

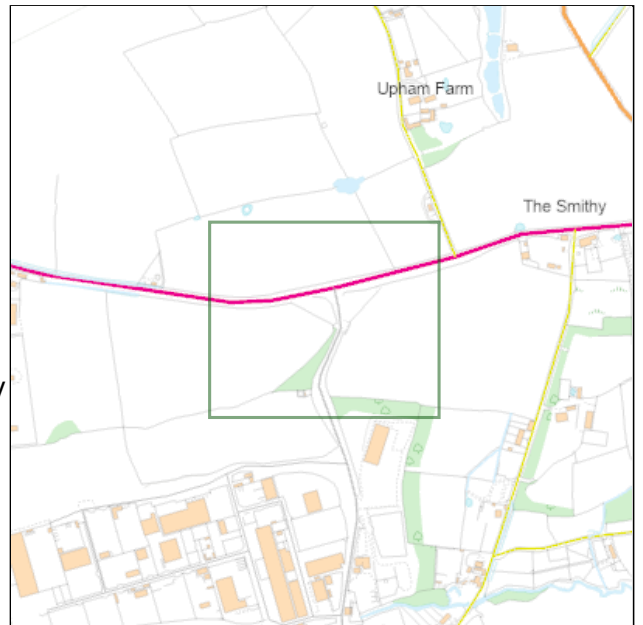
Ward Woodbury And Lymptone

Reference 24/0099/FUL

Applicant F W S Carter & Sons

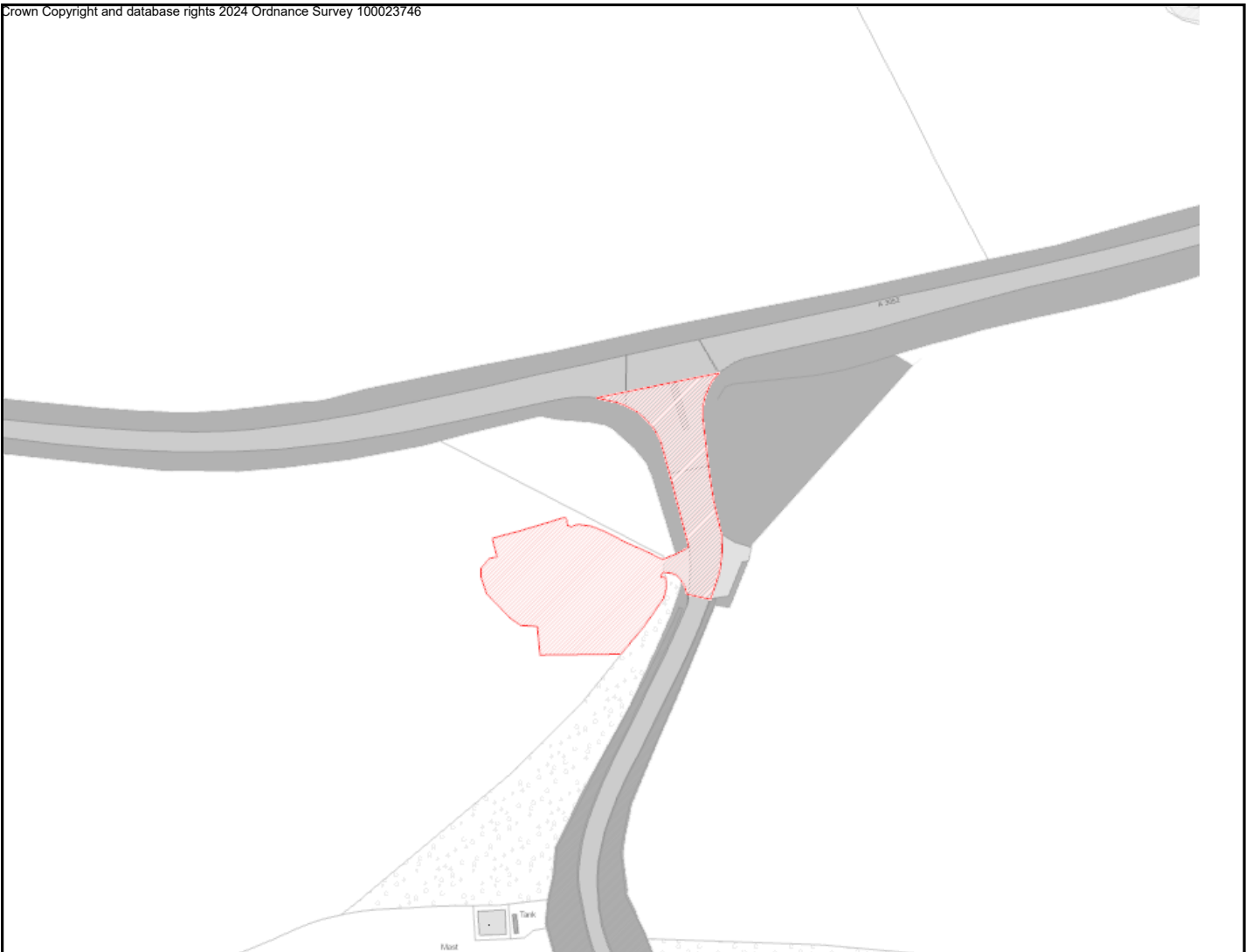
Location Land Adjacent Greendale Business Park
Greendale Business Park Woodbury Salterton
EX5 1EW

