

Ward Woodbury And Lympstone

Reference 23/2627/MFUL

Applicant Goosemoor Ltd

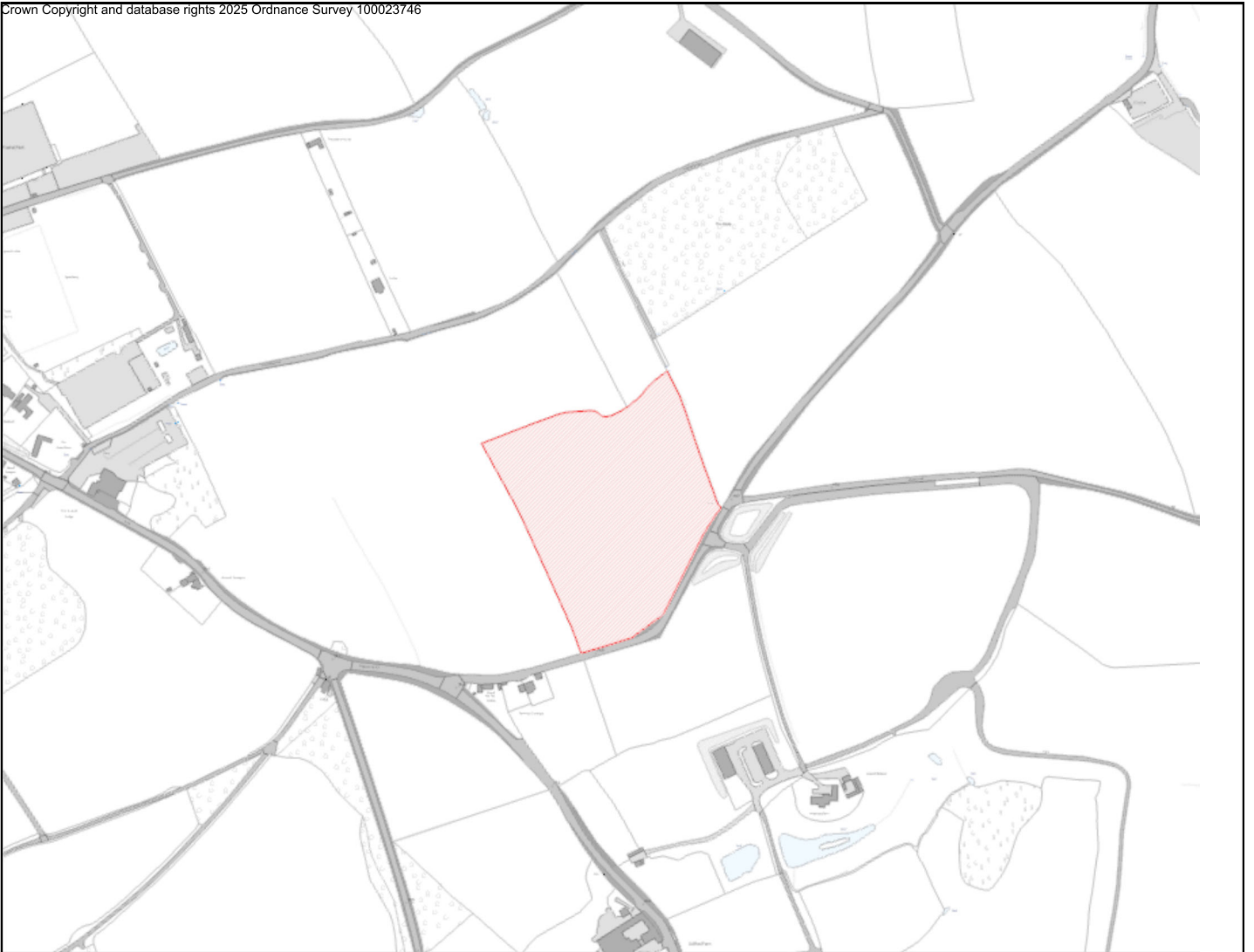
Location Land North East Of Parkfield Cottages Pink House Corner Lympstone

Proposal Construction of proposed 'Educatering' facility (use class E(g) and B8) including parking, access, area for growing crops and landscaping



RECOMMENDATION: Refusal

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		Committee Date: 21.10.2025
Woodbury And Lymphstone (Woodbury)	23/2627/MFUL	Target Date: 30.06.2025
Applicant:	Goosemoor Ltd	
Location:	Land North East Of Parkfield Cottages Pink House Corner	
Proposal:	Construction of proposed 'Educatering' facility (use class E(g) and B8) including parking, access, area for growing crops and landscaping	

RECOMMENDATION: REFUSE

EXECUTIVE SUMMARY

The application is before members as the officer recommendation differs from the view of a Local Ward Member.

The submission seeks permission for the construction of an Educatering facility to support the expansion and relocation of Goosemore Ltd. Goosemore Ltd is a fresh food wholesaler supplying businesses such as restaurants, sports clubs and also educational establishments. The 'Educatering' branch of Goosemore is a successful and growing part of the business and is based on providing schools with the specific fresh ingredients to prepare meals at the school on a daily basis and to an agreed menu. There is an emphasis on high quality and locally sourced produce. This application also proposes to provide an area of land to grow food and a cooking classroom where schools can visit to see/pick food from the land to then prepare in the classroom.

This application has been assessed against the National Planning Policy Framework (NPPF) and the East Devon Local Plan. The proposed development is found to be contrary to the strategic objectives of the Local Plan, particularly Strategy 7, which governs the provision of employment land and economic development in rural areas. While the applicant has submitted a sequential test to demonstrate a lack of suitable alternative sites, officers remain unconvinced that sufficient justification has been provided to support the proposed location. In particular, the potential for separating business elements and relocating them more sustainably has not been adequately explored or evidenced.

Although the site benefits from its proximity to the M5 and access to public transport, concerns remain regarding pedestrian accessibility and the likely reliance on private vehicles. This raises conflict with Strategy 5B and Policy TC2

of the Local Plan, as well as with the environmental objectives of the NPPF, which seek to reduce pollution, mitigate climate change, and promote sustainable transport. The development's countryside location undermines these goals, despite proposed green measures such as solar arrays and electric vehicle infrastructure.

Significant landscape harm has been identified by the Council's Landscape Architect, with the development failing to conserve or enhance the character of the area. This includes adverse impacts on the openness of the Coastal Preservation Area and conflict with Strategy 46. Additionally, the proposal would result in less than substantial harm to the setting and significance of nearby Grade II listed buildings, including Nutwell Lodge Hotel, North Lodge, and Nutwell Cottages. While the public benefits of the scheme are acknowledged, officers consider that this heritage harm could be avoided through alternative siting.

In terms of benefits, the development would deliver 3,900 sqm of employment space, support the creation of 100 new full-time jobs between 2026 - 2030, and generate an estimated £14.8 million in annual Gross Value Added (GVA) across the South West, including £10.7 million in East Devon. The educatering element of the proposal, which engages schoolchildren in sustainable food education, has also received positive feedback and is considered to offer moderate social value.

Despite these economic and social benefits, officers conclude that they do not outweigh the significant planning, environmental, landscape, and heritage harms identified. The failure to justify the site's location further undermines the proposal. Accordingly, the application is considered unacceptable and is recommended for refusal.

CONSULTATIONS

Full consultee responses are available to be viewed on
<https://planning.eastdevon.gov.uk/online-applications/>

Technical Consultations

Campaign To Protect Rural England

Devon CPRE are raising an objection to the proposal on the following grounds:

- Principle
- No EIA
- Unsustainable
- Np BNG Metric
- No Assessment into BMV

Devon Wildlife Trust

We object to the planning application because we consider that the proposals do not provide sufficient evidence to satisfy the requirements relating to biodiversity in paragraphs 174d, 180a and 180d of the National Planning Policy Framework or the

requirements of paragraph 99 of ODPM Circular 06/2005 Biodiversity and Geological Conservation.

EDDC Trees

In principle I have no arboricultural concerns subject to satisfactory replacement planting. However the green infrastructure plan appears somewhat minimalist and is lacking in significant tree planting. There are opportunities for planting around the site of large canopy sized trees within the hedgerows to ensure long-term tree cover and to ensure replacement of the Ash trees. I would therefore recommend a soft landscape and landscape management plan, including details of all post planting tree management.

Environmental Health

Suggested Conditions:

A Construction and Environment Management Plan would need to be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

A lighting scheme for the site should be submitted to and approved in writing by the Local Planning Authority prior to any development commencing. The lighting scheme must comply with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The scheme must cover the impact of the lighting on the nearest sensitive receptors including the provision of any mitigation (shielding) measures. Any lighting used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is

In response to the Calculation of Road Traffic Noise (received 17.04.2025).

I have reviewed the additional Tech Advice Note Ref: 13430.250417.TN1. I am satisfied that the additional vehicle movements linked to the development (23/2627/MFUL) will not introduce any adverse or significant adverse in terms of road traffic noise.

Conservation

It is considered that proposed development, fails to preserve the setting of North Lodge, Nutwell Cottages and Nutwell Lodge Hotel, identified as Grade II heritage assets and to a lesser extent result in less than substantial harm to the significance of the listed building.

There is a strong presumption against works that would have such harmful impacts through the workings of s.16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 205 of the Framework explains that great weight should be given to the conservation of designated heritage assets. Paragraph 208 states that any less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal.

