

**Ward** West Hill And Aylesbeare

**Reference** 20/0228/FUL

**Applicant** Littleham 2010 Limited

**Location** Barns At Barton Farm Village Way Aylesbeare  
Exeter EX5 2FF

**Proposal** Conversion of two agricultural buildings into five residential dwellings with access, landscaping and all other associated development



**RECOMMENDATION:**

1. That the Habitat Regulations Appropriate Assessment within the report be Adopted; and,
2. That the application be Approved subject to completion of a legal Agreement and subject to conditions.



		<b>Committee Date: 9<sup>th</sup> September 2020</b>
<b>West Hill And Aylesbeare (Aylesbeare)</b>	<b>20/0228/FUL</b>	<b>Target Date: 03.04.2020</b>
<b>Applicant:</b>	<b>Littleham 2010 Limited</b>	
<b>Location:</b>	<b>Barns At Barton Farm Village Way</b>	
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2. That the application be Approved subject to completion of a legal Agreement and subject to conditions.

**EXECUTIVE SUMMARY**

This application is before members of the planning committee because the officer recommendation differs from that of the ward member.

Planning permission is sought for the conversion of two redundant agricultural buildings into five residential dwellings. The site is within the countryside where there is support within the Local Plan and the NPPF for the re-use of redundant rural buildings for a residential use. Whilst it is accepted that the site isn't the most sustainably located in terms of its accessibility to a wide range of services and facilities, there are some facilities within the village that would be readily accessible such that it is considered that the proposal gains support under Policy D8 of the Local Plan that allows the conversion of buildings to residential use where located close to services and facilities. It should be recognised that the policy has been written to apply to the re-use of rural buildings outside of settlements such that accessibility to a wide range of services and facilities is likely to be less readily available because of the location of rural buildings outside of Built-Up Area Boundaries.

The proposed conversion scheme is considered to be acceptable in terms of its design and would not have any significant adverse impact on the character and appearance of the area or the setting of heritage assets, the residential amenities of the occupiers of surrounding properties, highway safety or ecology and biodiversity.

**The proposal is therefore considered to be acceptable and is therefore recommended for approval subject to conditions.**

## **CONSULTATIONS**

### **Local Consultations**

#### West Hill And Aylesbeare - Cllr Jess Bailey

This application does not satisfy policy D8 of the Local Plan (Re-use of rural buildings outside of settlements). To satisfy this policy it must be established that the development is located close to a range of accessible services and facilities to meet the everyday needs of residents. Without a single shop and with a virtually non-existent bus service in Aylesbeare I cannot see that the development satisfies this criteria and I therefore object.

#### Parish/Town Council

Comments: Aylesbeare Parish Council has concerns regarding this application and would like to know the following:-

1: Parking. Aylesbeare already has a problem with parking and this development will reduce the availability of parking in Village Way (given the visibility lines). The Council feels that 2 spaces per unit is insufficient as often each adult in a house needs a car to get to work. Is there any provision for visitors' parking? If not this will lead to more pressure on the surrounding roads.

2: Drainage. Application 90/P0758 gave permission for 2 slurry tanks at this property. Have these been fully accounted for in the plans? Furthermore, the Council notes that the surge tank will release water towards the Churchyard. Will the arrangements prevent flooding to both the Churchyard and the area of adjacent land which the Church has bought for future burials? The Council needs to be sure that the burials, both current and future, will not be disturbed by flood events.

3: Recycling. The provision for recycling/landfill containers looks too small for the number of containers East Devon District Council's scheme requires. The Council is concerned that a standard provision for 2 bins (which many Districts use) has been applied to these properties. Will there be room for all the recycling bins?

As long as the above important considerations are addressed Aylesbeare Parish Council has no objections to the development.

### **Technical Consultations**

#### Devon County Highway Authority

A pre-application enquiry and site visit was carried out for the site in question on the C306 road in late 2019 in association with the transport consultant to secure the best visibility and accessibility infrastructure for the purpose of the full application.

The submitted planning application accords with the recommendations, facilitating a 5.5m wide off-carriageway access to the courtyard through reducing the boundary wall

in length on one side and reconstructing on the other side. This will also ensure a visibility envelope of 2.4m by 43m in both directions is obtained.

The internal site layout includes secure cycle storage, a well located bin store and dedicated parking.

The 30mph speed limit and geometry of the village road maintains the speed upon the local highway network and the trip generation from this development would be on similar levels to that of the previously fully operational agricultural use.

Therefore the County Highway Authority has no objection to this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Conservation

CONSULTATION REPLY TO  
LISTED BUILDING CONSENT/CONSERVATION AREA  
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Barns At Barton Farm, Village Way, Aylesbeare

GRADE: Setting II\* APPLICATION NO: 20/0228/FUL

CONSERVATION AREA: N/A

PROPOSAL: Conversion of two agricultural buildings into five residential dwellings with access, landscaping and all other associated development

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

These barns are of some significance as they form part of a historic farm complex of buildings. They are evidenced in late 19th century mapping. The Devon Historic Environment Record has an entry record with reference to the Southern aspect of the farm buildings. It makes reference to; "Orchard banks of probable post medieval to modern date....a visible series of linear earthwork banks..".

These farm buildings are sited just North of the historic settlement boundary, but form part of the setting to the grade II\* church to the South-West of the site. There is minimal harm to the setting of the heritage asset. It does not seem to be locally listed, however, it retains value by its historic site, traditional settlement and traditional materials.

The proposal is an interesting design that is sensitive to the historic fabric and historic use and their subsequent openings. The materials reflect the local vernacular. There are many rooflights that are slightly excessive for such a characterful roof for Barn 1.

The main concern is the division of the farm courtyard, although it has been evidenced that it has been carefully considered. The private spaces diminish the openness, with the permanence of the fixed iron rail. It is appreciated that this in itself is quite transparent. It is suggested that there is a condition for details of hard landscaping (perhaps a less fixed option of boundary?) and any external fixings such as security lighting and meter boxes, as it is these things that create modern, visual clutter to an otherwise rural courtyard.

## PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

Further comment:

It is appreciated that initial concerns have been considered, although it is still a shame to lose the original East gable wall to Barn 1, but this has been mitigated against to some degree.

There remains a concern to the success of the overall design concept regarding details such as metre boxes fixed to the main elevations, however, this could be simply resolved through a suitable condition.

Suggested conditions are; Samples of materials including sample panel of rebuilt East wall (in lime mortar), Landscaping and external fixings, window and door details (including rooflights).

Recommend support.

### Environmental Health

I have considered the application and do not anticipate any environmental health implications once constructed as this site is in the centre of an area which is already residential. However in view of the very close by neighbours I consider that a Construction Environment Management Plan complying with the EDDC Construction Code of Practice would be essential.

Further comments:

We have concerns with the potential for significant conflict between the proposal and the potential legitimate use of remaining farm buildings and farmyard, including access track, both in close proximity to the proposed dwellings. In particular:-

1. The northern access track leading to the retained farm(yard) areas, which runs from the main road close to the north and west-facing walls of the proposed residential Units 1-4. As the track turns southwards some but not all of the frontage of Units 1-4 is shielded from that section of the track by Unit 5. I also note that the proposed residential Unit 5 main entrance opens directly onto this narrow access lane.

2. The remainder of what is described as 'the currently disused Farm Complex'.

Within the submitted Planning Support Statement at 2.6 it is stated that 'The associated agricultural land beyond the farm buildings is retained by the former tenants (Devon County Council) and will be dispersed to their other agricultural holding

tenants. This in turn will make those other agricultural holdings larger and more economically viable.'

It is not clear from the documentation what may happen with the remainder of the currently disused Farm Complex: whether that land might be included at some point as part of the afore-mentioned dispersal to be used by other agricultural holding tenants; or potentially other uses under permitted development rights. Either of those options may foreseeably result in significant adverse impact including noise from occupiers of the remaining farm complex exercising an existing right of occupancy and use. In which case the existing access track might then carry vehicles serving an employment area, of business or farming activity, including storage.

In summary, the application appears to carry a risk of adverse impacts from both commercial or farming traffic on the access track around the proposed residential development, and the exercise, on the associated land immediately to the west and south, of existing rights to agricultural, business or commercial activity. Both factors could foreseeably cause significant adverse impact including noise to the proposed residential units.

In the above circumstances an application would need to demonstrate how such adverse impacts would be reduced to an acceptable level.

Given the above concerns, this Department must object to the development in its current form.

Further comments:

Broadly that would solve the problem: good one.

One caveat: the sound of farm vehicles going around the site on the access route which hugs the back wall will be heard in the dwellings, through a single or standard double-glazed window, as a significant, prominent event (very, if the window is open for ventilation). I take the expectation of occasional use at face value.

I note also the agent's views on the effect of small window openings, thick walls and noise control. The reality is that the sound insulation qualities of the structure will be largely determined by the weakest link – the windows.

My strong advisory in the particular circumstances of this development, and anticipating that double glazing of some sort would be standard, I would recommend that tertiary acoustic glazing (typically a 7cm gap to a third panel of glass, this is effective against low frequency vehicle noise) fitted to the four small windows would be a wise and (given their small size) not too costly addition. Without that measure, in the absence of any controls on times or frequency of occurrence for farm vehicle movement around the site, bouts of annoyance to the occupiers would be allowed.

#### Historic England

Thank you for your letter of 6 May 2020 regarding further information relating to the above application for planning permission. On the basis of the information available

to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

### Other Representations

1 letter of support has been received (stating that the proposal will be positive for the village and has adequate parking and access) and 1 letter of objection raising concerns which can be summarised as:

- Noise from construction
- Traffic and parking arising from a lack of parking provision and unsuitability of the access
- Lack of infrastructure in Aylesbeare to serve new occupiers.
- The need for social distancing during construction

### PLANNING HISTORY

Reference	Description	Decision	Date
11/2799/FUL	Construction of cover over existing yard	Approval with conditions	06.02.2012

### POLICIES

Adopted East Devon Local Plan 2013-2031 Policies  
Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

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

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset)

EN14 (Control of Pollution)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

#### **Site Location and Description**

The site refers to Barton Farm located on the northern edge of the village of Aylesbeare. It consists of a farmhouse and cottage (outside of the application site) with two redundant farm buildings lying to the north of a courtyard. The farm building to the north of the site (barn 1) consists of a brick and stone building with an existing first floor at the east and west end under a corrugated iron roof. The farm building to the west is of brick construction with elements of pebbled cobbled walling under a corrugated iron roof. It has large opposing doorways and a number of smaller openings. It is predominantly single storey with a timber mezzanine floor at the southern end. There are a number of disused farm buildings located to the west of the site. The site is served by an existing vehicular access off Village Way, a 'C' class road.

Aylesbeare does not have a built-up area boundary and therefore in planning terms the site is located in the countryside. There are no national or local landscape or townscape designations. St Mary's Church to the south west of the site is a grade II \* listed building.

#### **Proposed Development**

This application seeks planning permission for the conversion of the two redundant barns into residential dwellings. Barn 1 to the north would be converted into a terrace of four two bedroom houses with small south facing gardens facing the courtyard. It is proposed to convert barn 2 to the west into a three bedroom single storey dwelling with amenity space to the south and west. The proposal includes the demolition and re-building of the east gable wall to barn 1 one metre to the west to accommodate the proposed visibility splay for the access which would be re-positioned three metres to the south to improve visibility onto the public highway. The courtyard would be re-configured to provide 10 car parking spaces, a bin and bike store.

#### **Issues and Assessment:**

The main issues to consider in determining the application relate to the following:

- The policy context and the principle of development
- The impact on the character and appearance of the buildings and the surrounding area
- The impact on residential amenity



- Highway Safety and Parking
- Ecology
- Heritage Impact

## **Policy Context and the Principle of Development**

Paragraph 78 of the NPPF states that to promote sustainable development in rural areas housing should be located where it would enhance or maintain the vitality of rural communities. It also states that development should facilitate the use of sustainable modes of transport. In this case, whilst there are a limited range of facilities within Aylesbeare, the site is located within walking distance of a village hall, a church, a public house and playing fields with a children's play area. Aylesbeare does not however contain a wide range of facilities such as a school, shop or doctors surgery and has limited employment opportunities to consider the village to be a sustainable settlement such that it is likely that the occupiers of the new dwellings would use a private car for many of their day to day needs. There is no reliable bus service in close proximity to the site - the no 56 stops once in the village from Exmouth on weekdays to provide a service into Exeter and once on return from the city centre.

Paragraph 79 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more criteria apply of which the following is one:

(c)- The development would re-use redundant or disused buildings and enhance its immediate setting.

The proposal would comply with paragraph 79 insofar as it would re-use redundant agricultural buildings on the site.

Strategy 27 (Development at the Small Towns and Larger Villages) of the Local Plan sets out the settlements within the District which offer a range of accessible services and facilities to meet many of the everyday needs of local residents with public transport. It is acknowledged that Aylesbeare is not listed under this strategy. Aylesbeare does not have a built-up area boundary and therefore is considered to be located within the countryside.

The site is located within the countryside where under the provisions of Strategy 7 (Development in the Countryside) of the Local Plan development is strictly controlled. Strategy 7 states development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the Local Plan supports the re-use or conversion of buildings in the countryside where:

1. The new use is sympathetic to and will enhance the rural setting and character of the building and surrounding area and is a location which will not substantively add to the need to travel by car or lead to a dispersal of activity or uses on such a scale as to prejudice village vitality, and c) Development is located close to a range of accessible services and facilities to meet the everyday needs of residents:

Comment: The site is located within the village of Aylesbeare which is not considered to be highly sustainable in terms of the range of services and facilities or access to reliable public transport to support everyday living. It is therefore accepted that future occupiers would be dependent on the use of the private car for many journeys.

However, as stated above, the site is located within walking distance of a village hall, a church, a public house and playing fields with a children's play area, and will not therefore substantially add to the need to travel by car or lead to dispersal of activity on a scale that would prejudice village vitality. In addition, the proposal will enhance the setting and character of the building and surrounding area.

2. The building is structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting.

Comment: The application is accompanied by Structural Survey which concludes that barns 1 and 2 are structurally sound and suitable for habitable conversion subject to a number of recommendations in the report. A condition is recommended to ensure that the development is carried out in accordance with these recommendations to ensure that the development constitutes a conversion and no substantial re-construction or re-build is required.

3. The form, bulk and general design of the building and its proposed conversion are in keeping with the surroundings, local building styles and materials, and b) that its conversion will enhance its setting – e.g. through removal of modern extensions and materials, outside storage, landscaping etc.

Comment: Discussed in more detail in later sections of the report, the applicant has amended the proposal to address a number of concerns regarding the extent of the changes, roof lights etc. which would ensure that the proposal is sympathetic to the agricultural character of the existing buildings and that the general design approach to the conversion scheme would be in keeping with the surroundings and not adversely impact on the semi-rural character and appearance of the area.

4. The proposed use would not harm the countryside by way of traffic, parking, storage, pollution of the erection of associated structures.

Comment: It is not considered that the scale or nature of the development would give rise to significant additional traffic movements to and from the site. The proposal makes adequate provision for parking and storage within the scheme. Any additional buildings or further development of the site would require planning permission and any application would be then determined on its individual merits.

5. The proposal will not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function and a) the building is no longer required for agricultural use or diversification purposes.

Comment: The barns are currently redundant and are not in agricultural use.

Whilst it is accepted that the site isn't the most highly sustainable location in terms of its accessibility to a wide range of services and facilities, there are some facilities within the village that would be readily accessible such that it isn't considered that the site is so remote or isolated as to justify refusal in terms of the principle of the residential conversion.

Whilst it is marginal whether the proposal complies with Policy D8 in terms of the relation to a range of services and facilities, it should be recognised that the policy has been written to apply to the re-use of rural buildings outside of settlements such that accessibility to services and facilities is likely to be less readily available because of the location of rural buildings outside of settlements.

In addition, there is planning policy support due to the visual enhancement that the proposal will make to the buildings that are located within the village.

On balance, the principle of residential development is considered to be acceptable.

### **Character and Appearance and Heritage Impact**

Policy D1 (Design and Local Distinctiveness) of the Local Plan requires that proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.

Criteria 3 of Policy D8 requires the form, bulk and general design of the building and its proposed conversion to be in keeping with its surroundings, local building styles and materials.

The advice of the Council's Conservation Officer has been sought who has advised that the barns are of some significance as they form part of a historic farm complex of buildings. They are evidenced in late 19th century mapping. The Devon Historic Environment Record has an entry record with reference to the Southern aspect of the farm buildings. It makes reference to; "Orchard banks of probable post medieval to modern date....a visible series of linear earthwork banks..".

Whilst these points are noted, the Conservation Officer has advised that the barns are not considered to be non-designated heritage assets, or worthy of local listing - however, they have significance by their aesthetic values, local materials, setting, traditional arrangement and form an important group including the farmhouse and in the wider setting (including the church). These farm buildings are sited just North of the historic settlement boundary, but form part of the setting to the grade II\* church to the South-West of the site. There is minimal harm to the setting of the heritage asset.

It does not seem to be locally listed, however, it retains value by its historic site, traditional settlement and traditional materials. It is therefore important to secure a conversion scheme that is sympathetic to the original form and appearance of the former agricultural buildings.

The conversion scheme is considered to be sensitive to the historic fabric and use of existing openings. Whilst the proposal regrettably proposes to demolish the Eastern gable for the sake of visibility it does propose to re-build as is. It is accepted that it would be preferred if the gable was not demolished and with no new openings added as this is a very prominent and significant elevation of the entire site and one of the few historic elevations remaining however on the basis that the building isn't a non-designated heritage asset or worthy of local listing and that the re-positioning of the gable end would allow for improved visibility at the access, it isn't considered that its loss would be significantly harmful to sustain an objection.

A number of concerns have been addressed through the submission of amended plans which have sought to reduce the domesticity of the proposed conversion. In particular concerns about the number of rooflights on barn 1 have been reduced and only included where necessary. A porch feature has been removed which undermined the linear character of the barn. No new openings are proposed on the roadside gable which would reduce the impact on the character of the barn. It is considered that these changes result in a conversion scheme more sympathetic to the simple and linear form of the agricultural buildings.

A final concern raised by the Conservation Officer is in relation to division of the farm courtyard where the private spaces were considered to diminish the openness, with the permanence of the fixed iron rail. To address these concerns the boundary treatment to the dwellings has been revised so that whereas both railings and low hedge were originally proposed to establish the boundary of the units, it is now proposed that only the hedge be used. This would help to retain the openness of the courtyard whilst still providing future owners with clearly demarked areas of defensible space.

On balance, having regard for the above and the changes that have been made, it is considered that the proposed conversion scheme is acceptable and would comply with the provisions of policies D8 and D1 of the Local Plan subject to a condition requiring the submission of a more detailed landscaping scheme for soft and hard landscaping, external fixings such as security lights and meter boxes and removal of permitted development rights.

### **Residential Amenity**

Policy D1 of the Local Plan requires that proposals do not adversely affect the amenity of occupiers of adjoining properties. In terms of the relationship with neighbouring properties, it is the former farmhouse and attached cottage that is most likely to be affected. The barns are separated by a courtyard which would ensure that levels of privacy are maintained despite sharing a fairly close relationship. Whilst introducing residential uses into the building would have a degree of impact on the occupiers of these properties, it is considered that a residential use would be more benign in terms of vehicle movements, noise and activity particularly in the context of the existing

agricultural use of the site which could resume at any point. Overall, the proposed relationship between the converted barns and the existing dwellings is considered to be acceptable and it isn't considered that there would be any significant harm to the occupiers of these properties to sustain an objection.

Policy D1 also requires that proposals do not adversely affect the amenity of the occupants of proposed future residential properties and Policy EN14 (Control of Pollution) states that permission will not be granted for development which would result in unacceptable levels either to residents or the wider environment in terms of noise, odour, dust or smoke etc. The Council's Environmental Health Officer originally objected to the proposal on the basis of potential for significant conflict between the proposal and the potential legitimate use of remaining farm buildings and farmyard, including access track, both in close proximity to the proposed dwellings. In particular:-

1. The northern access track leading to the retained farm(yard) areas, which runs from the main road close to the north and west-facing walls of the proposed residential Units 1-4. As the track turns southwards some but not all of the frontage of Units 1-4 is shielded from that section of the track by Unit 5. I also note that the proposed residential Unit 5 main entrance opens directly onto this narrow access lane.
2. The remainder of what is described as 'the currently disused Farm Complex'.

Within the submitted Planning Supporting Statement at para 2.6 it is stated that 'The associated agricultural land beyond the farm buildings is retained by the former tenants (Devon County Council) and will be dispersed to their other agricultural holding tenants. This in turn will make those other agricultural holdings larger and more economically viable.'

It is not clear from the documentation what may happen with the remainder of the currently disused Farm Complex: whether that land might be included at some point as part of the afore-mentioned dispersal to be used by other agricultural holding tenants; or potentially other uses under permitted development rights. Either of those options may foreseeably result in significant adverse impact including noise from occupiers of the remaining farm complex exercising an existing right of occupancy and use. In which case the existing access track might then carry vehicles serving an employment area, of business or farming activity, including storage.

In summary, the application appears to carry a risk of adverse impacts from both commercial or farming traffic on the access track around the proposed residential development, and the exercise, on the associated land immediately to the west and south, of existing rights to agricultural, business or commercial activity. Both factors could foreseeably cause significant adverse impact including noise to the proposed residential units.

To address these concerns the applicant has agreed to enter into a Unilateral Undertaking which limits the future use of the retained buildings and land to dry storage purposes only and prohibits their use for any other purposes (livestock and slurry). This has been considered by the EHO who has advised that this approach would be acceptable subject to a condition that requires the use of tertiary acoustic glazing to

the four windows on the northern elevation of barn 1 which would help to reduce the impact of noise from use of the access into the farm buildings.

Subject to the UU and conditions securing the tertiary glazing, this approach is considered to be acceptable and would ensure that future occupiers of the development have a good standard of amenity.

### **Highway Safety and Parking**

Policy TC7 (Adequacy of Road Network and Site Access) of the Local Plan states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy TC9 (Parking Provision in New Development) of the Local Plan states that spaces will need to be provided for Parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home. 10 car parking spaces and bike storage is proposed for the 5 houses meeting this guidance.

It is understood that the applicant engaged with the County Highway Authority at an early stage and that a site visit was carried out for the site on the C306 road to secure the best visibility and accessibility infrastructure for the purpose of the full application.

The CHA has advised that the proposal accords with the recommendations, facilitating a 5.5m wide off-carriageway access to the courtyard through reducing the boundary wall in length on one side and reconstructing on the other side. This will also ensure the required visibility envelope of 2.4m by 43m in both directions is obtained. The internal site layout includes secure cycle storage, a well located bin store and dedicated parking.

The 30mph speed limit and geometry of the village road maintains the speed upon the local highway network and the trip generation from this development would be on similar levels to that of the previously fully operational agricultural use.

Whilst local concerns have been raised about the impact of the proposal on highway safety, in the absence of any objections from the CHA it isn't considered that an objection could be sustained on highway safety grounds. The proposal is considered to comply with the provisions of policies TC7 and TC9 of the Local Plan.

### **Ecological Impact**

The application is accompanied by an Ecological Survey prepared by Richard Green Ecology who have undertaken a daytime visual inspection of the buildings for bats and birds. Brown Long Eared bat droppings were found on the mezzanine of barn 1 but no evidence of bat use was found in barn 2. The ecologist concludes that given the proximity of barn 2 to a confirmed bat roost in barn 1, it is of moderate suitability to support roosting bats along with the open fronted lean-to at the front of the site. Given this, the ecologist recommends at least 2 bat emergence or dawn surveys be

undertaken between May and August in order to identify bat species, numbers present and type of use etc.

Further emergence surveys found brown long-eared bats inside of the Dairy in early July and in building 2.

In mitigation, a dedicated bat loft suitable for use by brown long-eared bats (and other bat species) is proposed to be provided above Building 2.

Whilst the works to the barns will require a European Protected Species Licence from Natural England, subject to a condition requiring the development being carried out in accordance with the mitigation measures contained within section 5 of the ecology report, it is considered that the proposal complies with the provisions of policy EN5 (Wildlife Habitats and Features) of the Local Plan.

### **Habitat Regulations and Appropriate Assessment**

The nature of this application and its location close to the Exe Estuary and/or Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been offered through a Heads of Terms which could be secured through a S106 agreement should planning permission be granted. On this basis, and as the joint authorities are work in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

### **Flood Risk and Drainage**

The site falls within in an area at lowest risk of flooding (flood zone 1) such that the proposed development is not considered to be at risk from flooding from any source.

The application is accompanied by a drainage strategy prepared by a suitably qualified drainage consultant which proposes that surface water is collected directly from downpipes by a dedicated below ground network and discharged to an attenuation tank that would be located beneath the northern access area. It is stated that flows would be controlled to a rate of 2.2 l/s with water discharging into an existing surface water drain located in the south west of the site which drains into a ditch/ minor water course to the south west. It is also stated that the permeability of the site would reduce

from the existing 100% to approximately 73% through the proposed surface water drainage strategy.

Foul drainage from the development is proposed to be connected to the combined sewer within Village Way to the east of the site.

Subject to conditions which require the development to be carried out in accordance with the drainage strategy, it is considered that the proposal complies with policies EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) and EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan.

## **CONCLUSION**

Planning permission is sought for the conversion of two redundant agricultural buildings into five dwellings.

The site is within the countryside where there is support within the Local Plan and the NPPF for the re-use of redundant rural buildings for a residential use, particularly where they will enhance the appearance of the site.

Whilst it is accepted that the site isn't within a Built-Up Area Boundary, there are some facilities within the village that would be readily accessible such that it is considered that the proposal gains support under Policy D8 of the Local Plan that allows the conversion of buildings to residential use where located close to some services and facilities and subject to a number of other criteria that are met.

The proposed conversion scheme is considered to be acceptable in terms of its design and would not have any significant adverse impact on the character and appearance of the area or the setting of heritage assets, the residential amenities of the occupiers of surrounding properties, highway safety or ecology and biodiversity.

The proposal is considered to be acceptable and is therefore recommended for approval subject to conditions.

## **RECOMMENDATION**

- 1. That the Habitat Regulations Appropriate Assessment within the report be Adopted; and,**
- 2. That the application be Approved subject to completion of a Legal Agreement and subject to the following conditions:**
  1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
  2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.



(Reason - For the avoidance of doubt.)

### Materials

3. Prior to the installation of any doors, windows or replacement roof coverings to the barns, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls, roofs, doors and windows of the barns shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the building in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013 - 2031.)
4. Prior to demolition of the eastern wall of barn 1 samples of materials including a sample panel of rebuilt East wall (in lime mortar) shall be made available for inspection to be approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the building in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013 - 2031.)
5. All new windows and doors indicated on the approved plans shall be made of timber only and no other materials. Prior to their installation details of the new windows and doors including sections, mouldings, profiles and paint colour shall be submitted to and approved in writing by the Local Planning Authority.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the existing building in accordance with Policies D1 (Design and Local Distinctiveness) and D8 (Re-use of Rural Buildings Outside of Settlements) of the Adopted East Devon Local Plan 2013-2031.)
6. The rooflights indicated on the approved plans shall be of a conservation design flush with the roof, the model specification of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of their installation. The development shall thereafter be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the existing buildings in accordance with Policies D1 (Design and Local Distinctiveness) and D8 (Re-use of Rural Buildings Outside of Settlements) of the Adopted East Devon Local Plan 2013-2031.)
7. Details of replacement and new rainwater goods including profiles, materials and finishes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The works shall be carried out in accordance with the approved details. The development shall thereafter be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the existing buildings in accordance with Policies D1 (Design and Local Distinctiveness) and D8 (Re-use of Rural Buildings Outside of Settlements) of the Adopted East Devon Local Plan 2013-2031.)

#### Landscaping:

8. Notwithstanding the submitted details, within three months of commencement of the development a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences, external fixings and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants 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. Any walls and/or fences shall be erected in accordance with the approved details within the curtilage of each dwellinghouse before it is first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), these walls and/or fences shall not thereafter be altered, removed or replaced without the prior written approval of the Local Planning Authority.  
(Reason - To ensure that the details are considered at an early stage in the interests of preserving and enhancing the character and appearance of the buildings and/or protecting the privacy of local residents in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)
9. None of the dwellings hereby permitted shall be occupied until the hard surfacing of the shared access and the respective parking and private amenity areas have been provided in accordance with a hard landscaping plan showing materials and finishes which shall previously 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.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the buildings in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013 - 2031.)

#### Facilities:

10. No part of the development hereby approved shall be occupied until the access works and visibility splays have been provided in accordance with the details shown on drawing no. P\_01 rev P3. These shall thereafter be retained and kept available for those purposes at all times.  
(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policy TC7 - Adequacy of Road Network and Site Access of the adopted East Devon Local Plan 2013 - 2031.)

11. The dwellings hereby permitted shall not be occupied until the respective parking areas have been provided in accordance with the approved plans.  
(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013 - 2031.) The land indicated on the drawings for the parking of vehicles shall not be used for any other purpose, unless an alternative and equivalent area of land within the curtilage of the site is provided and kept available for car parking purposes.
12. No part of the development hereby approved shall be brought into its intended use until the cycle parking and bin storage facilities indicated on drawing no. 18102 00 01 rev B have been provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority showing the design, materials and finishes of the bin and cycle stores. These facilities shall thereafter be permanently retained and maintained for those purposes.  
(Reason - To ensure that adequate facilities are available for future occupiers in accordance with policy D8 (Re-use of Rural Buildings Outside of Settlements) of the Adopted East Devon Local Plan 2013-2031.)

Amenity:

13. Prior to the commencement of development hereby approved, a Construction and Environment Management Plan (CEMP) must be submitted to and approved by the Local Planning Authority and must 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.  
(Reason: A pre-commencement condition is required to ensure that the details are agreed before the start of works 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 and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)
14. Notwithstanding the submitted details, no part of barn 1 hereby approved shall be occupied until Tertiary glazing has been installed in the northern elevation in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details with tertiary glazing remaining in place unless otherwise agreed in writing by the Local Planning Authority.  
(Reason: To ensure a good standard of amenity for future occupiers of the development in accordance with policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031).

Ecology:

15. The development hereby approved shall be carried out in accordance with the mitigation measures contained within Section 5 of the Protected Species Survey and Ecological Mitigation Statement prepared by Richard Green Ecology dated July 2020.

(Reason: To ensure that the mitigation and enhancement measures necessary to compensate for the loss of habitat for protected species is implemented in accordance with Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031)

Permitted Development Rights:

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule 2 Part 1 Classes A,B, C, D or E for the enlargement, improvement or other alterations to the dwellings hereby permitted, other than works that do not materially affect the external appearance of the buildings, shall be undertaken.

(Reason – To maintain the character of the barns where any alterations to their external appearance would require careful consideration in accordance with Policies D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031. and advice contained in the National Planning Policy Framework)

Drainage:

17. Foul and Surface water drainage arrangements shall be undertaken in accordance with those submitted as part of the Drainage Strategy and Flood Statement prepared by Clarke Bond (Document Ref: E05303/FS+DS) received 3<sup>rd</sup> March 2020, unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any of the converted buildings on the site are occupied.

(Reason: To protect water quality and minimise flood risk in accordance with Policy EN22 - Surface Run-Off Implications of New Development of the Adopted East Devon Local Plan 2013-2031 and the guidance contained with the National Planning Policy Framework.)

Plans relating to this application:

19.628/PJT/B	Structural Survey	03.02.20
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drainage strategy/flood statement	General Correspondence	03.02.20
18102 OS Rev A	Location Plan	07.02.20
P_01 rev P3 : general arrangement/visi bility splays	Other Plans	03.02.20
18102 00 06 rev B barn 2	Proposed Combined Plans	31.07.20
	Protected Species Report	31.07.20
18102 00 01 rev B	Proposed Site Plan	04.05.20
18102 00 03 rev A floor/ roof barn 1	Proposed Combined Plans	04.05.20
18102 00 04 rev A elevations/ section barn 1	Proposed Combined Plans	04.05.20

#### List of Background Papers

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