Proposal Proposed 30 no. EV charging points and battery farm (enclosed within a building - part retrospective) with associated parking spaces, internal road network/hardstanding and access and egress onto the Greendale Business Park Private Road Network.



RECOMMENDATION: Refusal

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|--|--|-----------------------------------|
| | | Committee Date: 26/03/2024 |
| Woodbury And Lympstone (Woodbury) | 24/0099/FUL | Target Date: 05.04.2024 |
| Applicant: | F W S Carter & Sons | |
| Location: | Land Adjacent Greendale Business Park Greendale Business Park | |
| Proposal: | Proposed 30 no. EV charging points and battery farm (enclosed within a building - part retrospective) with associated parking spaces, internal road network/hardstanding and access and egress onto the Greendale Business Park Private Road Network. | |

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

The planning application is brought before members owing to the officer's recommendation differing to that of the Ward member and Parish Council.

The application site is an area of land to the south of the A3052 in proximity to Greendale Business Park. There are no other relevant flood risk or other design related considerations.

The proposed development would see the construction of 30 EV charging points with associated parking spaces, internal road and landscaping. Within this site, a building has already been constructed that would house a battery farm.

When the proposal was considered against the relevant policies, it was considered to be unacceptable in principle, fire safety, and on its landscape impacts.

CONSULTATIONS

Local Consultations

Woodbury And Lympstone - Cllr Geoff Jung

24/0099/FUL

I have viewed the planning documents for 24/0099/FUL for a proposed 30 no. EV charging points and battery farm (enclosed within a building - part retrospective) with associated parking spaces, internal road network/hardstanding and access and egress onto the Greendale Business Park Private Road Network. At Land Adjacent Greendale Business Park Woodbury Salterton.

This constitutes a change of use from an agricultural use for the area to road service area which falls under class E. As this application is in the 'open countryside' this application is against Policies within the EDDC Local Plan under Strategy 7, plus Strategy 5 plus Strategy 3.

The documents state that the proposal subject of this application seeks to create 30 no. electric charging points to serve the 2000 employees located at the larger Greendale Business Park, however as this location is outside the current employment zone for Greendale Business Park stipulated in the EDDC villages Plan, it therefore is also against the policies within the EDDC Villages plan.

