

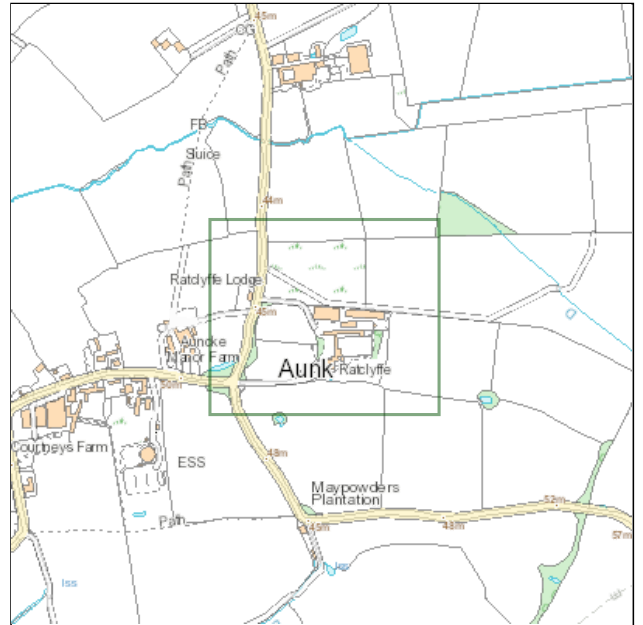
**Ward** Broadclyst

**Reference** 22/1168/FUL

**Applicant** Roberta Gillam

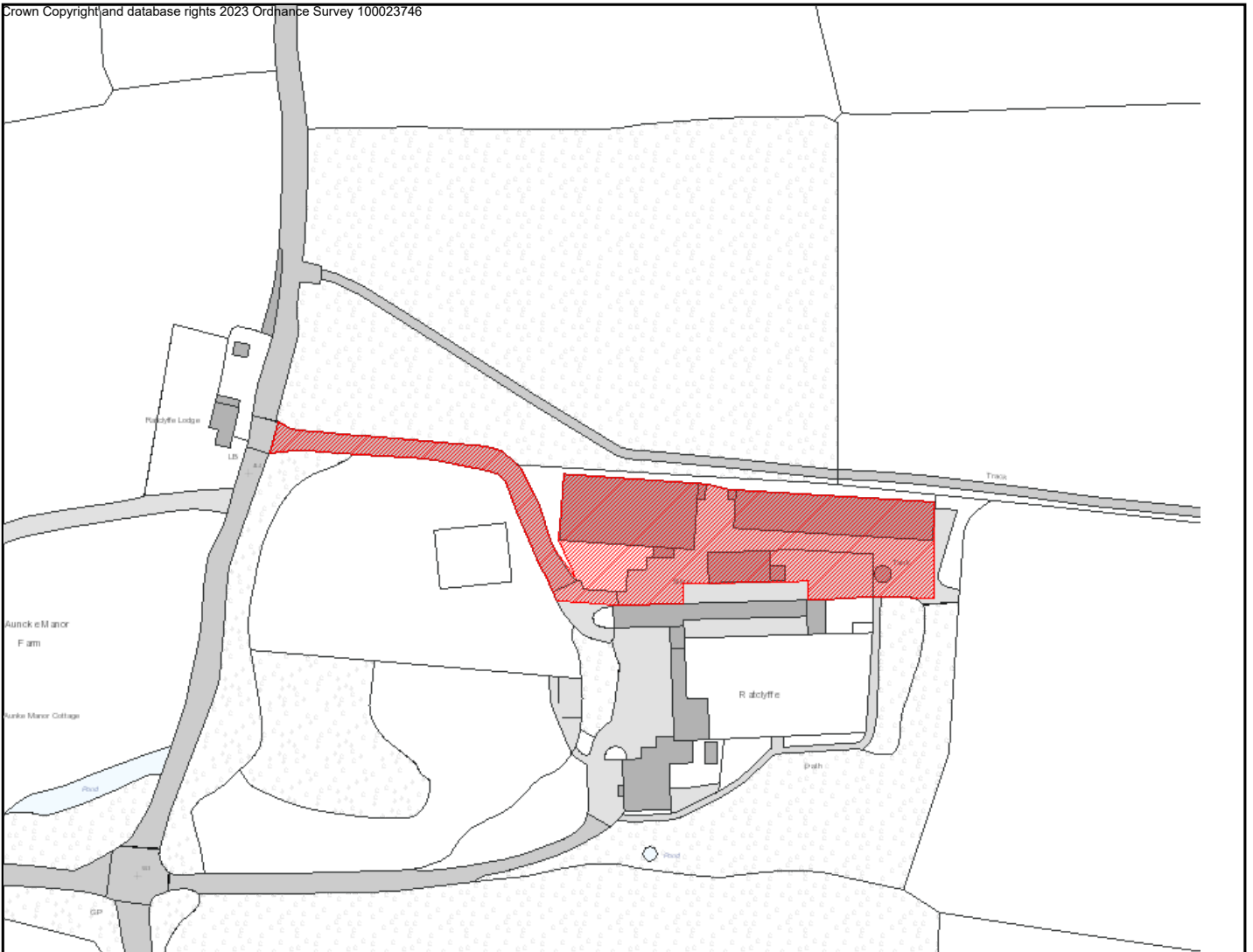
**Location** Barn At Ratclyffe Farm Clyst Hydon EX15 2NQ

**Proposal** Proposed demolition of existing barns and silo and construction of 5 no. dwellings, farm shop and associated operational development



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 31.01.2023</b>
<b>Broadclyst (Clyst Hydon)</b>	<b>22/1168/FUL</b>	<b>Target Date: 31.08.2022</b>
<b>Applicant:</b>	<b>Roberta Gillam</b>	
<b>Location:</b>	<b>Barn At Ratclyffe Farm Clyst Hydon</b>	
<b>Proposal:</b>	<b>Proposed demolition of existing barns and silo and construction of 5 no. dwellings, farm shop and associated operational development</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Members of the Planning Committee because the view of officers differs from that of the Parish Council and because the application is recommended for approval as a departure from the Local Plan.**

**This application seeks planning permission to demolish a number of barns on the site and for the construction of 5 dwellings and a farm shop. In planning terms the site is located within the countryside and in a relatively unsustainable location. As there is no policy support within the Local Plan for new build residential dwellings or a retail unit in this location and it isn't being put forward to meet an identified agricultural, forestry or horticultural need, the application has been advertised as a departure. Planning law states that Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.**

**There is an extensive planning history for the site which relates to a number of Prior Approvals granted under Class Q and Class R of the General Permitted Development Order for a change of use of the agricultural buildings on the site to residential dwellings and to a shop. Cumulatively, the site has extant prior approvals for the creation of 5 no dwellings and a 500 sqm shop.**

