

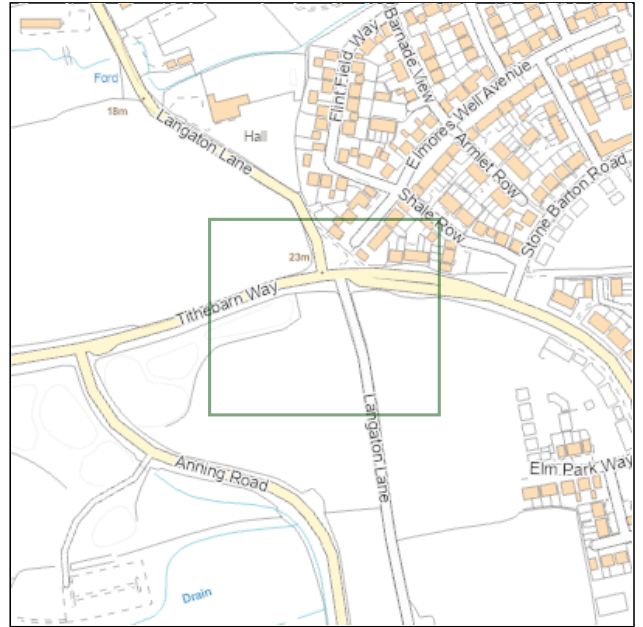
Ward Broadclyst

Reference 23/2722/FUL

Applicant Ms Naomi Harnett (EDDC)

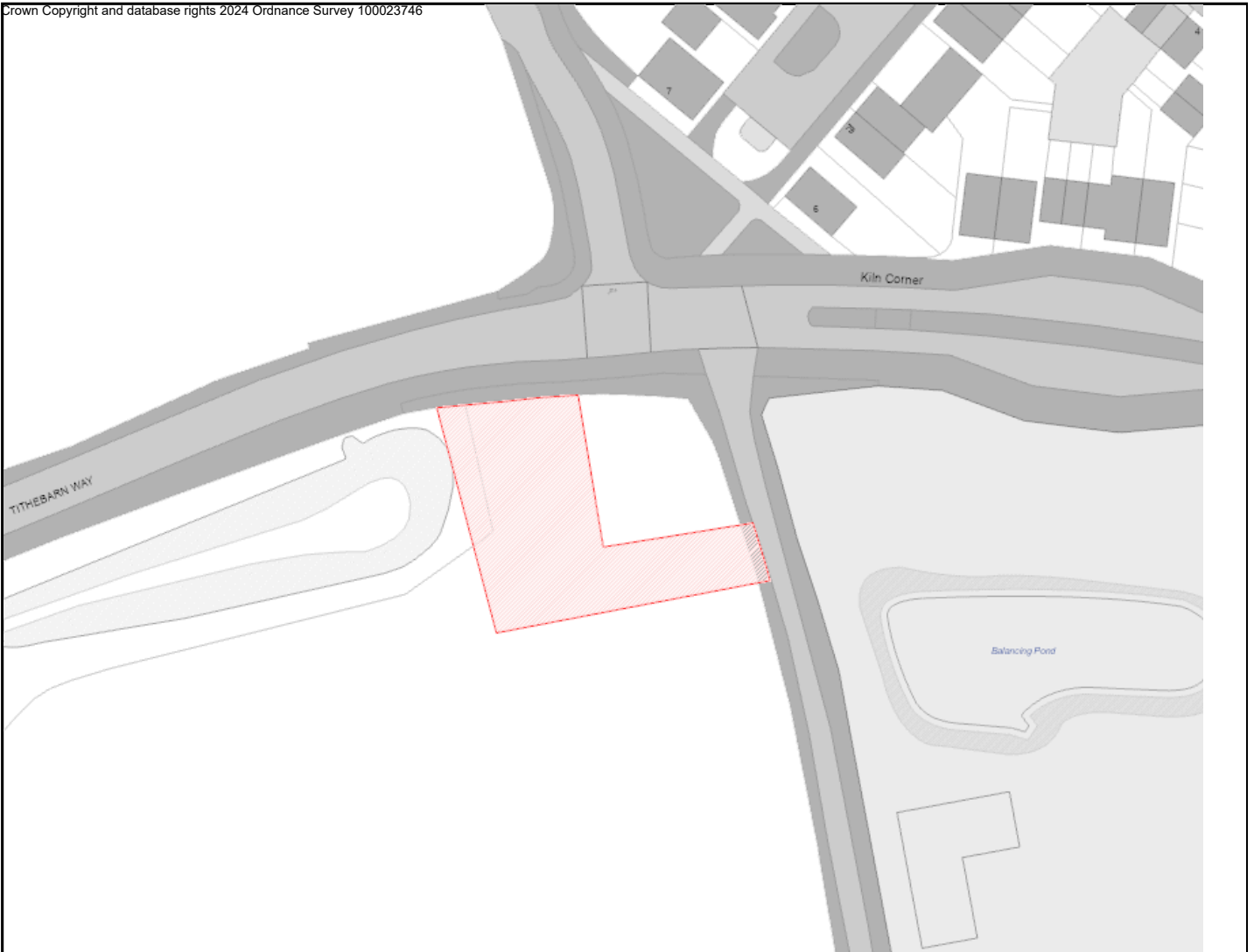
Location Exeter Science Park Clyst Honiton

