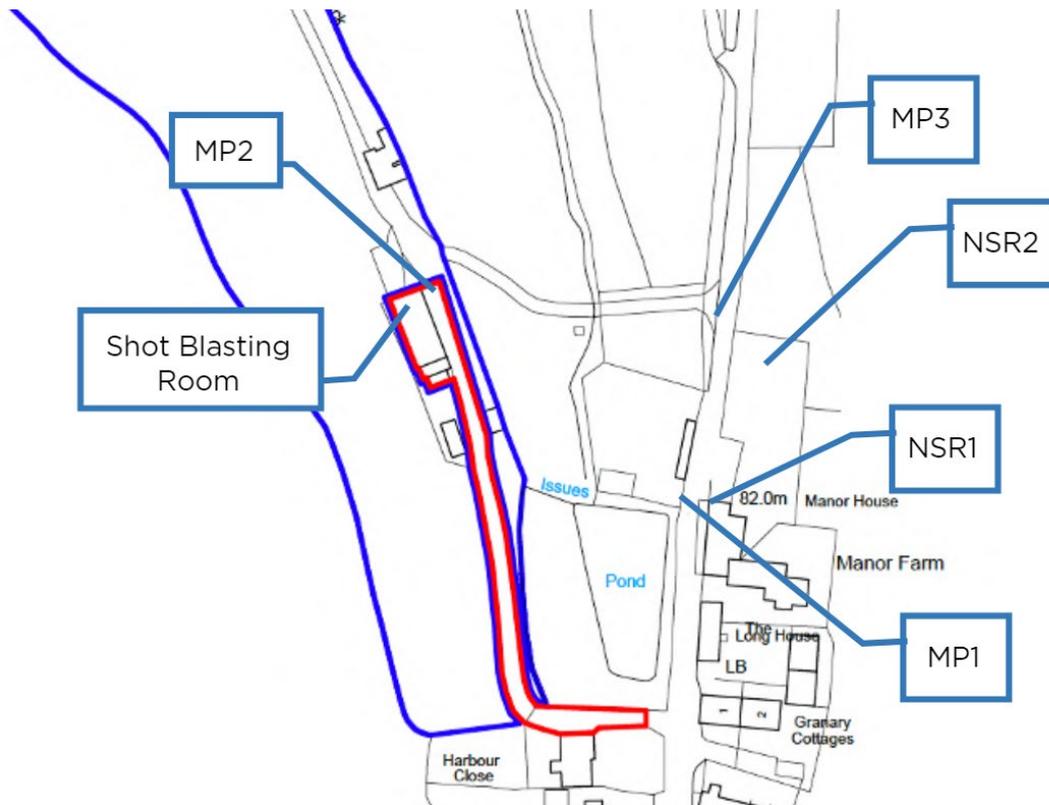
Whilst there is evidence in the form of objections from nearby residents, this is not considered to hold the same weight or provide sufficient detail or evidence to outweigh the evidence from the applicant's expert noise consultant, considering that this evidence is also supported by evidence from the Council's own noise expert from Environmental Health who raises no objection to the application following a full assessment of the situation and the taking of their own noise readings on site.

In the absence of any expert evidence in relation to harm from noise, it is likely that any appeal will be allowed. There is also a significant risk that an award of costs would be granted by an Inspector for an unreasonable refusal of planning permission based on the reason given by Members.

Members will recall that the two local residents at the Committee meeting confirmed that the noise mitigation provided by the applicant had reduced noise levels and that they had made no subsequent complaints to Environmental Health. In addition, Members will recall that there are lawful activities at the site at present that can generate noise and that a condition was proposed to restrict the use of the shot blasting

to between 9am to 12 noon Monday to Friday alongside conditioning the retention of the noise mitigation measures.

At the Committee meeting Members stated that they would have preferred the noise levels to have been stated in table form for ease of understanding. In light of this, the following tables have been produced detailing the noise levels in two public locations closest to residents (MP1 and MP3) as detailed in the following plan taken from the applicant's noise report:



MP1 is the reading location which is representative of the closest residential dwelling.

MP3 is the reading location which is representative of the closest residential garden.

MP2 is at the application site.

Given the lack of any nearby public rights of way or footpaths, these locations were considered to be the most sensitive in terms of residential amenity and impact upon the AONB. The recordings were taken adjoining public areas.

Please note that the sound levels after mitigation are those from the Council's Environmental Health Officer and whilst very close in location, they were not taken exactly at points MP1 and MP3.

<b>MP1 (representative of closest residential dwelling)</b>	<b>Sound Level (dB) on 01/07/2020 (before mitigation)</b>	<b>Sound Level (dB) (after mitigation)</b>
Specific Sound Level	48	38
Rating Penalty	+3	0
Measurement Uncertainty	0	0
Rating Sound Level	51	38
Daytime Background Sound Level	43	43 (applicant's reading) 39 (our reading at the Manor House)
Excess of Rating over Background Sound Level During Operational Hours 09:00am - 12:00pm	+8	<b>-1 from our reading -5 from the applicant's reading</b>
Notes	Shot blasting was representative of operating for 40 minutes of the hour assessment period.	Shot blasting was representative of operating for 40 minutes of the hour assessment period. Noise arising from the shot blasting activities was barely audible at this location and was almost entirely masked by the residual acoustic environment.
Assessment	Adverse Impact	Low Impact
Assessment using terminology from Planning Practice Guidance	Lowest Observed Adverse Effect Level (LOAEL)	Between No Observed Effect Level (NOEL) and No Observed Adverse Effect Level (NOAEL)
Action	Mitigate and reduce to a minimum	No specific measures required

The table above shows that at position MP1 (representative of the closest residential dwelling) prior to the provision of the sound mitigation to the building, the noise level was +8dB above the background level representing an adverse impact.

Following the provision of the mitigation, the noise level dropped below the background noise level meaning that the activity was at such a low level that it was barely audible.

British Standard 4142:2014 is the method used for rating and assessing industrial and commercial sound and this is the standard that has been correctly used by the applicant. Within this standard certain acoustic features of the noise can cause

significant impact over the background sound level. Where such features are present a character correction to the noise level can be added to the rating level given to the noise. Where the specific sound features characteristics that are neither tonal nor impulsive, nor intermittent, though otherwise are readily distinctive against the residual acoustic environment (as in this case a rural area), a penalty of 3dB can be applied. In this case a +3dB penalty rating was added to the applicant's reading to take into account the fact that the type of noise from the shot blasting was intermittent and not the type or frequency common in this area. As the noise is not characteristic of the rural area. The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source (the shot blasting) will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact.

This penalty is not applied to the reading by the Council's Environmental Health Officer (EHO) as such penalties are not applied in relation to statutory nuisance investigations as in these type of cases the noise from the shot blasting is measured against the background sound level.

The second noise reading showed that the noise from the shot blasting operation on its own, had been mitigated so successfully that its noise level of 38dB was below the recorded background noise level of 39dB. Again, where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact.

In noise assessment terms this is a low impact with no adverse noise. The noise mitigation has reduced to a minimum any potential noise levels generated from the site. This ties in with national planning guidance as detailed within the Noise Policy Statement for England. Using the Noise Policy:

- There would be No Observed Adverse Effect within the amenity areas of any noise sensitive properties. However, this does mean that in certain situations noise could well be heard in the background, but this does not cause any change in behaviour or attitude of local residents. This can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life of local residents. In order to ensure that the acoustic character of the area is not changed and to further protect the AONB it has been recommended that the shot blasting activity hours of operation are restricted.
- There would be No Observed Effect within noise sensitive properties themselves. This is the level below which no effect from the noise can be detected. In simple terms, there should be no detectable effect on health and quality of life due to the noise.

<b>MP3 (representative of closest residential garden)</b>	<b>Sound Level (dB) on 01/07/2020 (before mitigation)</b>	<b>Sound Level (dB) (after mitigation)</b>
Specific Sound Level	No measurements taken	39
Rating Penalty		0
Measurement Uncertainty		0
Rating Sound Level		39
Daytime Background Sound Level		39 (applicant's reading and our reading at the Manor House)
Excess of Rating over Background Sound Level During Operational Hours 09:00am - 12:00pm		0
Notes		Shot blasting was operational for 40 minutes of the hour assessment period. Noise arising from the shot blasting activities was barely audible at this location and was almost entirely masked by the residual acoustic environment.
Assessment		Low Impact
Assessment using terminology from Planning Practice Guidance		Between No Observed Effect Level (NOEL) and No Observed Adverse Effect Level (NOAEL)
Action		No specific measures required

This table shows that the noise reading from the Council's EHO taken at position MP3 (representative of the closest residential garden) showed a background noise reading of 39dB and that noise from the facility was 39dB after mitigation.

Again, this shows that in this position, the noise impact is low with no adverse effect.

In light of this evidence and the comments from the Council's EHO, officers are concerned about defending the reason for refusal put forward by Members at the last Committee.

If the noise levels from the operation of the shot blasting are no higher than the background noise levels, then there is no planning harm to neighbouring residents or to the tranquillity of the AONB as the noise would not be perceived. To address the fact that some noise may be heard on occasions (noise that is not harmful), a condition is proposed to limit the shot blasting use to 9am to 12noon Monday to Friday. This will protect both amenity and the tranquillity of the AONB. These may be better restrictions

and controls than may be required by a Planning Inspector if consent were granted on appeal.

At the Committee in February Members raised concerns regarding noise from vehicles associated with the shot blasting use. However, the wider site has a lawful use with no control over vehicle movements and it is not considered that additional traffic from this small shot blasting use/area (restricted to 15 hours a week), could be considered unreasonable or harmful to neighbours or to the tranquillity of the AONB. As such, there is a lack of evidence to put before an Inspector to demonstrate that a few extra vehicle movements is harmful.

With regard to concerns raised at the Committee regarding this industrial use being unacceptable in principle in the AONB, neither Strategy 46 of the Local Plan, nor the NPPF, prevent industrial or B2 uses in the AONB. The Local Plan and NPPF seek to ensure that developments conserve and enhance the landscape character of the AONB and given that the application proposes retention of a very small extension with a very limited visual impact, with noise levels at or below the background noise level, there is no evidence of harm to the AONB and as such it is considered by officer's to conserve the landscape character of the area. Whilst the proposal cannot be considered to enhance the AONB, it is considered that a Planning Inspector is unlikely to refuse planning permission given the lack of identified harm.

In relation to the existing appeal against the previous refusal of planning permission pre-mitigation, the Planning Inspectorate have again held the appeal in abeyance pending the outcome from this Committee meeting.

Finally, there was a question from the Ward Members at the Committee meeting relating to why this second application was entertained following the refusal of the first application. Whilst there is legislation (Section 70A of the Town and Country Planning Act 1990) that gives discretion to a local planning authority to decline to determine a subsequent application, this is where within a two year period an appeal for a similar application has been dismissed. In this case, there is no dismissed appeal. In addition, as this second application includes noise mitigation, the application is not similar and as such can be entertained. In addition, officers have accepted the application as it was clear that the mitigation measures were going to be put in front of the Planning Inspector as part of the current appeal and officers wanted an opportunity to assess this in public rather than running the risk of the information being submitted as part of the appeal without further consultation.

## **CONCLUSION**

In light of the above, and the contents of the attached Committee Report, Members are asked to give further consideration to this issue and the concerns of officers.

With a lack of evidenced harm, any appeal is likely to be successful with a significant risk of costs being awarded against the council for unreasonable behaviour.

Should Members determine that they still wish to refuse planning permission, before doing so, officers would strongly recommend a site inspection so that Members can see the proposal for themselves and hear the shot blasting in operation.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. 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.)
2. The use hereby permitted shall be limited to use for shot blasting 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 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and 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.)
3. The use hereby permitted shall not take place outside the hours of 9am to 12pm Monday to Friday, with no shot blasting activities taking place on Saturdays, Sundays or Bank or Public Holidays.  
(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.)
4. The noise mitigation measures described in the Noise Assessment prepared by inacoustic (project number 20-141, dated 24 June 2021) shall be maintained throughout the operational lifetime of the use hereby permitted such that the Rating Level of any noise generated on the site shall not exceed 39dB(LAeq 60min) when measured or determined at the boundary of any noise sensitive property. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound' or any equivalent replacement standard.  
(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.)

### NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email [cil@eastdevon.gov.uk](mailto:cil@eastdevon.gov.uk).

### Plans relating to this application:

Location Plan

16.12.21

03	Proposed Elevation	16.12.21
04	Proposed Floor Plans	16.12.21

List of Background Papers

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

		<b>Committee Date: 16<sup>th</sup> February 2022</b>
<b>Trinity (Compyne Rousdon)</b>	<b>21/3255/FUL</b>	<b>Target Date: 10.02.2022</b>
<b>Applicant:</b>	<b>Mr Mark Perry</b>	
<b>Location:</b>	<b>Building North Of Harbour Close Compyne</b>	
<b>Proposal:</b>	<b>Change of use of part of building to B2 use and retention of single storey side extension.</b>	

**RECOMMENDATION: Retrospective Approval (conditions)**

#### **EXECUTIVE SUMMARY**

**This application is before the Committee because the recommendation is contrary to the views of the Ward Member.**

**The proposal is for a small expansion and diversification of an established business in a rural area. In this case it is principally to allow shot blasting to take place within in an existing building. Such development is supported in principle by Policy E5 subject to consideration of any impacts on its surroundings. These include impacts on neighbours and, in this case, any impact on the AONB.**

**Shot blasting can be a noisy activity but an insulated enclosure has been constructed in accordance with advice from an acoustic consultant. This has effectively contained the noise such that it does not adversely affect local residents or the relative tranquillity of the AONB.**

**Associated with the shot blasting there are a small number of additional vehicle movements and material handling which may generate some noise. This must be considered in the context of the lawful use of the site and its location within a settlement which itself generates a certain amount of noise. Relative to the established noise environment, the proposed development would generate little change. It would therefore have no material impact on local residents or the relative tranquillity of the AONB.**

**Subject to conditions limiting the nature and scale of the development the proposal is acceptable.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Trinity - Cllr Ian Thomas**

The property lies near in the small village of Combpyne, within the East Devon AONB. The proposal relates to the B2 activity of shot blasting on a site where this activity has historically drawn several complaints from nearby properties.

The application appears similar to previous application 20/115/COU, where I commented on 14th August 2020. That application was subsequently refused, a decision subsequently upheld at appeal.

I note Environmental Health is recommending approval, with conditions. However, the application is not supported by either the Parish Council or East Devon AONB.

Despite a view from EH that noise levels can be mitigated, I do not believe that this carries significant weight, in the context that a B2 use, such as shot blasting, is fundamentally unsuitable and incongruous within a quiet village location such as Combpyne, itself within such a highly valued protected landscape as the East Devon AONB.

I concur with the view expressed by Combpyne-Rousdon Parish Council that the application should be REFUSED.

#### **Parish/Town Council**

The Parish Council objects to the application on the following grounds:-

We maintain that any industrial process that requires B2 use is fundamentally inappropriate for this location. If the noise levels on the site are as low as the applicant's noise assessment report suggests, then B1 use, which is classified as Uses which can be carried out in a residential area without detriment to its amenity should be sufficient. To allow use of the site for B2 (General Industrial) will inevitably result in a detrimental impact to the amenity of the neighbouring properties who continue to experience and report to the Parish Council adverse noise from the shot blasting process, in addition to increased heavy traffic (often at unsociable hours) and waste from the shot blasting process. The Council are concerned that should B2 use be granted with noise conditions attached, it will not be sufficiently policed to protect the amenity of the local residence from noise. The Council has grave doubts that if permission is given adequate policing will occur.

The Council is disappointed that EDDC have now declined to undertake an additional noise assessment, despite this previously being recommended by Environmental Health. They are also concerned as to the reason why Environmental Health are now content to rely on the applicant's sound data when a) there was no independent body there to witness the collection of the data and b) the data was not collected from the worst affected location within the valley and c) on 11 January 2022 they commented that they believe the acoustic report was being very liberal with the background sound

measurements for the area. Surely this is reason enough to undertake an additional noise assessment given the longstanding implications to the surrounding properties of allowing B2 use. In addition, the recent recommendations from Environmental Health outlined in their comments 14 January 2022 do not take into account the location of the proposed B2 site, which is within a rural, residential AONB area.

