

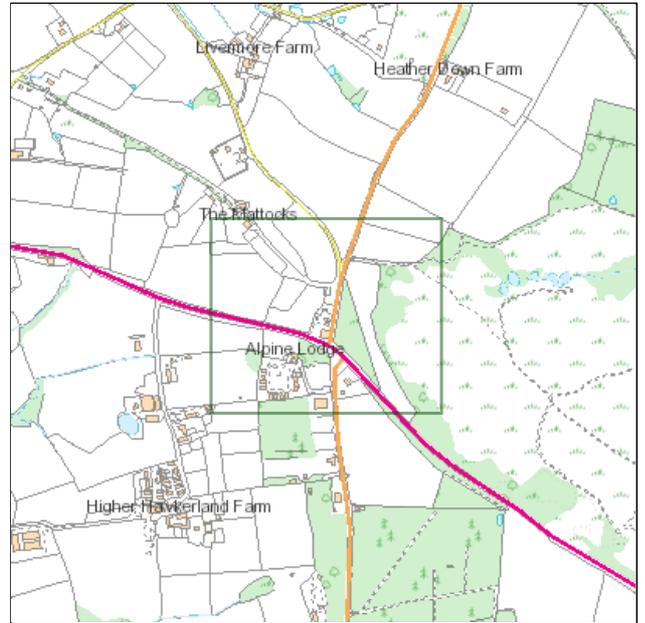
**Ward** West Hill And Aylesbeare

**Reference** 21/2835/FUL

**Applicant** Mr Greg Vooght

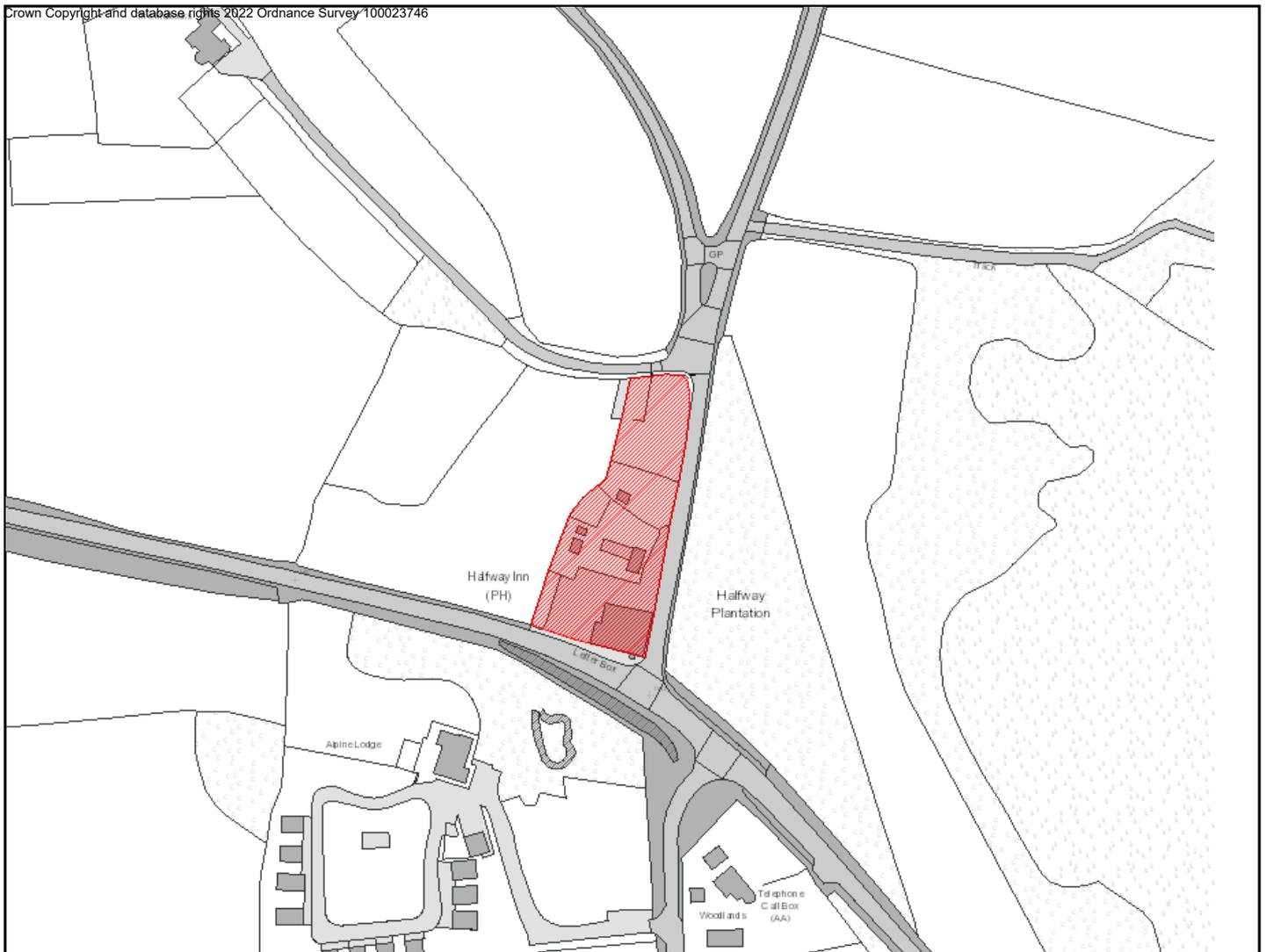
**Location** Halfway Inn Aylesbeare Exeter EX5 2JP

**Proposal** New equestrian shop within existing building with alteration to fenestration. New storage building, parking, landscaping, and external works. Use of ancillary building as a dog grooming business