Proposal Proposal for a new building to house an energy substation with associated vehicle access, boundary fencing, external works, infrastructure and landscaping.



RECOMMENDATION: Approval with conditions

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		Committee Date: 27.02.2024
Broadclyst (Broadclyst)	23/2722/FUL	Target Date: 12.02.2024
Applicant:	EDDC (Ms Naomi Harnett)	
Location:	Exeter Science Park Clyst Honiton	
Proposal:	Proposal for a new building to house an energy substation with associated vehicle access, boundary fencing, external works, infrastructure and landscaping.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before members as the applicant is East Devon District Council.

This application seeks full planning permission for the erection of a substation with access from Langaton Lane, drainage, and landscaping. The building would measure approximately 10.4m in width and 13.9m in length with a maximum ridge height of 5.3m. The building would house the substation's mechanical and electrical equipment to be used in conjunction with the District Heat Network.

The site is located within the Exeter Science Park of which the Masterplan shows this site for infrastructure (a pumping station) and the proposed substation would be adjacent to an existing brick substation also serving the District Heat Network.

Paragraph 160 of the National Planning Policy Framework (2023) and Strategies 9, 11 and 40 of the East Devon Local Plan (2016) support the development of District Heat Networks and support the principle of necessary infrastructure to support the system within the 'West End' of East Devon. The proposal would support the Local Plan's aim to bring forward low and zero carbon energy.

The design of the building is relatively simple and functional with a pitched roof and rectangular form. The building would be finished in red brick with a metal cladded roof. The proposal would include boundary treatment and landscaping as well as a turning area for vehicles. The building would be visible from the surrounding area and would be slightly elevated compared to Tithebarn Way however the building would be single storey and partially screened by the existing substation. The building is not considered to harm the overall character and appearance of the area.

The impacts on highway and pedestrian safety, residential amenity and disturbance, archaeology and ecology and biodiversity have been considered in the report and been found to be acceptable. The development results in a biodiversity net gain in accordance with Broadclyst Neighbourhood Plan (2023).

The application originally received an objection from Devon County Council (DCC) Flood Risk who requested additional information in relation to surface water management. The applicant submitted a revised drainage strategy and provided additional information in relation to existing site conditions, the overland flow and proposed flow control. In response DCC Flood Risk were able to remove their objection subject to a condition.

Overall, the proposal is considered to be acceptable and would support the continued growth of the District Heat Network within the West End of East Devon. The proposal is therefore recommended approval, subject to conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council – 17 January 2024

Thank you for consulting Broadclyst Parish Council.

Broadclyst Parish Council supported this planning application with a majority vote held at the full council meeting on Monday 15th January 2024.

The Broadclyst Neighbourhood Plan is supported by policies DC5 District Heating Schemes, NE4 Protection and enhancement of hedgerows.

Cllr Paula Fernley – 8 February 2024

I would like to say that I support the plans for the new substation and it's part in decarbonising the heat network now that the drainage plans seem to have been sorted.

Technical Consultations

Environmental Health – 8 January 2024

I have considered the application and do not anticipate any environmental health concerns.

EDDC Trees – 9 January 2024

No arboricultural concerns. However, the landscaping scheme should include details of large specimen trees to help maintain and improve tree cover in the area. These can be located within the proposed hedging.

DCC Flood Risk SuDS Consultation – 7 February 2024

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

Observations:

The applicant have submitted Cranbrook Interconnector Commercialisation Surface Water Drainage Strategy (Report ref. 70088092-CI-PA-DS-0001, Rev. 3, dated 20th October 2023) to support the development of a new substation and access road at the Science Park, Exeter.

The total impermeable area created is approximately 440m².

The applicant mentioned that the discharge rate to the Tithebarn Way storm sewer should be limited to 0.2l/s matching the discharge rates from the adjacent EON site. It is proposed that the proposed access road will drain via carrier drains (no longer draining to wrapped filter trench). The substation building itself will drain via rainwater pipes, attenuating runoff prior to connection into the existing surface water highway sewer.

