

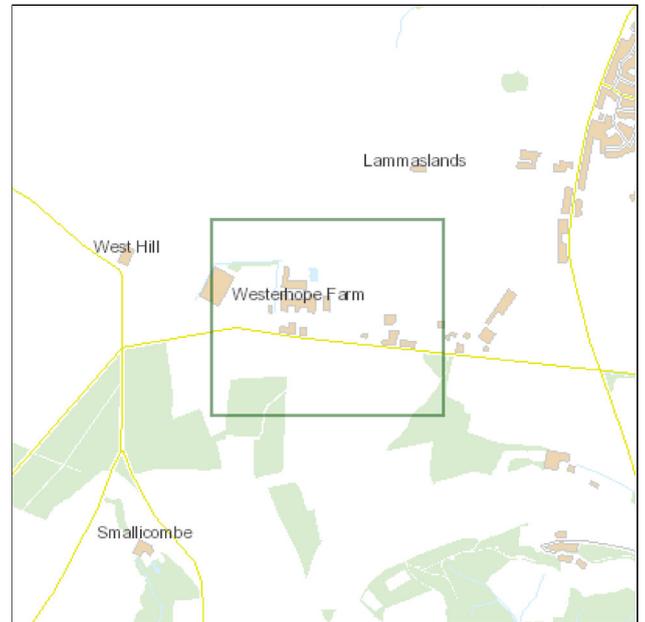
**Ward** Dunkeswell And Otterhead

**Reference** 21/1497/FUL

**Applicant** Mr Rex Dymond

**Location** Building Adjacent Turbury Dunkeswell

**Proposal** Replacement of existing agricultural building with 5x live-work units.



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 16<sup>th</sup> February 2022</b>
<b>Dunkeswell And Otterhead (Dunkeswell)</b>	<b>21/1497/FUL</b>	<b>Target Date: 29.07.2021</b>
<b>Applicant:</b>	<b>Mr Rex Dymond</b>	
<b>Location:</b>	<b>Building Adjacent Turbury Dunkeswell</b>	
<b>Proposal:</b>	<b>Replacement of existing agricultural building with 5x live-work units.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

The application is before Committee as the officer recommendation differs from the views of two Local Ward Members.

The application seeks permission to demolish an existing agricultural building and replace with a two storey dual pitched roof structure. The build is proposed to be occupied as live-work accommodation. The working element would consist of office space (B1a) at ground floor with living accommodation at first floor and garden space to the rear. The build would be finished in profiled timber cladding and aluminium sheeting for the roof. The first floor windows shall be UPVC with doors at ground floor being constructed of aluminium frames and roller shutter doors. The gardens shall be separated with post and rail fences and enclosed to the east by raised verges.

A particular issue for consideration is the principle of development. A number of statutory consultees and a third party have expressed concerns over the location of the scheme and feel that the development should be located at the industrial employment site at the airfield. Whilst a preference to direct such development to the existing industrial estate is reflected at paragraph 8.6 of the Neighbourhood Plan, paragraph 8.7 goes on to state that such development is not exclusive to the industrial estate. Additionally, the wording of Policy LE1 (Live-work Workspace) of the Neighbourhood Plan does not direct the development of live work units to a particular area of the parish and therefore the principle of the development, despite the application site's location, is considered acceptable.

This position has been reinforced by the findings of an inspector during the assessment of APP/U1105/W/20/3249070 (19/1299/FUL) at Hill View Nursery, Dunkeswell. The inspector acknowledged that there had already been development within the parish for live-work units and that "the main significance

of that decision (17/0734/OUT) is that a position on the Dunkeswell industrial estate is not essential and I agree given that Policy LE1 only refers to that being a preferable requirement". As such, the principle of development is accepted.

However great weight shall be attributed to conserving the landscape qualities of the Blackdown Hills Area of Outstanding Natural Beauty. The development will undoubtedly have a degree of impact upon the agricultural character of the site through removal of the existing barn and provision of the proposal building. Despite this, the subsequent visual harm is considered limited. The site is largely screened from distant public view due to the local topography and the screening provided by existing hedgerows and properties along the main road into Highfield. Where views of the site are available these are largely confined to private, land, lanes or immediately south of the application site. At the access to the site off Long Lane, where the development would be most noticeable, it is considered that the magnitude of change would be fairly low owing to the reduced scale of the proposed building compared to the existing barn.

