

**Agenda for Planning Committee
Tuesday, 22nd October, 2024, 10.00 am**



Members of Planning Committee

Councillors B Bailey, I Barlow, K Bloxham, C Brown, J Brown, S Chamberlain, M Chapman, O Davey (Chair), P Faithfull, S Gazzard, D Haggerty, A Hall, M Hall (Vice-Chair), M Howe, S Smith and E Wragg

East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

DX 48808 Honiton

Tel: 01404 515616

www.eastdevon.gov.uk

Venue: Council Chamber, Blackdown House, Honiton

Contact: Wendy Harris, Democratic Services Officer
01395 517542; email
wharris@eastdevon.gov.uk

(or group number 01395 517546)

Issued: Friday, 11 October 2024

This meeting is being recorded for subsequent publication on the Council's website and will be streamed live to the [East Devon District Council Youtube Channel](#)

[Speaking on planning applications](#)

In order to speak on an application being considered by the Planning 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 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.

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 revised running order for the applications being considered by the Committee and the speakers' list will be posted on the council's website (agenda item 1 – speakers' list) on the Friday before the meeting. 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 Tuesday, 15 October 2024 up until 12 noon on Friday, 18 October 2024 by leaving a message on 01395 517525 or emailing 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 or by phoning 01395 517525. A member of the Democratic Services Team will contact you if your request to speak has been successful.

1 **Speakers list and revised running order for the applications** (Pages 4 - 5)

The speakers' list and revised running order for the application will be available on Friday, 18 October 2024.

2 **Minutes of the previous meeting** (Pages 6 - 8)

Minutes of the Planning Committee meeting held on 24 September 2024.

3 **Apologies**

4 **Declarations of interest**

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

5 **Matters of urgency**

Information on [matters of urgency](#) is available online

6 **Confidential/exempt item(s)**

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.

7 **Planning appeal statistics** (Pages 9 - 28)

Update from the Development Manager

Applications for Determination

8 **23/0727/MOUT (Major) WEST HILL & AYLESBEARE** (Pages 29 - 68)

Land north of Eastfield, West Hill.

9 **23/1143/MFUL (Major) WEST HILL & AYLESBEARE** (Pages 69 - 129)

Land south of Windmill Lane, West Hill.

10 **24/1154/VAR (Major) BROADCLYST** (Pages 130 - 157)

Mosshayne, Land north of Tithebarn Lane, Clyst Honiton.

The applications below will not be considered before 2pm

- 11 **23/2749/MFUL (Major) WOODBURY & LYMPSTONE** (Pages 158 - 195)
NHS Vaccination Centre, Greendale Business Park, Woodbury Salterton, EX5 1EW.

- 12 **24/0674/FUL (Minor) WOODBURY & LYMPSTONE** (Pages 196 - 213)
Land at 22 Underhill Crescent, Lympstone.

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 Chair 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

Speakers' list and revised running order for the applications

Agenda item 9 Application number: 23/1143/MFUL (Major) Pages 69 - 129 Ward: West Hill & Aylesbeare Address: Land south of Windmill Lane, West Hill Ward Member: Councillor Jess Bailey	
Objector	Guy Peters Tel: 07980 226 383
	Philip Shaw Tel: 07538 245 128
	Elaine Cook
	Patrica Donnithorne
Parish Council Representative	Cllr Francis Pullman West Hill Parish Council
Agent	Catherine Knee
Ward Member	Councillor Jess Bailey

Agenda item 8 Application number: 23/0727/MOUT (Major) Pages 29 - 68 Ward: West Hill & Aylesbeare Address: Land north of Eastfield, West Hill Ward Member: Councillor Jess Bailey	
Parish Council Representative	Cllr Francis Pullman West Hill Parish Council
Applicant	Simon Tofts
Ward Member	Councillor Jess Bailey

Agenda item 10 Application number: 24/1154/VAR (Minor) Pages 130 - 157 Ward: Broadclyst Address: Mosshayne, Land north of Tithebarn Lane, Clyst Honiton Ward Member: Councillor Paula Fernley/ Councillor Eleanor Rylance Committee Ward Member: Councillor Sarah Chamberlain	
Applicant	Joshua Stevenson