Environment Agency

No objection subject to LPA confirming which foul drainage option shall be taken forward - 26.01.24.

Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED.

Contaminated Land Officer

There is a known landfill site within 250m of the application site and because of the low potential risk of gas migration a suitable gas proof membrane shall be installed within all buildings on the development.

Historic England

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

DCC Flood Risk SuDS Consultation

We have no in-principle objections to the above planning application, from a surface water drainage perspective.

EDDC Landscape Architect

The amendments fail to address my overall objection that the proposal is at odds with the surrounding agricultural landscape due to its scale and nature of its operations and is likely to give rise to significant harm to local landscape character contrary to Strategy 7 and 46 and policy D1 of the Local Plan.

DCC Climate Change/Environment And Transport

No objection subject to a condition requiring a waste audit statement shall be submitted to the Local Planning Authority.

Local Consultations

Parish/Town Council

Although the Parish Council is supportive of the ethos of the proposed business, the location is categorically inappropriate for the purpose and any economic gain is outweighed by the harm this development would cause, the substantial detrimental impact visually on the landscape and on the character of the area, also environmentally.

The application site is outside the Built-Up Area Boundary where Strategy 7 of the East Devon Local Plan (EDLP) prohibits development.

The site is within the Coastal Preservation Area and EDLP Strategy 44 prohibits development that would "damage the undeveloped/open status of the area". The proposal which includes a warehouse being significant in scale.

The proposal is contrary to Policies D1 & D2 of the EDLP.

Policy D7 gives support for new agricultural buildings but only if the development is "well integrated with its surroundings and closely related to existing buildings, being of appropriate location, scale, design and materials so as not to harm the character, biodiversity and landscape of the rural area". The proposal clearly does not meet this criterion.

Sewage

We have major concerns with the ongoing and unresolved issue of sewage being pumped into the sea, into the rivers Clyst and Exe, which are all vitally important sites protected by national and international designations. This is causing serious concerns for the residents of the area as the sewage is not only polluting the water, but also posing a serious health hazard to the people who live in the vicinity, those who visit and devastating to wildlife. The damage being done below the water is probably even more catastrophic than the obvious visible impact.

This proposal will be adding to this issue especially as the applicant indicates that the foul drainage will be disposed of to a non-mains foul drainage system, also discharge will be to drainage field or soakaway.

This proposal will add to the negative impact to the environment, wildlife, and to the welfare of residents and tourists due to sewage. A prominent area for tourism and already unclean water causing our beaches to be unsafe to swim will have a major impact on the livelihoods of residents which will contra any employment gain that this proposal could provide.

Flooding / Traffic

The location of the proposal is adjacent to the road (country lane) that has a long issue of flooding and is closed frequently. South West Water needs to demonstrate that they have sufficient capacity as with the Broadway application and as EDDC should be for any forthcoming applications.

The site, primarily a distribution centre will cause additional traffic, including several HGV movements per day, plus associated noise, and vibration. This will have significant implications especially for those residents living in the cottages at Pink House Corner.

The junction of Pink House Corner and the A376 is difficult to navigate especially at peak times and already at capacity.

The lane is narrow, with hedging and no footways, there is a speed limit of 60mph. We have grave concern for the safety of other road users especially for pedestrians and if they had to use public transport they would have to walk in the road and try and cross the A376 without any controlled crossing or island or footpaths on the A376.

The proposal for 75 car spaces for staff plus school children visiting the site will have an impact at this location and to Woodbury if the road is closed due to flooding.

This development would be better located on or near an existing business park and although the business is viable and good for this part of East Devon the location proposed is not suitable for the reasons stated above, therefore Woodbury Parish Council does not support this application.

Clerk To Lympstone Parish Council

As an adjoining Parish, Lympstone Parish Council wish to submit the following comments for consideration regarding this application:

23/2627/MFUL - Construction of proposed 'Educatering' facility (use class E(g) and B8) including parking, access, area for growing crops and landscaping at Land North East Of Parkfield Cottages Pink House Corner, Lympstone.

Recommendation: Object

Lympstone Parish Council object to this planning application for to the following reasons:

- Negative effects on amenity, social and economic impact - particularly due to noise, smell, disturbance, access to site and light pollution.
- Out of character in the area.
- The negative and adverse visual impact of the development - particularly on the landscape, ecology, and the locality.
- The detrimental effect of the proposed development on the character of the local area.
- Design issues - including the bulk and mass of the building.
- Negative ecological impact through the removal of arable land and 10m of hedgerow. A Biodiversity Net Gain calculation has not been included. Potential significant effects on designated sites, therefore a Habitats Regulations Assessment is required (regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended)).
- Increased HGV and traffic - Policy E5 of the Local Plan states that small scale economic development in rural areas can only be allowed where the local highway network can accommodate the forecasted increase in traffic.
- East Devon Local Plan - Contravenes:
 - o Strategy 7 - It is not in keeping with the landform and patterns of development and also would cause visual intrusion as a result of night time illumination.
 - o Strategy 5B - Sustainable transport - difficult for staff at the site to get there by public transport e.g. shift workers starting/finishing at 4am.

- o Strategy 5 - The field is less than 70 metres from the Woodland on Porter's Lane - habitat to several species including Hazel Dormouse, which is currently listed as vulnerable (Zoological Society of London warns is in danger of becoming extinct in the UK) and Woodcock - which is listed as Red (highly threatened) under the Red List for Birds of Conservation Concern.

- NPPF - Contravenes:

- o Strategy 6 - 'Supporting a prosperous rural economy' points 88 and 89.

Woodbury And Lympstone - Cllr Ben Ingham

I note several letters of objection to this planning application, a number of which are particularly well researched and evidenced based, referring to EDDC policies. In addition, I note the objections and conclusions from consultees; Conservation, EDDC landscape architect, Lympstone Parish Council, Woodbury Parish Council, Devon Wildlife Trust, DCC Flood Risk SuDS and the need for further evidence from Natural England. There are definitely significant reasons given for refusing this planning application.

There are also letters of support for this planning application, which provide valid reasons for approving this application. I wish to highlight these so that when the planning application goes to the EDDC Planning Committee for their consideration, a balanced view is available to Members and not just a tirade of reasons for refusal. After full and careful consideration, I recommend this application for approval for the following reasons:

In recent years, specifically the last ten, EDDC has done little and achieved even less to identify or provide employment land within this ward for the benefit of our communities. Yet during the same period of time, many houses have been built here for new residents. Here is an opportunity to redress the imbalance and provide badly needed employment opportunities. This will support both economic and social sustainability (prerequisites for the golden thread of sustainability) within the Woodbury & Lympstone Ward and East Devon District.

I am regrettably confident many more new homes are to come within our Ward before 2030. So far no credible attempt has been made to provide jobs for villagers and this is at a time when our Climate Crisis calls out for severe reductions in commuting traffic, in order to favourably contribute to environmental sustainability, as well as economic and social sustainability.

I believe we should enable this particular economic activity to remain in East Devon for us to secure the local business benefits. It has a successful history of sixty five years, originating from the farm on Topsham Flats. If this planning application fails, the business expansion will move north, potentially into Mid Devon or even outside of Devon, which must not happen. I believe we must protect and secure the economic sustainability of this local company within this business district.

This business provides the ability for Devon schools who opt into Educaturg to break even with their catering costs; that is the selling point to attract all schools in

Devon and the South West. The vast majority of schools lose money through catering commitments to children. This is therefore of indirect benefit to Devon County Council (DCC) whereby schools are better positioned to control their revenue budgets and DCC keep more of their education budget for educating children and other school maintenance costs. This in turn supports enhanced economic sustainability within Devon and makes Devon a better place to live. These issues are relevant to planning and important when considering the outcome of this planning application.

I think it is also reasonable to consider the logic of this planning application. This is not another opportunity for the land owner or a property developer to make money, cash in their chips and walk away. Here a family business has to buy the land and expand their family business through a relatively new venture that is proving successful and also of great benefit to all schools participating and to DCC finances. Whilst considering planning policy to make a planning decision, we must also be careful what opportunities we walk away from. If nurtured, this business will provide hundreds of jobs for local people over decades. I want that opportunity for all of us and especially future generations who will live and potentially work in this Ward. Walking or cycling to work is a wonderful aspiration for us all.

Woodbury And Lympstone - Cllr Geoff Jung

23/2627/MFUL

I have viewed the documents and visited the site, for the planning application 23/2627/MFUL for the proposed construction of proposed 'Educatering' facility (use class E(g) and B8) including parking, access, area for growing crops and landscaping at land North East of Parkfield Cottages Pink House Corner Lympstone.

Although the postal address is Lympstone this proposed development is located in the Parish of Woodbury.

According to the statement of community involvement the applicant states:

'Discussions have been undertaken with the ward members for Woodbury and Lympstone Ward which has included a meeting held to review the scheme, its background and form, held on 8th December 2023.'

I am most disappointed with this statement as I have only had one conversation with this applicant and that was at the Council's Members Advisory Panel (MAP) in November 2022 when I was invited by Planning Officers who also attended the meeting.

At that meeting I made my position very clear that I would not be supporting the application as it does not comply to the EDDC local plan.

I therefore again state that I do not 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.

Economic Development

The company needs to expand, and they have shown this is their only in-district option.