In this case it is deemed appropriate to factor in the economic benefits of the scheme into the planning balance. In this case the support within the NPPF at paragraphs 82 and 84 and the anticipated employment benefits are considered to weigh in favour of the scheme. As such, despite objections raised, the application is recommended for approval subject to conditions listed below.

## **CONSULTATIONS**

### **Local Consultations**

#### Dunkeswell And Otterhead - Cllr David Key

This is an agricultural building and should stay so.

Live work units should be kept to the main complex on Dunkeswell business park and not spread around the countryside and so I object to the application.

Further comments:

I strongly object to the application as if this building was not wanted for agricultural use it would not have been granted also an agricultural grant could have been applied for and so the building should remain in agricultural occupation.

The live work units should be kept in one area and that should be on the main Industrial site on the air field in Dunkeswell where main drainage is available.

I totally object to the application.

#### Dunkeswell And Otterhead – Cllr Colin Brown

I agree with the comments made by Cllr Key and object to this application.

#### Parish/Town Council

*17.12.21 - The council continue to believe that this would be the wrong development in the wrong area and that this should remain agricultural. The council maintain the*

*same stance as in the comments made previously and do not support this application. Previous comments as below;*

Comments - The councillors discussed the amended application and continue to have the same concerns as in their previous comments of 22nd June 2021. They believe this is not the place for live work units and this should remain agricultural land as previously granted.

Council do not support to this application. They believe this should remain an agricultural building as previously granted. Councillors are concerned that an application of this size (5 live work units) is not appropriate for this area. The Neighbourhood plan indicates support for live work buildings on the Airfield Industrial Estate rather than elsewhere within Dunkeswell to try and maintain the Village/Agricultural nature of the whole area, with consideration given to a single live work unit application outside of the Airfield Industrial Estate for small single businesses where it would help retain and support a local business/person/s without impacting the people or area around it.

The proposed units are contrary to the Neighbourhood Plan Policy LE1 Pages 47,48, 49 (A)

i) - The surroundings are in the main rural, agricultural and residential with a few small businesses

iii) - Any proposed use for the 5 units would cause nuisance to the surrounding residential properties, increased traffic, less privacy, more noise and light pollution/vehicular pollution and for some their property would be overlooked.

v) - there would be an adverse impact on the natural environment, the building would have more of an impact in the landscape/ on wildlife, traffic would be increased due to owners vehicles plus their customers and delivery vehicles, increased noise, and Light pollution where currently there is very little.

Councillors are concerned about the volume of traffic accessing Dunkeswell, the lanes are not well suited for HGV/large lorry access with the lanes from all directions into Dunkeswell being narrow and winding in places and needing repeated patching/pothole filling and repair. This includes Long Lane, the access Road/Lane to this site. Contrary to NHP Policy TA5 page 45- traffic would be increased due to this proposal.

The safety of those residing in these units was considered there are no pavements from the site to any local facilities until you are almost at Highfield Estate, this would mean in many cases driving to and from units to facilities. Contrary to NHP Policy TA4 page 44 i) pedestrians would be at higher risk due to lack of pavements en route to local facilities.

Councillors were also concerned about Foul Drainage and the Soak Away, with local knowledge & in some cases experience they are concerned about the Digester, it seems there is one digester to serve all 5 units, what would happen if the digester failed, is there a back up? The soak away, is in a soft/wet area in the lowest part of the field that is boggy with rushes and councillors questioned why the ditch (within 50 metres) had not considered, but would also be concerned about sewerage making it's way down into the village if this route were to be used. The percolation testing appears not to have been carried out and councillors believe this would fail as although there

is a thin layer of topsoil in this area you quickly come down onto clay, where percolation would be at best slow; if at all.

Councillors believe that this application would have an enormous impact on the local area and residents surrounding the site. Changing a quieter rural lane into a busier business area more suited to the Airfield Industrial Estate where complexes of live work units, as in this application, would not be so out of place.

The councillors are very concerned about this application and feel there is absolutely no need for a complex of this size outside of the Airfield Industrial where there is a 20 acre brownfield site that could be developed to provide Business/live work units rather than using a Greenfield site.

## **Technical Consultations**

### **EDDC Landscape Architect - Chris Hariades**

#### **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 COMMENTS ON SUBMITTED DETAILS**

The previous approved scheme (ref. 19/0855/FUL) for conversion of the barn into two business units provided for retention of the existing roof and no windows apart from two very small openings on the east elevation.