The applications below will not be considered before 2pm

Agenda item 12 Application number: 23/0674/FUL (Minor) Pages 196 - 213 Ward: Woodbury & Lympstone Address: Land at 22 Underhill Crescent, Lympstone Ward Member: Councillor Ben Ingham / Councillor Geoff Jung	
Objector	Adrian Woolacott
Parish Council Representative	Susie Culhane, Lympstone Parish Council
Applicant	Chris Wintrell
Ward Member	Councillor Geoff Jung Councillor Ben Ingham

Agenda item 11 Application number: 23/2749/MFUL (Major) Pages 158 - 195 Ward: Woodbury & Lympstone Address: NHS Vaccination Centre, Greendale Business Park, Woodbury Salterton Ward Member: Councillor Ben Ingham / Councillor Geoff Jung	
Parish Council Representative	Cheryl McGauley, Woodbury Parish Council
Agent	Paul Cairnes
Ward Member	Councillor Geoff Jung Councillor Ben Ingham

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 24 September 2024

Attendance list at end of document

The meeting started at 10.00 am and ended at 1.06 pm. A brief adjournment took place at 11.12 am until 11.25 am.

202 Minutes of the previous meeting

The minutes of the Planning Committee held on 20 August 2024 were confirmed as a true record.

203 Declarations of interest

There were none.

204 Matters of urgency

There were none.

205 Confidential/exempt item(s)

There were none.

206 Planning appeal statistics

The Committee noted the appeals statistics report.

207 23/1258/MOUT (Major) WOODBURY AND LYMPSTONE

Applicant:

Mr David Lovell (Heritage New Homes).

Location:

Land to the rear of Orchard House, Globe Hill, Woodbury, EX5 1JP.

Proposal:

Outline application (with details of access to be considered and all other matters reserved) for the residential development of up to 35 dwellings (12 affordable); vehicular and pedestrian access from Globe Hill, pedestrian access only from public right of way; demolition of existing wooden structure to be replaced with parish council building; community parking area, public open space; landscaping, wildflower meadow and orchard and other associated infrastructure.

RESOLVED:

Approved in accordance with officer recommendation subject to:

1. Section 106 Agreement in accordance with the Heads of Terms outlined in the report but omitting reference to 'off-site highway works'.
2. Conditions as set out in the report with amendments to conditions 1, 13 and 14 as set out in the presentation.

3. Amendments to the approved plans list to include only the site location plan and plans showing the proposed access.
4. Subject to confirmation that Natural England agrees the Appropriate Assessment.

208 **23/1600/MOUT (Major) WOODBURY AND LYMPSTONE**

Applicant:

Mr Gary Salter.

Location:

Land off Globe Hill, Woodbury, EX5 1LL.

Proposal:

Outline application for construction of up to 28 residential units (including affordable housing), new vehicular access onto Globe Hill, open space, new parish office and Globe Hill highway works (all matters reserved except for access).

RESOLVED:

Approved in accordance with officer recommendation subject to:

1. A Section 106 Agreement in accordance with the Heads of Terms outlined in the report but omitting reference to 'off-site highways works'.
2. Conditions as set out in the report with amendments to conditions 1, 13 and 14 as set out in the presentation.

209 **24/1051/FUL (Minor) BROADCLYST**

Applicant:

Mr Mark Heuff.

Location:

Unit 10 Mushroom Road, Hill Barton Business Park, Clyst St Mary.

Proposal:

Construction of a synchronous gas-powered standby generation facility and associated infrastructure.

RESOLVED:

Approved with conditions in accordance with officer recommendation subject to an additional condition to be agreed with the Environmental Health Officer, Ward Members and Chair of Planning Committee to secure the following:

Within 3 to 4 months of the development being brought into use a noise verification assessment shall be undertaken to assess the noise levels when all 3 of the generators are operating at full capacity in locations that have previously been agreed in writing with the Local Planning Authority and in accordance with a methodology that shall have previously been agreed in writing by the Local Planning Authority.

The assessment shall seek to demonstrate that noise levels at the agreed monitoring point(s) does not exceed levels to be agreed. If noise levels exceed the agreed levels appropriate mitigation is to be agreed and implemented.

The purpose being to protect residential amenity.

The precise wording of this condition is to be agreed as set out above.