The documents also state the proposal will look to utilise an existing barn structure on site to house a battery farm. It should be pointed out that this shed was towed by tractor in 2022/3 from an adjacent field as it is designed on a metal sledge and is specially designed to be moved and does not have any foundations. Therefore, it is not classed as a permanent building, and therefore cannot be used as justification for conversion.

The documents state that the site in question has had three applications for the specific area that forms the subject site which have all be refused previously. The documents state the site the subject of this application is not in an area identified by the Environmental Agency as being a risk of flooding. Therefore, no particular flood precaution measures are proposed. Disposal of surface water run-off will be by way of ground soakaways and not lead to an increase upon the demand on the adopted surface drains. The amount of new proposed hard services will require substantial drainage at this location will require substantial more than soakaways.

In view of the above I am unable to support this application, but I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

Woodbury And Lympstone - Cllr Ben Ingham

I recommend this planning application for approval.

Parish/Town Council

Woodbury Parish Council supports this application.

Although this is currently outside the employment area and built up area boundary this is a sustainable development, which provides a localised charging unit to those who work at Greendale as well as the public and reduces the carbon footprint.

Other Representations

One neighbour objection received which is summarised as follows:

- Residential amenity concerns.
- Lack of information about how the scheme would work from a practical perspective.
- The proposal fails to comply with the relevant national and local policies.

[Officer comments: These points will be addressed in the following analysis.]

Technical Consultations

EDDC Trees

No arb concerns.

Environmental Health

No objection subject to conditions requiring the submission of a Construction and Environment Management Plan (CEMP), lighting scheme and noise assessment.

National Highways

No objection

DCC Highways

Comments received which are summarised as follows:

- The majority of the EV charging points will be utilised by the existing traffic of the Greendale site thereby not creating additional trip generation.
- Detail is missing in how the battery farm would be constructed and operated as well as the associated potential trip generation.
- No information provided about how safe pedestrian access from the EV charging points to the Business park will be provided.
- Owing to this lack of information, refusal is recommended.

Devon Fire and Rescue

Comments received which are summarised as follows:

- Acknowledgement that battery energy storage sites pose specific hazards involving fire.
- Owing to the size of the proposed battery storage, the National Fire Chief Council's guidance is applicable here.
- This guidance recommends the adoption/inclusion of a number of risk reduction measures that should be followed.
- These measures include standards on accessibility, available water sources and explosion venting.

- Insufficient information has been provided to demonstrate the proposal accords with the published advice.

EDDC Landscaping

Comments received which are summarised as follows:

- Description of the setting and its landscaping value. This location's landscape value is considered to have moderate to high due to its prominent location and open rural character.
- Comment on the lack of information about the site and the poor pedestrian connection to Greendale Business Park.
- This response concludes by objecting to the proposed development, owing to its prominent location which together with the nature of the development. The resulting impacts would give rise to significant landscape and visual impacts that would harm the local landscape and despoil attractive open views.
- Concern was similarly raised about potential lighting within the site and how the biodigester would be connected to the battery plant.

PLANNING HISTORY

| Reference | Description | Decision | Date |
|------------------|--|-----------------|-------------|
| 75/C0827 | Proposed Touring Caravan Field | Refused | 13/01/1976 |
| 94/P0923 | Use Of Land For Moto-Cross Circuit With Ancillary Car Park | Refused | 02/09/1994 |
| 07/2949/AGR | Erection of farm shop | Withdrawn | N/A |

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

Strategy 37 (Community Safety)

Strategy 39 (Renewable and Low Carbon Energy Projects)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN14 (Control of Pollution)

E4 (Rural Diversification)

E5 (Small Scale Economic Development in Rural Areas)

E7 (Extensions to Existing Employment Sites)

TC2 (Accessibility of New Development)

TC10 (Rear Servicing of Shopping/Commercial Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2023)

National Planning Practice Guidance

Other Relevant Documents

National Fire Chiefs Council – Grid Scale Battery Energy Storage System Planning

Site Location and Description

The application site is located within a section of land on the southern side of the A3052 along the lane that connects this to the Greendale Business Park. The site is not connected to any pedestrian pavements or PROWs either to Greendale Business Park or to anywhere else so can only be accessed via car.

