

**Ward** Ottery St Mary

**Reference** 23/2077/MOUT

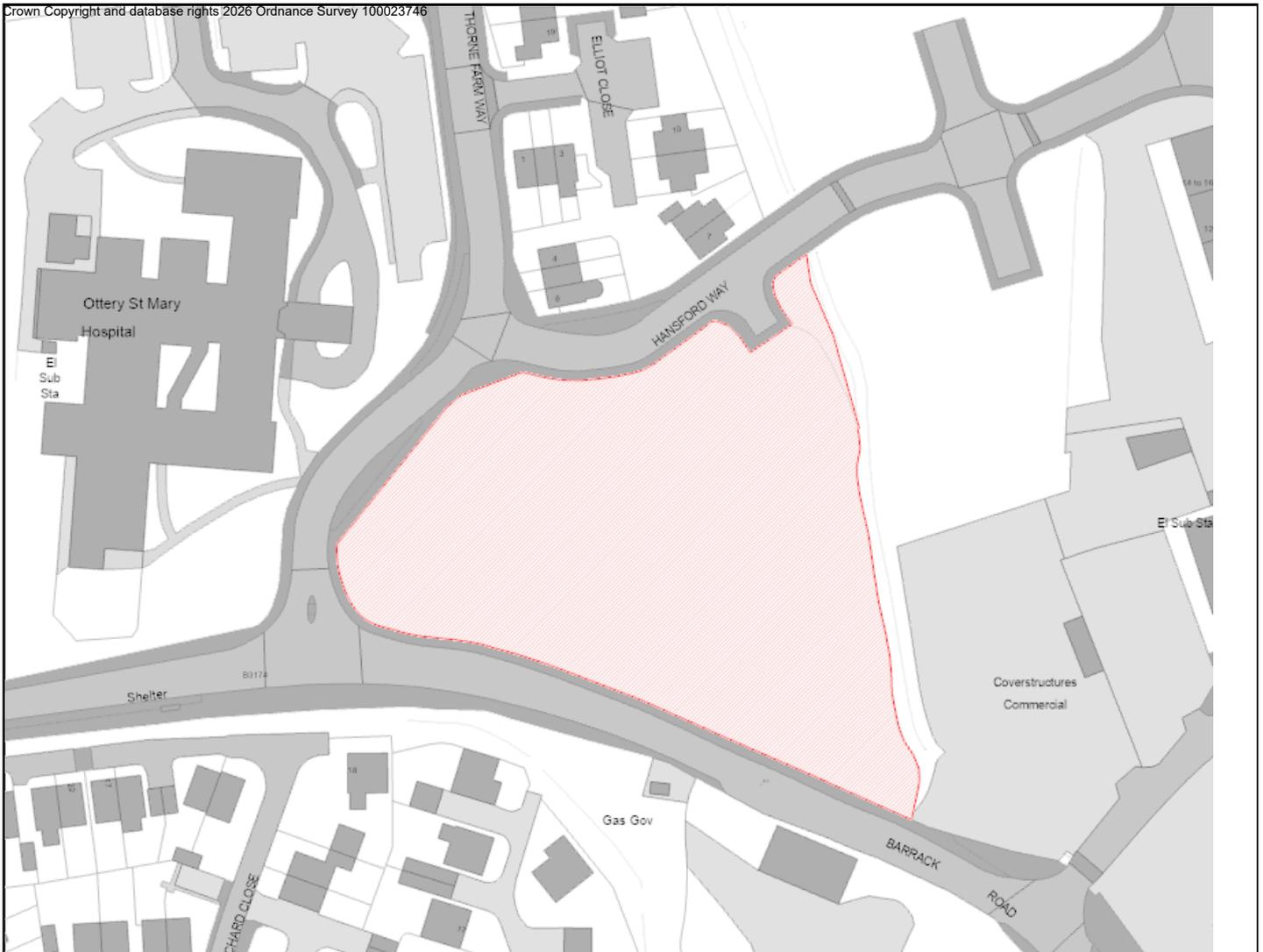
**Applicant** Mr Graham Hudson

**Location** Land South Of Hansford Way Ottery St Mary

**Proposal** Outline application for single storey class B8, E(c) and E(g) development comprising floor space of up to 2640 sq. m. (all matters reserved)



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 24.03.2026</b>	
<b>Ottery St Mary (Ottery St Mary)</b>	<b>23/2077/MOUT</b>	<b>Target 28.12.2023</b>	<b>Date:</b>
<b>Applicant:</b>	<b>Mr Graham Hudson</b>		
<b>Location:</b>	<b>Land South Of Hansford Way, Ottery St Mary</b>		
<b>Proposal:</b>	<b>Outline application for single storey class B8, E(c) and E(g) development comprising floor space of up to 2640 sq. m. (all matters reserved)</b>		

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

This application is brought before the Committee owing, principally, to a difference of opinion between officers and one of the ward members. However, as the proposal falls within a 'Major' category of development, the conflict between the officer position and that of the town council also triggers a need for Committee referral.

The proposal seeks outline planning permission for the development of up to 2640 sq. m. of employment floor space on a currently vacant site, extending to around 0.77 ha in area, on the north side of Barrack Road. It is essentially bordered by the existing Finnimore Industrial Estate to the east whilst the community hospital and housing served by Thorne Farm Way are to the west and north, respectively. Hansford Way is a secondary route that connects Thorne Farm Way with the industrial estate to the north of the site.

The majority of the site lies within flood zone 2 with approximately half of the site area also within flood zone 3.

The scheme proposes a mix of uses that fall within Classes B8 (Storage or Distribution), E(c) (Financial, Professional and other Services appropriate for provision within a commercial, business or service locality) and E(g) (Office, Research and Light Industrial) as defined in Schedules 1 and 2 to the Town and Country Planning (Use Classes) Order (as amended) (UCO).

All detailed matters, comprising the layout, scale and appearance of development and means of access to, and landscaping of, the site are reserved for consideration at a later stage.

The site is, and has long been, designated as part of a larger Employment

**Allocation within the current adopted and predecessor local plans. As such, it is considered that the fundamental principle of the scheme, which would consist of traditional current and former B Class uses, would be acceptable.**

**The proposal is also thought to be acceptable having regard to all other contextual matters, such as its impact upon the character and appearance of the area, neighbour amenity impact, highways/traffic/parking, detailed flood risk mitigation matters, foul and surface water drainage disposal, ecology and archaeology.**

**Whilst a number of the concerns expressed by the town council, ward members, third parties and consultees in regard to the submitted site layout details are acknowledged, it should be emphasised that the current proposals are in outline alone with a maximum (as opposed to a fixed) level of floor space proposed. There would therefore be an opportunity at the reserved matters stage to assess the acceptability, or otherwise, of the details.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

A member of public spoke and acknowledged that the applicant had listened to some of the objections previously raised but that they still objected to the application, overall. A list of their objections were resummarised to the Committee.