**RECOMMENDATION: Approval with conditions**

Crown Copyright and database rights 2022 Ordnance Survey 100023746



		<b>Committee Date: 14<sup>th</sup> June 2022</b>
<b>West Hill And Aylesbeare (Aylesbeare)</b>	<b>21/2835/FUL</b>	<b>Target Date: 31.12.2021</b>
<b>Applicant:</b>	<b>Mr Greg Vooght</b>	
<b>Location:</b>	<b>Halfway Inn Aylesbeare</b>	
<b>Proposal:</b>	<b>New equestrian shop within existing building with alteration to fenestration. New storage building, parking, landscaping, and external works. Use of ancillary building as a dog grooming business</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before committee as the proposal represents a departure from the adopted East Devon Local Plan.**

**The application seeks the change of use of the former public house to an equestrian retail unit and café/restaurant, change of use of ancillary building to a dog grooming unit, together with the construction of a storage building and associated parking. The proposal would result in the loss of the existing public house use from the site, albeit that the public house closed a few months ago.**

**During the course of the application, a large enclosed storage compound and new building housing a pet store and grooming business have been removed from the proposal, as has a proposed takeaway business.**

**Whilst not strictly complying with local plan policy, the loss of a public house and associated employment would be replaced by a rural retail business which, although different in nature, would generate further employment and would repurpose an otherwise empty property back into a meaningful use.**

**The proposal would introduce new development within the countryside, with the construction of the storage building, however the design and position is not considered to be unreasonably prominent or detrimental to the character and appearance of the area. The landscape impact has been considered and found to be acceptable, both in terms of immediate setting and in the wider context of the adjacent East Devon Area of Outstanding Natural Beauty.**

**The development provides adequate parking, and the formation of a new access with appropriate visibility splays will improve highway safety for vehicles accessing the B3180. The volumes of traffic attracted to the site are capable of being accommodated on the highway network without detriment to highway safety.**

**Overall it is concluded that, on balance, the proposal represents an appropriate use of the site, and that in the absence of any landscape harm, or detriment to residential amenity, ecology, and highway safety, it is considered that the application should be supported subject to appropriate conditions.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council (original submissions)

Aylesbeare Parish Council supports this application and applauds the applicant's consultation with residents and the Council. The repurposing of the pub to a café with the equine store, pet grooming and takeaway are fully supported.

Having had a public meeting with the applicant and many residents attending, the Council has heard about a major change to the application that includes:-

- ' The compound will now be converted into additional customer parking with a permeable surface and the lorry exit removed.
- ' The metal fence will now be a more sympathetic post and rail fence.
- ' Access for pedestrians from the Aylesbeare end will be provided via a kissing gate.
- ' The visibility splay at the Aylesbeare end is significantly improved.
- ' Articulated lorries will no longer use the site as off-site bulk storage has been secured. Smaller vehicles will convey pallets to the site which will be stored at 2 levels inside the store.
- ' We understand that the store & pet grooming buildings will be clad with green coloured Aluminium Composite Material cladding and the height of the store will not exceed 5.6m. It will also be obscured by the existing trees in time.
- ' An EV charging point grant has been applied for and solar panels will be fitted to roofs.

Aylesbeare Parish Council objects to the plans as submitted, amended and consulted upon because of the traffic movements of large vehicles, the visibility from the adjacent properties and appearance of the fence.

Following the meeting and assurances from the applicant that the changes listed above will be submitted imminently, Aylesbeare Parish Council would fully support the revised application. This is in light of the support and agreement of the immediate neighbours present at the meeting.

#### Parish/Town Council (amended plans)

Aylesbeare Parish Council has no objections to proposed development outlined in the revised plans submitted in December 2021.

Aylesbeare Parish Council supports the amended plans submitted.

Adjoining Parish (original submissions) – Newton Poppleford and Harpford

The PC is not a statutory consultee for this application but wishes to submit a comment as an adjoining (interested) parish council.

Newton Poppleford and Harpford Parish Council supports this application in principle and welcomes the economic benefits to the area that the development will bring but notes that the proposed trading hours will conflict with, and exacerbate, peak time traffic hours and thus an opportunity surely exists for DCC to work with the applicant and EDDC to introduce improvements to this junction which already poses significant visibility, safety and access challenges.

Adjoining Parish (original submissions) – West Hill

West Hill Parish Councillors considered the application and agreed comments under Delegated Powers, 30th Nov 2021. The application has been considered as it is in an adjoining parish.

In principle, Cllrs supported the re-development of the existing building and the creation of job opportunities. However, they raised strong concerns regarding road safety at the site entrances -exits and at the adjacent busy B3180 - B3052 junction.

Concerns included

- a. The proposed entrances are very close to an existing busy, difficult junction.
- b. Larger vehicles find it difficult to negotiate the junction of B3052 and B3180 due to the layout and narrowness of the road. The application would create further risk as traffic turning left off the B3052 onto the B3180 will confront traffic using the new entrance.
- c. The existing junction of B3052 and B3180 is difficult with frequent tailbacks/queues. The proposed takeaway business and additional retail offering will significantly increase traffic accessing the site including deliveries by large vehicles. Increased traffic volumes and delays as HGVs negotiate the junction/site entrances will only exacerbate the problem.
- d. Width and visibility at the proposed entrance onto the B3180 seem inadequate.
- e. Councillors also noted the scale and appearance of the buildings are out of character. The site is highly visible as it is near the ridge of the hill. Also, lighting will also be visible from a significant distance.
- f. Councillors expressed concerns re lighting and the possible adverse impact on the nearby RSPB reserve.

Councillors support, in principle, the re-development of the existing building but recommend refusal of the additional buildings and substantially larger car park.