In policy terms, this site falls outside of any Built-Up-Area-Boundary (BUAB) and is also not in any flood risk zones. Greendale Business Park is designated under policy E7 as an employment area but its boundary does not cover the application site. A TPO is in place for the trees to the north and south of the site.

ANALYSIS

Proposed Development

Planning permission for both proposed and retrospective development is sought for the erection of 30 Electric Vehicle (EV) charging points, a battery farm enclosed within a building, associated landscaping and hardstanding as well as access onto adjacent road network.

The most prominent feature of this development would be the building containing the battery farm, which would measure some 20.0m deep and 9.0m wide. This building would have a pitched roof with gable ends with an eaves and maximum height of some 3.0m and 4.2m respectively. For materials, the building is finished in dark metal cladding. The battery units would be placed within this structure and would not

be visible from their surroundings. This part of the scheme has already been erected around May 2023 and represents the retrospective part of the proposal. The battery plant has not yet been installed within this. Should planning permission be granted, this building can be retained but otherwise enforcement action would be recommended to remove it.

This building is located on the southern edge of the site with the proposed EV chargers and associated parking positioned to its north. The road layout of this site would consist of a circular route with each of the 30 parking spaces being served by a freestanding EV charging tower. Each tower would measure some 2.0m high with the majority positioned in the centre of the site with an additional row along its northern edge. Within this setting, some planting areas and trees are indicated as well as internal pedestrian routes. No external lighting has been indicated in any proposed plans.

The site would be accessible by vehicles via a widened dropped kerb feeding onto the road connecting the A3052 to Greendale Business Park. There is no pedestrian or cycle access indicated that would connect the site to the business park or any other locations.

The submitted design and access statement indicates that the battery farm would store and distribute excess electricity produced by biodigesters at Hogsbrook Farm for the EV chargers. It has also been clarified by the agent that this parking and the associated EV chargers is intended primarily to serve the employees of the Greendale Business Park but will also be available to members of the public. The site would be available for use 24/7.

Relevant Planning History and Context

As referenced in the planning history section of the report, the site itself has previously been subject to two refused schemes in 1975 and 1994. Given the age of these applications and as they were determined under historic policies, limited weight can be attached to these decisions. It is noted however, that in the 1994 application involving the erection of a motor-cross circuit that the present site would have been used as its car park. The reasons for refusal of this case included the increased activity generated reducing the essentially still rural character of the area and concerns about the highway safety for access and the additional pedestrian traffic it would generate.

Within the broader context, the application site was contained within the red line of land associated with the Greendale Business Park expansion under planning application 09/1195/MOUT. Within this, the application site is shown as undeveloped land enclosed by various forms of landscaping. The expansion of this business park and its associated employment area was in a westward direction, which maintained its separation and limited visibility from the A3052.

An application to extend the business park eastwards and closer to the A3052 through a structure's temporary use as a vaccination centre was refused under planning permission 22/1893/FUL, a scheme that involved retrospective elements. Reason for refusal 03 of this application stated:

- *The proposed development by reason of the size and scale of the building and the extensive areas of hard surfacing has altered the landform and character of the site from rolling open countryside to urbanised development. The proposal because of its position at the highest part of the business park appears unduly prominent and visually intrusive and encroaches into the countryside to the detriment of the rural landscape character and appearance of the area.*

A similar application to retain this building as a permanent building is ongoing under planning reference 23/2749MFUL.

Planning permission has previously been granted in 2019 for a footpath/cycle way that would connect the business park to the A3052 under application 19/1904/FUL. However, this planning consent is not shown in the present application, was not found on the officer site visit and is considered to have likely expired.