**The Council cannot currently demonstrate a policy compliant five year housing land supply. The presumption in favour of sustainable development is therefore engaged. In this case the scheme, with its clear conflict with the Council's principle policies, must be assessed against the scenario presented by the extant Class Q and R approvals for 5 residential dwellings and a shop on the site which is a legitimate and realistic fall-back position considered to be a significant**

**material planning consideration in the determination of this application as established by case law.**

**The design, layout and approach to the residential and retail development of the site would allow for a comprehensive re-development of the site with an improved and more workable layout that is more suited to its countryside location and its rural surroundings. A more vernacular design approach to the site is considered to provide a betterment over the Prior Approvals that have been granted on the site without significantly increasing the visual impact on the rural character and appearance of the area and resulting in less harm to the setting of heritage assets. The removal of the unsightly utilitarian former poultry units which through their conversion would result in large and unwieldy housing would provide an environmental enhancement and a more sustainable form of development as a whole which weighs in favour of the application.**

**The proposal would result in no net increase in the number of dwellings and shops on the site or increase in the total amount of floor space approved under the Class Q and R legislation. As such it would result in no additional harm in terms of highway safety or its accessibility to services and facilities and the proposal would provide some ecological benefits and biodiversity gain through mitigation measures that can be secured by condition.**

**Taken together, these elements are considered by officers to constitute an environmental benefit in comparison to the existing situation on site and the legitimate and realistic fall-back position, which officers are satisfied will be implemented if this scheme is not approved. That the proposal is demonstrably more representative of sustainable development and provides clear improvements to the character and appearance of the area through a more comprehensive development than the legitimate fall-back position is considered by officers to be a significant material consideration which weighs in favour of this scheme, and which overcomes the principle objection that the scheme has with the Council's relevant policies owing to its remote and relatively unsustainable location within the countryside.**

**In the absence of any technical objections and harm to residential amenity, the character and appearance of the area, highway safety, heritage and ecology, on balance it is considered that the adverse impacts from the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The application is therefore recommended for approval as a departure from the Local Plan subject to conditions.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Parish/Town Council**

We are writing again with reference to the above development and the proposed new plans

Again, some of the points concern us as a Parish Council and the change in the development doesn't get away from our original concerns which remain.

We have had concerns of this development from the onset when the planning escalated from one permitted dwelling to what is now proposed of five properties plus a farm shop and associated operational development (we are not sure what this is).

Our major concern has always been related to the access lane which we still believe is inadequate to take the additional traffic, the lane being far too narrow and opening out onto the main road on a 'blind' bend. There is no possibility of a legal 'splay' being installed so the traffic will exit in a totally 'blind' situation. There is also little possibility of vehicles once on the access lane passing in opposite directions so we again can see a situation of traffic 'backing' up on the main road further creating a dangerous situation.

The increase in traffic will be significant with not only the additional properties but also the farm shop which we assume will want to succeed and welcome a high number of customers.

Simply put, the access lane is 'not fit for purpose' and there is no way it can be made wider and safer as it encroaches into two private grounds.

Again, we have been puzzled how the development has been allowed to increase to this level. Our understanding of Highways policy has always been that only a maximum of three properties could be built with access from a single lane. In Clyst Hydon, we have two examples of developments where Highways exercised this restriction. We are puzzled why this policy no longer applies and have previously asked for clarification (not yet received).

As a Parish Council, we do have considerable local knowledge, and we feel we can recognise and understand potential risks. Decisions, we feel, should be based on assessments of risks and the implementation of pro-active measures to avoid collisions and worse and not re-active measures once these accidents happen.

We note that the application still includes the original (May 2021) report from Bellamy Transport Consultant (Not a Highways assessment) and our comments then, and now are still the same,

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'Addendum 11/04/21 comments, it is mentioned that Highways Technical note states the width of the access track is sufficient for a two-way vehicle design at the entering and exit points onto the main road. This situation simply would not take place.

What we believe it fails to address is that the track narrows just after this point into a width that is insufficient to take two vehicles in opposite directions. This is very apparent in diagram BTC21033 (LB). You can see from this diagram there is a real danger that multiple vehicles turning into this track and being faced with oncoming traffic will need to back out onto the main road. The development is asking for a total of five residential properties plus a Farm Shop. The additional traffic demand could not cope with the one in and one out scenario as described in the report. Again, we assume there is an intention to make the farm shop a success which would significantly increase the traffic coupled with the residential properties. Finally, the section (and the stated diagram) doesn't take into account larger vehicles, ie vans/delivery trucks that would be larger than the standard vehicles and would be required.

There is a comment (2.5) that the speed limit on the road at the entrance/exit is assumed to be limited to 30mph but this is not the case. The legal speed limit is much higher at 60mph and there are no traffic control measures in place and therefore vehicles regularly pass this access track well above 30mph.

In section 2 there are comments around the visibility splays but again we believe these do not take into account any vehicles approaching the exit given where the driver is positioned effectively behind the bonnet and at eye distance and hence, they are further sighted back from the main exit. This is broadly discussed in section 2.4 / 2.5 but seems to dismiss the issue by saying this is not a 'built up' area so is not relevant. Whilst we question the actual dimensions of the visibility splay, the points we have highlighted are shown clearly in Photo 2 which shows the 'blind bend' which is one area we have concerns about.

Section 2.5 seems to suggest that the volume of traffic is low, but we know that this is not the case and if the extra residential properties plus the Farm Shop are built, it will negate this argument. The road is also an extremely popular cycling route used by many clubs which adds to the volume issue. There is also a residential property immediately adjacent to the entrance to the lane and this will be severely affected.

In 2.8 It states that there have been no recorded personal injury collisions in the last 21 years (PIC) where the private access meets the public access road. Again, we feel this statement is irrelevant as the development requires these circumstances in this area to change significantly. In those days this was in a different situation, ie a limited farm holding with limited transport against now, five residential properties and an active farm shop. Decisions should be made on pro-active assessments based on potential risks, rather than reactive decisions. The new development takes the situation into a totally new area and there is no comparison to be made. In our view the new development significantly increases the risk of accidents.

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In summary with the considerable increase in traffic, this in our opinion is 'an accident waiting to happen'.

As a Parish Council, we take our responsibilities seriously and where we see a safety risk with a development, we feel we should make the appropriate observations. We struggle to understand how a development can go beyond three properties fed from a single lane (as per a Highways policy) and the increase in traffic with the five properties and a Farm Shop which we assume will be looking for customers. This all adds up to creating an unsafe environment. We are also unsure how the plans allow for suitable drainage and treatment of waste and foul water within the site and not encroaching on private land either side. This aspect doesn't seem to have been made clear to us. We also note that the plot of land was originally sold with permitted development of one property.