Adjoining Parish (amended plans) – West Hill

Whilst Councillors wish to support this new venture, concerns have been raised regarding road safety at this location. The junction of the A3052 and B3180 is already

extremely busy and any increased traffic movements from these premises would pose additional danger. Improvements to the road layout at this junction should be considered by DCC.

West Hill Parish Councillors considered the application as a neighbouring Parish and agreed comments under Delegated Powers, 14th April 2022. Further to the comments previously supplied, Cllrs objected to the application for the following reasons:

- o The proposed steel frame storage building is out of character with the rural character of the area. In particular Cllrs expressed concerns regards the proposed materials. The site is located on a ridge and as such is visible across a wide area.

- o On the B3180 side of that proposed storage building (at its rear) the area of the plan doesn't show anything in the roadside space apart from a small bin area. This area is currently being used for parking 90degree to B3180. Cllrs considered this dangerous as it is so close to junction with B3052. The junction itself, is recognised locally as a dangerous with queuing and the difficulty of lorries turning.

- o The existing car park and proposed car parks are proposed to be linked, so could be used for a cut through/rat run when problems at junction B3052/B3180.

- o The proposed new entrance on B3180 to the proposed new extension car park is very close to the dangerous, narrow junction with B3052. There is already queuing along the B3052 and this extra entrance could exacerbate the problems.

- o The small field to the north of the site is to be turned into a car park, with a consequent loss of habitat and biodiversity.

Cllrs agreed old Halfway Inn building needed tidying up and as it is a landmark in the local area it would look more favourably on a scaled-down development comprising just the original building, retaining the original car park and not building another car park on the green field.

Cllrs expressed serious concern that the site is already trading without planning approval. They referred this matter to EDDC regards enforcement.

If the application is approved in its current form, Cllrs requested a planning condition for substantial planting, to mitigate the loss of the green field and other trees and hedging

#### Adjoining Parish Copuncil - Colaton Raleigh Parish Council (amended plans)

Amended plans - Colaton Raleigh Parish Council supports the requirement for mitigation planting and habitat creation as outlined in EDDC's landscape response document dated 21.1.22.

#### Ward Member - West Hill & Aylesbeare Ward – Cllr J Bailey

I have received the draft report. Here are my comments as ward member;

1. I do have concerns about the development exacerbating existing problems on this dangerous junction of the B3180 and A3052. In particular, the new access onto the B3180 when traffic already backs up. I note there is no DCC highway objection.

2. Trees were felled prior to the site being developed and I raised concerns with the tree officers at the time. Whilst this may not be a material planning consideration it should be noted that as a matter of principle Eddc is opposed to pre-emptive tree felling, as am I.

3. Given the detailed objection/comments from the RSPB, I would expect that Eddc's ecology officer be asked to comment on the application and also satisfy himself of the proposed conditions.

4. The former bridal unit is I understand now going to be used for dog grooming rather than takeaway. The approved plan needs to make this clear (it does not specify any use). The signage on the main building states takeaway use.

5. Much of this application is retrospective as the business has opened and is already trading.

6. I note that the application has been scaled back from the original application.

Adjoining Ward Member – Budleigh & Raleigh Ward – Cllr T Wright

Thank you for sight of the draft report. The planned business is very much a rural enterprise and although I have so e sympathy with the concerns expressed by the RSPB I remember that nit very long ago the Halfway House was a very popular pub/restaurant and the resulting traffic movements persisted late into the evenings and at busy periods was much heavier that traffic is likely to be in the proposed use. I therefore support the recommendation to approve.

Adjoining Ward Member – Budleigh & Raleigh Ward – Cllr A Dent

Thank you for letting me have sight of this report.

I support the recommendation to approve as this equestrian based enterprise will be useful rural business. The RSPB comments are noted but overall, I feel the benefits gained outweigh any potential harm.

**Technical Consultations**

Devon County Highway Authority (original submissions)

The applicant met with the County Highway Authority (CHA) on site to run through the proposals, and any further documents the CHA may require to comment upon this planning application.

B3180 approach

The proposed plan (PIN1030-70A) is positive in that the open frontage parking on the B3180 will be closed, which being close to the A3052 and having no room to turn off-carriageway presents a current safety concern. Instead the proposed access from the B3180 will provide for a regulated access with at least 60m visibility in the southern direction towards the A3052 together with suitable visibility for the junction approach in the north direction. This section of the site will have no through-route to the parking for the shop/restaurant thereby reducing the vehicular utilisation of this particular access. The proposed layout for this part of the site allows for off-carriageway parking

and turning, as well as extra room spaces for parent and child. Additionally the existing top gate will be only for HGV deliveries so that they may also exit in a forward gear.

#### A3052 approach

The proposed layout for this part of the site will be accessed from the existing access onto the A3052, sufficient space for this part of the site allows also for off-carriageway parking and turning. Footway paths are provided to interlink with the rest of the site. One area to consider is how refuse access to the bin store will be provided whilst still ensuring the closure of that frontage to carriageway side parking. I would also consider the provision of secure cycle storage within this vicinity, to encourage sustainable travel and help mitigate trip generation to this site.

#### Trip generation

This particular site has long been an established coachhouse and latterly, Inn, therefore i believe the diversification in use will not present a great intensification in vehicular trip generation upon the local highway network. I would recommend the conditioning of aConstruction and Environment management plan (CEMP) to help mitigate any impact upon the local highway network during the construction process, especially with the the building changes required.

#### 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

1. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with the East Devon Local Plan 2013-2031.

2. 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.