The current application proposes demolition of the existing shed and construction of a new building with an overall increase of 2m in the building height with a double pitch roof and would introduce extensive windows to both the west and east elevations to create six live-work units.

The proposals are likely to result in an increase in site activity and light spill. This together with the more prominent building design with balcony and external stair wells would further undermine the rural character of Dunkeswell Turbury.

In respect of green infrastructure/ sustainability the location is poorly connected to neighbourhood facilities with no footway/ cycle links and occupants are likely to be wholly reliant on private car use to access local services.

The submitted landscape details are based on the previous application for conversion to business units. A revised landscape scheme is required reflecting the current design.

#### **3 CONCLUSION AND RECOMMENDATIONS**

For the above reasons due to landscape and visual impact the scheme should be refused.

Should the application be approved conditions should be imposed to require a detailed planting scheme and specification to be provided and for a 25 year landscape management plan to include the effective management of the existing beech hedgebank adjacent to the road to the east of the site access.

a) a landscaping 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, external lighting and measures to enhance bio-diversity value. The landscape scheme shall be carried out prior to occupation of the building with the exception of planting works which should be completed within the planting season following first occupation 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.

b) No landscape works shall begin until a site specific Landscape and Ecology Management and Maintenance Plan has been submitted to and approved in writing with the Local Planning Authority. This shall set out responsibilities for maintenance within the site and cover the management and ongoing maintenance of hard and soft landscape elements and bio-diversity measures within public/ communal areas and include the beech hedgebank to the road frontage east of the site entrance. The Plan shall set out the landscape and ecological aims and objectives for the site along with the specific management objectives for each landscape component, and the associated maintenance works required on an Annual and Occasional basis. The Annual Works are those works that will be required every year, such as watering, weeding and cleaning. The Occasional Works are those that will be required on an irregular or cyclical basis, such as repairs and renewals. Details of inspection, monitoring and reporting arrangements shall also be provided including for annual inspection of existing perimeter trees. The Plan shall cover a period of not less than 25 years following the substantial completion of the development and shall be reviewed every 5 years and updated to reflect changes in site conditions and management prescriptions in order to meet the stated aims and objectives.

#### Blackdown Hills AONB Project Partnership

Replacement of existing agricultural building with 5x live-work units

Thank you for seeking comments from the Blackdown Hills AONB Partnership on the above application, and I apologise for the delayed response.

The AONB Partnership supports its local planning authorities in the application of national and local planning policy in order to ensure that any development in the AONB conserves and enhances the natural beauty of this nationally designated landscape, which is afforded the highest level of protection by national policy. In support of this, the Blackdown Hills AONB Management Plan 2019-24 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following policy of particular relevance to development proposals:

#### Planning and development PD2

All necessary development affecting the AONB will conserve and enhance natural beauty and special qualities by:

- \_&ú Respecting landscape character, settlement patterns and local character of the built environment,
- \_&ú Being sensitively sited and of appropriate scale,
- \_&ú Reinforcing local distinctiveness, and

\_&ú Seeking to protect and enhance natural features and biodiversity

I recall being concerned by the previous application here to convert/reuse the building for business use. I note that this is a purely speculative application, with no end users identified, nor any evidence for the need for such development. In any event, industrial/business/live-work development would be more appropriately located at the existing business/industrial area adjacent to the airfield rather than the open countryside some distance from the village. The rural character and appearance of this part of the AONB is already compromised by existing development and as such further encroachment of urbanised development (industrial use with accommodation plus associated car parking, etc and creation of garden areas) into the undeveloped agricultural areas should be resisted in order to safeguard that rural character, conserving and enhancing the AONB.

Further comments:

Thank you for advising of additional information and amended plans. We do wish to make any additional comments and our original response still stands.

Devon County Highway Authority

Observations:

The live-work units, will minimise the trip generation incurred from the site. These type of units proposed tend to have a modest incurred trip generation from deliveries or clients.

The layout allows for off-carriageway turning, dedicated off-carriageway parking and utilisation of the existing access.

Therefore in summary 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, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Further comments:

Observations:

The live-work units, will minimise the trip generation incurred from the site. These type of units proposed tend to have a modest incurred trip generation from deliveries or clients.

The layout allows for off-carriageway turning, dedicated off-carriageway parking and utilisation of the existing access.

Therefore in summary the County Highway Authority (CHA) has no objection to this planning application.

