

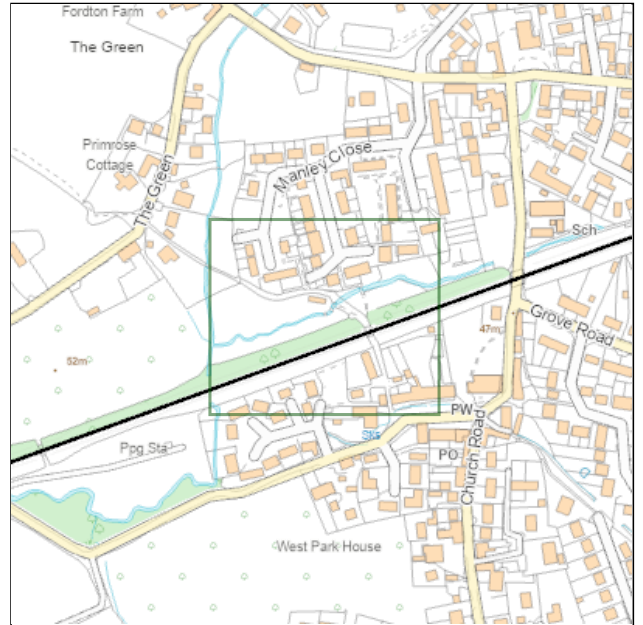
Ward Whimble And Rockbears

Reference 23/1147/FUL

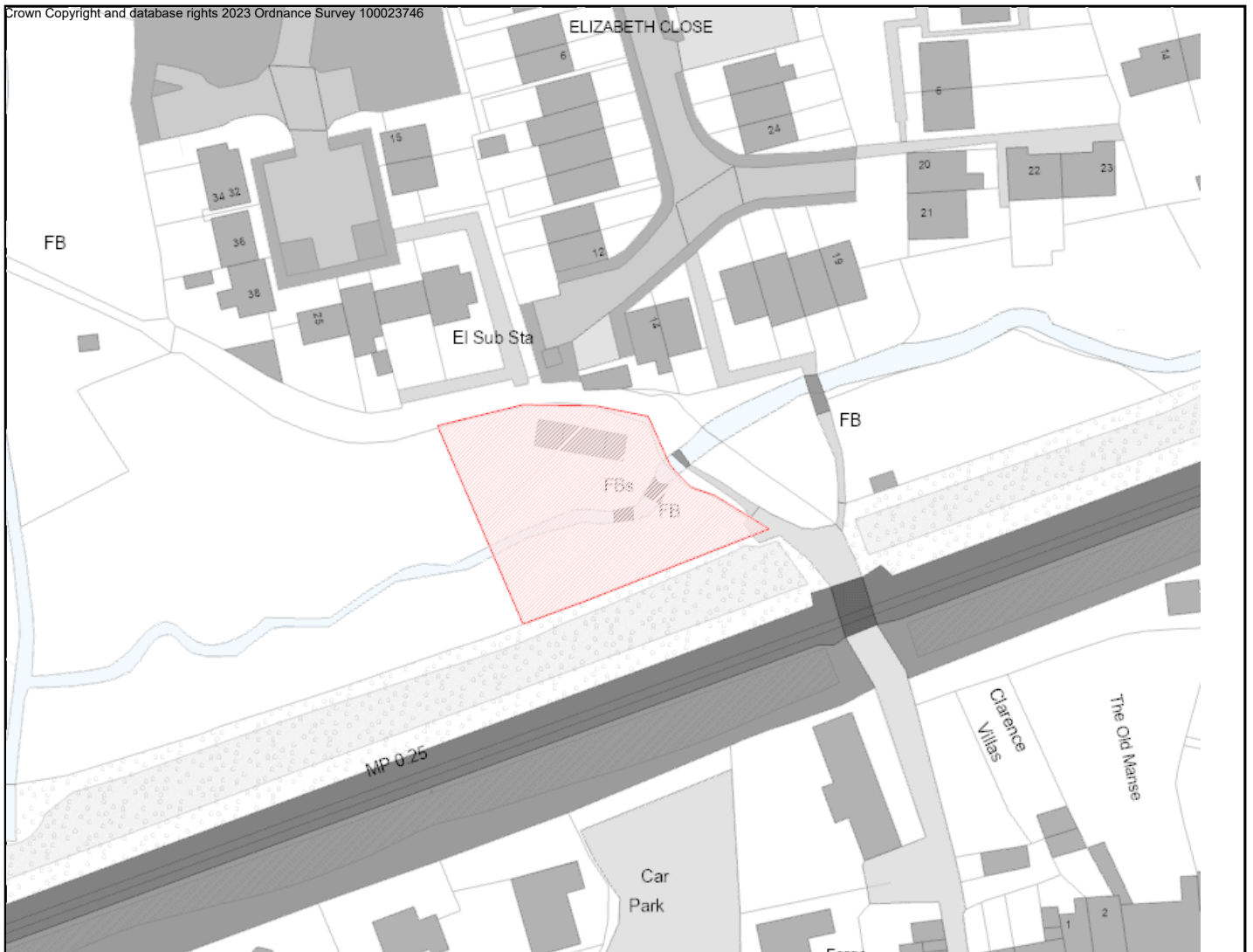
Applicant Ms & Mr V & C Kendrew & Pring

Location Land North Of Railway Whimble

Proposal Conversion of existing building from barn into dwelling.



RECOMMENDATION: Approval with conditions



		Committee Date: 24.10.2023
Whimble And Rockbeare (Whimble)	23/1147/FUL	Target Date: 03.08.2023
Applicant:	Ms & Mr V & C Kendrew & Pring	
Location:	Land North Of Railway Whimble	
Proposal:	Conversion of existing building from barn into dwelling.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the Planning Committee because the Officer recommendation differs to the views of the Parish Council and Ward Member.

The application relates to a redundant agricultural building, situated in a plot of land on the western fringes of the village of Whimble. The southern area of the site is bisected by an ordinary watercourse and the western extent bounded by the Cranny Brook (classified as Main River by the EA).