Principle of Development

Paragraph 116(e) of the National Planning Policy Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

With reference to renewable energy sources, Paragraph 160(c) outlines that to help increase the use and supply of renewable and low carbon energy and heat, plans should identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Strategy 3 (Sustainable Development) of the East Devon Local Plan outlines that Renewable energy development will be encouraged.

As outlined above, the general principle of development for providing Electric Vehicle charging points and wider renewable projects are generally supported in both national and local planning policies on top of wider societal initiatives. With this scheme providing electric charging places for vehicles and storing energy generated by an existing bio digestion power plant, it is considered that there are sustainability as well as public benefits resulting from this scheme.

For this application, Strategy 39 (Renewable and Low Carbon Energy Projects) is the principal consideration for this application and reads as follows:

Renewable or low-carbon energy projects in either domestic or commercial development will in principle be supported and encouraged subject to them following current best practice guidance and the adverse impacts on features of environmental and heritage sensitivity, including any cumulative landscape and visual impacts, being satisfactorily addressed. Applicants will need to demonstrate that they have;

1. *taken appropriate steps in considering the options in relation to location, scale and design, for firstly avoiding harm;*

2. *and then reducing and mitigating any unavoidable harm, to ensure an acceptable balance between harm and benefit.*

Where schemes are in open countryside there will be a requirement to remove all equipment from the site and restore land to its former, or better, condition if the project ceases in the future. Wind turbines will only be permitted where they are in accordance with a Neighbourhood Plan or Development Plan Document.

In terms of wider local policies, the LPA has policies that encourage economic growth and diversification in rural areas. Greendale Business Park is designated as an employment area under policy E7 of the Adopted Local Plan however this policy makes it clear that no outward expansion of Greendale Business Park is supported. It is noted that an attempt to extend beyond this area represented one of the reasons for refusal of planning application 22/1893/FUL.

The proposed development is located outside of a Built-Up-Area-Boundary and also falls outside of Greendale Business Park's designated employment area. On this basis, the LPA's countryside and rural policies are applicable here.

The proposed scheme consists of 30 EV chargers with associated parking as well as a battery storey plant housed within a larger building. As set out in the submitted information, this scheme is aimed primarily for the users of the business park but would also be available to the public on a 24/7 basis.

In location terms, the site would have a separation of at least 220m to the Greendale Business Park as the crow flies. With the planning permission of 19/1904/FUL expired, there is no established pedestrian route connecting these locations with the only alternatives being walking along the busy road or using similarly unlit informal footpaths of uncertain quality. This would mean in practice that any employees at the business park wishing to use these charging points would likely have to use these routes every time they wish to leave or return to their vehicle.

For broader potential users of the site, the site lacks any other supporting infrastructure or amenities that would be associated with this sort of charging facility. While it is acknowledged that EV chargers can be found in a variety of contexts, non-residential units are often integrated into existing car parks where services are already available. This could include a supermarket car park, pub or a roadside services station, where the owner of the vehicle can visit and buy goods while their vehicle is charging. These locations are also often well-lit and frequented often, offering a degree of safety, shelter and natural surveillance for its users. As electric vehicles will take much longer to charge than an equivalent petrol vehicle at a petrol station, these amenities are of particular importance.

The development under consideration is in a relatively isolated location with no such amenities or services as those outlined above. The site is unlit and does not even contain outdoor seating where EV owners may sit and wait while their vehicle charges. As such, users of the chargers would likely have to wait in their vehicle for as their vehicle charges, a process that even with the very fastest chargers could take at least 30 minutes. Taking this poor amenity provision into account, the 24/7 unrestricted access and the lack of natural surveillance from nearby developments, it

is considered that this site would be unsuitable and unsafe for EV charging with the potential for misuse.