A robust sequential test was completed following from a Members Advisory Panel (MAP) in November 2022. This work was open and transparent, even extending the search area to incorporate additional employment areas. The test could identify no alternative suitable and available sites to accommodate the expansion of this business which Woodbury Parish Council have highlighted is both 'viable and good for this part of East Devon'. The Economic Development view is that we are left with no alternative.

The creation of 97 FTE jobs and an estimated GVA increase to our local economy of just over £4.5m provides a strong economic case for development. We would ask the applicant to consider providing a more detailed economic impact assessment such that the scope of these wider local economic and employment benefits be more fully understood by members of our Development management Committee.

Notwithstanding this fuller analysis, our team are of the view that the positive economic and social outcomes of this scheme provide ample justification for departure of policy, outweighing the visual and landscape impacts which the applicant is clearly seeking to mitigate.

Our recommendation is that this application is approved.

Other Representations

28 third party comments have been received in response to the application.

Of those objecting (No.23) concerns have been raised regarding the following matters:

- Landscape harm
- Highway safety
- Principle of development is unacceptable.
- Loss of farmland.
- Insufficient community involvement.
- Increase in traffic.
- Overbearing development.
- Impact on amenity of adjacent properties.
- Lack of identified need for the proposals.
- Sequential test is not robust.
- No public consultation.
- Impact on local wildlife.
- Impact on Coastal Preservation Area.
- Impact of tourist industry.
- Flooding.
- Substandard access.

- Will set a precedent for development in the countryside.

Comments of support (No.5) have highlighted the following:

- Educating concept has been successful.
- Support the idea of educating young.
- Supports long standing East Devon Business.
- Additional employment.
- Commendable business model that promotes food and health.
- Well design into it's surroundings.
- Shortfall of employment land within the district.
- The business already operates within 4km of the application site.
- Existing business has outgrown existing premises.
- Strong links to local producers.
- Seeks to educate young people about 'farm to fork'.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 3 (Sustainable Development)

Strategy 31 (Future Job and Employment Land Provision)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 44 (Undeveloped Coast and Coastal Preservation Area)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN9 (Development Affecting a Designated Heritage Asset)

Emerging East Devon Local Plan 2020 - 2042

SP01 Spatial Strategy

SP04 Employment Provision and Distribution Strategy

SP06 Development Beyond Settlement Boundaries

WS15 Employment Land at Darts Farm

SE02 Employment Development on the Countryside

TR01 Prioritising Walking, Wheeling, Cycling and Public Transport

OL01 Landscape Features

OL03 Coastal Preservation Areas

OL09 Control of Pollution

PB02 Protection of regionally and Locally Important Wildlife Sites

PB04 habitats Regulations Assessment

PB08 Trees, Hedges and Woodland on Development Sites.

HE02 Listed Buildings

Government Planning Documents
NPPF (National Planning Policy Framework 2023)

Government Planning Documents
National Planning Practice Guidance

Site Location and Description

The application site comprises of four hectares of arable agricultural land bound by hedgerow and mature trees. The land is accessed off a C-road between the A376 and Woodbury. The topography of the site gently slopes away to the northwest. Beyond the site boundaries the landform falls away gently to the west and northwest towards the estuary and rises to the east and southeast towards the Pebblebed heaths.

Surrounding land-use is agricultural with a mix of arable and improved grassland within a matrix of small to medium sized fields. A parcel of deciduous woodland is situated to the northeast of the site. There are a number of residential dwellings nearby that front the A376, some of which are Grade II listed. The site falls within the Coastal Preservation Area.

Proposed Development

The submission seeks permission for the construction of a storage, warehouse and office building alongside an Educatering facility to support the expansion and relocation of Goosemore Ltd. They are a fresh food wholesaler supplying businesses such as restaurants, sports clubs and also educational establishments. The 'Educatering' branch of Goosemore is a successful and growing part of the business and is based on providing schools with specific fresh ingredients to prepare meals at the school on a daily basis and to an agreed menu.

There is an emphasis on high quality and locally sourced produce. This application also proposes to provide an area of land to grow food and a cooking classroom where schools can visit to see/pick food from the land to then prepare in the classroom. The business is currently located at Darts Farm, just east of Topsham and approximately 3.4 kilometres north west of the application site.

The application proposes the construction of a storage and warehouse building approximately 82 metres in width and 42 metres in depth with an overall height of 7.26 metres. The submitted plans depict a shallow dual-pitched-roof constructed of corrugated steel. The height of the build would measure approximately 7.3 metres in height with the external walls finished in a mix of render and timber boarding. The south and north elevations include a series of roller shutter doors that serve loading areas. Solar panels are proposed on the two areas of southern facing roof.

The classroom building is to be located on the southern boundary and has a width of approximately 22m and depth of 9 metres. It is single storey with a mono pitch (3.7

metres in height) and shall be constructed of Yorkshire timber boarding and goosewing grey corrugated steel.

Internally the development provides the following approximate floorspace.

Storage and Distribution (B8): 2725sqm

Office (Eg): 605sqm

Ancillary Canteen: 170sqm

Classroom (including kitchen): 186sqm

The layout of the proposals has been amended since its initial submission. Due to a gas mains pipeline that runs through the northern section of the site, the 'educatering' floorspace has been separated from the warehouse and is proposed within a standalone building on the southern boundary. A new access is proposed along the southern boundary, an internal track serves the parking spaces and loading bays located around building. Two external staircases are proposed to provide access to office floorspace at first floor.

The eastern and south eastern boundary would be preserved as a dark ecological zone and the remaining land shall be utilised for agricultural purposes.

Main considerations

The main considerations in the determination of this application relate to the:

- Principle of development
- Suitability of other sites in the district and surrounding area to meet the need
- Impact of the development on its surroundings
- Impact on residential amenity
- Impact on heritage assets
- Impact on highway safety
- Flooding and drainage
- Ecology

Principle

The application site lies in the open countryside between the settlements of Exton and Lympstone in an area designated as a Coastal Preservation Area, the East Devon Local Plan under Strategy 7 (Development in the Countryside) states that only development that is permissible by another specific policy of the plan will be acceptable. Development shall need to demonstrate that it would not harm the distinctive landscape, amenity and environmental qualities of the area, namely:

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.

There are no policies in the Local Plan that would permit this scale of new build commercial development in the countryside and therefore the proposal is contrary to Strategy 7 and the strategic approach of the location of development detailed within Strategy 1 (Spatial Strategy for Development in East Devon) of the Local Plan. Consideration of the impacts of the proposed development will follow later in this report.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that determination of applications must be made in accordance with the plan unless material considerations indicate otherwise. The site was considered in the Call for Sites for the new Local Plan as an employment allocation. The site (LP_Wood_43) was dismissed at stage 2 due to it being 'remote from the built-up edge of Woodbury/Lympstone'. It is therefore not coming forward as a future allocation of the emerging Local Plan.

The National Planning Policy Framework (2024) is a material consideration. Section 6 - Building a strong, competitive economy includes a sub section titled 'Supporting a prosperous rural economy'. Paragraph 89 states'

'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'

Whilst paragraph 89 of the NPPF infers that in some cases it may be considered appropriate to allow proposals for employment growth in rural areas development shall need to be sensitive to its surroundings and exploit opportunities to make the location more sustainable. As shall be expanded upon further within this report, the application fails to satisfy these tests and does not involve the reuse of previously developed land. This approach to the location and impact of employment growth in rural areas is reflected within the wording of Policy E5 (Small Scale Economic Development in Rural Areas) of the East Devon Local Plan. However, the proposals put forward by Goosemoor are not deemed to be small scale. As a result, the principle of the application fails to draw support from the East Devon Local Plan or the National Planning Policy Framework.

There have been open discussions with the applicant concerning the lack of policy to support with regards to the principle of development. These were highlighted in pre-application discussions which involved a Members Advisory Panel in November 2022 as well as in subsequent meetings officers have had with them.

The applicant has put forward that the application site is the only site reasonably available to meet the businesses needs. In order to demonstrate this, they have undertaken a sequential test to review the availability of existing employment land near the business' current headquarters at Darts Business Park. The next section of the report shall review the evidence put forward by the applicant and assess whether there are other more suitable sites available in the district to locate the proposed development.

However, the development is a departure from the strategic approach to employment land within the East Devon Local Plan and therefore in conflict with the development plan as a whole. The identified conflict with Strategy 7 and the overarching strategic approach of the Local Plan with regards the allocation of employment land weighs against the proposals. These parts of the planning balance shall be revisited in the conclusion section of the report.

Suitability of other sites in the district and surrounding area to meet the need

Background

Goosemoor Ltd (including Goosemoor Educatering Ltd and Goosemoor Foodservice Ltd) is an established local business offering a premium wholesale food service to trade, home and the education sectors throughout the South West.

The company is run exclusively out of its current premises at Dart Business Park in Topsham where at the time of submission employs 97 full time staff. The majority of these employees live locally within East Devon and Exeter, with the remainder primarily residing in neighbouring districts across Devon.

Goosemoor's Educatering service, which provides food services direct to local schools, was established in 2021 and has been a key driver of the company's recent growth. In 2023 the company provided ingredients for over 1.7 million school meals to 70 schools across Devon, Dorset and Somerset. At the time of publishing this report, the applicant's agent has stated that this has risen to 140 schools.

The on-site workforce supports the operation of the Educatering service through a range of associated responsibilities including applying for tenders, formalising induction plans, staff training, menu planning, compliance training, compliance review, audit write ups and reviews, allergen control, nutritional information analysis and control, school finance overviews and production/demo kitchen and cooking.