To the east and north the site is bounded by a public footpath with a small, grassed park area and residential areas beyond. To the west is an adjacent property and associated gardens with an orchard beyond the Cranny Brook. To the south the site is bounded by the Exeter to Waterloo railway line.

The site covers an area of approximately 0.56 hectares, with the access road and proposed parking area to the southeast of the existing building, which is located in the northeast of the site. The remaining site is a meadow with some trees.

The current building has been at the site since around 1900 with its last known use being agricultural. The building is of solid brick construction with some open walls constructed of wood and tin.

Planning permission is sought for the conversion of the barn into a one bedroom dwelling. External changes to the building would include raising the height of the two mono pitched side wings, and that of the central section of the building. The proposal would utilise existing window and door openings on the front elevation, and would include the provision of a juliet balcony at first floor level. Vehicular access to the proposed dwelling would be via the existing track from The Square which leads to the site and which is a designated public right of way.

The proposal must be determined in accordance with the relevant Local Plan Policies and also the National Planning Policy Framework (NPPF). The latter of those states that Councils are required to maintain a five year housing land supply. At the current time, East Devon doesn't have a 5 year housing land supply, so the presumption in favour of sustainable development in the NPPF applies. This means that the fact that the site is located in the countryside and outside of a Built-Up Area Boundary (BUAB), and within the Green Wedge, as defined by the East Devon Local Plan, cannot reasonably be a reason to refuse planning permission. Instead, the main test in determining this application relates to whether the adverse impacts of granting planning permission for the conversion of the building to a residential dwelling would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the Local Plan lends support to the proposal, as it is considered that the key criteria within that policy are met by the application. Additional weight is added to that by virtue of the services provided within Whimble are such that the village is considered to be a sustainable location. Consequently, the principle of the development is considered to be acceptable, when the Council's lack of five year housing land supply is considered.

Concerns have been raised about the access to the site, which would be along a public right of way. However, the section of the path which would be used to access the site is already used to access the field in which the building is located. With that in mind, the County Highway Authority and County Rights of Way Departments have not raised an objection to the proposal.

Much of the site is located in a flood zone designated by the Environment Agency. Policy EN21 (River and Coastal Flooding) of the Local Plan states that a sequential approach will be taken to considering developments, but excludes minor developments and changes of use. Therefore, as the proposal is a change of use, it is considered that the development need not be the subject of sequential testing.

However, the proposal would introduce a more vulnerable use into the building where its future occupiers are likely to be at a greater risk from flooding. Therefore, it is necessary to carefully assess the submitted Flood Risk Assessment (FRA) to ensure that appropriate flood resistance and resilience measures are incorporated into the building, and that a safe access and entry point could be provided during a flood event. This can be achieved through conditions.

Additionally, the overall footprint of the building would not be increased and neither would there be any increase in hard standing or roof space that would have the potential to increase surface water run off or affect the flood risk of the surrounding area.

Given these factors, it is considered that the development is acceptable in terms of flood risk.

In terms of other key planning matters, it is considered that the proposal is acceptable in terms of:

- **Its visual impact upon the area,**
- **The impact of the proposal on residential amenity,**
- **The impact on trees,**
- **Implications for wildlife and,**
- **Habitat mitigation (as an upfront payment of £196.81 and a S111 agreement has been submitted).**

Given the above, it is considered that, on balance, this proposal is acceptable. It would make a small contribution to the Council's five year housing land supply, and complies with relevant policy within both the Local Plan and the NPPF. Therefore, there are no grounds to refuse the application, so it is recommended that this application is approved.

CONSULTATIONS

Clerk To Whimble Parish Council

Whimble Parish Council planning committee doesn't meeting until Monday 7 August so we will consider the revised application then and provide comments. Thanks

Clerk To Whimble Parish Council

The council wishes to object to this application on the following grounds:

There are significant issues with the footpath having vehicle access - it is a very busy footpath, used regularly by school children and is not suitable for vehicle access (apart from emergency vehicles and those properties who have designated vehicle access). Council understands that the footpath is already being used by construction traffic and public safety concerns are being raised by local residents.

The area is also susceptible to flooding and in recent months has been impassable due to flood water.

Furthermore, there is confusion over the address on the application and local residents have not been informed of the application as EDDC failed to display the appropriate public notices.

Whimble Parish/Town Council

The Council RESOLVED that it has no objections to this application providing that a safety plan is in place for pedestrian safety on the footpath, prior to the construction work commencing. If East Devon District Council is minded to approve the application that public safety is paramount in relation to the footpath.

Whimble Parish/Town Council

Whilst I sent across comments that the council had no objections to this application, they disagreed with this minute at the meeting a couple of days ago and asked that it be revised as follows:

The Council RESOLVED that if East Devon District Council is minded to approve the application that public safety is paramount in relation to the footpath, and that a safety plan should be requests and be in place, prior to the construction work commencing.

Please can you pass this to the relevant planning officer. WPC want to make it clear that their previous objection still stands.

Whimble And Rockbeare - Cllr Todd Olive

I object to this application on the following grounds:

1. The site is located in a functional flood plain and is regularly inundated, and as such is totally inappropriate for residential development.
2. The site is accessed via a public footpath in regular use which is unsuitable for residential access, let alone construction traffic. Its adjacency to a recreation area also poses material safety risks should access to this area be shared with regular unsegregated vehicular use.
3. The site falls outside the village development boundary; beyond just policy lines, redevelopment of the site would involve an incursion of residential development into otherwise-open and unspoiled green space beyond the natural boundaries of the village formed by trees and the railway line, and as such comprises creeping encroachment on surrounding countryside clearly contrary to the objectives of the NPPF (and particularly the environmental pillar of sustainable development) and EDDC Local Plan Strategy 7.

Further comments from Cllr Todd Olive 11/10/23

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined with regard to the policies of the local development plan, unless material considerations indicate otherwise. In the case of this application, I believe it is agreed that the proposal does **not** comply with the strict provisions of the development plan, in particular Strategy 7 (Development in the Countryside) where the proposal falls outside the designated Built Up Area Boundary of Whimble. As such, the question is whether material considerations – principally national policy set out in the NPPF – do indeed indicate otherwise.