Addendum 05/11/2021:

The CHA has reviewed the amended plans and has no change in stance.

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

#### Environmental Health

Recommend refusal for the following reasons:

Directly to the West of the proposed live/work units is a large commercial/industrial unit. Due to the close proximity of this unit, it is considered that the insertion of residential dwellings into this situation would create unsatisfactory living conditions for the prospective residents in terms of noise.

The developer has not taken into account the existence of the neighbouring commercial units. The negative impact of these live work units being in such close proximity to the neighbouring commercial activities could lead to conflict between neighbours.

Further comments:

I have considered the application together with the report that has been undertaken. The report has identified a number of noise sources in particular the operation of the compressor within the vintage car restorer area and the general noise levels from the steel fabrication area. The report details the acoustic benefits gained from the bordering beech tree hedge and bank. I disagree with the amount of acoustic benefit that will be achieved from this and therefore, I still have environmental health concerns in relation to noise.

I am concerned that the noise impact from the neighbouring industrial/commercial operations has not been fully assessed and therefore, there's not sufficient justification on the required level of noise mitigation for the residential units.

I recommend that the applicant undertakes a BS8233 noise assessment. Prior to the commencement of the development, a scheme to demonstrate that the internal noise levels within the residential units will confirm to be the "good" design range detailed within British Standard BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings shall be submitted to and approved in writing by the Local Planning Authority.

This will help inform the decision making process for the proposed new residential dwellings. If the noise assessment highlights noise as an issue, mitigation will need to be considered and assessed in order to determine if it is at an appropriate level to achieve the good design range for internal and external noise levels.

Further comments (22.12.21)

I have considered the application together with the noise assessment and do not anticipate any environmental health concerns

### Other Representations

One third party comment received objecting to scheme with concerns over the following:

- Does not comply with policy LE1 “should be located on the airfield”.
- Did not receive any notification of the planning application.
- Overlooking.
- Significant highway issues which shall have an impact on this rural road.
- Increased disturbance through noise and light pollution.
- Value of property devalued.

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
19/0855/FUL	Change of use from agricultural to form 2no. commercial units (use classes B1 and B8), including new doors, windows and external cladding, car and lorry parking areas, improved access and landscaping.	Approval with conditions	20.07.2020

### **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)

D2 (Landscape Requirements)

EN14 (Control of Pollution)

EN22 (Surface Run-Off Implications of New Development)

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

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

#### Dunkeswell Neighbourhood Plan (Made)

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

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

Policy TA3 (Off-road Parking)

Policy LE1 (Live-work Workspace)

#### NPPF (National Planning Policy Framework 2021)

### **Background and Planning History**

Planning permission has recently been granted for the conversion of the existing building to two commercial units ref: 19/0855/FUL. The application went before

Committee on the 15<sup>th</sup> July 2020 and was subsequently approved subject to conditions.

### **Site Location and Description**

The application site relates to land off Long Lane that currently consists of a large agricultural building of approximately 855sqm and approximately 16 acres of agricultural land.

The site is located outside of any built up area boundary but within the Blackdown Hills Area of Outstanding Natural Beauty. The surrounding landscape is a high open flat plateau characterised by large rectangular pastoral fields. The immediate area is characterised by agricultural and commercial units all located immediately to the north of Long Lane.

### **Proposed Development**

The application seeks permission to demolish an existing agricultural building and replace with a two storey dual pitched roof structure. The build is proposed to be occupied as live-work accommodation. The working element would consist of office space (B1a) at ground floor with living accommodation at first floor and garden space to the rear. The build would be finished in timber cladding and aluminium sheeting for the roof. The first floor windows shall be UPVC with doors at ground floor being constructed of aluminium frames and roller shutter doors. The gardens shall be separated with post and rail fences.

### **ANAYLSIS**

The main issues for consideration are the principle of development, visual impact, highway safety and amenity.

#### **Principle of Development**

Paragraph 82d() of the National Planning Policy Framework requires local planning authorities to facilitate flexible working practices such as the integration of residential and commercial uses within the same unit. That approach is broadly reflected in Local Plan Strategy 31 which encourages the provision of mixed use development, including employment close to where people live and the creation of live/work units.