#### Council Comments;

The Town Council do not support this application;

The look of the buildings is essential as the proposed site is at the entrance to Ottery  
There is a need for comprehensive landscaping to address the site appearance and potential issues with flooding

As previously commented, the Council feel that the hours of operation should be reduced to 6pm except Saturday where it should be 1pm

Footpath no 25 which is a public right of way is not mentioned in the plans

Concerns over parking issues, noise and various other pollutants near a hospital/school and residential area

B2 category (any industrial use) not appropriate at this site

#### Ottery St Mary - Cllr Vicky Johns

This application sits within my ward and I OBJECT to the application for a number of reasons;

I'm aware this site sits within land designated in the Neighbourhood plan for employment land but that doesn't mean it has to be industrial land, the application is for business type by which can be for a number of activities leading to excessive noise in an area which now has adjacent residential areas and a local hospital. The hours put forward to work are;

Mon-Friday 08:00-20:00

Saturday 08:00-20:00

This will cause a lot of noise and disturbance for neighbouring residential properties and indeed the hospital.

With respect to NPPF, subjecting residents to noise levels above the British Standard 'desirable' threshold, let alone at or beyond the 'upper' level, is contrary to NPPF paragraph 119 (healthy living conditions) and NPPF paragraph 130 (promoting health and well-being):

- NPPF Paragraph 119 states "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions."

- NPPF Paragraph 130 adds that "planning decisions should ensure that developments: f) create places that are safe, inclusive and accessible and which promote health and well-being"

The site had a Preliminary Ecological Appraisal done in December 2022 where the following was noted;

### 1.3 Site Ecology

The site has potential for/supports:

' Amphibians ' the grassland, tall ruderal and scrub provide suitable habitat for common amphibian species;

' Badger Meles ' no badger setts were identified on-site, however there was evidence of badgers foraging on site. Thus, the site is used for foraging and dispersal by badgers;

' Bats:

' Feeding & dispersal: the site will provide feeding and dispersal habitat for bat species;

' Birds ' the habitats on site will provide nesting and foraging opportunities for bird species;

' Hedgehog *Erinaceus europaeus* ' the site is likely to provide foraging and dispersal habitat for hedgehog; and,

' Reptiles ' the grassland, tall ruderal, and scrub provide suitable habitat for reptile species.

However the shrubs etc were all then torn out without any further investigation being done into the whereabouts etc of the animals mentioned above, I was concerned at the time and raised my concerns with EDDC. Since then the area has become green again and I have concerns that the same thing will happen again, with no consideration or concerns raised for the wildlife who currently use this area as a home.

The site is in a very prominent area of Ottery and is seen as soon as you enter the town, this means the site needs to stay attractive and the current scheme does not show that being done in any way, as shown by EDDC landscape architects report date December 2022 and apart from the buildings being turned around a little bit not a lot has changed.

Parking and traffic is going to be a major cause for concern, the roads may be wide enough for the vehicles however is in an exceptionally well used road being the main road into Ottery from the Exeter side, with a school, hospital and industrial centre within close proximity. Residents and the hospital are already concerned with the amount of traffic and parking issues they currently have and I don't see any way of alleviating that issue within this application.

I also note public footpath 25 runs through this site and I don't see it mentioned anywhere'.

With the information in front of me I object to this application but reserve the right to change my mind if further information becomes available.

#### Ottery St Mary - Cllr Bethany Collins

I welcome this application as the site has already been designated for employment/industrial purposes. My only concerns are the potential noise pollution and the preservation of the public right of way which has been in place for some time.

As long as mitigations to protect nearby residents from noise pollution are considered and implemented, as the public right of way is maintained, I see no issue with this development.

These are my views based on the information currently available to me. I reserve the right to alter my comments if further information comes to light.

#### **Technical Consultations**

##### DCC Flood Risk Management Team

Recommendation:

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- (a) A detailed drainage design based upon the approved Drainage Strategy Plan (Drawing No.1002 , Rev.PL02 , dated 10th June 2024) .
- (b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (d) A plan indicating how exceedance flows will be safely managed at the site.
- (e) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

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

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG.

The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:

The applicant has proposed to manage surface water via an attenuation tank before discharging it into Main river. The applicant should consult the Environment Agency for consent.

#### County Highway Authority

Observations:

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

The site is accessed off Hansford Way, near the Junction of the B3174 strategic transport route from the A30 into Ottery town centre.

The internal layout gives sufficient space for off-carriageway turning.

Final parking numbers will be a matter for the Local Planning Authority (LPA) to decipher.

The pedestrian access directly onto the B3174, has sufficient pedestrian visibility onto the footpath running into the town centre, there is a tactile island to cross the junction heading out of town, and a bus stop on each side of the road.

In summary, I do not believe the trip generation for this proposal will create an unacceptable impact upon the local highway network.

Should the application be approved, a reserved matters application will require secure cycle storage to encourage sustainable travel and help mitigate the trip generation from this development. In addition, a comprehensive Construction and Environment Management Plan (CEMP) to help mitigate against the effects of construction upon the local highway network.

Finally swept path plans showing that the site can successfully be attended by a refuse and fire vehicle manoeuvre.

Recommendation:

#### EDDC Landscape Architect

Please see scanned letter under the 'documents' tab.

#### Environmental Health

I have considered the application and I and I would recommend a number of conditions:

1. This application involves the introduction of new commercial development in close proximity to existing noise sensitive dwellings and a hospital and therefore, it raises Environmental Health concerns in relation to noise.

A BS4142:2014+A1:2019 assessment should be undertaken in order to determine the likely noise impact from the development on nearby noise sensitive properties including external amenity areas when measured against the current background sound levels. The purpose of the noise assessment is to determine whether or not any local noise sensitive receptors are likely to be adversely affected by noise from the introduction of the development. This information will help the decision-making process for the proposed systems. If the noise assessment highlights noise as an issue, further mitigation will need to be considered and assessed in order to

determine if it is at an appropriate level to achieve both satisfactory internal and external (amenity areas) noise levels.

A Construction and Environment Management Plan (CEMP) must be submitted and approved by the Local Planning Authority

A lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority prior to any development commencing

Additional Comments:

Due to a high number of noise sensitive receptors (NSRs) in close proximity to the proposed development, a Swept Path Analysis will need to be undertaken assessing the impact of vehicle noise at the nearest NSRs to the site entrance off Hansford Way and the other NSRs on Hansford Way and Thorne Farm Way. This information will be used to consider the requirement for any further restriction in the developments the hours of use (including deliveries and despatches).

I'm happier with the change of classes use i.e., removing the B2 general industrial use. This does address EH concerns in relation to noise and can confirm that no further assessment is required. As the agent has already suggested restricting the B class use operating hours to M-F 8am-6pm and Saturday 8am-12 I'd recommend approval with the following condition:

- o For Class B uses - No deliveries shall be accepted or despatched to or from the site except between the hours of 8:00am until 6:00pm Monday to Friday, or 8:00am until 13:00 on Saturdays, and not at all on Sundays or Bank Holidays.
- o For Class E uses - No deliveries shall be accepted or despatched to or from the site except between the hours of 7:00am until 23:00pm.