The Council is concerned that this application appears to be fundamentally the same as application 20/1115/COU which has already been refused by EDDC. This application being fundamentally the same should, we submit, be dismissed under section 70b of The Town and Country Planning Act 1990, section 70b (3 and 4).

## **Technical Consultations**

### **East Devon AONB**

We refer to our previous response on this proposal, edited below. Please note these comments in the context of NPPF which calls for valued landscapes to be protected and enhanced (NPPF 174a) with great weight being given to conserving landscape and scenic beauty in National Parks and Areas of Outstanding Natural Beauty (AONBs) which have the highest status of protection in relation to these issues. (NPPF 176). There is a presumption against major development in protected landscapes (NPPF 177). The NCA and district level LCA's reinforce the need to protect the tranquil character of the AONB.

Combpyne is a small hamlet situated in the eastern part of the AONB, nestled in an intimate and very tranquil location. It sits on the boundary between Landscape Character Type 3A: Upper farmed and wooded valley slopes and Type 1B: Open Coastal Plateau and the land falls away to the northern part of the hamlet into Landscape Character Type 3B: Lower rolling farmed and settled valley slopes. This proximity of boundary in three LCTs creates a dynamic landform land change from the plateau at around 150m to 82m at road level; the result being a landscape character change that creates an intimate setting and a great sense of tranquillity and rurality.

The key characteristics of LCT 3A include :

- o Very winding narrow lanes, many sunken with high banks and flower-rich verges.
- o An intimate and intricate landscape with wider views often confined by vegetation. Where
- o views occur, they contain distinctive patchwork patterns of fields.
- o Relatively remote and tranquil with little obvious modern development.

The Landscape Aims for LCT 3A refer to the need to identify and protect areas of tranquillity.

The application site is located close within the centre of the hamlet area and walking around the area, it is immediately apparent that even the natural sounds of flowing water from the ram pond or the wind through the trees is magnified by the natural landform. It would seem likely therefore that any noise above normal background will be magnified in this location. Without technical details regarding the potential noise impact at the site from the proposal operations and what is regarded as an acceptable

level in such a location, it is not possible to comment specifically on the proposed change of use operation at the site. It would seem logical however, that unless the operation can be extremely well sound-proofed to the satisfaction of the environmental health department and local community, it is likely to have a negative impact on the tranquillity of the hamlet. In addition to the LCA, this factor should be one of the key determinants in the acceptability of the proposal in this location, given its landscape character.

East Devon AONB Partnership

### **Environmental Health**

24/12/2021 - Further information is required before any recommendation can be made:

A noise assessment has been included with the application by the applicant. This assessment has detailed a background sound level of 43 dB (LA90) at the nearest noise sensitive dwelling. However, a background sound level of 43 dB (LA90) is not deemed to be representative of the surrounding rural acoustic environment (as confirmed by a number of sound recordings made by Environmental Health). Determining the typical background sound level is important to ensure that values are reliable and correctly represent the acoustic environment of the locality.

Therefore, in order to obtain a representative background sound level a further noise assessment is required. This assessment should be carried out covering the period of interest (09.00-12.00), over a number of days. This will give a far more representative mean averaged background sound level for the surrounding acoustic environment. Care must be taken to ensure that any industrial/commercial sounds aren't allowed to influence the background sound level. Due to the rural setting of this location it's not deemed necessary to have other forms of industrial/commercial sounds in quantifying what is the typical background sound level.

Further comments 11/01/2021:

I've had another look at this and whilst I still believe that the acoustic report is being very liberal with the background sound measurement for the area, a way around requiring a further noise assessment could be the proposing a noise condition 5dB below the suggested background level. This is what I was thinking of recommending:

In order to ensure that the noise climate of the surrounding area will be protected the following noise condition is recommended:

A noise mitigation scheme shall be designed and implemented in full throughout the operational lifetime of the B2 site. The noise mitigation scheme shall be sufficient to ensure that the Rating Level of any noise generated on the site shall not exceed:

- o 39dB(LAeq 60min) 5dB below the day-time (07:00 until 23:00) background noise level of 44dB(A) when measured or determined at the boundary of any noise sensitive property. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

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

I think this condition would offer sufficient protection for the AONB & residents during daytime operations from the site.

Further comments 14/01/2022:

The application is recommended for approval with conditions attached. In order to ensure that the noise climate of the surrounding area is protected the following noise condition should be attached:

The applicants proposed noise mitigation scheme shall be implemented and maintained throughout the operational lifetime of the B2 site. The noise mitigation scheme shall be sufficient to ensure that the Rating Level of any noise generated on the site shall not exceed:

o 39dB(LAeq 60min) when measured or determined at the boundary of any noise sensitive property. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

The carrying out of any shot blasting activities should be restricted to the following hours:

o 9am to 12pm Monday to Friday with no shot blasting activities on taking place on Saturdays, Sundays or Bank Holidays.

### **Other Representations**

6 objections have been received raising the following concerns:

- Noise is unacceptable
- The use is inappropriate in an AONB
- Increased traffic
- Damage to roads
- Pollution of the watercourse
- Visually unacceptable and untidy
- Effect on the setting of listed buildings
- It would set a precedent

2 comments in support and 1 representation offer the following comments:

- Shot blasting cannot be heard
- The compressor has been used for decades
- No effluent is generated
- Vehicles do not cause issues
- There is no visual impact
- The plant hire use is well established
- Businesses cannot be excluded from the countryside

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

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
94/P1834	Use Of Land For Storage Of Plant	Withdrawn	28.06.1995
97/P1245	Demolish Existing Buildings And Erect Store For Hay/straw And Agricultural Plant	Approval with conditions	25.09.1997
20/0287/CPE	Certificate of existing lawfulness to establish a mixed use of land & buildings for B1, B2 & B8 uses.	CPE Approved	26.05.2020
20/1115/COU	Proposed change of use of 1 no existing structure from agricultural to B1 and B2 use	Refusal – Appeal being considered	26.02.2021
21/2259/CPE	Certificate of existing lawfulness of part of building for part office, workshop and storage use.	CPE Approved	12.11.2021

### **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)

EN4 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites)

EN9 (Development Affecting a Designated Heritage Asset)

EN14 (Control of Pollution)

E5 (Small Scale Economic Development in Rural Areas)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

### **Site Location and Description**

The site is located at Combpyne, a small settlement located a short distance north of the A3052 roughly midway between Colyford and Lyme Regis.

The application building sits in a yard within an elongated parcel of land slightly divorced from the nearest houses but still within the settlement. Access is via an unmade track passing to the north of 'Harbour Close'.

The site is within the East Devon AONB and there is a County Wildlife Site immediately to the east.

The nearest residential properties are to the south and south east and some are listed grade II. Further to the south is a grade I listed church.

## **ANALYSIS**

This application is partly to allow shot blasting to continue within an existing building and partly for the retention of an attached structure which houses an air compressor used in association with the shot blasting and to operate other equipment.

## **Background**

The land was originally used for agricultural purposes but the evidence indicates that by 1994 the use of the land for the storage of plant had become lawful.

The earliest application on the site (94/P1834) was withdrawn and the documentary evidence indicates that this was because a lawful development certificate had been granted for the same use, namely use of the land for storage of plant. It appears that parallel LDC and planning applications were submitted but neither the applicant or his agent nor the planning, land charges and legal departments of the Council have been able to trace a record of the decision, other than a reference to it in the planning application. The report on the planning application explains:

"the use [was] regarded as lawful within the meaning of the Act, subject to it being restricted to the storage and maintenance of plant limited to 2 x JCB type diggers, one mini digger and one tractor and trailer, together with the storage of fuel and spare parts used in connection with the plant hire business."

In 1997 the building within which the shot blasting now takes place was granted planning permission. This was subject to the following condition:

The building hereby permitted shall be used only for purposes in connection with the use of the adjoining land for the purposes of agriculture and the plant hire business operated from this site.

(Reason - In order to retain control over the scale of the use in the interests of the amenities of the area and highway safety).

This appears to confirm that the use of the land for a plant hire business was considered to be lawful by that time.

A 2020 application for a lawful development certificate resulted in a certificate being issued for the B8 use of two small buildings within the site but insufficient evidence was provided to demonstrate a B1 and B2 use of the building which is the subject of the current application.

This certificate was followed by a planning application for the B1 and B2 (shot blasting) use of the building but this was refused for the following reason:

"The noise from the shot blasting operations of the B2 use would result in significant observed adverse effects. The noise levels created would be harmful to both the living conditions of the nearby occupiers of adjacent properties and to the identified tranquillity of the wider designated Area of Outstanding Natural Beauty. The mitigation measures proposed are not considered sufficient to contain the noise to an appropriate level. As such the proposal would conflict with policies D1 (Design and Local Distinctiveness), EN14 (Control of Pollution) and strategy 46 (Landscape Conservation and Enhancement and AONBs) of the adopted East Devon Local Plan, and guidance contained within the National Planning Policy Framework and the National Planning Policy Guidance."

In the absence of a lawful development certificate or planning permission for shot blasting, an enforcement notice was issued requiring the shot blasting to cease.

Both the refusal of planning permission and the enforcement notice have been appealed by the applicant but both appeals are currently in abeyance pending the outcome of this application.

In response to the LDC failing to confirm a lawful use for the building and following the refusal of planning permission for a B1 and B2 use, further evidence was provided in 2021 and a certificate was granted for the use of part of the building as an office, workshop and store incidental to the use of the site for plant hire (a sui generis use). This certificate excluded the part of the building used for shot blasting because the use was relatively new and had not become lawful.

The current application therefore seeks to address the only unresolved issue, namely the planning status of the remaining part of the building and the compressor housing.

### **Principle of the development**

The starting point for the consideration of this application is that the land has had a lawful use for over twenty five years for storage of plant for hire. Furthermore, associated with this lawful use is a building which is lawfully used for incidental purposes that include administrative work and plant repair and maintenance. Such maintenance activities include the use of a compressor which, until recently, was not housed in an acoustic enclosure.

It is important to note that this forms the baseline in terms of characterising the area and the lawful uses cannot be taken away from the applicant.

Combpyne is otherwise residential in character and set within rolling farm land in a landscape which is designated as an AONB. Although it is less than a mile from the

A3052 it is relatively undisturbed by traffic other than that which is attracted to the settlement and some through traffic, including farm traffic.

The application building is about 80m from the nearest dwelling and although there is open ground and trees between the site and the building, the application site is considered to lie within the settlement, not least because it is accessed from a driveway close to the houses.

The building housing the shot blasting benefits from planning permission and therefore its continued physical presence is not in question when considering the visual impact of the development. In addition, the compressor housing is modest in size and has no visual impact beyond the site boundaries. The visual effects of the development on the AONB are therefore acceptable. Likewise, there would be no harm to the setting of the grade 1 and II listed buildings located to the south east of the site.

Policy E5 of the Local Plan supports the use of existing buildings for business purposes in the countryside and also the development of new buildings on previously developed land. This support is subject to consideration of various environmental factors but in principle the development proposed is compatible with the employment policies of the Local Plan.

In light of this the main issues are whether the continued use of the building for shot blasting is appropriate in this location with particular regard to noise impacts on residential amenity and the effect on the AONB.

### **Noise and residential amenity**

The shot blasting takes place in an enclosure within the building which is accessed from a door in the north elevation. The compressor is housed in a lean-to roofed enclosure also on the north elevation.

At the time of the last planning application the walls and roof of the enclosure were constructed as follows:

- INSIDE
- 100mm timber stud/ rafters
- 100mm PIR insulation in the void
- Corrugated metal sheet
- OUTSIDE

The acoustic report proposed the following enhancement to the wall and roof construction:

- INSIDE
- 18mm OSB Board
- 100mm timber stud/rafters
- 100mm Rockwool insulation min 33 kg/m<sup>3</sup>
- Corrugated metal sheet
- OUTSIDE

alongside the following measures:

- sealing any air gaps with expanding foam or non-hardening mastic;
- closing the hole in the door which is used to operate the latch;
- installing a heavy duty door seal to the bottom of the door;
- sealing the other edges of the door with draft excluder or rubber seal if possible;
- moving the ventilation opening away from the 'noise sensitive receptors';

These enhancements have now been implemented and in addition to these an acoustic enclosure has been constructed for the compressor. Following this work a new noise assessment was undertaken as detailed in the submitted report from the applicant's consultant.

For comparison, background noise levels and operational noise levels were measured on 1 July 2020 and 22 June 2021, pre- and post- mitigation.

Readings were taken within the site but also close to the nearest noise sensitive receptor, Manor House and its garden. Because the latter is a private property the readings were taken from representative points nearby which were slightly closer to the application site than the house and its garden.

In 2020 a background noise level of 43dB was measured at a point about 4m away from the windows of Manor House (location MP1). The same noise level of 43dB was recorded when the background noise level was measured in 2021. In addition to this, in 2021 a recording was taken from a second location adjacent to the garden of Manor House (location MP3) at which a background noise level of 39dB was recorded.

On both occasions the noise levels were also recorded when the shot blasting was taking place, in other words, before mitigation in 2020 and after mitigation in 2021.

Before mitigation the 'specific sound level' at MP1 when shot blasting was taking place was 48dB. On top of this a rating penalty of 3dB was applied, giving a 'rating sound level' of 51dB. This represents an uplift of 8dB above background noise level recorded at MP1. According to BS4142 this is indicative of an adverse impact or, with reference to Planning Practice Guidance, a Lowest Observed Adverse Effect Level.

After mitigation the 'specific sound level' at MP1 when shot blasting was taking place was 38dB. No rating penalty was applied because no intermittency was detectable to a material degree and therefore the 'rating sound level' was also 38dB. This is 5dB lower than background noise level recorded at MP1.

Similarly, after mitigation the 'specific sound level' at MP3 when shot blasting was taking place was 39dB. No rating penalty was applied because no intermittency was detectable to a material degree and therefore the 'rating sound level' was also 39dB. This is the same level as the background noise level recorded at MP3.

Therefore, at both MP1 and MP3 the post-mitigation noise levels are indicative of a 'low impact', according to BS4142.

Section 9.3 of the noise report concludes that these results mean that:

"the development will give rise to noise impacts that would be categorised as between No Observed Effect Level (NOEL) and No Observed Adverse Effect Level (NOAEL) within the PPG Noise guidance, depending on the context."

In such circumstances no specific mitigation measures are required beyond those already identified. It is noted, however, that the applicant is willing to restrict shot blasting to the hours of 9am-12pm Monday to Friday. This can be secured by condition along with retention and maintenance of the mitigation measures, as suggested by the Environmental Health Officer. It is also noted that the tree screening is already protected by a condition on planning permission 97/P1245 so this adds a further degree of mitigation.

Notwithstanding the conclusion in the noise report that the shot blasting is virtually inaudible off site, the following comments have been received from local residents:

*"We write this at 8am on a Tuesday morning when the sound of a compressor, along with the loud clank of metal being moved, can be clearly heard across the valley. Its like living next to a permanent building site, operating 7 days a week, which is intolerable and as such we strongly object to the above planning application."*

*"My wife and I have become aware of increasing noise from the site since the applicant began using the site for shot blasting in about 2018."*

*"As far as noise pollution is concerned his activities are clearly heard from our house and we are further way than some others. In winter there are no tree leaves to mute the sound. "*

*"It is also the constant nature of the noise and the way it reflects in the step sided valley which is the centre of the village and the location of the site in question."*

*"At the time of writing, my wife and I still must live with a noisy compressor, shot-blasting and excessive commercial vehicle movement."*

Some, if not most of the noise highlighted by these residents may be attributed to the lawful use of the site. Furthermore, the evidence of the noise consultant indicates that shot blasting itself is not a cause of adverse noise following mitigation. It is accepted, however, that metal is moved into and out of the shot blasting room and a small number of additional vehicle movements may be attributed to the activity. Whilst it is possible to control the use of the shot blasting room, it is not so simple to control the incidental activities such as receiving items for shot blasting or sending them away once processed.

There has been no specific assessment of the noise associated with these incidental activities, or at least if it did form a component of the noise assessment, it is not specifically addressed in the report. However, such noise would be brief in duration and infrequent given the small scale of the operation. It would also take place in the

context of a lawful use which generates similar noise. In this context the proposed development would only represent a minor intensification of activity giving rise to little to no change in noise output.