#### Devon County Highway Authority (amended plans)

Addendum 24/01/2022

The County Highway Authority (CHA) was consulted on the amended plans on the 16th December and have some concerns due to the lorry turning area being removed and the lorry access now being proposed as a pedestrian gate, with the goods instead being relocated to Greendale Barton via the A3052 where they will be unloaded into smaller vans and shipped to the Halfway Inn site. I will be requiring a Transport Assessment to evaluate data on the trip generation anticipated from this shuttling, in order to ascertain the level of movement.

I am also concerned of the dangers of unguided pedestrians walking through the entire car park without any footway provision.

Until the relevant trip generation statistics are submitted, my stance must be one of refusal until further information is provided.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION

#### Devon County Highway Authority (further amended plans)

Addendum 10/04/2022

I have been consulted on the Transport Statement now provided with this application, I am satisfied that the trip movements between the holding area and delivery area will be few enough to provide a negligible impact upon the local highway network, additionally the parking layout on the B3180 has been re-designed to not encourage through-route of pedestrians to the top kissing gate entrance through the centre of the parking area.

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

EDDC Trees (original submissions)

Interesting site this one. I checked google streetview after I had been on site. It appears that some pre-emptive felling of trees has taken place which has cleared all trees apart from a line of Oaks on the western boundary. One significant tree was an Ash. The applicant on site said this was suffering from Ash dieback and therefore felled for safety reasons. However an Oak adjacent to the road, a group of significant Pine and two Cypress have also been removed. None of the trees were protected, but it is likely that if East Devon were aware of the works taking place, a TPO would have been made on site to ensure retention of at least the Oak and Pines. It is likely that these trees would have been constraints on the current proposals.

However, based on the current proposal, I have no objection in principle. However, it would be suitable for an appropriate landscaping scheme to mitigate for the loss of significant tree cover at the site. To protect the remaining Oaks on the western boundary I would like the following conditions:

Prior to the commencement of any works on site (including demolition and site clearance or tree works), a scheme for the protection of the retained trees, hedges and shrubs shall be produced in accordance with the principles embodied in BS5837 :2012, which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

In any event, the following restrictions shall be strictly observed:

- (a) No burning shall take place on the site.
- (b) No trenches for services or foul/surface water drainage shall be dug within the crown spread of any retained tree (or within a distance from the bole of the tree that is half its height, 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 a distance from the bole of the tree that is half its height, 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 - To ensure retention and protection of trees and hedges on the site prior to and during construction in the interests of amenity and to preserve and enhance the character and appearance of the area).

EDDC Landscape Architect (amended plans)

Please see comments under documents tab, summarised below

### **1 Introduction**

This response is an update to previous response dated 21.1.2022 following submission of an amended site plan, drawing no. PIN 1030-07 Rev C.

### **2 Review of amended details**

The omission of the proposed pet store and reduction in scale of the development is welcomed but the proposed eastern boundary treatment comprising only a post and rail fence will make the proposed carpark a prominent and urbanising feature. A suitable mixed native species hedgebank along the B3180 frontage is required to provide screening and enhance biodiversity value and local landscape character and help integrate the proposals with the surrounding landscape. Additionally a small copse should be included to the west of the proposed car park (refer over-marked site plan extract below).

No further details are provided for the proposed store and it is recommended that this should be finished with timber cladding and dark grey standing seam roof.

### **3 Conclusion and recommendations**

Subject to further amendment as noted above the scheme could be considered acceptable in terms of landscape design and impact.

EDDC Landscape Architect (amended plans)

Having reviewed the additional information recently submitted in respect of the above application I have no further comments.

Natural England (original submissions)

### **NO OBJECTION**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Natural England (amended plans)

Thank you for your consultation.

Natural England has previously commented on this proposal and made comments to the authority in our letters dated 14 January 2022 and 14 March 2022 (our references 379407 and 384932 respectively).

The advice provided in our previous responses applies equally to this amendment although we made no objection to the original proposal; please find these responses attached.

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.

### Other Representations

A total of 103 representations have been received, with 95 supporting the proposal, 7 raising objections and 1 making comments. The issues raised are summarised below:

#### Support

- Will support the local community
- Additional employment
- Putting a redundant building to good use
- Will provide needed local facility
- No more traffic than former use
- No neighbouring residents
- Sustainable location, accessible by bus

#### Objections

- Increase in traffic
- Existing junction is dangerous
- Impact on traffic arising from storage building
- Compound fencing and hardsurfacing inappropriate in this location
- Use of compound will increase numbers of HGVs and large vehicles to site
- Not appropriate use in the countryside
- Increase in pollution
- Detrimental to the adjacent Area of Outstanding Natural Beauty
- Trees have been removed from the site
- Looks like an industrial estate
- Light pollution will impact neighbouring RSPB reserve
- Will create a 'rat run' on nearby lanes
- Detrimental to Pebblebed Heaths
- Storage building too large and inappropriate

Comments have also been received from the RSPB stating the following:

1. The RSPB has serious concerns about this proposed development and, in the absence of further information and mitigation measures to be able to conclude no harm to designated habitats and species from its construction and operation, we object to the proposal. We do not consider there has been adequate assessment of its potential to result in harm to the designated species and habitats of the nearby statutorily protected East Devon Pebblebed Heaths Site of Special Scientific Interest, East

Devon Heaths Special Protected Area and East Devon Pebblebed Heaths Special Area of Conservation and the RSPB's Aylesbeare Common nature reserve.

We are also concerned that increased traffic arising from the development on the local roads and at the Halfway Inn junction will increase the danger to RSPB staff and vehicles using those roads and that junction, and as well as affect the safety of visitors to the RSPB nature reserve who cross the A3052 to access the nature reserve. Our concerns and recommendations are set out below.