#### EDDC Trees

There appear to be few tree constraints on site apart from along the north eastern boundary. These tree constraints need to be taken into account and the design should be based around BS5837.

In principle I would not object to the development of the site as long as there is appropriate landscaping including the planting of large scale trees in the interests of amenity and urban greening.

#### Economic Development Officer

Recommendation: Support

The application proposes the development of 2,640sqm B2, B8, E(c) and E(g) class employment space. In terms of employment, this proposed development has the potential to accommodate 70 full-time equivalent jobs. The 0.77ha site has been allocated for employment uses in the current East Devon Local Plan.

#### Employment Land Supply and Demand

East Devon is experiencing a serious and protracted market failure in the supply of available employment land and commercial premises across the district. This is

constraining inward investment, local business growth and forcing some employers to have to leave the district.

The East Devon Local Economic Review (LER, Sept 2023) was endorsed by Cabinet on the 10 October 2023 and circulated to all members on the 23 October 2023. This work provides an overview of workspace supply and demand based on data provided by commercial agents and specialist consultants. The evidence shows that unmet demand as of November 2022 for employment space stood at 50.8ha, whilst available supply stood at just 1.7ha. This demonstrates a striking lack of available supply to meet existing demand undermining the supply of local employment and economic activity.

The LER also includes figures for the additional demand of employment space expected between 2019 and 2040. These forecasts suggest an additional 79ha of employment land is required to meet future need. These figures include 10ha of demand for logistics space and factor in the reduced demand for office space resulting from the culture-shift to hybrid working. Current and future demand combined equates to around 129.8ha of additional employment space required.

Expected supply of employment land has also been calculated based upon a number of sites in East Devon, including the application site, which could be developable within the 2019-2040 timeframe. Assuming all of these sites can be delivered, this would add up to 85.4ha of additional space. There are significant concerns that some of these sites are financially unviable and/or have no landowner intention to develop. These issues are being explored further by officers. Even if all of the sites identified are developed, including the application site, there would still be a shortfall of 42.7ha of employment space in East Devon.

#### Conclusion

The critical and worsening lack of employment land in East Devon is a significant concern to be given weight by planning colleagues and which we hope will be acknowledged by members of our Development Management Committee. If this site is not developed for employment uses, the 42.7ha gap between supply and demand identified in the LER will widen. The Economic Development team therefore fully support the proposed development of this site for employment uses.

#### DCC Historic Environment Officer

No objection subject to conditions

#### Environment Agency

Environment Agency position

Following review of the revised Flood Risk Assessment (Burley Partnership dated 10.09.24) and revised proposed 'Site Plan' ref. 2197-1D which reflects the changes suggested in our previous letter - namely removing the two units which were closest to the watercourse and removal of the unpermitted earth embankment in the eastern part of the site. As such we are able to remove our objection to the proposal subject to the inclusion of a condition on any permission granted relating to details of ground levels and landscaping.

#### EDDC District Ecologist

The application is supported by an Ecological Impact Assessment (EclA) (EcoLogic, October 2025). Supporting ecological surveys are considered valid to support the application.

The EclA confirms the site supports legally protected and notable species including common toad, a Species of Principal Importance, common frog, foraging badger, and is used by bats including occasional use by light adverse greater horseshoe, barbastelle, and myotis species. The site has potentially suitable habitat for dormice, nesting birds, and hedgehogs.

The application is not subject to mandatory biodiversity net gain (BNG) as it was validated prior to its implementation.

The recommendations in the EclA to avoid impacts on protected and notable species are considered proportional for the proposed scale of development, assuming they are fully implemented. The eastern boundary is likely to be the most ecological sensitive part of the site, adjacent to a small stream.

As this is an outline application there is limited detail. The outline plan indicates that development is located within close proximity to the southern and western boundaries. Any detailed proposal should ensure that buildings are sufficiently offset from boundaries to allow maintenance of these habitats from the development site and to ensure the success of any boundary tree planting, e.g., considering root zones.

It is recommended that boundaries should be planted as species-rich Devon bank hedges with occasional standard trees. These details would need to be set out in a Landscape and Ecological Management Plan (LEMP).

While it is considered that impacts on protected and notable species could be mitigated for, it is considered that given the limited area of proposed open-space habitat, the development would result in an adverse ecological impact through the loss of neutral grassland and scrub, e.g., as the development is not subject to mandatory BNG to account for these losses.

Should the proposal be minded for approval the following conditions are recommended:

1. The development shall be carried out in accordance with the Ecological Impact Assessment (EclA) EcoLogic (October 20252),
2. No development shall take place (including ground works) until a Construction and Ecological Management Plan (CECoMP) has been submitted to and approved in writing by the local planning authority.
3. A Landscape and Ecology Management Plan (LEMP) for a minimum 30 year period following completion of the development (or relevant phase thereof) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development.  
for the site.

#### Other Representations

A total of 12 representations of objection and 1 representation of support have been received across two rounds of consultation throughout the course of consideration of the application.

## Summary of Grounds of Objection

1. Insufficient information provided to demonstrate that the development will not result in an adverse impact on road safety, flood risk, noise impact, landscaping and visual amenity or that such impacts can be adequately addressed by measures to be considered in future at reserved matters stage.
2. Transport statement provides no assessment of likely trip generation and fails to quantify the impact or risk or demonstrate how such risk to the safety of residential, hospital and school users by increased traffic will be mitigated.
3. Unclear whether the site can provide safe and suitable access for emergency service vehicles.
4. Application has not demonstrated that a drainage strategy to adequately manage surface water and safeguard against increased flood risk can be delivered.
5. Development proposes no screening or planting to ensure it will not result in an adverse impact on visual amenity for adjacent residents and insufficient space to provide it.
6. Unclear how the development will be able to implement adequate mitigation to safeguard against any adverse noise impact on the adjacent residential properties in line with World Health Organisation Environmental Noise Guidelines; it therefore fails to comply with the NPPF.
7. Excessive noise and vehicle congestion that will exacerbate existing traffic generated by the Finnemore estate and hospital and during school drop off and pick up times when there are often long waits to exit Thorne Farm Way.
8. The existing Finnemore industrial estate is a fine example of poor planning and lack of any landscaping at the entrance to the town and this development will only make it worse.
9. Hospital is now getting more use and ease of patient access should be a priority over the proposed units.
10. Removal of bank alongside the footpath will lead to its closure from flooding as well as increased flooding in the area.
11. Concern at refuse storage opposite housing which could possibly include hazardous waste.
12. East Devon does not have a shortage of land for employment use; there is a large site next to Lidl in Honiton close to the council offices that has been up for sale for a long time and is still vacant.
13. Poor impression at entrance to town in addition to the existing estate and overdevelopment in the middle of a residential, healthcare and education area; wrong use for the land, especially given the change in character of the area since the land was first allocated for employment development.
14. Excessive noise and air pollution with dust and dirt affecting nearby properties.
15. Conflicts with many re-wilding efforts around the town and the protection of wildlife and their habitats.
16. Adverse impact upon property values in Thorne Farm Way and Kings Reach.
17. Insufficient road capacity for even more traffic in the area.
18. The Finnemore Estate already has a sufficient supply of units for the town and research of the market shows demand for units and land remains low locally and nearby; to build more on this site could lead to buildings remaining unoccupied.
19. The combination of watercourse, footpath and natural trees and shrubs form a well-defined natural barrier which should not be crossed into a predominately residential area.