The overland flow from the south are proposed to be captured in a filter trench and bund to the south of the proposed development site.

The current proposed flow control of 20mm is fairly small and prone to blockages. The applicant are using vortex separator to assist in the maintenance.

DCC Highway Authority – 5 February 2024

DCC are, in this instance content with the principle of the proposed surface water drainage discharge into our system, with the detailed design to be agreed. An appropriate licence will be required and obtained from DCC in advance of any associated works being undertaken on the public highway.

DCC Historic Environment – 14 February 2024

I refer to the above planning application. The proposal lies in an area of archaeological potential within a landscape containing evidence of prehistoric, Romano-British and early medieval activity. The proposal is sited just to the south of a large Bronze Age ring ditch (burial mound) that is intersected by the defensive ditches of the late prehistoric and early medieval Pinn Brook Enclosure. Although there has been some development of adjacent land, levels suggest that archaeological deposits may still survive. As such, groundworks for the construction of the proposed new building have the potential to expose and destroy archaeological and artefactual deposits associated with the known archaeology in the surrounding landscape. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out

a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team. If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 211 of the National Planning Policy Framework (2023) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)
Strategy 3 (Sustainable Development)
Strategy 5B (Sustainable Transport)
Strategy 9 (Major Development at East Devon's West End)
Strategy 11 (Integrated Transport and Infrastructure Provision at East Devon's West End)
Strategy 40 (Decentralised Energy Networks)
Strategy 47 (Nature Conservation and Geology)
Strategy 48 (Local Distinctiveness in the Built Environment)
TC2 (Accessibility of New Development)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)
EN5 (Wildlife Habitats and Features)
EN14 (Control of Pollution)
EN22 (Surface Run-Off Implications of New Development)
D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)

Government Planning Documents

NPPF (National Planning Policy Framework 2023)
National Planning Practice Guidance

Broadclyst Neighbourhood Plan (2023)

Policy DC5 (District Heating Schemes (DHS))
Policy NE5 (Landscape and Biodiversity)

OFFICER REPORT

Site Location

The application site is located within the Exeter Science Park and comprises of a L-shaped parcel of land which is approximately 0.1ha in size. The site wraps around an existing substation and would be accessible from Langaton Lane. The site is currently greenfield and is bounded by a hedgerow on its boundary with Langaton Lane.

The site gently slopes downwards from the south of the site towards Tithebarn Way. The site is located south of Tithebarn Way, and the Science Centre Building is located around 430m to the south.

The site is not located within a conservation area, there are no listed buildings on the site and there are no TPO protected trees on the site.

Relevant Planning History

The site has the following relevant planning history:

- 09/1107/MOUT | Development of a science park with 76,450 square metres of B1 (A-C) uses including a 150 bed hotel and conference facility and ancillary uses (A1, A3, D1 and D2), plus associated infrastructure including new highways access | APPROVED (11 March 2010)
- 10/0899/CM | Provision of internal roads, landscaping, electricity sub station, foul water sewage pumping stations, infiltration basins and associated fencing and lighting for the proposed Exeter Science Park | NO OBJECTIONS (4 August 2010)
- 14/1134/MFUL | Infrastructure works for Redhayes and Ridgetop Clusters at Exeter Science Park. Provision of internal plot access roads, surface water drainage, foul water drainage, new services, street lighting, vegetation clearance, landscaping/planting, fencing, road markings/signage and an extension to the Redhayes Ridgeline Plateaux landform | APPROVAL (24 July 2014)
- 15/1461/MFUL | Construction of the Tithebarn Cluster car park (89 spaces) and access road including associated infrastructure | APPROVAL (29 September 2015)

The following are also relevant to this application:

- 19/1973/FUL | Creation of a heat substation with associated car parking, landscaping and 2.0m high security fencing | APPROVAL (10 July 2020)
- 23/1102/LDO | Revised boundary for the Adopted Local Development Order (LDO) for District Heating Networks under application number 20/0530/LDO | APPROVED (22nd August 2023)

The Proposed Development

The application seeks full planning permission for the construction of a substation with associated access and landscaping. The applicant is East Devon District Council, and the substation would serve the District Heating Network.

The proposed substation would be a single storey building and would measure approximately 10.4m in width and 13.9m in length. The proposal would have a pitched roof and would measure approximately 4.1m on the eaves and 5.3m on the ridge. The proposal would be finished in red brick and the roof would be metal cladding.

The proposal would include a new vehicular entrance from Langaton Lane with turning area as well as drainage infrastructure and additional landscaping comprising of a hedge around the substation boundary and wildflower grass mix. The site would be bounded by a 1.8m high security fence.

Neighbour Consultation

No responses have been received from neighbouring properties.