2. The statutorily designated sites and RSPB nature reserve are less than 100m and separated by a minor road from the proposed development. We note the ecological appraisal (Devon Wildlife Consultants, October 2021) mentioned the need to make a proportionate payment towards mitigation in relation to the residential accommodation element of the proposed development.

In our view, because the site is not currently used as a residence, the proposed development can reasonably be viewed as providing new residential accommodation, contrary to East Devon Local Plan Strategy 47 (to prevent new residential accommodation within 400m of the SPA).

3. In the event that your authority concludes the proposal does not provide new residential accommodation, we seek confirmation that the proposal will not result in more residential accommodation than existed when the site last functioned as a business and that, if your authority is minded to grant permission, it will place a condition to require the owner/occupants not to keep any cats on the premises (to reduce the cat predation risk to nesting birds on the designated sites).

4. We are concerned there has been no consideration of the potential for increase in damaging recreational impacts on the designated sites arising from customers of the proposed development. This was not assessed in the application documentation.

5. In our view, there is a risk of increase in damaging impacts on the designated heathland sites and species from artificial lighting associated with the proposed development as any light spill from the proposed development, or any additional lighting proposed in relation to highways safety concerns, onto the designated habitats will have a detrimental impact on its wildlife, including invertebrates, bats and nightjar. Artificial light can disrupt the behaviour and location of moths, in turn affecting the species that prey on them. Many species of bat are light averse and so will avoid favoured commuting or foraging habitats if they are lit. We recommend your authority require a lighting assessment and details of the type, location and hours of operation of proposed lighting be provided to demonstrate how light spill onto the designated habitats will be avoided before it decides this application.

6. In our view, there will be a likely increase in recreational use of the designated heathland by people and their dogs (and potentially horses?) prior to or after using the facilities at the proposed development. A particular concern is if customers of the proposed development take their dogs onto the designated sites and exercise them off the lead, which will lead to disturbance of ground nesting and other birds (including nightjar and Dartford warbler, designated species of the SSSI and SPA) and in the breeding season, and eutrophication and change in vegetation from dog faeces. There is a public footpath that leads directly onto the RSPB nature reserve from opposite the

northern end of the Halfway Inn grounds. There is nothing in the planning application documentation to reassure us that the proposed development will not result in an increase in recreational access to and use of the designated heathland sites, and an associated increase in damaging impacts.

7. We are also concerned that local increases in vehicular traffic associated with the proposed development (the proposal includes 46 car parking spaces and there will be larger delivery vehicles frequently entering and leaving the site, including articulated lorries twice a week) will lead to increased nitrogen emissions, leading to more nitrogen deposition on the nearby heathland habitats, which could result in adverse changes in the soil pH and vegetation on the protected sites.

8. The application includes a proposed take away hot food outlet. No details were given but the Design and Access Statement mentioned this would be of specific interest to local walking and cycling groups. We are concerned about potential for related litter on the nearby designated sites, especially as no information was provided on how this issue will be avoided. It was also not clear from the information provided if this take-away hot food and drink outlet (proposed for a separate building on the site) will have toilet facilities available for its customers.

9. We have highways safety concerns in relation to RSPB staff managing our nature reserve and visitors accessing it for quiet enjoyment of its wildlife and landscape. RSPB vehicles necessary for the conservation management of Aylesbeare Common nature reserve, including tractors and trailers, use the local lanes and cross the A3052 junction at Halfway Inn, while visitors to our nature reserve cross the A3052 road to access the nature reserve on foot from the bus stop and our car park on the opposite side of the road.

10. We recommend that your authority consults with Natural England (NE was not listed as a consultee for this application) and undertakes an assessment to determine if the proposed development risks a Likely Significant Effect upon the designated habitats and species of the SPA and SAC. Based on the information provided to date, we believe the proposed development will likely result in harm to the designated sites (including from light spill and increased recreational usage), and so in our view, an Appropriate Assessment will be required before determination of the application.

11. Finally, we note that the Ecological Appraisal concludes the required minimum 10% Biodiversity Net Gain (as required by the new Environment Act) cannot be provided within the application site. The Design and Access Statement mentions the applicant can offer an area of land off the application site but provides no details. Leaving aside the RSPB's major concerns relating to the impacts on the designated sites (SSSI, SPA and SAC), we do not consider the proposals for BNG relating to loss of habitat at the application site adequate.

12. We consider that our comments accord with the legislation and national and local planning policy set out in the appendix to this letter.

## **PLANNING HISTORY**

The application site has several older planning approvals, however the most recent and relevant is that detailed below

Reference	Description	Decision	Date
09/2376/FUL	Extension to west elevation incorporating terrace seating area	Approve	05.01.2010

## **POLICIES**

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

Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

EN4 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN22 (Surface Run-Off Implications of New Development)

E5 (Small Scale Economic Development in Rural Areas)

E15 (Retail Development in Rural Areas outside Villages)

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 Halfway Inn is a former public house and restaurant occupying a prominent position located on the busy junction of the A3052 Sidmouth Road and B3180. The building extends up to the edge of the pavement on both roads.

The original building is two storey in form and has been extended by various modest extensions on its northern side and a substantial single storey extension projecting to the west, with adjacent covered decking area. Due to the falling ground levels the extension also has cellar accommodation below, and large full height windows on the west elevation offering extensive views over the open countryside to the west.

The main parking area for the public house was located to the west of the building, accessed from Sidmouth Road, with a further access (currently blocked) and

additional parking spaces provided perpendicular to the B3180, to the north of the building.

The public house and restaurant closed a number of months ago prior to its purchase by the applicant.

### **Proposed Development**

As originally submitted the application sought the change of use of the public house to form an equestrian shop and restaurant; the construction of a storage building; change of the use of the bridal shop to a takeaway; the construction of a pet store/grooming building; an enclosed compound area and 35 parking spaces.