In this regard, as EDDC is unable to demonstrate a five-year housing land supply, paragraph 11(d) of the NPPF applies, requiring the application of the tilted balance test – that is, for the application to be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. Critically, this is not a test of whether any **one** benefit outweighs said benefits, but a question of cumulative adverse impacts against the sum of benefits. It is the identification of benefits and drawbacks, and determination of their weights, where I disagree with officers' recommendations.

Taking the benefits first, the application has two clear benefits: provision of one windfall dwelling in the midst of EDDC's inability to demonstrate a five-year housing land supply, and re-use of an existing building.

Firstly, it is unequivocal that the provision of a dwelling where previously one did not exist is a benefit of the proposal and should be afforded substantial weight in the balance test.

Secondly, I agree with officer comments that the proposal comprises re-use of an agricultural building outside of an existing settlement. However, I am not aware of any evidence regarding whether the site as existing forms part of an agricultural enterprise and therefore whether there would be any adverse impacts on the viability of said enterprise requiring replacement buildings, this issue being an unequivocal requirement of East Devon Local Plan policy D8 (Re-use of Rural Buildings Outside of Settlements) – and as such I am not clear that it *has* been demonstrated that the proposal does comply with policy D8. I would therefore suggest that this benefit cannot be afforded more than limited weight.

Indeed, and moving on to the adverse impacts of the scheme, where officer comments respond to concern regarding highways impacts by suggesting that the scale of trip generation by the proposal would be minimal – on account of resulting residential traffic being of comparable frequency to that of the land in its existing agricultural use – it would seem to me that the same critical evidence regarding the extent and intensity of the building's extant agricultural use is missing. If we are to say, as the officer recommendation reads, that the proposal complies with policy D8 in full, and thus does not affect existing agricultural activities, then it would seem to me that we cannot also say that the extent of traffic currently using the site for agricultural purposes is comparable to the minimum four trips or more a day that we might expect from residential use. It also seems to me that we cannot rely solely on the lack of objection from Devon's Highways/PRoW teams to effectively dismiss this point – residents' and the Parish Council's concerns are valid, based on local knowledge and experience, and must be taken into account. Vehicular access is via a narrow, unadapted, poorly-maintained track, which is a frequently-used public footpath, providing a major link between the village shop and a large number of dwellings at Chard Avenue, Elizabeth Close, and Manley Close, as well as access to the village's Scout Hut and to Parish-owned public space earmarked for the installation of a new children's play area. In my view, this should be taken as an adverse impact of the proposal with moderate weight on account of its potential impacts on an important public footpath – particularly during the construction phase – which would also represent conflict with East Devon Local Plan policy TC7 (Adequacy of Road Network and Site Access). To be clear, I am not suggesting that this stands as a reason for refusal on its own merits – but rather that it should be taken as part of a broader portfolio of drawbacks to be weighed against the benefits.

Moving on, then, to impacts on landscape, countryside, and similar points – I agree with officers that, again, these cannot stand as reasons for refusal on their own merits as a result of the engagement of paragraph 11(d) of the NPPF.

However, it is not disputed that the proposal **will** conflict with Strategy 7 of the East Devon Local Plan. The proposal **would** lead to the creation of a dwelling outside of the Built Up Area Boundary. Referring to landscape and visual impacts, the building in question lies outside a number of extant visual barriers intervening between Whimple itself and the broader countryside, comprising the railway line and existing vegetation which broadly follows the edge of the Built Up Area Boundary, and would

lead to the transformation – indeed, domestication – of an agricultural field into a residential garden. This is a clear drawback of the proposal that should be taken into account in the tilted balance test. Recognising that these impacts are to some extent mitigated by the site's proximity to village services, I would argue that conflict with Strategy 7 should be afforded moderate weight against the proposal, while further limited weight against the proposal should be attributed to landscape impacts.

Finally, there is the issue of flood risk. It is not disputed by any party that the site is located within various EA flood zone designations, nor that a watercourse runs in close proximity to the barn in question with an additional watercourse designated by the EA as a Main River – indeed, the applicant has proposed significant flood resilience measures, including substantial raising of finished floor levels. My own knowledge of the site and broader area East of 'The Green' and outside of the village boundary is that flooding from these watercourses is a recurring and significant issue, and it should not be taken lightly.

The resilience measures proposed do not change the fact that this proposal would lead to the introduction of a use classed as 'More Vulnerable' by the NPPF, which is categorically **not** permitted in Flood Zone 3b by national policy, and is only permitted in Flood Zone 3a following the application and passing of the so-called 'Exception Test' – though caveats that this test should not be levied against applications for change of use such as this. East Devon Local Plan policy EN21 (River and Coastal Flooding) has broadly similar provisions. Where this test is not to be applied, policy requirements are that the proposal is 'flood resilient' – ensuring the safety of its occupants for the lifetime of the development. While I appreciate that officers' assessment is that the proposal does comply with these requirements, this does not alter the reality that this proposal is for the introduction of a vulnerable residential use into the flood plain. That is clearly contrary to the objectives of both the National Planning Policy Framework and the East Devon Local Plan, and it should weigh substantially against the proposal – particularly where we need only look to the news every month for regular examples of catastrophic extreme flood events exacerbated by the ongoing Climate Crisis.

To summarise my view, therefore:

- In favour of the proposal sits:
 - provision of an additional dwelling in the absence of a five-year housing supply, with substantial weight, and
 - re-use of an existing building, with limited weight.
- Against the proposal are:
 - highways impacts, with moderate weight,
 - residential development in the countryside, with moderate weight,
 - impacts on landscape, with limited weight, and
 - flood risk, with substantial weight.