20. The application site would be much better suited for amenity/MUGA/parking use or returned to an area for nature maintained by the community.

21. Conflict between small gain in employment, which can be achieved with different and better uses for the site, against a need to avoid higher flood risk, increased noise pollution and greater traffic congestion that if allowed will affect a lot of people in the immediate area.

#### Summary of Grounds of Support

1. East Devon woefully lacks decent accommodation for business.
2. Support subject to substantial and adequate screening, limitation of use to clean business and the offer of premises freehold to locally registered businesses.
3. Importance of infrastructure for the economy cannot be overstressed.
4. Skypark is inaccessible to local business due to freehold being tied up between developers, estate agents and chosen landlords.

## **POLICIES**

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

Strategy 1 (Spatial Strategy for Development in East Devon) Adopted

Strategy 3 (Sustainable Development) Adopted

Strategy 4 (Balanced Communities) Adopted

Strategy 5B (Sustainable Transport) Adopted

Strategy 6 (Development within Built-up Area Boundaries) Adopted

Strategy 24 (Development at Ottery St Mary) Adopted

Strategy 30 (Inward Investment, Communication Links and Local Benefits) Adopted

Strategy 31 (Future Job and Employment Land Provision) Adopted

Strategy 38 (Sustainable Design and Construction) Adopted

Strategy 50 (Infrastructure Delivery) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

D3 (Trees and Development Sites) Adopted

EN5 (Wildlife Habitats and Features) Adopted

EN14 (Control of Pollution) Adopted

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System) Adopted

EN21 (River and Coastal Flooding) Adopted

EN22 (Surface Run-Off Implications of New Development) Adopted

E2 (Employment Generating Development in Built-Up Areas) Adopted

E9 (Town Centre Vitality and Shopping Areas) Adopted

TC2 (Accessibility of New Development) Adopted

TC4 (Footpaths, Bridleways and Cycleways) Adopted

TC7 (Adequacy of Road Network and Site Access) Adopted

TC9 (Parking Provision in New Development) Adopted

#### Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP01 (Spatial strategy) Draft

Strategic Policy SP04 (Employment provision and distribution strategy) Draft

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy SD04 (Ottery St Mary and its development allocations) Draft

Strategic Policy AR01 (Flooding) Draft

Policy SE01 (Employment development within settlement boundaries) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport) Draft

Policy TR04 (Parking standards) Draft

Policy OL09 (Control of pollution) Draft

Policy PB07 (Ecological enhancement and biodiversity in the built environment) Draft

Policy PB08 (Tree, hedges and woodland on development sites) Draft

Policy HE04 (Archaeology and Scheduled Monuments) Draft

#### Made Ottery St Mary and West Hill Neighbourhood Plan 2017-2031 Policies

NP2 (Sensitive, High Quality Design)

NP7 (Flood Defences)

NP8 (Protection of Local Wildlife Sites and Features of Ecological Value)

NP18 (Supporting Ottery St. Mary as the Economic Focus for the Parish)

NP19 (Employment Uses Finnimore Industrial Estate)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2024)

### **ANALYSIS**

#### Site Location and Description

The application site comprises a parcel of largely open undeveloped land, approximately 0.77 hectares in area and very broadly of triangular configuration, bound by Barrack Road (part of the B3174) to the south, Thorne Farm Way to the west and Hansford Way to the north.

The Ottery St. Mary Hospital is located on the opposite side of Thorne Farm Way from the site while residential development in Elliot Close lies to the north beyond Hansford Way, which itself forms a secondary access to the Finnimore Industrial Estate, the principal entrance to the estate being off Barrack Road to the south east of the site. Modern housing development is located to the south on the opposite side of Barrack Road.

The remaining eastern boundary of the site is defined by a public footpath (no. 25) that connects Barrack Road with Hansford Way a short distance to the east of a spur/turning head off the latter. A watercourse forming a tributary of the river Otter extends north to south broadly parallel with this footpath between it and the boundary of a further part of the Finnimore Industrial Estate to the east.

The site falls gently from west to east and, with the exception of a small area immediately alongside part of the boundary with Thorne Farm Way, lies within flood zone 2 whilst the marginally lower part of the site to the south and east is within flood zone 3.

The site is located within the Built-up Area Boundary (BuAB) of the town as defined in the adopted Local Plan and made Neighbourhood Plan and forms the majority of a designated Employment Allocation as set out within the former document.

#### Proposed Development

The application seeks outline planning permission for the development of up to 2640 square metres of employment floor space. This would comprise a mix of uses that fall within Classes B8 (Storage or Distribution), E(c) (Financial, Professional and other Services appropriate for provision within a commercial, business or service locality) and E(g) (Office, Research and Light Industrial) as defined in Schedules 1 and 2 to the Town and Country Planning (Use Classes) Order (as amended) (UCO).

All detailed matters, comprising the appearance, layout and scale of the development and landscaping of, and access to, the site, are reserved for later consideration.

However, the proposal description agreed with the applicant's agent expressly refers to a single storey scale of development. The proposal is therefore being considered on this basis. Furthermore, the submission also includes an indicative site layout plan that has been amended during the course of the application to take into consideration flood risk issues (discussed in greater detail within the relevant part of the report below). This shows the entirety of the development concentrated within flood zones 1 or 2 - with none within the higher risk flood zone 3 - in the form of a series of connected buildings/'blocks' with stepped elevations onto both Barrack Road and Thorne Farm Way.

Vehicular access is shown, indicatively, to be taken off the spur/turning head off Hansford Way towards the north eastern corner of the site with an internal estate road serving groups of parking spaces outside of each 'block' of units within a loosely formed courtyard, some of which would be laid out within flood zone 3. The remainder of the site to the east (i.e. within flood zone 3) is shown as being a 'biodiversity enhanced landscaped area'.

A new pedestrian access into the site from Barrack Road is also shown on the illustrative site plan in a position just to the east of the Thorne Farm Way junction.

The plan also identifies an 'existing hedge bank' around the Barrack Road and Thorne Farm Way boundaries to be 'retained/augmented' and indicatively shows tree planting throughout the site as well as alongside both of these boundaries between the stepped elevations of the units.

The proposals as originally submitted also included uses falling within Class B2 (General Industry) of the Use Classes Order. However, these have been omitted in the light of the concerns raised by consultees and interested third parties.

#### Considerations/Assessment

The proposal falls to be considered having regard to the following material issues that are discussed in turn.