OFFICER ASSESSMENT

A) THE PRINCIPLE OF DEVELOPMENT

Paragraph 160 of the National Planning Policy Framework (2023) states that to help increase the use and supply of renewable and low carbon energy and heat, plans should:

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);
- b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for collocating potential heat customers and suppliers.

Strategy 1 (Spatial Strategy for Development in East Devon) of the adopted Local Plan (2016) sets out that East Devon's West End will accommodate significant residential development and major employment development to attract strategic inward investment, infrastructure and community facilities.

Strategy 9 (Major Development at East Devon's West End) of the East Devon Local Plan (2016) states that high quality development with associated infrastructure, built within a high-quality landscape setting, will be provided in East Devon's West End. Within the West End of East Devon the following schemes will be provided:

5. Exeter Science Park - Research/technology employment site

Strategy 11 (Integrated Transport and Infrastructure Provision at East Devon's West End) of the East Devon Local Plan (2016) states that coordinated infrastructure provision will be required to cover:

1. Low carbon heat and power supply.

Strategy 40 (Decentralised Energy Networks) of the East Devon Local Plan (2016) states that Decentralised Energy Networks will be developed and brought forward...to bring forward low and zero carbon energy supply and distribution.

Policy DC5 (District Heating Schemes (DHS)) of the Broadclyst Neighbourhood Plan (2023) states that across the neighbourhood plan area, including but not limited to the LDO District Heating Area (Figure 27), proposals for new development that demonstrate they will produce less than 150kg of CO₂ per kWh from heating systems will be supported.

The application seeks permission for a heat substation within the Exeter Science Park. The Exeter Science Park was approved under application 09/1107/MOUT for the development of a science park with 76,450 square metres of B1 (A-C) uses including a 150-bed hotel and conference facility and ancillary uses (A1, A3, D1 and D2). The application also included provisions for associated infrastructure to support its development.

The wider area of Tithebarn and Mosshayne as well as Science Park are currently served by District Heating and future development in this area is expected to connect to the existing system in line with Strategy 40. The proposal would support the continued growth of the District Heating System and would support the Local Plan's aim to bring forward low and zero carbon energy.

The application site is located within the Exeter Science Park of which the Masterplan shows this site for infrastructure (a pumping station). It is recognised that the proposed development is not for a pumping station however the proposal is for necessary infrastructure which is crucial to support strategic development at the Science Park and West End Developments. The Masterplan identified this location as suitable for infrastructure development and this Masterplan was approved by Strategic Planning Committee on 4th September 2018.

Strategies 9 and 11 support the need for infrastructure provision at the West End to support development and the proposal is considered to be necessary infrastructure which is crucial to support the continued growth of the District Heat Network.

The proposed development is supported by Strategies 9 and 11 of the adopted Local Plan (2016) and Policy DC5 (District Heating Schemes (DHS)) of the Broadclyst Neighbourhood Plan (2023) and raises no concerns in land use terms subject to the satisfactory resolution of all planning considerations.

B) DESIGN AND LAYOUT

Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) (2023) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Development should establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and development that is not well designed should be refused.

Strategy 48 (Local Distinctiveness in the Built Environment) of the adopted Local Plan (2016) states that local distinctiveness and the importance of local design standards in the development process will be of critical importance to ensure that East Devon's towns and villages retain their intrinsic physical built qualities. Where towns or villages are or have been despoiled we will seek to have qualities reinstated through good design. Use of local materials and local forms and styles will be essential to this distinctiveness.

Policy D1 (Design and Local Distinctiveness) of the adopted Local Plan (2016) states that in order to ensure that new development, including the refurbishment of existing buildings to include renewable energy, is of a high quality design and locally distinctive, a formal Design and Access Statement should accompany applications setting out the design principles to be adopted should accompany proposals for new development. Proposals should have regard to Village and Design Statements and other local policy proposals, including Neighbourhood Plans, whether adopted as Supplementary Planning Guidance or promoted through other means. 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.
- 3) Do not adversely affect:
 - a) The distinctive historic or architectural character of the area.
 - b) The urban form, in terms of significant street patterns, groups of buildings and open spaces.
 - c) Important landscape characteristics, prominent topographical features and important ecological features.
 - d) Trees worthy of retention.
 - e) The amenity of occupiers of adjoining residential properties.
 - f) The amenity of occupants of proposed future residential properties, with respect to access to open space, storage space for bins and bicycles and prams and other uses; these considerations can be especially important in respect of proposals for conversions into flats.
- 4) Have due regard for important aspects of detail and quality and should incorporate:
 - a) Secure and attractive layouts with safe and convenient access for the whole community, including disabled users.
 - b) Measures to create a safe environment for the community and reduce the potential for crime.
 - c) Use of appropriate building materials and techniques respecting local tradition and vernacular styles as well as, where possible, contributing to low embodied energy and CO2 reduction.
 - d) Necessary and appropriate street lighting and furniture and, subject to negotiation with developers, public art integral to the design.
 - e) Features that maintain good levels of daylight and sunlight into and between buildings to minimise the need for powered lighting.
 - f) Appropriate 'greening' measures relating to landscaping and planting, open space provision and permeability of hard surfaces.