Having regard to the evidence provided it is concluded that noise from the development would not have an adverse impact on the health and quality of life of the occupants of surrounding buildings.

### **Impact on the AONB**

Whilst the effect on residential amenity is a question of health and quality of life, the effect on the AONB is a question of character and relative tranquillity.

To put this issue in context, The Countryside and Rights of Way Act 2000 says that a local planning authority must "have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."

Paragraph 176 of the NPPF also says: "Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues."

Paragraph 185 adds:

"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

(a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life;

(b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

(c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."

The key issue therefore is whether the development would adversely affect the relative tranquillity of the area.

It is important to highlight the term 'relative' because this is not an area which is devoid of man-made noise. Whilst some arises from the application site, there are also 30-40 dwellings in Combyne giving rise to some level of noise and activity, as well as farming activity.

It has already been found that the shot blasting has been mitigated to the extent that it has a negligible impact outside the site. This leaves the incidental activities that take place outside the shot blasting enclosure or when the door is open.

The amount and type of traffic associated with the shot blasting must be viewed in the context of the lawful use of the site and the amount and type of traffic already using the roads through Combyne. In terms of amount, any increase would be very modest as the shot blasting process is not conducive to a high throughput of material, particularly if it is limited to three hours per day. In terms of the type of traffic, it would be similar to that which is already generated by the site and similar also to the delivery vehicles and farm traffic that serve the settlement and surrounding countryside. It is therefore concluded that the traffic impacts of the development would not adversely affect the relative tranquillity of the area.

The other main noise generating incidental activity is the moving of metal around the site. As already noted, there are 30-40 dwellings in Combyne and at any time there may be gardening or building works going on that would generate unwelcome noise. However such noise is characteristic of a residential area and the most intrusive types of noise arising from building works are likely to occur infrequently. In contrast, moving metal for shot blasting would occur several times a week, if not daily.

To a large degree the amount of noise generated when moving metal around the site is a consequence of how carefully it is handled. This cannot be controlled by means of a planning condition but there would inevitably be a certain level of economy of movement for reasons of physical ease and efficiency. It is also likely that care would be taken to avoid damage to material being processed for customers. Factoring in the time limits on shot blasting it is likely that noise generated by moving metal around would be occasional rather than frequent or continuous. In relative terms therefore, it is unlikely to be significant.

The comments of the AONB Partnership caution that great care must be taken to avoid a negative impact on tranquillity. In this case the development would take place in the context of an established noise generating business and would not change the character of the activities carried out in terms of noise. Whilst it is true that there would be occasional noise, that is also true of the lawful use. Given the small scale of the development any change would be modest and in the context of other noise in the local environment would not be significant. It is therefore concluded that the relative tranquillity of the area would be conserved.

### **Other matters**

It has been suggested that this application should have been turned away using powers under Section 70A of the Town and Country Planning Act 1990. These powers establish that an application may be turned away if a 'similar application' is under consideration on appeal. Whilst there is an outstanding appeal, the two applications are not regarded as similar because mitigation measures have since been undertaken in an effort to overcome the reason for refusal. Those measures are worthy of consideration and without prejudice to the planning process it was reasonable to conclude that a different outcome might result. In such circumstances it would have been unreasonable to turn the application away.

Some comments have suggested that a B2 use is fundamentally inappropriate for this area. However, the proposal is for a specific B2 use which is capable of being controlled by conditions and therefore granting permission would not allow other B2 uses to take place.

Concern has been raised about pollution of watercourses but the shot blasting process does not give rise to effluent that escapes into the surrounding environment.

The nearby County Wildlife Site is described as "Wet woodland and dry woodland with areas of swamp and mire". As noted above, the proposal would not give rise to pollution of the local environment.

## **CONCLUSION**

The proposal is for a small expansion and diversification of an established business in a rural area. Such development is supported in principle by Policy E5 subject to consideration of any impacts on its surroundings. These include impacts on neighbours and, in this case, any impact on the AONB.

Shot blasting can be a noisy activity but an insulated enclosure has been constructed in accordance with advice from an acoustic consultant. This has effectively contained the noise such that it does not adversely affect local residents or the relative tranquillity of the AONB.

Associated with the shot blasting there are a small number of additional vehicle movements and material handling which may generate some noise. This must be considered in the context of the lawful use of the site and its location within a settlement which itself generates a certain amount of noise. Relative to the established noise environment, the proposed development would generate little change. It would therefore have no material impact on local residents or the relative tranquillity of the AONB.

Subject to conditions limiting the nature and scale of the development the proposal is acceptable.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. 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.)
2. The use hereby permitted shall be limited to use for shot blasting 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 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and 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.)

3. The use hereby permitted shall not take place outside the hours of 9am to 12pm Monday to Friday, with no shot blasting activities taking place on Saturdays, Sundays or Bank or Public Holidays.

(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.)

4. The noise mitigation measures described in the Noise Assessment prepared by inacoustic (project number 20-141, dated 24 June 2021) shall be maintained throughout the operational lifetime of the use hereby permitted such that the Rating Level of any noise generated on the site shall not exceed 39dB(LAeq 60min) when measured or determined at the boundary of any noise sensitive property. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

(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.)

#### NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email [cil@eastdevon.gov.uk](mailto:cil@eastdevon.gov.uk).

#### Plans relating to this application:

	Location Plan	16.12.21
03	Proposed Elevation	16.12.21
04	Proposed Floor Plans	16.12.21

#### List of Background Papers

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

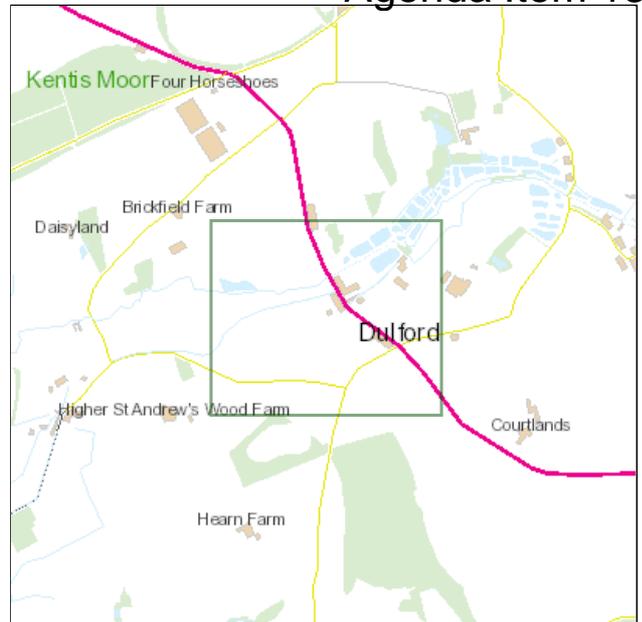
**Ward** Tale Vale

**Reference** 22/0058/FUL

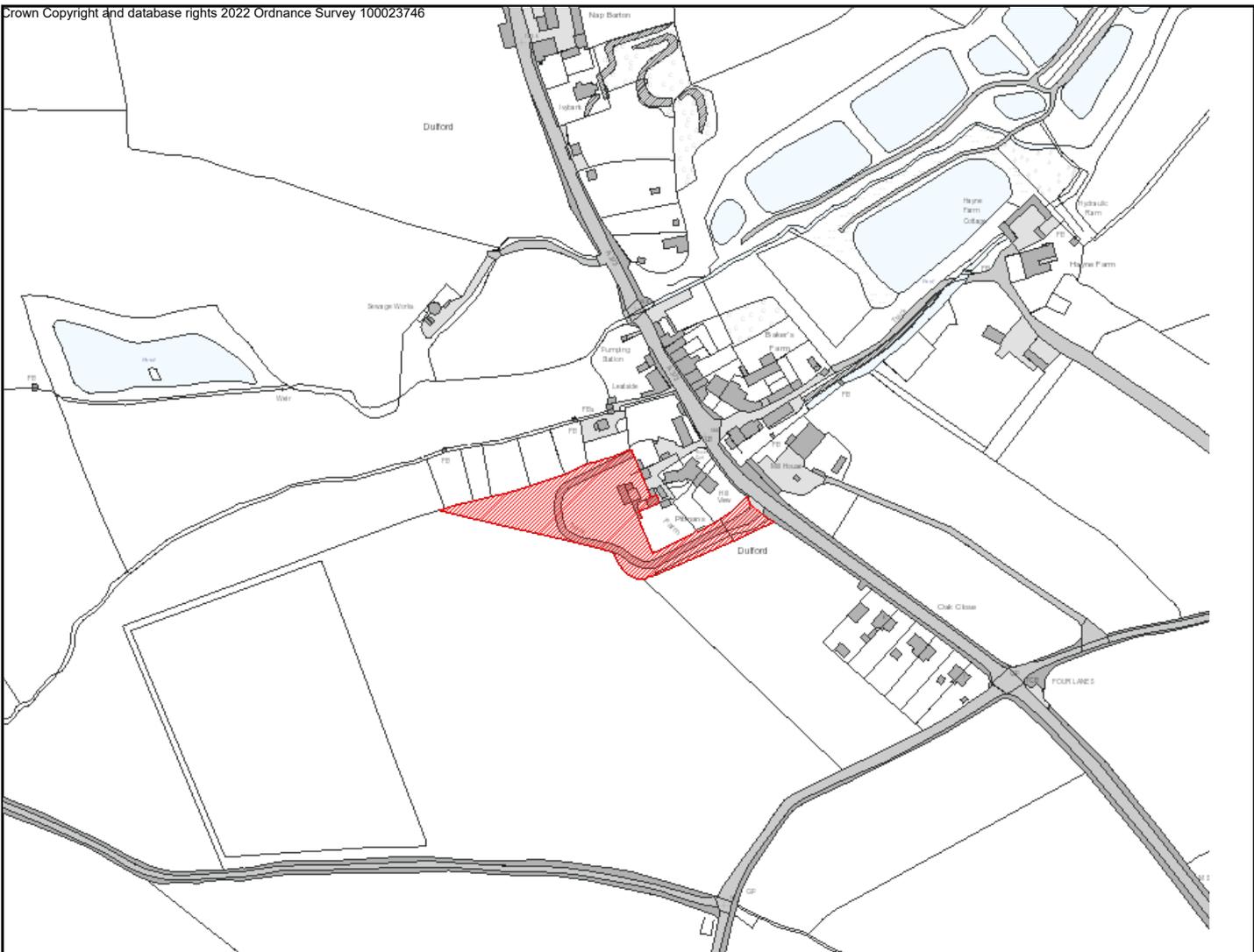
**Applicant** Sophie, Harriet and Oliver Persey

**Location** Pitmans Farm Dulford Cullompton EX15 2ED

**Proposal** Proposed demolition of existing buildings; construction of residential dwelling and detached garage; installation of solar photovoltaic array; landscaping; and associated works.



**RECOMMENDATION: Refusal**



		<b>Committee Date: 16<sup>th</sup> March 2022</b>
<b>Tale Vale (Broadhembury)</b>	<b>22/0058/FUL</b>	<b>Target Date: 09.03.2022</b>
<b>Applicant:</b>	<b>Sophie, Harriet and Oliver Persey</b>	
<b>Location:</b>	<b>Pitmans Farm Dulford</b>	
<b>Proposal:</b>	<b>Proposed demolition of existing buildings; construction of residential dwelling and detached garage; installation of solar photovoltaic array; landscaping; and associated works.</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

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

**The application seeks planning permission for the construction of a two storey dwelling and detached garage. The site is situated within Dulford, a small group of houses along the A373 outside of any designated settlement boundary (as defined by the East Devon Local Plan).**

**The spatial strategy for development is focused around the seven main towns and larger villages with built up area boundaries, as described by Strategy 27, will form focal points for development. However Dulford is not included as such a settlement and therefore was not considered to have an appropriate level of services and facilities to support further residential growth. Therefore, for planning purposes, the proposal takes place within the open countryside and therefore subject to restrictive rural policies.**

**Strategy 7 (Development in the Countryside) states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan Policy. This particular Strategy restricts new housing development in the countryside to those circumstances where there is an essential need, such as for affordable housing or workers dwelling. The current proposal does not meet any of these exemptions. During the Small Towns and Villages Development Sustainability Assessment 2014 it was concluded that Dulford, in addition to many other villages and hamlets within the northern part of the district, do not have a suitable level of services or facilities to support further residential growth. As such the principle of constructing an open market dwelling is not supported.**

The Parish Council have raised concerns over the overall scale form and bulk of the dwelling and subsequent impact on neighbouring properties. Despite this, it is the position of officers that the siting of the dwelling provides sufficient relief from the adjacent parking area and driveway that serves 1 Rose Cottage and the presence of outbuildings and vegetation provide screening to assist in mitigating the physical impact of the build.

The elevation drawings indicate three rooflights and a dormer window with an easterly outlook. The window on this dormer would serve a bathroom and assumedly obscured or frosted, and therefore, it is unlikely prospective occupants would be able to directly overlook adjoining amenity areas. A suitably worded condition could ensure that this window is obscured or frosted prior to occupation. Regarding the impact of the rooflights the lowest of the three to sill would be 2.4 metres and serve a landing area, walk in wardrobe and en-suite. As such, it appears that their sole purpose is to provide additional light rather than to provide any outlook and therefore it is unlikely that prospective occupiers would be able to readily overlook adjacent amenity areas.

The applicant's Design and Access Statement has sought to highlight benefits to the setting of Dale House, a Grade II listed building, and the wider character and appearance of the area. The existing dilapidated structures are not readily visible from public view and the site has overtime become separated and is now accessed through its own independent access further south along the A373. Additionally new boundaries have been established and owing to the physical distance between Dale House and the dilapidated farm buildings it is not considered that these form part of the Heritage Asset's setting. Additionally, due to limited public views of the existing farm buildings it is felt that, despite their poor physical state, their removal would not necessarily result in an enhancement to the setting of Dale House or the character and appearance of the area.

Finally, the environmental benefits of the PV array and ecological benefits of planting a wild flower meadow have been factored into the planning balance however, in this case, the benefits are not deemed to outweigh the identified conflict with the development plan. As such the application is recommended for refusal.

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

#### MINUTES OF THE PLANNING MEETING

HELD ON FRIDAY 21 JANUARY 2022 at 4pm

Present: Councillors Bradshaw, Howgill and Powell

22/0058/FUL - Pitmans Farm, Dulford, EX15 2ED Proposed demolition of existing buildings, construction of residential dwelling & detached garage, etc

A representative of the neighbours informed the Councillors present that there was still concern re the height of the proposed dwelling and that letters regarding this would be lodged with EDDC - they had noted that the window overlooking nearby properties was now to be opaque.

**SUPPORT REPLACEMENT OF THIS VERY RUN DOWN AND DILAPIDATED BUILDING WITH A BUILDING WITH A LOWER PROFILE WHICH DOES NOT DOMINATE NEIGHBOURING PROPERTIES**

Tale Vale - Cllr Philip Skinner

I am writing regarding planning application number 22/0058/FUL.

I have visited this site on several occasions in the past, therefore my knowledge of this particular site is well known to me.

I believe the application is making use of some previously redundant farm buildings in a location that abuts the main road network from Cullompton to Honiton sitting in the hamlet of Dulford.....of which I have been the Ward member for 22 years.

I would understand in planning terms that not being an exception site that our policy framework would normally resist such applications but it is my view that this site would fall in to the 'unique' policy which is our policy of common sense.

This proposal does two things, it addresses the issue of the demolition of some old redundant farm buildings and replaces it with one dwelling.

This is a judgement call on enhancing the environment by the removal of the old buildings and replacing them with a new, more environmentally friendly building that is going to be 'cost conscious' on energy performance.

I very often feel that policy sits as a blanket, overarching tool, that should very much protect our rural development from unwanted development but in this case I feel quite strongly that a refusal on this particular application would be, indeed, a misjudgement on our part as a planning authority.

We do have a 'departure' policy that should 'take a pragmatic view' on such applications and in my opinion this is one of those moments.

It is my view that this should be allowed and as such I am intending to SUPPORT this application.

I would ask that this application is taken to committee if indeed the officer recommendation were to differ from mine.

**Technical Consultations**

None received.