#### Principle of Development

The application site has long been allocated for employment purposes within predecessor town and district-wide plans to the current adopted Local Plan, having been viewed as a natural extension to the neighbouring Finnimore Industrial Estate. It is also similarly allocated in the emerging Draft Local Plan 2020-2042. As a matter of broad principle, therefore, both plans are supportive of proposals for development of the site for employment-generating purposes.

Strategy 24 (Development at Ottery St. Mary), among other provisions, lists the site, together with two further neighbouring and nearby parcels of land on the edge of the Finnimore Estate, as an allocation for employment purposes. The strategy also expressly requires, among other objectives, that proposals for development in the

town should provide employment opportunities, including on land allocated for employment uses.

In addition, the preamble to Policy NP19 (Employment uses Finnimore Industrial Estate) of the made Ottery St. Mary and West Hill Neighbourhood Plan also recognises the above employment land allocations totalling 2.2 hectares in area.

In broad terms therefore, the development of the site for employment purposes would be consistent with this strategy.

The consultation comments of the Council's Economic Development Officer in relation to the wider employment supply situation across the District are also recognised as weighing significantly in favour of the release of the application site for employment development purposes.

Moreover, it is accepted that the Class B8, E(c) and E(g) uses applied for would all satisfy the definition of appropriate 'employment' uses for the purposes of satisfying the purpose of the employment allocation of the site. Those falling within Class B8, would comprise storage or distribution uses, as stated, while those falling within Class E(g) were, until the amendments to use classifications that were introduced in 2020, within the former Class B1 (Business/Light Industrial) and also regarded as being acceptable employment uses.

The current Class E(c) uses previously fell within Class A2 (Financial and Professional Services) where a defining characteristic of such uses/services was their appropriateness for provision within a 'shopping area'. They were therefore often regarded as being outside of the 'traditional B Class' uses accommodated within areas allocated for employment purposes.

However, the 'new' Class E(c) is altogether more flexible insofar as it includes financial, professional and other services that are appropriate for provision in a 'commercial, business or service locality'. As such, the uses that it includes are considered to be acceptable for the purposes of the employment allocation.

Matters relating to the sequential and exception tests for flood risk are discussed later in the report.

The proposed development is therefore considered to be in line with the long held and current policy objectives for the site and, as such, is acceptable in principle.

#### Layout/Design/Impact upon Character and Appearance of Area

The concerns and issues raised by the town council, ward members and interested third parties in this regard are duly acknowledged. However, it should be emphasised that the current application has been submitted in outline alone with all detailed matters, including those relating to the layout, scale and appearance of buildings on the site, reserved for submission and consideration at a later stage.

Three further points are also reiterated.

First, the submitted site layout is purely indicative at this stage and, aside from having been amended during the course of the application to move buildings out of flood zone 3 so as to address flood risk issues, does not necessarily represent, the detail of what may emerge at the reserved matters stage.

Indeed, it is recognised at this stage that such a layout may not necessarily be acceptable from the perspectives of either the presentation of an acceptable elevation treatment and active frontage to either Barrack Road or Thorne Farm Way or the realisation of an appropriate level of soft landscaping around the site boundaries with these and, more broadly, within the considerable public domain within which this visually prominent site is located close to a key entrance to the town. Furthermore, as regards the latter, there can be no certainty as to the ability of the various individual trees that are shown indicatively on the submitted site plan to properly establish within the modest spaces in which they are shown.

It is therefore agreed that the detailed proposals that are ultimately brought forward, which - as stated - would necessarily include details relating to layout, scale (including footprint areas of buildings) and landscaping as three of the specific reserved matters, would be required to address these issues. However, at this stage, it is not considered that the principle of the proposed development could reasonably be resisted on the basis of a lack of satisfactory detailing of such matters or those relating to unit numbers or densities.

Secondly, the agreed description of the proposed development reflects a specific commitment to realise a single storey form of development on the site. As such, in the event of a grant of outline planning permission, this would need to be carried forward in terms of the scale and form of buildings that are the subject of the reserved matters application.

Conversely, if this is not the case, any proposals for development of greater scale that extend beyond the scope of the outline permission (if granted) would need to be robustly justified and the importance of appropriate assimilation into the surrounding townscape with comprehensive site landscaping accentuated.

Nevertheless, the wider point remains that this would be an issue for the reserved matters stage.

Thirdly, the inclusion of the wording 'up to 2640 square metres' of floor space within the proposal description builds in a maximum level of floor space as well as flexibility for provision of a reduced level of floor space below this figure. Any subsequent application for the approval of the detailed matters reserved by a grant of outline permission would therefore be required to reflect this description whilst any alternative involving the provision of additional floor space would be required to take the form of either a fully detailed submission or be incorporated as part of a revised outline application.

On the basis of the balance of these considerations therefore and also having regard to the matters of principle set out above and the outline nature of the submission, it is not thought that any prospective development of the site could reasonably be

resisted at this stage on the basis of any detrimental impact upon the character or appearance of the area.

The proposal would therefore satisfy the objectives of adopted Local Plan Strategy 6 (Development Within Built-up Area Boundaries) and Policy D1 (Design and Local Distinctiveness) that, among others, seek to ensure that development is compatible with the character of the site and its surroundings and respect the key characteristics and special qualities of the wider area.

#### Impact on Neighbour Amenity

Much of the concern expressed in regard to the impact of the proposed development upon amenity has been prompted by the proposed hours of opening as set out within the application together with the proposed inclusion of Class B2 uses within the development and their potential amenity effects upon the living and operating conditions of nearby residents and the hospital, respectively, principally as a consequence of increased noise and disturbance.

The intended 'hours of opening' are specified within the application as being 8.00am to 8.00pm Monday to Saturday.

However, the application was completed prior to the final description of the proposed development, incorporating a more detailed breakdown of the use classes, being agreed with the applicant's agent. As such, it only refers to 'Class E/Employment development' and the specified hours of opening are simply set out under the heading 'Class E - Commercial, Business and Service'; i.e. there is no reference to the separate Classes B8 uses or any breakdown between the hours relating to the proposed Class E(c) uses and those pertaining to the proposed E(g) uses.

The agent, in commenting on this issue in response to the objections that have been raised, has highlighted the absence of any objection to the application from the Council's Environmental Health team on the basis of the hours of operation proposed.

However, it has been indicated that there would be a willingness to accept a restriction to the hours of operation of the proposed Class B8 uses to the hours of 8.00am to 6.00pm Monday to Friday and 8.00am to 1.00pm on Saturdays.

The relatively benign nature of Class E(c) and E(g) uses, especially relative to Class B8 use, is such that it is not considered that their operation until 8.00pm six days of the week would be materially harmful to the character of the wider area or the living conditions of nearby residents. However, the more restricted hours offered for the Class B8 uses are thought to be necessary in the interests of the amenities of those living near to the site.

Similarly, there is no objection from the Environmental Health team to more flexible hours for **deliveries** (i.e. as opposed to the **hours of business**) associated with the proposed Class E(c) and E(g) uses. These would be permitted from 7.00am until 11.00pm.