### **Technical Consultations**

#### Devon County Highway Authority

The site has received approved planning for over and above this development size, therefore the trip generation has already been accepted and would have been on the basis of the benchmark of the barns former agricultural use.

The proposed site layout from this proposal allows for off-carriageway turning and parking. I recommend that a Construction and Environment Management plan (CEMP) is created to help mitigate the construction impact upon the local highway network.

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

I have considered the notification and I have the following environmental health concerns: The dismantling of agricultural buildings possibly containing Asbestos-Containing Materials (ACMs) (compressed asbestos-cement roofing sheets) does involve a degree of risk and therefore control measures should be put into place in order to assess and minimise such risks. The demolition should be carried out in such a manner as to minimise the potential for any airborne nuisance, additional land contamination and/or the creation of additional contamination pathways either on the site or at nearby properties/other sensitive receptors.

#### Conservation

CONSULTATION REPLY TO PLANNING WEST TEAM  
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Barn at Ratclyffe Farm, Clyst Hydon

GRADE: Adj II APPLICATION NO: 22/1168/FUL

PROPOSAL: Proposed demolition of existing barns and silo and construction of 5 no. dwellings, farm shop and associated operational development

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

See listing descriptions and photographs on EMap/I Drive.

Grade II: Ratclyffe House, is a circa 1830 small stuccoed mansion with brick stacks and a shallow pitched slate roof ...'the main block faces east and has a double depth plan, a main front and back room either side of the central entrance hall and stair. On the left (north) end are 2 parallel service ranges, the first is set back a little from the main block and the second is set back from the front end of the first.' A symmetrical design, were the...'centre bay breaks forward very slightly and it contains the main doorway. This contains a large 6- panel door with a reeded doorcase, an overlight containing a geometric pattern of glazing bars and panelled reveals.' Additionally the associated Coach House, is sited approximately 30 metres north of the main house.

Grade II: Circa 1830, the Coach House has rendered walls, typically with haylofts, facing south towards Ratclyffe, over the service courtyard...'It has a 3-bay front with a large central round-headed arch flanked by segmental-headed arches'. A hipped roof at each end with 3 gable dormers with casements, contemporary to the block.

Barn 4 is considered to be curtilage listed to Ratclyffe House and lies to the north of principal dwelling. The structure is a long traditional block barn built with brick and stone which runs along the southern boundary with the neighbour - Ratclyffe House, a Grade II listed, 19th Century mansion. The barn is attached to the boundary wall of Ratclyffe House and the Coach House, which is also listed Grade II.

The significance of Barn 4 is derived from its age, visual appearance and the use of traditional vernacular materials. In addition, its ancillary function to the House and associated complex of buildings, structures and walled garden. The barn is now in separate ownership to the principal dwelling and The Coach House.

In the context of the farm group, Ratclyffe lies to the south of the Coach House, both of which are circa 1830, rendered and symmetrically formed, adjoined by a long range to the east which forms a courtyard, the northern edge being defined by the continuation of the range to the north, forming a part enclosed courtyard to the east of the listed buildings.

In the context of the farm group, subsequent additions include, two large poultry sheds (Barn 1 & 2) and a smaller barn (Barn 3), to the north beyond the established courtyard. Various applications for the 4no. barns on the wider site have been approved for 7 no. dwellings and a farm shop.

In summary, the farm group north of Ratclyffe has typically expanded over the years to accommodate two large poultry sheds, of little aesthetic merit and a smaller barn, to the north of the traditional courtyard. Whilst the poultry sheds and barn form part of the immediate setting associated with the heritage assets, they make little

contribution to the traditionally formed courtyard, which has naturally evolved as part of the historic farmstead.

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

In terms of the listed buildings there are two separate issues. Firstly, are the agricultural buildings the subject of this application curtilage listed and secondly what is the impact of their removal and replacement on the setting of the listed buildings.

**Curtilage:** the 1947 aerial photograph appears to show an agricultural building in the same location as Barn 3, but it is narrower and more linear. In addition, there are various linear buildings on the 1951 OS map. Barn 3 remains, but the other buildings on the 1951 OS map have since been removed. It is considered that due to its construction in block and concrete that this is most likely a replacement building. It appears that Ratclyffe House and the farm were separated after WWII in 1946. In line with curtilage law (age, ownership and ancillary use) and also in conjunction with recent Historic England guidance, located outside the main courtyard, it is unlikely that it would be considered to be curtilage listed. The other structures Barn 1 & 2 are both modern. In conclusion, only Barn 4 is considered to be curtilage listed;

**Setting:** Ratclyffe House, has a limited visual relationship with the agricultural buildings to the north, whilst the Coach House, a Grade II heritage asset, is sited within close proximity to the barn, silos and poultry sheds. In terms of the wider context of Ratclyffe House, its 'parkland' setting still exists to the south, and lesser extent to the east and west, albeit diminished by agricultural use. In addition, the walled garden to the rear in conjunction with the north range of historic farm buildings and the Coach House form a physical barrier. The farm buildings to the north have long been outside the curtilage of the House and the modern structures are considered to contribute little to the significance of the house in terms of setting.

**Proposal:** This application seeks to remove all of the modern barns 1, 2 & 3 and this is supported. The development now includes the construction of 5no. dwellings, farm shop and associated infrastructure. It is appreciated that the proposals now relate to new dwellings rather than the approved PDQ applications. However, the removal of the modern structures and the improved quality of the scheme is welcomed. The layout has been revised to locate the farm shop at the entrance and the residential units further east. This is a more practical solution and coupled with the overall vernacular design of the buildings and use of traditional materials will result in a better visual appearance and is an improvement on the previously approved conversions.

There are some minor concerns relating to the development. Whilst the removal of Barn 3 is acceptable and creates a greater visual separation between the dwellings and Barn 4 and the other heritage assets to the south, it is unclear how this area is to be surfaced or how the parking layout is to be defined. The Design & Access Statement (5.1.5) refers to the replacement of the agricultural hardstanding throughout the site being replaced with a new permeable surface. Further details should be sought relating to surface treatment/materials and how this relates to the



existing heritage assets, ensuring that any historic fabric is not compromised by the new development either visually or any impact on their construction.

Conclusion: Against the significance of the heritage assets, within the immediate setting, it is considered that Ratclyffe House, has limited visual interplay with the site, whilst the Coach House, a Grade II heritage asset, is sited within close proximity along with Barn 4. However the proposal for 5no. new dwellings constructed in traditional materials and in terms of their overall vernacular design, would not compromise the future interpretation of the Coach House as part of the history of Ratclyffe House nor in turn the wider setting of Ratclyffe House.