Other Representations

Three third party comments have been received that object to the development. Concerns raised within are summarised below:

- Impact on highway safety.
- Lead to an increase in anti-social behaviour.
- Overlooking of gardens.
- Lack of infrastructure to accommodate further residential growth.
- Lack of parking.

## **PLANNING HISTORY**

14/1756/FUL - Conversion, alteration and extension of existing farm buildings to provide a dwellinghouse with garage parking. REFUSED and APPEAL DISMISSED.

15/1571/FUL - Conversion of existing redundant farm buildings to provide a three/four bedroom dwelling house with garage parking. REFUSED

21/2258/FUL - Demolition of existing buildings and erection of a 4 X bed residential dwelling and detached garage, and installation of solar photovoltaic array, landscaping and associated works. REFUSED

## **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 38 (Sustainable Design and Construction)

D1 (Design and Local Distinctiveness)

EN9 (Development Affecting a Designated Heritage Asset)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

EN5 (Wildlife Habitats and Features)

Broadhembury Neighbourhood Plan (not yet made)

## **Site Location and Description**

The site is located in the hamlet of Dulford which falls within the parish of Broadhembury.

The existing cluster of buildings consist of mostly brick and breezeblock with lean to roofs. The buildings are in various states of disrepair, in part due to a fire some 25 years ago. The complete working buildings once incorporated a two storey element, however, the current character of the site is one of old, tumble down farm buildings surrounded by residential dwellings to the east and agricultural land to the west.

Dulford is a small group of houses that sits either side of the A373 between Honiton and Cullompton. The site is situated within the open countryside and is not part of a defined settlement. Dulford is surrounded by open fields with scattered farms and agricultural buildings set within the rural landscape. The closest defined settlement is

Broadhembury, more than 2 miles away by road. Notwithstanding the school-bus stop nearby, the application site is situated a significant distance away from local services such as shops, health and leisure services as well as employment opportunities.

## **Proposal**

The application seeks planning permission for the construction of a two storey dwelling and detached garage.

## **Site History**

The site has already been subject to a couple of planning applications that have sought to introduce residential use at Pitmans Farm. Both 14/1756/FUL and 15/1571/FUL were refused at Committee with the former also being dismissed at appeal. The current application is an identical resubmission of 21/2258/FUL that was refused. For the following reason:

*The proposed development, by virtue of its position within a countryside location without any exceptional justification, is considered to be contrary to countryside protection policies. Furthermore, the site is poorly located and divorced from sufficient services facilities, employment, and public transport and as consequence the proposed development would lead to additional travel by private vehicles. As such, the development is considered contrary to Strategy 7 (Development in the Countryside), Strategy 27 (Development at the Small Towns and Larger Villages) and (Policy TC2 (Accessibility of New Development) of the adopted East Devon Local Plan 2013 - 2031) and guidance contained in the National Planning Policy Framework (2019).*

The most significant difference with the current application compared to the 2014 and 2015 submissions is the proposal to construct a new two storey structure rather than convert the existing agricultural buildings.

## **ANALYSIS**

The following issues are considered material in the assessment of the current application.

- Principle of Development
- Impact on character and appearance of the area
- Impact upon neighbouring amenity
- Impact on neighbouring amenity
- Any other material considerations

### **Principle of Development**

The site is situated within Dulford, a small group of houses along the A373 outside of any designated settlement boundary (as defined by the East Devon Local Plan).

The spatial strategy for development is focused around the seven main towns and larger villages with built up area boundaries, as described by Strategy 27, will form

focal points for development. However Dulford is not included as such a settlement and therefore was not considered to have an appropriate level of services and facilities to support further residential growth. Therefore, for planning purposes, the proposal takes place within the open countryside and therefore subject to restrictive rural policies.

Strategy 7 (Development in the Countryside) states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan Policy. This particular Strategy restricts new housing development in the countryside to those circumstances where there is an essential need, such as for affordable housing or workers dwelling. The current proposal does not meet any of these exemptions. During the Small Towns and Villages Development Sustainability Assessment 2014 it was concluded that Dulford, in addition to many other villages and hamlets within the northern part of the district, do not have a suitable level of services or facilities to support further residential growth.

As such the principle of constructing an open market dwelling in this location is not supported by, and is contrary to, Local Plan policy.

### **Impact upon Character and Appearance of the Area and Wider Landscape**

The design approach of the application building appears to have been influenced by the local vernacular of the village. The use of painted render, oak, stone, slate and thatch is considered an acceptable palette of materials that are sympathetic to the immediate area and reflect those used for the construction of other dwellings within the hamlet. The rear (east) elevation would be visible from the A373 in between the properties of Dale House and 1 Rose Cottage.

To the north of the site there is a group of trees which provide some screening from the public views available from the footpath below. It is likely that the roofs of the two storey sections of the property would be partly visible along the route and potentially more so in the winter months. Further long range views of the site would be available from the north above and looking back from the A373. To the east the buildings form the boundary with the lower section of the neighbouring garden.

A compacted stone drive would follow the existing access off the A373 and cut through the middle of the parcel of land to the northern boundary to serve the detached double garage. An array of photovoltaic panels would be located immediately south of the build. The principal roof would be finished in thatch with conservation rooflights in the rear pitch. A single storey element would span the entire width of the rear (east) elevation and have a pitched roof. Just above, a dormer would break the eaves line of the build and have a lead flat roof. All windows are to be aluminium with casement frames.

Despite concerns raised by the Parish Council, it is considered that the scale, form and overall mass of the application build mimics that of other properties within the immediate area. The design approach, including the choice of materials is considered to acknowledge its rural setting. Despite the replacement structure being much larger than the existing building, the site is fairly well set back from the nearest public highway and is largely screened from public view by the existing residential properties that front

the A373. However, due to the application site being set some 50 metres back from the adjacent highway, the provision of a dwelling here would not follow the established pattern of development where properties within the hamlet tend to immediately front an adjacent highway. Despite this, apart from the glimpsed view available between Dale House and 1 Rose Cottage, it would not be immediately evident to those passing through the hamlet that there was a residential property here.

It is possible that some glimpsed views of the build might be available along Broadhembury footpath 11 immediately south of Brooklea. However the build would be partially screened by existing vegetation, fencing and outbuildings. As such the subsequent visual impact from the footpath is deemed low. Longer distance views from Oak Close and road to Higher St Andrews Farm are narrow in width and bordered by substantial devon bank that screen public view of the site.

In light of the above, in addition to the site utilising an existing access, it is not considered that the introduction of a dwelling would cause undue harm to the character and appearance of the area or wider landscape.

### **Impact on Neighbouring Amenity**

The application site borders a number of residential properties to the east that form a terrace including Pitmans Farm, Rose Cottages and Hill View. The existing farm buildings are visible from the outdoor parking area located immediately west of Pitmans Farm. This area in question also consists of two garages, one brick and timber, the other pebble dash. The area is surfaced with patches of gravel, grass and is also used for bin storage purposes.

The application building would have first floor rooflights on the eastern roof pitch and a dormer with an obscured window that would face towards this eastern amenity space of Pitmans Farm. The subsequent relationship has prompted objections from a number of third parties who feel that there are issues concerning overlooking and physical dominance.

The application building would be located approximately 5.5 metres away from the eastern boundary. As such it is acknowledged that the two story build, with a ridge height of approximately 8 metres, would have a degree of impact upon this amenity area through physical impact alone. However, a degree of relief is provided as the dwelling would be set back from the boundary. Additionally, the presence of the brick garage and a mature trees would provide a level of screening to mitigate the overall physical impact of the build. As such, solely with regards to physical dominance of the proposal, it is not considered that the application could be refused.

The application also proposes a flat roof dormer on the rear elevation. The window on this dormer would serve a bathroom and assumedly obscured or frosted, and therefore, it is unlikely prospective occupants would be able to directly overlook adjoining amenity areas.

A suitably worded condition could ensure that this window is obscured, or frosted, and fixed shut below 1.75m above floor level prior to occupation. There are also three rooflights proposed on the rear elevation. However the level to the lowest of the three

would be 2.4 metres and as such it appears that their sole purpose is to provide additional light rather than to provide any outlook. As such, it is unlikely that prospective occupiers would be able to readily overlook adjoining amenity areas.

Whilst it is acknowledged that the proposals would have a degree of impact upon the adjoining parking area of Pitmans Farm, it is considered that the degree of physical separation, height of the rooflights and obscuration of the dormer window would result in limited harm. As such the application is considered to meet the objectives of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.

### **Access and Highways**

Policy TC2 of the East Devon Local Plan specifies that new development should be located so as to be accessible by pedestrians, cyclists and public transport. Whilst it is acknowledged that a bus service is available to residents on certain days within the week, prospective occupiers of the dwelling would be largely dependent on private forms of transport for day to day living including employment opportunities. As such the application is contrary to Policy TC2.

The proposals include an adequate level of parking to serve the four bedroom property. Additionally, there is considered sufficient turning space and visibility at the access point off the A373 in order for users to safely exit the site in a forward gear. Third party comments have expressed concerns over the safety of the access. However the access onto the A373 is considered to have sufficient visibility on exiting the site in a northern and southern direction and

### **Impact on nearby Heritage Assets**

Paragraph 5.5 of the submitted Planning Statement states that removal of the existing agricultural buildings has the potential to improve the setting of Dale House, a Grade II listed building approximately 35 metres to the north east. Historical aerial imagery available to the Local Authority show that at one point the application site shared an access with Dale House prior to 1999. Overtime the site has become separated and is now accessed through its own independent access further south along the A373. New boundaries have been established and owing to the physical distance between Dale House and the dilapidated farm buildings it is not considered that these form part of the Heritage Asset's setting. Additionally, due to limited public views of the existing farm buildings it is felt that, despite their poor physical state, their removal would not necessarily result in an enhancement to the setting of Dale House.

### **Ecological Impact**

The application is accompanied by an Ecology Survey, prepared by Richard Green Ecology. The proposals would result in the loss of 0.1 ha of semi-improved grassland. These are common and widespread habitats with limited structural and floristic diversity and the loss is considered to result in a negligible ecological impact. The survey has recommended various mitigation measures to replace habitats that are to be lost through the removal of the existing structures.

### **Other Matters**

- The application would provide an acceptable level of parking.
- Surface water run-off would be dealt with via a soakaway.
- Foul sewage would be dealt with via the main sewer.
- The submitted Planning Statement has highlighted an appeal (ref: APP/B9506/W/19/324/2767) for the construction of a dwelling within the New Forest National Park. The appeal was allowed by the inspector. However in this case the appeal decision relates to a site close to an existing settlement on previously developed land and included the removal of visually prominent non-agricultural buildings. This application site does not relate to an identified settlement and concerns agricultural land. The NPPF's definition of Previously Developed Land excludes land that is currently or was last occupied by agricultural buildings. As such the application site is considered greenfield. Finally the existing cluster of agricultural buildings are not deemed to be visually prominent within the wider landscape and, as such, their removal would result in limited, if any, planning benefit. Overall the appeal decision is deemed materially different to the current application and therefore the conclusions drawn by the inspector are not considered relevant.

### **Other material considerations**

The applicant's Design and Access Statement has sought to highlight benefits to the setting of Dale House, a Grade II listed building, and the wider character and appearance of the area. The existing dilapidated structures are not readily visible from public view and the site has overtime become separated and is now accessed through its own independent access further south along the A373. Additionally new boundaries have been established and owing to the physical distance between Dale House and the dilapidated farm buildings it is not considered that these form part of the Heritage Asset's setting therefore it is thought that their removal would not necessarily result in an enhancement to the setting of Dale House or the character and appearance of the area.

Finally, the environmental benefits of the PV array and ecological benefits of planting a wild flower meadow are acknowledged and have been factored into the planning balance. However, in this case, the benefits are not deemed to outweigh the identified conflict (as they are benefits that should be provided as a matter of course) with the development plan.

### **CONCLUSION**

The location for the dwelling is contrary to Local Plan policy and the material considerations in support from the applicant and Ward Member are not considered to outweigh the lack of local plan support and unsustainable location of the site. This accords with the recent refusal of planning permission for the site.

As such the application is recommended for refusal.

### **RECOMMENDATION**

REFUSE for the following reasons:

1. The proposed development, by virtue of its position within a countryside location without any exceptional justification, is considered to be contrary to countryside protection policies. Furthermore, the site is poorly located and divorced from sufficient services facilities, employment, and public transport and as consequence the proposed development would lead to additional travel by private vehicles. As such, the development is considered contrary to Strategy 7(Development in the Countryside), Strategy 27 (Development at the Small Towns and Larger Villages) and (Policy TC2 (Accessibility of New Development) of the adopted East Devon Local Plan 2013 - 2031) and guidance contained in the National Planning Policy Framework (2019).

#### 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:

1162/21/LP	Location Plan	12.01.22
1162/21/06	Proposed Site Plan	12.01.22
1162/21/01 : Part	Proposed Site Plan	12.01.22
1162/20/04	Proposed Elevation	12.01.22
1162/20/03	Proposed Elevation	12.01.22
1162/20/02	Proposed Floor Plans	12.01.22