The design and access statement states that the location was chosen with particular reference to its proximity to the Greendale Business Park, where a number of businesses are operating electric vehicle fleets. However, the battery site and chargers are located away from this park for health and safety reasons. Additional correspondence with the agent has indicated that the site was also chosen due to its proximity and easy access onto the A3052.

With the apparent need for EV chargers for the users of the business park and the size of this park, questions are raised about whether a more suitable and nearer location could have been found. For example, providing EV chargers within the existing car parks within the business park. Moreover, just down the road to the west is Greendale Farmshop, which would have all of the amenities and facilities that would be more normally associated with this sort of development. There are also villages in the broader setting of the site that could accommodate infrastructure of this sort in a more sustainable way.

To summarise, considering the above analysis setting out the practical concerns about how the site would function, this justification and the broader public benefits are not considered to outweigh the harm identified nor to satisfactorily demonstrate why a more suitable site could not have been found.

Should planning permission be otherwise granted for this site, a condition requiring the removal of the development and the restoration of the site in accordance with Strategy 39 would likely be applied.

The proposed development by reason of its inappropriate location and poorly conceived design represents an unsuitable, impractical and poorly conceived development resulting in unavoidable harm to the detriment of the potential users of the site. The proposal would therefore fail to comply with the provisions of Strategy 7 (Development in the Countryside), Strategy 39 (Renewable and Low Carbon Energy Projects) and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031, and the National Planning Policy Framework.

Landscaping and Visual Impact

Paragraph 180 of the NPPF makes clear that planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

More broadly, the NPPF highlights the importance of good architecture, layout and appropriate and effective landscaping. In addition, poorly designed development should be refused, especially where it fails to reflect local design policies and government guidance on design.

Strategy 7 (Development in the Countryside) of the East Devon Local Plan outlines that development in the countryside will only be permitted where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

1. *Land form and patterns of settlement.*
2. *Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings.*
3. *The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.*

Strategy 46 (Landscape Conservation and Enhancement and AONBs) request that development will need to be undertaken in a manner that is sympathetic to, and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty. Development will only be permitted where it:

1. *conserves and enhances the landscape character of the area;*
2. *does not undermine landscape quality; and*
3. *is appropriate to the economic, social and well being of the area*

Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan, requires 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 EN14 (Control of Pollution) states that permission will not be granted for development which would result in unacceptable levels, either to residents or the wider environment of elements in including:

- *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.*

In addition to the above, Strategy 39 (Renewable and Low Carbon Energy Projects) mirrors many of these design-related aims. This includes ensuring that any cumulative landscape and visual impacts are satisfactorily addressed.

As referenced in the site description, the site would be accessed and most visible from the A3052. Within its immediate setting, the southern side of the A3052 has

trees lining its road with open fields beyond. It is noted that owing to its lower ground level, physical separation and landscaping, that the built form of Greendale Business Park is not visible from this road along the surrounding stretch. This creates an open rural setting where views are available towards Exeter and the wider countryside setting.

This effect is considered to have been created and intentionally maintained by previous applications as set out in the Relevant Planning History section. Particular reference here is made to the expansion of the Greendale Business Park in application reference 09/1195/MOUT which maintained this separation and introduced landscaping. More recently, planning permission for a barn outside of the designated employment area was refused under planning application 22/1893/FUL for reasons that included landscape reasons. It is noted that the location of this decision was made despite being set further away from the A3052 than the present scheme with more established screening. More broadly, this effect has been reinforced by Policy E7 which specifically states that the employment site at Greendale Business Farm shall not be extended.

In the comments received by the landscaping officer, the site is described as the summit of Windmill Hill, a distinctive landmark visible from many local viewpoints including along the Exe estuary. The published landscaped character assessments at County level identify this site as falling with character type 3B, lower rolling farmed and settled valley slopes.