**PROVISIONAL RECOMMENDATION - PROPOSAL**  
**ACCEPTABLE** in principle

**SUGGESTED CONDITIONS:** external materials/joinery; surface treatment; boundary treatment

#### DCC Flood Risk Management Team

I've no wish to formally comment on this application as it's a minor but I've taken a v quick look due to concerns over highway flooding. It does seem that the resident has a valid issue that the applicant hasn't provided evidence of a formal point of discharge. They've just said they'll discharge to a fast flowing brook in their ownership but it's not actually clear where said fast flowing brook is. The plans actually seem to discharge onto their access road?

#### Other Representations

2 letters of objection have been received at the time of writing this report which can be summarised as:

- Traffic volume and highway safety
- Unsuitable access and driveway
- In adequate space within the site for drainage
- Overdevelopment
- Impact on amenity
- Impact on heritage
- Unsustainable location for housing

#### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
95/P1000	Two Detached Houses	Refusal	23.08.1995

19/1256/PDQ	Prior approval for proposed change of use of agricultural buildings to form 2 no. larger dwelling houses (class C3 use) and 2 no. smaller dwelling houses (class C3 use) and associated operational development under Class Q (a) and (b)	Withdrawn	06.08.2019
19/1951/PDQ	Prior approval for proposed change of use of agricultural buildings to form 2 no. larger dwelling houses (class C3 use) and 2 no. smaller dwelling houses (class C3 use) and associated operational development under Class Q (a) and (b)	PDQA Prior Approval refused	30.10.2019
19/2760/DEM	Prior notification of demolition of section of barn	Prior approval not required	13.01.2020
19/2785/PDQ	Prior approval for proposed change of use of agricultural building to form 1 no. larger dwelling house (class C3 use) and 3 no. smaller dwelling houses (class C3 use) and associated operational development under Class Q(a) and (b)	PDQB Prior Approval granted	17.02.2020
19/2787/PDR	Prior notification under Part 3, Class R for the flexible change of use from agricultural use to a shop (use class A1)	Prior approval not required	12.02.2020

20/2700/PDQ	Prior approval for proposed change of use of agricultural building to form 1 no dwelling (use class C3) and associated operational development under class Q (a) & (b)	PDQB Prior Approval granted	01.02.2021
20/1437/LBC	Internal and external alterations to curtilage listed barn for conversion to 2 no. dwellinghouses and associated works	Approved	30.09.2021
20/1436/FUL	Conversion of curtilage listed barn to form 2 no. dwellinghouses and associated works	Approved	30.09.2021

## **POLICIES**

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

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

### Government Planning Documents

National Planning Practice Guidance

## **Site Location and Description**

The site refers to Ratclyffe Farm - a former intensive poultry farm which consists of a number of poultry sheds and barns on agricultural land to the north of the grade II listed Ratclyffe House (in separate ownership). Access to the site is via an existing track leading to the C Class road between Aunk and Clyst Hydon. The site is located in the open countryside, and is remote from services.

## **Planning History:**

There is an extensive planning history for the site which relates to a number of Prior Approvals granted under Class Q and Class R of the General Permitted Development Order for a change of use of the agricultural buildings on the site to residential

dwellings and to a shop. Cumulatively, the site has extant prior approvals for the creation of 5 no dwellings and a 500 sqm shop under the following permissions:

19/2787/PDR- Prior Approval granted to convert barn 1 to a shop (use class A1) with a floor space of 500 sqm.

19/2785/PDQ- Prior Approval granted for the conversion of barn 2 into 3 'smaller' dwellings with a floor space of 276.26 sqm (96,10 sqm per dwelling) and 1 no larger dwellinghouse with a floor space of 297.33 sqm.

20/2700/PDQ- Prior Approval granted for the conversion of barn 3 to a single dwellinghouse with a floor space of 147 sqm.

It should also be noted that planning permission and listed building consent has been granted for the conversion of barn 4 into 2 dwellings (ref 20/1436/FUL and 20/1437/LBC). This was on the basis that a residential use was the optimal viable use to secure the future of the heritage asset with barn 4 being curtilage listed.

### **Proposed Development:**

This application seeks planning permission to demolish barns 1, 2 and 3 and the construction of 5 dwellings and a farm shop. The proposed dwellings would be single storey in form and would be positioned towards the northern boundary of the site in place of the existing poultry units and barn. The redevelopment would provide 2 no detached dwellings and a terrace of 3 residential dwellings. The proposed dwellings would be single storey in form and would have a barn like design and appearance to reflect the rural character and setting. The detached dwellings would have an 'L' shaped design and be constructed from a mix of stone and brick and each unit would have three bedrooms. The terrace of three dwellings would have a 'T' shape form with a pitched roof design and gable features. Each unit would have three bedrooms.

The proposed shop would be positioned at the front of the site and would be 'T' shape in form with a ridgeline running north to south and east to west. The building would be single storey and be constructed from a mix of timber cladding and brick under a metal roof.

The development would be accessed via the existing vehicular entrance and driveway onto the C Class road between Aunk and Clyst Hydon. Car parking for the shop and residential dwellings would be provided within the central section of the site with garden amenity areas provided to the rear of the buildings on the northern boundary of the site.

### **Issues and Assessment:**

The main issues to consider in determining this application are as follows:

- Principle of development
- Five Year Housing Land Supply
- Fallback Position
- Accessibility and Sustainability

- Character and Appearance
- Residential Amenity
- Heritage Impact
- Highway Safety
- Ecological Impact
- Habitat Mitigation
- Drainage and Surface Water Run-Off

## **ANALYSIS**

### **Principle of Development:**

The site lies in the open countryside where housing development is not normally permitted unless it is in accordance with another policy of the Local Plan. Strategy 7- Development in the Countryside of the Local Plan states that development in the countryside will only be permitted where proposals are 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.

As there is no policy support within the Local Plan for new build residential dwellings or a retail unit in this location and it isn't being put forward to meet an identified agricultural, forestry or horticultural need, the application has been advertised as a departure. Planning law states that Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The National Planning Policy Framework at paragraph 79 seeks to promote sustainable development in rural areas by promoting housing in locations where it will enhance or maintain the vitality of rural communities. Paragraph 80 of the NPPF states that the development of isolated homes in the countryside should be avoided unless exceptional circumstances apply.

### **Five Year Housing Land Supply:**

The Council is required under the NPPF to maintain a 5 year housing land supply. Annual monitoring of the housing supply position revealed that as of September 2022, the Council is unable to demonstrate a 5 year housing land supply position with supply standing at 4.68 years.