##### List of Background Papers

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

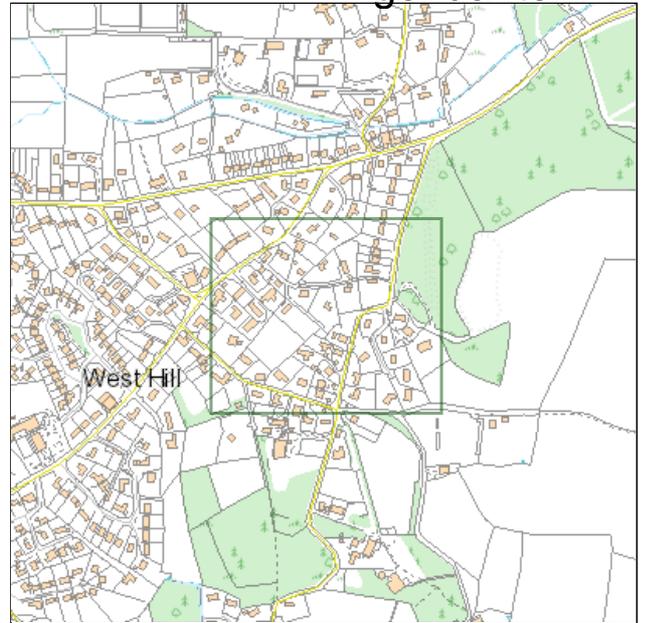
**Ward** West Hill And Aylesbeare

**Reference** 21/2989/FUL

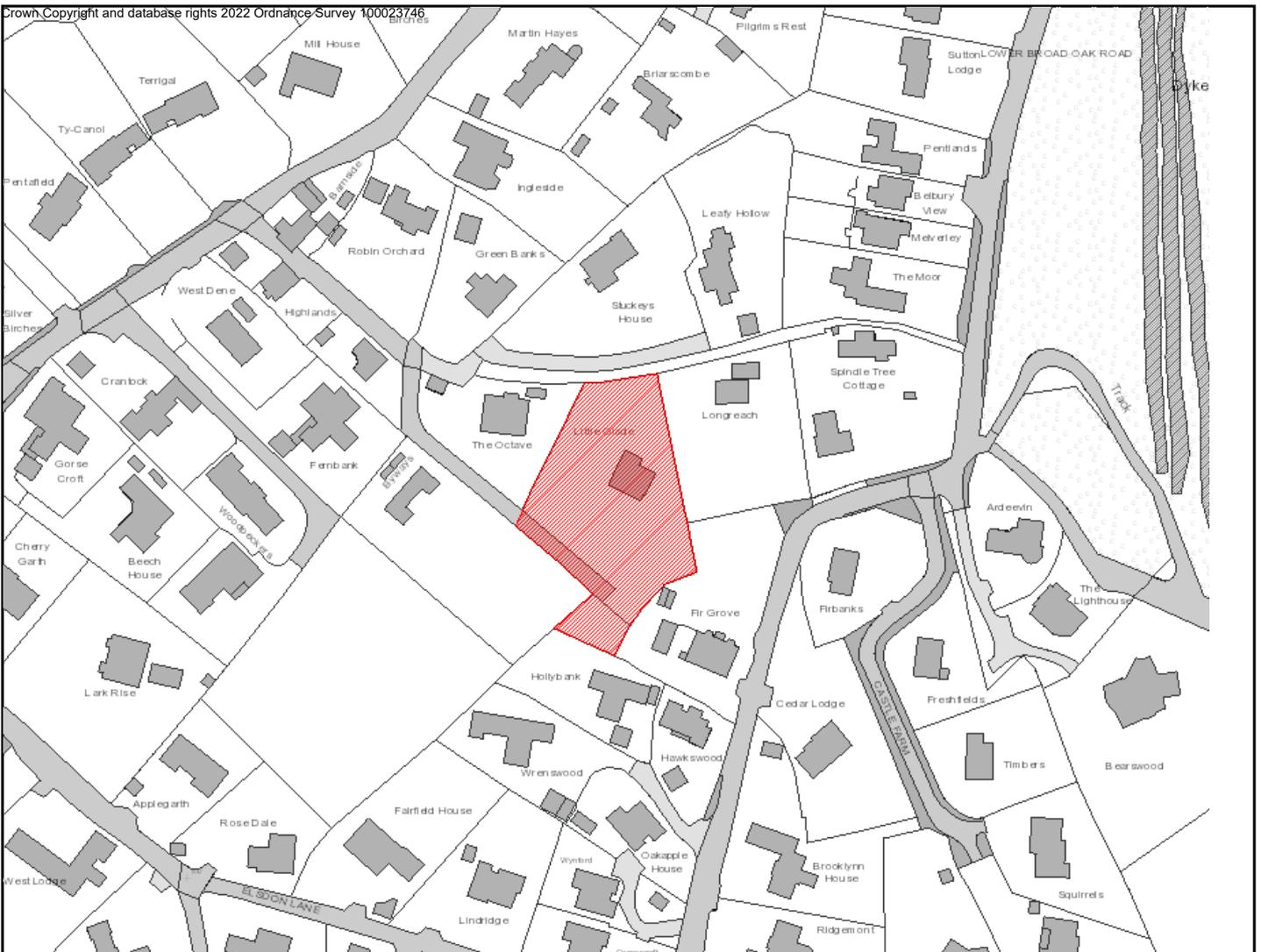
**Applicant** Hill

**Location** Little Glade West Hill Road West Hill Ottery St Mary EX11 1TU

**Proposal** Erection of a single replacement two-storey dwelling.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 1th March 2022</b>
<b>West Hill And Aylesbeare (West Hill)</b>	<b>21/2989/FUL</b>	<b>Target Date: 10.01.2022</b>
<b>Applicant:</b>	<b>Hill</b>	
<b>Location:</b>	<b>Little Glade West Hill Road</b>	
<b>Proposal:</b>	<b>Erection of a single replacement two-storey dwelling.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

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

**The application seeks planning permission for the demolition of the existing dwelling and the construction of a two storey replacement dwelling.**

**The site is located within the built up area boundary of West Hill as described within the Villages Plan, therefore, the principle of development is acceptable subject to a number of criterion.**

**The proposed replacement dwelling would be two storey and would occupy the western part of the site and extend to the existing dwelling in an 'L' shape. The design is considered to be reflective of the vernacular of the area with a modern appearance.**

**Although the area covered by the new dwelling is larger than the existing, there would be large amount of garden remaining, retaining the low density character of the site. It is also served by a private access and public views of the dwelling are very limited.**

**The location of the dwelling is closer to neighbours than the existing dwelling, in particular to the west where it is adjacent to the property known as The Octave. There are first floor windows in this elevation, however, these are proposed to be conditioned to be obscure glazed and non-opening below a height of 1.75 metres. The dwelling is not considered to result in a loss of light or have an overbearing impact.**

**There are a number of trees on site and a blanket Tree Preservation Order has been put on the site. To the front a new access track is proposed. The new track**

is not considered to result in any damage to the roots of the existing trees and protection measures during construction have been recommended. Therefore, the proposal would not have a detrimental impact on the existing trees.

The access from the existing private lane would move, however, as there is sufficient space to manoeuvre within the hard standing area to the front of the property, vehicles can re-enter in a forward gear and therefore there would not be any concern in regards to highway safety.

An ecology survey identified bat droppings but none were sighted during an emergence survey. Mitigation and enhancement measures have been provided which would ensure that there would be no loss of habitats.

In the absence of any significant harm to the character and appearance of the area, residential amenity of the neighbouring occupied properties, trees highway safety and ecology, it is considered that, the proposed development is acceptable and would comply with both the strategic and development management policies contained within the East Devon Local Plan and the policies contained within the Ottery St Mary and West Hill Neighbourhood Plan.

Therefore a recommendation of approval is made.

## **CONSULTATIONS**

### **Local Consultations**

#### **Technical Consultations**

##### **West Hill And Aylesbeare - Cllr Jess Bailey**

Although I don't have a particular issue with the principle of a new dwelling, at present I cannot support this application. My concerns are around the proximity of the west elevation to the boundary which will mean that it is 15-17 m away from the Octave. There are 5 windows in this elevation (one of which is very large at the stairwell). I don't accept the argument that this is a transitional space and therefore acceptable. In my view the proximity of the proposed new dwelling combined with the size/ number of windows will result in the the Octave being overlooked, and the perception of being overlooked to an unacceptable degree.

I agree with the tree officer that there is no need to cause harm to trees for the creation of a new entrance when there is an entrance already. Also properties should be designed to avoid felling and although it is not clear from the arb report it does seem that T2 and T7 may need to be felled. The arb report also does not provide any information on the trees in the north western grouping even though these are in close proximity to the new dwelling. It is important that a tree report details all the trees on a site and considers impact on all of them.

I therefore wish to register my objection based on the above comments.

##### **EDDC Trees**

The submitted arboricultural report shows that the proposed development can be carried out without significant impact on the existing trees. This is in part due to investigations carried out as part of a previous application at the site which showed an access route could be created through the beech hedge bank between T1 and T4/5 with minimal impact on the trees. However, the previous application was for a second dwelling at the site that would require its own access. In this instance an existing and useable access is in place and as such it is unnecessary to create a new access. I therefore do not support the proposal as it stands because of the proposed new access and its impact on existing trees, no matter how minimal.

Clarification is required in respect of paragraph 5.1.1 in the arboricultural report in relation to two semi-mature cherry trees as it is currently unclear.

### Parish/Town Council

This application was considered at the West Hill Parish Council meeting on 7th December 2021.

Councillors objected to the application and recommend refusal for the following reasons

Although the site is within the BUAB for West Hill, and development is acceptable in principle, the development does not comply with Policies NP2 and NP26 of the Ottery St Mary and West Hill Neighbourhood Plan, as described below.

- o The new dwelling would be sited close to the neighbouring dwelling, The Octave resulting in loss of amenity. The proposed two storey side elevation would be overbearing and dominate the outlook from The Octave. First floor windows on the side elevation would lead to significant overlooking and loss of privacy

- o There are many trees on the plot. The proposed location for the new dwelling will potentially lead to future loss and/or pruning of the trees to the detriment of the character of the area. Cllrs regarded the plot large enough to re-site the dwelling to reduce the impact on trees.

- o Properties in this area typically have large plots, with the dwelling central on the plot, and well screened from neighbours.

- o The application includes the removal of a significant length of mature Devon bank which would alter the street-scene of this area and would change the prevailing boundary treatments in the area.

Cllrs did not support the application and recommended refusal.

### Other Representations

Four letters of objection have been received. The letters object to the application on the following grounds:

- Overlooking to the Octave
- Loss of light
- Set of precedence
- Impact to trees
- Loss of privacy to Stuckeys House
- Light pollution
- Increase use of plot
- Air source heat pump noise

- Increase in traffic
- Harmful to the character of the area

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
20/1857/OUT	Detached dwelling and garage (outline application with all matters reserved)	Refusal	05.03.2021

## **POLICIES**

### Government Planning Documents

NPPF (National Planning Policy Framework 2021)  
National Planning Practice Guidance

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)  
Strategy 27 (Development at the Small Towns and Larger Villages)  
Strategy 47 (Nature Conservation and Geology)  
D1 (Design and Local Distinctiveness)  
D2 (Landscape Requirements)  
D3 (Trees and Development Sites)  
EN5 (Wildlife Habitats and Features)  
TC2 (Accessibility of New Development)  
TC7 (Adequacy of Road Network and Site Access)  
TC9 (Parking Provision in New Development)

### Ottery St Mary and West Hill Neighbourhood (Made)

Policy NP2: Sensitive, High Quality Design  
Policy NP8: Protection of Local Wildlife Sites and Features of Ecological Value  
Policy NP9: Accessible Developments  
Policy NP26: West Hill Design

## **Site Location and Description**

The site is an existing two storey detached dwelling located off a private lane which connects to West Hill Road. The site has a number of trees and is surrounded by neighbouring properties. To the north is the property known as Stuckeys House, to the west is The Octave and to the east is Longreach. To the southeast is Fir Grove and to the southwest is Byways.

The site is located within the Built up area boundary for West Hill as stipulated within the Villages Plan. There are no other planning designations.

## **Proposed Development**

This proposal seeks planning permission for the demolition of the existing dwelling and construction of a replacement dwelling. The new dwelling would be "L" shaped

and sited primarily in the garden to the west of the current dwelling. However, it does also extend over the footprint of the existing dwelling.

### **Consideration and Assessment**

The main issues for consideration are:

- Principle of the development
- Impact to the character and appearance of the area
- Neighbour Amenities
- Trees

### **Principle of Development**

The site is located within the built up area boundary for West Hill. West Hill is a settlement which is considered to have the facilities to meet the everyday needs of residents and have reasonable public transport, therefore Strategy 6 applies.

Strategy 6 supports development within built up area boundaries subject to a number of criteria. The relevant points to consider are whether the development is compatible with the character of the site and its surroundings, it would support the promotion of wildlife or landscape interests and would not impair highway safety or traffic flows.

Policy D1 is also applicable. This policy is a generic policy which aims to ensure that new development is of a high quality design and has limited impact upon a number of criteria but most importantly the character of the area and residential amenity.

In addition policies NP2 and NP26 of the West Hill Neighbourhood Plan support the principle of the development.

Therefore the proposal has support from the local and neighbourhood plans, subject to contextual constraints.

### **Impact to Character and Appearance of the Area**

The Neighbourhood Plans says of West Hill:

"The special character of the village owes much to the extensive planting of trees and shrubs both within and on the boundaries of plots; and The density of development is low with houses set within spacious plots;"

Although the tree cover and development density varies from area to area, it is accurate to say that the character of Little Glade and its immediate surroundings are accurately captured by that description. Indeed, the NP goes on to describe further characteristics of the village, all of which apply to the site and its surroundings.

Policy NP26 seeks to ensure that new development reflects the established character, density and layout of its surroundings and preserves the key features of the village, including its trees, hedgebanks, spacious gardens and individuality between properties.

The replacement dwelling would see all but two cherry tree remain and a tree protection plan has been produced to demonstrate how these can be protected during construction. As the trees will remain it would retain the verdant character of the site in compliance with Policy NP26.

The design of the dwelling is relatively traditional with gable ended pitched roofs and traditional materials, however, the overall design appears modern. The size of the proposed replacement dwelling is considered to maintain the low density characteristic of the site as large parts of the garden would remain.

The proposed replacement dwelling would not be visible from any public viewpoints owing to the access through a private lane. Due to this it would have limited impact on the wider character of the area.

Due to the above the proposed replacement dwelling is not considered to be out of character with the area and is considered to comply with Strategy 6 and Policy D1 of the East Devon Local Plan and Policies NP2 and NP 26 of the Ottery St Mary and West Hill Neighbourhood Plan.

### **Residential Amenity**

During the consultation period objections have been received in regards to a loss of amenity due to the proposed dwelling. Comments have been made in respect to the impact of the proposed new dwelling on the amenity of the adjacent property to the west known as The Octave.

The proposed replacement dwelling is approximately 7 metres to the boundary with The Octave and has an overall height of 8.1 metres. Due to the distance to the boundary it is considered that the replacement dwelling would not be overbearing or result in a loss of light and is therefore compliant with the provisions of Policy D1.

On the western elevation, there are five windows at first floor level which directly face the garden of The Octave. Although the windows would serve the hallway, which is not a habitable room, it is considered that obscuring the windows and having them fixed shut below 1.75m above floor level would overcome the concerns of overlooking and this shall be added as a condition and this has been accepted by the applicant. The proposed replacement dwelling is therefore not considered to result in a loss of privacy to an extent that could justify refusal of planning permission.

Comments from another neighbour have suggested that the rooflights on the northern elevation would result in a loss of privacy however they are high level rooflights where views would not be readily available over adjoining land. Therefore there would be no loss of privacy.

In regards to comments about light spill, the dwelling is not considered to result in a significantly increased amount of light spill that could justify refusal of planning permission.

Additionally the use of an air source heat pump is not considered to result in a residential amenity issue due to the distances between the dwellings.

Due to the above, and subject to an appropriate condition, the proposal is not considered to result in a loss of neighbour amenity and is compliant with Policy D1 of the East Devon Local Plan.

## **Trees**

There are mature trees at the front of the site, including oak and beech specimens, and a woodland area at the rear. In addition there are large volumes of ornamental shrubs and a mass of rhododendron extending out from the woodland. The shrubs and rhododendron offer no amenity value beyond the site and are in need of management. As such they are not considered to represent a constraint to development, however, a blanket TPO has been placed upon the site in regards to the trees.

The trees have all been surveyed and classified and a constraints plan has been drawn up, there are 12 trees on site of differing species, most of which are mature. Of the seven trees at the front of the site five are categorised as category B trees which have the greatest potential and contribute the most to landscape amenity. At the rear of the site, all of the woodland is proposed to be retained, other than cutting back of the rhododendron to the woodland edge.

The previous application found that, through airspade investigations, that cutting an access through the hedge involving minor incursions into the notional root protection areas of the adjacent trees would not in actuality result in any severance of significant roots. Therefore, subject to appropriate design and methods of working, an access can be provided through the front boundary of the site without adversely affecting the health or longevity of the retained trees. This is supported through the comments of the Tree Officer, although overall these comments object that the access is unnecessary.

The tree officer also comments that clarity is needed for a section of the arboricultural report in regards to two cherry trees. The report does not clearly state that they will be removed in the section quoted however, they are shown as being removed from the tree protection plan. As these are Class C fruit trees and it is not considered that their removal would have a negative impact upon the character of the area and suitable replacements can be obtained through a landscaping condition.

Having regard to the importance and contribution trees make to the overall character of West Hill, including these trees within the application site, it is essential that a harmonious relationship between existing trees and new development is achieved. It is considered that as the mature trees will remain as existing there would not be any conflict with Policy D3 of the East Devon Local Plan.

## **Access**

It is proposed to have a new access to the replacement dwelling off the existing private access track. The lane is single track and difficult to manoeuvre. The proposal would

have sufficient space within the hardstanding area to the front of the dwelling to turn and re-enter the private lane in a forward gear. The dwelling would also have sufficient space for two or more cars.

Therefore the application is considered to comply with Policies TC2, TC7 and TC9 of the East Devon Local plan.

## **Ecology**

A bat and protected species survey identified pipistrelle bat droppings however, none were identified in the emergence survey. Therefore mitigation measures have been suggested to ensure that roosts are provided during construction and once built. Further enhancements have been suggested and these shall be conditioned so that the application meets the criteria of Policy EN5 of the East Devon Local Plan and Policy NP8 of the Ottery and West Hill Neighbourhood Plan.

## **CONCLUSION**

The concern of the neighbour have been noted but the relationships between the properties are considered to be acceptable given the distance to the boundary, and top The Octave, and subject to conditions ensuring that the hall windows facing this property are obscure glazed and fixed shut to prevent overlooking.

Subject to this condition, and given that the principle of development is acceptable and all other matters in relation to trees, access and ecology have been adequately addressed, a recommendation of approval is made.

## **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. Prior to commencement of any works on site (including demolition), Tree Protection measures shall be carried out as detailed within the Arboricultural Report and method statement submitted by Doug Pratt Tree Consultancy dated the 1 November 2021 and shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed, no changes to be made without first gaining consent in writing from the Local Authority.

In any event, 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.