All accounts, telesales, sales teams and company Directors also work from the existing site. The current premises also stores and houses all products sold into schools, and other businesses. It is also Goosemoor's logistics depot where product is picked and loaded onto vans ready for delivery.

Information provided by the applicant estimates that the Educatering Service will Increase employment levels to around 150 full time staff as the company continues to grow over the next two years.

Goosemoor also currently spend around £5.6 million annually on their local supply chain of 134 businesses across South West. This network and the level of expenditure is also expected to grow further as turnover and the number of school contracts increases.

Whilst it is anticipated that some growth can be supported from the existing site over the next two years, the current premises has insufficient capacity to support the pace of growth envisaged beyond this point.

The additional capacity provided by the proposed development would support Goosemoor's growth ambitions to take on more school contracts, which in turn would result in corresponding increases in turnover and employment levels. The Applicant has undertaken business planning including revenue and employment forecasting which has been provided to Turley to inform the assessment. Based on this information it is understood that the proposed development would enable the company to recruit a further 100 full time employees over the period from 2026 to 2030 increasing employment levels from 150 to 250 full time employees once complete and fully operational.

Sequential test

Officers previously advised the applicant and their agent during the pre-application process which included a Members Advisory Panel that they would need to undertake a sequential test and document their findings demonstrating why the application site was the only one available which could fulfil their needs.

An exercise was initiated whereby the owners of all allocated employment sites within 5 miles were contacted to express the commercial interest in locating the proposed Goosemoor Educatering Facility at each of the identified sites. The Local Authority's Economic Development Team requested that the search radius be extended to 12 miles to try and maximise the likelihood of a suitable and available alternate employment site being identified.

The Economic Development Team were able to verify contact had been made with relevant owners and the range of commercial agents detailed within the submitted Planning Statement. EDDC's Property, Assets and Commercialisation team were also contacted with a view to our Hayne Lane allocation in Honiton potentially accommodating this development need. This site is currently undergoing detailed masterplanning and is not currently being actively marketed for development.

Officers have expressed concerns over the methodology of the sequential test as the stated need for the development to have agricultural land within the application site has resulted in several employment sites being discounted.

One concept of the educatering business is to invite school children to the site to see how the food is grown with an insight into how it arrives at their school together with an insight into menu planning. However, officers consider that the commercial storage and distribution operations of the business (which equate to approximately 95% of the total floorspace) could operate independently from the educatering element of the enterprise. As such, the applicant was requested to undertake a further sequential test

that assessed the availability of sites that could accommodate the commercial element of the scheme alone.

In response to the request to undertake a further sequential test, the applicant's agent comments as follows:

'The very specific nature of the proposals combined with the inability of the current premises to accommodate the growth needed means that Goosemoor have a strong requirement for a scheme which combines both a commercial and an agricultural land element. The application site closely meets their requirements and is available now. The provision of on-site teaching facilities is integral to their proposals and the Council has received numerous representations from local schools which highlight the curricular and other benefits which the scheme will bring. There is no merit in considering split locations as this will create operational and safety concerns and will undermine the education value of the proposition to school users.'

'These factors, combined with the amount of work done to-date on site selection, strongly suggests that there is little merit in doing the further work we discussed. At the same time, the continuing strong growth in the educatering business requires that a resolution on the application is required in the near future so that Goosemoor can finalise their future plans for the business.'

In the absence of further sequential testing, officers insisted further justification is submitted to demonstrate the necessity for the educatering and commercial elements to operate alongside one another on the same site.

'Having the ability to actually see how food is grown and also prepared in a single location is clearly a strong benefit of the scheme. GE are able to provide the educational services sought as an extension to their existing services in a manner which is low cost and which would be otherwise not be available. Schools have strong ambitions to provide the range of teaching opportunities GE can provide but (especially for primary schools) do not have the opportunity to provide these 'in house'.'

The typical educational trip will involve pupils attending via school minibus or coach. Following arrival, pupils will be shown around the crop areas by GE staff. The area available for crops is sufficient to grow a wide range of different vegetables and depending on the time of year, pupils will have the opportunity to be involved in the different stages of growing, up to harvesting. This aspect of the day will include teaching from staff about the growing process and the equipment used. The outdoor phase will be followed by indoor teaching. This will vary in form to match individual school requirements but will include teaching on a range of subjects including agricultural production methods, the rural economy and food technology and nutrition.

Using the demonstration kitchen and classroom proposed, pupils will have the opportunity to be shown and take part in food preparation and cooking and related training. Co-location with both the main facility and the crops means that pupils will have ready access to locally grown foodstuffs and will have the opportunity to prepare and eat the same food that they receive at school and (for example) be involved in future development of new meals. The range of facilities proposed as part of the scheme means that pupils will also have the opportunity to be involved in and learn

about activities such as butchery and the logistics of the services provided. As with the outdoor element, the indoor teaching element will be provided by a combination of GE and school staff.

Within this context, there are obvious merits to providing everything in a single location. Firstly, ease of access for the schools involved. As GE are focused on serving Devon schools in particular, the scheme will be within convenient reach of client schools who will be able attend to see both elements of GE's educational offering (crops and indoor teaching/cooking facilities). This arrangement is obviously easier for schools, with a packed teaching day and limited staff and vehicle resources, than to attend two different and uncertain locations with the associated logistical headaches for staff, safeguarding issues, additional travel cost and time and so on. Similarly, it is much easier for GE to provide the necessary staff support than it would be to support two different facilities. It is also worth noting that whilst the existing premises are no longer able to meet future needs, the nature of the business's growth means that it will still need to be retained by Goosemoor to provide storage space.'

In response to the asserted need for the storage and processing elements to exist alongside the educatering facility, the layout of the development physically separates the two into standalone buildings demonstrating that they can operate independently from one another. The submission also details that schoolchildren would be transported to the site via minibus, which raises questions as to whether two sites close to one another, in a more sustainable and less visually intrusive location, could achieve the same outcome whilst meeting the business' need to expand.

Bearing in mind the client base of the Educatering business is South West England, officers also consider it likely that many schools will already have opportunities for farm visits closer to home and many have access to school kitchens for cookery lessons; it is not clear therefore that the 'educatering' aspect of the business will be a significant public benefit of the development such as to justify development in the countryside and to justify restricting the sites to be included in the search for alternative sites.

Since the application's submission, the emerging East Devon Local Plan has reached Regulation 19 stage and can therefore be attributed weight albeit limited. The applicant was therefore requested to consider sites coming forward as potential employment land allocations.

Additionally, officers requested that certain sites that were highlighted as green or amber in the original sequential test were revisited alongside those nearby that were coming forward as a proposed allocation in the Emerging Local Plan. Further sites that came forward as part of the original call for sites around Darts Farm were also requested to be considered on the basis that they would potentially be preferable to the proposed site and in some cases adjoin the existing facility.

In response, the applicant's land and planning consultant KLP have contacted site owners, many responded to confirm the land was not available to sell or no response was provided at all. For site's such as Exeter Airport Business Park, allocated employment land are not considered to be feasible as this would render the application scheme unviable due to high land costs. However, the applicant has not provided any viability assessment to demonstrate this. Given the recent success and planned

growth of the business claimed in the application it would be reasonable to assume that the business is quite profitable and on the face of it should be able to afford such an investment.

The sites around Darts Farm, that had been considered in the call for sites and would be sequentially preferable to the application site, are stated to not be available for purchase. Notwithstanding this, the applicant has considered allocation (Clge_25a) although stating that this is in operational use by Darts Farm to provide servicing space for the existing business. However, the Council is currently considering this for allocation pending further archaeological work.

Overall, the findings of the sequential testing demonstrate that there are a lack of available sites with at least a four-hectare site with agricultural land. However, the scope of the test is considerably reduced by the need for a site to include agricultural land which has resulted in many sites being discounted. There are merits in the educating branch of the business, co-existing alongside a commercial hub from a logistical and financial point of view, this is not considered to justify departing from the strategic approach to employment land provision.

Employment Land Supply, Delivery and Availability

The Economic Development team completed a Local Economic Review in October 2023. This in-depth assessment of longitudinal ONS, Census 2021 and other key data went beyond standard reporting of headline economic indicators. The work highlighted the most pressing issues, threats, challenges and opportunities for East Devon District Council to urgently intervene and invest in. The work has directly informed key actions within the new Council Plan (2024-28), policy priorities within the new Economic Development Strategy (2024-29), as well as economic vision, strategy and employment policies within the emerging Local Plan (2020-2040).

The Greater Exeter Economic Development Needs Assessment (EDNA) raised concerns that some of the employment land in the West End, allocated through the current Local Plan, was not immediately deliverable for a range of reasons, although it did anticipate that the majority of sites (around 80ha) could be brought forward within the short term (around 3 years). Around 13ha of land has gained planning permission for employment use since the EDNA was published in 2023. Recognising potential delivery issues, the new Local Plan has carried out rigorous site assessment work prior to allocating new sites and has worked closely with statutory bodies and landowners to ensure that constraints can be adequately addressed and will not limit deliverability of sites going forward. An 8ha site has also been consented under a Local Development Order and this streamlines the planning process, ensuring that demand can be met swiftly.