The consequences of not having a 5 year housing land supply means that the presumption in favour of sustainable development in the NPPF applies and that planning permission should be granted unless:

- (i) the application of policies in the NPPF that protect areas or assets of particular importance such as AONB's, SSSI's, Heritage Coast, Heritage Assets, areas at risk of flooding or coastal change etc. provides a clear reason for refusing the development proposed ; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

These factors and therefore whether the proposal is sustainable development are assessed below.

### **Fallback Position:**

It has been established that the principle of the construction of 5 new build dwellings and a shop is not supported by Local Plan policy or national planning policy. However the aforementioned Class Q and Class R Prior Approvals are a material planning consideration insofar as they represent a genuine fallback position for residential and retail development on the site.

In this case it is accepted that through approvals 19/2787/PDR, 19/2785/PDQ and 20/2700/PDQ, cumulatively, the site has extant prior approvals for the creation of 5 no dwellings and a 500 sqm shop.

The concept of a fall-back influencing a planning application as a material consideration is not new. Whether through Permitted Development Rights, extant Prior Approvals or extant alternative planning approvals, it is well held that alternative schemes with a realistic prospect of coming forward can be decisive material considerations.

The Court of Appeal in *Mansell v Tonbridge And Malling Borough Council* [2017] EWCA Civ 1314 clarified when a Class Q 'fall back' development may be a material planning consideration for an alternative development scheme in very similar circumstances, and the need for that fall-back to be a realistic prospect, and what that entails. It related to the demolition of a bungalow and a barn which itself had Prior Approval under Class Q for its subdivision into three units. In that case the appellant sought to replace the four approved units with an alternative scheme of four units.

Although the scheme did not conform to the Development Plan for reasons similar to the situation here, the judge concluded that the original case officer's assessment that the proposal was an enhancement in comparison to the extant Prior Approval scheme, and should therefore be recommended for approval on that basis, was sound.

The original committee report stated that 'a scheme confined to taking advantage of permitted development would, in my view, be to the detriment of the site as a whole in visual terms...the current proposal therefore, in my view, offers an opportunity for a more comprehensive and coherent redevelopment of the site as opposed to a more piecemeal form of development that would arise should the applicant seek to undertake to implement permitted development rights'.

Within the judgment it was clarified that the officer was right to take this approach, stating 'It was crystal clear from that contact that the Trust were intending, one way or another to develop the site. Alternative proposals had been advanced seeking the Council's likely reaction to planning applications. It is in my view wholly unrealistic to imagine that were all such proposals to be turned down the owner of the site would not take advantage of the permitted development provided for by Class Q to the fullest extent possible.'

He also states that 'In my view it was, in the circumstances, entirely reasonable to assume that any relevant permitted development rights by which the East Malling Trust could achieve residential development value from the site would ultimately be relied upon if an application for planning permission for the construction of new dwellings were refused. That was a simple and obvious reality - whether explicitly stated by the East Malling Trust or not. It was accurately and quite properly reflected in the officer's report to committee.'

In this case a 'fallback' position exists at the application site as alternative development proposals could be constructed relying on permitted development rights under Class Q for the change of use to dwellinghouses and the building operations reasonably necessary for conversion and Class R for the change of use to a farm shop. As such, officers conclude the fall-back under extant Prior Approval references 19/2787/PDR, 19/2785/PDQ and 20/2700/PDQ to be a legitimate and entirely realistic fall-back which is a significant material consideration.

### **Accessibility/Sustainability:**

It is accepted that the site is remote and not readily accessible to services and facilities. To promote sustainable development in rural areas, the NPPF states that housing should be located where it would enhance or maintain the vitality of rural communities. It also states that development should facilitate the use of sustainable modes of transport. In this case, community facilities such as the village shop/post office and primary school are located more than 1km from the site in a straight line and considerably further following the winding lanes and footpaths. Moreover, most of this distance is via unlit roads without pavements. Given this situation, the site is isolated and it is likely that the occupiers of the new dwellings would rely on the private car for the majority of their day-to-day needs. There is no regular bus service in close proximity to the site.

The closest settlements to the site are Plymtree, Clyst Hydon, Clyst St. Lawrence and Talaton, which are located between 2.5km and 6km from the site, by road. Roads to these settlements are unlit, without footways and, in places, narrow with limited visibility. As such, both distance, and the nature of the roads, are such that they are not conducive routes for walking or cycling to the services available.

The village of Plymtree benefits from a church, village hall, public house and a primary school. Clyst Hydon hosts from a primary school, a church and a recreation ground. Talaton benefits from a pub, church, a village hall and a village shop. However, services in Clyst St. Lawrence are very limited. The limited access to these services weighs against the proposal. Overall, it is considered that the distance to these settlements would result in reliance upon the private car.

Whilst this is the case, having regard for the fallback position, this proposal would not result in any increase in the number of residential dwellings (5) or the size of the shop that can be constructed on site through the conversion of the existing buildings. This proposal would not result in a net addition of dwellings in this location such that it would be difficult to sustain an objection that this development is any less sustainable in terms of its accessibility to services and facilities, traffic movements to and from the site and the reliance on the use of the private car.

## **Character and Appearance:**

Policy D1 - Design and Local Distinctiveness of the Local Plan states that proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context

Under Class Q and R approvals, any conversion must be within the constraints of the existing building which can lead to poor development. In this case through the Prior Approvals granted, whilst each approval was considered to be acceptable on its own merits and in compliance with the government legislation, it is accepted that development on the site would be relatively contrived as the layout is dictated by the position of the barns and agricultural buildings on the site, the form and design of the conversions is also dictated by the form and footprint of the existing buildings which are functional and utilitarian in nature.

It is therefore accepted that this application offers a more comprehensive and coherent redevelopment of the site and provides an opportunity for the site to be redeveloped with new build dwellings that are more attractive and more appropriate to the rural character and setting of the site.

Whilst the site is not within a landscape which is the subject of any national or local designations, it is in the countryside and is rural in character. The design approach for the site is to replace the large former poultry units with dwellings and a shop which exhibit a distinctive barn like form and character and appearance to give the appearance of converted buildings on the site. The dwellings and shop would be constructed from traditional materials which include stone and brick and would provide a more vernacular form of development that would enhance the character, appearance and setting of the site and which would offer a betterment over the existing approvals through a comprehensive re-development of the site. This approach to development of the site would allow for an improved layout and a greater separation and relationship with the adjacent listed buildings (discussed later in this report). The revised layout would also allow for the farm shop to be positioned towards the front of the site with the dwellings positioned at the opposite end of the site which would mean that visitors to the farm shop would not need to drive past the dwellings offering a better standard of amenity for future occupiers and a better relationship between the two uses.