It is therefore my view, on the basis of my knowledge as Ward Member and indeed as a resident in the village, comments from local residents and the Parish Council derived from substantial lived experience, and reflecting the above analysis, that the adverse impacts of the proposal do, cumulatively, significantly and demonstrably outweigh the benefits of the proposal - and that as such the presumption in favour of sustainable development set out at paragraph 11 of the NPPF, and triggered by EDDC's lack of a five-year housing supply, does not apply. As a result, and going

back to section 38(6) of the 2004 PCPA, the proposal both does not comply with the provisions of the local development plan, and material considerations – that being the provisions of the National Planning Policy Framework – do not indicate that the application should be otherwise determined. As such, I would ask that Committee vote to refuse the application.

County Highway Authority

I have visited the site in question and reviewed the planning application documents.

It is appreciated that there are historical recommendations of refusal from the County Highway Authority, (CHA) for similar projects on this site, however I must assess the merit of this current application standalone with our current best practice guidance, Manual for Streets 1 and 2, our current best practice, taken into account modern vehicle braking and better tarmac materials.

The lane does not belong to and is not maintained by Devon County Council, (DCC).

I have also consulted DCC's Public Rights of Way (PROW) team, who do not hold any objections to this application, with many situations of vehicles crossing or utilising un-adopted accesses or tracks with PROW use, across Devon.

The site currently has an established agricultural access and I do not believe the presence on a substituted dwelling will create an un-acceptable trip generation intensification.

The Design and Access statement, includes the net gain of lighting, visibility maintenance and drainage works of benefit to vehicles and non-motorised users (NMU's) alike. I would recommend the provision of a Construction and Environment Management Plan (CEMP) to help mitigate and monitor the effects of construction upon the wider local highway network, which is maintained by DCC, as HMPE, Highway Maintained at Public Expense.

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. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Environment Agency

Depending on whether a FRA has been submitted for this application, which I would strongly suggest to allow for an assessment to be completed, our position is outlined below;

Environment Agency Position

Thank you for your consultation in respect of this planning application. As you are aware, we no longer provide bespoke advice on consultations for change of use.

Please find attached our standard planning advice note and supporting Flood Risk Assessment checklist, which will allow you to determine the suitability of the application with regard to flood risk.

If your Authority is minded to refuse any such applications on flood risk grounds please notify us. If refusal of permission is appealed by the applicant we would be happy to support you at appeal.

Additionally, the applicant may like to request Product 4 data, which is a suite of supporting documents outlining the flood risk for an area. This is free. This can be requested from us by contacting: DCISEnquiries@environment-agency.gov.uk

Please reconsult us if there are any additional changes to this application.

EDDC Trees

In principle I have no overall objection to the proposal. The proposal is likely to require the removal of one Sycamore which currently overhangs the eastern section of the barn and is likely to lead to pressure to prune the larger multi stemmed Sycamore. However, appropriate pruning is not considered an issue.

The following condition is recommended:

Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement(AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. The development shall be carried out in accordance with the approved details.

Reason - To ensure retention and protection of trees on the site during and after construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031).

EDDC District Ecologist - Will Dommatt

I have reviewed the report and although the survey was undertaken technically outside of the optimal survey period (May-August), the weather conditions were still suitable for bats to be active and the building is unlikely to be used as a breeding roost. The general recommendations in the report are also considered suitable. Therefore, I would accept the results of the survey.

I would have liked to have seen the survey supported by an updated daytime visual inspection prior to the survey but I should have made that clear. I would also recommend that an integrated bat box and bird brick be provided in the converted building as an ecological enhancement.

William Dommatt MSc MCIEEM
District Ecologist
East Devon District Council

Other Representations

A total of 44 third party representations have been received. Of those, 21 are objecting to the proposal, whilst 23 are in support of the application.

The key points made in the objections are:

- Flood risk.
- Narrow and unsafe access road.
- The site is next to a playground.
- Inadequate sewage system in Whimple.
- Conflict with users of the footpath.

The key points made in support of the proposal are:

- Bringing the building and land back into use.
- Would not be detrimental to the surrounding area.
- It is a well thought out conversion.
- It will improve the safety of the area.

- Re-use of a building.
- The Flood Risk Assessment is robust.
- The access is already used by vehicles.

PLANNING HISTORY

Reference	Description	Decision	Date
81/P0949	Erection Of Dwelling.	Refusal	14.07.1981
83/P1613	New Dwelling.	Refusal	22.11.1983
84/P1874	Conversion Of Barn To Dwelling.	Refusal	12.02.1985

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

Strategy 8 (Development in Green Wedges)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

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

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents NPPF (National Planning Policy Framework 2021)

Site Location and Description

The proposed development site is located on the western fringes of the village of Whimple. The southern area of the site is bisected by an ordinary watercourse and the western extent bounded by the Cranny Brook (classified as Main River by the EA).

To the east and north the site is bounded by a public footpath with a small, grassed park area and the residential areas of Manley Close and Elizabeth Close beyond. To the west is an adjacent property and associated gardens with an orchard beyond the Cranny Brook that bounds the site. To the south the site is bounded by the Exeter to Waterloo railway line.

The site covers an area of approximately 0.56 hectares, with the access road and proposed parking area to the southeast of the existing building, which is located in the northeast of the site, adjacent to an existing public footpath. The remaining grounds are predominantly occupied by meadow and a number of trees.

The current building has been at the site since circa 1900 with the last known use of the building agricultural. The building itself is of solid brick construction with some open walls constructed of wood and tin.

Planning History:

Planning permission was refused in 1985 (ref 84/P1874) for the conversion of barn to dwelling for the following reasons:

1. "The conversion of the barn to a dwelling would be contrary to the provisions of the County Structure Plan because, in the opinion of the Local Planning Authority, the barn is not worthy of retention and in order to provide acceptable modern living accommodation the barn's conversion to a dwelling would give rise to a major extension and reconstruction."
2. "The site lies in an area beyond that which the Local Planning Authority consider to be acceptable for additional development and is not well related to the existing village, and its development would be contrary to the provisions of the County Structure Plan."
3. "The lane leading to the site is totally inadequate to serve residential development because of its restricted width and unmade state. The lane leading to the site is a public footpath and traffic generated by the development of the site would be a hazard to users of this footpath)."