As stated above, Class B2 (General Industry) uses that might otherwise be the least neighbour friendly from the point of view of noise and disturbance no longer form part of the proposals.

The proposals are therefore considered to meet with the relevant provisions of Local Plan Policy D1 (Design and Local Distinctiveness) that permit proposals where, among other things, they do not adversely affect the amenity of neighbouring and nearby occupiers of residential properties.

#### Highways/Access/Parking

No objections are raised to the proposal by the County Highway Authority (CHA) subject to a recommended condition of a standard nature requiring the submission of a construction management plan for the Council's approval prior to the commencement of development.

The CHA has expressed no concerns regarding the suggested access to the development off Hansford Way or the adequacy of on-site manoeuvring arrangements which are considered to provide for sufficient space for off-carriageway turning of vehicles. Furthermore, the pedestrian access indicated on the submitted illustrative site layout plan would be positioned where there would be sufficient visibility for pedestrians along Barrack Road in the direction of the town centre as well as close proximity to a tactile crossing and island at the Thorne Farm Way/Barrack road junction with further pedestrian facilities beyond that to the west and bus stops on both sides of Barrack Road just west of the same junction.

It is also anticipated that the level of trip generation from the development would avoid any unacceptable impacts upon the local highway network, especially if this can be mitigated to some extent by the inclusion of secure cycle storage facilities within the scheme so as to encourage use of a more sustainable mode of travel.

The level and adequacy of parking space provision within the development is, however, highlighted as being a matter for the District Council, as Local Planning Authority, to assess.

In this regard, the effective neutralisation of a significant portion of the site so as to avoid built development within the higher risk flood zone 3 means that there is considerable capacity for the provision of parking space and it is therefore not anticipated that there would be likely to be any concerns in relation to any inability to make sufficient parking provision within the site.

The development would have no impact upon public footpath no. 25. There are no proposals for the extinguishment or diversion of either the entirety or part of this public right of way.

It is therefore accepted that the development would comply with the requirements of Local Plan Policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development).

## Flood Risk

There is a need to apply the sequential test at this application-level stage in line with Government guidance as set out in the National Planning Policy Framework (NPPF).

In this regard, it is accepted that the area for search can appropriately be limited to that within the BuAB of Ottery St. Mary since the development is mainly intended to provide employment for the town itself.

Aside from the large Employment Allocation area within which the site is located, there are no other such allocations within the BuAB or indeed any non-allocated land or other areas within flood zone 1 available or likely to come forward for such purposes, not least owing to the compact and densely developed character of the town.

As such, it is concluded that it is not possible for the development to be located in an area with a lower flood risk than the application site. The proposal therefore satisfies the sequential test.

Moreover, in line with National Planning Practice Guidance, the 'less vulnerable' classification of the proposed uses (as defined in the NPPF) means that there is no requirement to engage the exception test for flood risk.

In terms of more detailed site flooding matters, a revised flood risk assessment (FRA) has been negotiated with the applicant's agent through the course of the application. The proposals now therefore incorporate the following:

- The siting of built development within flood zones 1 and 2 only, retaining land within flood zone 3 (including functional floodplain) for vehicular access and manoeuvring, parking spaces and landscaping at existing grade, so as to provide enhanced climate change flood capacity
- The construction of units at a specified minimum design flood level (DFL), allowing for a 0.3 metre freeboard

(The negotiated revised indicative site layout details now show these modifications)

- Removal of an embankment to the west side of the tributary to the river Otter to enhance watercourse capacity and allow flood overspill to the eastern side of the site
- Hard surfaces of permeable SUDS-compliant drainage design
- Surface water drainage from buildings to be attenuated and discharged via ground soakaways to avoid river surcharging during peak flood conditions

Standard flood mitigation measures are also included within the FRA; these comprising:

- Positioning of entrance doorways away from potential flood risk
- Locally re-graded areas to divert flood waters

- Robust cavity wall construction to a minimum of 1.2 metres above DFL with water resistant closed cell cavity insulation
- Robust sealed concrete slab floor construction
- Provision of a refuge mezzanine to all units at a minimum datum level to provide a safe haven for emergency refuge during an extreme flood event
- Flood resistant access doors
- Use of flood resistant construction techniques (such as electrics above flood level)
- Use of materials with low permeability to at least 0.3 metres
- Ensuring access to all spaces to enable drying and cleaning
- Fitting of a one way valve to the foul drainage connection to the main sewer to prevent backing up
- Foul drainage covers to be water tight screw down type to prevent flood water entering the drainage system
- Installation of water and electrical services a minimum of 1.2 metres above DFL within fully sealed pipes/conduits

The Environment Agency (EA) is now satisfied that the revised layout suitably reflects the flood risk to the site and makes an appropriate allowance for climate change; moreover, that the development can be made safe and not increase flood risk elsewhere and therefore accords with the overarching requirements of the NPPF.

The EA do however maintain that it is vital that the functionality of flood zone 3 is protected and therefore recommends a condition requiring the submission of details of ground levels and landscaping within it, including the removal of the embankment alongside the watercourse, to ensure that this is maintained and the interests of adjacent third parties safeguarded.

On the basis of the above, the proposal is thought to comply with the requirements of Local Plan Policy EN21 (River and Coastal Flooding).

#### Drainage

It is proposed to manage foul drainage from the development by means of a mains sewer connection.

In regard to surface water drainage, and in line with the requirements of the surface water drainage hierarchy, infiltration site testing has been carried out on site. However, owing to significant differences in ground conditions across the site, the use of soakaways is not considered to be viable.

The proposed surface water drainage strategy for the scheme therefore involves the below ground attenuation of surface water, via a tank, with a controlled discharge rate to mimic greenfield runoff rates, to the tributary watercourse to the river Otter.

The strategy also references consideration to be given to raised rainwater gardens/planters in conjunction with rainwater pipes and/or water butts in appropriate locations to provide a level of source control.

These arrangements are acceptable to the Lead Local Flood Authority subject to a condition being attached to any permission granted to secure the submission of further design details for approval.

The development would as a consequence meet with the provisions of Local Plan Policies EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) and EN22 (Surface Run-Off Implications of New Development).

### Ecology

The submission includes both preliminary ecological appraisal and further protected species survey reports, the principal conclusions and recommendations of which are as follows:

1. Prior management, clearance and subsequent management of the site to be informed by a construction ecological management plan (CEMP). This would need to include sensitive prior clearance of vegetation so as to avoid the risk of any species being killed or injured or causing disturbance to, or destruction of, any active nests. It should also include designation of an area of retained vegetation along the eastern boundary as a receptor area for the displacement of amphibian species.
2. Protection of retained boundary scrub habitats (mainly the eastern boundary with the public footpath) and adjacent priority habitat with tree protective measures during construction.
3. Careful removal of vegetated spoil mounds housing active mammal burrows during the pre-construction and construction periods.
4. The fencing or covering over of any open overnight excavations or pipework to prevent potential entrapment and/or injury of species such as hedgehog or badger.
5. Habitat creation measures to compensate for the loss of habitat on site. These should include: native species hedges; wildlife habitat landscaping such as wildflower meadow, orchard planting, scrub, etc.; wildflower/rough grassland adjacent to the boundary earth bank; at least three habitat piles/hibernacula within the site, inbuilt bat, bird and invertebrate provisions incorporated into the proposed buildings; separation of retained and created habitats from gardens/amenity areas with post and rail fencing with wildlife holes, and retention and creation of wildlife habitats to be informed by a landscape ecological management plan (LEMP)
6. Installation of external lighting to a particular specification so as to avoid any illumination of site boundaries, any retained and created habitats and areas beyond the site, mainly to avoid deterring nocturnal bat activity.
7. Agreement to an ecological mitigation strategy at the reserved matters stage to include an ecologically sensitive lighting plan, informed by a CEMP and LEMP, in order to demonstrate a neutral or positive biodiversity impact.