On balance, it is considered that the design, layout and approach to the residential and retail development of the site would allow for a development that is more suited to the site and the rural surroundings. A more vernacular design approach to the site is considered to provide a betterment over the Prior Approvals that have been granted on the site without significantly increasing its visual impact on the rural character and appearance of the area.

On balance, the visual and landscape impact of the development is considered to be an enhancement on the current situation, and a significant enhancement when compared to the extant Class Q and R fall back position.



Subject to a condition that requires the submission of materials samples and finishes for the buildings, the proposal is considered to comply with the provisions of policy D1 of the East Devon Local Plan.

### **Residential Amenity:**

The proposed redevelopment of the site would see the 5 dwellings and shop located towards the northern boundary of the site and sufficiently distanced from the nearest neighbouring property Ratclyffe House and its Coach House so as not to impact significantly on the amenity of the occupiers of this property. The single storey nature and form of the dwellings and shop would be such that it isn't considered that they would result in any significant harm in terms of being unduly over bearing or over dominant or through loss of light or privacy.

Intensification of the use of the site with five dwellings and a shop and the activity associated with these uses would have a degree of impact although no greater than the impacts from the 5 dwellings and shop approved under the fallback position from the Class Q and R Prior Approval applications.

On balance, it isn't considered that the proposal would result in any significant harm to residential amenity that would justify refusal of the planning application having regard for the layout and design and the fallback position available to the applicants. Given the above, the proposal is considered acceptable in terms of its impact on residential amenity and would comply with the provisions of policy D1- Design and Local Distinctiveness of the East Devon Local Plan.

### **Heritage Impact:**

This proposal has the potential to impact upon Ratclyffe House and Coach House designated grade II listed heritage assets that are proximate to the application site. In such circumstances Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) imposes a duty on Local Planning Authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The updated guidance in the NPPF takes this further (Paragraph 199) by stating:

*'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.*

Therefore it is incumbent on Local Planning Authorities to assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and then consider whether the proposal is likely to have any harm to the significance of the asset that is being considered taking into account available evidence and any necessary expertise

The advice of the Council's Conservation Officer has been sought who has advised that in terms of the listed buildings there are two separate issues. Firstly, are the agricultural buildings the subject of this application curtilage listed and secondly what is the impact of their removal and replacement on the setting of the listed buildings.

**“Curtilage:** the 1947 aerial photograph appears to show an agricultural building in the same location as Barn 3, but it is narrower and more linear. In addition, there are various linear buildings on the 1951 OS map. Barn 3 remains, but the other buildings on the 1951 OS map have since been removed. It is considered that due to its construction in block and concrete that this is most likely a replacement building. It appears that Ratclyffe House and the farm were separated after WWII in 1946. In line with curtilage law (age, ownership and ancillary use) and also in conjunction with recent Historic England guidance, located outside the main courtyard, it is unlikely that it would be considered to be curtilage listed. The other structures Barn 1 & 2 are both modern. In conclusion, only Barn 4 is considered to be curtilage listed.

**Setting:** Ratclyffe House, has a limited visual relationship with the agricultural buildings to the north, whilst the Coach House, a Grade II heritage asset, is sited within close proximity to the barn, silos and poultry sheds. In terms of the wider context of Ratclyffe House, its 'parkland' setting still exists to the south, and lesser extent to the east and west, albeit diminished by agricultural use. In addition, the walled garden to the rear in conjunction with the north range of historic farm buildings and the Coach House form a physical barrier. The farm buildings to the north have long been outside the curtilage of the House and the modern structures are considered to contribute little to the significance of the house in terms of setting.

**Proposal:** This application seeks to remove all of the modern barns 1, 2 & 3 and this is supported. The development now includes the construction of 5no. dwellings, farm shop and associated infrastructure. It is appreciated that the proposals now relate to new dwellings rather than the approved PDQ applications. However, the removal of the modern structures and the improved quality of the scheme is welcomed. The layout has been revised to locate the farm shop at the entrance and the residential units further east. This is a more practical solution and coupled with the overall vernacular design of the buildings and use of traditional materials will result in a better visual appearance and is an improvement on the previously approved conversions.

There are some minor concerns relating to the development. Whilst the removal of Barn 3 is acceptable and creates a greater visual separation between the dwellings and Barn 4 and the other heritage assets to the south, it is unclear how this area is to be surfaced or how the parking layout is to be defined. The Design & Access Statement (5.1.5) refers to the replacement of the agricultural hardstanding throughout the site being replaced with a new permeable surface. Further details should be sought relating to surface treatment/materials and how this relates to the existing heritage assets, ensuring that any historic fabric is not compromised by the new development either visually or any impact on their construction.

**Conclusion:** Against the significance of the heritage assets, within the immediate setting, it is considered that Ratclyffe House, has limited visual interplay with the site, whilst the Coach House, a Grade II heritage asset, is sited within close proximity along with Barn 4. However the proposal for 5no. new dwellings constructed in traditional

materials and in terms of their overall vernacular design, would not compromise the future interpretation of the Coach House as part of the history of Ratclyffe House nor in turn the wider setting of Ratclyffe House.”

Having regard for the response provided by the Conservation Officer, the proposed development is considered not to result in any harm to the setting or significance of Ratclyffe House or the Coach House. In heritage terms, it is accepted that the re-development of the site would allow for a more sensitive residential scheme and shop over that offered by the fallback position from the Class Q and R approvals. Details of the surfacing materials as requested by the conservation officer can be sought by condition.

The proposal provides an opportunity for the removal of a number of modern un-attractive and utilitarian agricultural buildings which add little to the historic setting of Ratclyffe House. This is considered to weigh in favour of the scheme.

### **Highway Safety:**

Policy TC7 - Adequacy of Road Network and Site Access of the Local Plan states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Considerable local concern has been expressed about the cumulative impact of traffic generation from the proposed 5 dwellings and 500 sqm shop and the conversion of barn 4 (under separate consent) to two residential dwellings and whether the access onto the highway is adequate in terms of visibility to accommodate the traffic movements without adversely impacting on the safety of users of the highway.

Highways Technical Notes prepared by Bellamy Transport Consultancy were submitted in support of applications ref. 20/1436/FUL and 20/1437/LBC relating to the conversion of the curtilage listed barn to form 2 no. dwellinghouses. Through the grant of this planning permission, it was accepted that the site's existing access and the proposed development of 7 no. dwellinghouses and a 500 sqm farm shop would be acceptable on highway grounds.

In assessing the impacts on highway safety, it is important again to acknowledge the fall back position that is offered by the Class Q and Class R approvals and the fact that this proposal does not result in any increase in the number of dwellings approved on the site or an increase in the floor space of the shop. As such, it isn't considered that an objection could be sustained on highway safety grounds as the traffic generation derived from this proposal would not increase over the extant permissions on the site.