Attendance List

Councillors present:

B Bailey
I Barlow
C Brown
J Brown
S Chamberlain
O Davey (Chair)
P Faithfull
D Haggerty
A Hall
M Hall (Vice-Chair)
M Howe
E Wragg
K Bloxham

Councillors also present (for some or all the meeting)

B Ingham
T Olive

Officers in attendance:

Wendy Ormsby, Development Manager
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)
Wendy Harris, Democratic Services Officer
Lynne Shwenn, Senior Development Control Officer
Ian Winter, Environmental Health Officer

Councillor apologies:

M Chapman
S Gazzard
S Smith

Chairman

Date:

**EAST DEVON DISTRICT COUNCIL
LIST OF PLANNING APPEALS LODGED**

Ref: 22/0508/MFUL **Date Received** 11.09.2024
Appellant: HB825AXM Limited
Appeal Site: Land At Pound Farm Hawkchurch
Proposal: Battery energy storage scheme and associated development.
Planning APP/U1105/W/24/3351691
Inspectorate Ref:

Ref: 24/0164/FUL **Date Received** 16.09.2024
Appellant: Simon Barry
Appeal Site: 15 Harepath Road Seaton EX12 2RP
Proposal: Planning permission and listed building consent for the demolition of a section of boundary wall, creation of access and parking space, construction of retaining walls and installation of an electric car charging unit to the front, east, elevation.
Planning APP/U1105/W/24/3351943
Inspectorate Ref:

Ref: 24/0165/LBC **Date Received** 16.09.2024
Appellant: Simon Barry
Appeal Site: 15 Harepath Road Seaton EX12 2RP
Proposal: Listed building consent for the demolition of a section of boundary wall, creation of access and parking space, construction of retaining walls and installation of an electric car charging unit to the front, east, elevation.
Planning APP/U1105/Y/24/3351944
Inspectorate Ref:

Ref: 24/0673/OUT **Date Received** 26.09.2024
Appellant: Mr and Mrs Padget
Appeal Site: Cory Hill Combe Raleigh EX14 4TQ
Proposal: Outline permission sought (with all matters reserved other than access) for construction of a single storey dwelling
Planning APP/U1105/W/24/3352696
Inspectorate Ref:

Ref: 24/1186/FUL **Date Received** 29.09.2024
Appellant: Mr David Underhay
Appeal Site: Bramleys The Orchard Brampford Speke Exeter EX5 5HW
Proposal: Proposed single storey wooden outbuilding in garden
Planning APP/U1105/D/24/3352802
Inspectorate Ref:

Ref: 24/0512/FUL **Date Received** 01.10.2024
Appellant: Teresa Loynd
Appeal Site: Woodentop Littledown Lane Newton Poppleford
Proposal: Alteration to design of agricultural building approved under ref. 17/1130/COU (retrospective), change of use of part of the land holding for amenity use including retention of a timber amenity hut.
Planning Inspectorate Ref: APP/U1105/W/24/3352912

Ref: 24/0066/COU **Date Received** 04.10.2024
Appellant: Angela Williams
Appeal Site: Oak View East Hill Ottery St Mary EX11 1QH
Proposal: Proposed change of use of agricultural land to garden (extension of residential curtilage)
Planning Inspectorate Ref: APP/U1105/W/24/3353191

**EAST DEVON DISTRICT COUNCIL
LIST OF PLANNING APPEALS DECIDED**

Ref: 23/1111/OUT **Appeal Ref:** 23/00048/REF
Appellant: Mr A Watts
Appeal Site: Land Adjacent 1 Ball Knapp Dunkeswell Honiton EX14 4QQ
Proposal: Outline application with all matters reserved for the erection of one dwelling
Decision: **Appeal Dismissed** **Date:** 28.08.2024
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policy D1, NP Policy BE1).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/23/3332359

Ref: 23/1849/FUL **Appeal Ref:** 24/00028/REF
Appellant: Mr Mark Weekes
Appeal Site: Land South of Dunsmore Farm Rewe Exeter EX5 4DX
Proposal: Proposed erection of a permanent rural workers dwelling, 2x proposed car port and installation of 28x solar panels on roof.
Decision: **Appeal Allowed** **Date:** 16.09.2024
(with conditions)
Procedure: Hearing
Remarks: Delegated refusal, countryside protection and accessibility reasons overruled (EDLP Policies D1, H4, TC2 & Strategy 7).

The Council accepted the functional need for the proposal; however, the location of the proposed dwelling was not considered to be appropriate as the site is in a remote location, divorced from the existing farmstead.

The Inspector agreed that the site is in an isolated location within the countryside but considered that having an occupied dwelling in this location would have benefits for both livestock management and for mitigation of security risks.

The Inspector concluded that the site represents an appropriate location for the proposed development and would not have a harmful effect on the character and appearance of the surrounding countryside.

BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/24/3344323

Ref: 23/1496/FUL **Appeal Ref:** 23/00054/REF
Appellant: Mr Paul Sparks
Appeal Site: Barn Close Kennels Combe Raleigh Devon EX14 4SG
Proposal: Change of use from kennels to 3no. dwellings including associated works and parking.

Decision: **Appeal Allowed** **Date:** 18.09.2024
(with conditions)

Procedure: Written representations

Remarks: Delegated refusal, accessibility, landscape and amenity reasons overruled (EDLP Policies D1, D2, D8, TC2, Strategies 5B, 7 and BH AONB Policies PD2, LC2).

The Inspector noted that the proposal would not meet the requirement of Policy D8 to be close to a range of accessible services and facilities, however, considered this policy to be out of date as it does not accord with the Framework's policy relating to the re-use of rural buildings in the countryside in terms of location.

The Inspector considered that while there would be some increase in residential activity, paraphernalia and lighting that would detract from the character and appearance of the area, the associated improvements would result in an overall neutral effect in this regard. As such, the natural and scenic beauty of the National Landscape would be preserved.

The Inspector concluded that as the most important policy for the determination of this proposal is out of date, the presumption in favour of sustainable development applies. As Government policy, this is of very significant weight and, in this case, indicates that a decision should be taken otherwise than in accordance with the development plan.

BVPI 204: **Yes**
Planning APP/U1105/W/23/3333745
Inspectorate Ref:

Ref: 23/1794/FUL **Appeal Ref:** 24/00022/REF

Appellant: Mrs Tina Percival

Appeal Site: The Greyhound Inn Fenny Bridges Devon EX14 3BJ

Proposal: Retrospective application for a static caravan for staff accommodation and re-siting of dog kennel.

Decision: **Appeal Dismissed** **Date:** 26.09.2024

Procedure: Written representations

Remarks: Delegated refusal, flooding reasons upheld (EDLP Policy EN21).

BVPI 204: **Yes**
Planning APP/U1105/W/24/3342388
Inspectorate Ref:

Ref: 22/1377/FUL **Appeal Ref:** 23/00046/REF

Appellant: Mr & Mrs D Branker

Appeal Site: Site Of Spillers Cottage Shute EX13 7QG

Proposal: Construction of a dwelling (retrospective) for occupation while the dwelling permitted under reference 21/0535/VAR is constructed, after which the first dwelling will be demolished

Decision: **Appeal Allowed** **Date:** 03.10.2024
(with conditions)

Procedure: Written representations

Remarks: Officer recommendation to refuse, Committee refusal.
Landscape and countryside protection reasons overruled (EDLP Policies D1, D3 & Strategies 7, 46).

The Inspector agreed that the proposal would fail to accord with Strategy 7, representing an unsuitable location for a dwelling, in conflict with the development plan.

Notwithstanding this conflict, the Inspector noted that the intention of the application is clearly for the temporary siting and occupation of the appeal dwelling, while the main dwelling is constructed. With a suitably controlled temporary permission, there would not be an additional occupied dwelling on site, and the appeal dwelling would not result in additional harms from isolated development that the development plan seeks to avoid.

The Inspector concluded that the proposal does not harmfully affect the character and appearance of the area and the landscape and scenic beauty of the AONB would be conserved. While the dwelling does not enhance the landscape or visual amenity of the area, it is proposed as a temporary feature and subject to conditions securing the removal of the building, tree protection, and the appropriate restoration of the site area the relevant tests of Strategy 7, Strategy 46, and Policy D3 of the Local Plan would be met.

BVPI 204: **Yes**
Planning APP/U1105/W/23/3331872
Inspectorate Ref:

Ref: 23/2535/PIP **Appeal Ref:** 24/00009/NONDET
Appellant: Mr Gary Moore (The Land & Planning Consultancy Ltd)
Appeal Site: Land Adjacent Elsdon House Elsdon Lane West Hill
Proposal: Permission in principle for the demolition of an existing greenhouse and the construction of two dwellings
Decision: **Appeal Dismissed** **Date:** 04.10.2024
Procedure: Written representations
Remarks: Appeal against the non-determination of the application within the prescribed time limit.
Delegated resolution to have refused the application, had the Council issued a decision. Countryside protection reasons upheld (EDLP Strategies 1, 2 & 7).
BVPI 204: **No**
Planning APP/U1105/W/24/3338889
Inspectorate Ref:

East Devon District Council List of Appeals in Progress

App.No: 22/0686/MFUL
Appeal Ref: APP/U1105/W/23/3323252
Appellant: Mr Troy Stuart
Address: Hill Barton Business Park Sidmouth Road Clyst St Mary
Proposal; Change of use of land for the purposes of parking, associated with the existing operations at Hill Barton Business Park, for a temporary period of 3 years (retrospective application)
Start Date: 26 October 2023
Procedure: Hearing
Questionnaire Due Date: 2 November 2023
Statement Due Date: 30 November 2023
Hearing Date: 30 July 2024

App.No: 23/0102/FUL
Appeal Ref: APP/U1105/W/23/3334808
Appellant: Mr Gary Conway
Address: 9 Tip Hill Ottery St Mary EX11 1BE
Proposal; Erection of a new dwelling in land to the rear of 9 Tip Hill.
Start Date: 27 February 2024
Procedure: Written reps.
Questionnaire Due Date: 5 March 2024
Statement Due Date: 2 April 2024

App.No: 23/1270/CPE
Appeal Ref: APP/U1105/X/24/3339119
Appellant: Mr and Mrs C M Summers
Address: The Olde Dairy Hunthays Farm Awliscombe Honiton EX14 3QB
Proposal; Application for a Lawful Development Certificate (CLUED) submitted under section 171B(3) of the Town and Country Planning Act 1990 (as amended) for the use of the building known as The Olde Dairy as an independent dwelling.
Start Date: 14 March 2024
Procedure: Written reps.
Questionnaire Due Date: 28 March 2024
Statement Due Date: 25 April 2024

App.No: 22/2582/FUL
Appeal Ref: APP/U1105/W/23/3332347
Appellant: Mr Justin Werb
Address: Barnards (land adjoining) Harepath Hill Seaton EX12 2TF
Proposal; Erection of one dwelling and associated works.
Start Date: 20 March 2024
Procedure:
Written reps.

Questionnaire Due Date: 27 March 2024
Statement Due Date: 24 April 2024

App.No: 23/1279/FUL
Appeal Ref: APP/U1105/W/23/3335680
Appellant: Mr Alban Connell
Address: Land Adjacent Poppins Goldsmith Lane All Saints
Proposal; Conversion of an agricultural barn to form a 1-bedroom dwelling.
Start Date: 26 March 2024
Procedure:
Written reps.

Questionnaire Due Date: 2 April 2024
Statement Due Date: 30 April 2024

App.No: 22/0349/OUT
Appeal Ref: APP/U1105/W/23/3334118
Appellant: Mr & Mrs Reeves
Address: Kilmore House Poltimore Exeter EX4 0AT
Proposal; Outline application for an exception site comprising of 4 affordable houses and 2 open market houses
Start Date: 3 April 2024
Procedure:
Written reps.

Questionnaire Due Date: 10 April 2024
Statement Due Date: 8 May 2024

App.No: 22/1973/MOUT
Appeal Ref: APP/U1105/W/24/3336475
Appellant: ALD Developments (Mr A Davis)
Address: Land East of Sidmouth Road Ottery St Mary
Proposal; Outline application with some matters reserved (access) for the residential development of up to 63 dwellings and associated infrastructure.
Start Date: 10 April 2024
Procedure:
Written reps.
Questionnaire Due Date: 17 April 2024
Statement Due Date: 15 May 2024

App.No: 23/1115/FUL
Appeal Ref: APP/U1105/W/24/3339579
Appellant: Antony Paul
Address: 24 Cherry Close Honiton Devon EX14 2XT
Proposal; Construction of a new dwelling.
Start Date: 23 April 2024
Procedure:
Written reps.
Questionnaire Due Date: 30 April 2024
Statement Due Date: 28 May 2024

App.No: 24/0017/FUL
Appeal Ref: APP/U1105/W/24/3340283
Appellant: Ms Sam Knighton
Address: The Maltsters Arms Greenway Woodbury Exeter EX5 1LN
Proposal; Retrospective application for retention of marquee to be used as ancillary accommodation to the Maltster's Public House
Start Date: 7 May 2024
Procedure:
Written reps.
Questionnaire Due Date: 14 May 2024
Statement Due Date: 11 June 2024

App.No: 23/1472/FUL
Appeal Ref: APP/U1105/W/24/3339709
Appellant: Mr Darren Pyne
Address: 18 Colleton Way Exmouth Devon EX8 3PX
Proposal; Separating existing property into two dwellings including gardens and driveways and addition of front porch.
Start Date: 14 May 2024
Procedure:
Written reps.
Questionnaire Due Date: 21 May 2024
Statement Due Date: 18 June 2024