The submitted illustrative site layout plan shows a 'biodiversity enhanced landscaped area' within the parts of the site not occupied by buildings, the access road and parking spaces.

Subject to appropriately worded conditions along the lines of those recommended by the Council's Ecologist being attached to the grant of permission, it is considered that the proposal would be satisfactory from an ecological perspective and, as such, would satisfy the requirements of Local Plan Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features).

#### Archaeology

Devon County Council's Historic Environment Team (HET) has reviewed the application and recommended that a pre-commencement condition be attached to any grant of permission requiring the submission for approval of a written scheme of investigation (WSI) setting out a programme of archaeological work to mitigate for the potential loss of heritage assets with archaeological interest.

The site occupies an area where previous archaeological investigations undertaken in advance of developments in the vicinity have revealed the presence of scattered prehistoric and medieval settlement and it is possible that similar archaeological and artefactual deposits may be present. As such, groundworks have the potential to expose and destroy these. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse any archaeological evidence that will otherwise be destroyed by the proposed development.

A further condition is also recommended to secure the completion of a post-investigation assessment in accordance with the approved WSI alongside details as to the provision made for analysis, publication and dissemination of results and archive deposition.

Subject to these conditions, the proposal is accepted as being in compliance with the provisions of Local Plan Policy EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance).

#### Planning Balance

In conclusion, having regard to the overall balance of the material considerations set out above it is thought that the proposals as amended during the course of the application are now acceptable.

It has been a long held policy aspiration that this site be developed for employment purposes. Furthermore, it is considered that the scheme now incorporates an acceptable and appropriate mix of uses having regard to the constraints presented by the relationship of the site with neighbouring residential and institutional (hospital and school) uses/premises, the inclusion of a significant part of the site within higher risk flood zones and the location of the site at a main entrance to the town.

As such, and subject to the conditions set out below relating to the contextual matters that are material to the assessment of the proposal at this outline stage, it is considered that a grant of permission for the development would be justified.

The concerns raised by the town council, ward member and interested third parties, whilst recognised, are thought to have been satisfactorily addressed through the course of the application and/or can be appropriately dealt with via appropriately worded conditions.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
(Reason - The application is in outline with one or more matters reserved.)
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).
3. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
4. Prior to commencement of a phase of the development, a Construction Management Plan (CMP) for that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The CMP shall include:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.: 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery

vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) the proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) details of the amount and location of construction worker parking.
- (n) photographic evidence of the condition of adjacent public highway prior to commencement of any work.

(Reason - A pre-commencement condition is required to ensure that adequate facilities are available for construction and other traffic attracted to the site and to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 (Design and Local Distinctiveness), EN14 (Control of Pollution) and TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)

5. No development shall be commenced until details of final finished floor levels and finished ground levels in relation to a fixed datum have been submitted to and approved in writing by the Local Planning Authority. The floor levels of buildings shall be in accordance with, or above, the levels as shown on drawing no. 2197-1G. Development shall be carried out in accordance with the approved details.

(Reason - A pre-commencement condition is required to ensure that adequate details of levels are available and considered at an early stage in the interests of the character and appearance of the development and wider area, to ensure that the functionality of the flood plain is preserved and the interests of adjacent third parties safeguarded and in order to mitigate against flood risk to the development in accordance with Policies D1 (Design and Local Distinctiveness) and EN21 (River and Coastal Flooding) of the adopted East Devon Local Plan 2013-2031.)

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

(Reason - A pre-commencement condition is required to ensure that features of archaeological or architectural importance are recorded before their destruction or concealment and to ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance) of the adopted East Devon Local Plan 2013-2031.)

7. The development shall not be brought into its intended use until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication

and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.

(Reason - To comply with paragraph 218 of the National Planning Policy Framework (2024) which requires the developer to record and advance understanding of the significance of heritage assets and to ensure that the information gathered becomes publicly accessible.)

8. The landscaping details to be provided at the reserved matters stage shall include details of existing trees, hedges and shrubs to be retained. These shall also include the removal of the earth embankment parallel to the watercourse. The approved landscaping scheme shall be carried out in the first planting season after commencement of the development, unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority, and the landscaping shall be maintained for a period of 5 years. Any existing trees or other plants to be retained and trees or other plants to be planted in accordance with the approved landscaping scheme which die during this period shall be replaced during the next planting season with specimens of the same size and species, unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interests of the character and appearance of the development and wider area, to ensure that the functionality of the flood plain is preserved and the interests of adjacent third parties safeguarded and in order to mitigate against flood risk to the development in accordance with Policies D1 (Design and Local Distinctiveness) and EN21 (River and Coastal Flooding) of the adopted East Devon Local Plan 2013-2031.)

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

(a) A detailed drainage design based upon the Drainage Strategy Plan (drawing No.1002 Rev. PL02 dated 10th June 2024) .

(b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

(e) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

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

(Reason - In order to ensure that the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and local and national policies, including Policy EN22 (Surface Run-Off Implications of New Development) of the adopted East Devon Local Plan 2013-2031 and guidance as set out in the National Planning Policy Framework and Planning Practice Guidance. The condition should be pre-commencement since

it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign/unnecessary delays during construction when site layout is fixed and to prevent building works taking place without certainty of the drainage scheme being delivered.)

10. No deliveries associated with any uses within Use Class B8 (Storage or Distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to these Classes in any statutory instrument revoking and re-enacting that Order, with or without modification) shall be accepted or despatched to or from the site except between the hours of 8:00am and 6:00pm Monday to Friday and 8:00am and 1:00pm on Saturdays. No deliveries shall be accepted or despatched to or from the site on Sundays or Bank Holidays.  
(Reason - In the interests of protecting the amenities of local residents from noise disturbance and to comply with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)
11. No deliveries associated with any uses within Use Classes E(c) (Financial, Professional and other Services) or E(g) (Office, Research and Light Industrial) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to these Classes in any statutory instrument revoking and re-enacting that Order, with or without modification) shall be accepted or despatched to or from the site except between the hours of 7:00am and 11:00pm.  
(Reason - In the interests of protecting the amenities of local residents from noise disturbance and to comply with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)
12. No development above building foundation level shall take place until details of covered and secure cycle/scooter storage and electric vehicle charging facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved facilities shall thereafter be retained in perpetuity.  
(Reason - In the interests of promoting sustainable means of transport in accordance with Policy TC4 (Footpaths, Bridleways and Cycleways) of the adopted East Devon Local Plan 2013-2031.)
13. No goods, materials, machinery or waste shall be stacked, stored or deposited outside any of the buildings hereby permitted. Such storage shall only be carried out in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained as approved and used for storage purposes only.  
(Reason - To protect the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)
14. The approved parking areas and access thereto shall be kept clear of obstruction at all times and shall not be used other than for the parking of

vehicles in connection with the development hereby permitted or for the purposes of access.