At a more general level, the Local Plan directs most development to areas where there is access to a range of services and facilities and where there are opportunities to access these services and facilities by walking, cycling and using public transport in order to reduce reliance on travel by car. As well as the main towns within the district, the Plan includes a list of villages in Strategy 27 which are considered to satisfy these criteria. Because Dunkeswell does not benefit from a wide range of services and facilities, it is not one of the settlements included in the list. Consequently the application site is regarded as being in a countryside location where Strategy 7 (Development in the Countryside) applies.

Strategy 7 only permits development where it is in accordance with a specific policy that explicitly allows such development, and where it complies with a number of other criteria. In relation to dwellings, such policies are limited to the provision of affordable

housing on 'exception sites' (Strategy 35) or community-led housing development (Strategy 27), the conversion of existing buildings to dwellings (Policy D8), the provision of dwellings for rural workers where there is a functional need for the worker to live at the site (Policy H4), and the replacement of existing dwellings in the countryside (Policy H6).

The Dunkeswell Neighbourhood Plan was officially 'made' on the 7<sup>th</sup> December 2017 and as such the policies within carry full weight and form part of the overarching Development Framework. Policy LE1 of the neighbourhood plan seeks to support working and living in the same building, providing a number of criteria are met. Policy LE1 states:

*Policy LE1 – Live-work Workspace*

*A. Proposals for development to enable or facilitate working or living in the same building or site should demonstrate that:*

*i) The proposed units would be well-related to the uses of the surrounding land and buildings (preferably located on the existing industrial estate);*

*ii) The employment floorspace would be equal or greater than that of the residential living space;*

*iii) The proposed uses would not cause unacceptable nuisance to and would be compatible with neighbouring premises / properties;*

*iv) The proposed development would provide satisfactory living conditions for future occupants; and,*

*v) There would be no adverse impact on:*

*a) the character of the built environment;*

*b) the character of the natural environment and setting;*

*c) residential amenity;*

*d) traffic conditions;*

*e) noise; and,*

*f) light pollution.*

*B. Proposals which seek the change of use of existing employment space to form a live-work unit must demonstrate that such changes:*

*i) Retain existing ground floor employment space; and,*

*ii) The occupancy of the living space is restricted to a person directly involved with the business being operated.*

*C. Applications to change a live-work unit to wholly residential use must demonstrate that the unit has been actively marketed for live-work for two years; that no demand exists for its continued use for live-work; and the*

*proposed change of use would be well-related to the uses of surrounding land and buildings.*

A Local Ward Member and the Parish Council have raised concerns regarding the location of the units and emphasised that there is a preference that such development is better suited to existing employment sites or the nearby airfield. This preference to direct such development to the existing industrial estate is reflected at paragraph 8.6 of the NP. However, despite this, paragraph 8.7 goes on to state that such development is not exclusive to the industrial estate. Additionally the wording of Policy LE1 (Live-work Workspace) does not direct the development of live work units to a particular area of the parish and therefore the principle of the development, despite the application site's location, is considered acceptable under Policy LE1 of the Neighbourhood Plan. Notwithstanding the support for the principle of the scheme the application shall still need to meet various criteria as set out within Policy LE1. These shall be discussed in further detail below.

### **Impact on Character and Appearance of the Area**

The site is located within the Blackdown Hills Area of Outstanding Natural Beauty. Therefore certain restrictive policies apply. The Local Plan and NPPF both contain guidance and policy giving conservation of the AONB significant weight in planning decisions. Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan states that development shall only be permitted where it:

- 1) Conserves and enhances the landscape character of the area.
- 2) Does not undermine landscape quality.
- 3) Is appropriate to the economic, social and wellbeing of the area.

The immediate area that surrounds the application site is characterised by varying uses. Immediately adjoining the site to the west at Westerhope are a number of agricultural buildings that have been converted to commercial units. Residential units also border Long Lane to the west, many of which are located in close proximity to the access of the Westerhope industrial units. To the east is Southayes Farm, an active poultry farm with a number of large agricultural buildings.

The site itself comprises of a large livestock building constructed of timber and steel profiled sheeting with a steep pitched roof. Access to the building is provided by a compacted gravel track off Long Lane. The site has an unkempt appearance and is littered with soil heaps, areas of broken hardcore, domestic items, shipping containers broken fencing and gating. Whilst the site is relatively open to the northeast there are limited public vantage points to view the site except from those immediately forward of the access to the south. Some views are available to the north east, albeit these are limited to filtered views along a private track that serves Lammas Lands.

After concerns over the design of the original submission were relayed to the applicant the scale, form, fenestration and materials of the proposed build were changed. The overall width of the build would be reduced to a width of 10.5 metres, just over half the width of the existing building. The overall height of the build is equal to the existing barn and incorporates a single pitch.

Overall where the building would be visible to the south on Long Lane it is anticipated that the overall scale and bulk of the build compared to its predecessor would appear to be reduced. The build also seeks to retain the long narrow footprint which is more characteristic of rural buildings.

The submitted Design and Access Statement details that the garden areas will be enclosed by grass banks and subdivided with low post and rail fences. The parking area would be located between the build and western boundary, there are little concern over this aspect of the development. Despite this, further details are required to adequately detail all forms of soft and hard landscaping. This will ensure that any planting and surfacing for the access track and parking are appropriate to its setting and are substantial enough to provide areas of screening where needed. As such, an appropriate landscaping scheme shall be addressed through an appropriately worded condition seeking further details prior to commencement.

However, as specified within the Blackdown Hill's Management Plan, 'natural beauty' is not just the look of the landscape. There is also a duty to ensure the tranquillity of the AONB and its sensory experiences, cultural associations and the relationship between people and space. The proposed build would incorporate a number of windows on the western elevation that could result in light spill during dark hours. To mitigate against this the scheme should seek to incorporate glazing that reduce the light and glare. Again, such details shall be secured via condition if permission is to be forthcoming.

### **Impact on Adjoining Neighbours and Amenity for Prospective Occupiers**

There are a number of properties that front Long Lane that are in close proximity to the application site. These include the properties of Windhover, Beech Croft and Little Turbury. There is another property to the east known as Turbury Croft although this is separated by a parcel of agricultural land.

In this case the provision of office space is anticipated to have a low level of impact upon adjacent neighbouring properties. Compared to the uses approved under application 19/0855/FUL and the existing agricultural use, the level of traffic is anticipated to low and the type of vehicles accessing the site are expected to be small private vehicles rather than HGVs or agricultural traffic.

The Local Authority's Environmental Health Team have reviewed the application and provided comments. In this case, whilst the impact of the development upon adjoining neighbours are of minimal concern, the adjacent industrial activities at Westerhope have the potential to negatively impact the amenity enjoyed within the accommodation of the live work units.

The applicant has been in discussion with the Environmental Health Team and have produced an acoustic report that has identified a number of noise sources in particular the operation of the compressor within the vintage car restorer area and the general noise levels from the steel fabrication area. The report details the acoustic benefits gained from the bordering beech tree hedge and bank. Further details in the form of a BS8233 noise assessment has also been undertaken to adequately demonstrate that

internal sound levels are acceptable. This has been reviewed by the Environmental Health Team who have raised no objections.

### **Impact on Local Highway Network and Parking Provision**

The anticipated trips generated to the site are anticipated to be modest. Whilst it is expected that the occupants of the accommodation would largely stay onsite there will still be a proportion of the workforce who may well commute to the site. The County Highway Authority have been consulted with and believe that the development would not generate an unacceptable level of traffic and therefore does not pose a risk to the local highway network.

Additionally the scheme proposes ample parking to the west and south, including bike storage. There is considered adequate room for turning and existing the site in a forward gear.

### **Surface Water Run-off**

The Parish Council and a Local Ward Member have expressed concerns over the development's ability to attenuate surface water run-off. Despite the land not being designated as a Critical Drainage Area or falling within a Flood Zone, there are concerns that the immediate area becomes easily saturated. The submitted application details that the scheme would utilise a mix of a Sustainable Drainage System, an existing water course and a soakaway in order to deal with surface water run-off. Notwithstanding the submitted floor plans that are annotated indicating the use of 'SUDS paving blocks' and 'permeable gravel' within the parking areas it is not entirely clear where and how surface water generated elsewhere shall be dealt with. As such further information shall be required prior to commencement of the development in order address this. However, owing to the size of the existing building, it is not anticipated that the level of surface water run-off would significantly exceed the level that currently produced from the site. Furthermore the site, in addition to land that falls within the applicant's ownership, provides ample space for some form of scheme to adequately deal with surface water run-off.

### **Ecological Impacts**

The development involves demolition of a significant building within the countryside and as such a full ecological survey is required to adequately demonstrate that any habitat features to be lost are replaced. The survey can be summarised as follows;

- No evidence of roosting bats was found. Despite this the recommendations within paragraph 5.6 indicate four boxes shall be placed on outside walls.
- Four bird boxes shall also be provided on the external walls.
- There may be loss of reptile and amphibian habitats. As such a Reptile and Amphibian Mitigation Method Statement has been provided and required to be adhered to.