App.No: 23/1978/FUL
Appeal Ref: APP/U1105/W/24/3341070
Appellant: Mr & Mrs Dan and Claire McCandlish
Address: Land Adjacent to Park House Plymtree
Proposal; Proposed new dwelling and relocated site access with associated landscaping and parking
Start Date: 23 May 2024
Procedure:
Written reps.
Questionnaire Due Date: 30 May 2024
Statement Due Date: 27 June 2024

App.No: 23/2540/VAR
Appeal Ref: APP/U1105/W/24/3341698
Appellant: Mr and Mrs Anthony
Address: Land South Of Underhill Close Lympstone
Proposal; Variation of conditions 1 (Approved plans), 8 (Privacy screen) and 9 (Void space) of 22/2410/RES (Application for approval of reserved matters (appearance, landscaping, layout and scale) for the construction of a predominantly single storey dwelling following outline application (20/0933/OUT) (pursuant to the grant of outline planning permission appeal ref: APP/U1105/W/21/3282445) to update the house design and drawing reference numbers
Start Date: 28 May 2024
Procedure:
Written reps.
Questionnaire Due Date: 4 June 2024
Statement Due Date: 2 July 2024

App.No: 23/1670/FUL
Appeal Ref: APP/U1105/W/24/3342434
Appellant: Mr Michael Stevens
Address: Coxes Farm Sidmouth Road Clyst St Mary Devon EX5 1DN
Proposal; Proposed two storey 2 bed house with parking.
Start Date: 13 June 2024
Procedure:
Written reps.
Questionnaire Due Date: 20 June 2024
Statement Due Date: 18 July 2024

App.No: 23/1317/LBC
Appeal Ref: APP/U1105/Y/24/3343238
Appellant: Mr & Mrs Halse
Address: Combehayes Farm Buckerell Devon EX14 3ET
Proposal; Demolition of existing extension and proposed replacement single storey extension, reconfiguring external stone wall and hard landscaping
Start Date: 18 June 2024
Procedure:
Written reps.
Questionnaire Due Date: 25 June 2024
Statement Due Date: 23 July 2024

App.No: 23/2262/VAR
Appeal Ref: APP/U1105/W/24/3343375
Appellant: Mr & Mrs Clinch
Address: The Barn and Pinn Cottage Bowd Sidmouth EX10 0ND
Proposal; Removal of occupancy condition no.2 of permission ref: 7/39/02/P1130/00114 to allow use as an unrestricted dwelling
Start Date: 13 June 2024
Procedure:
Written reps.
Questionnaire Due Date: 20 June 2024
Statement Due Date: 18 July 2024

App.No: 24/0216/FUL
Appeal Ref: APP/U1105/W/24/3343467
Appellant: Mr Darrol Moss
Address: Brackenrigg Cathole Lane Yawl Devon DT7 3XD
Proposal; Site Log Cabin
Start Date: 25 June 2024

Procedure:
Written reps.

Questionnaire Due Date: 2 July 2024
Statement Due Date: 30 July 2024

App.No: 24/0325/FUL
Appeal Ref: APP/U1105/W/24/3345160
Appellant: Mr D J Blackmore
Address: Southlands Gardens King Street Honiton
Proposal; Demolition of storage building and erection of a one bedroom bungalow.
Start Date: 13 June 2024

Procedure:
Written reps.

Questionnaire Due Date: 20 June 2024
Statement Due Date: 18 July 2024

App.No: 24/0088/FUL
Appeal Ref: APP/U1105/D/24/3345795
Appellant: Mrs Sascha Kranen
Address: 31 Oaklea Honiton EX14 1XH
Proposal; Construction of a two-storey rear extension
Start Date: 13 June 2024

Procedure:
Householder

Questionnaire Due Date: 20 June 2024

App.No: 23/1317/LBC
Appeal Ref: APP/U1105/Y/24/3343238
Appellant: Mr & Mrs Halse
Address: Combehayes Farm Buckerell Devon EX14 3ET
Proposal; Demolition of existing extension and proposed replacement single storey extension, reconfiguring external stone wall and hard landscaping
Start Date: 18 June 2024
Procedure:
Written reps.
Questionnaire Due Date: 25 June 2024
Statement Due Date: 23 July 2024