(d) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required in interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

4. All the windows shown on the west elevation at first floor level on the plans hereby permitted shall be fitted with obscure glazing before the new first floor accommodation is brought into use and shall be permanently fixed as non-openable below a minimum height of 1.75 metres above the level of the floor. The obscure glazing and opening limitations required by this condition shall be retained thereafter.

(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule Part 1 Classes A, B, C or D for the enlargement, improvement or other alterations to the dwellings hereby permitted, other than works that do not materially affect the external appearance of the buildings, shall be undertaken. (Reason - The space available would not permit such additions without detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

6. Before development above foundation level 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 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.)
  
7. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - To ensure that the details are planned and considered at an early stage 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.)
  
8. The development shall be carried out in accordance with the recommendations and mitigation measures contained within the Bat and Protected Species Survey carried out by Ecologic dated October 2021.  
(Reason - In the interests of ecology in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan.

**NOTE FOR APPLICANT**

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email [cil@eastdevon.gov.uk](mailto:cil@eastdevon.gov.uk).

Plans relating to this application:

511.1.104	Proposed Combined Plans	15.11.21
511.1.106A	Proposed Floor Plans	15.11.21

511.1.115	Block Plan	15.11.21
511.4.110A	Proposed Elevation	15.11.21
LP511.100	Location Plan	15.11.21
511.1.107	Proposed Floor Plans	15.11.21

List of Background Papers

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

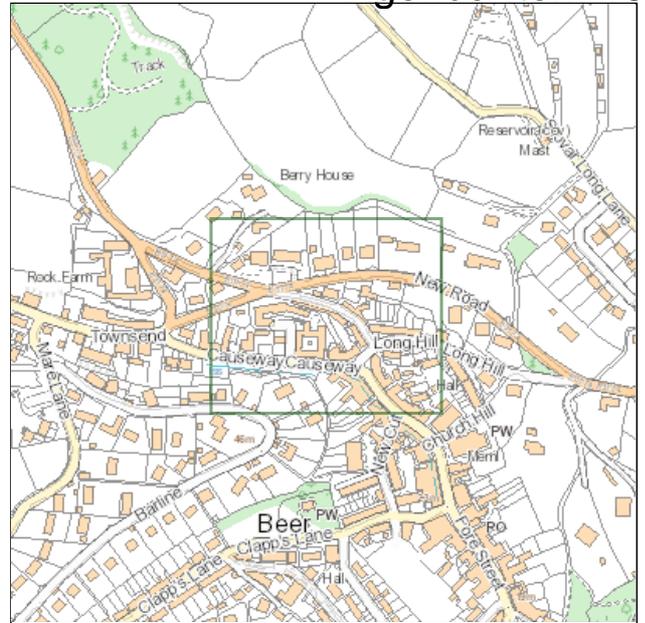
**Ward** Beer And Branscombe

**Reference** 21/3343/VAR

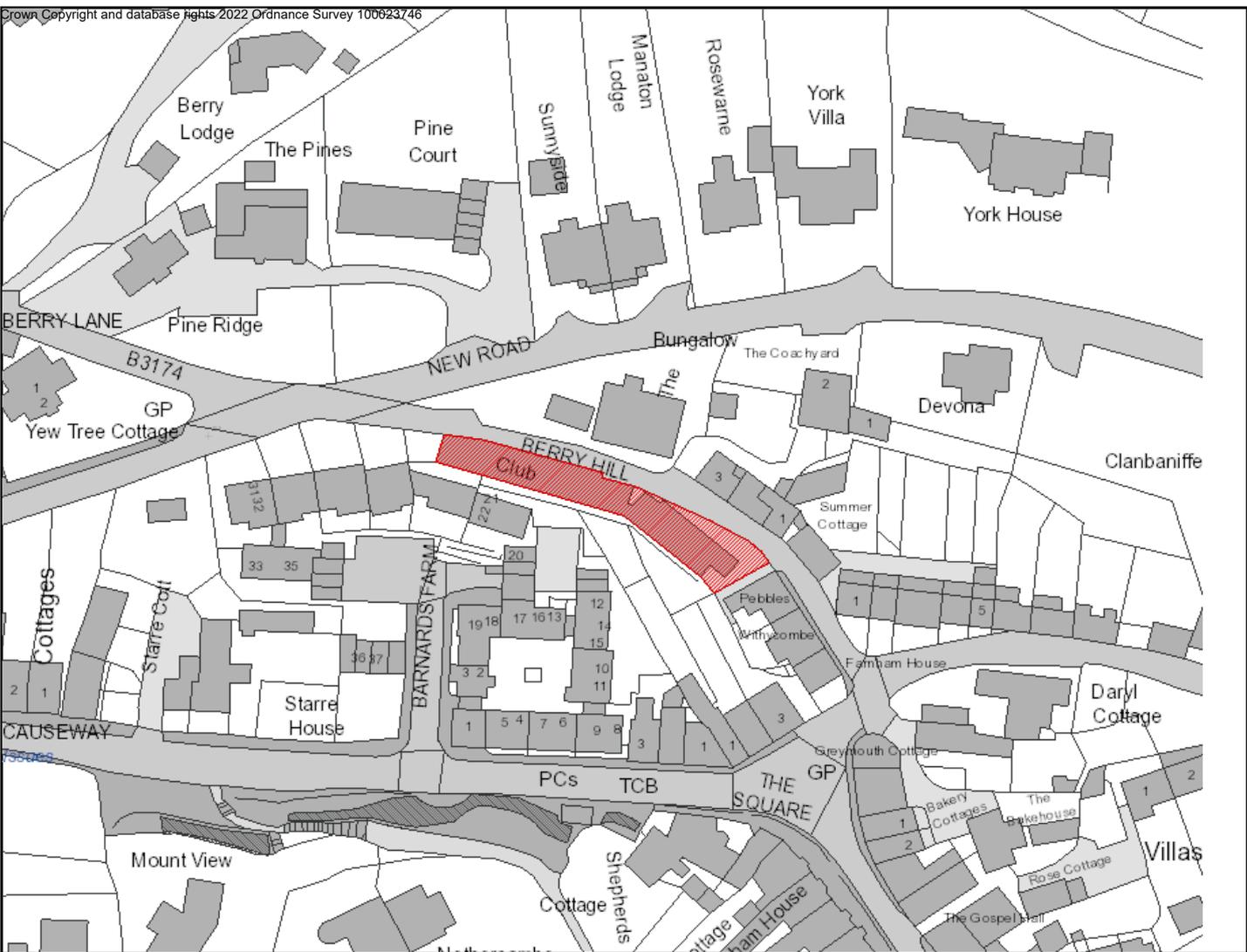
**Applicant** MR G Pook

**Location** Beer Social Club Berry Hill Beer Seaton EX12 3JP

**Proposal** Variation of condition number 2 (approved plans) of application 19/2674/FUL.



**RECOMMENDATION: APPROVE** subject to conditions and completion of a deed of variation to the existing s.106 agreement to bind any new permission to its obligations and which secure 50% on site affordable housing provision.



		<b>Committee Date: 16<sup>th</sup> March 2022</b>
<b>Beer And Branscombe (Beer)</b>	<b>21/3343/VAR</b>	<b>Target Date: 17.03.2022</b>
<b>Applicant:</b>	<b>Mr G Pook</b>	
<b>Location:</b>	<b>Beer Social Club Berry Hill</b>	
<b>Proposal:</b>	<b>Variation of condition number 2 (approved plans) of application 19/2674/FUL.</b>	

**RECOMMENDATION: APPROVE** subject to conditions and completion of a deed of variation to the existing s.106 agreement to bind any new permission to its obligations and which secure 50% on site affordable housing provision.

#### **EXECUTIVE SUMMARY**

The application is before committee as the applicant is a District Councillor.

The proposal scheme represents material amendments to the original scheme approved under application 19/2674/FUL. That scheme granted approval for the redevelopment of the site to provide 6 no. residential units with associated parking and communal amenity space. The units took the form of 4 no. townhouses in two semi-detached pairs and 2 no. apartments in a two storey block. Parking was to be provided in a parking platform, level with the highway, at the western end of the site and a further single space at the eastern end. Communal amenity space is proposed to the rear (south) of the buildings.

The amended scheme now proposed largely reflects the original scheme with the layout scale and external appearance of the buildings largely unchanged, save for some minor fenestration changes. The most significant of the changes proposed is the alteration to boundary treatment with the approved flint stone walling to the roadside of the site and around the perimeter of the parking date significantly reduce. The stone walling now proposed is restricted to some stone walling/panelling on the housing units. The reduction in the extent of stonewalling and its replacement with timber fencing around the car park deck and the retention of existing railings at the lower end of the site reduces the quality of the approved development and is less appropriate in relation to the surrounding conservation area.

Concerns have also been raised in relation to the ability of the proposed fencing to the parking desk to adequately protect the residents of adjoin flats from noise, air and light pollution resulting from its use. Nevertheless, subject to details of the

height and finish of this fence being secured by condition to address these matters, these changes do not raise concerns to an extent that could justify refusal of planning permission.

Weighing the overall impacts and benefits of the scheme, in particular the provision of affordable housing, the revised scheme is still found to be acceptable and is recommended for approval.

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

The Committee had no objections to the application.

#### Cllr G Pook – Ward Member

A bit late and I have a personal interest but I agree with the recommendations.

#### Other representations

4 no. objections (10.02.22) have been received to the scheme raising the following concerns:

- Objections in relation to the provision of the parking deck and the impact on adjoining residents due to height and proximity and noise from its use.
- Proposed panelling would not adequately prevent light from cars disturbing the adjoining residents
- Concerns regarding the lack of detail in relation to car park area and adjoining properties
- The proposed replacement fence would be inferior to the approved wall, would provide less privacy and would require ongoing maintenance
- The proposed fencing would not prevent light spill, sound or vehicle fumes from cars using the parking deck affecting adjoining bedrooms

### **Technical Consultations**

#### Environmental Health

I recommend approval with conditions:

A close boarded fence minimum height 120cm should run along the southern boundary of the elevated car parking area. The fence should be of solid construction with no gaps allowing light to shine through. Adequate protection should be provided for the fence in the form of safety bollards / parking posts to ensure the fence should not be able to be damaged by cars being parked.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
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19/2674/FUL	Demolition of the old Beer Social Club and construction of 4 no. townhouses in two pairs of semi-detached properties and 2 no. apartments in a two storey block	Approval with conditions	08.09.2020
19/1401/FUL	Demolition of the old Beer Social Club.	Withdrawn	09.08.2019

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

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

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

Strategy 34 (District Wide Affordable Housing Provision Targets)

D1 (Design and Local Distinctiveness)

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset)

E14 (Change of Use of Village Shops or Services)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN14 (Control of Pollution)

### Beer Neighbourhood Plan (Made)

H1 - Meeting the Demand for Local Needs Housing in Beer Village

H2 - Community Housing

HBE2 - High Quality Design

CFS1 - Loss of Community Assets and Facilities

TP2 - Car Parking

TP3 - Off-street Parking

### Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

### **Site Location and Description**

The application site is currently under construction to create the 4 no. townhouses and 2 no. apartments approved under the previous permission. These buildings will replace the (former) Beer Social Club that previously occupied the site. The ground level of the site is set below that of the immediately adjoining road level with the difference between road and site level more pronounced toward the western end of the site.

The site lies to the north of but close to the village centre and is within (with the exception of the club itself) a predominantly residential area. The existing properties in Berry Hill are, on the whole, traditional terraced 2 storey properties sited close to the back of the highway and staggered in height as they follow the fall of the road. The only property that doesn't follow this pattern is 'The Bungalow' to the north of the site.

The site falls within the Beer Conservation Area and the built up area boundary of the village - as defined in the East Devon Villages Plan- but lies outside the East Devon Area of Outstanding Natural Beauty.

### **Background**

Permission for the redevelopment of the site was granted under application 19/2674/FUL. That permission approved the construction of 4 no. townhouses in two pairs of semi-detached properties and 2 no. apartments in a two storey block. Associated parking provision was approved in the form of off-road street level parking to the west end of the site and a single off-road space at the eastern end. Communal amenity space was proposed to the rear (south) of the buildings.

A stone boundary wall was proposed to the rear and west side of the parking area and across the site frontage, save for pedestrian access points.

A S.106 agreement has been completed securing 3 of the units as affordable (Note – This represents a policy compliant level of provision in relation to Strategy 34 of the Local Plan). However the scheme is being advanced by the Beer Community Land Trust where it is understood all of the properties are intended to be provided as affordable.

### **Proposed development**

The current scheme seeks to amend the plans approved under application 19/2674/FUL by varying condition 2 (approved plans) of the permission.

The amendments proposed are as follows:

- (a) Omission of one window from front elevation of each dwellinghouse;
- (b) Omission of two rooflights from flats;
- (c) Relocation of bin/recycling stores;
- (d) Reduction in extent of paving/pathways;
- (e) Replacement of wall to parking deck with timber fencing and steel vehicle barrier;
- (f) Alteration to extent of stone walling & position of bins/recycling.

The justification given for the changes includes rationalisation of natural lighting of interior accommodation; ease of access and use; simplification of pathways within site; cost reduction (due to unexpected increase in construction costs), improved safety, and aesthetic.

Amended plans have been submitted that now show a solid timber fence to the car park deck rear and side boundary.

## **ANALYSIS**

The principle of the development has previously been agreed as has the layout, scale and general design approach, these matters are not changed and as such are not revisited in this report. This is also the case in relation to provision of affordable housing, ecological impacts and highways/access issues where the proposed amendments do not fundamentally alter the approved scheme and where conditions on the previous permission could be reiterated or amended as necessary. The main issues in the determination of the current application are therefore considered as follows:

- Effect of the proposed changes on the character and appearance of the area and conservation area;
- Amenity Impacts; and
- Other Issues.

### **Effect of the proposed changes on the character and appearance of the area and conservation area**

In relation to the listed amendments set out above (a) and (b) for the omission of window and rooflights from the approved scheme are given their relative location on the buildings not considered to materially alter the approved development and there are no objections in this regard. Similarly, the rationalisation of the communal amenity area and access paths to the rear of the site (items (c) and (d)) and relocation of the bin/recycling stores are considered to be acceptable and would have a negligible impact outside the site itself.

The most significant impact is considered to relate to the proposed changes to the approved stone boundary walling.

The site lies within the designated Beer Conservation Area where it forms part of an area (including Townsend/The Causeway/Long Hill). In terms of materials used the appraisal notes the significant use of Beer stonework as well as some use of chert,

the associated maps also reveal significant use of painted render or stonework. Roofing materials are predominantly slate and this is evident in properties adjoining the site.

The approved scheme uses predominantly render for the building elevations under a slate roof and this is seen as reflective of surrounding properties and extensively used elsewhere in the conservation area.

At the time of determining the previous permission consideration was given to Policy HBE2 of the Beer Neighbourhood Plan which lists a number of criteria to be addressed including a focus on the use of local materials. In particular, the policy seeks to resist block walls and render in preference to the use of Beer stone or flint and chert. Requiring the use of such materials on the approved buildings was not considered to be reasonable or necessary given the materials widely used in the vicinity of site. However, it was notable that the development proposed the re-use of flint stonework from the existing roadside boundary wall to create new sections of boundary wall and to face the inner walls of the car park area at the western end of the site. In this way the development sought to provide use of some local stonework within the development and provide a continuation of the existing flint walling found at the site and extensively used within the conservation area.

The proposal to reduce the extent of stone boundary walling used is therefore disappointing. Where this is removed it would be replaced in the car parking area with timber fencing and at the lower eastern end of the site with the retention of the existing railings. This change is generally considered to be to the detriment of the scheme and it is noted that para. 135 of the NPPF advises that,

*“Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”*

The replacement of the walling within the car parking area and proposed replacement with timber fencing represents a small reduction in the quality of the boundary treatment, as does the loss of walling at the lower end of the site. In terms of the overall impact of the scheme as revised it is considered to diminish the quality of the approved scheme a little.

However, it remains to be determined whether the revised scheme as a whole remains acceptable and whether the character and appearance of the conservation area would be preserved or enhanced in accordance with policy EN10 of the Local Plan. This is addressed in the Conclusion below.

### **Amenity Impacts**

The changes to the approved scheme have the potential to impact on the amenity of occupiers of the residential flats to the south of the site. The car park deck at the western end of the site is in close proximity to the rear elevation of these properties. Though there are limited window openings facing the site those that exist are understood to serve bedrooms and bathrooms. Residents of the flats have raised

concern that with the removal of the proposed wall the originally proposed slatted timber clad fencing would allow exhaust fumes light and noise to more easily transfer from the site and impact on their properties. They are also concerned that a less solid barrier would deteriorate over time if not appropriately maintained. The Council's Environmental Health Officer has considered the issues raised and has advised that a close boarded fence of a minimum 1.2 metres height should be provided to prevent amenity impacts.

The applicant has been asked to consider amending the scheme to retain the stone walling around the car parking area but allowing for the removal of the wall at the lower end of the site. This has been declined with costs being cited as the reason for having to remove all the stone walling. The application has though been amended to show solid fencing around the car park area but the height of this is less than suggested by the Environmental Health Officer and should be increased, if the principle were accepted this detail could be agreed by condition.

The construction phase of the development is likely to give rise to some ongoing amenity impacts but these are managed through an approved Construction and Environmental Management Plan (CEMP) and any new permission could be similarly conditioned.

### **Other Issues**

A number of conditions were imposed on the original application some of which required additional information to be submitted up front or prior to certain stages of development, others are compliance conditions to be adhered to. As approving the application would result in the granting of a new planning permission the original conditions, where they remain relevant, would need to be reiterated or amended as necessary.

In addition, in the event of an approval, it would be necessary to secure a deed of variation to the existing legal agreement (or similar mechanism) to reference the new permission and bind it to the obligations of the existing s.106 legal agreement, dated 8<sup>th</sup> September 2020 and which secures the on-site affordable housing provision.

### **CONCLUSION**

The site is located within the designated conservation area and therefore there is a requirement to pay special regard to the need to preserve, and where possible, enhance this designated heritage asset. The original scheme sought to reflect the surrounding pattern of development in form and layout and generally through the use of materials including the proposed retention of stone walling within the approved scheme. Whilst it was noted to result in a greater impact than the former buildings on site and had some detracting elements overall it was not considered to be harmful and was found to preserve the character and appearance of the conservation area.

The amendments now sought to the approved scheme in themselves are relatively minor in nature and in most instances have a limited impact. However, with respect to the changes to the boundary treatment it is disappointing to see the proposed removal from the scheme of approved flint stone boundary walls, which reflect the use of such

walls elsewhere in the conservation area. The conservation officer in commenting on the original application makes specific reference to the stone boundary walls being consistent with the historic context of the site. It is noted that some limited use of stonework would be retained but this is significantly less than originally approved. The replacement of the boundary treatment with fencing and retention of existing railings therefore diminishes the quality of the approved scheme.

The justification given for the proposed changes are noted but cost saving is of itself is usually a weak justification when determining the impact of the scheme on the conservation area. Nevertheless, it is necessary to balance the impacts and benefits of the scheme as a whole. Even though the scheme does not preserve the Conservation Area as well as the original proposal, when considered as a whole, there are still clear public benefits that arise from the scheme in terms of the provision of affordable housing and where it is suggested that to secure the scheme cost reductions are required. On balance, the character and appearance of the Conservation Area will still be conserved and as the overall benefits of the scheme are considered to outweigh the concerns with regards the diminishment in the quality of aspects of the development, the proposed revisions to the scheme are considered to be acceptable and approval recommended.

## **RECOMMENDATION**

APPROVE subject to the following conditions and completion of a variation/amendment to the existing s.106 legal agreement to secure the above matters:

1. 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.)
2. Development of the site shall proceed in accordance with the Project Environmental Management Plan, prepared by NDM Collins Architects, dated 31.07.20 and approved under discharge of condition notice dated 30th September 2020 on planning permission 19/2674/FUL. 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 policies D1- Design and Local Distinctiveness and EN14 - Control of Pollution of the East Devon Local Plan 2013-2031.)
3. Notwithstanding details indicated on plans hereby approved and prior to its installation amended details of the fencing to the perimeter of the car park deck shall be submitted to and approved in writing by the Local Planning Authority such details shall make provision for a close boarded fence of a minimum 1.2 metre height where it runs along the southern boundary of the car park deck. Development shall proceed in accordance with details as approved with the

fencing completed prior to the initial occupation of any of the units hereby approved and maintained thereafter.

(Reason - In the interests of residential amenity and the character and appearance of the conservation area in accordance with Policy HBE2 - High Quality Design of the Beer Neighbourhood Plan 2014-2031 and policies D1 - Design and Local Distinctiveness, EN10 - Conservation Areas and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)

4. Notwithstanding details indicated on plans hereby approved and prior to their installation, 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 as well as for windows and doors 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 sympathetic to the character and appearance of the area in accordance with Policy HBE2 - High Quality Design of the Beer Neighbourhood Plan 2014-2031 and policies D1 - Design and Local Distinctiveness and EN10 - Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)

5. The cycle store area, shown on drawing no. P-160 rev. A and approved under discharge of condition notice dated 2nd November 2021, shall be completed and made available for that purpose prior to the initial occupation of any of the buildings hereby approved.

(Reason - To ensure appropriate provision is made in accordance with Policy TC9 - Parking Provision in New Development of the Adopted East Devon Local Plan 2013-2031.)

6. The site accesses and parking provision shall be constructed, laid out and maintained thereafter in accordance with the attached diagram Proposed Site Plan - Drawing No. P163 Revision B.

(Reason - To provide satisfactory access to the site, to protect the pedestrian priority on the carriageway and to ensure adequate parking provision to serve the development is maintained in accordance with policy TP2 - Car Parking of the Beer Neighbourhood Plan 2014-2031 and policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the East Devon Local Plan 2013-2031.)

7. Development shall proceed in accordance with recommendations and mitigation proposals set out in the Protected Species Survey Report, prepared by Richard Green Ecology Ltd. and dated June 2019, unless otherwise previously agreed in writing by the Local Planning Authority.

(Reason - In the interests of the continued protection of protected species and biodiversity enhancement and in accordance with policy EN6 (Wildlife Habitat and Features) of the Adopted East Devon Local Plan 2013-2031.)

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken

within: Schedule 2, Part 1, Classes A to E (inclusive) for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than those that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure (other than any hereby approved or required).

(Reason - In the interests of residential amenity and the character and appearance of the conservation area in accordance with Policy HBE2 - High Quality Design of the Beer Neighbourhood Plan 2014-2031 and policies D1 - Design and Local Distinctiveness and EN10 - Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)

9. Prior to the initial occupation of the dwellings to which the window relates the first floor windows on the north elevations of units 1 -4 shall be fitted with obscure glazing and shall thereafter be retained as such at all times.

(Reason - To protect the privacy of occupiers of properties opposite the site in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

10. Prior to their installation the following details and specification for these items (including where required samples) shall be submitted to and approved in writing by the Local Planning Authority:

- New rainwater goods including profiles, materials and finishes.
- External fixings including meter boxes, extraction vents & flues
- Rooflight specification and design which should be of conservation type flush with the roof.

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

(Reason - In the interests of the character and appearance of the conservation area in accordance with Policy HBE2 - High Quality Design of the Beer Neighbourhood Plan 2014-2031 and policies D1 - Design and Local Distinctiveness and EN10 - Conservation Areas 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.

This planning permission shall be read in conjunction with the completed s.106 legal agreement dated XXXXXXXX and which secures the provision of on-site affordable housing.

##### Plans relating to this application:

P-165	Proposed Floor Plans	17.01.22
P161 B : planning condition 5	Proposed Elevation	04.01.22
P-162 B	Proposed Site Plan	10.02.22
P-163 B : parking deck	Other Plans	10.02.22
P-166 A	Proposed Elevation	10.02.22
P-167 : Sections	Additional Information	10.02.22
E100 Rev D: Location/Site Plan	Existing Combined Plans	09.03.20

List of Background Papers

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

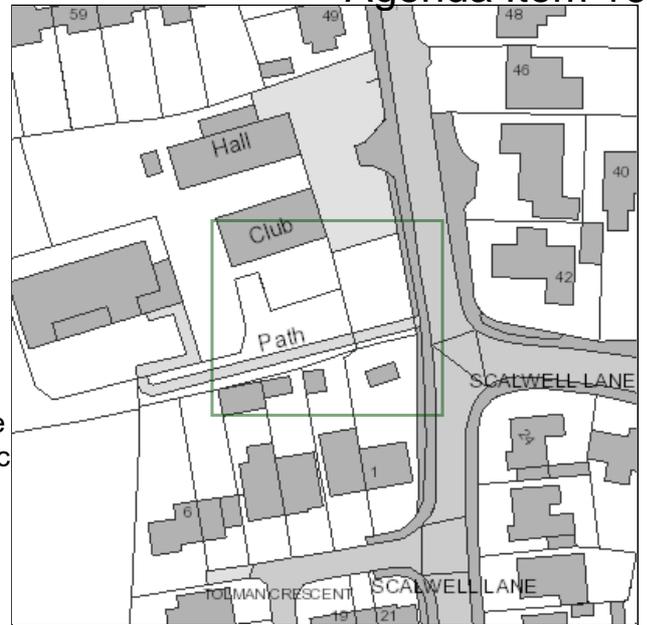
**Ward** Seaton

**Reference** 21/2167/FUL

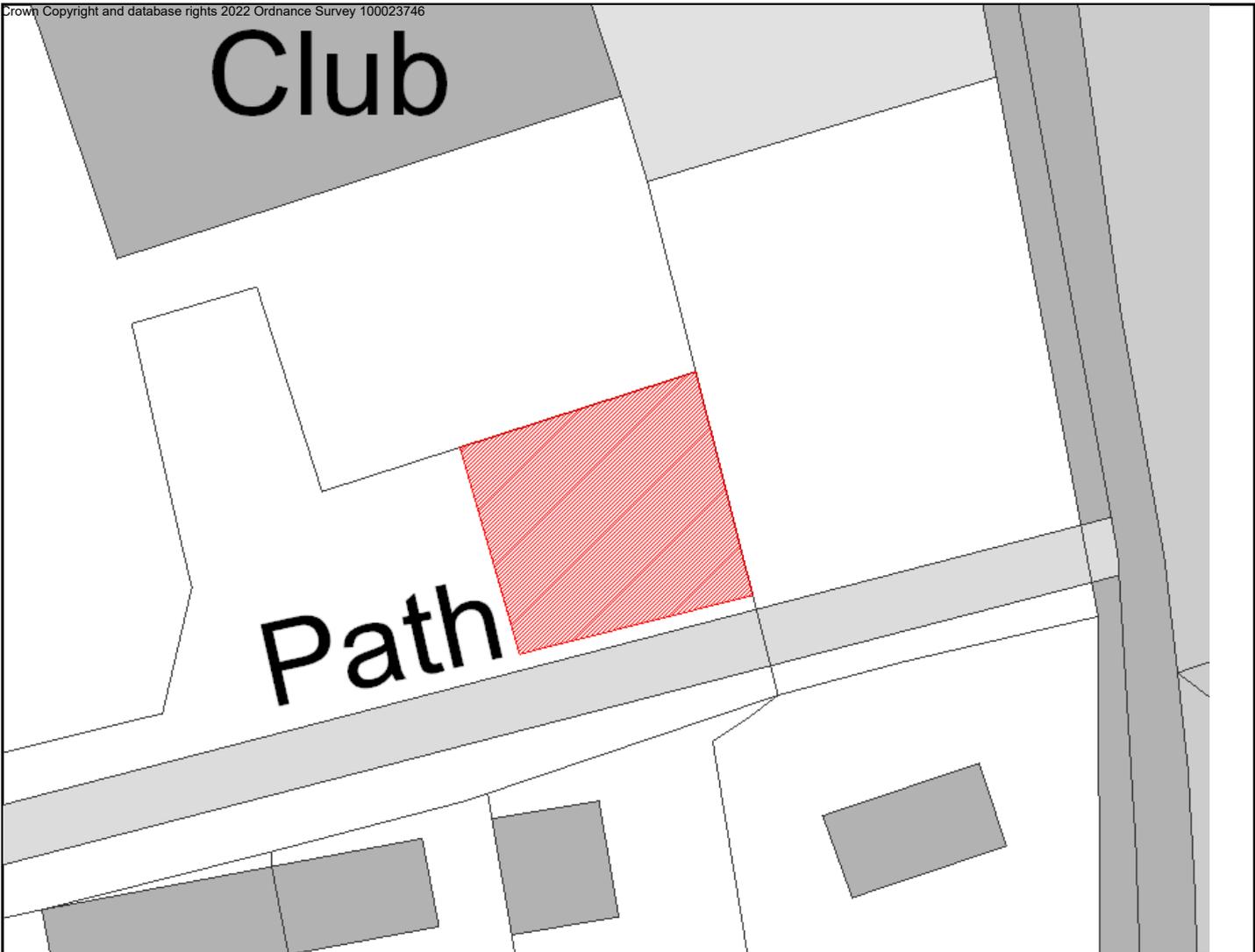
**Applicant** Mr Tom Bosworth

**Location** Playing Fields Scalwell Lane Seaton

**Proposal** A compound comprising of a kiosk unit to house data exchange for telecommunications (Jurassic Fibre) including concrete slab for placement, and timber perimeter fencing.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 16<sup>th</sup> March 2022</b>
<b>Seaton (Seaton)</b>	<b>21/2167/FUL</b>	<b>Target Date: 12.10.2021</b>
<b>Applicant:</b>	<b>Mr Tom Bosworth</b>	
<b>Location:</b>	<b>Playing Fields Scalwell Lane</b>	
<b>Proposal:</b>	<b>Kiosk unit to house data exchange for telecommunications (Jurassic Fibre) including concrete slab for placement.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before the Committee because the proposal development departs from the policy of the East Devon Local Plan.**

**The proposal is for a cabin to house a data exchange, to support the delivery of ultrafast fibre broadband within Seaton. The cabin would be a green, powder coated steel container 2.35m high, and 3.2m by 2.2m in area, set on a concrete base. It would be located on a grassed area within the Elizabeth Road playing field, just to the south of the Martial Arts Centre. This area forms part of an area designated as a 'recreation area, allotment or accessible open space' in the East Devon Local Plan, which extends across the wider playing field to the west.**

**Seaton Town Council raise no objection and the proposal is supported by a Ward Member.**

**Policy RC1 of the East Devon Local Plan protects designated recreation areas, allotments and accessible open spaces from development, except in certain circumstances. Given that no alternative provision or enhancement of facilities would be offered by the development and that there is a shortfall of open space provision within Seaton, none of those circumstances apply in this case and the proposal conflicts with this policy.**

**The provision of full fibre broadband is encouraged within Seaton through Strategy 25, due to the support it provides for sustainable job opportunities. The expansion of the fibre broadband network is also supported by the National Planning Policy Framework. Alternative sites have been considered by the applicant however the Local Planning Authority were not involved in the appraisal of alternatives and cannot conclude that the proposed site is the best option in planning terms. However, in considering the impact of the development at this site, given that the area of open space that would be lost would be small and that**

**the open character of the immediately surrounding area has already been eroded by the erection of the pre-school and timber fenced enclosures, it is considered that the impact on the open space would be minimal if any.**

**The proposed compound has industrial appearance, however, it would mainly be seen in passing and in the context of the pre-school development and fenced enclosures nearby. With conditional control of the external colour of the cabin it is considered that its visual impact within this context would be acceptable.**

**On balance, it is considered that the economic, environmental and social benefits associated with improved broadband provision in the area would outweigh the minor harm to the open space such that the proposal is acceptable.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Parish/Town Council**

Seaton Town Council have no objections to this application.

Seaton Town Council would like it recorded that the Council is the landlord of the Playing Fields in Scalwell Lane and is receiving a rental income from Jurassic Fibre.

#### **Seaton - Cllr Marcus Hartnell**

I'd like to support this application. I believe that the harm caused to the recreational space is minimal and the benefit of fibre broadband to the wider community is a justified reason to ignore policy on this occasion. The applicant has submitted a document that demonstrates other sites have been considered and that this location is preferred and deliverable within the desired timescales.

### **Technical Consultations**

#### **Environmental Health**

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

#### **South West Water**

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 attached a plan showing the approximate location of a public 225mm sewer in the vicinity. South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain.