The site under consideration with particular reference to the building already built would be widely visible from the A3052. While it would be partially screened by the existing trees along this road, it would stand out owing to its height and position to the front of the more substantial landscaping to its rear. In this way, the proposal would introduce new development in a location where development is presently not found. The expanse of hardstanding proposed would similarly have an urbanising effect in a similar way to the erection of the EV chargers. It is not considered that the proposed landscaping would mitigate these visual impacts.

On top of the visual impact of the battery building and the associated EV chargers, concern is also raised about the level of artificial lighting that would be generated by its use. An officer site visit indicated that the surrounding section of the A3052 presently has no street lighting and with the separation to Greendale Business Park and any nearby dwellings, there are few other light sources. In contrast to this unlit setting, even with no external lighting presently indicated, the EV chargers all contain electronic screens. Furthermore, it is considered that if no lighting is provided on site, then vehicles may be left with their headlights on while they are charging. Conversely, should the scheme be constructed with external lighting, then this would result in continual light being generated as long for long as the site operates. With 30 parking spaces and chargers available and the site open for all road users 24/7, it is considered that a material level of light pollution within an open countryside setting could be generated by this development.

It has been noted that an external lighting scheme was permitted in association with the 22/1893/FUL scheme. However, with this site better screened and closer to the

wider Greendale Business Park and its associated activity, this is considered to carry less weight in this application.

The abovementioned concerns are reinforced by the objection by the landscape officer who concludes that the development on this prominent hilltop location is likely to give rise to significant adverse landscape and visual impacts that would harm local landscape character and despoil attractive open views. These identified adverse effects would be increased should lighting be provided.

The proposal as a result of its position, scale and potential light pollution generated would represent an unduly prominent, visually dominant, poorly conceived and contrived scheme going against the existing pattern of development within its setting. By reason of this, the proposal would result in material harm to the open and rural countryside setting, the surrounding landscape and the wider streetscene. The proposal would therefore fail to comply with the provisions of Strategy 7 (Development in the Countryside), Strategy 46 (Landscape Conservation and Enhancement and AONBs), Policy D1 (Design and Local Distinctiveness) and Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031, and the National Planning Policy Framework.

The proposal therefore fails to comply with the relevant policies.

Residential Amenity

Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan, requires that proposals do not adversely affect the amenity of occupiers of adjoining residential properties.

The application site, while visible from the adjoining A3052, has a material separation to any nearby residential properties. As such, and with the site used for EV charging, an activity that is not considered to particularly generate undue noise and disturbance, the proposal is not considered to result in material harm in amenity concerns.

In their consultee response, Environmental Health have outlined that they have no objection to the proposal subject to further details being required to be submitted through conditions. These include a construction management plan and a noise survey. Should the proposal be otherwise considered acceptable, these conditions would likely be included in the decision notice.

A condition was also requested by EH regarding external lighting information. In line with the design related comments, where the potential harm to the countryside setting that lighting could cause, it is not considered reasonable to control this element through condition. It should instead be considered as part of a separate planning application.

Subject to condition, the proposal is considered acceptable in the above regards.

Highway Safety

Policy TC7 (Adequacy of Road Network and Site Access) of the Adopted 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.

The proposed development would be accessible via an expanded dropped kerb which would form both the entrance and exit to the site. The access this feeds onto a road connecting Greendale Business Park to the A3052. It is noted that improvements have been completed on the connecting junction under application reference 14/0252/FUL. With this vehicular access well established and already used for a range of purposes, the proposed development is not considered to materially worsen the highways situation. No objection has been raised by National Highways.

With reference to the comments received from DCC Highways, these raise concern about how the site could function in practice and its construction. It is noted however, that these comments appear incomplete and does not fully set out a reason for refusal or what mitigating information may be required. On this basis, it is considered that these elements can be suitably controlled via condition specifying additional details in these regards.

Subject to condition, the proposal is therefore considered to be acceptable in highways terms.