The gap currently observed between the demand for employment space and its supply has limited options for businesses to operate and create additional local employment. The following table indicates allocated and consented land that could be available within the next 3 years, however, whether these sites would be suitable or available for the development proposed in this application is another matter.

Existing Local Plan Employment Allocation	Area (ha)
Growth Point - Exeter Gateway Office Park	1.63
Growth Point - Exeter Science Park	4.47
Growth Point - Exeter Logistics Park	13.69
Growth Point - Power Park, Long Lane,	7.54
Growth Point - Skypark, Clyst Honiton	12.84
Growth Point - Treasbeare Farm, Clyst Honiton	9.74
Clyst St Mary - Winslade Park	0
Exmouth - Liverton Business Park, Phase 3	2.8
Sidmouth - Land at Alexandria Industrial Estate	0.2
Honiton - Heathpark Ind Estate (011A, 011B, 011D)	2.6
Exmouth - Goodmores Farm	1.95
Ottery St Mary - Finnimore Industrial Estate	2.17
Seaton - North of Harepath Rd	2.24
Honiton - Land West of Hayne Lane (EDDC Owned)	15.08
Sidmouth - Land north of Sidford	5.82 (3.05)
Axminster – Northern edge of masterplan area	6.5 (2.66)

The table indicates in green the sites that are available (with planning permission) at present, those in amber that could come forward in the next three years and those in red with significant issues in obtaining planning permission or delivery.

However, in discussions with the Council's Economic Development Manager, the growth point sites are all, save for the Tresbeare site, subject to business entry criteria of which the proposed development would not fulfil. Of the remaining sites identified in green Liverton Phase 3 is being developed out in small parcels that would not meet the size criteria required for this development, Sidmouth would be too small at 0.2 hectares and the three Honiton Heathpark parcels would also be too small on their own.

Focusing on the amber sites, Goodmores Farm has yet to be granted a reserved matters permission although the Council is currently considering an application to bring the site forward for retail use. The Sidmouth site is currently being marketed for sale but for residential purposes contrary to the permission granted for business units and is unlikely to come forward in the short term. The Axminster site has significantly

stalled due to a withdrawal of government funding and the residential elements of the wider allocation not being progressed.

Accordingly, of the sites identified in the table, the only realistic opportunity would be the Treasbeare Farm site though this is a recent approval of outline permission for a mixed use scheme and reliant upon a reserved matter submission being approved and delivery on site of a certain amount of residential development before the employment land would be delivered.

The Inspector concluded in APP/U1105/W/23/3323252 that there was a shortfall in employment land provision in East Devon at the time of determining the Hill Barton appeal (07.10.2024). Since then, considerable progress has been made, and is being made, to redress this and the shortfall has almost halved since that date. It should be noted that the 43ha shortfall was calculated on a District wide basis and most of the employment land delivered since then has been located in the West End.

Since the Employment Land Review for the period covering 31 March 2021- 31 March 2023 (evidence from which was used to inform the Hill Barton appeal) 13.23ha of employment land has gained planning permission and 8ha has been granted under an LDO at Power Park. Of the 13.23ha granted planning permission, 7.5ha has been developed and a further 1.9ha is under construction.

The emerging Local Plan seeks to address the residual shortfall within the EDNA and the future employment needs of the district over the plan period. However, as the plan is at Regulation 19 stage, the plan and allocations within can only be attributed limited weight in the planning balance. Accordingly, in terms of how the current Local Plan is performing, there is a modest shortfall in employment land delivery and this weighs in favour of the proposals.

Economic benefits arising

Following comments made by The Economic Development Team, the applicants provided an Economic and Social Benefits Statement prepared by Turley Economics.

The report identifies that the construction phase (1.5 years) alone shall result in £4 million worth of investment and 25 jobs (15 direct and 10 indirect). Once the proposed development is operational it is anticipated to support the following benefits:

- 100 full-time equivalent jobs created on site, in a range of occupations which will be accessible for East Devon residents;
- 115 direct, indirect and induced jobs for individuals living throughout the South West, including 70 likely to be taken by residents of East Devon.
- A £5.9 million GVA impact at the South West scale every year, including £4.3 million in East Devon.
- Around £145,000 of additional business rates collected by East Devon District Council every year.

Taking into account Goosemoor's current employees and projected growth to 150 employees over the next two years, the creation of a further 100 jobs via the proposed development would result in their expanded operation having the potential to support a total GVA impact of around £14.8 million annually across the South West region, including £10.7 million in East Devon once complete and fully operational.

The Economic Development Manager has the following comments to make on the proposal:

From an Economic Development perspective, we fully support this once-in-a-generation opportunity to support our key bedrock agricultural sector with considerable benefits to local producers, schools, improved nutrition and learning.

The company needs to expand, and they have shown this is their only in-district option.

A robust sequential test was completed following from a Members Advisory Panel (MAP) in November 2022. This work was open and transparent, even extending the search area to incorporate additional employment areas. The test could identify no alternative suitable and available sites to accommodate the expansion of this business which Woodbury Parish Council have highlighted is both 'viable and good for this part of East Devon'. The Economic Development view is that we are left with no alternative. The creation of 97 FTE jobs and an estimated GVA increase to our local economy of just over £4.5m provides a strong economic case for development. We would ask the applicant to consider providing a more detailed economic impact assessment such that the scope of these wider local economic and employment benefits be more fully understood by members of our Development management Committee.

Notwithstanding this fuller analysis, our team are of the view that the positive economic and social outcomes of this scheme provide ample justification for departure of policy, outweighing the visual and landscape impacts which the applicant is clearly seeking to mitigate.

Our recommendation is that this application is approved.

Conclusion

A sequential test of land within 12 miles of the application site has been undertaken and found that no land is available for the business and the educating elements of the proposal to be provided on the same site, a further assessment was requested splitting the two elements down onto separate sites but not progressed by the applicant or their agent.

Notwithstanding this, it is the view of officers and the Economic Development Team, that there is very little land available at this moment in time in the district and on the peripheries of neighbouring districts to accommodate the growing business' demands. Whilst reservations remain over the asserted need for the various elements of the proposal to operate alongside one another, the findings of the sequential test are attributed moderate weight.

Furthermore, the proposals would generate 3,900 sqm of B8 and Class E floorspace. Given the Local Authority's shortfall in the provision of employment land across the district which weighs in favour of the proposals. In terms of the level of weight that can be attributed to this Paragraph 85 of the NPPF states that:

'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.'

Bearing in mind the documented shortfall of employment land, the identified need of Goosemoor for an alternative base of operations, the proposals are considered to draw support from paragraph 85. As per the wording of the NPPF, the framework is clear that in such circumstances, despite the identified shortfall of the sequential test, these benefits draw significant weight in favour of the proposals.

Impact of the proposal on its surroundings

The site comprises a small, irregularly shaped arable field extending to 0.4ha immediately to the north, and accessed from, the minor county road between Woodbury and Lymptone. The field is bounded by low-cut native hedgebanks containing a number of mature trees, principally oak and ash. The topography of the site is very gently sloping with a northwesterly aspect. Beyond the site boundaries the landform falls away gently to the west and northwest towards the estuary and rises to the east and southeast towards the Pebblebed heaths.

The surrounding land-use is agricultural with a mix of arable and improved grassland within a matrix of small to medium sized fields. A parcel of deciduous woodland is situated to the northeast of the site. Lymptone Commando centre is 650m to the northwest and there are a few scattered dwellings in the vicinity. Despite the proximity to the busy A376 and nearby development and infrastructure the visual influences of modern development on the site are limited.

From within the site the traffic along Exmouth Road is audible and long distance views are available of the clubhouse of the recreation ground, Ivylea and Ridgeway House to northwest. Despite this, the site and its immediate setting retains a strong rural feel as part of a well-maintained agricultural landscape in good condition and contributes positively to local landscape character.

The development comprises the erection of a large industrial unit measuring 82m in length by 46m in width achieving a total height of 7.2m and associated access arrangements with parking provision for 75 cars (incl 2 EV) and 2 disabled spaces. A separate single storey building is proposed on the southern boundary. This is a dedicated building to facilitate the educating aspect of the scheme with a classroom and kitchen. This building 22 metres in width, 9 metres in depth and constructed of

timber boarding and a corrugated steel roof. A new access is proposed on the southeastern boundary, the plans indicate that the existing access shall be closed off.

The warehouse by virtue of its scale, orientation, height, associated infrastructure and parking shall erode the open agricultural character of the application site. Whilst the applicant has sought to ensure the warehouse is designed to incorporate a form to mimic that of a modern agricultural barn, the sheer length of the north and south elevations and inclusion of the roller shutter doors and external metal staircases communicate a more industrial character. This is further reflected by the fenestration on the east elevation and the extent of the access roads

The impact of external lighting and built form of the proposed buildings and associated infrastructure impact the visual openness of the immediate area which is designated as Coastal Protection Area (CPA) as per the provisions of Strategy 44 (Undeveloped Coast and Coastal Preservation Area) of the Local Plan. The policy states that

'Development or any change of use will not be allowed if it would damage the undeveloped/open status of the designated area or where visually connected to any adjoining areas. The coastal Preservation Area is defined on the basis of visual openness and views to and from the sea.'

The segment of CPA that the application site forms part of extends from the northwestern edge of Exmouth up to the western edge of Ebford and runs parallel to the Exe Estuary. The East Devon National Landscape lies 2.6km to the east of the site.