Proposed Development:

Planning permission is sought for the conversion of the barn into a one bedroom dwelling. The ground floor of the building would contain a kitchen, living room, dining room, bathroom and utility. The first floor of the building would contain a bedroom. External changes to building include raising the height of the two mono pitched side wings of the building, and that of the central section of the building. The proposal would utilise existing window and door openings on the front elevation and would include the provision of a Juliet balcony at first floor level. New windows and doors are proposed to serve the lounge, dining room and bathroom on the ground floor.

Gross internal floor area is indicated to be 66 sq m

Vehicular access to the proposed dwelling would be via the existing track from The Square which leads to the site and which is a designated public right of way.

ANALYSIS

The main issues to consider in determining this application are in terms of the following:

- Policy Context
- Five Year Housing Land Supply
- Principle of Development
- Sustainability and Accessibility
- Green Wedge
- Flood Risk
- Impact on Character and Appearance of the Area
- The impact on residential amenity
- The impact on highway safety and the safety of users of the PROW
- Ecological Impacts
- Arboricultural Impacts
- Appropriate Assessment

Policy Context:

The Policy Position:

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. There is no neighbourhood plan for Whimple.

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 (currently under review which is likely to result in a lower figure).

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.

As such, the fact that the site is located in the countryside and outside of a Built-Up Area Boundary (BUAB), and within the Green Wedge identified (Local Plan Strategy 8) as defined by the East Devon Local Plan, cannot reasonably be a reason to refuse planning permission. Instead, the main test in determining this application relates to whether the adverse impacts of granting planning permission for the conversion of the building to a residential dwelling would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Principle of Development:

National Planning Policy Framework:

Paragraph 80 of the NPPF lists development that would re-use redundant or disused buildings and enhance its immediate setting as appropriate development in the countryside.

East Devon Local Plan:

In planning terms, the site is located outside of the BUAB of Whimble, as defined by the East Devon Local Plan. In such locations, development is only permitted under the provisions of Strategy 7 (Development in the Countryside) where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development, and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

There is support for the principle of the conversion of the building to a dwelling under the provisions of Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the East Devon Local Plan. This policy supports the re-use or conversion of buildings in the countryside, outside of Built-up Area Boundaries, subject to the following criteria, which will be discussed in later sections of the report as follows:

1. The new use is sympathetic to, and will enhance the rural setting and character of the building and surrounding area and is in a location which will

not substantively add to the need to travel by car or lead to a dispersal of activity or uses on such a scale as to prejudice village vitality.

2. The building is structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting;
3. The form, bulk and general design of the building and its proposed conversion are in keeping with its surroundings, local building styles and materials;
4. The proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures;
5. The proposal will not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function.

The policy states that for residential proposals it must be established that:

- a. the building is no longer required for agricultural use or diversification purposes; and
- b. that its conversion will enhance its setting - e.g. through removal of modern extensions and materials, outside storage, landscaping etc.
- c. Development is located close to a range of accessible services and facilities to meet the everyday needs of residents

Sustainability and Accessibility:

The criteria within Policies D8 and TC2 (Accessibility of New Development), requires development to be located close to a range of accessible services and facilities, in order to meet the everyday needs of residents, so as to reduce the need to travel by car. The application site is located in very close proximity to the BUAB of Whimble, a settlement that is considered to be sustainable and suitable for additional residential growth, on account of the range of services and facilities that are available. Facilities within Whimble include a public house, a primary school, a shop, a church and a train station. Given the proximity of the site to these services and facilities, and the site's connectivity with them, it is considered that the site is in a very sustainable location where everyday services, facilities and public transport within the village would be readily accessible on foot and bicycle. This weighs in favour of the proposal in terms of sustainability and accessibility.

Green Wedge:

The application site is within the Green Wedge defined by Strategy 8 (Development in Green Wedges) of the Local Plan. This strategy states that development within green wedges will not be permitted if it "would add to existing sporadic or isolated development or damage the individual identity of a settlement or could lead to or encourage settlement coalescence". Given the comments raised above, and taking into account that the site is not located close to any settlement other than Whimble, it is considered that the proposal is acceptable under Strategy 8 of the Local Plan. This

is due to the distance between Whimble and any other settlement being such that permitted the dwelling would not result in coalescence with any other settlement. Furthermore, the site is located immediately adjacent to the BUAB of Whimble. Consequently, the development cannot be considered to sporadic, and it would not alter or harm the individual identity of Whimble as a settlement in its own right.

Flood Risk:

The Environment Agency online Flood Map shows the site is within a combination of Flood Zone 3 and Flood Zone 2. Whilst the site is predominantly within Flood Zone 3, the barn itself is located at a slightly higher elevation and partially within Flood Zone 2, and the vehicular and pedestrian (both to the west and south) access to the site passes through an area of Flood Zone 3 before reaching an extent within Flood Zone 1 immediately to the north of the building. From the flood risk assessment that has been provided, it is understood that the flood source is predominantly fluvial and as a result of flood flows exceeding culvert capacity, due to the presence of an 'inadequate brick culvert' (Whimble CDA May 2015), which conveys the Cranny Brook (and the converged unnamed ordinary watercourse) under the railway.

Review of mapping produced by the EA for Surface Water flood risk indicates that the extents of surface water flood risk are slightly reduced over the Flood Zone 3 extents (and further away from the building) and that the site is at 'low' risk (0.1% to 1% Annual Probability) with depths of 300-900mm towards the southwest of the site.

Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan states that a sequential approach will be taken to considering whether new developments excluding minor developments and changes of use (minor development includes non-residential extensions with a footprint of less than 250 square metres, development that does not increase the size of the building or householder development unless it would create a separate dwelling) will be permitted in areas subject to river and coastal flooding.

This follows the guidance contained within the NPPF, where, at paragraph 168, it states that applications for some minor development and changes of use should not be subject to the sequential or exception tests, but should still meet the requirements for site-specific flood risk assessments set out in footnote 55. Footnote 56 sets out the types of development that do not need to be the subject of the sequential test which includes householder development, small non-residential extensions (with a footprint of less than 250m²) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate.