Fire safety

With regards to battery energy storage systems, the National Planning Policy Guidance Document states that:

“Where planning permission is being sought for development of battery energy storage systems of 1 MWh or over, and excluding where battery energy storage systems are associated with a residential dwelling, applicants are encouraged to engage with the relevant local fire and rescue service before submitting an application to the local planning authority. This is so matters relating to the siting and location of battery energy storage systems, in particular in the event of an incident, prevention of the impact of thermal runaway, and emergency services access can be considered before an application is made.”

This guidance also states that local planning authorities are encouraged to consider the guidance produced by the National Fire Chiefs Council for Grid scale battery energy storage system planning. The contents of this document specifies among other things; the need for at least suitable access, unit spacing, the need for water supplies and the preparation of emergency plans. This document and its requirements have been similarly referenced in the comments received from Devon & Somerset Fire and Rescue.

The present scheme under consideration has provided a site plan and a specification of the proposed battery storage units. However, no technical information has been submitting regarding the fire safety of this development and how the risks of this sort

of a development can be managed in line with this document. An officer analysis of the proposed plans against this has highlighted multiple potential breaches including in terms of its single access road and the availability of an adequate water supply.

The proposed scheme fails to demonstrate that it would not result in an undue fire risk and comply with the relevant standards. Given that many of these elements are intrinsic to the position and scale of the scheme, it is not considered reasonable to control these elements through condition.

The proposed development by reason of its scale, location and layout, as well as the insufficient information provided, fails to demonstrate that it would adequately mitigate the risks to fire safety resulting from a battery storage scheme. The proposal would therefore fail to comply with the guidance of the National Planning Policy Guidance and the National Planning Policy Framework.

The proposal is therefore unacceptable in these regards.

Trees

With no objection raised by EDDC's trees consultee, the proposal is considered acceptable in these regards.

Conclusion

It is acknowledged that there are public benefits to the proposal as well as some support from both national and local policies. However, it is considered that the proposal would fail to deliver an adequate quality of development, resulting in harm in principle and to its landscape setting as well as to fire safety. The proposal is therefore considered to fail to comply with planning policy and is recommended for refusal with associated enforcement action to be taken requiring removal of the unauthorised building.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development by reason of its inappropriate location and poorly conceived design, in particular the lack of pedestrian connections to the employment site and lack of any supporting services, represents an unsuitable, impractical and poorly conceived development the benefits of which would not justify the principle of this type of development in the countryside. The proposal would therefore fail to comply with the provisions of Strategy 7 (Development in the Countryside), Strategy 39 (Renewable and Low Carbon Energy Projects) and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031, and the National Planning Policy Framework.
2. The proposal as a result of its position, scale and potential light pollution generated would represent an unduly prominent, visually dominant, poorly conceived and contrived scheme going against the existing pattern of development within its setting. By reason of this, the proposal would result in

material harm to the open and rural countryside setting and the wider streetscene. The proposal would therefore fail to comply with the provisions of Strategy 7 (Development in the Countryside), Strategy 46 (Landscape Conservation and Enhancement and AONBs), Policy D1 (Design and Local Distinctiveness) and Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031, and the National Planning Policy Framework.

3. The proposed development by reason of its scale, location and layout, as well as the insufficient information provided, fails to demonstrate that it would adequately mitigate the risks to fire safety resulting from this battery scheme. The proposal would therefore fail to comply with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 – 2031 and the guidance of the National Planning Policy Guidance and the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Informative: Confirmation - No CIL Liability. This Informative confirms that this development is not liable to a CIL charge.

Plans relating to this application:

| | | |
|------------------------------------|-------------------------|----------|
| 8781-LPB | Location Plan | 08.02.24 |
| 8781-01 A | Proposed Site Plan | 08.02.24 |
| 8781-05 | Proposed Combined Plans | 07.02.24 |
| 8781-06 | Proposed Combined Plans | 07.02.24 |
| 8781-07 : site sections/elevations | Proposed Combined Plans | 07.02.24 |

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.