The Local Authority's Landscape Officer has assessed the submitted LVIA and has scrutinised its methodology and the conclusions drawn. Most notably the report concludes that the proposals would have a moderate/substantial impact at paragraph 6.3 before concluding at 8.1 that the development would not have any significant adverse landscape effects. It is presumed that this conclusion on visual impacts is based on the harm being localised. However, these impacts do not appear to have been adequately represented in the LVIA's conclusions and recommendations. As such the position that the proposals 'would not result in significant landscape effects' and the 'slight to moderate impact' stated at paragraphs 8.1 and 8.3 is not accepted by Officers.

Notwithstanding this, the site and its setting have moderate landscape value and, given the open rural character of the area, has high susceptibility to change to the type proposed resulting in moderate to high sensitivity.

The proposed development is likely to give rise to a high magnitude of change on the character of the site and its surroundings resulting in significant substantial adverse landscape effect. It is accepted that the visual effects arising from the development are generally limited to a localised area around the site. This would include motorists on the A376, the C road between Parkfield Cottages and Woodbury Business Park, and occupants of Nutwell Cottages. Views from Porters Lane across Ivy Lea towards the development site are also possible to the north and longer distance views from the highway between the A379 and Powderham and the cycle bridge over the Estuary.

The proposals impact on landscape character go beyond just visual harm. The supporting Acoustic Survey and Transport Statement details that the business shall operate 24 hours, 6 days a week. The workforce comprises of three types of staff; night shift pickers; drivers and warehouse workers; and office staff. There shall be vehicular movements throughout a working day from staff and deliveries. In particular, there shall be 44 LGV movements between 05:00 – 13:00, in addition to articulated and rigid vehicles which make two way movements.

The level of anticipated traffic movements to and from the site shall have an impact on the tranquillity of the area which is part of the areas' landscape character. Whilst it is appreciated that traffic along the A376 is already audible from within the site and immediate area, the proposals would result in an increase in the footfall and type of traffic utilising the adjacent highway to the south to access the site. This shall be particularly evident during early hours of the morning and in darkness where the light spill generated from headlights, external lighting around the building and from the windows on the eastern elevation. These impacts further contribute to the landscape harm already identified.

For the above reasons the proposed development is considered likely to result in significant adverse landscape and visual harm that cannot be adequately mitigated through landscaping. The proposals are likely to undermine local landscape character and are therefore contrary to Local Plan Strategies 7, Strategy 44 (Undeveloped Coast and Coastal Preservation Area), Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policy D1 (Design and Local Distinctiveness). This weighs significantly against the proposals.

Site Accessibility and Impact on Local Highway Network

As already mentioned in the previous section of the report, the proposals are supported by a Transport Statement, prepared by Bellamy Transport Consultancy. The report at paragraph 4.3 details the level and type of vehicular traffic currently generated by the existing site at Darts Farm. The report states at paragraph 4.4 that 'it is unlikely the above travel and traffic patterns would alter significantly at the new premises' and therefore existing data has been used to underpin the Transport Statement to assess the proposals impact on the local and strategic highway. These are provided below:

Staff Vehicles

- 30no. night shift pickers commence Sunday 18:00 – 04:00. Repeat Monday to Friday.
- 30no. delivery drivers commence Monday morning at 04:00 – finish 12:00/14:00.
- 30no. office staff arrive 08:00 – 17:00. Only three staff work Saturdays.

Light Vans

- 24 vans depart between 05:00/06:30 – return 11:00 and 13:00
- 4 Vans depart 11:00 and 13:00 then return 14:00 and 15:00.

Articulated/Rigid Vehicles

- Between 2 and 4 articulated lorries arrive and depart five days a week.
- Between 2 and 4 Rigid lorries arrive and depart five days a week.
- 3 articulated vehicles arrive and depart between 17:00 and 21:00 five days a week (Mon – Fri).
- 2 rigid vehicles arrive and depart on Saturdays.

This application proposes a new splayed access onto the public highway to accommodate traffic entering and leaving the site, this would result in the loss of some established roadside hedgerow.

Devon County Highways Engineer has provided the following detailed comments:

‘The organisation is currently situated at Darts Farm, therefore this revised location will constitute many of the existing trip generations along the A376. As such I do not believe the relocated premises will create a great trip generation intensification that is unacceptable to the local highway network.

The Transport Statement from this application, gives a figure of 60-70 employees at the site at one time, some of these trips will be vehicle shared and some through sustainable travel options such as cycle trips. The site is very close to the A376 junction and I believe the majority of the traffic will enter and exit this way with a quick dispersion of traffic, rather than through the local distributor road to the B3179 and Woodbury Village.

The businesses produces a further typical 32 return movements a day and 5 rigid/articulated trips a day, due to the nature of the business, these movements are typically outside of peak hours of travel.

The site includes a suitable proposed access in accordance with our best practice guidance, of higher speed roads DBS32, with an x distance of 2.4m by 71m and 91m accordingly, I believe this to be more than the minimum required visibility due to vehicles already being slowed on and off the junction of the A376. The swept path analysis shows the rigid and articulated vehicles can manoeuvre the junction of the A376, the proposed access of this site and the internal one-way system around the car park. Therefore not presenting a highway safety concern. The proposed site also includes ample space for off-carriageway parking and turning which includes disabled parking. Should the application be approved, I also recommend the provision of secure cycle storage to help mitigate the vehicle trip generation of employees.

In addition, due to the footprint of the project, I recommend the utilisation of a Construction and Environment Management Plan (CEMP) to help mitigate the effects of construction upon the local highway network’.

It should be noted that the existing site at Darts Farm shall be retained by the applicant albeit predominantly for storage purposes. As such, whilst the Transport Statement is underpinned by traffic movements currently generated by the business, in reality some additional vehicular trips beyond this shall be inevitable. However, considering both sites are well related to the A376 and Junction 30 of the M5 and that the movement of some of the larger commercial traffic is outside of peak hours of travel, officers are of the view that the development is unlikely to cause harm to the safety of the local and strategic highway network.

Accordingly, subject to appropriate conditions to secure visibility splays, on site parking/turning and cycle storage the proposal is considered acceptable not impacting unreasonably on the free flow of traffic on the minor road or the A376 which lies in close proximity to the south of the site. The proposal is therefore considered acceptable in relation to Policies TC7 (Adequacy of Road Networks and Site Access) and TC9 (Parking Provision in New Development) of the EDDC Local Plan and advice contained in the NPPF.

Impact on residential amenity

The nearest residential properties are Parkfield Cottages and Ash Tree Cottage which are located approximately 200 metres south west of the proposal building. Withyhayes Farm is located approximately 375 metres to the south east. More residential properties are located to the north west of the application site as you approach Exton along the A376.

The separation distances between the proposal building and nearby properties ensures that the build would not physically impact their amenity. However, the construction phase and then day-to-day operation of the site for commercial purposes would have impacts by virtue of noise and light pollution. Comments received from the Environmental Health Officer have requested that a Noise Survey and Construction and Environment Management Plan would need to be submitted and approved by the Local Planning Authority prior to any works commencing on site. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements.

Further information has been provided by the applicant to demonstrate that vehicle movements shall not adversely impact the amenity of properties enjoyed at the junction with the A376. The Technical note from CRS states that the development flows during the early morning period include car movements associated with staff shift change at 04:00, and 24 LGV's leaving the site in the hours between 05:00 - 06:30. This assessment assumes that all vehicles' movements would access the proposed development site from the A376. This has been produced in coordination with the Council's Environmental Health Team and concludes that;

'The change in night-time road traffic noise levels at the noise sensitive receptors as a result of the development is calculated to be between 1.5 and 2.5 dB. With reference to the DMRB guidance, the magnitude of this change would be defined as 'minor' in the short term and 'negligible' in the long term. These magnitudes of change would be assessed as 'Not significant'.'

In order to avoid and control any resulting light pollution caused by the development a detailed lighting scheme shall also be required by planning condition if permission is to be forthcoming. Overall, subject to conditions mentioned, the proposals are considered to meet the objectives of EN14 (Control of Pollution) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan.

Impact on heritage assets

The Council has a statutory requirement under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant consent for any works to have special regard to the desirability of preserving the setting of North Lodge, Nutwell Cottages and Nutwell Lodge Hotel, identified as Grade II heritage assets

The value attributed to the unspoilt agricultural character of the development site and surrounding landscape, is such that it contributes to the significance of North Lodge, Nutwell Cottages and Nutwell Lodge Hotel, and how these are experienced as 18th and 19th century buildings that have functioned with the surrounding landscape, over the last 200 years.

The level of contribution the development site and surrounding landscape makes to the setting of the three heritage assets therefore differs in each case, due to the assets being of different eras and designed for different functions. The submitted Heritage Statement does acknowledge that there may be a level of harm at the lowest end of less than substantial harm.

This assessment has primarily focused on the intervisibility between the development site and identified heritage asset, without taking into account the heritage assets intangible association (value) with the surrounding landscape and patterns of land use, which together with views is closely linked to the experience of setting, a value which has been given due consideration through this report.

The main heritage issues to be considered are therefore, the effect of the development proposal on the setting of North Lodge, Nutwell Cottages and Nutwell Lodge Hotel. Taking into account the visual and intangible association these assets have with the surrounding landscape and patterns of land use, which has formed part of their setting since the 18th and 19th century.

North Lodge - Grade II

Situated 450m to the west of the development site with limited intervisibility.