It is, therefore, accepted that the proposed residential dwelling need not be the subject of sequential testing as the proposal seeks a change of use of the building from agricultural to residential. The proposal would, however, introduce a more vulnerable use into the building where its future occupiers are likely to be at a greater risk from flooding. Therefore, it is necessary to carefully assess the submitted flood risk assessment to ensure that appropriate flood resistance and resilience measures are incorporated into the building, and that a safe access and entry point could be provided during a flood event.

The FRA highlights that the site does not benefit from any defences or is within a Flood Warning or Flood Alert area. The FRA advises that if certainty could be achieved regarding the provision of a future culvert and flood improvement scheme, then utilisation of the existing floor level of the building at 44.58mAOD would provide sufficient freeboard (850mm) for the 1 in 100 year plus 39% climate change event. The FRA also states that in the event that the culvert is not constructed or completed then FFL's would have to be raised by 900mm. The Officer position on this is that, as a Council, we cannot guarantee or even control the implementation of any future culvert works and, therefore, the FFL's of the building would have to be based on the worst case scenario (i.e. raised 900 mm above existing). The proposal, therefore, includes raising the FFL of the building by 320mm from 44.58 to 44.90m AOD which would be sufficient against the designed flood level in Q100+39cc of 44.79m AOD whilst providing a positive 110mm freeboard. In addition, the proposed dwelling includes an upstairs bedroom area which could be used as a safe refuge in the event of a flood.

The FRA also demonstrates that, in the event of a flood, there is potential for the land surrounding the buildings to be inundated for a period of time, including the vehicular access from the Square. However, safe, dry land (Flood Zone 1) can be accessed on foot from the northern boundary of the site, adjacent to the building via the public footpath and into Elizabeth Close beyond with the public highway approximately 14 metres to the north. Vehicular access by emergency vehicles will still be viable for the 1 in 100 year event. In more extreme events, the maximum flood depth at the parking area could exceed 300mm and, in such circumstances, emergency access would be required via Elizabeth Close, approximately 14 metres to the north.

The FRA concludes that, whilst the raised FFL is likely to mitigate the flood risk greatly, any entrance areas or storage buildings at grade level should incorporate sensible measures with the ground floor wall and floor treatments. This can include the installation of plasterboard horizontally and the use of flood resilient flooring, to minimise the potential impact of a flood event, and aid the recovery of the property after a flood. Services such as electricity and air conditioning/vents, should be raised above the potential flood level (1 in 1000 year/1 in 100 year plus CC event) and outlets should be set as high as is reasonably practical.

The FRA suggests that a Flood Management Plan should be developed for the building with all owners made aware of the content and actions required and the plan available to tenants/guests/visitors on request.

Whilst the proposal does include raising the height of the building to provide a more usable living space with greater headroom, the overall footprint of the building would not be increased and neither would there be any increase in hardstanding or roof space that would have the potential to increase surface water run off or affect the flood risk of the surrounding area.

It is within the gift of the Local Planning Authority to withdraw permitted development rights where it is considered reasonably necessary. In this instance, given the matters discussed above, it is clear that some permitted development rights could lead to an increase flood risk; in particular those relating to the construction of outbuildings, extensions to the building, the installation of hardstanding, or the installation of some

renewable energy structures (such as standalone solar panels). Therefore, in the event that this application is approved, it is considered reasonable to remove those permitted development rights by condition. Doing so will enable the Council to retain control of such developments to ensure that any works of that nature are undertaken in such a way that they do not have a detrimental impact on flood risk to the occupiers of the dwelling in question or any other land or property within the vicinity of the site.

Seeking details of the proposed bridge prior to its installation will enable the Council to ensure that the bridge would not result in an increased flood risk.

Having regard for the above, it is considered that subject to the imposition of the aforementioned condition, and a conditions which require the finished floor levels of the building to be raised to the suggested 44.90 AOD, the incorporation of the flood resilience and resistance measures contained within the FRA and the submission of a Flood Management Plan, it is considered that the proposed development is acceptable in flood risk terms.

Impact on Character and Appearance of the Area:

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.

Policy D8 requires:

- The new use to be sympathetic to, and will enhance the rural setting and character of the building and surrounding area.
- The building to be structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting;
- The form, bulk and general design of the building and its proposed conversion are in keeping with its surroundings, local building styles and materials;

The application is accompanied by a Structural Survey which has been prepared by a suitably qualified structural consultant. The report concludes that the existing structure is suitable for conversion to a habitable dwelling, retaining much of the fabric and appearance of the existing building with only limited intervention on the existing structure. It is, therefore, accepted that the building is structurally sound and capable of conversion to a residential dwelling.

The proposal does, however, include raising the height of the roofs of the two side wings of the building by 1.0 metre and the central section by 800mm.

The aforementioned withdrawal of permitted development rights for alterations to the building, in addition to withdrawing rights for the erection of outbuildings, the installation of hardstanding, the construction of means of enclosure and some other development, will enable the Council to retain full control of the appearance of the building and the site. This will ensure that its appearance will remain suitable for the location and the existing character of the site.

Furthermore, it is considered reasonable to impose a condition to seek details of the proposed materials to be used. Whilst some detail is provided on the application form, this is considered to be insufficient, given the importance of retaining the character of the building in this location. Receiving details of the materials will enable the Council to ensure that the materials used are suitable, in order to retain the character and appearance of the building.

There are some trees and hedges near site boundaries with views towards the site from the public domain. They provide screening of the building. However, as the alterations to the building would not result in a significant increase in its size or height, and with the above conditions in place, it is considered that the works to the building would not have a detrimental impact on the character and appearance of the building or views of it from the public domain.

Consequently, it is considered that the proposal can be undertaken without having a detrimental impact on the character and appearance of the area. Therefore, the proposal would accord with the provisions of Local Plan Policies D1 and D8, and is acceptable in this regard.