- 5) Incorporate measures to reduce carbon emissions and minimise the risks associated with climate change. Measures to secure management of waste in accordance with the waste hierarchy (reduce, reuse, recycle, recovery, disposal) should also feature in proposals during the construction and operational phases.
- 6) Green Infrastructure and open spaces should be designed and located in a way that will minimise any potential security concerns for users.
- 7) Mitigate potential adverse impacts, such as noise, smell, dust, arising from developments, both during and after construction.

Policy D2 (Landscape Requirement) of the adopted Local Plan (2016) states that landscape schemes should meet all of the following criteria:

- a) Existing landscape features should be recorded in a detailed site survey, in accordance with the principles of BS 5837:2012 'Trees in Relation to Construction' (or current version)
- b) Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. This should be in addition to the requirement for new landscaping proposals. Where appropriate, existing habitat should be improved and where possible new areas of nature conservation value should be created.
- c) Measures to ensure safe and convenient public access for all should be incorporated.
- d) Measures to ensure routine maintenance and long term management should be included.
- e) Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping.
- f) The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

The proposal seeks permission for a substation with access point, boundary treatments and landscaping. The proposed substation would be a single storey building and would measure approximately 10.4m in width and 13.9m in length. The proposal would have a pitched roof and would measure approximately 4.1m on the eaves and 5.3m on the ridge. The proposal would be finished in brick and the roof would be metal cladding. The proposed building would be rectangular in form and whilst the proposal would be a 'functional building' its design, scale and appearance must not harm the character and appearance of the wider area.

The site would wrap around the existing substation which is approximately 15m x 9m with a ridge height of around 4m. This existing substation is highly visible from the public realm as it is located at the junction of Langaton Lane and Tithebarn Way. The existing substation would in part screen the proposed substation when viewed from Tithebarn Way however the substation would be highly visible from the Exeter Science Park due to the change in ground level. Furthermore, the proposal would be sat on higher ground than the existing substation when viewed from Tithebarn Way but it would be set further back from Tithebarn Way compared to the existing station which would help to reduce its overall impact.

The proposal would be single storey and would be a similar scale and design as the existing substation. This existing substation is not considered to harm the character and appearance of the wider area although it is acknowledged that it is a functional building and is in a highly visible location.

As part of the application, the external material of the building has been changed to a red brick facing which would help to improve the appearance as the existing substation is red brick and would be similar to materials used in the wider area. The roof would be metal cladding which is considered acceptable.

The proposal would include 1.8m high boundary fences and a planting buffer which would help to soften the development in the future. The proposal would result in the loss of a section of hedgerow for access however the proposal results in a net increase in hedgerows. The principle of the landscaping shown is acceptable however the landscaping is a missed opportunity and does not include any trees. It is considered that a revised soft landscaping plan could be secured via a condition to ensure the proposals are suitable and effectively screen the development and to address comments from EDDC Trees.

In terms of site layout, the proposal is constrained by the existing substation, infrastructure, highway, land level changes and attenuation basin. Whilst it would have been preferable for the layout of the existing and proposed substations to align with each other, the overall layout is suitable, and the orientation of the proposed building allows for most efficient access off Langaton Lane. The proposal includes a large turning head for vehicles of which the finished material is unknown. It is considered that further details of external materials and hardstanding can be secured via a condition.

Overall, the design, scale and layout would be acceptable. The proposal is a functional building however the materials would match the local area and it would be single storey in height. The proposal would comply with Policy D1 and D2 of the Adopted Local Plan (2016).

C) AMENITY

Section 12 (Achieving Well-Designed Places) of the NPPF (2023) outlines that planning policies and decisions should ensure that development create places with a high standard of amenity for existing users.

Policy D1 (Design and Local Distinctiveness) of the adopted Local Plan (2016) states that proposals will only be permitted where they do not adversely affect the amenity of occupiers of adjoining residential properties.