App.No: 24/0216/FUL
Appeal Ref: APP/U1105/W/24/3343467
Appellant: Mr Darrol Moss
Address: Brackenrigg Cathole Lane Yawl Devon DT7 3XD
Proposal; Site Log Cabin
Start Date: 25 June 2024
Procedure:
Written reps.
Questionnaire Due Date: 2 July 2024
Statement Due Date: 30 July 2024
Hearing/Inquiry Date:

App.No: 24/0525/COU
Appeal Ref: APP/U1105/W/24/3345084
Appellant: M Stephen Hartwell
Address: Land adjacent too Grange Farm Newton Popleford EX10 0BY
Proposal; Change of use of agricultural land to residential garden
Start Date: 8 July 2024
Procedure:
Written reps.
Questionnaire Due Date: 15 July 2024
Statement Due Date: 12 August 2024

App.No: 23/0571/MFUL
Appeal Ref: APP/U1105/W/24/3341996
Appellant: Mr Paull (McCarthy and Stone Retirement Lifestyles Ltd)
Address: Former Council Offices Knowle Sidmouth EX10 8HL
Proposal; Redevelopment of site to provide: a) Care home building (Class C2) with associated parking, landscaping, staff and resident facilities and associated works, b) Extra care apartment building (53 units) with associated communal lounge, wellbeing suite, restaurant and care provision (class C2) c) Retirement living apartment building (33 units) with associated communal lounge d) Erection of 4 houses, and 3 townhouses (Class C3) along with accesses; internal car parking, roads, paths, retaining walls, refuse and landscaping associated with development. Retention/refurbishment of building B, erection of habitat building and sub-stations. (Demolition of buildings other than building B) | Former Council Offices Knowle Sidmouth EX10 8HL

Start Date: 9 July 2024
Procedure: Hearing

Questionnaire Due Date: 16 July 2024
Statement Due Date: 13 August 2024
Hearing Date: 5 November 2024

App.No: 23/2418/PDQ
Appeal Ref: APP/U1105/W/24/3344843
Appellant: Mr and Mrs Willis
Address: Higher Berry Farm Clyst St Lawrence Cullompton EX15 2NW
Proposal; Prior approval application to convert existing farm building to a residential dwelling with associated development

Start Date: 9 July 2024
Procedure: Written reps.

Questionnaire Due Date: 16 July 2024
Statement Due Date: 13 August 2024

App.No: 23/2373/PIP
Appeal Ref: APP/U1105/W/24/3345706
Appellant: Mr David Selway
Address: Land West of Backwells Mead Northleigh
Proposal; Permission in principle for 4no. dwellings

Start Date: 18 July 2024
Procedure: Written reps.

Questionnaire Due Date: 25 July 2024
Statement Due Date: 22 August 2024

App.No: 23/2548/COU
Appeal Ref: APP/U1105/W/24/3345720
Appellant: Paul FitzHenry
Address: Ivy Green Farm Chardstock EX13 7BY
Proposal; Change of use of existing annexe accommodation to enable dual use as either annexe and/or holiday accommodation
Start Date: 18 July 2024
Procedure:
Written reps.
Questionnaire Due Date: 25 July 2024
Statement Due Date: 22 August 2024

App.No: 23/2167/FUL
Appeal Ref: APP/U1105/W/24/3345882
Appellant: Churchill Estates Management
Address: Tanyards Court Beer Road Seaton Devon EX12 2PA
Proposal; Erection of seagull netting on roof of Tanyard's Court [Retrospective]
Start Date: 18 July 2024
Procedure:
Written reps.
Questionnaire Due Date: 25 July 2024
Statement Due Date: 22 August 2024

App.No: 23/1050/FUL
Appeal Ref: APP/U1105/W/24/3345960
Appellant: Mr Steve Richards
Address: Land South of 15 Halsdon Avenue Exmouth
Proposal; To erect a 2 storey 2-bed dwelling with associated amenity space.
Start Date: 23 July 2024
Procedure:
Written reps.
Questionnaire Due Date: 30 July 2024
Statement Due Date: 27 August 2024

App.No: 24/0439/TRE
Appeal Ref: APP/TPO/U1105/10189
Appellant: Mr Steven Richards
Address: Land South Of 15 Halsdon Avenue Exmouth Devon EX8 3DL
Proposal; G7.1 and G7.2 Lime:
i) Create high pollard on structural branches, with preferentially nodal pruning at a height of approx. 8m, with target pruning cuts of typically 100mm dia. Establish radial spread of approx. 2.5m.
ii) Repeat management on cycle of not less than 5 years, and not more than 7 years.