This position is reflected in the County Highway Authority's consultation response who have advised that the site has received approved planning for over and above this development size, therefore the trip generation has already been accepted and would have been on the basis of the benchmark of the barns former agricultural use.

The proposed site layout from this proposal allows for off-carriageway turning and parking. It is recommended that a Construction and Environment Management plan (CEMP) is created to help mitigate the construction impact upon the local highway network. This can be sought by condition.

Whilst local concern in respect of highway safety is noted, in the absence of any objection from the highway authority on the basis that the existing access does provide sufficient visibility for the amount of traffic that would be using the access, it isn't considered that an objection could reasonably be sustained on these grounds. The technical note submitted with the previous applications also highlights that there are no recorded personal injury collisions at the point where the private access road meets the public highway for 21 years, an important point to note bearing in mind the previous traffic movements and type of vehicles accessing the site through its previous agricultural use.

To conclude on this matter, paragraph 111 of the NPPF states that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The highway authority have advised that the existing access is suitable to accommodate the amount of traffic generated by the proposal taking into account the additional traffic generated from fallback Class Q and R approvals and therefore it is considered that the proposal complies with both the NPPF and policy TC7- Adequacy of Road Network and Site Access of the Local Plan.

The proposal makes provision for two car parking spaces for each proposed dwelling and also provides a number of car parking spaces for the retail unit and would therefore comply with the provisions of policy TC9 - Parking Provision in New Development of the Local Plan.

### **Ecological Impact:**

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 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.

A Bat and Protected Species Survey prepared by EcoLogic Consultant Ecologists LLP, dated March 2020, is submitted in support of the application.

The survey highlights that the three barns do not support bat roosts and the proposed works are unlikely to result in "disturbance to bats or to significantly affect the distribution or abundance of local bat populations. Therefore, it is not considered necessary to apply for a bat licence under the Conservation (Natural Habitats, &c) (Amendments) 2010 Regulations, and no further survey effort is considered necessary in relation to the proposal.

The survey did find some evidence of Swallow nests within Barn 3 and highlights that in order to protect nesting birds, works should commence outside of the bird nesting

season or if this is not possible then a nesting bird check should be undertaken to confirm the presence or absence of active birds' nests, which should be protected accordingly if found.

The survey also highlights that for the development to result in a biodiversity gain it will need to include the following:

- Three bat roosting provisions – positioned within the external wall(s) of the new building/s
- A dedicated swallow roosting area built into the new development. The swallow nesting area is to be supplemented by three nesting cups to encourage use by nesting swallows;
- Three bird nesting provisions – positioned within the external wall(s) of the new building/s;
- Three bee bricks – positioned within/upon the external wall(s) of the new building/s; and,
- Any external lighting associated with the development will be adapted to be based on a Passive Infrared Sensor (PIR) system (being motion-sensitive only to large objects) and on a short timer (no longer than 2 minutes). Such lighting will specifically not be positioned where it could illuminate surrounding vegetation (woodland, trees, hedgerows, hedgebanks etc), any bat roosts or any areas beyond the site.

The survey concludes that the demolition of the barns would not have a harmful impact on protected species and subject to the implementation of the ecological enhancements, and biodiversity gains recommended in the survey which can be secured by condition, the proposed development, would have a positive impact on protected species. On balance the proposal is considered to comply with the provisions of policy EN5 of the Local Plan.

### **Habitat Mitigation and Appropriate Assessment:**

The site is located in close proximity to the East Devon Pebblebed Heaths Special Protection Area (SPA) which provide an important recreational resource for the local community. However, these are sensitive environments which are important to nature conservation and are subject to European wildlife site designations. The formation of dwellings within 10km of the protected habitat has been demonstrated to have a material impact on the habitat due to recreational activity including dog walking and other activities on the heaths which can be detrimental to the habitat and require mitigation for a conclusion of no significant effects to be reached. A joint mitigation strategy with neighbouring authorities has been in effect for some years and has delivered and continues to deliver mitigation. A financial contribution towards the continued delivery of the strategy is required in this case. To ensure that overall the proposed development would not have a significant effect on the habitat.

Despite the introduction of the Community Infrastructure Levy (CIL) where a proportion of CIL goes towards infrastructure to mitigate any impact upon habitats, contributions towards non-infrastructure mitigation are also required as developments that will impact on a protected habitat cannot proceed under an EU directive unless fully mitigated. Evidence shows that all new dwellings and tourist accommodation within 10 kilometres of the Pebblebed Heaths Special Protection Areas (SPA's) will have a

significant effect on protected habitats which is reflected in Strategy 47- Nature Conservation and Geology of the Local Plan. This proposal is within 10 km of the Pebblebed Heaths and therefore attracts a habitat mitigation contribution towards non-infrastructure at a rate of £196.81 per dwelling which has been secured by a Unilateral Undertaking alongside this application.

### **Drainage and Surface Water Run-Off:**

Policy EN19 - Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems of the Local Plan states that new development will not be permitted unless a suitable foul sewage treatment system of adequate capacity and design is available or will be provided in time to serve the development. Development where private sewage treatment systems are proposed will not be permitted unless ground conditions are satisfactory and the plot is of sufficient size to provide an adequate subsoil drainage system or an alternative treatment system.

Policy EN22 - Surface Run-Off Implications of New Development states that planning permission for new development will require that the surface water run-off implications of the proposal have been fully considered and found to be acceptable, including implications for coastal erosion.

A number of concerns have been expressed in relation to lack of information that has been provided in respect of foul and surface water drainage and in particular whether a surface water and foul drainage scheme can be provided without effluent water draining onto 3<sup>rd</sup> party land and whether a solution can be found which accommodates the foul and surface water drainage to serve the 7 dwellings and retail unit on the site.

The 3<sup>rd</sup> party representations received raise concerns about the lack of detail that has been provided in respect of whether the foul drainage scheme can be provided solely on land within the applicant's ownership and have made it clear that they are unlikely to accept any foul drainage onto their land.

The application is accompanied by a Foul Drainage Assessment along with the results of percolation testing which confirms that a new non- mains drainage system would be provided within the site which would discharge into a free flowing brook which is within the ownership of the applicant.

The reports highlight that foul drainage can be dealt with via a treatment plant and that surface water runoff would be connected to an attenuation tank with a flow control device fitted that would then discharge into a free flowing brook to the north of the site which is within the applicant's ownership. It is understood that the proposed rate of flow for the treatment plant would be below 5 cubic metres per day for the package treatment plant and a limit of 1 litre per second for the attenuation tank.