Policy EN14 (Control of Pollution) of the adopted Local Plan (2016) states that permission will not be granted for development which would result in unacceptable levels, either to residents or the wider environment of:

1. Pollution of the atmosphere by gas or particulates, including smell, fumes, dust, grit, smoke and soot.
2. Pollution of surface or underground waters including:
 - a) Rivers, other watercourses, water

bodies and wetlands. b) Water gathering grounds including water catchment areas, aquifers and groundwater protection areas. c) Harbours, estuaries or the sea. 3. Noise and/or vibration. 4. Light intrusion, where light overspill from street lights or floodlights on to areas not intended to be lit, particularly in areas of open countryside and areas of nature conservation value. 5. Fly nuisance. 6. Pollution of sites of wildlife value, especially European designated sites or species. 7. Odour

The application proposes a substation which has the potential for disturbance through noise and vibrations and light spillage. The proposed development would be located approximately 38m from residential dwellings in construction at Exeter Science Park (ref. 18/2799/MOUT and 21/1282/MRES) and approximately 53m from neighbouring properties on Tithebarn Way and Kiln Corner.

The building itself would be located at least 38m from neighbouring properties and would be partially screened by the existing substation and boundary trees and hedgerows. The proposed building is not considered to result in any harm to neighbouring properties in terms of overbearing or overshadowing. The proposal would not result in any loss of privacy to neighbouring properties.

The proposal has been reviewed by the Council's Environmental Health Officer in relation to noise, disturbance and light and no concerns have been raised. Therefore, given the separation distances and existing screening, it would be unreasonable to object to the application in relation to noise and disturbance. There are no known issues relating to the existing substation and therefore the cumulative impacts are not considered to be significantly harmful to neighbouring properties. Whilst the application does not include any details in relation to lighting, it is considered necessary through condition to seek details of any external lighting prior to their installation should there be a future need on site.

Accordingly, it is considered that the proposed development is acceptable in accordance with Policies EN14 and Policy D1 of the Adopted Local Plan (2016).

D) ECOLOGY AND BIODIVERSITY

Strategy 47 (Nature Conservation and Geology) of the adopted Local Plan (2016) states that all development proposals will need to:

1. Conserve the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats.
2. Maximise opportunities for restoration, enhancement and connection of natural habitats.
3. Incorporate beneficial biodiversity conservation features.

Development proposals that would cause a direct or indirect adverse effect upon internationally and nationally designated sites will not be permitted unless:

- a) They cannot be located on alternative sites that would cause less or no harm.
- b) The public benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats.
- c) Prevention, mitigation and compensation measures are provided.

d) In respect of Internationally designated sites, the integrity of the site will be maintained.

Strategy 47 (Nature Conservation and Geology) of the adopted Local Plan (2016) states that where development or the occupants of development could lead to adverse biodiversity impacts due to recreational or other disturbance, we will require mitigation measures and contributions to allow for measures to be taken to offset adverse impacts and to create new habitats. All residential development schemes within a straight line 10 kilometres distance of any part of the SAC and/or SAC designated areas of the Exe Estuary or Pebblebed Heaths will be required to provide mitigation.

Policy EN5 (Wildlife Habitats and Features) of the adopted Local Plan (2016) 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.

Policy NE5 (Landscape and Biodiversity) of the Broadclyst Neighbourhood Plan (2023) states that as appropriate to their scale, nature and location development proposals should contribute to a high quality and biodiversity-rich natural environment and requires biodiversity gains of at least 10% on all developments.

The application was supported by an Ecology Impact Assessment and Biodiversity Calculation Tool by GE Consulting. The existing site is greenfield however it is predominantly bare ground due to the recent construction of the substation immediately northeast of the Site. The east of the Site is bound by bramble scrub on a bank. There are no European Designated Sites within 5km of the Site and no statutory or non-statutory designated sites lie within 2km of the Site. The Site falls within the Impact Risk Zones for Stoke Woods SSSI and Exe Estuary SSSI and the site is located within 10km of the Exe Estuary Special Protection Area (SPA) and East Devon Pebblebed Heaths Special Area of Conservation (SAC) and SPA.

The findings of the Ecology Impact Assessment are summarised by species below:

Bats - The small size of the site offers no significant habitat to foraging bats. No lighting is proposed but the design should limit light spill. Any noise or vibration from the substation will be minimal and is not deemed to be detrimental to bats welfare.

Birds - There is a risk of disturbing breeding birds and their nests with bramble removal during construction which should be removed outside of nesting bird season.

Dormice - It is considered highly unlikely that dormice are present within the 11m of bramble scrub that is due to be removed to allow for access. A licensed ecologist will be required to undertake a fingertip search and oversee the removal of the vegetation suitable for dormice.

Fauna - all excavations created during construction should be covered overnight or means of escape provided such as a ramp.

Invertebrates - it is recommended that the planting of native species is included within the site area to offer potential habitat for invertebrates.