Residential amenity:

The building occupies a site well distanced from the nearest neighbouring properties on Manley Close, whose rear gardens face towards the building. Therefore, it is considered that introducing a residential use to the building would not give rise to any significant amenity concerns.

Careful attention has been given to the position of first floor windows within the proposal, so that they would face directly into the application site, and away from neighbouring properties. Such measures will avoid overlooking and loss of privacy.

Given these factors, it is considered that the alterations to the building, and the raising of its height, would not give rise to any amenity harm.

The internal floor area of the proposed dwelling will exceed the minimum standards for a 1 bed 2 storey dwelling set out in the Nationally Described Space Standards. There will be adequate natural light to habitable rooms and a large external amenity area. As such the level of amenity for future occupiers will be acceptable

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.

Policy TC9 (Parking Provision in New Development) of the Local Plan states that spaces will need to be provided for parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home.

The site is accessed via an unregistered shared vehicular road which leads to The Square, a designated C classified road. The shared access is also designated as a private footway from Elizabeth Close to The Square and leads to the Whimple Footpath 12 which is a Public Right of Way. There is potential for conflict between users of the pedestrians and vehicles in parts of the access. However, it is acknowledged that there is an existing vehicular entrance into the site and that a previous agricultural use of the site would have generated traffic movements on this route. Furthermore, the narrow nature of the road leading to the site is such that vehicle speeds are likely to be low.

Considerable local concern has been expressed regarding the potential for conflict between vehicular traffic and pedestrians using the footpath and the children's playground, which is located opposite the site. The views of the County Highway Authority and the Public Rights of Way Officer have, therefore, been sought. They have provided the following response:

"It is appreciated that there are historical recommendations of refusal from the County Highway Authority, (CHA) for similar projects on this site, however I must assess the merit of this current application standalone with our current best practice guidance, Manual for Streets 1 and 2, our current best practice, taken into account modern vehicle braking and better tarmac materials. The lane does not belong and is not maintained by Devon County Council, (DCC). I have also consulted DCC's Public Rights of Way (PROW) team, who do not hold any objections to this application, with many situations of vehicles crossing or utilising un-adopted accesses or tracks with PROW use, across Devon.

The site currently has an established agricultural access and I do not believe the presence on a substituted dwelling will create an un-acceptable trip generation intensification. The Design and Access statement, includes the net gain of lighting, visibility maintenance and drainage works of benefit to vehicles and non-motorised users (NMU's) alike. I would recommend the provision of a Construction and Environment Management Plan (CEMP) to help mitigate and monitor the effects of construction upon the wider local highway network, which is maintained by DCC, as HMPE, Highway Maintained at Public Expense."

Whilst local concern about the conflict between vehicular traffic and pedestrians is noted, it is also noteworthy that neither the CHA nor the PROW officer have raised concerns regarding the proposal. This is on the basis that the site currently has an agricultural access, such that traffic generation between the existing use and the proposed residential use is unlikely to worsen the situation in highway safety terms.

Therefore, it is considered that it would not be possible to reasonably justify refusal of planning permission on the grounds of highway safety.

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 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. Where development is permitted on such sites, mitigation will be required to reduce the negative impacts and, where this is not possible, adequate compensatory habitat enhancement or creation schemes will be required and/or measures required to be taken to ensure that the impacts of the development on valued natural features and wildlife have been mitigated to their fullest practical extent.

Redundant agricultural buildings have the potential to host many species of wildlife. Therefore, this matter requires careful consideration. In this instance, Bats are the key species of concern. Consequently a Bat Emergence Survey has been supplied. The submitted survey concludes that no mitigation is required, and that the works can take place with negligible risk to any roosting bats.

The Council's Ecologist has assessed the Bat Emergence Survey and has confirmed that the report is suitable, and that he accepts the results of the survey. However, the Council's Ecologist has recommended that an integrated bat box and bird brick is provided in the building, by way of an ecological enhancement. This is considered to be a reasonable request, and can be sought by a condition.

Given the above, it is considered that the proposal acceptable in terms of its impact on wildlife and, therefore, complies with the provisions of Local Plan Policy E5.

Arboricultural impact:

As mentioned above, there are some trees close to the site. However, the Council's Arboricultural Officer has highlighted that one Sycamore may need to be removed, as it currently overhangs the eastern section of the barn, which is likely to lead to pressure to prune the tree. However, the Arboricultural Officer has not raised any concerns about the potential for pruning of that tree, or to the overall principle of the development from an arboricultural perspective.

The Arboricultural Officer has recommended the imposition of a condition to seek details of a Tree Protection Plan and an Arboricultural Method Statement. Given that the trees on the site boundary form an important part of the screening of the site, this condition is considered reasonable.

Given the above comments, and with the above-mentioned condition in place, it is considered that the proposal can be undertaken in accordance with Policies D1

(Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the Local Plan.

Appropriate Assessment:

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

With the above in mind, this application was submitted with a S111 agreement at an upfront payment of £196.81. Consequently, it is considered that this application is acceptable in terms of the impacts on the protected landscapes in the Exe Estuary and on the Pebblebed Heaths being sufficiently mitigated.

Parish Council comments.

The comments of Whimble Parish Council have been considered in the report above, with the exception of their comment relating to whether a site notice was displayed for this application. In this regard, the Local Planning Authority (LPA) records show that a site notice relating to this application was displayed on 26th June 2023. Additionally, the application was also advertised in the Midweek Herald paper on 23rd June 2023, and notification letters were sent to a number of properties situated close to the site on 8th June 2023. Further notification letters were then sent, with reference to amended plans received by the LPA, on 14th July 2023; those letters were also sent to persons who had submitted comments in response to the initial consultation.

Given the above, it is considered that the LPA has advertised the application adequately.

Planning Balance and Conclusions

Having taken all of the previous comments into consideration, the NPPF requires Planning Authorities to apply a planning balance, where the social, environmental and economic factors of the scheme are attached relative weight with regard to the guidance of the NPPF and the up to date policies of the Development Plan.

Notwithstanding historic refusals for residential conversion on this site, this proposal to re-use a redundant rural building is supported by both national and local planning policies. The proposal would represent a sustainable form of development which would re-use a redundant rural building in a manner that is sympathetic to the character and appearance of the building and its surroundings.