## **CONCLUSION**

Whilst concerns raised by statutory consultees with regards to the principle of development are duly acknowledged, the provisions of Policy LE1 of the NP do not specifically require live work units to be only located upon the existing industrial site. This position of officers has been reinforced by the findings of an inspector during the assessment of APP/U1105/W/20/3249070 (19/1299/FUL) at Hill View Nursery. The inspector stated, when considering other development within the parish for live-work units, that “the main significance of that decision is that a position on the Dunkeswell industrial estate is not essential and I agree given that Policy LE1 only refers to that being a preferable requirement”. As such, the principle of development is accepted.

The development will have a degree of impact upon the agricultural character of the site through removal of the existing barn and provision of the proposal building. Despite this, for the reasons given above, the subsequent visual harm is considered limited. The site is largely screened from distant public view due to the local topography and the screening provided by existing hedgerows and properties along the main road into Highfield. Where views of the site are available these are largely confined to private lanes or immediately south of the application site. At the access off Long Lane, where the development would be most noticeable, it is considered that the magnitude of change would be fairly low owing to the reduced scale of the proposed building compared to the existing barn. The application also presents an opportunity to address the unkempt appearance of the site through a detailed landscaping scheme that secures the provision of planting, Devon banks, hedging and the removal of the shipping containers and piles of hard core. Subject to further details with regards to landscaping, and the intended glazing to address light spill, the development is considered to conserve the landscape quality and distinctiveness of the Blackdown Hills Area of Outstanding Natural Beauty.

The National Planning Policy Framework states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 82 d) also states that policies should be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices such as live-work accommodation. The provisions at Paragraph 84 also supports the sustainable growth of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings in the interests of supporting a prosperous rural economy. It is thought that these areas of the NPPF and support drawn from LE1 of the Neighbourhood Plan weigh in favour of the scheme.

As such, in this case where it is clear that the development will have a degree of impact upon the AONB it is deemed appropriate to factor in the economic benefits of the scheme. In this case the support within the NPPF and the anticipated employment benefits are considered to weigh in favour of the scheme. As such, despite objections raised, the application is recommended for approval subject to conditions listed below.

## **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 hereby approved building shall be used for live/work residential and office purposes only and for no other purpose (including any other purpose in Class E of the amended Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior express consent of the Local Planning Authority. The occupation of the residential element of the live/work units hereby permitted shall be limited to a person solely or mainly employed in the business occupying the work element of that unit and any resident dependants. Additionally, the proportion of residential floorspace to commercial floorspace shall reflect the ratio detailed in approved plan 2019\_10 and remain so in perpetuity unless agreed otherwise, in writing, by the Local Planning Authority.  
(Reason: To ensure that use of the building is compatible with surrounding land uses and that the units are primarily for business use in accordance with Strategies 7 - Development in the Countryside and EN14 – Control of Pollution of the East Devon Local Plan 2013-2031 and Policy LE1 – Live-work Workspace of the Dunkeswell Neighbourhood Plan).
4. Prior to any construction above foundation level, details of materials to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.  
(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.)
5. 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.)

6. No window shall be installed in the building hereby permitted until a scheme to minimise light pollution from the windows on the eastern elevation has been submitted to and approved in writing by the Local Planning Authority. The building shall not be brought into use until the scheme has been implemented as approved and the approved measures shall thereafter be maintained in perpetuity.  
(Reason - To minimise the impacts of light pollution on East Devon Area of Outstanding Natural Beauty in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013-2031.)
7. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.  
(Reason: The details are required prior to commencement to ensure that they fit efficiently within the site layout, protect water quality and minimise flood risk in accordance with Policy EN22 - Surface Run-Off Implications of New Development of the Adopted East Devon Local Plan 2013-2031 and the guidance contained with the National Planning Policy Framework.)
8. Development shall be carried out in accordance with the recommendations and mitigation measures in the Ecological Appraisal prepared by EPScology dated October 2021.  
(Reason - In the interests of wildlife protection in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

R0	Location Plan	26.05.21
1-0 E	Proposed Floor Plans	09.12.21

1-9 E

Proposed Elevation

09.12.21

List of Background Papers

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