Reptiles - Removal of the 11m of bank encroached with bramble scrub is unlikely to impact significant numbers of reptiles. Removal of the bank vegetation should be overseen by an Ecological Clerk of Works.

In terms of mitigation, supplementary planting in the wider site area is recommended as well as bee posts for provide refuge for insects. Due to noise and vibration generated by the substation, the inclusion of bird and bat boxes would be unsuitable for this development.

In terms of Biodiversity Net Gain, the sites baseline comprises 0.23 habitat units and 0.00 hedgerow/ linear units. The proposed development will comprise 0.40 habitat units and 0.54 hedgerow/ linear units, resulting in a net gain of 0.17 habitat units (71.38%) and an increase in hedgerow units of 0.54.

In summary, the proposal would be acceptable in terms of ecology and would result in a biodiversity net gain. The proposal would comply with Strategy 47 and Policy EN5 of the Adopted Local Plan (2016) and Policy NE5 of the Broadclyst Neighbourhood Plan (2023).

E) DRAINAGE AND FLOOD RISK

Policy EN22 (Surface Run-Off Implications of New Development) of the adopted Local Plan (2016) states that planning permission for new development will require that:

1. The surface water run-off implications of the proposal have been fully considered and found to be acceptable, including implications for coastal erosion.
2. Appropriate remedial measures are included as an integral part of the development, and there are clear arrangements in place for ongoing maintenance over the lifetime of the development.
3. Where remedial measures are required away from the application site, the developer is in a position to secure the implementation of such measures.
4. A Drainage Impact Assessment will be required for all new development with potentially significant surface run off implications.
5. Surface water in all major commercial developments or schemes for 10 homes or more (or any revised threshold set by Government) should be managed by sustainable drainage systems, unless demonstrated to be inappropriate.

The site is currently vacant green field and does not include any water courses. The site, in Flood Zone 1, is not at risk of flooding from rivers and seas. In relation to surface water run-off, there is additional allowance made for climate change - originally at 20%, more recently at 40% and during 2022 increased to 45% within East Devon. For this application, the 45% allowance has been used which is supported.

In terms of surface water, the proposed access road will drain via a combination of carrier drains and wrapped filter trench and the substation building itself will drain via rainwater pipes, attenuating runoff prior to connection into the existing surface water highway sewer. The proposal also includes a surface water attenuation tank. The total impermeable area created is approximately 440m².

Concerns have been raised regarding surface water run off from the existing field and Langaton Lane. It is acknowledged that some surface water is a result of ongoing construction works. The proposal would include a bund and filter drain along the southern and western boundaries to capture water run off from the field to ensure the proposal does not result any additional harm.

Devon County Council as Lead Local Flood Authority initially objected to the application and stated that additional information was required in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered. In response, the applicant submitted revised plans and further information to Devon County Council highlighting that due to the constrained nature of the development site, it is not possible to introduce above ground SuDS features and provided additional information in relation to the overland flow and proposed flow control.

DCC Flood Risk responded and remove their objection to the proposal subject to a condition. They also recognised the opportunity for betterment and safeguarding of the site from surface water run off.

Therefore, the proposal is considered to be acceptable in terms of drainage and flood risk subject to conditions. The proposal would therefore comply with Policy EN22 of the adopted Local Plan (2016).

F) ACCESS AND HIGHWAYS

Strategy 5B (Sustainable Transport) of the EDLP (2016) states that development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport. Development will need to be of a form, incorporate proposals for and be at locations where it will encourage and allow for efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport.

Policy TC2 (Accessibility of New Development) of the EDLP (2016) states that new development should be located so as to be accessible by pedestrians, cyclists and

public transport and also well related to compatible land uses so as to minimise the need to travel by car.

Policy TC7 (Adequacy of Road Network and Site Access) of the EDLP (2016) 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 EDLP (2016) states that spaces will need to be provided for parking of cars and bicycles in new developments. All small scale and large scale major developments should include charging points for electric cars.

The application proposes a new access via Langaton Lane with new entrance gates set approximately 5.1m back from Lane to allow for vehicles to park off the lane when opening and closing the gates. The existing lane has a low level of vehicle traffic and is mainly used for walking and cycling by residents.

Access to the site would be infrequent and would be for maintenance of the substation. The proposal includes vehicle parking and a turning head to allow for vehicles to exit the site in a forward gear. Given the low use of Langaton Lane, the access arrangements are considered to be suitable for the development and access onto Tithebarn Way would not be impacted by the development. The proposal is not considered to result in any additional harm to highway, pedestrian or cyclists safety and any perceived harm would be mitigated by the low number of trips generated by the development.

DCC Highway Authority was consulted on the application and raised on concerns with the proposal.