We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

Further information regarding South West Water's build over of sewers process can be found on our website via the following link:  
[www.southwestwater.co.uk/buildover](http://www.southwestwater.co.uk/buildover)

Should you require any further information, please contact our Asset Protection Team via email: [DeveloperServicesAssetProtection@southwestwater.co.uk](mailto:DeveloperServicesAssetProtection@southwestwater.co.uk).

(Office Note: Please see above mentioned plan under the 'documents' tab)

#### EDDC Trees

Having reviewed the supplied information I have no objections to the proposed development.

#### Sports England

Thank you for consulting Sport England on the above application.

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website:  
[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning\\_applications](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications)

If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Par. 99 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:  
<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If the proposal involves the provision of additional housing then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance

can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.

#### Other Representations

None received.

### **PLANNING HISTORY**

Reference	Description	Decision	Date
10/1088/CM	Construction of single storey pre-school building with associated landscaping DCC/3065/2010	Approved	26/5/2010
75/C1511	Plot of land on southern side of scout hut building for judo training	Approved	6/8/1975
76/C0887	Judo training hall	Approved	12/4/1977

### **POLICIES**

#### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 25 (Development at Seaton)

D1 (Design and Local Distinctiveness)

RC1 (Retention of Land for Sport and Recreation)

TC1 (Telecommunications)

EN14 (Control of Pollution)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

### **Site location and description**

The site is approximately 900m north of Seaton Town Centre. It lies within a strip of land at the eastern end of the Elizabeth Road playing field which links the larger playing field and play area to the west with Scalwell Lane to the east. Like the playing field and play area, this strip of land is designated as a recreation area, allotment or accessible open space in the East Devon Local Plan.

There are various community facilities in the vicinity, including a martial arts centre and an associated fenced enclosure to the north, a car park and scout hut to the northeast, the Pink Hippo day nursery and preschool to the northwest (which also has a fenced enclosure on its southern side), and Seaton Primary School to the south west. The site itself is part of a flat area laid to lawn with trees to the east, between the site and Scalwell Lane, and a pedestrian path to the south with housing beyond. The wider context of the site is moderate to high density housing.

### **Proposal**

Planning permission is sought by Jurassic Fibre to install a cabin to provide a data exchange for telecommunications to support the delivery of ultrafast fibre broadband in Seaton. The cabin would be 2.35m in height by 3.2m in length and 2.2m in width and would have an air conditioning unit attached. It would be sited on a concrete slab. It would be powder coated and coloured green. The proposal has been changed, since the application was originally submitted, to omit the timber palisade fencing originally proposed and a freestanding power unit.

### **ANALYSIS**

Having regard to the content of the relevant policies listed above the main issues for consideration include the principle of the proposal, its impact on open space within Seaton, the provision of high speed broadband connectivity, visual impact and impact on residential amenity.

### **Principle**

The site being within the built up area of Seaton development here is acceptable in principle. Telecoms infrastructure is also specifically supported by Policy TC1 of the Local Plan, subject to a number provisos which are discussed under the relevant headings below.

### **Open Space**

LP Policy RC1 seeks to prevent the loss of open space currently or previously used for recreation and/or sports uses, play areas and playing fields and only allows loss where :

1. Alternative provision of equivalent community benefit is made available and will be appropriately laid out by the applicant as a replacement. Or
2. Sports and recreational facilities can best be retained and enhanced through the redevelopment of a small part of the site. Or
3. Locally there is an excess of public open space, children's play areas or sports pitch provision in the area as the case may be.

Circumstances 1 and 2 would not be met in this case since no alternative provision is proposed and sports or recreational facilities will not be best retained or enhanced through the proposal. Within Seaton, there is an under-provision of public open space, and therefore circumstance 3 is not met either. The proposal therefore conflicts with LP Policy RC1 and represents a departure from the Development Plan, and it has been advertised as such.

There is nothing in the application documents to indicate any regard for the impact of the development on the designated open space. When this constraint and the provisions of LP Policy RC1 were drawn to the applicant's attention, the response indicated the NPPF and local policy support for broadband provision and did not offer any mitigation for the loss of the open space. The Local Planning Authority (LPA) requested that the applicant justify the selection of the proposed site as opposed to alternative locations, e.g the open areas north of the martial arts centre and pre-school, which lie outside of the designated open space area. In response the applicant, Jurassic Fibre, indicated that in selecting sites to locate electronic equipment to form their core network (referred to as 'Point of Presence' (PoP) sites) they rely on existing 'Physical Infrastructure Access' (PIA) i.e. locations where existing telecoms ducts and poles are available, together with a power supply. The applicant indicated that the following alternative sites had been considered but rejected for the reasons summarised below:

- Seaton Long Stay Car Park – Unsuitable due to flood risk, as is within Flood Zone 3;
- Harepath Road – Unsuitable due to being an active development site for houses, making the build more complex;
- Land adjacent to Court Lane – Unsuitable due to the amount of civils work required to access the PIA and power, which would cause disruption, including as a result of the road closures.

The applicant also indicated that they considered the installation of multiple cabinets within Seaton, through Permitted Development rights, but that they rejected this option due to the negative impact this would have in terms of the addition to street furniture within the town, compared to the erection of a single cabin. With regard to the possibility of using open areas to the north of the application site, the applicant indicates that they have been in touch with the landowner about this (Seaton Town Council) but that due to existing leases with other parties, this land cannot be used by Jurassic Fibre.

On balance, it is accepted that the applicant has given consideration to alternative sites and that there may be various difficulties, impacts and additional costs associated with them.

The LPA has not been involved in the appraisal of different sites and on the basis of the information submitted it is has not been possible for the LPA to form an opinion as to whether the proposed site is the best option in terms of various potential impacts.

However, in considering the impact of the proposal on the designated open space it is noted that the area affected does not form part of a playing pitch, is used more as an access to the community facilities rather than for recreation, and that the footprint of

the proposed development is small, such that the loss of open space would be minor. It is also noted that the area of designated open space has already been reduced to some degree by the erection of the pre-school.

In addition, previously open grassed areas have been enclosed by wooden fences immediately to the south and southwest of the Martial Arts Centre, very close to the proposed site and this, in combination with the pre-school development, has undermined the quality of what was once a connected and attractive open space extending from Scalwell Lane to the east to the wider playing pitch area to the west.

Whilst the conflict with LP Policy RC1 weighs against the proposal, taking all the above points into account it is considered that the harm associated with the development of a small area of the playing field in this location would be minor and not worthy of a refusal of planning permission.

### **Broadband Connectivity**

The provision of high speed broadband within Seaton is specifically encouraged within the preamble to LP Strategy 25. Paragraph 2 of that strategy, under the heading 'Jobs', states "Improvements to broadband provision and to public transport for commuters will be sought to help provide, retain and make more sustainable job opportunities for the town." Paragraph 114 of the NPPF states that "Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections."

Measures for the improvement of broadband connectivity are therefore supported by local and national planning policy, with the local plan recognising the economic, social and environmental benefits (in terms of reduced need to travel) this can bring about, which also weighs in favour of this proposal.

### **Visual Impact**

LP Policy TC1 requires that proposals are sited designed and landscaped so as to minimise their visual impact on the surrounding area. Though relatively small scale, the proposed cabinet would be clearly visible from adjacent footpaths at close range and from Scalwell Lane over a slightly greater distance. The cabinet has no particular merit in terms of its design merit, having a utilitarian block-like appearance. A condition could be imposed to ensure that its colour is visually recessive.

Given that the immediate area has, to a large degree, lost its former open undeveloped character due to the erection of the pre-school and timber fences enclosing various areas it is not considered that the proposal would cause significant additional visual harm. It is not considered that additional landscape planting is needed to mitigate the visual impact of the cabin given that there are scattered trees to the east of the site which help to break up views from Scalwell Lane and that existing fencing breaks up approach views from the west. In addition, given the use of the area as a public space and thoroughfare, any attempt to more fully screen the cabin through planting additional trees and shrubs may cause issues in relation to the safety and security of the public space. Overall, the visual impact is considered to be acceptable.

## **Amenity**

The air conditioning unit has the potential to generate a noise impact affecting nearby dwellings however the environmental health officer has considered this and raises no concerns.

## **Other Issues**

The omission of the fence around the cabin, as originally proposed, could increase the vulnerability of the cabin to trespass or misuse, given that the site is within a public space and unlikely to benefit from natural surveillance at all times. However the cabin appears to be of robust construction and it is not considered that it would be unacceptably vulnerable to damage. It is therefore considered that the proposal would be compliant with LP Policy D1 with regard to reducing the potential for crime.

In accordance with LP Policy TC1 it is recommended that a condition be imposed to require removal of the cabin when it is no longer required.

## **CONCLUSION**

The proposal would facilitate the provision of improved broadband connectivity within Seaton with associated economic and environmental benefits. Whilst it would entail the loss of an area of designated public open space, the area lost would be small and the given the area is only used as an access to the adjoining facilities, with erosion of the open character of that public space already taken place, this impact is considered to be minor and outweighed by the economic and environmental benefits.

## **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 works hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice. (Reason - For the avoidance of doubt.)
3. The cabinet shall not be installed until details of its external colour, including photographic imagery and manufacturer's or supplier's references, have first been submitted to, and approved in writing by, the Local Planning Authority. The cabinet shall be installed and maintained in accordance with the details so approved. (Reason: In the interests of mitigating the visual impact of the development in accordance with Policies D1 - Design and Local Distinctiveness and TC1 - Telecommunications of the East Devon Local Plan).
4. Upon the cessation of the use of the cabin hereby permitted the cabin and the concrete platform beneath it shall be removed and the land restored to its

original condition i.e. levelled and grass seeded. (Reason – In the interests of mitigation the visual impact of the development and its impact on public open space once it has ceased to carry out its original function, in accordance with Policy TC1 of the East Devon Local Plan).

#### NOTE FOR APPLICANT

Informative:

##### South West Water

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 attached a plan showing the approximate location of a public 225mm sewer in the vicinity. South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain.

We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

Further information regarding South West Water's build over of sewers process can be found on our website via the following link:  
[www.southwestwater.co.uk/buildover](http://www.southwestwater.co.uk/buildover)

Should you require any further information, please contact our Asset Protection Team via email: [DeveloperServicesAssetProtection@southwestwater.co.uk](mailto:DeveloperServicesAssetProtection@southwestwater.co.uk).

#### Plans relating to this application:

JFL103.101	Location Plan	11.08.21
JFL103.102 P2	Proposed Block Plan	17.02.22
JFL.103.001	Proposed Site Plan	17.02.22
JFL.103.004	Proposed Elevation	17.02.22

#### List of Background Papers

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

**Ward** Ottery St Mary

**Reference** 22/0348/CPL

**Applicant** Mr Stuart Pyle

**Location** 19 Coleridge Road Ottery St Mary EX11 1TD

**Proposal** Lawful Development Certificate for Proposed single storey lean-to rear extension



**RECOMMENDATION: Approve**

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		<b>Committee Date: 16<sup>th</sup> March 2022</b>
<b>Ottery St Mary</b>	<b>22/0348/CPL</b>	<b>Target Date: 12.04.22</b>
<b>Applicant:</b>	<b>Mr Stuart Pyle</b>	
<b>Address of Site:</b>	<b>19 Coleridge Road Ottery St Mary EX11 1TD</b>	
<b>Proposal:</b>	<b>Lawful Development Certificate for Proposed single storey lean-to rear extension</b>	

**RECOMMENDATION: Approve**

#### **EXECUTIVE SUMMARY**

**This application is before Members as the applicant is a relative of an EDDC employee.**

**The application seeks confirmation that a single-storey lean-to rear extension does not require planning permission.**

**As the proposal meets the criteria for being permitted development, the proposal does not require planning permission and the Certificate confirming this can be issued.**

**The application is therefore recommended for approval.**

#### **CONSULTATIONS**

**Cllr G Pratt – Ward Member – Ottery St. Mary**

I have noted all the documents contained in the planning portal and the recommendation of the planning officer to grant a Lawful Development Certificate .

From the proposed plans and the SWW plans of the public sewers and drains it would appear that the applicant will need the approval of SWW for this extension.

This however does not affect a decision relating to the Lawful Development Certificate And I am content to support the officers recommendation.

## POLICIES

None relevant.

## Site location and description

The application site relates to a terraced residential property in Ottery St. Mary.

## Proposal

The application seeks confirmation that a single-storey lean-to rear extension does not require planning permission.

## ANALYSIS

In order to establish whether the extension proposed requires planning permission or not, and therefore whether the Local Planning Authority can issue the Certificate confirming that planning permission is not required, an assessment is needed of the proposal against the relevant criteria to the Town and Country Planning (General Permitted Development) Order Schedule 2 Class A Part 1, which deals with developments within the curtilage of a dwellinghouse.

The application form states that 19 Coleridge Road is a private property/dwelling house, therefore, the above applies and the proposal falls under this category.

Assessment against the criteria is provided below taking each paragraph in turn with the assessment/comment against the criteria in bold:

A.1 Development is not permitted by Class A if –

- (a) Permission to use the dwelling house as a dwelling house has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this schedule (changes of use)

**COMMENT: N/A**

- (b) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

**COMMENT: As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).**

- (c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse.

**COMMENT: The height of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the highest part of the roof of the existing dwellinghouse.**

- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse.  
**COMMENT: The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the eaves of the existing dwellinghouse.**

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which –  
(i) Forms the principal elevation of the original dwelling house, or  
(ii) Fronts a highway and forms a side elevation of the original dwelling house;

**COMMENT: The enlarged part of the dwellinghouse would not extend beyond a wall which forms the principal elevation of the original dwelling house, nor fronts a highway and forms a side elevation of the original dwelling house.**

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and –  
(i) Extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or  
(ii) Exceed more than 4 metres in height;

**COMMENT: The proposed single storey enlargement would not extend beyond the rear wall of the original dwellinghouse by more than 3 metres, nor exceed 4 metres in height.**

- (g) For a dwelling house not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwelling house would have a single storey and –  
(i) Extend beyond the rear wall of the original dwelling house by more than 8 metres in the case of a detached dwelling house, or 6 metres in the case of any other dwelling house, or  
(ii) Exceed 4 metres in height;

**COMMENT: N/A**

- (h) The enlarged part of the dwellinghouse would have more than a single storey and,  
(i) Extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or  
(ii) Be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

**COMMENT: N/A – The application is for a proposed single storey rear extension.**

- (i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

**COMMENT: The height of the eaves of the proposed single storey extension would not exceed 3 metres.**

- (j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –
- (i) exceed 4 metres in height,
  - (ii) have more than a single storey, or
  - (iii) have a width greater than half the width of the original dwellinghouse:
- or

**COMMENT: The proposed enlargement would not extend beyond a wall forming a side elevation.**

- (ja) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraph (e) to (j)

**COMMENT: N/A**

- (k) it would consist of or include –
- (i) the construction or provision of a verandah, balcony or raised platform,
  - (ii) the installation, alteration or replacement of a microwave antennae,
  - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
  - (iv) an alteration to any part of the roof of the dwellinghouse.

**COMMENT: The proposal does not include the provision of any of the above.**

- (l) The dwellinghouse is built under Part 20 of this schedule (construction of new dwellinghouses)

**COMMENT: N/A**

**A.2** In the case of a dwelling house on article 2(3) land, development is not permitted by Class A if

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original house.
- (d) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).

**COMMENT: 19 Coleridge Road is not on Article 2(3) land**

**Conditions:**

**A.3** Development is permitted by Class A, subject to the following conditions -

- (a) The materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

**COMMENT: Information provided by agent on both the application form and the drawings indicates that the materials proposed to be used in the construction of the single storey extension would be of a similar appearance to those used in the construction of the exterior of the existing dwelling house.**

- (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwelling house must be -

- (i) obscure glazed, and
- (ii) non opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and,

**COMMENT: There are no 'upper floor' windows proposed.**

- (c) Where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

**COMMENT: N/A**

## **CONCLUSION**

The applicants' proposal to construct a single storey extension to the rear of 19 Coleridge Road meets the relevant criteria and as such is Permitted Development, and does not therefore, require an application for Planning Permission.

The Certificate confirming this is therefore recommended to be issued.

## **RECOMMENDATION**

Approve

Plans related to this application:

Location Plan  
220120-100A