North Lodge, adjoining Gates and Gate piers sited approx. 280m west of the development site, front the junction of Exmouth Road and Nutwell Road and form the gateway to Nutwell Court a Grade II* listed building, located approx. 700mm south towards the estuary.

In context of the significance of North Lodge, this holds historic associative values that portray the aspects of past lives and social positions within Lympstone since the 19th century and before, as demonstrated through Nutwell Court being associated with Lord Dinham and Sir Francis Drake.

Longer views from North Lodge towards the north and development site to the west, include verdant boundaries that define historic pastoral plots, the sum of which allows for a large swathe of verdant undeveloped landscape to the northeast and west of the lodge, demonstrating the setting has remained mostly unchanged through development over the years.

The intangible association (value) of the surrounding historic landscape and how this is experienced in context of the original setting of North Lodge, is therefore considered slight when balanced against the limited intervisibility between the development site and circa, 1802 consciously designed lodge, possibly by S.P. Cockerell the architect of Nutwell Court.

Intangible values that are linked with the consciously designed lodge and its role as a gateway building to Nutwell Court, which has formed part of the landscape since the late-14th century.

The location, and scale of the proposed development will alter the character and appearance of this landscape in views and experience to an extent that the development site, will go towards diluting the wider setting of North Lodge and to a lesser degree its significance.

It is therefore considered that the proposed development on account of its location scale, will fail to preserve the setting of the North Lodge a Grade II listed building and to a lesser extent its special architectural and historic interest (significance).

Nutwell Cottages - Grade II

Situated 350m to the west of the development site, with direct views.

The historic value of Nutwell Cottages holds illustrative aspects of past lives, social positions and the farming industry within Lympstone. The social position of the occupants being demonstrated through the building possibly being an original 3-room cross passage plan vernacular 19th century farmhouse, now two small cottages.

The intangible association of the surrounding landscape in context of Nutwell Cottages, is therefore considered moderate when balanced against the vernacular 19th century former farmhouse and historic relationship with the surrounding agricultural. The rural environment offered by the surrounding undeveloped agricultural landscape to the west of the cottage, provides the context in which the setting of the listed building is experienced.

Longer views from Nutwell Cottages towards the development site to the west, includes verdant boundaries that define historic pastoral plots, the sum of which allows

for a large swathe of verdant landscape to the west of the cottages, demonstrating the setting has remained mostly unchanged through development over the years.

Intangible values that are linked with the consciously designed former farmhouse (now two cottages) and its historic relationship with the surrounding agricultural landscape, which has formed part of the heritage assets setting since the 19th century.

The location, and scale of the proposed development will alter the character and appearance of this landscape in views and experience to an extent that the development site, will dilute the identified tangible link with Nutwell Cottages and to a lesser degree its significance.

It is therefore considered that the proposed development on account of its location and scale, will fail to preserve the setting of the Nutwell Cottages as Grade II listed buildings and to a lesser extent their special architectural and historic interest (significance).

Nutwell Lodge Hotel (Toby Carvery Lymptone) - Grade II

Situated approx. 480m to the west of the development site, with views directly towards the site.

In context of the significance of Nutwell Lodge Hotel, this holds historic associative values that portray aspects of past lives and social positions within Lymptone since the 18th century and before as demonstrated through Nutwell Lodge Hotel a former consciously designed dwelling house, identified as Nutwell House which held social stature, as identified through its aesthetic value.

The intangible association of the surrounding landscape in context of Nutwell Lodge Hotel, is therefore considered moderate when balanced against the consciously designed 18th century dwelling house, set within the tranquilly and 'wildness' offered by the surrounding undeveloped agricultural landscape to the west, which provides the context in which the setting of the listed building is experienced.

Longer views from Nutwell Lodge Hotel towards the north and the development site to the west, includes verdant boundaries that define historic pastoral plots, the sum of which allows for a large verdant landscape to the west, demonstrating the setting has remained mostly unchanged through development over the years.

Intangible values that are linked with the consciously designed former dwelling house and its relationship with the wilderness and tranquillity of the surrounding undeveloped landscape, which has formed part of the heritage assets setting since the 18th century. To conclude; the location, and scale of the proposed development will alter the character and appearance of this landscape in views and experience to an extent that the development site, will dilute the identified tangible link with Nutwell Lodge Hotel and to a lesser degree its significance.

It is therefore considered that the proposed development on account of its location and scale, will fail to preserve the setting of the Nutwell Lodge Hotel as a Grade II

listed building and to a lesser extent their special architectural and historic interest (significance).

The proposed development on account of its location form and layout, will fail to preserve the setting of the North Lodge, Nutwell Cottages and Nutwell Lodge Hotel as Grade II listed buildings and to a lesser extent their special architectural and historic interest (significance). The Conservation Officer has identified that this harm equates to less than substantial harm to the significance of all three listed buildings.

In line with the National Planning Policy Framework Section 16 para. 208 and 212 it is considered that the proposed development, fails to preserve the setting of North Lodge, Nutwell Cottages and Nutwell Lodge Hotel, identified as Grade II heritage assets and to a lesser extent result in less than substantial harm to the significance of the listed buildings. In such circumstances Paragraph 215 of the NPPF requires the decision maker to determine whether any public benefits from the proposed development would outweigh the less than substantial harm identified, this weighing up exercise will be undertaken in the planning balance and conclusion section of this report.

Flooding, Surface Water and Foul Sewage

The application is supported by a Flood Risk Assessment prepared by Clarkbound. The application site is not at risk of flooding from fluvial, tidal, surface water or from reservoirs. Whilst the concerns have been raised regarding surface water flooding of the adjacent C road, subject to acceptable surface water attenuation measures, it is not anticipated that the development would cause flooding elsewhere.

The proposals would introduce approximately 4,000 square meters of built floorspace in addition to an access track and parking area. The development has the potential to significantly increase the run-off rate of surface water compared to the current greenfield rate. As such, the application shall need to demonstrate that surface water run-off implications have been fully considered.

Percolation testing as detailed within the letter from South West Geotechnical has identified infiltration will not be possible. In accordance with the drainage hierarchy, discharging into the ordinary watercourse is the next preferred option. The applicant has clarified that 'Scenario B' as detailed within the submitted FRA shall be incorporated into the development. This includes the construction of an attenuation basin which shall then discharge into the minor watercourse bordering Porters Lane to the north. Surface water generated by the hard standing areas shall be passed through an interceptor prior to attenuation whereas roof water flows shall be managed by a separate drainage system.

The Local Lead Flood Authority have reviewed Scenario B and consider this to be an appropriate solution.

The FRA and the Foul Drainage Assessment also details that foul water shall be dealt with on site via package treatment plant prior to also discharging into the minor watercourse. The Environment Agency acknowledge that the development shall not

connect to the public sewer system and, in accordance with the drainage hierarchy and as the use of soakaways is not feasible, the use of a package treatment plant is considered acceptable. Notwithstanding this, further technical details regarding the design specification of the attenuation basing shall be secured via condition if permission is to be granted.

The development would be at a very low risk of flooding and would not cause flooding elsewhere. Additionally, the detailed surface water attenuation measures are considered acceptable and in accordance with Policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-Off Implications of New Development) of the Local Plan.

Ecological Impact

A Preliminary Ecological Appraisal prepared by EcoLogic Consultants has been submitted in support of the proposals. The initial Preliminary Ecological Appraisal identified further survey work to be undertaken. Further winter Cirl Bunting reports were requested and provided. The results observed no Cirl Bunting within the site or surrounding the surveyed fields during potential winter breeding periods.

The Local Authority's Ecologist is satisfied with the survey effort and conclusions drawn within the protected species report. A set of mitigation measures have been suggested within the PEA, these are summarised as follows;

- Arable Field Management (para 6.2.1)
- Retention of boundary hedgerows (apart from removal to provide access).
- Need for a Construction Ecological Management Plan (CEMP).
- Need for a sensitive lighting plan to prevent illuminating the retained boundaries especially the dark corridor along the eastern boundary.
- Future management of retained and created habitats through a Landscape Ecological Management Plan (LEMP)
- New building to include inbuilt bat, bird, and invertebrate provisions.

The Impact Summary Table lists various species and habitat features that require further consideration. Importantly, there is potential for bats to use the boundary hedgerows as roosting habitat and therefore the development shall need to prevent tree removal and adverse levels of light spill on these features. The proposals have sought to mitigate the impact of light spill, particularly from the external lighting by providing a 5 metre Dark Buffer Zone and a 10 metre Dark Ecological Zones inset from the southern and eastern boundaries.

However, the application currently lacks detail regarding the exact number, type and size of planting to be provided to form the ecological corridors and how these shall be managed. If permission is to be granted than this detail shall be secured through a Landscape Ecological Management Plan. The survey also concludes that any further hedge removal, beyond what is currently proposed to facilitate construction of the new access and visibility splays, shall require further impacts on the presence of Dormice. In order to ensure that this habitat is appropriately managed during the construction

phase, a further condition would be proposed to secure a Construction and Environmental Management Plan is submitted and agreed prior to commencement of works.

The proposed development is approximately 1km from the Exe Estuary Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), and Ramsar. The Conservation objectives of the River Exe SPA are; to ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring the extent and distribution of the habitats of the qualifying features.