Whilst the concerns that have been expressed are noted, it is considered that it has been demonstrated that in principle, foul and surface water drainage proposals can be accommodated within the site with the capacity to accommodate the proposed development such that subject to a condition that requires the submission of both a detailed foul drainage and surface water strategy for this proposal, no objections can reasonably be sustained on these grounds.

## **Farm Shop**

It is worth noting that while this application refers to the retail element of the proposal as a “farm” shop; the conversion of the existing barn to a shop under Class R of the permitted development order is not restricted in terms of the nature or source of the goods sold as we usually would under policy E15 of the Local Plan. Given this fall back position and the fact that no additional floor area is proposed it is not considered appropriate to limit the goods to be sold by condition in this case.

### **Planning Balance and Conclusions:**

The Council cannot currently demonstrate a policy compliant five year housing land supply. The presumption in favour of sustainable development is therefore engaged. In this case the scheme, with its clear conflict with the Council’s principle policies, must be assessed against the scenario presented by the extant Class Q and R approvals for 5 residential dwellings and a shop on the site which is a legitimate and realistic fall-back position considered to be a significant material planning consideration in the determination of this application as established by case law.

The design, layout and approach to the residential and retail development of the site would allow for a comprehensive re-development of the site with an improved and more workable layout that is more suited to its countryside location and its rural surroundings. A more vernacular design approach to the site is considered to provide a betterment over the Prior Approvals that have been granted on the site without significantly increasing the visual impact on the rural character and appearance of the area and resulting in less harm to the setting of heritage assets. The removal of the unsightly utilitarian former poultry units which through their conversion would result in large and unwieldy housing would provide an environmental enhancement and a more sustainable form of development as a whole which weighs in favour of the application.

The proposal would result in no net increase in the number of dwellings and shops on the site or increase in the total amount of floor space approved under the Class Q and R legislation. As such it would result in no additional significant harm in terms of highway safety or its accessibility to services and facilities and the proposal would provide some ecological benefits and biodiversity gain through mitigation measures that can be secured by condition.

Taken together, these elements are considered by officers to constitute an environmental benefit in comparison to the existing situation on site and the legitimate and realistic fall-back position, which officers are satisfied will be implemented if this scheme is not approved. That the proposal is demonstrably more representative of sustainable development and provides clear improvements to the character and appearance of the area through a more comprehensive development than the legitimate fall-back position is considered by officers to be a significant material consideration which weighs in favour of this scheme, and which overcomes the conflict with the Council’s relevant policies owing to its remote and relatively unsustainable location within the countryside.

In the absence of a 5 year housing land supply, the presumption in favour of sustainable development is applied. The assessment suggests that this is not sustainable due to its remote location away from services and facilities, however the fall back position arising from permitted development rights means that this harm will arise anyway. The 5 homes will also be delivered whether as conversions under the permitted development rights or through the granting of this application and so the impact on housing supply is neutral.

However given the fallback position and in the absence of any technical objections or harm to residential amenity, the character and appearance of the area, highway safety, heritage and ecology, and the economic benefits that would be derived from the proposal through its construction, it is considered that any adverse impacts from the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The application is therefore recommended for approval as a departure from the Local Plan subject to conditions.

### **RECOMMENDATION**

1. That the appropriate assessment under the habitat regulation contained within this report be agreed.
2. That the application be approved subject to the following conditions:
  1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
  2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
  3. Before development above foundation level is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
  4. The development hereby permitted shall be undertaken in accordance with the details contained within the Recommendations of the Bat and Protected Species Survey, dated March 2020, and produced by Ecologic.  
(Reason - To ensure that the development does not result in harm to protect species, in accordance with Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan).



5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule 2 Part 1 Classes A, B, C, D, E, F, G or H for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool (other than any enclosure approved as part of the landscape management scheme).  
(Reason - The space available would not permit such additions without detriment to the character and appearance of the area and the listed building, or to the amenities of adjoining occupiers, in accordance with Policies D1 (Design and Local Distinctiveness), EN8 (Significance of Heritage Assets and Their Setting) and EN9 (Development Affecting a Designated Heritage Asset) of the Adopted East Devon Local Plan 2013-2031.)
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule 2 Part 2 Class A, for the erection of any fences, walls gates or other means of enclosure (other than any enclosure approved as part of the landscape management scheme).  
(Reason - The space available would not permit such additions without detriment to the character and appearance of the area and the listed building, or to the amenities of adjoining occupiers, in accordance with Policies D1 (Design and Local Distinctiveness), EN8 (Significance of Heritage Assets and Their Setting) and EN9 (Development Affecting a Designated Heritage Asset) of the Adopted East Devon Local Plan 2013-2031.)
7. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 10 metres back from its junction with the public highway  
(Reason: To prevent mud and other debris being carried onto the public highway in the interests of highway safety in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan 2013-2031).
8. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, turning area, access drive and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. These facilities shall thereafter be retained for their intended purpose at all times  
(Reason To ensure that adequate facilities are available for the traffic attracted to the site in the interests of highway safety in accordance with policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the Adopted East Devon Local Plan 2013-2031).
9. No part of the surface water drainage shall be installed until details of the surface water drainage scheme has been submitted to and approved in writing by the

Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

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

10. Foul drainage shall be dealt with by a package sewerage treatment plant which shall be sited so as not to cause pollution of any watercourse or water sources. No part of the package treatment plant shall be installed until details of the treatment plant and its siting and of the necessary percolation system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those approved details.  
(Reason - To avoid pollution of the environment and/or flooding in accordance with the requirements of Policy EN14 – Control of Pollution of the Adopted New East Devon Local Plan 2013-2031.)
11. No development above foundation level shall take place until a soft and hard 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, materials and finishes for hard surfacing 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.)
12. A Construction and Environment Management Plan shall be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: hours during which delivery and construction traffic will travel to and from the site, Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

(Reason - To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)

Plans relating to this application:

	Location Plan	26.05.22
GILLAM_EX_FP	Proposed Floor Plans	26.05.22
GILLAMR3COM M	Proposed Elevation	26.05.22
GILLAMR3COM MFP : commercial building	Proposed Floor Plans	26.05.22
GILLAMR3LDH	Proposed Combined Plans	26.05.22
GILLAMR3LDHF P	Proposed Floor Plans	26.05.22
GILLAMR3STHF P	Proposed Floor Plans	26.05.22
GILLAMR3STH : elevations/roof	Proposed Combined Plans	26.05.22
GILLAMR3STHF P	Proposed Floor Plans	26.05.22
SP5OOR3 5	Proposed Block Plan	26.05.22
SP5OOR3COMP	Proposed Site Plan	26.05.22
200220 REV 01 : bat + protected species	Protected Species Report	26.05.22

List of Background Papers

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