Therefore, the proposal would be acceptable in terms of access and transport and would comply with Policies TC2, TC7 and TC9 of the adopted Local Plan (2016).

G) ARCHAEOLOGY

Strategy 49 (The Historic Environment) of the adopted Local Plan (2016) states that the physical and cultural heritage of the district, including archaeological assets and historic landscape character, will be conserved and enhanced and the contribution that historic places make to the economic and social well-being of the population will be recognised, evaluated and promoted. We will work with our partners and local communities to produce or update conservation area appraisals and conservation area management plans.

Policy EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance) of the adopted Local Plan (2016) states that when considering development proposals which affect sites that are considered to potentially have remains of archaeological importance, the District Council will not grant planning permission until an appropriate desk based assessment and, where necessary, a field assessment has been undertaken.

The proposal lies in an area of archaeological potential within a landscape containing evidence of prehistoric, Romano-British and early medieval activity and groundworks for the construction of the proposed new building have the potential to expose and destroy archaeological and artefactual deposits. The application was reviewed by DCC Historic Environment Team who recommends that the application should be supported by the submission of a Written Scheme of Investigation (WSI) to be secured via a condition. Therefore, the proposal is considered to be acceptable in terms of archaeology subject to a condition.

CONCLUSION

The proposed development would be acceptable and would support the delivery of the District Heat Network. The proposal is supported in principle by the NPPF and Strategies 9, 11 and 40 of the East Devon Local Plan. The overall design, scale and layout would be acceptable although it is noted that the building would serve a functional purpose and would be for infrastructure. The materials of the building would match the wider area and landscaping is proposed to soften the development.

The proposal has been considered in relation to amenity, transport, flood risk and ecology and would be acceptable subject to conditions.

The proposal would comply with the adopted Local Plan, Broadclyst Neighbourhood Plan and NPPF when read as a whole and therefore is recommended for approval subject to conditions.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Soft Landscaping

The proposed development hereby permitted shall not be brought into use until a revised soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

The landscaping proposals shall be carried out no later than during the first planting season following the date when the revised planting scheme is

approved or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for at least five years and any trees, hedgerows or plants removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with others of similar size and species to those originally required to be planted unless otherwise agreed by the Local Planning Authority.

(Reason - In the interests of the visual amenity of the development to accord with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013 to 2031).

4. External Materials

Prior to the commencement of development above foundation level, details of the following materials shall be submitted to and approved in writing by the Local Planning Authority:

- o Red Brick
- o Metal Cladding
- o Hardstanding

The development shall be built in accordance with the materials approved.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 to 2031).

5. Exterior Lighting

No external lighting shall be constructed or provided unless and until details of the lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter, any lighting shall be carried out and maintain in accordance with the approved details.

(Reason: To protect the character and appearance of the countryside surroundings in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and to protect nearby occupiers in accordance with the requirements of Policy EN14 (Control of Pollution) of the East Devon Local Plan)

6. Ecological Mitigation

The works shall be carried out in strict accordance with the Ecological Impact Assessment by GE Consulting (ref. 1955-EcIA-RB REV 1 January 2024), undertaking and providing all recommended ecological mitigation, compensation, and enhancement measures.

Reason: To ensure that the development has no adverse effect on protected and notable species in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of

Pollution) of the Adopted East Devon Local Plan 2013-2031 and Policy NE5 of the Broadclyst Neighbourhood Plan (2023).

7. Surface Water Drainage

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- (a) A detailed drainage design based upon the approved Cranbrook Interconnector Commercialisation Surface Water Drainage Strategy (Report Ref. 70088092-CI-PA-DS-0001, Rev. 3, dated 20th October 2023) but with the updated Drainage & Levels Strategy Plan (Drawing No. 70088092-CI-PA-001, Rev. P06, dated 07th February 2024).
- (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (d) A plan indicating how exceedance flows will be safely managed at the site.

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

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

8. Written Scheme of Investigation (WSI)

No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.

The development shall not be brought into its intended use until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.

(Reason: To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and Paragraph

211 of the National Planning Policy Framework (2023), that an appropriate record is made of archaeological evidence that may be affected by the development and to comply with Paragraph 199 and 211 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible. This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.)

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:

220905 L 01 10 REV D	Location Plan	18.12.23
220905 L 02 10 REV J	Proposed Site Plan	07.02.24
220905 SE 03 10 REV E: proposed site sections	Sections	06.02.24
220905 SP 01 10 REV E	Proposed Floor Plans	18.12.23
220905 SP 02 10 REV F	Proposed Elevation	02.02.23
drainage/level strategy plan (70088092-CI- PA-001 REV P06)	Drainage report	07.02.24

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, 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.

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality 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.