Whilst the proposals would not directly impact the qualifying features of the SSSI it has not been possible for the LPA to rule out 'likely significant impacts' that may arise when undertaking a Habitats Regulation Assessment. This is due to the proposed Surface Water and Foul Sewage Strategy that seeks to direct flows into the ordinary watercourse which are considered to form part of a network that serve the Exe Estuary. As such, the LPA have undertaken an Appropriate Assessment in order to assess whether the development would impact the integrity of the SSSI.

In this case, it is the position of officers that the proposed management of the surface/foul water and discharge into the watercourse would not harm the qualifying features of the Exe Estuary. However, potential pollution during the construction phase cannot be ruled out and must be considered and mitigated. As such, prior to commencement of the development, a Construction Ecological Management Plan must be submitted to the LPA for approval if permission were to be granted.

In light of the above, subject to conditions securing the mitigation measures detailed within the PEA and the submission of a CEMP and LEMP, the application is considered to meet the provisions of Policy EN5 (Wildlife Habitats and Features) and abide by The Conservation of Habitats and Species Regulations 2017.

Conclusions and Planning Balance

The National Planning Policy Framework states that Planning Law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, the proposals are contrary to the strategic approach of the Local Plan with regards to the provision of employment land within the district and economic development within rural areas. The proposals are therefore contrary to Strategy 7 of the East Devon Local Plan.

The applicant has provided evidence by way of the sequential test to demonstrate that there are no alternative sites within the district's designated employment areas that are available to meet the business growth now. Sites considered were either not close enough for the existing workforce, did not have any agricultural land, were not available for sale or, if allocated for employment uses, too expensive. However, as documented earlier within the report, officers remain of the view that insufficient evidence has been provided to demonstrate why the certain elements of business could not be separated and located more sustainably and in a less visually harmful

location. The comments that some potential alternative sites are not viable has not been substantiated with any evidence. As such, the Council are not satisfied that the proposals have provided sufficient justification to depart from the strategic approach to employment land. The proposals fail to accord with the development plan and this carries significant weight against approval.

It is acknowledged that the site is well related to the M5 via the A376 and, as a result, the commute for the current workforce from Darts Farm would not significantly change. The site is also within walking distance to a bus stop located at junction with Exmouth Road albeit this would involve individuals having to walk along the road between Exmouth Road and Stoney Lane which have no dedicated footpath and then across the A376. The No.57 and 96 runs a frequent service between Exmouth, Lymptstone and Exeter throughout the week. Although this provides a realistic alternative to the private car to travel to and from the site, due to the reasons highlighted above, it may not be possible or an attractive commute for all.

Furthermore, if permission were to be granted, conditions requiring the provision of cycle storage and the electric car charging points, would go some distance in further reducing the level of environmental harm caused. The applicant has also provided evidence that the provision of the solar arrays and battery storage would generate enough energy to meet 93% of the building's electricity demand.

Notwithstanding this, given the sites countryside location and physical separation from nearby settlements and facilities would result in the majority members of staff traveling to the site via private modes of transport. As such, the identified harm with regards to the location of the application site and the likely dependency on private modes of transport fails to meet the Strategy 5b and Policy TC2 of the Local Plan. In terms of the NPPF, conflict is identified with the overarching environmental objective at paragraph 8. C as the development fails to minimise pollution, mitigate climate change and assist in moving to a low carbon economy. While the green credentials and carbon footprint of operating the building might be low, the location of the building and need to access the site via the private car would still fail to meet these objectives.

As such, further conflict is identified with the objectives of paragraph 164 b) that requires development to be considerate of its location in order to reduce greenhouse gas emissions. The development is not easily accessible by pedestrians and therefore contrary the provisions of paragraph 109 that require development proposals to deliver well-designed, sustainable places that, alongside public transport, promote walking and cycling use.

The subsequent landscape visual harm to the character and appearance of the area identified by the LPA's Landscape Architect weighs significantly against the proposals and cannot be mitigated through additional landscaping at the site. The development fails to conserve and enhance landscape character and would demonstrably undermine landscape quality thereby failing to satisfy the tests set out in Strategy 46 (Landscape Conservation and Enhancement and AONBs). Whilst it is accepted that the bulk of this harm to landscape character is localised, the proposal building would also undermine the openness of the Coastal Preservation Area.

As already documented, the proposed development on account of its location and scale, will fail to preserve the setting of the Nutwell Lodge Hotel as a Grade II listed building and to a lesser extent their special architectural and historic interest (significance). Furthermore, on account of its location form and layout, the development will fail to preserve the setting of the North Lodge, Nutwell Cottages and Nutwell Lodge Hotel as Grade II listed buildings and to a lesser extent their special architectural and historic interest (significance).

In terms of the matters in favour of the development, the proposals would result in the provision of 3,900 sqm of employment land to assist in the identified shortfall of employment land. Additionally, the proposed development would enable the company to recruit a further 100 full time employees over the period from 2026 to 2030 increasing employment levels from 150 to 250 full time employees once complete and fully operational.

Evidence supplied by the applicant's consultant Turley indicate that the proposed development would result in a total GVA impact of around £14.8 million annually across the South West region, including £10.7 million in East Devon once complete and fully operational. Given the identified shortfall in the provision of employment land within the district and the level of employment generated, the resulting economic benefits are considered to be significant.

Finally, the educatering element to facilitate school children attending the site in classes to learn how their food is sustainably sourced, prepared and cooked has drawn supportive comments from representatives from schools who have already engaged with this element of the applicant's business. Information provided by the Applicant states that the original forecasts with regards to the number of schools receiving educatering services by 2024 have already been exceeded. which is considered to provide moderate social benefits that weigh in favour of the application.

Overall, as conflict with the development framework has been identified, a balancing exercise is required to conclude whether the material economic and social considerations outweigh the identified harm. It is the position of officers that the identified conflict with the development framework and landscape harm are both individually attributed significant weight against approval in the planning balance. The less than substantial harm to nearby heritage assets and the environmental harm, due to the site's countryside location and lack of accessibility to pedestrians are attributed moderate weight. If the heritage harm was the only outstanding matter against approval and the Council were satisfied that the application site was the only reasonable site available to meet the businesses' needs, then then when applying the tests as set out in paragraph 215 of the NPPF the public benefits of the scheme would outweigh the less than substantial harm identified by the Council's Conservation Officer. However, as the Council is not satisfied that the development could not be reasonably located elsewhere the identified harm to heritage assets could be avoided.

Having attributed due weight to the significant economic benefits and moderate social benefits of the proposal, it is the view of officers that these do not outweigh the significant harm that would result from the development. As such, it is the position of officers that the application is contrary to the development plan and the adverse

impacts arising from the development would significantly and demonstrably outweigh the benefits. As such the application is unacceptable is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development would be located outside of any defined Built-Up Area Boundary where new development is strictly controlled. In the absence of any policy within the East Devon Local Plan that would facilitate the development, the proposals represent unjustified and unsustainable development in the countryside in conflict with the spatial approach to accommodate new commercial development within defined settlements and on established or allocated employment sites. Furthermore, due to the site's remote location from nearby settlements, the site is not accessible to pedestrians and as a result individuals are likely to be dependent on private modes of transport to access the site. It is not considered that there are material circumstances to outweigh the adverse impacts of further commercial development in this location which justifies a departure from policy. As such, the proposal is contrary to Strategies 5b (Sustainable Transport) and 7 (Development in the Countryside) and Policy TC2 (Accessibility of New Development) of the Adopted East Devon Local Plan 2013-2031, the Adopted East Devon Villages Plan and Strategies SP01 (Spatial Strategy), SP04 (Employment Provision and Distribution Strategy) and SP06 (Development Beyond Settlement Boundaries) and Policy TR01 (Prioritising Walking, Wheeling, Cycling, and Public Transport) of the Emerging East Devon Local Plan 2020 - 2042 as well as the guidance contained within the National Planning Policy Framework.
2. The proposed development by virtue of its industrial nature, extent, scale and mass would introduce an incongruous form of development contrary to the rural character of the site and wider area, would erode the open landscape of the Coastal Preservation Area and result in less than substantial harm to the significance of nearby heritage assets. The resulting adverse visual impact, landscape and heritage harm are considered to be contrary to Strategies 7 (Development in the Countryside), 44 (Undeveloped Coast and Coastal Preservation Area) and 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness), EN9 (Development Affecting a Designated Heritage Asset) and D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031 and Strategic Policies DS01 (Design and Local Distinctiveness) OL01 (Landscape Features), HE02 (Listed Buildings) and OL03 (Coastal Preservation Areas) of the Emerging East Devon Local Plan 2020 – 2042 and guidance contained within the National Planning Policy Framework.

Plans relating to this application:

1789-PL20 REV A: GF Classroom	Proposed Floor Plans	17.02.25
1789-PL21 REV A: Classroom	Proposed Elevation	17.02.25
1789-PL22 REV A: Classroom	Sections	17.02.25
1789-PL03 REV E	Proposed Site Plan	17.02.25
1789-PL04 REV F: Ground	Proposed Floor Plans	17.02.25
1789-PL05 REV F: First	Proposed Floor Plans	17.02.25
1789-PL06 REV D	Proposed roof plans	17.02.25
1789-PL07 REV D	Proposed Elevation	17.02.25
1789-PL09 REV D: Proposed	Sections	17.02.25
1789-PL10 REV C: Building	Sections	17.02.25
1789 PL01 REV A	Location Plan	05.12.23

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.