During the course of the application the proposal has been amended by the removal of the compound, new pet store building, takeaway and 6 parking spaces.

The application now seeks planning permission for the change of use of the public house to form an equestrian shop, with restaurant, the construction of a storage building and the change of use of the former bridal shop/ancillary building within the grounds to a dog grooming parlour.

Externally, the building is largely unchanged, with a chimney being removed and a new entrance formed in the north elevation with access to the parking area.

Internally, a new entrance is proposed to be formed in the northern elevation, but the layout and configuration of the rooms would remain as existing. The first floor managers accommodation would also be retained, but the letting bedrooms would be reconfigured with internal walls removed to provide storage for the shop.

The main access to the site is to be taken from the A3052 (Sidmouth Road) using the existing entrance, with parking retained on the existing car park. A further parking area is proposed to the north of the storage building, with a new entrance formed from the B3180. The other existing access to the immediate north of the main building, and the parking bays adjacent to the B3180 on the eastern side of the site are to be removed.

The storage building is sited to the north of the existing building with a functional steel framed building proposed, measuring 10m x18m with an overall height of 6.5m. Profile sheeting is proposed for the walls and roof, which also incorporates a number of roof lights and photovoltaic panels

### **ANALYSIS**

The main issues to be considered in the determination of this application relate to the policy context and principle of the development; and impact on the character and appearance of the area, highway safety, ecology, trees, and amenity.

### **Policy Context**

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council formally adopted the East Devon Local Plan 2013-2031 on 28th January 2016 and the policies contained within it are those against which applications are being determined and carry full weight. There is no Neighbourhood Plan which covers the area.

## **Principle of Development**

Planning law requires that applications for planning permission must be determined in accordance with the development plan (foot note 2 states this includes local and neighbourhood plans that have been brought into force) unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

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

In this instance the proposal would constitute a change of use from a sui generis use as a public house (formerly A4) to an E class commercial/business use (formerly A3).

There is no specific policy within the adopted local plan which categorically supports the change of use of a public house to a retail unit and the application has therefore been advertised as a departure.

There are, however, local plan policies which are considered to have some relevance to the proposal.

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) seeks to resist the loss of existing employment, retail and community uses in order to ensure the vitality of local communities, and to support the local economy. The location of the Halfway Inn is such that it is divorced from any local community, and would make little contribution towards meeting the needs of local residents. There is a bus service along the A3052 with bus stops nearby, although it is considered that the majority of the former patrons would have used a private vehicle to visit the pub.

Whilst the strategy seeks to prevent the loss of retail units, it does not specifically support their provision. In this instance the loss of a public house would be replaced by a retail unit and an associated café/restaurant and although not complying with the wording of the policy the proposal would retain an employment generating use on the site whilst proposing a retail use that is related to countryside activities. The proposal would introduce a new employment generating use to the site which would have the potential to provide similar (and potentially greater) employment and wider economic

benefits to those provided by the former public house use. In this respect it would be benefiting the local community and economy by creating local jobs.

The proposed retail use may be less community based than the former public house, however the inclusion of the associated café/restaurant would retain a social gathering element as required by Strategy 32 and it is considered that its loss on community grounds would therefore be hard to substantiate.

Policy E15 (Retail Development in Rural Areas outside Built-up Area Boundaries) seeks to protect the viability of town centres and to avoid retail development in rural areas unless they are directly related to a rural business and sell goods produced on the site, or within the local vicinity. The proposal is not considered to be compliant with this policy as none of the goods are produced on the site. It could be argued that the equestrian nature of the store, and the business is an existing rural business, and that the size of many of the equestrian products sold would not be appropriately or ideally located within a town centre location.

Whilst not strictly complying with local plan policy, the loss of a public house and associated employment would be replaced by a rural retail business which, whilst different in nature, would generate further employment and would repurpose an otherwise empty property back into a meaningful use.

In terms of national policy para. 84 of the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of businesses in rural areas both through the conversion of existing buildings and well-designed new buildings; should enable the development of land-based rural businesses, and enable sustainable leisure developments which respect the character of the countryside.

Overall the nature of the business is considered to be appropriate in a rural location, and subject to the impact of the development being acceptable in terms of other amenity issues the principle of the proposal is considered to be acceptable.

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

The application site lies within the open countryside, and although it lies outside of the East Devon Area of Outstanding Natural Beauty, its western boundary is formed by the B3180.

Whilst the existing building and car parking area is prominent in views from both the A3052 and the B3180, the rest of the site is at a lower level, with the land sloping to the west. There are a number of trees and hedging on the western boundary screening the majority of the site from views from the west, and a low hedge adjacent to the eastern roadside boundary, with further trees beyond the road, which screen the site from views from Aylesbeare Common and the AONB.

The proposed storage building essentially occupies the footprint of an existing shelter, although, at 6m, it is higher. The land on which it is sited is around 2m lower than the adjacent road level, and whilst it will be visible from the road, when approaching from the north would be viewed within the context of the existing building behind. From the south the new store will only become apparent having passed the existing building.

It is considered that the removal of the existing access and parking spaces adjacent to the B3180 will further offer the opportunity to provide additional landscaping in this area, which will, over time, soften the appearance of the new building, and despite the formation of a new access further to the north, the overall impact of the proposed development on the character and appearance of the area will be limited.

The removal of the originally proposed compound, pet store and parking area on the northern part of the site will maintain the open aspect of this part of the site and allow further additional planting and landscaping which will again reduce any visual impact of the new development.