Whilst located outside of the built-up area boundary of Whimble, the site is located in close proximity to residential properties, and is within a short walking and cycling distance from the services, facilities and public transport that the village offers. This makes the site sustainable in accessibility terms.

Whilst local concern about the conflict between residential traffic and pedestrians using the public footpath is understood, the site already benefits from an existing access where an agricultural use is likely to generate a similar amount of traffic to that proposed. Therefore, it would be difficult to sustain an objection on safety grounds, especially given the lack of objection from the County Highway Authority and the County Rights of Way Team.

The building and site is located within an area at highest risk of flooding. However, the flood risk assessment demonstrates that raising the finished floor levels of the building, combined with incorporating flood resilience and resistance measures into the conversion, would ensure that future occupiers of the building would not be at an unacceptable risk and, furthermore, that the proposal would not result in additional flood risk outside of the site.

The proposal is acceptable in term of its impact on residential amenity and would provide biodiversity gain through the addition of ecological enhancement measures which can be controlled through condition.

In the absence of a five year housing land supply, it is considered that this proposal would represent a sustainable form of development, where there would be no adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Accordingly, it is recommended that the application is approved.

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 the first occupation of the dwelling hereby approved, the finished ground floor levels of the converted building shall be raised to 44.90AOD, and the other

flood resilience and resistance measures contained within section 6.5 of the Flood Risk Assessment (produced by Clarkebond, reference E05964/FRA) shall be installed. Furthermore, prior to the first occupation of the dwelling, a Flood Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The flood mitigation measures shall be retained and maintained for the lifetime of the development. The Flood Management Plan shall be adhered to at all times.

(Reason - In order to mitigate against the risk of flood impacts to the occupiers of the dwelling, in accordance with Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013 - 2031).

4. 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, or area of hard standing, without first obtaining the written consent of the Local Planning Authority.

(Reason - To ensure that the Local Planning Authority retains control of such additions which, in some circumstances, could be detrimental to the character and appearance of the building and area, or to the amenities of adjoining occupiers, or their installation/construction could increase the flood risk to occupiers of the dwelling hereby approved or to other residents in the vicinity of the site, and to accord with the provisions of Policies D1 (Design and Local Distinctiveness), EN21 (River and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013-2031.)

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of the dwelling hereby approved, without first obtaining the written consent of the Local Planning Authority.

(Reason - To retain the open character of the site, and to ensure that any methods of enclosure used do not result in an increased the flood risk to occupiers of the dwelling hereby approved or to other residents in the vicinity of the site, and to accord with the provisions of Policies D1 (Design and Local Distinctiveness), EN21 (River and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development) of the 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 14 Classes A, B, C, D, E, F, G, H or I for the installation of solar equipment, ground source heat pumps, water source heat pumps, air source heat pumps, flues for heat and power purposes or wind turbines on, or

within the curtilage of, the dwelling hereby approved, without first obtaining the written consent of the Local Planning Authority.

(Reason - To ensure that the Local Planning Authority retains control of such additions which, in some circumstances, could be detrimental to the character and appearance of the building and area, or to the amenities of adjoining occupiers, or their installation/construction could increase the flood risk to occupiers of the dwelling hereby approved or to other residents in the vicinity of the site, and to accord with the provisions of Policies D1 (Design and Local Distinctiveness), EN21 (River and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013-2031.)

7. Prior to the installation of any new door or window, or the commencement of works to raise the height of any part of the building, details of the external materials and finishes to be used and, where so required by the Local Planning Authority, samples of such materials and finishes, 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 Policies D1 (Design and Local Distinctiveness) and D8 (Re-use of Rural Buildings Outside of Settlements) of the Adopted East Devon Local Plan 2013-2031.)

8. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement(AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. The development shall be carried out in accordance with the approved details.

(Reason - To ensure retention and protection of trees on the site during and after construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031). This needs to be a pre-commencement condition to ensure the trees are protected from the onset of works.

9. Prior to the first occupation of the dwelling hereby approved, details of a bat box and bird brick to the provided on the building shall be submitted to, and approved in writing by, the Local Planning Authority. These shall be installed in accordance with the approved details prior to the first occupation of the dwelling.

(Reason - To provide an ecological enhancement in accordance with the provisions of Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 - 2031).

10. Prior to its installation, details of the footbridge shown on drawing number 2136 BP R1 shall be submitted to, and approved in writing by, the Local Planning

Authority. The works shall be undertaken in accordance with the approved details.

(Reason - To ensure that the bridge is not detrimental to the character and appearance of the area or increases the flood risk to occupiers of the dwelling hereby approved or to other residents in the vicinity of the site, and to accord with the provisions of Policies D1 (Design and Local Distinctiveness), EN21 (River and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013-2031.)

11. The development hereby approved shall be undertaken in accordance with the recommendations of the Bat Survey Report, dated September 2023, produced by LRP Ecology.

(Reason - To ensure that Bats are not harmed during the conversion of the building to a dwelling, in accordance with the provisions of Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 - 2031).

12. Prior to commencement of the development hereby approved, the Planning Authority shall have received and approved in writing a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

The development shall be carried out in accordance with the approved details.

(Reason - To ensure that the works are undertaken in such a way that they are not detrimental to the amenity of the occupiers of existing dwellings, or harmful to other users of the access to the site, in accordance with the provisions of Policies D1 (Design and Local Distinctiveness), EN14 (Control of Pollution), TC4 (Footpaths, Bridleways and Cycleways) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 - 2031). This needs to be a pre-commencement condition to ensure the impacts of development are controlled from the onset of works.

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:

	Flood Risk Assessment	08.06.23
Drg-2136 A R1: Elevations/Floor	Proposed Combined Plans	07.06.23
	Location Plan	06.06.23
Drg-2136 BP R1	Block Plan	06.06.23
bat survey report (sept 2023)	Additional Information	11.09.23

List of Background Papers

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

Statement on Human Rights and Equalities Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation