

# Agenda for Development Management Committee

## Tuesday, 6 February 2018; 10:00am



### [Members of the Committee](#)

**Venue:** Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

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01395 517543, Issued 25 January 2017

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### [Speaking on planning applications](#)

In order to speak on an application being considered by the Development Management Committee you must have submitted written comments during the consultation stage of the application. Those that have commented on an application being considered by the Committee will receive a letter or email (approximately 9 working days before the meeting) detailing the date and time of the meeting and instructions on how to register to speak. The letter/email will have a reference number, which you will need to provide in order to register. Speakers will have 3 minutes to make their representation. **Please note there is no longer the ability to register to speak on the day of the meeting.**

The number of people that can speak on each application is limited to:

- Major applications – parish/town council representative, 5 supporters, 5 objectors and the applicant or agent
- Minor/Other applications – parish/town council representative, 2 supporters, 2 objectors and the applicant or agent

The day before the meeting a revised running order for the applications being considered by the Committee will be posted on the council's website (<http://eastdevon.gov.uk/council-and-democracy/committees-and-meetings/development-management-committee/development-management-committee-agendas>). Applications with registered speakers will be taken first.

**Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting.** One representative can be registered to speak on behalf of the Council from 10am on Monday 29 January up until 12 noon on Thursday 1 February by leaving a message on 01395 517525 or emailing [planningpublicspeaking@eastdevon.gov.uk](mailto:planningpublicspeaking@eastdevon.gov.uk).

### Speaking on non-planning application items

A maximum of two speakers from the public are allowed to speak on agenda items that are not planning applications on which the Committee is making a decision (items on which you can register to speak will be highlighted on the agenda). Speakers will have 3 minutes to make their representation. You can register to speak on these items up until 12 noon, 3 working days before the meeting by emailing [planningpublicspeaking@eastdevon.gov.uk](mailto:planningpublicspeaking@eastdevon.gov.uk) or by phoning 01395 517525. A member of the Democratic Services Team will only contact you if your request to speak has been successful.

- 1 Minutes of the Development Management Committee meeting held on 9 January 2018 (page 4-7)
- 2 Apologies
- 3 Declarations of interest - Guidance is available online to Councillors and co-opted members on making [declarations of interest](#).
- 4 [Matters of urgency](#)
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.
  
- 6 **Planning appeal statistics** (page 8-13)  
Development Manager
  
- 7 **Applications for determination**  
**Please note the following applications are all scheduled to be considered in the morning, however the order may change – please see the front of the agenda for when the revised order will be published.**

**17/2870/FUL (Minor)** (Page 14-20)

Axminster Town  
4 Coles Lane  
Axminster

**17/2318/FUL (Minor)** (Page 21-43)

Clyst Valley  
Land East Of Hill Barton Business Park  
Farringdon

**17/2466/FUL (Minor)** (Page 44-53)

Otterhead  
Barn to the South West of Windsor Farm  
Luppitt Honiton EX14 4SY

**16/1249/OUT (Minor)** (Page 54-75)

Woodbury and Lympstone  
Land Adjacent To Trederwen Town Lane  
Woodbury

**Please note:**

Planning application details, including plans and representations received, can be viewed in full on the Council's [website](#).

This meeting is being audio recorded by EDDC for subsequent publication on the Council's website.

Under the Openness of Local Government Bodies Regulations 2014, members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

[Decision making and equalities](#)

**For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546**

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 9 January 2018**

#### **Attendance list at end of document**

The meeting started at 10am and ended at 11.09am

#### **\*29 Minutes**

The minutes of the Development Management Committee meeting held on 5 December 2017 were confirmed and signed as a true record.

#### **\*30 Declarations of interest**

Cllr David Barratt; 17/2557/TRE; Personal interest; Sidmouth Town Councillor  
Cllr Paul Carter; 16/0517/COU; Personal interest; Ottery St Mary Town Councillor  
Cllr Colin Brown; 17/2336/MFUL; Personal interest; dealt with the applicant in the past

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution, Cllr Mike Howe advised that he was the Ward Member in respect of application 17/2336/MFUL so the Vice Chairman chaired the item.

#### **\*31 Appeal statistics**

The Committee received and noted the report presented by the Development Manager setting out appeals recently lodged and outlining the three decisions notified which had all been dismissed. The Development Manager advised Members that the appeal decision by the Planning Inspectorate for the site at Greendale Business Park had been challenged by the appellant in the High Court.

#### **\*32 Applications for Planning Permission and matters for determination**

##### **RESOLVED:**

that the applications before the Committee be determined as set out in Schedule 8 2017/2018.

#### **Attendance list**

##### **Present:**

##### Committee Members present for all or part of the meeting

Councillors

Mike Howe (Chairman)

Colin Brown (Vice Chairman)

David Barratt

Susie Bond

Peter Burrows

Paul Carter

Alan Dent

Bruce de Saram

David Key

Brain Bailey

Steve Gazzard

##### Officers present for all or part of the meeting

Amanda Coombes, Democratic Services Officer  
Jeremy Ebdon, Principal Planning Officer  
Henry Gordon Lennox, Strategic Lead – Governance and Licensing  
Chris Rose, Development Manager  
Janet Wallace, Principal Environment Health Officer

Also present for all or part of the meeting

Councillors:  
Geoff Jung

**Apologies:**

Committee Members

Councillors  
Mark Williamson  
Matt Coppel  
Ben Ingham  
Mike Allen  
Helen Parr

Chairman ..... Date.....

**EAST DEVON DISTRICT COUNCIL**  
**Development Management Committee**  
**Tuesday 9 January 2018; Schedule number 8 – 2017/2018**

**Applications determined by the Committee**

Committee reports, including recommendations, can be viewed at:  
<http://eastdevon.gov.uk/media/2285709/051217-combined-dmc-agenda.pdf>

Clyst Valley  
(BISHOPS CLYST - 17/2336/MFUL  
SOWTON)

Applicant: St Austell Brewery Ltd. C/O Agent  
Location: Cat And Fiddle Inn, Sidmouth Road  
Proposal: Construction of two storey 33 no. bed hotel, alterations to public house and re-configuration of car parking

**RESOLVED:** APPROVED as per officer recommendation.

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Otterhead  
(UPOTTERY) 17/2732/FUL

Applicant: Mr & Mrs Cook  
Location: Beacon Cottage, Upottery  
Proposal: Single storey front extension and replacement porch.

**RESOLVED:** APPROVED as per officer recommendation.

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Ottery St Mary  
Rural/Whimble  
(OTTERY ST  
MARY/Talaton) 16/0517/COU

Applicant: Mr John-Michael Kennaway  
Location: Escot, Escot Park  
Proposal: Change of use of existing tracks for controlled quad biking and segway activities.

**RESOLVED:** APPROVED as per officer recommendation.

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Raleigh  
(WOODBURY) 17/2565/FUL

Applicant: Rowe Properties (Devon) Ltd

Location: Mobile Home, Meadow Rise. Woodbury Salterton EX5 1PJ

Proposal: Retrospective change of use to residential dwelling and associated curtilage

**RESOLVED:** REFUSED as per officer recommendation with authorisation to take enforcement action to cease occupation of the mobile home by people other than gypsy and travellers. West Team to issue decision and instruct legal to commence enforcement action.

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Sidmouth Town  
(SIDMOUTH) 17/2557/TRE

Applicant: Mrs Karen Jenkins

Location: Flat 2 Grey Turret Manor Road

Proposal: T1 Yew: Crown raise to give 4m clearance over drive and 2.5m over footpath  
T2: Cypress: Crown raise to give 4m clearance over drive.  
Reason: To provide adequate clearance over the driveway and footpath.

**RESOLVED:** APPROVED as per officer recommendation.

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**East Devon District Council**  
**List of Planning Appeals Lodged**

**Ref:** 17/2320/FUL                      **Date Received** 12.12.2017  
**Appellant:** Mr A Jones  
**Appeal Site:** 57 Millhead Road Honiton EX14 1RD  
**Proposal:** Construction of 3 bedroomed detached dwelling and associated works  
**Planning Inspectorate Ref:** APP/U1105/W/17/3191342

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**Ref:** 17/2556/FUL                      **Date Received** 20.12.2017  
**Appellant:** Mr Ian Thompson  
**Appeal Site:** 26 Travershes Close Exmouth EX8 3LH  
**Proposal:** Two storey side extension and single storey front extension  
**Planning Inspectorate Ref:** APP/U1105/D/17/3192007

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**Ref:** 17/1168/FUL                      **Date Received** 22.12.2017  
**Appellant:** John Lomax  
**Appeal Site:** Heathfield Longmeadow Road Lypstone Exmouth EX8 5LF  
**Proposal:** Change of Use from workshop and garage to single dwelling (resubmission of application 16/2740/FUL)  
**Planning Inspectorate Ref:**

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**Ref:** 17/1347/OUT                      **Date Received** 10.01.2018  
**Appellant:** Mr Steven Jones  
**Appeal Site:** Land Adjoining 3 Offwell Barton Offwell Honiton EX14 9SA  
**Proposal:** Demolition of redundant barn and erection of dwelling.  
**Planning Inspectorate Ref:** APP/U1105/W/18/3193224

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**Ref:** 17/1489/OUT                      **Date Received** 11.01.2018  
**Appellant:** Mr & Mrs H White  
**Appeal Site:** Bluebell Holt Lyme Road Uplyme Lyme Regis DT7 3TJ  
**Proposal:** Proposed dwelling and garage (outline consent sought with all matters reserved except for access)  
**Planning Inspectorate Ref:** APP/U1105/W/18/3193334

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**Ref:** 17/0878/FUL                      **Date Received** 15.01.2018  
**Appellant:** Mr Ian Birch  
**Appeal Site:** Anchoring Barn Ottery Street Otterton Budleigh Salterton  
EX9 7HW  
**Proposal:** Timber day room extension  
**Planning** APP/U1105/D/18/3193614  
**Inspectorate**  
**Ref:**

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**Ref:** 17/0879/LBC                      **Date Received** 16.01.2018  
**Appellant:** Mr Ian Birch  
**Appeal Site:** Anchoring Barn Ottery Street Otterton Budleigh Salterton  
EX9 7HW  
**Proposal:** Timber day room extension with some internal re-ordering to  
create studio/study  
**Planning** APP/U1105/Y/18/3193743  
**Inspectorate**  
**Ref:**

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## East Devon District Council List of Planning Appeals Decided

**Ref:** 17/1302/OUT                      **Appeal Ref:** 17/00047/REF

**Appellant:** Messrs J & M Miller

**Appeal Site:** Land Adjacent Crosslands Gammons Hill Kilmington  
Axminster EX13 7RA

**Proposal:** Outline application for the construction of a dwelling (with all matters reserved)

**Decision:** **Appeal Allowed (with conditions)**                      **Date:** 19.12.2017

**Procedure:** Written representations

**Remarks:** Delegated refusal, countryside protection reasons overruled (EDLP Strategies 7 & 27 and Policies D1 & TC2).

The site is outside of the built up area boundary for Kilmington as shown in the draft East Devon Villages Plan.

The Inspector considered that as the draft East Devon Villages Plan has not yet been declared sound at examination, it cannot carry full weight. In the absence of any adopted and up-to-date boundary the proposal therefore stands to be judged against the three primary functions of built up area boundaries which are set out in paragraph 6.20 of the Local Plan. The boundaries seek to limit the outward expansion of settlements, prevent unregulated development across the countryside and define locations where development would meet sustainable development objectives.

The Inspector concluded that the appeal site is well related to the services and facilities in Kilmington and that the site is effectively an infill plot where the proposed development would not result in encroachment into the countryside.

**BVPI 204:** Yes  
**Planning Ref:** APP/U1105/W/17/3181255  
**Inspectorate Ref:**

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**Ref:** 17/0212/FUL **Appeal Ref:** 17/00051/REF  
**Appellant:** Mr Steve Kemp  
**Appeal Site:** Land At Winkleigh Lane Winkleigh Lane Woodbury  
**Proposal:** Erection of stables  
**Decision:** **Appeal Allowed (with conditions)** **Date:** 28.12.2017  
**Application for a full award of costs against the Council allowed**  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, countryside protection reasons overruled (EDLP Strategy 7).

The Council refused the application on the basis that there was insufficient justification for an equestrian development in this location.

The Inspector noted that there are no specific policies within the Local Plan relating to equestrian development, however, he considered that the proposed stables require a rural location and are an appropriate form of development in the countryside.

The Inspector considered that there was no basis in development plan policy for requiring an applicant to justify proposals for equestrian development and the reasons provided by the appellant as to why the stables are required should be taken on face value.

He concluded that the proposal would not cause material harm to the countryside, including the distinctive landscape, amenity and environmental qualities which LP Strategy 7 seeks to protect.

Having regard to the costs decision, the Inspector concluded that, as there is no basis in development plan policy for requiring justification for equestrian development in the countryside, the Council had misapplied its own policies which amounted to unreasonable behaviour. The appellant's costs in mounting the appeal were therefore unnecessarily incurred and an award of full costs was justified.

**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/17/3182414  
**Inspectorate**  
**Ref:**

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**Ref:** 16/2077/FUL **Appeal Ref:** 17/00050/REF  
**Appellant:** Mr Stephen Goss  
**Appeal Site:** Blue Ball Inn Sandygate Exeter EX2 7JL  
**Proposal:** Retention of timber outbuilding for use as a bar  
**Decision:** **Appeal Dismissed** **Date:** 05.01.2018  
**Procedure:** Written representations  
**Remarks:** Officer recommendation to approve, Committee refusal. Amenity reasons upheld (EDLP Policy D1).  
**BVPI 204:** **Yes**  
**Planning Inspectorate Ref:** APP/U1105/W/17/3182228

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**Ref:** 16/0872/MFUL **Appeal Ref:** 17/00040/REF  
**Appellant:** Pegasus Life  
**Appeal Site:** Council Offices Knowle Sidmouth EX10 8HL  
**Proposal:** The construction of an assisted living community for older people comprising extra care units, staff accommodation and communal facilities, including a kitchen, restaurant/bar/cafe, a well-being suite comprising gym, treatment rooms and pool, a communal lounge and storage facilities; car parking for residents, visitors and staff of the assisted living community; comprehensive landscaping comprising communal and private spaces; and associated groundworks.  
**Decision:** **Appeal Allowed (with conditions)** **Date:** 22.01.2018  
**Procedure:** Public Inquiry  
**Remarks:** Officer recommendation to approve, Committee refusal. Amenity, affordable housing and heritage asset reasons overruled (EDLP Policies D1 & EN9 and Strategies 6, 26, 34 & 48).  
  
The Inspector considered that the appeal proposal had evolved through a thorough analysis of the site circumstances and that the development would, overall, make a positive contribution to the character and appearance of the area.  
  
The Inspector acknowledged that the proposed buildings would be more prominent than the existing buildings on the site, however, he considered that the overall scale, mass and height would not appear excessive or overbearing, despite the increased visibility. Furthermore, given the separation distances from neighbouring properties, no harmful overlooking would result.  
  
Having regard to the use class, the Inspector considered that the scheme was designed to meet the needs of the target occupants and facilitate assisted living as well as social well-being and interaction with the outside world. Care would also be provided, specifically tailored to the needs of the occupants. Whilst some primary occupants of the development might, upon taking up

residence, require only the minimum level of personal care there is likely to be a mix of care needs at any one time and those with limited need may well require additional care in the future. As such, the proposal amounts to a C2 use and therefore no affordable housing requirement exists in policy terms.

With regard to the effect of the proposed development on the listed summerhouse the Inspector considered that what remains important about the setting of the summerhouse today is its location in landscaped gardens and its original function as a curiosity, as well as a place from which to sit and quietly enjoy the surroundings, including views south towards the coast. Although proposed Building E would be closer to the summerhouse and different in its design, scale, massing and siting than the existing buildings, a separation distance of around 16m would remain and the summerhouse would continue to be seen in its landscaped context, albeit with a much altered backdrop. The heritage asset would not therefore be harmed by the proposal and the building, its setting and any features of special architectural or historic interest would be preserved.

The Inspector concluded that the development falls within use class C2 of the Use Classes Order, it would not harm the character and appearance of the area, neighbours' living conditions or the setting of the adjacent grade II listed summerhouse. The proposal is in accordance with the development plan taken as a whole, and should be granted planning permission.

**BVPI 204:**       **Yes**  
**Planning**       APP/U1105/W/17/3177340  
**Inspectorate**  
**Ref:**

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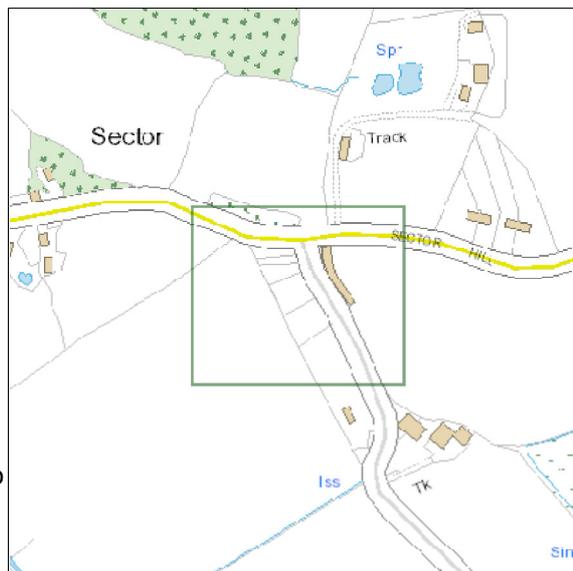
**Ward** Axminster Town

**Reference** 17/2870/FUL

**Applicant** Mr N Cadwell

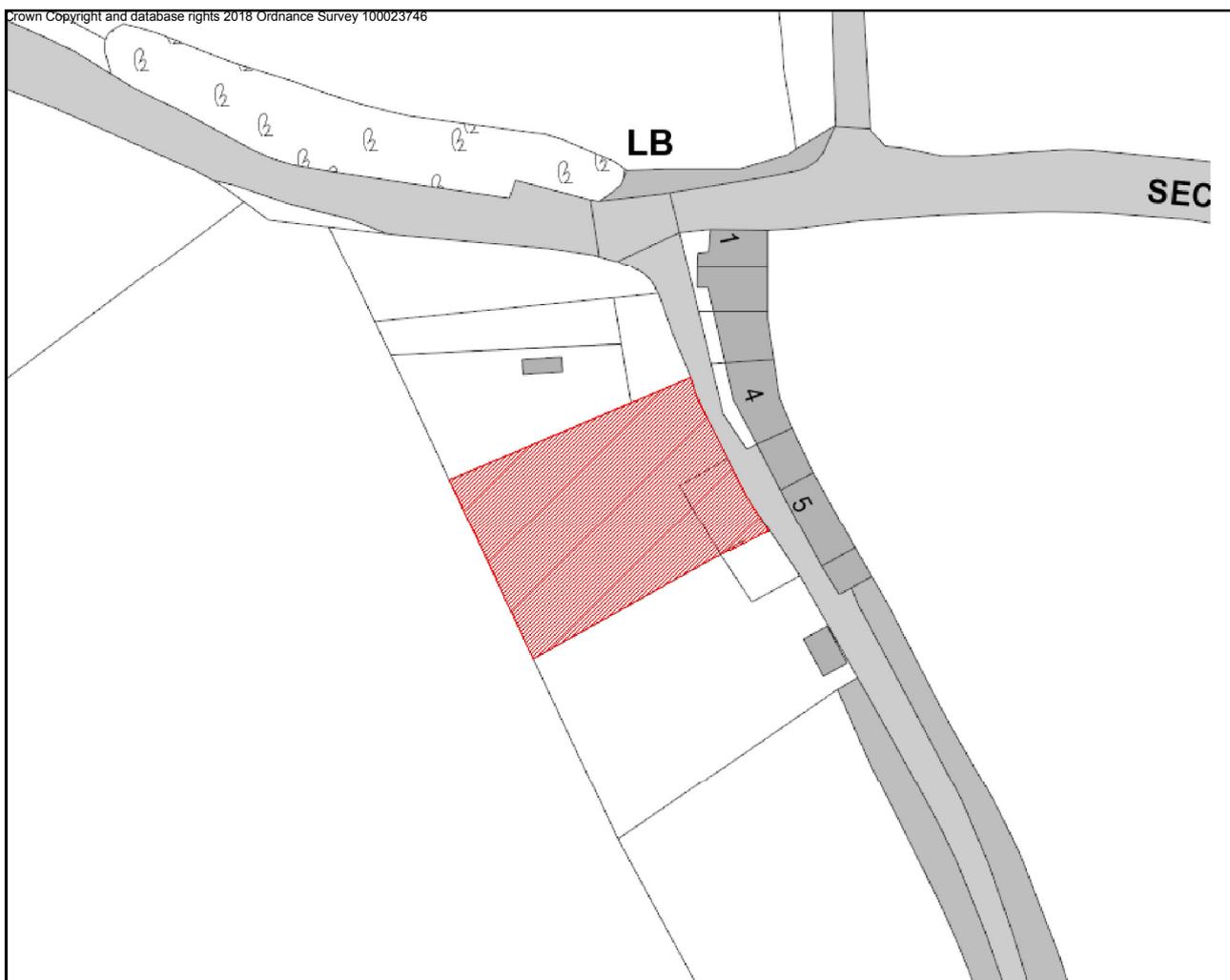
**Location** 4 Coles Lane Axminster EX13 5SA

**Proposal** Subdivision of existing four bedroom house into 2 no. self contained dwelling houses



**RECOMMENDATION: Refusal**

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		<b>Committee Date: 6<sup>th</sup> March 2018</b>
<b>Axminster Town (AXMINSTER)</b>	<b>17/2870/FUL</b>	<b>Target Date: 26.01.2018</b>
<b>Applicant:</b>	<b>Mr N Cadwell</b>	
<b>Location:</b>	<b>4 Coles Lane Axminster</b>	
<b>Proposal:</b>	<b>Subdivision of existing four bedroom house into 2 no. self contained dwelling houses</b>	

**RECOMMENDATION: Refusal**

### **EXECUTIVE SUMMARY**

**This application is before Members as the officer recommendation differs from the view of the Ward Member and Town Council.**

**The application proposes the subdivision of an existing dwelling house to form 2 no. dwellings. The existing building forms part of a short terrace of properties located to the west of Axminster and where there is some other sporadic residential development in the surrounding area. The town centre lies just over a mile from the site and is accessed by Sector Lane (there are a number of footpaths across agricultural land that offer alternative, although not necessarily shorter pedestrian routes). The site lies outside of the built-up area boundary of the town and in planning terms lies in open countryside in a remote location.**

**In terms of the physical development required to subdivide the building this would be very limited and there are no objections in this respect.**

**Strategy 7 (Development in the Countryside) of the adopted Local Plan, resists development in the countryside except where this is explicitly supported by another planning policy. In this case it is not considered that there are any such policies that support the proposal. Policy D8 (Re-Use of Buildings Outside of Settlements) is not considered to be relevant and in any case requires proposals to be located close to a range of accessible services and facilities to meet the everyday needs of residents. Policy H3 supports the sub-division of houses to flats but only within Built-Up Area Boundaries or close to a range of services and facilities. The site is not well located in terms of accessibility to a range of services and facilities and as such occupiers would be reliant upon the use of the car.**

**Notwithstanding the limited economic and social benefits that would arise from the creation of a new dwelling, due to the in-principle conflict relating to**

**development in the countryside, and the unsustainable location of the development the proposal is considered to be unacceptable.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

AXMINSTER TOWN COUNCIL SUPPORTS THIS APPLICATION BUT WOULD POINT OUT THAT THE APPLICATION FORM GIVES RISE TO CONFUSION REGARDING FOUL DRAINAGE ARRANGEMENTS.

#### Axminster Town - Cllr A Moulding

I recommend that the application is approved

#### Other Representations

None received.

### **Technical Consultations**

None received.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
<b>88/P2919</b>	Conversion Of Cottage & Workshop Into Two Cottages.	Approval with conditions	10/04/1989

## **POLICIES**

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

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

D1 (Design and Local Distinctiveness)

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

H3 – Conversion of Existing Dwellings and Other Buildings to Flats

## **Site Location and Description**

No. 4 Coles is a mid-terraced cottage fronting directly onto Coles Lane just to the east of its junction with Sector Lane. The property together with other properties in the terrace is constructed from stone under a thatched roof and is built into the rising land to the rear. On the opposite side of the lane to the southwest of the property is a levelled hardstanding parking area and beyond this the garden slopes down away from the Lane, this is contained by hedge planting.

The terrace sits alone but there are other sporadic collections of dwellings in the wider area along both Sector and Coles Lane. The site lies in open countryside to the east of Axminster. Pedestrian and Vehicular access to the town is via Sector Lane and a number of local footpaths connecting to this. The town centre is just over a mile from the site via this route.

## **Proposal**

The application proposes the subdivision of an existing dwelling house to form 2 no. dwellings. There are no external alterations required to facilitate the conversion.

## **ANALYSIS**

It is considered that the main issues in relation to the determination of this application are:

- Whether the site is a sustainable location for the establishment of a new dwelling?
- Whether there are any other benefits or material considerations that might support the proposal?

The application proposes no external and only very minor internal alterations to the property. In terms of garden subdivision this would have a limited impact and as such there are no concerns in terms of the impact on the character and appearance of the area. Similarly the proposal would result in some intensification in the use of the property and a likely increase in traffic movements associated with it but in the context of existing and adjoining uses these are not likely to be to an extent to cause harm to amenity.

The application site is in a location where new development is strictly controlled. Strategy 7 of the Local Plan defines all of those areas that fall outside of designated built-up area boundaries, or specific site allocations as open countryside. Within such areas the strategy states that development 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 is acceptable in other planning terms.

Axminster is located over a mile to the west of the site where there are a full range of shops and services as well access to public transport options necessary to meet the everyday needs of residents. However, Sector Lane, which links the site with the town, only has a pavement and is lit for part of its length, the street lighting and pavement terminating approximately ½ mile to west of the site at Salway Gardens. From that

point on any pedestrians would need to walk in the lane which is narrow and steep in sections and where there is no street lighting or separation from vehicular traffic. This is likely to make walking (and to a lesser degree cycling) an unattractive proposition for most journeys. The nearest bus stop is close to the junction with Sector Lane and Lyme Road over  $\frac{3}{4}$  mile away. Given the lack of/or unattractiveness of alternative options future occupiers are likely to be heavily reliant on private transport for the majority of their journeys. The proposal would therefore be contrary to policy TC2 of the Local Plan which seeks to locate new development where it is easily accessible by alternative modes of transport.

In terms of the proposals to convert existing buildings to residential use Policy D8 of the Local Plan reflects the position in para. 55 of the NPPF in recognising that there may be special circumstances where residential development may represent an appropriate re-use of a redundant or disused building. In such circumstances policy D8 includes 5 criteria to be met in all circumstances and a further 3 to be met for residential proposals. In relation to residential conversion schemes criterion c) of Policy D8 states it must be established that:

c) Development is located close to a range of accessible services and facilities to meet the everyday needs of residents

The proposal fails to comply with this.

Policy H3 of the Local Plan supports the subdivision of houses to flats with Built-Up Area Boundaries or where close to a range of services and facilities. The proposal is not within a Built-Up Area Boundary and remote from services and facilities.

There are no other policies of the Local Plan that would explicitly permit new residential development and there is currently no Neighbourhood Plan in place that would support the proposal.

The development proposed in the application has not been promoted to meet local housing need, although it has been suggested it would provide a more affordable dwelling, nor is the application supported by any information to show how it would meet any demonstrated need, as such it is not considered to represent affordable housing. The only other exception to the general policy of constraint in relation to housing in the countryside is where this is proposed to meet the essential need for a rural worker to live at or near their place of work (policy H4 of the Local Plan). The application has not been promoted on this basis and there is no evidence to suggest that this is the case.

Finally, on the matter of principle para. 55 of the NPPF sets out a number of special circumstances whereby isolated new homes in the country might be considered acceptable, none of the listed circumstances have been demonstrated in this instance.

In terms of support for this stance there have been a number of appeal decisions, since the adoption of the New Local Plan where Inspectors have shared this view. Perhaps most relevant to this application and as reported in another report to this committee, is an appeal decision against the refusal of planning permission for conversion of a barn to a dwelling at East of Westwater House, Westwater, Axminster

EX13 7JD (APP/U1105/W/16/3165619). That site was a very similar distance to the town centre as the current proposal. In relation to accessibility he found that,

*“... the surrounding road network consists of narrow, unlit rural lanes with few footways or verges. This, together with the lack of lighting, would positively discourage walking and cycling and would result in access to even basic services being heavily reliant on car use.”*

It is considered that the same would be true of the application site. The Inspector went on to conclude that,

*“... the proposal would be isolated from nearby services and would not provide suitable opportunities for sustainable transport. As such, it would not offer an acceptable location for the proposed development and would be contrary to LP Strategy 7 and LP Policy D8 both of which restrict new development in the countryside other than in a limited number of defined circumstances.*

The same conclusion is drawn for the current site in that it is an unsustainable location for new residential development for which there is no policy support in the Local plan. Paragraph 12 of the NPPF confirms, ‘the development plan as the starting point for decision making’ and that ‘Proposed development that conflicts should be refused unless other material considerations indicate otherwise.’ There is therefore an in principle objection to the proposal, nonetheless it is necessary to consider if there would be any other material circumstances that would support a different decision being taken.

In other respects there are no objections to the proposal the external manifestation of which is likely only to be evident in terms of the subdivision of the garden area. There are already 2 no. parking areas one of which would be retained by each property.

The proposal may provide some limited social benefits in terms of providing a new and potentially relatively more affordable property, although there is no guarantee it would be used as such (it could for example be used as a holiday let). However, the Council has a demonstrable 5 year housing land supply to deliver the objectively assessed needs of the district and as such the benefits of this are further reduced. In terms of the economic strand of sustainable development, as promoted in the National Planning Policy Framework, the proposal would result in some very limited and short term support to the construction industry. In this regard though it is noted that the works required to subdivide the property are very minor, the benefits therefore are similarly reduced.

## **CONCLUSION**

In terms of physical alteration these are very limited and it would appear that the application building may historically have been two dwellings. The proposal looks to revert to such a use. However, this would result in the creation of an additional dwelling in a location which is considered to be non-sustainable and where future occupiers would be likely to be heavily reliant on private transport for most journeys. Therefore whilst the proposal would not give rise to the same landscape or visual impacts, as might occur with a new build dwelling in this location, it would be likely

give rise to similar impact in terms of increase in private transport journeys to access jobs, services and facilities and without any limited benefits that might arise in terms of support for construction jobs. This reliance on private transport would represent an unsustainable form of development contrary to Strategy 7 and policy TC2 of the Local Plan and where the very limited social and economic benefits would not outweigh this identified harm. Given the above considerations the application is recommended for refusal for the reason set out below.

## **RECOMMENDATION**

REFUSE for the following reason:

1. The proposed development takes place in a rural location divorced from the services and facilities required to meet the everyday needs of residents and where access to such services would be heavily reliant on private transport. The development therefore fails to accord with the definition of sustainable development, specifically the environmental role, found within the National Planning Policy Framework and where the adverse impacts of the development, in terms of the unsustainable location, significantly and demonstrably outweigh any limited economic or social benefits that might arise from the development. As such, the proposed development is considered contrary to Strategy 7 (Development in the Countryside), Policy TC2 (Accessibility of New Development) and H3 (Conversion of Existing Dwellings and Other Buildings to Flats) of the East Devon Local Plan 2013-2031 and the guidance in the National Planning Policy Framework and associated Planning Practice Guidance.

### Plans relating to this application:

1452.003	Proposed Floor Plans	30.11.17
1452.004	Proposed Elevation	30.11.17
1452.005	Location Plan	30.11.17

### List of Background Papers

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

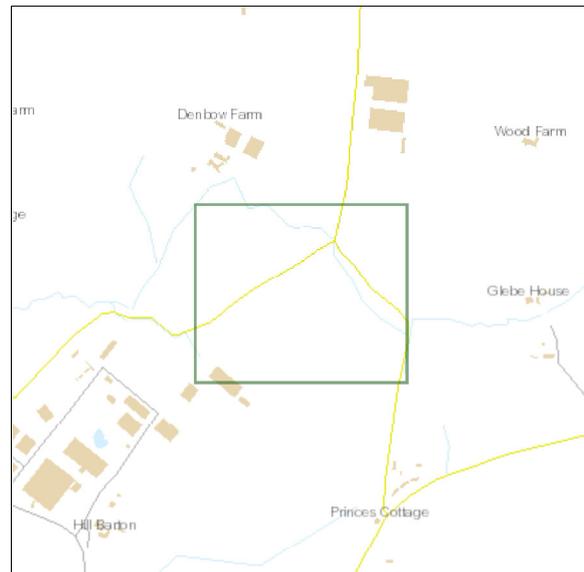
**Ward** Clyst Valley

**Reference** 17/2318/FUL

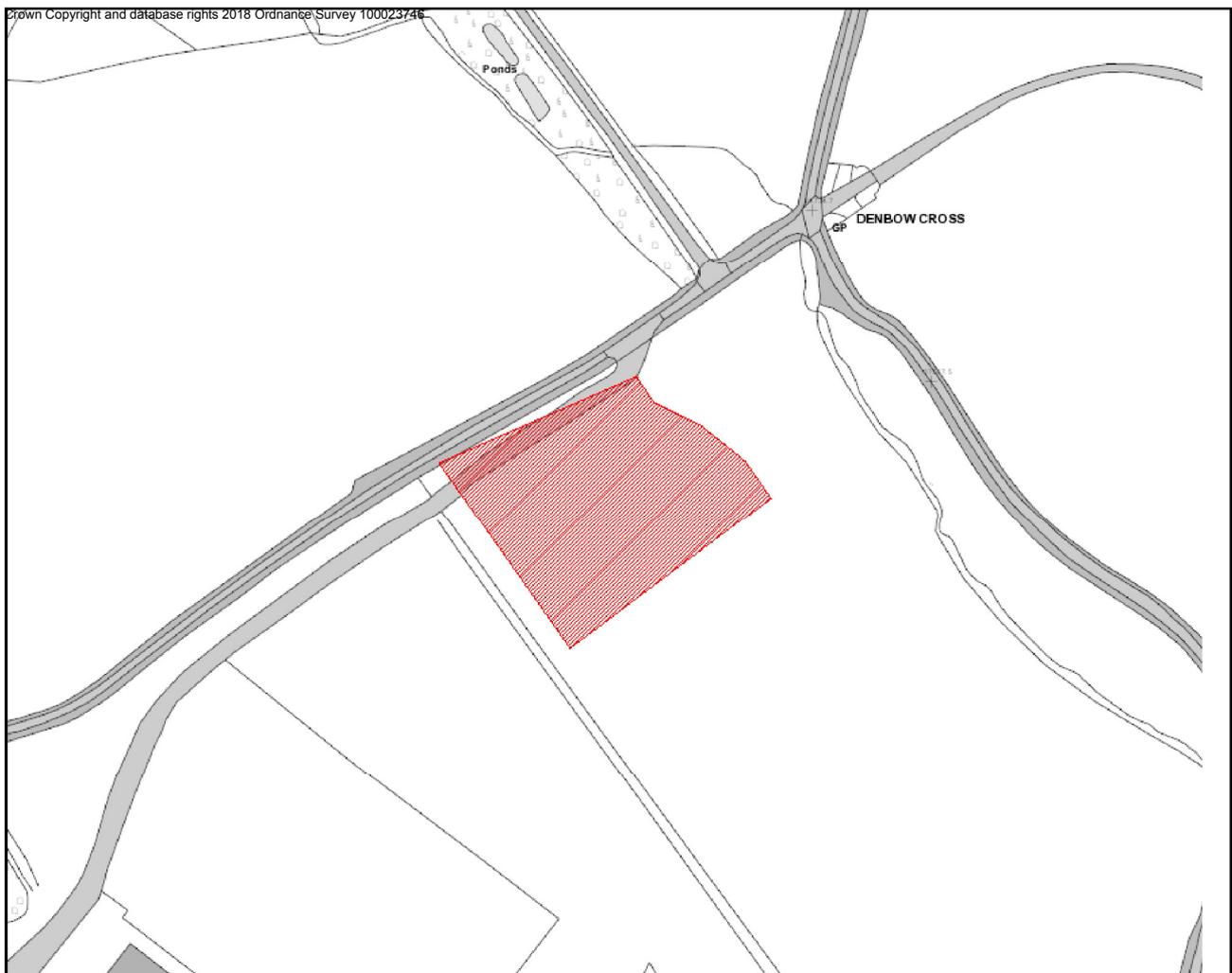
**Applicant** UK Energy Reserve Limited

**Location** Land East Of Hill Barton Business Park  
Farringdon

**Proposal** Installation of 10 containerised units for the storage of electricity, and associated infrastructure including a highway access, and a 2.4 metre high boundary fence



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 6<sup>th</sup> February 2018</b>
<b>Clyst Valley (FARRINGDON)</b>	<b>17/2318/FUL</b>	<b>Target Date: 22.11.2017</b>
<b>Applicant:</b>	<b>UK Energy Reserve Limited</b>	
<b>Location:</b>	<b>Land East Of Hill Barton Business Park Farringdon</b>	
<b>Proposal:</b>	<b>Installation of 10 containerised units for the storage of electricity, and associated infrastructure including a highway access, and a 2.4 metre high boundary fence</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

The application is before Members of the Development Management Committee having been referred from Chairman's Delegation. It was referred to Committee on the basis that officer support for the current proposal is based upon it complying with Strategy 39 of the Local Plan as it's a Low Carbon Energy Project. However, Members on another application determined that a similar proposal did not meet the definition of being a Low Carbon Energy Project and as such refused planning permission on the basis of it being unacceptable development within the countryside with a harmful visual impact.

The site is located outside of the Hill Barton Business Park boundary as defined by the emerging Villages DPD and whilst it is an allocation within the Devon Waste Plan, a waste use is not proposed and the site falls with the open countryside where policies of restraint apply. Although Devon County as Waste Authority have raised no objection to the proposal despite it not being a waste recovery use, Strategy 7 (Development in the Countryside) of the Local Plan states that 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.

The proposal is for a battery storage scheme and associated infrastructure. The proposed location for the development is in the open countryside adjacent to an existing gasification plant on Hill Barton Business Park.

The development meets the definition of 'low-carbon' technology as defined in the Local Plan and is therefore considered to comply with Strategy 39 with the proposal being acceptable in principle in this rural location. The development will assist in maximising benefits from existing renewable energy schemes by

providing a means of storing excess power that is generated from renewable and other energy sources at times when otherwise such generation would be curtailed. It would also enable (along with other storage schemes nationally) the deployment of more renewables as part of the energy mix, which would further reduce the carbon footprint of the economy, a key Government objective.

The location of the site provides a good level of screening from the existing artificial bund and the proposal would have a limited visual impact from short distances from public vantage points outside of the site. Further landscaping is proposed to mitigate the remaining limited visual impacts.

The risk of pollution from the construction and operation of the installation is minimal and any residual risks can be minimised by engineering solutions. The Council's EHO is satisfied that noise impacts from this proposal would not adversely affect residential amenity.

The site is of little biodiversity interest but the proposal offers some mitigation in respect of badgers and also modest enhancements through the planting of native species hedgerows and trees.

The impacts on the setting of heritage assets is considered to be less than substantial and do not outweigh the public benefits of the proposal.

On balance, the proposal is considered to represent sustainable development that will have little negative impact and accordingly it is recommended that permission be granted subject to the conditions set out. Strategy 39 requires a condition that all equipment be removed from the site and the land restored to its former condition if the project ceases in the future. Although the harm to visual and landscape interests identified above is considered to be limited, it is considered appropriate to use such a condition to remedy that harm when there is no longer a requirement for the installation.

## **CONSULTATIONS**

### **Local Consultations**

#### **Parish/Town Council**

b) 17/2318/FUL Proposal: Installation of 10 containerised units for the storage of electricity and associated infrastructure including a highway access and a 2.4metre high boundary fence.

Location: Land East of Hill Barton Business Park Farringdon Applicant: UK Energy Reserve Ltd 6th Floor Radcliffe House Blenheim Court Solihull West Midlands B91 2AA

The PC reviewed these applications and as far as could be ascertained there was little difference to the original applications other than the sites had been swapped over. The PC still has MAJOR CONCERNS re the noise impact on the amenity of residents. No new mitigation measures have been suggested and other than the location swap

no new information is supplied. As there are major concerns Farringdon Parish Council strongly objects to this application and all comments mentioned before still stand.

Previous comments on these applications attached

17/1623/FUL & 17/2318/FUL

Proposal: Installation of 10 containerised units for the storage of electricity and associated ancillary infrastructure including a highway access and a 2.4m high boundary fence Location Land East of Hill Barton Business Park Farringdon  
Applicant: UK Energy Reserve Ltd  
Farringdon Parish Council has major concerns re this application-

### VISUAL IMPACT

Concern has been raised regarding the visual impact of these containers and the metal fence in what was before rural countryside. Proper evergreen screening must be required - .There are over 13 residences within close proximity to this site and residents have a right to continue to enjoy the rural environment of Farringdon without looking at ugly structures imposed upon them. Spain Lane was previously an attractive rural area used by parishioners for cycling dog walking etc. It should not be given permission to become an ugly landscape and destroy the rural environs of the community

The hours of working must be limited to ensure the amenity of nearby residents is protected. There should be no working at the weekend and hours clearly controlled during the week. Lighting must not be implemented which causes further light pollution to protect the neighbourhood of Farringdon

### **Technical Consultations**

#### Landscape Architect

Please find below the landscape consultation response to 17/2318/FUL and 17/2319/FUL:

Comments on the submitted LVIA to support planning applications 17/2318/FUL and 17/2319/FUL:

- o The submitted LVIA wrongly identifies the site as being located within Landscape Character Type (LCT) 3B, the site is actually located within LCT 3E (formerly LCT4D), which has the following site applicable management guidelines:
  - Where development is permitted, including woodland and copses in development proposals, to increase screening and ecological links
  - Encouraging gapping up of hedges with locally indigenous species
  - Encouraging the maintenance and increased planting of hedgerow oaks, to provide vertical elements and help screen development

In the mitigation section of the report, the LVIA does reference the correct LCT.

- o The LVIA does not consider any site applicable landscape related policies or nearby designation (e.g. listed buildings and their setting, etc...)
- o How were the included visual representations created and how accurate are they?
- o Have photo viewpoints 6 & 7 been located in the right locations?

o The LVIA viewpoints' plan includes 2 viewpoints numbered 3, I've assumed the one next to Home Farm was meant to be viewpoint 13.

o LVIA does not comply with industry best practice standard as set out in GLVIA 3rd edition.

Although there are technical issue with the submitted LVIA, the proposed mitigation measures are considered to make the development acceptable in landscape design terms.

However the following issues need addressing prior to approval or through a condition:

o How will site run-off (surface water drainage) be dealt with?

o Ensure off-site planting is guaranteed.

o Replace elm species within planting mixes as they are susceptible to Dutch elm disease.

o Submission of boundary treatment details

o Include Hydro-seeding of Devon bank sides if constructed with hessian sacks to ensure the scheme complies with EDDC policies:

- Policy D1 - Design and Local Distinctiveness,

- Policy D2 - Landscape Requirements, and

- Policy D3 - Trees and Development Sites

#### Devon County Council, Minerals & Waste

Installation of containerised units for storage of electricity, land east of Hill Barton Business Park (17/2318/FUL & 17/2319/FUL)

Thank you for your consultation on the above planning applications, which lie within the Waste Consultation Zone for Hill Barton.

The supporting statements for the applications address the matters raised by the County Council in its response of 6th September 2017 to the previous applications, including the Devon Waste Plan and availability of a grid connection for the nearby gasification plant.

The area allocated for energy recovery development at Hill Barton through Policy W6 of the Devon Waste Plan includes the sites of the current applications, but extends to a much larger part of the business park. Development of the application sites for electricity storage will not prevent delivery of additional energy recovery capacity at Hill Barton, and Devon County Council therefore has no objection in its role as waste planning authority.

#### Environmental Health

I have considered this application alongside application 17/2319 as both plants would operate in combination when in use. I have considered the noise report prepared by SLR Consulting Ltd and dated September 2017, being an updated noise report following discussion with the EHO. I note the following points:

1. Neither plant is anticipated to operate very frequently, although this cannot be certain. The highest likely demand would be winter daytime, with the likelihood of night time operation being remote. However, if the plants were required to operate at night they would be clearly audible off-site and the report concludes this would be at least 10dB above the derived background level which could be significant.

2. The EHO requested that the report consider all units operating in combination, and that it should demonstrate that Noise Rating Curve 25 is not exceeded at the nearest residential receptors. The Council accepts that it is more appropriate to request NR30 during the day and NR25 at night as the daytime background level (level exceeded for 90% of the time) already exceeds 30dB in that area.

3. The writer concludes that some adjustments to design would be preferable by lowering the air intake louvres on each unit as this would enable boundary mitigation to be effective; but that the design of the selected units does not allow this. The writer also suggests that the installation of an enhanced stack silencer would mitigate stack noise significantly (reducing the unmitigated sound power level of 80dB by up to 40dB), and that the erection of a 4m high barrier on the NW and SW site boundaries could be beneficial. However the community of Farringdon, although some distance away, is East of the site and therefore the barrier would have no effect on those properties. The report writer needs to clarify this because a barrier on the NE and SE boundaries might be beneficial if installed as close to the units as possible.

4. In conclusion I recommend that all exhaust stacks are fitted with an enhanced stack silencer and that this is required by condition on application 17/2319/FUL:

" All exhaust stacks shall be fitted with an enhanced stack silencer which will achieve a sound power reduction of at least 40dB when assessed against the unmitigated sound power level. Reason: to protect the amenities of local residents from noise."

5. I also recommend, as suggested by the noise consultant, a further condition on both applications which sets a boundary noise limit:

" The residual noise level of all sources acting in combination shall not exceed Noise Rating Curve 30 (daytime) at the boundary of the nearest non-beneficial residential premises, which is Glebe Cottage, Farringdon. Reason: to protect the amenities of local residents from excessive noise."

6. In view of the predicted infrequency of night time operation I do not think a planning condition controlling night noise specifically is reasonable. However, should night noise occur and complaints be received we will investigate the occurrence, frequency, loudness and impact of the noise with a view to investigating it as a statutory nuisance under the Environmental Protection Act 1990.

Further comments:

No additional comments regarding the storage element of this dual proposal (see separate comments regarding generators).

### Conservation

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

See listing description and information on file.

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

A previous application under 17/1623/FUL was withdrawn. This revised application is similar.

There are several listed buildings in the vicinity of the site which are all listed Grade II: Denbow House, Denbow Thatch, Barn adjacent to Denbow Thatch, Glebe House, Barn at Glebe House.

However, due to their location, the topography of the land, the mature vegetation, hedging and trees and the distance between the sites, it is considered that the proposed works will have minimal or no impact on the setting of the listed buildings.

Further comments:

The amended plans show an additional planting/landscape scheme which, if acceptable, can only improve the visual screening of the scheme. No further comments.

### Other Representations

1 letter of objection has been received at the time of writing this report raising concerns which can be summarised as:

- Noise and disturbance
- Visual impact on surroundings and listed buildings
- No need for further electricity supply
- Cumulative impact with other activities in the business park

## **POLICIES**

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

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset)

EN14 (Control of Pollution)

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)

Strategy 7 (Development in the Countryside)

Strategy 39 (Renewable and Low Carbon Energy Projects)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 49 (The Historic Environment)

Devon Waste Plan

Policy W6: Energy Recovery

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

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

The site refers to a parcel of open land around 0.46 hectares in size to the east of Hill Barton Business Park. It was previously in use as a landfill site and is bounded to the west by open land and existing industrial units which form the business park and to the north by an access road with open land beyond. To the west of the site is a grassed earth bund which separates it from the rural lane. The site is accessed via an existing access point which runs along the northern side of Hill Barton Business Park. The site is located approximately 375 m south of residential properties at Denbow Farm, 325 m north of Glebe Cottages and 400 m west of Glebe House.

The site is located in the open countryside and is not the subject of any national or local landscape designations. The site does however form part of a larger area at Hill Barton identified for Energy Recovery under policy W6 of the Devon Waste Local Plan for an energy recovery facility with a capacity of 80,000 tonnes. There are a number of grade II listed buildings in close proximity (within 400 m) to the site.

### **Relevant Planning History**

17/1623/FUL - Installation of 10 containerised units for the storage of electricity, and associated ancillary infrastructure including a highway access, and a 2.4 metre high boundary fence. Withdrawn 25.09.17.

On land adjoining the current application site to the east:

17/1636/FUL - Installation of up to 14 no. containerised gas-fired standby generators and construction of ancillary structures including a DNO metering station, transformer compound, switch room, store room, oil storage tank, 2 no. vehicle parking spaces, vehicular access and erection of 2.4m boundary fence. Withdrawn 25.09.17.

17/2319/FUL - Installation of up to 14 no. containerised gas-fired standby generators and construction of ancillary structures including a DNO metering station, transformer compound, switch room, store room, oil storage tank, 2 no. vehicle parking spaces, vehicular access and erection of 2.4m boundary fence. Current application.

## **Proposed Development:**

Planning permission is sought for the installation of an electricity storage facility comprising 10 containerised battery storage units to produce standby electricity storage with ancillary infrastructure. Each containerised unit would consist of a soundproof metal container measuring 16.0 metres in length, 5.0 metres in height and 4.0 metres in width. Each container would house a cooling fan. The proposal includes 10 step up transformers which effectively convert electricity from the battery units into voltage suitable for a 33kV network. These would be housed in a metal box. The proposal includes 3 portacabin style buildings which would house a switch room and control room measuring 16.0 metres in length, 5.0 m in height and 4.4 m in width. A store room would also be provided measuring 6.1 m in length, 2.4 metres in height and 2.6 metres in width. The entire site would be enclosed by a green coloured 2.4 metre high paladin style fence. All equipment would be mounted on a concrete slab around which would be an area of hardstanding for commercial vehicles. Access would be taken from the gravelled track which leads to the rear of the business park.

## **ANALYSIS**

### Issues and Assessment:

The main issues to consider in determining this application are in terms of the principle of development and the benefits to be derived from increased energy security and new energy infrastructure to support the UK's shift towards low carbon energy having regard to national and local policy which need to be carefully weighed against the impact of the development on the countryside and visual impact on the rural landscape character and appearance of the area, the impact of the proposal on the residential amenities of the occupiers of surrounding properties, the impact on the setting of nearby heritage assets, ecology and highway safety.

### Principle:

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The site is located outside of the Hill Barton business park boundary as defined by the emerging Villages DPD and whilst it is an allocation within the Devon Waste Plan, it is considered to be in the open countryside where policies of restraint apply.

With regard to the Devon Waste Plan allocation, whilst the site forms a small part of an allocation within the Devon Waste Plan, this allocation is for waste and energy recovery uses and as such the application proposal does not comply with the relevant waste policy. The County Council's Minerals and Waste Officer has advised that the site lies within the Waste Consultation Zone for Hill Barton and that the supporting statements for the applications address the matters raised by the County Council in its response of 6th September 2017 to the previous applications, including the Devon Waste Plan and availability of a grid connection for the nearby gasification plant.

It is advised that the area allocated for energy recovery development at Hill Barton through Policy W6 of the Devon Waste Plan includes the sites of the current application, but extends to a much larger part of the business park. Development of the application site for electricity storage would not prevent delivery of additional energy recovery capacity at Hill Barton, and Devon County Council therefore has no objection in its role as waste planning authority. In light of this there is no conflict with Policy W6 of the Devon Waste Plan that could justify refusal of planning permission.

Turning now to the East Devon Local Plan, Strategy 7 (Development in the Countryside) of the Local Plan states that 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, including:

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

Policy support is offered for renewable and low carbon energy projects under Strategy 39 (Renewable and Low Carbon Energy Projects) of the Local Plan. This policy states that:

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

- 1. taken appropriate steps in considering the options in relation to location, scale and design, for firstly avoiding harm;*
- 2. and then reducing and mitigating any unavoidable harm, to ensure an acceptable balance between harm and benefit.*

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

It is important to establish whether this policy is applicable to the development in question, given that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Local Plan helpfully defines what it means by 'Renewable and low-carbon energy' in its glossary where it states:

*Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels). Renewable Energy can also be gained from waste technologies (including energy from waste incineration, anaerobic digestion, gasification and pyrolysis).*

The proposal does not meet the definition of renewable energy and as such the question therefore is whether the development is a low-carbon technology, or in other words is it a technology that can help reduce emissions?

### Smart Power and its implications for renewables

In March 2016 the National Infrastructure Commission published its report 'Smart Power' which focuses on the benefits that can be achieved through building a more flexible electricity system and the steps needed to achieve this.

Most lower carbon power sources have quite different characteristics to fossil fuel plant, which limit their ability to manage the changing pattern of demand for electricity at different times of the year and different times of day.

Coal and gas fired power stations are not dependent on external factors such as the weather to enable them to generate power and can be switched on and off comparatively quickly in response to changing patterns of demand. For these reasons, the System Operator has historically used them as its main tool for balancing the system in real time, in combination with a small amount of extremely fast-starting hydro power to manage the most sudden spikes in demand.

In contrast, renewable generation is intermittent, with wind farms only able to generate when it is windy and solar power proportional to the amount of sunlight. Nuclear power is best run delivering stable base load power, rather than ramping up and down to meet demand, as the process of turning a nuclear plant on or off is time-consuming and expensive.

Low carbon power stations are also relatively expensive to build but once constructed are cheap to operate, with the opposite being true for most fossil fuel plants. It would clearly be inefficient and unsustainable to deal with the increased balancing challenge by constructing a large amount of low carbon generating capacity that would only be needed for a few hours of the day to meet peak demand, and more again to manage intermittency.

Renewable installations tend to be smaller and are therefore often connected to the lower voltage distribution network. This has benefits in bringing generating capacity close to the consumer and reducing the demands on the transmission system (and the associated costs) but it also creates a more complicated geographical spread of energy supply and leads to new challenges in managing both local and national networks.

In particular, with increasing amounts of solar power in the system, managing periods of low demand in the summer will be just as important as managing the high demand we see in the winter, as we may experience a surplus of electricity of in the middle of a sunny day.

Three innovations can help deliver this – interconnection, storage, and demand flexibility – which have the potential to displace part of the need for new generating capacity, to save money for businesses and domestic consumers and help the UK meet its climate reduction targets. The report estimates that the savings could be as large as £8 billion a year by 2030.

The report goes on to state that it is important to recognise that electricity storage is not one single technology, but a diverse range including batteries, pumped hydropower and supercapacitors. This allows storage to play more than one role in increasing the flexibility and robustness of the electricity system, including:

- Making the system more resilient to short term imbalances in demand and supply and **allowing the integration of a larger share of renewables in the generation mix.**
- Enabling network owners to increase the capacity of their networks more cost effectively than simply building additional cables.
- Allowing customers (including households, businesses and electricity suppliers) to manage their usage more actively, taking and storing electricity at times of low demand and prices and then using it at peak times, which both reduces costs and helps to balance production and demand.

Making effective use of storage will strengthen network capacity and minimise the need to build new power stations that only operate for a few hours each day when demand peaks. It can also provide a source of demand for electricity at times when intermittent generation (e.g. wind and solar power) is generating but demand would otherwise be low (and subsidies would be paid to renewable generators to turn off their systems). This increases the profitability of renewables, reducing their need for subsidy and their cost to consumers. The variety of technologies available also means that storage can be deployed at a range of scales and locations from large scale storage connected to the national transmission network to small batteries in people's homes.

Ofgem published its paper 'Upgrading our energy system – Smart systems and flexibility plan' in July 2017. This report states that a government study (An analysis of electricity system flexibility for Great Britain – November 2016) identifies that among various benefits of a smart and flexible energy system (which includes battery and other storage schemes) are the benefits of avoiding curtailment of low carbon generation.

The proposed battery storage system will take electricity from the network and store it when there is a surplus relative to demand (when prices are correspondingly low). Typically this will be at night, when renewable generators such as wind turbines will continue to generate power, as other base load (fossil fuel/nuclear) generators reduce

output. It will then feed this back into the network during times of higher demand (when prices are correspondingly higher).

It is the view of officers that the proposal is clearly a technology that can help reduce emissions through maximising benefits from renewable generation schemes and this is unequivocally recognised by the Government. The fact that the project is not a generator of electricity itself is not a relevant matter in answering this question or indeed as to whether Strategy 39 is engaged, as this is not expressed as a qualifying requirement in the policy.

While it cannot be guaranteed that at all times all electricity being taken from the network for the proposed battery storage scheme is from 100% renewable sources that is not the relevant test of whether Strategy 39 is applicable either. The deployment of such storage systems clearly helps makes best use of existing renewable generation (and could in future help more renewables be deployed) and also has the potential to reduce the UKs carbon footprint and costs of electricity to consumers. It is therefore the view of officers that Strategy 39 is engaged and in principle the development is considered acceptable, subject to its other qualifying criteria and other relevant policies of the development plan.

#### Other policy

The NPPF is clear that it supports the transition towards a low-carbon economy. Paragraph 7 identifies this as one of the environmental aspects of sustainable development. Paragraph 14 identifies that one of the Core Principles for plan making and decision taking includes supporting a transition to a low carbon future by encouraging the use of renewable resources (for example, by the development of renewable energy). While the proposal is not a renewable energy source itself, as identified above it clearly encourages and supports the use of renewable energy generation.

The proposal would contribute to the capacity of the supply of electricity from renewables which is identified as an objective in the National Policy Statement for Energy.

Ofgem's 'Upgrading our energy system – Smart systems and flexibility plan' 2017 states that the Government and Ofgem are keen, where appropriate, to remove undue policy and regulatory barriers to the deployment of flexible technologies. It identifies that over 550MW of battery capacity is contracted (as of 2016) to come online by 2020 but that storage faces specific regulatory and policy barriers that may place it at a disadvantage to other forms of flexibility. It states that it wants storage become a genuinely viable proposition in the energy system. To that end the paper states that the Government will review the planning regime to look at whether it could be simplified for storage facilities, including the national threshold for storage facilities and planning guidance associated with storage.

On 12 October 2017 the Government published its Clean Growth Strategy.

It confirms that it is investing £265 million of public funding between 2015 and 2021 in smart systems to reduce the cost of electricity storage, advancing innovative demand

response technologies and developing new ways of balancing the grid. This is split between research, technological development and technology demonstration.

The Government's ambition is clearly spelled out on page 95 of the Strategy where it states:

*We want a diverse electricity system that supplies our homes and businesses with secure, affordable and clean power. That means developing low carbon sources of electricity that are both cheap and clean, taking into account wider system impacts for all sources of generation. **It also means upgrading our electricity system so it is smarter (using data to provide greater control), more flexible (providing energy when it is needed) and takes advantage of rapidly developing technologies such as energy storage.***

*By 2050, we anticipate that emissions from the power sector could need to be close to zero. Indeed, we may even see negative emissions – that is, greenhouse gases being removed from the atmosphere – from the sector if sustainable bio-energy and carbon capture and storage are used together. At the same time, many more people are expected to drive EVs, many homes and offices may have efficient electric heating and cooling, and more industrial sites could be powered by clean electricity. There are however alternatives to electrification, such as hydrogen, which could mean that electricity demand is more similar to today.*

The Strategy provides a commitment by the Government, Ofgem and industry to implement the recommendations in the Smart Systems and Flexibility Plan published on 24 July, which it states will enable technologies such as energy storage to compete effectively in the energy market and help integrate more low carbon generation into the system, saving up to £40 billion by 2050.

Clearly the Government's ambition is that battery storage systems be deployed as a key element of developing a smart energy network that will deliver its climate change and economic objectives.

Notwithstanding this it has been identified above that the Local Plan already supports this type of proposal in principle. Battery storage is a contracted balancing service awarded by National Grid annually whereby the Service Provider delivers a contracted level of power when instructed by National Grid. The increased electricity capacity would support an increased supply from renewables as set out within the National Policy Statement for Energy which recommends the roll-out of battery storage in order to support the development of a low carbon economy. An indication of the weight to be attributed to the purpose and benefits of this installation has recently been clarified in an appeal decision for dated 16th May 2017 (ref APP/N1730/W/17/3167123) in which the Inspector allowed an appeal for a battery storage development in Hook.

Whilst each application must be assessed on its own merits, there are some similarities between the allowed appeal and this proposal. In allowing the appeal, the Inspector concluded that despite the location of the development in the countryside which conflict with the authorities Local Plan policy, this was outweighed by its contribution to maintaining stable electricity supplies during fluctuations resulting from renewable energy generation which is central to the economic, social and

environmental dimensions of sustainable development, for which the Framework has a presumption in favour. The appeal was also allowed because the Inspector was satisfied that there would be no harm to the setting of the immediate and wider landscape.

The need for new energy infrastructure to support the UK's shift towards low carbon energy is set out in the National Policy Statement for Energy Infrastructure. Under the direction of the Energy Act 2013, this proposal is considered to contribute to the government's key objective to secure energy on the way to a sustainable low carbon future. This proposal is considered to constitute a renewable and low carbon energy project as a mechanism to provide localised energy generation which is more responsive than traditional centralised energy generation thereby contributing to low carbon energy generation and that it therefore accords not only with Strategy 39 of the Local Plan but paragraphs 97 and 98 of the NPPF which are aimed at increasing the use and supply of renewable and low carbon energy projects.

### Conclusion on principle

Whilst officers remain of the view that the proposal complies with Strategy 39 by virtue of being a low carbon energy project, and continue to give a significant amount of weight to the national benefits to be derived from this particular proposal and its contribution towards maintaining stable electricity, this needs to be carefully balanced against the impacts on the rural landscape and character and appearance of the area, the residential amenities of the occupiers of surrounding properties from noise and the impact on the setting of heritage assets.

In addition, Members will be aware that for a similar proposal in Hawkchurch, Committee determined that the proposal did not meet the definition of being a 'low carbon energy project' and therefore refused planning permission due to the unacceptable location of the site in the countryside with a harmful visual impact. This decision was contrary to the officer recommendation and despite this decision officers are still of the view that such proposals are low carbon energy projects that meet Strategy 39 and gain significant support from Central Government.

Obviously in the determination of this application Members need to be mindful of their previous decision.

### Character and Appearance:

The application site is currently free from development comprising of flattened, broken up hardcore currently used for the storage of dumpsters and large vehicles. The installation would be industrial in nature and in the limited views that would be available from public vantage points outside of the site, would be largely read against the back drop of the large industrial units within the business park and the recently approved gasification plant currently under construction on the adjacent site. The application is accompanied by a Landscape Visual Impact Assessment which has assessed the landscape impact of the proposal from a number of public roads and footpaths outside of the site.

The LVIA has been considered by the Council's Landscape Architect who agrees with the methodology used and the conclusions within the report. It is generally accepted that the proposal would have a limited visual impact in terms of the wider landscape and long distance views because of the site's topography and its position behind a large 'C' shaped bund which provides an effective visual barrier obscuring and screening the majority of the views of the installation from public vantage points outside of the site.

The greatest visual impact of the proposals would be from Denbow Cross (identified as view 5 within the LVIA), a rural crossroads at the entrance to Wood Farm. This view point looks in a S.W. direction towards the site and the LVIA identifies this as being harmful albeit from close and glimpsed views from this rural lane where there are views of the existing industrial units, the artificial bund and the gasification plant.

The photographic representation within the LVIA does show that from this particular viewpoint, the battery storage containers by virtue of their height and proximity to the front of the site would be visible and it is accepted that there would be some harm to the rural character of the area. Whilst this would be the case the view is already dominated by the large gasification plant and therefore the existing visual amenity of the site is already compromised to a degree. Furthermore, the site's allocation within the Devon Waste Plan for an energy recovery plant with a capacity of 80,000 tonnes is likely to have a far greater visual impact on the rural character and appearance of the area.

The application is accompanied by a detailed landscaping scheme which includes the provision of a new Devon bank and a native hedgerow on the site's frontage in addition to tree planting and landscaping on the bund which has to be implemented under an approved County Matter application. Whilst some concerns have been raised about the detail contained within the landscaping scheme, the principle of the planting scheme is considered to be acceptable and would help to provide additional screening and reduce its overall visual impact. A condition is recommended requiring the submission of a detailed landscaping scheme which addresses the concerns raised by the Council's Landscape Architect and for the submission of a schedule of materials and finishes for the buildings.

On balance, given the above it is considered that the limited visual harm arising from the scheme would not be sufficient to warrant refusal of the application and is not considered to outweigh the benefits to be derived from this particular proposal, its contribution towards maintaining a stable electricity supply as a low carbon energy project.

#### Impact on Listed Buildings:

The proposal has been considered by the Council's Conservation Officer who has advised that there are several listed buildings in the vicinity of the site which are all listed Grade II: Denbow House, Denbow Thatch, Barn adjacent to Denbow Thatch, Glebe House, Barn at Glebe House. Pursuant to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) act 1990 special regard must be had to the desirability of preserving listed building or their setting or any features of architectural or historic interest which they possess.

Policy EN9 (Development Affecting a Designated Heritage Asset) of the Local Plan states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm will be weighed against the public benefits of the proposal.

Whilst the concerns raised by local residents in respect of the impact of the proposal on the setting of nearby heritage assets are noted, the Council's Conservation Officer has raised no objections to the proposal stating that due to their location, the topography of the land, the mature vegetation, hedging and trees and the distance between the sites, it is considered that the proposed works will have minimal or no impact on the setting of the listed buildings.

In this case, in the absence of an objections from the Council's Conservation Officer it is considered that the proposal would result in less than substantial harm to the setting of heritage assets in the area and the very limited harm to the setting (derived only from travelling to and from the heritage assets and viewing the proposals at distance) would be outweighed by the benefits to be derived from this particular proposal, its contribution towards maintaining a stable electricity supply as a low carbon energy project such that it is not considered that an objection could be sustained on these grounds. The proposal is therefore considered to comply with the provisions of policy EN9 of the Local Plan.

#### Residential Amenity:

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

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

1. Pollution of the atmosphere by gas or particulates including smell, fumes, dust, grit, smoke or soot.
2. Pollution of surface or underground waters including:
  - a) Rivers, other watercourses, water bodies and wetlands.
  - b) Water gathering grounds including water catchment areas, aquifers and ground water protection areas
  - c) Harbours estuaries or the sea.
3. Noise and/ or vibration.
4. Light intrusion

A number of concerns have been expressed by local residents and the Parish Council about the impact of the proposal on amenity largely in terms of noise and vibration from the equipment.

The application is accompanied by a Noise Assessment which has been carefully considered by the Council's Environmental Health Officer. The EHO has advised that the proposal should not exceed Noise Rating Curve 30 at the nearest residential

receptors identified within the report around 280 metres to the north and Glebe Cottages and other residential properties 400 metres to the south. The EHO has advised that it is more appropriate to request NR 30 during the day as the daytime background level already exceeds 30 dB from other businesses and activities within the business park.

In the absence of any objections to the noise levels from the Council's EHO it is not considered that this proposal would adversely affect the residential amenities of the occupiers of adjoining properties to an unacceptable level. A condition will be imposed to ensure that the noise level of all sources acting in combination does not exceed Noise Rating Curve 30 (daytime) at the boundary of the nearest non-beneficial residential premises, which is Glebe Cottage, Farringdon. The EHO has advised that should night noise occur and complaints be received the occurrence, frequency, loudness and impact of the noise would be investigated as a statutory nuisance under the Environmental Protection Act 1990. A condition will also be imposed requiring the submission of a Construction Environment Management Plan (CEMP) to ensure that residents are not adversely affected during construction.

Concerns stated in the comments from Environmental Health and the Parish Council mainly relate to the proposal on the adjoining site the subject of a separate application where noise from gas-fired generators would be more significant than from a site simply taking, storing and releasing electricity. On the current application site, noise is expected from associated plant such as cooling fans.

#### Ecological Impact:

The application is accompanied by a Preliminary Ecological Appraisal which has been prepared by a suitably qualified ecologist. The report concludes that the site has a negligible ecological value due to it consisting of bare earth and piles of gravel. With the implementation of the proposed mitigation measures contained within the report, it is not considered that this proposal would adversely affect species which are legally protected. In addition, through additional hedgerow and tree planting it is considered that the ecological and biodiversity value of site could be enhanced. The proposal is considered to comply with the provisions of Policy EN5 (Wildlife Habitats and Features) of the Local Plan.

#### Highway Safety:

No objections to the proposal have been received from the County Highway Authority on highway safety grounds. The greatest impact on highway safety would arise during the construction phases of the development and details of traffic movements and routes can be considered as part of the CEMP which would have to be submitted prior to commencement of development on site. Traffic movements once the site is operational would be limited to normal sized vehicles during regular maintenance checks from engineers. It is not considered that the proposal would give rise to any highway safety concerns and that the proposal complies with the provisions of policy TC7 (Adequacy of Road Network and Site Access) of the Local Plan.

### **CONCLUSION**

The proposal is for a battery storage scheme and associated infrastructure. The proposed location for the development is in the open-countryside adjacent to an existing gasification plant on Hill Barton Business Park. It is also allocated within the Devon Waste Plan as a site for an energy recovery proposal with a capacity of 80,000 tonnes.

Despite a decision to the contrary on a similar proposal by Members, Officers still consider that the development meets the definition of 'low-carbon' technology as defined in the Local Plan and is therefore acceptable in principle in this rural location. The development will assist in maximising benefits from existing renewable energy schemes by providing a means of storing excess power that is generated from renewable sources at times when otherwise such generation would be curtailed (i.e. switching off wind turbines). It would also enable (along with other storage schemes nationally) the deployment of more renewables as part of the energy mix, which would further reduce the carbon footprint of the economy, a key Government objective.

The location of the site provides a good level of screening from the existing artificial bund and the proposal would have a limited visual impact from short distances from public vantage points outside of the site. Further landscaping is proposed to mitigate what limited visual impacts there are.

The risk of pollution from the construction and operation of the installation is minimal and any residual risks can be minimised by engineering solutions. The Council's EHO is satisfied that noise impacts from this proposal would not adversely affect residential amenity.

The site is of little biodiversity interest but the proposal offers some mitigation in respect of badgers and also modest enhancements through the planting of native species hedgerows and trees.

The impacts on the setting of heritage assets is considered to be less than substantial and do not outweigh the public benefits of the proposal.

On balance, the proposal is considered to represent sustainable development that will have little negative impact and accordingly it is recommended that permission be granted subject to the conditions set out. Strategy 39 requires a condition that all equipment be removed from the site and the land restored to its former condition if the project ceases in the future. Although the harm to visual and landscape interests identified above is considered to be limited, it is considered appropriate to use such a condition to remedy that harm when there is no longer a requirement for the installation.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. Before development is commenced, 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 and roofs of the proposed development 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 considered at an early stage and are sympathetic to 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.)
4. Notwithstanding the submitted details, no development shall take place until a landscaping scheme has been 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 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.  
(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)
5. The residual noise level of all sources acting in combination from the battery storage plant hereby approved shall not exceed Noise Rating Curve 30 at the boundary of the nearest non-beneficial residential premises (noise rating curve as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide).  
(Reason: To protect the amenities of local residents from excessive noise in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).
6. A Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Construction Traffic Routing, 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 - 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 East Devon Local Plan 2013 to 2031.)

7. The development hereby permitted shall be carried out in accordance with the recommendations set out within the Preliminary Ecological Appraisal Report prepared by SLR dated July 2017.

(Reason - In the interests of biodiversity in accordance with policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 to 2031).

8. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has 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.

(Reason - To ensure that surface water runoff from the development is discharged within the site in accordance with policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013-2031).

9. Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

(Reason - To ensure that any contamination existing and exposed during the development is identified and remediated in accordance with the provisions of policy EN16 (Contaminated Land) of the East Devon Local Plan 2013-2031).

10. No external artificial lighting shall be installed during the operation of the site without the prior written agreement of the local planning authority.

(Reason - To minimise the potential for pollution and disturbance to local amenity and wildlife in accordance with policies D1 (Design and Local Distinctiveness), EN14 (Control of Pollution) and EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 to 2031.)

11. Notwithstanding the submitted details, no development shall commence until the height of the slab level on which the battery units and associated infrastructure are to be sited and finished ground levels in relation to a fixed datum has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

(Reason: To ensure that adequate details of levels are available and considered at an early stage in the interest of the character and appearance of the locality in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031).

12. Within six months following a permanent cessation of power storage and transfer the development hereby approved shall be dismantled and removed from the site. The owner shall notify the local planning authority in writing no later than five working days following cessation of power storage and transfer. The site shall subsequently be restored in accordance with a scheme, the details of which shall be submitted and approved in writing by the local planning authority no later than three months following the cessation of power storage and transfer.  
(Reason - To ensure the achievement of satisfactory site restoration in accordance with Strategy 39 of the East Devon Local Plan 2013 to 2031.)

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

17279-102 HILL BARTON B REV 2C	Proposed Site Plan	28.11.17
172979.101 REV 2	Location Plan	27.09.17
APPRAISAL	Ecological Assessment	27.09.17
17279.900 REV 1A, 1 OF 4	Other Plans	27.09.17
17279.900 REV 1A, 2 OF 4	Other Plans	27.09.17
17279.900 REV 1A, 3 OF 4	Other Plans	27.09.17
17279.900 REV 1A, 4 OF 4	Other Plans	27.09.17
17279.103 REV 2	Proposed Elevation	27.09.17

##### List of Background Papers

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



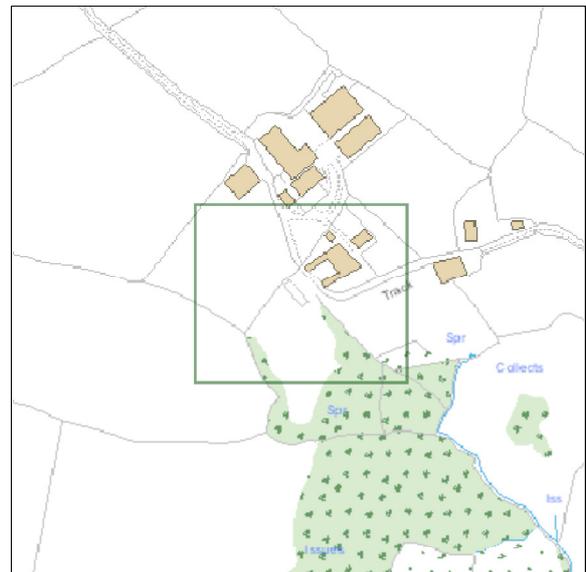
**Ward** Otterhead

**Reference** 17/2466/FUL

**Applicant** Mr & Mrs Summers

**Location** Barn To The South West Of Windsor Farm  
Luppitt Honiton EX14 4SY

**Proposal** Change of use of barn to dwelling



**RECOMMENDATION: Refusal**

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		<b>Committee Date: 6<sup>th</sup> February 2018</b>
<b>Otterhead (LUPPITT)</b>	<b>17/2466/FUL</b>	<b>Target Date: 29.12.2017</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs Summers</b>	
<b>Location:</b>	<b>Barn To The South West Of Windsor Farm Luppitt</b>	
<b>Proposal:</b>	<b>Change of use of barn to dwelling</b>	

**RECOMMENDATION: REFUSE**

### **EXECUTIVE SUMMARY**

**This application is before Members as the officer recommendation differs from the view of the Ward Member.**

**The application proposes the conversion of an existing barn to a residential dwellinghouse. The site is on agricultural land and lies approximately 3 ½ miles north of Honiton and a mile east of Highfield (Dunkeswell). The site is within the Blackdown Hills AONB and outside of any Built-Up Area Boundary (BUAB). In planning terms the site lies in open countryside.**

**Externally, the barn is of traditional appearance featuring stone to the lower and render to the upper elevations under a pitched roof covered in profiled sheeting. However, it would appear that the building has undergone extensive repair/rebuild at some stage with the upper elevations and roof replaced. Nevertheless, the building now appears to be structurally sound and any agricultural use of the building to be low key and non-essential.**

**In terms of the design the method of conversion is considered to be relatively sympathetic and whilst some additional and more domestic style openings are proposed these are not excessive and are restricted to secondary elevations. Overall, the physical alterations to the building are considered to be acceptable. Furthermore, it is not considered that the proposal would result in any significant harm to the character and appearance of the surrounding area, which forms part of the Blackdown Hills Area of Outstanding Natural Beauty. Whilst there is evidence of the use of the building by protected species and a European Protected Species Licence would be required mitigation and compensation measures could be secured by condition.**

**Strategy 7 (Development in the Countryside) of the adopted Local Plan, resists development in the countryside except where this is explicitly supported by other local plan policies. In this case Policy D8 (Re-Use of Buildings Outside of**

Settlements) is the only policy which would potentially support the proposal. Policy D8 permits the conversion of a rural building, outside of a settlement, to a residential use provided that it is redundant for agriculture or agricultural diversification and that its conversion would enhance its setting and that the building to be converted would be located close to a range of accessible services and facilities to meet the everyday needs of residents.

Notwithstanding the limited economic and social benefits that would arise from the conversion of the barn and subsequent residential use, due to the in-principle conflict relating to development in the countryside, and the unsustainable location of the development, the proposal is considered to be unacceptable.

## **CONSULTATIONS**

### **Local Consultations**

#### Otterhead - Cllr D Key

I have visited the application site and found a good structured disused barn. I fully support the conversion into residential use which will preserve this building for the future. It abuts the private farm lane for access and is secluded and not visible from the surrounding area. Therefore should my decision differ from the Officer I request that the application goes to the DMC.

#### Parish/Town Council

The Parish Council fully supports the application especially as the property will provide a home for local young people.

#### Other Representations

None received

### **Technical Consultations**

None received

## **PLANNING HISTORY**

None

## **POLICIES**

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

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

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

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN5 (Wildlife Habitats and Features)

Government Planning Documents  
National Planning Practice Guidance

Government Planning Documents  
NPPF (National Planning Policy Framework 2012)

### **Site Location and Description**

The application site is located in open countryside approximately 3 ½ miles north of Honiton and a mile east of Highfield (Dunkeswell). It is accessed via a private lane leading off from the local road to the west, this lane serves the adjoining Windsor and Lamberts Farms. Those properties lie to the north and east with the barn, the subject of the application, set apart from them to the southwest. There is a further single storey range of traditional agricultural buildings on the opposite side of the access track.

The barn sits just below the plateau edge where the land begins to fall more steeply away to the southeast. There is a steep grass bank to the northwest sloping up to the adjoining field level with the building itself constructed on a level platform and more gentle gradients to the front and rear. The building appears to have been kept in good repair and consists of stonework and rendered blockwork elevations under a pitched profile sheet roof.

The site lies in open countryside forming part of the designated Black down Hills Area of Outstanding Natural Beauty.

### **PROPOSED DEVELOPMENT**

The application proposed the change of use and conversion of the barn to form a single residential unit.

The conversion works would utilise the existing large openings on the front and rear elevations by infilling these with timber and glazing. On the front elevation the only new openings shown are a pair of conservation roof lights. On the rear elevation a further pair of conservation rooflights are proposed together with 3 further additional windows. In the southeast gable end a new opening is proposed at ground floor level.

### **ANALYSIS**

It is considered that the main issues in the determination of the application are:

- The principle of the proposed use

- The design (including suitability for conversion) and impact on the character and appearance of the area
- Highways and Accessibility Issues
- Ecological Issues
- Other Matters

### Principle

The Adopted East Devon Local Plan 2013-2031 identifies sufficient sites for housing development in the District such that East Devon is considered to have an up to date 5 year housing land supply. Therefore, in accordance with paragraph 49 of the National Planning Policy Framework (NPPF), the district's policies relevant to the supply of housing are considered to be up to date and can be given full weight.

The site lies outside of any designated Built-Up Area Boundary Local Plan and therefore, in accordance with Strategy 7 (Development in the Countryside) of the Local Plan, is regarded as being in open countryside. Strategy 7 resists development in the countryside except where a specific Local or Neighbourhood Plan policy explicitly permits it and where that development would not harm the distinctive landscape, amenity and environmental qualities of the area within which it is located. Luppitt Parish has been designated as a Neighbourhood Area and a plan is being produced, at present this is at a fairly early stage of development and as such there are currently no Neighbourhood Plan policies which would specifically support development of this nature.

Policy D8 (Re-use of Rural Buildings Outside of Settlements) permits re-use of redundant rural buildings subject to a number of criteria, relating to the use being sympathetic to and enhancing the rural setting and character of the building and surroundings; the building being structurally sound and capable of conversion; the form bulk and general design of the building and proposed conversion being in keeping with local building styles and materials; the use not giving rise to harm in terms of traffic, parking, storage or pollution, and; the proposal not undermining the viability of an existing agricultural enterprise. These matters are considered below under the various headings.

In addition where a residential use is proposed it must further be established that: the building is no longer required for diversification purposes; that its conversion would enhance its setting, and; that the development would be located close to a range of accessible services and facilities to meet the everyday needs of residents.

In this respect whilst there appears to be some nominal storage use of the building, it is not designed for modern agricultural practices and the loss of the building from agricultural use is considered to be acceptable. In terms of enhancement this is considered below. Perhaps most pertinent to proposals for residential conversions is the need for the development to be located close to a range of accessible services and facilities to meet the everyday needs of residents. This is supported by Policy TC2 – Accessibility of New Development that seeks to ensure that new development is located so as to be accessible by pedestrians. Cyclists and public transport.

The site is relatively remotely sited. The nearest shops and services are located in Highfield approximately 1 mile to the west of the site (as the crow flies). Here there are a range of local shops, as well as a nursery and there are other employment opportunities slightly further away at Dunkeswell Airfield.

Nonetheless, Dunkeswell/Highfield is not identified in Strategy 27 of the Local Plan as being a settlement considered to offer ‘...a range of accessible services and facilities to meet many of the everyday needs of local residents’ and the nearest recognised settlement with such provision is therefore Honiton. The applicant’s statement suggests that the term, ‘close to services’ should be interpreted flexibly as by definition all buildings considered under the policy will be ‘in the countryside’. However, in terms of access to shops and services there may be redundant barns in locations outside of but physically adjoining built-up area boundaries of settlement or otherwise located such that the facilities within the settlement are easily accessible by walking, cycling. That is not considered to be the case in this instance and where there is also no ready access to public transport. It is anticipated that any future residents would be almost entirely reliant on private transport for all journeys due to the lack of footways, street lighting and distance to the nearest services. The applicant’s statement makes reference to delivery service availability but this would be true of almost any location and does not mark the site out as a sustainable location for residential development.

In terms of applications to convert existing buildings to residential use Policy D8 of the Local Plan reflects the position in para. 55 of the NPPF in recognising that there may be special circumstances where residential development may represent an appropriate re-use of a redundant, or disused building. However, unlike para. 55 policy D8 adds a requirement to assess the appropriateness of the location in such proposals. This locational factor and the need for such conversion proposals to be sustainable in terms of access to services and facilities has been successfully defended on a number of occasions at appeal with Inspectors supporting the Council in this regard.

In an appeal against the refusal of planning permission for the conversion of a barn for residential use at The Barn, Fernleigh, Offwell, near Honiton, Devon EX14 9SE (APP/U1105/W/16/3157073) The Inspector concluded at para. 12 of his decision letter that, whilst the site was, (*similar to the current appeal cases*), close to a village with some services, future occupiers would be reliant on car use and that,

“For these reasons I conclude that the site is in a location remote from services and facilities. It would fail to comply with LP Policy D8 and with Strategy 7, which only permits development in the countryside where it is accordance with a specific Local or Neighbourhood Plan policy; no such policy exists.”

In a separate appeal against the refusal of planning permission for conversion of a barn to a dwelling at East of Westwater House, Westwater, Axminster EX13 7JD (APP/U1105/W/16/3165619) and again a similar distance to the nearest settlement the Inspector, in relation to accessibility found that,

*“... the surrounding road network consists of narrow, unlit rural lanes with few footways or verges. This, together with the lack of lighting, would positively discourage walking and cycling and would result in access to even basic services being heavily reliant on*

car use.”

It is considered that the same would be true of the application site. The Inspector went on to conclude that,

*“... the proposal would be isolated from nearby services and would not provide suitable opportunities for sustainable transport. As such, it would not offer an acceptable location for the proposed development and would be contrary to LP Strategy 7 and LP Policy D8 both of which restrict new development in the countryside other than in a limited number of defined circumstances.*

The same conclusion is drawn for the current site in that it is an unsustainable location for new residential development for which there is no policy support in the Local plan. Paragraph 12 of the NPPF confirms, ‘the *development plan as the starting point for decision making*’ and that ‘*Proposed development that conflicts should be refused unless other material considerations indicate otherwise.*’ There is therefore an in principle objection to the proposal, nonetheless it is necessary to consider if there would be any other material circumstances that would support a different decision being taken.

#### Design and Impact on the character and appearance of the area

The barn appears to have been repaired/renovated relatively recently. The upper part of the walls are constructed from modern blockwork and the roof trusses and covering are also modern. It appears to be structurally sound with no obvious evidence of cracks or other signs of structural weakness, as such, and whilst no structural survey has been submitted, it is considered that the building would be capable of conversion without the need for substantial extension, alteration or reconstruction.

In terms of the external appearance of the barn the scheme looks to work with the basic form of the building and no extensions are proposed. The roof would be replaced with a new slate roof and the existing large openings on both the longer elevations would be largely infilled with glazing in timber frames. A number of new openings are proposed in the form of more domestic scaled windows on the rear and end elevations and large conservation rooflights in both the front and rear roof slopes. These new openings would be slightly out of character with the simple agricultural character of the building and lend it a more domestic appearance but they have been largely restricted to secondary elevations and overall their impact is not considered to be sufficiently harmful to warrant objection.

The application provides no specific details of how the site would be landscaped but it is acknowledged that the site area is relatively constrained, to those areas to the immediate northeast and southwest of the building, and the building itself is visually related to other farm buildings and dwellings to the north and east of the site. This being the case whilst the proposed residential use is likely to result in domestic paraphernalia around the building additional structures could be controlled by condition. There are no close range public views of the building and longer range views would see the building in conjunction with adjoining development. As such the proposal would result in very limited additional landscape impact and whilst there is no enhancement demonstrated it is not considered that refusal would be warranted on

these grounds. Were the proposal otherwise considered to be acceptable it would be possible to secure landscaping details by means of an appropriately worded condition.

### Highways and Accessibility Issues

The site is accessed via a private road that links with local roads approximately 500 metres to the northwest and a similar distance to the southeast of the site. Policy TC7 of the Local Plan requires site accesses and local roads serving development proposals to be capable of safely accommodating the traffic likely to be generated by the development. Policy D8 further requires that proposals do not harm the countryside by way of amongst other things traffic or parking. The development is for a single residential dwelling, whilst no comments have been received from the highway authority, it is considered that the local roads that serve the site are capable of safely accommodating any additional traffic associated with the proposed use and that adequate parking provision can be provided forward of the barn to serve the dwelling.

### Ecological Issues

The application is accompanied by a Bat and Protected Species Survey Report which assesses the potential of the building to provide roosting/nesting opportunities. The initial survey results indicated low level bat use and as such further emergence surveys were carried out which confirmed that the building is being used for roosting by both common pipistrelle and Long-eared bats. The internal area of the barn was also found to be used by a variety of nesting birds. It follows therefore that the conversion works would disturb or destroy these roosts/nesting sites and that as such an EPSL (European Protected Species Licence) would need to be applied for. Such licences are usually only applied for after planning permission has been obtained. However the report provides details of mitigatory and compensatory works that would be undertaken and which include suitable supervision of works, creation of replacement roost/nesting site provision and control over external lighting. If the application were otherwise considered to be acceptable this matter could be addressed by a condition.

### Other Matters

It is not considered that the proposed dwelling would have a harmful impact upon neighbour amenity due to the intervening distance between the barn and neighbouring residences.

The economic activity associated with the building works required for the conversion would bring a modest economic benefit to the locality. The planning statement accompanying the application attempts to quantify these benefits during both the construction and operational phases of the development. It suggests that the project would create 4 no. full time equivalent construction jobs for the length of the construction period. In addition the proposal would potentially provide support to local shops, services and businesses through the patronage of future occupiers. Finally, it is recognised that some direct financial benefit would also arise through CIL payments and New Homes Bonus resulting from the additional dwelling.

The building is currently in a very low key agricultural use not and it is not considered that its loss would undermine the viability of an existing enterprise.

A Neighbourhood Plan is being produced for the parish of Luppitt but this is still at an early stage of production and can therefore be given little weight. It is noted however that background evidence appears to indicate some local support for additional housing particularly through barn conversion.

### **Conclusion**

The site is located outside of a Built-Up Area Boundary and the proposal represents development in the countryside which conflicts with the provisions of Strategy 7. Policy D8 of the Local Plan provides some potential support for conversion of redundant rural buildings to dwellings, in certain circumstances, however this is dependent, amongst other things, on the accessibility of the development to services and facilities required to meet the everyday needs of residents that is also require by Policy TC2.

In this instance the site is remotely located from such services to the extent that future occupiers are considered likely to be dependent on private transport for the vast majority of journeys such that the development would be environmentally unsustainable. Whilst is recognised that the proposal would result in limited environmental harm in other respects and would result in some limited economic and social benefits it is considered that these modest benefits would be strongly outweighed by the environmental harm of the development described above, such that the proposal is not considered to represent a sustainable form of development and is therefore unacceptable.

### **RECOMMENDATION**

REFUSE for the following reasons:

1. The proposed development takes place in a remote rural location divorced from the services and facilities required to meet the everyday needs of residents and where access to such services would be heavily reliant on private transport. The development therefore fails to accord with the definition of sustainable development, specifically the environmental role, found within the National Planning Policy Framework and where the adverse impacts of the development, in terms of the unsustainable location, significantly and demonstrably outweigh any limited economic or social benefits that might arise from the development. As such, the proposed development is considered contrary to Strategy 7 (Development in the Countryside) and policies D8 (Re-use of Rural Buildings Outside Settlements) and TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 and the guidance in the National Planning Policy Framework and associated Planning Practice Guidance.

## NOTE FOR APPLICANT

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

Plans relating to this application:

1975/01	Proposed Floor Plans	16.10.17
1975/02 : ROOF PLAN	Combined Plans	16.10.17
1975/03 : NE ELEVATIONS	Combined Plans	16.10.17
1975/04 : SW ELEVATIONS	Combined Plans	16.10.17
1975/05 : SE ELEVATION	Combined Plans	16.10.17
1975/06 : LOC + EXISTING FLOOR	Combined Plans	16.10.17
	Proposed Site Plan	23.10.17

### List of Background Papers

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

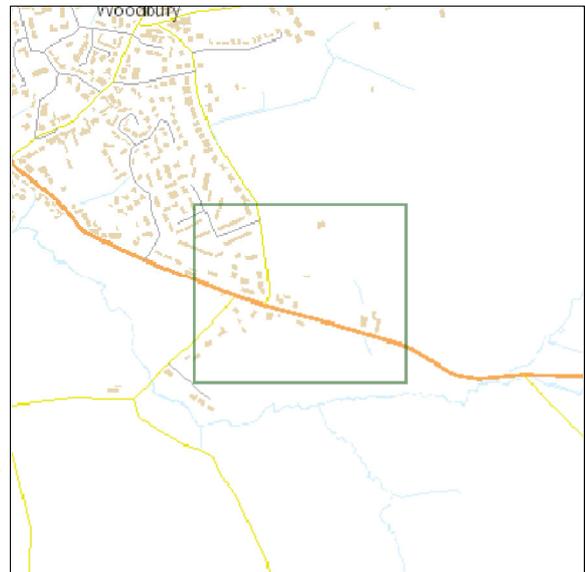
**Ward** Woodbury And Lymptstone

**Reference** 16/1249/OUT

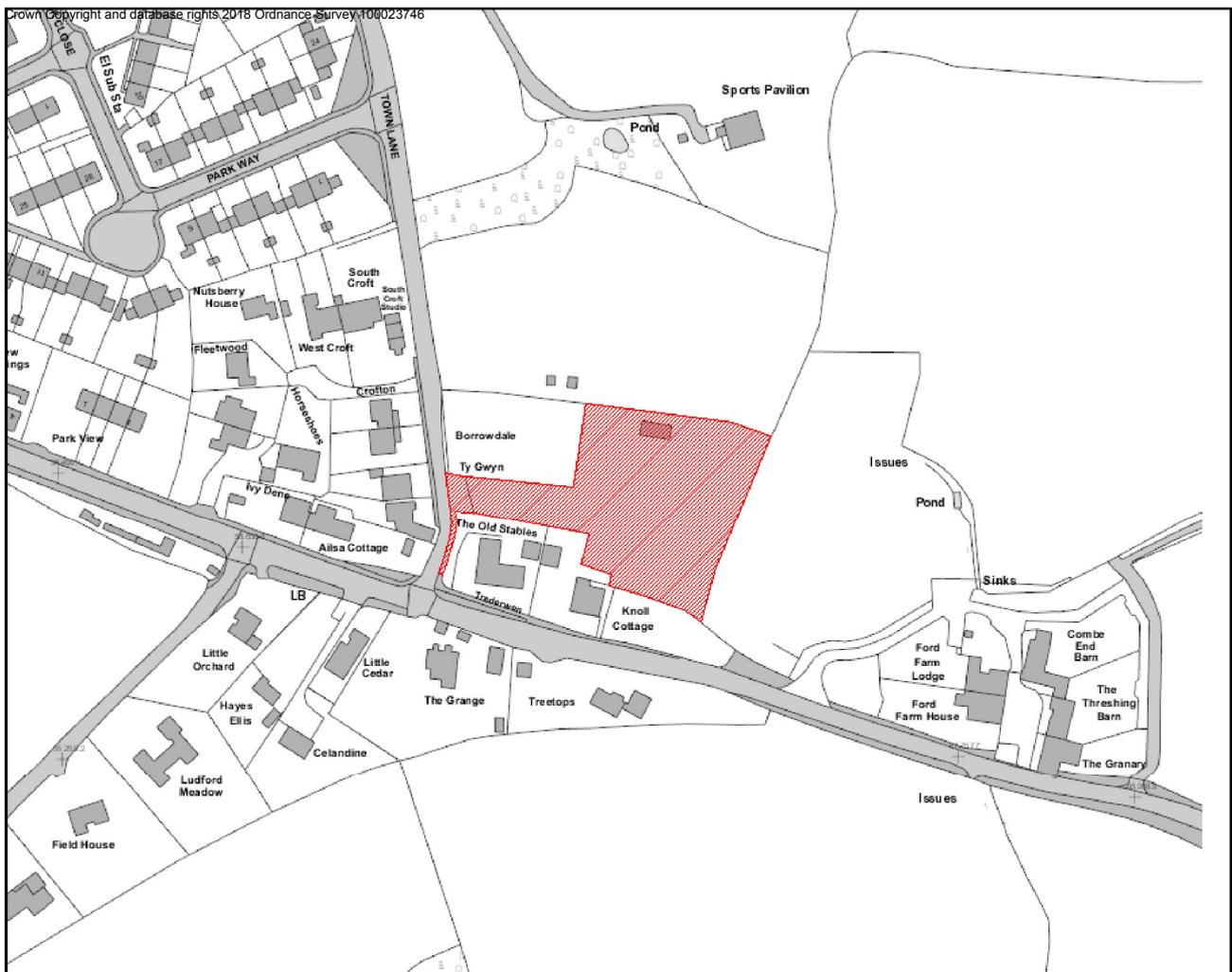
**Applicant** Mrs Evernnett, K D Homes

**Location** Land Adjacent To Trederwen Town Lane  
Woodbury

**Proposal** Outline application with all matters reserved for  
the construction of 5 no dwellings



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 6th February 2018</b>
<b>Woodbury And Lympstone (WOODBURY)</b>	<b>16/1249/OUT</b>	<b>Target Date: 26.07.17</b>
<b>Applicant:</b>	<b>Mrs Evernnett, K D Homes</b>	
<b>Location:</b>	<b>Land Adjacent To Trederwen Town Lane</b>	
<b>Proposal:</b>	<b>Outline application with all matters reserved for the construction of 5 no dwellings</b>	