On balance, having regard for the above, it is considered that the proposal would have a minimal impact on the character and appearance of the area or the wider rural landscape. It is not considered that there would be any detrimental impact on the AONB. Further consideration will need to be given to materials, hard surfacing and the position and type of lighting which can be controlled through the imposition of appropriate conditions.

### **Highway Safety**

The application site is located on a busy junction of the A3052 and B3180, which has resulted in concerns being raised about the impact of the proposed development on highway safety, including the nature and levels of traffic attracted to the site, access to and levels of parking provision.

Following significant concerns regarding the impact of the proposed use of the site to accommodate HGV deliveries, the application has been amended to remove this provision and also the proposed compound area. As such the assessment of the proposal in respect of highway safety relates to the volumes of traffic attracted to the site, the access arrangements, and level of parking provision.

As a successful former public house the site attracted significant levels of passing trade, with a popular and busy food offering. It was open every day both during the day and into the evening, with vehicles entering and leaving the site throughout this time. Whilst it is not possible to determine the numbers of vehicle movements previously attracted to the site as the premises has not been operating for some time, the former use could recommence without any restrictions on the number or type of vehicles using the existing access and parking arrangements.

Details of the proposed vehicular activity have been submitted, indicating a relatively modest number of vehicles using the site on a daily basis, and the exclusion of HGV's from the site. The transport statement states that customer numbers of 10-20 per day on weekdays with 20-30 at weekends are likely, some of which may also use the café/restaurant.

Deliveries would be by van, with two feed deliveries per week, with further goods being delivered an estimated 6 times per week. Further passing/drop-in visitors to the café/restaurant are expected, but the overall numbers of visitors to the site is not expected to be such that any highway safety issues would arise. The submitted

transport statement and arrangements have been found to be acceptable by the Highway Authority who raise no objections to the proposal.

The access onto the A3052 is acceptable to provide appropriate visibility, and remains unaltered from that serving the public house. A further new access is proposed to be created onto the B3180 allowing the existing access to the immediate north of the building to be permanently closed. This has been considered by the Highway Authority and found to have appropriate visibility splays and offer an improvement to highway safety in this area of the site.

A total of 29 spaces, including disabled and parent and child parking are proposed, with the new car parking area, and re-configuration of the existing, providing suitable arrangements to accommodate the customers and staff attracted to the site.

Whilst the concerns raised in respect of an increase in the numbers of vehicle movements and the nature of the existing junction are appreciated, it is not considered that the volume of traffic associated with the proposal would be any more significant than that attracted to the former public house, or that the proposal would result in any detriment to highway safety.

## **Ecology**

Policy EN4 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites) requires that development or land use changes which are likely to have an adverse effect on Local Nature Reserves, or County Wildlife Sites will only be permitted where the justification for the proposals clearly outweigh any harm. In this instance the former use of the site was for leisure purposes, with patrons likely to visit the public house following or prior to a walk in the countryside. There is not considered to be a substantive difference in this respect between the previous use and that now proposed. It is not considered that any significant increase in visitor numbers using the public recreation facilities of the nature reserve will arise from the proposed change of use of the site.

Policy EN5 - Wildlife Habitats and Features of the Local Plan states that wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would result in the loss of or damage to their nature conservation value, particularly where these form a link between or buffer to designated wildlife sites. Where potential arises positive opportunities for habitat creation will be encouraged through the development process.

The application is accompanied by an ecological survey undertaken by Devon Wildlife Consultants which consists of an Extended Phase I Habitat Survey

The report concludes that the proposal will result in the loss of two low quality habitats, the abandoned building, and wooden pergoda, which are considered to be of limited value to foraging bats, birds and reptiles. The western hedgebank habitat will be retained and enhanced. Despite this the proposal will result in an overall net loss of biodiversity on the site. Consequently off-site compensation will be required to achieve a net gain in biodiversity post-development. It is considered that this may be

able to be provided in the northern part of the site, which was not assessed during the ecological appraisal.

Subject to a condition that requires the development to be carried out in accordance with the mitigation and enhancement measures contained within the report, and appropriate off-site compensation it is considered that the proposal is acceptable in terms of its ecological impacts.

### **Trees**

There are a number of trees on the site, particularly on the western boundary although it is understood that some others were removed prior to the application being submitted. Notwithstanding this, the proposal as submitted is considered to be acceptable subject to appropriate protection measures being put into plans to ensure that no damage is caused to the existing trees on the western boundary.

A detailed landscaping scheme, including further tree planting, is also considered to be necessary to ensure that appropriate mitigation is put in place to compensate for the loss of established trees.

### **Amenity**

The nearest residential properties are located on the opposite side of the A3052, around 100m from the site. Given the distances and substantial planting to the roadside, together with the reduction in the proposed hours of operation from the former use as a public house, it is not considered that the proposal will have a material impact on the amenity of the residents occupying these properties. In this respect it is also considered to be reasonable to restrict delivery times and external lighting to ensure that no loss of amenity arises from the proposals.

To the north of the site, and extending to the north-west is a private driveway serving a property known as The Mattocks. Any intensification in the use of the northern access to the site could have a significant impact on the entrance to their driveway, however as it is now proposed that this would be pedestrian only, no loss of amenity is considered to arise.

### **Habitats Mitigation**

The site lies close to the Pebblebed Heaths, which lie on the opposite side of the B3180, within 100m of the site. Being within such close proximity, the development has the potential to disturb features of interest for which the SSSI, SAC and SPA are classified. In such locations any new residential development would be considered to be unacceptable, however the development does not propose any new dwellings, as there is an existing flat on the first floor which will be retained.

The proposal would actually result in less residential accommodation as the existing four letting bedrooms associated with the public house would be converted to storage.