(Reason - To ensure that adequate and safe provision is made for users of the development and in the interests of highway safety in accordance with the requirements of Policy TC9 (Parking Provision in New Development) of the adopted East Devon Local Plan 2013-2031.)

15. Prior to the first occupation of any unit hereby permitted, a lighting scheme for the site shall be submitted to, and approved in writing, by the Local Planning Authority. The lighting scheme shall comply with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The scheme shall cover the impact of the lighting on the nearest sensitive receptors, including the provision of any mitigation (shielding) measures. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. The development shall be operated in accordance with the approved lighting scheme at all times.

(Reason - In the interests of the avoidance of light pollution and to ensure that light pollution is not detrimental to the amenity of local residents in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031.)

16. The development hereby permitted shall be carried out in accordance with the measures for the mitigation of, and compensation for, the impact of the development upon protected species and biodiversity enhancement set out in the Preliminary Ecological Appraisal dated December 2022 (report ref. 220919 rev00) and the Ecological Impact Assessment dated October 2025 (report ref.: 220919 rev02) prepared by EcoLogic Consultant Ecologists. The development shall not be brought into use until the Local Planning Authority has been provided with a compliance report by a qualified ecologist, including photographs and completed toolbox talk sheets, detailing that all ecological mitigation and enhancement features have been installed, including:
- integrated bat boxes (1 per unit),
  - integrated bird boxes (1 per unit)
  - insect bricks (1 per unit)
  - Reptile/amphibian hibernacula (3 no.)

(Reason - To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013-2031.)

17. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures for flood risk as set out within the revised Flood Risk Assessment (ref. 2197-FRA) dated 10th September 2024 prepared by the David Burley Partnership.

(Reason - In the interests of ensuring that the functionality of the flood plain is preserved, the interests of adjacent third parties are appropriately safeguarded and to mitigate against flood risk to the development in accordance with Policies D1 (Design and Local Distinctiveness) and EN21 (River and Coastal Flooding) of the adopted East Devon Local Plan 2013-2031.)

18. No development shall take place (including ground works) until a Construction and Ecological Management Plan (CECoMP) has been submitted to and approved in writing by the Local Planning Authority. The CECoMP shall include the following.
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication, including reporting compliance of actions to the LPA.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements, i.e., for reptiles, dormice and bats.
  - h) Use of protective fences (including buffer distances), exclusion barriers and warning signs.

The approved CECoMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

(Reason - A pre-commencement condition is required to ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures further to a preconstruction risk evaluation of potentially damaging construction activities and the agreement of appropriate management measures, where necessary, in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013-2031.)

19. A Landscape and Ecology Management Plan (LEMP) for a minimum 30 year period following completion of the development (or relevant phase thereof) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. The Plan shall be based on the submitted Ecological Impact Assessment EcoLogic (October 2025) and the approved hard and soft landscape plans and associated details and shall include the following:
- a) Details of the body or organization responsible for implementation of the plan accompanied by a site plan showing areas to be adopted; maintained by management company or other defined body; and areas to be privately owned/maintained.
  - b) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ bodies responsible for its delivery.
  - c) A description and evaluation of landscape and ecological features to be created/managed and any site constraints that might influence management.
  - d) Landscape and ecological management aims and objectives for the site.

e) A condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.

f) Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period). in relation to:

i. Trees, woodland/orchard and hedgerows/banks.

ii. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.

iii. New trees, woodland/orchard areas, hedges and amenity planting areas.

iv. Grassland, wildflower and any other habitat areas proposed.

g) The location and design of biodiversity features including integrated bird boxes, integrated bat boxes, and other features, e.g., reptile hibernacula, to be shown clearly on accompanying plans.

h) Lighting plan in accordance with Section 6.4 of the EclA.

i) Boundary structures, drainage swales, water bodies and other infrastructure/facilities within public/ communal areas.

j) Arrangements for inspection and monitoring of the site and maintenance practices.

k) Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.

l) The Plan shall also set out (where the results from monitoring show that its conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved Plan shall be implemented in accordance with the approved details.

(Reason - A pre-commencement condition is required to ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013-2031.)

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order, with or without modification), no development of the types described in Classes A or H of Part 7 of Schedule 2 shall be carried out without a grant of express planning permission from the Local Planning Authority.

(Reason - To enable the Local Planning Authority to retain control over operations that would not ordinarily require a grant of planning permission in the interests of avoiding overdevelopment of the site and safeguarding the character and appearance of the area in accordance with Strategy 6 (Development within Built-up Area Boundaries) and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

21. The development hereby permitted shall only be used for purposes within Classes B8 (Storage or Distribution), E(c) ((Financial, Professional and other Services) or E(g) (Office, Research and Light Industrial) as defined in Schedules 1 and 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification).  
(Reason - To define the terms of the permission in the interests of ensuring an appropriate mix and proportion of employment uses and to enable the Local Planning Authority to retain control over potential alternative uses in the interests of protecting the amenity of neighbouring residents to the site in line with the provisions of Strategy 24 (Development at Ottery St. Mary) and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)
22. No use within Use Class B8 (Storage or Distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to these Classes in any statutory instrument revoking and re-enacting that Order, with or without modification) shall be carried on outside of the hours of 8:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm on Saturdays or at any time on Sundays or Bank Holidays.  
(Reason - In the interests of protecting the amenities of local residents from noise disturbance and to comply with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

#### NOTE FOR APPLICANT

##### Biodiversity Net Gain

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The Local Planning Authority cannot add this condition directly to this notice as the condition has already been applied by law. This informative is to explain how the biodiversity condition applies to your development.

The BG conditions states that development may not begin unless:

- (a) a Biodiversity Gain Plan (BG plan) has been submitted to the planning authority, and
- (b) the planning authority has approved the BG plan.

In this case the planning authority you must submit the BG Plan to is East Devon District Council.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun

because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

In this case exemption 1 from the list below is considered to apply:

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or

(ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

(i) the application for planning permission was made before 2 April 2024;

(ii) planning permission is granted which has effect before 2 April 2024; or

(iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

(i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

(ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to

use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

0B	Location Plan	28.09.23
2197 Rev 1G	Proposed Site Plan	12.12.24

List of Background Papers

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

## **Statement on Human Rights and Equality Issues**

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been

balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

**Equality Act:**

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