**RECOMMENDATION: Approval with conditions as per the attached report**

#### **UPDATE REPORT**

**This application was deferred at the 31<sup>st</sup> October 2017 Committee to enable officers to seek further information from the applicant regarding why the application does not include the whole of the site that formed part of the previous permissions for 11 and 15 units.**

**The original report to Committee is attached with the recommendation remaining unchanged.**

**Following the deferral of the application from the 31<sup>st</sup> October 2017 committee, the applicant advised that the current application site did not include the land part of previous applications as it was not within their ownership and that as such the application should be determined on its merits.**

**As a result of these comments further legal advice was sought regarding whether a case could be made to argue that the land ownership and application position had resulted in the artificial subdivision of the larger site to a smaller proposal of 5 units to purposely bring the application below the threshold for the provision of affordable housing.**

**The legal advice received is that from looking at the land registry details and purchase price for the land, and given that the sites are in different ownerships, there is no hard evidence that would support refusal of planning permission on the basis of the artificial subdivision of the site.**

**In addition to the above, in the time that has passed since the application was deferred from Committee, the Examination into the Villages DPD has taken place. Whilst this has resulted in further consultation on minor modifications to the DPD, these do not include any changes to the Built-Up Area Boundary for Woodbury.**

**As such, it is expected that the Inspector will confirm the application sites inclusion within the Built-up Area Boundary for Woodbury where the principle of residential development is acceptable.**

**In light of this, and as stated in the original Committee Report attached, the proposal at 5 units within the Built-Up Area Boundary for Woodbury would not result in the need for the provision of any on or off-site affordable housing.**

**Given the further information from the applicant, the legal advice received regarding artificial subdivision, and latest position regarding the Villages DPD, the application is again recommended for approval with conditions as per the attached report.**

## **ORIGINAL REPORT 31<sup>st</sup> OCTOBER 2017**

		<b>Committee Date: 31<sup>st</sup> October 17</b>
<b>Woodbury And Lympstone (WOODBURY)</b>	<b>16/1249/OUT</b>	<b>Target Date: 26.07.17</b>
<b>Applicant:</b>	<b>Mrs Evernnett, K D Homes</b>	
<b>Location:</b>	<b>Land Adjacent To Trederwen Town Lane</b>	
<b>Proposal:</b>	<b>Outline application with all matters reserved for the construction of 5 no dwellings</b>	
<b>RECOMMENDATION: Approval with conditions</b>		

### **EXECUTIVE SUMMARY**

**This application is before Members as the officer recommendation differs from the view of a Ward Member.**

**The application site refers to land adjacent to a property known as “Trederwen”, which is located on the edge of the settlement of Woodbury. There have been two previous applications on this site. In 2011, planning approval was granted for an affordable housing exception proposal of 15 dwellings, 10 of which would be affordable. This consent has now lapsed. In 2014, when the Council could not demonstrate a 5-year supply of housing land, planning permission was granted for the construction of 11 dwellings, 50% of which were to be affordable. The proposal included the parcel of land to the west of the site and this consent can still be implemented and was not consented as an exception site.**

**It is now proposed, in outline with all matters reserved, the construction of 5 dwellings.**

**In terms of the principle of development, it is considered that to some extent this has already been agreed through the previous planning approvals. However, one issue that weighed heavily in favour of those previous proposals was the provision of affordable housing because the site was outside of the village development boundary with the 2011 application being approved as an affordable housing exception site.**

**On the 22nd February 2017 Full Council approved the publication of the East Devon Villages Plan. The decision included agreement to a recommendation that**

**the BUAB's in the DPD '...be used as primary policy for development management instead of the boundaries on the inset plans included in the previously adopted Local Plan.'**

**It is therefore considered the boundaries shown as the BUAB can be used for the purposes of decision making, albeit not having full weight due to objections to this site allocation and the DPD not being adopted. As the site has now been included with the BUAB for Woodbury within the Villages DPD, and given that there is a consent for residential development on part of the site, the proposal is considered to be acceptable in principle.**

**As only 5 dwellings are proposed this has removed the requirement for affordable housing.**

**It is accepted that the development could be argued to affect the character of the setting of Knoll Cottage (a Grade II Listed Building) owing to the number of dwellings proposed and the present open countryside character and appearance of the site immediately behind it. However, the setting of this property has arguably already been impacted to a degree by the development of Trederwen between it and Town Lane and residential properties on the opposite side of Broadway to the south and as such, as with the previous decisions, there is not considered to be any harm to the setting of the listed building.**

**The County Highway Authority consider the access and footway to be acceptable. In addition, the proposal would represent a less intensive use of the site and it is considered the application would be acceptable in this regard.**

**Given these considerations it is considered that the principle of development is acceptable and given the above, the application is recommended for approval.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Woodbury and Lympstone – Cllr R Longhurst**

28.09.16

Currently this application refers to land OUTSIDE the Woodbury BUAB. Previous applications have been made on an exception basis - this application is not made on this basis and must currently therefore be refused.

The evolving Neighbourhood Plan and Villages Plan will determine the eventual status of this land vis a vis the BUAB. Until these have been Made and certainly at least approved by EDDC this application must be refused or withdrawn.

Further comments:

Following the lead from the PC - I will continue to object to your recommendations (nothing personal of course). This piece of ground has a very long history and whilst

I agree your stance a regards the village boundary the emerging Neighbourhood Plan puts this ground outside the development area.

### Parish Council

24.08.16

Support in principle development on the site but the Parish Council would favour single storey buildings due to the rising ground and ask that existing agricultural hedgerows are preserved and maintained. Concerns were also raised regarding possible surface water run-off to nearby properties and the proposed access to the site is considered unsuitable

Further comments:

Not supported - the Council do not believe adequate adjustments have been made to provide safe access to the site

### **Technical Consultations**

#### Natural England

#### EUROPEAN WILDLIFE SITES

The application site is in close proximity to three European Wildlife Sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their ecological interest. European wildlife sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the East Devon Pebblebed Heaths Special Area of Conservation (SAC), the East Devon Heaths Special Protection Area (SPA) and the Exe Estuary Special Protection Area (SPA) and Ramsar site<sup>1</sup>, which are European wildlife sites. The sites are also notified at the national level as Sites of Special Scientific Interest (SSSIs).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.

The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

East Devon Pebblebed Heaths SAC and East Devon Heaths SPA  
Exe Estuary SPA and Ramsar Site

The application site is approximately 1.3km from the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA and 3.3km from the Exe Estuary Special Protection Area (SPA) and Ramsar Site. This is within the 10km zone within which impacts of

residential development on the aforementioned sites could reasonably be expected to arise in the absence of appropriate mitigation.

In the case of the European sites referred to above, your authority cannot grant permission for this proposal in the absence of a Habitat Regulations Assessment which concludes either i) no likely significant effect due to mitigation included by the applicant or, ii) no adverse effect on integrity following an Appropriate Assessment. Please note that Natural England is a statutory consultee at the Appropriate Assessment stage of the Habitats Regulations Assessment process.

We therefore recommend you secure confirmation of the following to assist you in reaching a positive conclusion to your Habitats Regulations Assessment:

1. Clarification from the applicant regarding any mitigation they propose to offer, whether contributions and/or provision of Suitable Alternative Natural Greenspace (SANGS) in line with the South East Devon European Sites Mitigation Strategy (SEDESMS) and the Joint Approach of your authority, Teignbridge and Exeter to implementing that strategy.
2. For any SANGS which is to be delivered as part of the mitigation package, whether by the applicant or your Authority, a site must be identified and confirmed as suitable and deliverable prior to granting of permission.
3. A condition must be included on the permission preventing occupancy of any dwellings until an appropriate quantum of SANGS has been provided (i.e. a Grampian Condition).

#### SITES OF SPECIAL SCIENTIFIC INTEREST (SSSIs)

Providing appropriate mitigation is secured to avoid impacts upon the European sites occurring there should be no additional impacts upon the SSSI interest features of the East Devon Pebblebed Heaths and the Exe Estuary.

#### PROTECTED LANDSCAPES

The proposed development site is approximately 450m from a nationally designated landscape, namely the East Devon Area of Outstanding Natural Beauty (AONB).

Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. We also advise that you consult the East Devon AONB Partnership. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision.

The policy and statutory framework to guide your decision and the role of local advice are explained in Appendix 1.

#### PROTECTED SPECIES

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

#### OTHER ADVICE

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

local sites (biodiversity and geodiversity)

local landscape character

local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

#### SSSI Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](#) website.

#### APPENDIX 1: Protected Landscapes - Policy and Statutory Framework

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

#### Conservation

## BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

SY 08 NW WOODBURY THE BROADWAY (north side), Woodbury 2/76 Knoll (formerly listed as Knowle Cottage) 11.11.52 - II Detached house. Early C19. Brick; 2 span gabled-end slate roofs. Double depth plan with principal room on either side of entrance hall and rooms at back which has separate parallel roof span. Front: symmetrical 3-window range; rusticated quoins, the central window bay under a gable with fancy bargeboarding; round-headed, 2-light casement window to attic in gable wall. 1st floor windows with hornless sashes, 16-panes to outer windows, 12 to centre. 12-pane sash windows flank central door. Pretty verandah with tent- shaped roof, with peaked centre with ridge tiles, with fancy bargeboarding; verandah with decorative fascia supported on simple posts. Listing NGR: SY0136486735

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

The proposal is for the development of 5 dwellings with a mixture of both single and two storey dwellings each with a double garage on the elevated site adjacent to Town Lane and in close proximity to Knoll Cottage, a detached early C19 house, which has historically enjoyed a rural setting in an area of previously undeveloped land. The site would be to the east of Town Lane, the character of which is currently open countryside with little or no development, bounded by hedging, fencing and some mature trees.

A previous proposal 97/P0210 for housing on this site was refused and dismissed at Appeal. The main issues raised by the Inspector at that time were the character and appearance of the area in general and in particular the setting of the listed building, Knoll Cottage, and highway safety/traffic generation. It appears that with regards to these two issues nothing has changed since that time

However, permission has been granted under 11/2490/MFUL (15 dwellings) and 14/1380/MFUL (11 dwellings) to which objections were raised by the Conservation Team and others. I would therefore re-iterate the view that development on this site is unacceptable and the previous comments still stand. It is noted that the area of the site has been reduced and only includes the access and land to the east. It is not clear why the size of the site has been reduced or is now not included:

- o Historic England continues to publish guidance on setting and this makes it very clear that setting is wider than the curtilage of a particular listed building and will generally be more extensive.
- o It is understood that Knoll Cottage owned the land the subject of this application and the historic OS maps clearly show this area has always been open and rural in character. The proposed development is unacceptable and will compromise the open rural character of the land, would be prominent in the landscape and extend beyond the existing built up area.
- o Knoll Cottage is a detached house in close relationship to the open countryside. Additional dwellings in such close proximity to the dwelling would completely alter this relationship and it would no longer be isolated but one of many, its setting therefore being completely eroded.
- o With regards the development itself, other than a layout and some brief notes in the D & A, there are no details of the actual overall design, elevations etc. The

dwellings are laid out at the end of an access road grouped around the end of the turning space with garaging and frontage parking, similar to the 2014 approval. These appear to be mainly large detached dwellings and not necessarily appropriate within the context of the site and adjacent listed building.

o The development will have an impact on the setting, character and appearance of the listed building, which will be compromised by the development.

Conclusion: In the light of the above, the proposed residential development would be detrimental to the open character of the site, the special qualities and characteristics of the land to the east of Town Lane and erode the setting of the listed building, Knoll Cottage.

#### County Highway Authority

##### Observations:

The site is situated to the east of Town Road which is an unclassified county road which is narrow in places and does not for its majority, contain any connected footway provisions. This road is subject to a 30mph speed restriction and runs along the south eastern edge of the village connecting to the village centre and Woodbury C of E Primary School in Castle lane. My estimation of the traffic speeds along this road is in the order of 30mph for traffic going south.

A previous application 11/2490/MFUL contained a speed survey taken in January 2012, where 85th percentile speeds of 21mph in the northbound direction and 26mph in the southbound direction in Town Lane have been recorded. This evidence is sufficient to accord with the proposed visibility splays as shown on the attached Squirrel Design drawing , where the proposed visibility splay to the north of the proposed access onto Town Lane is 2.4 metres by 33 metres and the proposed visibility splay to the south of the proposed access onto Town Lane is 2.4 metres by 27 metres.

The provision of a connecting footway to the south joining with those on Broadway is acceptable and would hopefully promote the use of public transport, although the nearest bus stops are at the Arch which is approximately 700m from the site.

##### Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram 402.1.100B where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway

(identified as Y) shall be 27 metres in a Southern direction and 33 metres in the other direction.

REASON: To provide adequate visibility from and of emerging vehicles.

2. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 20 metres back from its junction with the public highway

REASON: To prevent mud and other debris being carried onto the public highway

3. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, turning area, parking space and garage/hard standing, access drive and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

REASON: To ensure that adequate facilities are available for the traffic attracted to the site

4. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway

#### Devon County Council Education Dept

Regarding the above planning application, Devon County Council would need to request an education contribution to mitigate its impact.

The proposed 5 family-type dwellings will generate an additional 1.25 primary pupils and 0.75 secondary pupils.

There is currently capacity at the nearest primary for the number of pupils likely to be generated by the proposed development. Devon County Council will however seek a contribution towards additional education infrastructure at the local secondary school that serves the address of the proposed development. The contribution sought is £13,680 (based on the current DfE extension rate of £18,241 per pupil for Devon) which will be used to provide education facilities for those living in the development.