### **CONCLUSION**

The application seeks the change of use of the former public house to retail unit and café/restaurant, change of use of the former bridal shop to a dog grooming unit, together with the construction of a storage building and associated parking. The proposal would result in the loss of the existing public house use from the site, albeit that it is not currently operating as such. The principle of this has been discussed above, but from an economic perspective and whether it would be viable for it to insist on the retention of its authorised use, it is recognised that there are clear potential benefits to bringing the site back into an active commercial use, not least of which would be bringing a disused building back into a meaningful use and fostering the local economy by the creation of additional employment opportunities.

Whilst introducing additional development within the countryside, the proposed storage building is not considered to be unreasonably prominent or detrimental to the character and appearance of the area, or to have an unacceptable visual impact on the adjacent East Devon Area of Outstanding Natural Beauty.

The development provides adequate parking, and the formation of a new access with appropriate visibility splays will improve highway safety for vehicles accessing the B3180. The volumes of traffic attracted to the site are capable of being accommodated on the highway network without detriment to highway safety.

Overall it is concluded that, on balance, the proposal represents an appropriate use of the site, and that in the absence of any landscape harm, or detriment to residential amenity, ecology, and highway safety, it is considered that the application should be supported subject to appropriate conditions.

## **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 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.
- (Reason- A pre-commencement condition is required to ensure that adequate facilities are available for construction and other traffic attracted to the site in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.

4. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a scheme for the protection of the retained trees, hedges and shrubs shall be produced in accordance with the principles embodied in BS5837 :2012, which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

In any event, the following restrictions shall be strictly observed:

- (a) No burning shall take place on the site.
- (b) No trenches for services or foul/surface water drainage shall be dug within the crown spread of any retained tree (or within a distance from the bole of the tree that is half its height, 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 a distance from the bole of the tree that is half its height, 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 - To ensure retention and protection of trees and hedges on the site prior to and during construction in the interests of amenity and to preserve and enhance the character and appearance of the area).

5. 1) No development work shall commence on site until the following information has been submitted and approved:
    - a) A full set of hard landscape details for proposed walls, fencing, retaining structures, pavings and edgings, site furniture and signage.
    - b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation. External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 – Guidance notes for the reduction of obtrusive light and GN 08/18 – Bats and Artificial Lighting in the UK.
    - c) Soft landscape details to include:
      - i) Planting plan(s) showing locations, species and number of new tree, shrub and hedgebank planting,
      - ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
      - iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, mulching and means of plant support and protection during establishment period and 5 year maintenance schedule.
      - iv) Tree pit and tree staking/ guying details
      - v) Hedgebank construction detail
      - vi) 10 year maintenance schedule including establishment maintenance and details of cutting regime for proposed hedgebank.
    - d) Measures for protection of existing hedgerow and trees during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.
  - 2) The works shall be executed and maintained in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.
  - 3) Any new planting which fails to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)
6. Notwithstanding the submitted details 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. Notwithstanding the submitted information, no parking of vehicles shall take place on the land to the west of the B3180 adjacent to the proposed storage building.  
(Reason – In the interests of highway safety in accordance with the requirements of Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031)
8. Notwithstanding the submitted information, the use hereby approved shall not commence until details of the off-site compensation, including timescales for implementation, to mitigate for the loss of bio-diversity on the site have been submitted to, approved in writing by the local planning authority. The approved mitigation measures should be implemented in full in accordance with the scheme.  
(Reason – To ensure that the site provides appropriate mitigation for the loss of bio-diversity arising from the proposed development in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031, and Schedule 14 of the Environment Bill.
9. Notwithstanding the submitted details the use of the former bridal shop shall be used for the purposes as a dog grooming facility and related development and shall not be used for any other purpose, unless otherwise agreed in writing by the local planning authority.  
(Reason – As applied for in the application and as the location is not sustainable for any other form of retail development in accordance with Policy E9 of the East Devon Local Plan 2013-2031.
10. Notwithstanding the submitted details, no external lighting shall be erected unless details of the lighting equipment, any supports and the location of that lighting together with a scheme for the prevention of light pollution, including control measures such as timers and cowlings, has first been submitted to and approved in writing by the Local Planning Authority. Any lighting installed shall comply with those approved details and scheme.  
(Reason: To prevent light pollution and to protect the character and appearance of the countryside in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031).
11. The premises shall not be open for business, except between 09:00 hours and 18:00 hours on Monday to Saturday inclusive, and 09:00 hours and 16:00 hours on Sundays or Public Holidays.  
(Reason - To protect adjoining occupiers from excessive noise in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)

12. No deliveries shall be taken at or despatched from the site except between 08:00 hours and 18:00 hours on Monday to Saturday inclusive, or at any time on Sundays or Public Holidays.  
(Reason - To protect adjoining occupiers from excessive noise in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)
13. The use of the main building hereby approved shall only be for the sale of equestrian and related goods shall not be used for the retail of any other goods or any other uses use under Class E of the General Permitted Development Order (as amended), unless otherwise agreed in writing by the local planning authority.  
(Reason – As applied for in the application and as the location is not sustainable for any other form of retail or Class E development in accordance with Policy E9 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:

PIN 1030-10	Proposed Combined Plans	27.10.21
PIN 1030-11	Proposed Combined Plans	27.10.21
PIN 1030-08	Proposed Elevation	27.10.21
PIN 1030-06 : First	Proposed Floor Plans	27.10.21
PIN 1030-05 : Ground	Proposed Floor Plans	27.10.21
PIN-1030-LP01	Location Plan	27.10.21
PIN 1030-09 C	Proposed Combined Plans	16.02.22
PIN 1030-07 C	Proposed Site Plan	16.02.22

List of Background Papers

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