DCC would also require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from Exmouth Community College. The costs required are as follows: -

1.00 primary pupil

£2.65 per day x 190 academic days x 5 years = £2,517

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the

Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

### Other Representations

8 letters of representation have been received raising issues of:

- Objection to this application is that it falls outside of the current village 'building boundary'
- It is within the proposed district council boundary, fails on their primary criteria of being bounded by a major physical feature i.e. a road, river or existing dwelling. This plot is outside of the 'Town Lane' easterly boundary which runs all the way down to Orchard Close and is a pure greenfield site.
- Amount and speed of traffic in Town Lane and the access into Town Lane from The Broadway.
- Town Lane is already a 'rat run' for vehicles avoiding the centre of the village and does not have the capacity for additional traffic.
- Additional traffic will increase the risk of incidents involving pedestrians, pets and other vehicles:
- Town Lane is used by numerous children going to and from Woodbury Primary School and from bus stops to other local schools.
- Don't see how 5 new large houses meets the need of the village as opposed to the original application for 15 affordable houses.
- The affected land and fields further up Town Lane are notorious for flooding.
- Building on the land will both reduce its capacity to absorb rain and channel water into drains unable to cope with current run off.
- Will harm the setting of Knoll Cottage which is grade II listed.
- Will overlook Knoll Cottage and be set higher
- Affordable housing was the factor alone that meant that the village boundary issue, highway safety concerns and the impact on the setting of a listed building were discounted
- what is being done about flood risk
- How will development be managed

## **POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies  
D1 (Design and Local Distinctiveness)

Strategy 7 (Development in the Countryside)

TC7 (Adequacy of Road Network and Site Access)

TC2 (Accessibility of New Development)

EN6 (Nationally and Locally Important Archaeological Sites)

EN22 (Surface Run-Off Implications of New Development)

Strategy 6 (Development within Built-up Area Boundaries)

D3 (Trees and Development Sites)

D2 (Landscape Requirements)

EN9 (Development Affecting a Designated Heritage Asset)

EN5 (Wildlife Habitats and Features)

EN22 (Surface Run-Off Implications of New Development)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

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

The application site comprises an open field extending to 0.57ha located on the eastern side of Town Lane, and to the north of two existing properties, a modern bungalow and Knoll Cottage, a Grade II listed building.

These properties are served by a shared driveway off Town Lane with the adjacent land to the north and east within the site elevated above the level of the drive.

The land, which rises gently from Town Lane to the east, is largely bound to the north and east, and in part to the south, by established hedges. Further open fields lie beyond the northern and eastern boundaries. The residential curtilages of Trederwen and Knoll Cottage and ancillary outbuildings back directly onto the remainder of the southern boundary and the existing driveway referred to above, the proposed access point onto Town Lane is approximately 70 metres to the north of its junction with Broadway.

There are no landscape or other designations or constraints that are material to consideration of the application proposal that apply to the site itself.

#### **Proposal**

The proposed development is in outline for the construction of 5 dwellings. All matters of access of layout, scale, appearance and landscaping are reserved. The indicative site plan shows the 5 dwellings in the form of a cul de sac. The Design and Access statement says that the properties would be a mixture of two and single storey. The access drive would serve as the access to the proposed properties.

#### **ANALYSIS**

##### Issues and assessment

The main issues to consider are in terms of the principle of the development having regard to the built up area boundary of the village; its location in terms of sustainably and access to village services and facilities; the impact that the development would have on the character and appearance of the area bearing in mind its edge of village location and proximity to a listed building; the suitability of the access; trees and ecology issues, drainage issues, and any impact on neighbouring amenity.

### History of the site

Planning permission was granted in 2013 (application 11/2490/MFUL) for 15 dwellings on the application site. Consent was granted as an exception site with 66% affordable housing (10 units). This consent has now lapsed.

A further application was submitted in 2014 (14/1380/MOUT) for 11 units including the land to the west of the current site. This application was granted at a time when the Council could not demonstrate a 5 year supply of housing land and as such consent was not granted as an exception site. Policies at the time did however require the provision of 50% affordable housing as the site was outside of the BUAB.

Since then, in 2016, the Local Plan was adopted and as part of this, the East Devon Villages Plan would form part of a series of documents that set out policies and proposals for land use planning in East Devon. Taken together these documents comprise the 'development plan', which guides where development will go and how planning applications will be determined. All of the documents in the development plan must be broadly in line with the Government's planning policies, which are set out in the National Planning Policy Framework.

### Current application and Principle of Development

When the application was submitted on 11<sup>th</sup> August 2016 the site fell outside of the boundary of the village and the provision of 5 market dwellings was considered not to comply with planning policy.

On the 22<sup>nd</sup> February 2017 Full Council approved the publication of the East Devon Villages Plan for 6 weeks and that this be submitted for examination afterwards. The decision included agreement to a recommendation that from the date of the meeting the BUAB's in the DPD '...be used as primary policy for development management instead of the boundaries on the inset plans included in the previously adopted Local Plan.'

It is therefore considered the boundaries shown as the BUAB can be used for the purposes of decision making. Whilst the Plan has not been through its examination, is not adopted, and as there have been objections to the sites inclusion within the BUAB, the DPD cannot carry full weight. However, the boundaries are based upon work from Planning Policy identifying sites that are sustainably located following work to establish walking distances, relationships to services etc. As such, even though the Villages DPD cannot be given full weight, it is considered that the proposal is sustainably located.

It is also material to consideration of the current application that there is planning permission on the site for 11 dwellings that can be implemented.

On this matter, the Ward Member has stated that the site does not form part of the draft Woodbury Neighbourhood Plan and has excluded this site from the proposed built up area boundary. It is considered on this point, the Neighbourhood Plan is at a very early stage. The plan has not passed any formal consultation stages and it is therefore considered that it can only be attributed little weight. The villages plan has progressed much further (it is due to be examined next month) and it is considered that this carries more weight, despite its objections. Arguably of more weight however, is the fact that there is planning permission on the site that can be implemented.

In addition, the site has long been considered to be a sustainable location for new development and the draft Woodbury Neighbourhood plan would need to have very good reason to depart from the Villages Plan which is at Inspection.

In summary, it is considered in policy terms that this site has been affected by shifts in planning policy, both at the local and government level. It is considered that the policy position for the proposal is that given the consent on the site for 11 dwellings, and the weight that can be attributed to the Villages DPD and the evidence behind it, development of the site can be considered to be acceptable in principle.

Even if a decision on this application were deferred pending the outcome of the Villages DPD (which is not recommended as planning applications should be determined in light of the current planning policy position), the site benefits from planning permission and as such this weighs in favour of the proposal regardless of the outcome of the Villages DPD Examination which is unlikely to be known until early next year.

#### Affordable Housing

In this location current Government policy means that no affordable housing contribution can be secured from developments of 5 units or less.

It is proposed to construct 5 dwellings on the site which originally had approval for 15 dwellings (the lapsed permission) and has consent for 11 dwellings and as such no affordable housing provision or contribution is due on this proposal.

The most recent planning permission which included the land to the west of the site for the construction of four dwellings, has been excluded from the current proposal and is in another person's ownership.

Given that the previous consents on the site have related to different areas of land, and previously more dwellings have been proposed on the current application site, officers have been concerned that the site has been artificially sub-divided to engineer a position whereby only 5 dwellings can be provided on the site therefore avoiding affordable housing.

On this subject, on 29th March a report went to Strategic Planning Committee which stated that "Where sites are subdivided so that developments fall below the thresholds

at which contributions will be payable the Council will consider the site, and infrastructure/mitigation required, as a whole. This will prevent a situation arising where a series of applications on a given site or land area, each fall below policy thresholds but collectively exceed thresholds".

However legal advice has been taken, and given the different ownership issues of the wider site, it is considered that it would be very hard to substantiate that the site has been artificially subdivided, particularly as there is no longer any national minimum density standard.

Whilst there are concerns that the proposal would not give rise to affordable housing, given the policy position and the advice taken from the legal department regarding land ownerships, it is not considered that a sustainable planning objection could be raised to the subdivision of the site and lack of provision of affordable housing as part of this current application. Whilst it is recognised that this is disappointing in terms of the loss of the affordable housing, it is considered that the proposal is policy compliant.

#### Impact on character and appearance of the area

The application is submitted in outline, with only matters of access being considered, however an indicative layout has been submitted which demonstrates that 5 dwellings can be accommodated on the site.

In terms of wider impact of the proposed development upon the character and appearance of both the landscape and landscape setting of the settlement, there are very limited views of the site from outside of the village from any significant distance. Due to the fall in the land from east to west very little, if any, of the proposed development would be visible from the B3179 on approach from the east from the direction of Woodbury Common. As such it is not considered that the proposal would cause any material harm to the rural landscape character of the area or the wider setting of the village overall.

There would however be close range views available of the site from Town Lane itself, and concern has been raised that the proposal would introduce new development beyond the existing built form, and the road which forms a strongly defined edge to this part of the built-up area of the village and represents a clear boundary between the settlement and the adjacent open countryside. There is concern that development in this location would set a precedent for further development on the eastern side of Town Lane.

Whilst these quite legitimate issues are understood, the site is relatively well screened by the existing hedgerows and trees that form the east and northern boundary. Further the principle of development of this site in terms of its landscape impact has been established through the previous permissions granted on the site, where whilst there were other issues to be considered, no significant objection was raised on landscape or visual impact grounds. Concerns have been raised regarding potential boundary treatments and it is considered that this can be appropriately conditioned.

#### Impact on Setting of Knoll Cottage

The impact of development on the setting of Knoll Cottage which is a Grade II listed building was considered under the previous proposal, where it was found that the layout and design of properties would not have an unacceptable impact on its setting, particularly bearing in mind the presence of a modern bungalow to the west of the protected property, and the garaging that has been erected to the rear of Knoll Cottage.

As with the previous applications, it is considered that there would be no harm to the heritage asset. Design, Appearance and Layout are reserved matters and as such it is considered that a sympathetic design could be reached at that stage that ensures protection of the heritage asset.

### Highways

The site is situated to the east of Town Road which is an unclassified county road which is narrow in places and does not for its majority, contain any connected footway provisions. This road is subject to a 30mph speed restriction and runs along the south eastern edge of the village connecting to the village centre and Woodbury C of E Primary School in Castle lane. The highway Officers estimation of the traffic speeds along this road is in the order of 30mph for traffic going south.

A previous application 11/2490/MFUL contained a speed survey taken in January 2012, where 85th percentile speeds of 21mph in the northbound direction and 26mph in the southbound direction in Town Lane have been recorded. This evidence is sufficient to accord with the proposed visibility splays as shown on the attached Squirrel Design drawing, where the proposed visibility splay to the north of the proposed access onto Town Lane is 2.4 metres by 33 metres and the proposed visibility splay to the south of the proposed access onto Town Lane is 2.4 metres by 27 metres.

The provision of a connecting footway to the south joining with those on Broadway is acceptable and would hopefully promote the use of public transport, although the nearest bus stops are at the Arch which is approximately 700m from the site.

As noted previously the reduction in the number of dwellings would likely result in a less frequent use of the proposed access, and given that 11 and 15 dwellings have been found to be acceptable it is not considered that an objection could be raised to 5 dwellings on the site.

### Trees

The application is accompanied by an arboricultural survey report that concludes that no trees of any significant amenity value would be lost as a result of the proposed development. It also proposes the retention of existing trees close to part of the southern boundary and to the east of Knoll Cottage. This together with additional planting to supplement the existing, and appropriate tree protection measures during the construction period is considered to be acceptable.

### Ecology

The application is accompanied by an Ecological Appraisal prepared by Richard Green Ecology, as an update to previous assessments. These conclude that, subject to the implementation of recommended measures, including the installation of bird (including barn owl) and bat boxes on/in any new buildings on the site, and planting native plants and trees on the site, including the filling of gaps in the northern and southern hedge boundaries with additional hedge planting using native species, and the methodology detailed in the Reptile Mitigation Strategy to protect any slow worms found on the site, the proposed development would have no significant adverse ecological impacts, and would provide ecological enhancement.

### Drainage

Some concern has been raised that the proposed development of this site will increase surface water drainage problems. Whilst this is appreciated, detailed drainage proposals would be submitted as part of a reserved matters application. The application proposes that a soakaway will be employed, the details of which would form part of the reserved matters application. The Highway Authority will also require details of the access drainage proposed as a condition on any approval. Bearing this in mind, it is considered that there is no objection to the proposal in terms of surface water drainage.

### Residential Amenity

Given the distances from the neighbouring properties, the layout of the proposal and the single storey nature of all but one of the proposed dwellings, it is not considered that the proposed development will have any significant impact on the amenities of neighbouring residents in terms of loss of outlook, privacy or visual intrusion.

Any development of the site will result in an increase in the current levels of noise and activity using the access road and within the vicinity of the site, however the increase in the levels of activity arising from 5 dwellings (where there has been approval for 11), in terms of vehicular and pedestrian activity is not considered to be such that it would result in a material loss of amenity for the occupiers of Trederwen or Knoll Cottage, such that a refusal of permission would be reasonable or sustainable.

A detailed consideration of impact on privacy and neighbouring amenity will take place as part of any reserved matters application.

### Contributions

The Community Infrastructure Levy Regulations 2010 (as amended) allow for a CIL charge to be levied on any type of development where a net increase in floor space exceeding 100m<sup>2</sup> is created. However, for residential development creating a new dwelling the charge can be levied on any net increase in floor space.

At the outline stage because the floor space has not yet been determined the CIL application form cannot be completed - this requirement would be met at reserved matters stage.

CIL would also cover the education requirements of Devon County Council.

Further, Natural England have advised that an appropriate assessment may be required. In this instance, CIL is considered to cover the additional demands placed on the pebble bed heaths and exe estuary protection zones and an appropriate assessment does not need to be undertaken.

## **Conclusion**

The site has a complex planning history and is proposed to be included within the BUAB for Woodbury. Given this, and given that there is consent on the site for 11 dwellings that can still be implemented, it is considered that the principle of development is acceptable.

Officers have been concerned that a development of 5 units has been submitted to purposely avoid the provision of affordable housing but given current policy and land ownership matters, it is not considered that a strong case can be made to justify refusal of permission on this ground.

Given the previous consents on the site it is not considered that the proposal would impact upon the setting of the adjoining listed building and it is considered that a suitable access and layout can be achieved that will protect the amenity of adjoining residents and the visual amenity of the area.

The proposal is therefore considered to be acceptable with no harm identified.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. 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.).
2. Approval of the details of the layout, scale and appearance of the buildings 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.)
3. Prior to any work above damp course level 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 and roofs of the proposed development 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 - The details are required at an early stage to ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

4. Prior to any landscaping works a landscaping scheme has been 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 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.

(Reason -The details are required at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan.)

5. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram 402.1.100B where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 27 metres in a Southern direction and 33 metres in the other direction.

(Reason: To provide adequate visibility from and of emerging vehicles in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.

6. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 20 metres back from its junction with the public highway.

(Reason: To prevent mud and other debris being carried onto the public highway in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan).

7. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, turning area, parking space and garage/hard standing, access drive and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

(Reason: To ensure that adequate facilities are available for the traffic attracted to the site in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

8. Prior to installation in accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

(Reason: In the interest of public safety and to prevent damage to the highway in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

9.
  - a. There shall be no burning of any kind on site during construction, demolition or site preparation works.
  - b. No construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, and not at all on Sundays or Public Holidays.
  - c. Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance .
  - d. No high frequency audible reversing alarms shall be permitted to be used on any vehicle working on the site.

(Reason - To protect adjoining occupiers from excessive noise and disturbance and in accordance with Policies D1 (Design and Local Distinctiveness) and EN14(Control of Pollution) of the East Devon Local Plan.)

10. No development shall take place until details of the method of attenuation of surface water from the site in the form of a suitable Sustainable Urban Drainage System have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any dwelling on the site is occupied.

(Reason - To ensure the details are considered at an early stage to avoid pollution of the environment and/or flooding in accordance with policy EN22(Surface Water Run Off Implications of New Development) and Policy EN14 (Control of Pollution) of the East Devon Local Plan.)

11. The development hereby permitted shall be carried out in accordance with the recommendations and tree protection measures contained within the Arboricultural Survey and report undertaken by Advanced Arboriculture and dated 23 May 2016.

(Reason - To ensure retention and protection of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and D3 (Trees on Development Sites) of the East Devon Local Plan.)

12. Prior to commencement of development details of final finished floor levels and finished ground levels in relation to a fixed datum 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 adequate details of levels are available in the interest of the character and appearance of the development and the locality in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

13. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures contained within the Ecological Appraisal undertaken by Richard Green Ltd dated May 2014, and Reptile Mitigation Strategy dated June 2014 and survey update dated 1 June 2016. (Reason- In the interests of ecology in accordance with policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan.

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

	Ecological Assessment	03.06.16
	Arboriculturist Report	26.05.16
LP402_1B	Location Plan	22.09.17

##### List of Background Papers

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