Start Date: 26 July 2024

Procedure:
Written reps.

Questionnaire Due Date:

9 August 2024

App.No: 24/0926/FUL
Appeal Ref: APP/U1105/D/24/3347872
Appellant: Mr Justin Wright
Address: 2 The Barnfield Jerrard Close Honiton EX14 1DX
Proposal; Raising of roof and conversion to habitable accommodation.
Start Date: 6 August 2024

Procedure:
Householder

Questionnaire Due Date:

13 August 2024

App.No: 24/0110/FUL
Appeal Ref: APP/U1105/W/24/3347347
Appellant: Mulberry Architectural Services
Address: Branscombe Farm Ebford Lane Ebford EX3 0QX
Proposal; Proposed demolition of existing structures and erection of two dwellings, garages, improvements to existing vehicular access, hardstanding, landscaping and all associated development

Start Date: 13 August 2024

Procedure:
Written reps.

Questionnaire Due Date:

20 August 2024

Statement Due Date:

17 September 2024

App.No: 24/0217/FUL
Appeal Ref: APP/U1105/D/24/3347667
Appellant: Mr Neil Hitt
Address: 1 Pithayes Cottages Church Road Whimble Devon EX5 2TG
Proposal; Construction of detached double garage with workshop and gym/storage on first floor.
Start Date: 14 August 2024
Procedure:
Householder
Questionnaire Due Date: 21 August 2024

App.No: 23/2523/FUL
Appeal Ref: APP/U1105/W/24/3347765
Appellant: Mr & Mrs Eccles
Address: Northcombe Farm Salcombe Regis EX10 0JQ
Proposal; Proposed annexe (conversion of redundant rural building)
Start Date: 19 August 2024
Procedure:
Written reps.
Questionnaire Due Date: 26 August 2024
Statement Due Date: 23 September 2024

App.No: 24/0605/FUL
Appeal Ref: APP/U1105/W/24/3346991
Appellant: Mr Nigel Morgan
Address: Clapperentale Farm Escot Park Ottery St Mary Devon EX11 1LU
Proposal; Siting of rural workers dwelling (static caravan) in support of rural business (retrospective)
Start Date: 23 August 2024
Procedure:
Hearing
Questionnaire Due Date: 30 August 2024
Statement Due Date: 27 September 2024
Hearing Date: 29 October 2024

App.No: 23/1064/FUL
Appeal Ref: APP/U1105/W/24/3347829
Appellant: Mr and Mrs A Brewer
Address: Bung Ho Southdown Road Beer Devon EX12 3AE
Proposal; Two storey, 5-bed, detached dwelling, with associated parking and amenity space and demolition of existing dwelling and garage.
Start Date: 23 August 2024
Procedure:
Written reps.
Questionnaire Due Date: 30 August 2024
Statement Due Date: 27 September 2024

App.No: 23/2774/FUL
Appeal Ref: APP/U1105/D/24/3348516
Appellant: Mr Alex Watson
Address: Bramblecot Gate Hawkchurch Devon EX13 5TZ
Proposal; Addition of detached double garage to property.
Start Date: 29 August 2024
Procedure:
Householder
Questionnaire Due Date: 5 September 2024

App.No: 24/0175/FUL
Appeal Ref: APP/U1105/D/24/3348571
Appellant: Miss Clare Humphreys
Address: 58 St Andrews Drive Axminster Devon EX13 5EZ
Proposal; Fencing erected to replace hedging (retrospective)
Start Date: 29 August 2024
Procedure:
Householder
Questionnaire Due Date: 5 September 2024

App.No: 24/0136/FUL
Appeal Ref: APP/U1105/D/24/3349925
Appellant: Mr David Gillingham
Address: Tinkers Barn Payhembury EX14 3JQ
Proposal; Part garage conversion, first floor extension over existing garage and single storey rear extension and the introduction of solar panels
Start Date: 6 September 2024
Procedure: Householder
Questionnaire Due Date: 13 September 2024

App.No: 23/2725/FUL
Appeal Ref: APP/U1105/W/24/3348938
Appellant: Mr Mark & Lisa Clouter
Address: Kings Arms Farm Nags Head Road Gittisham Honiton EX14 3AP
Proposal; House of multiple occupation (HMO), that provides individual living-rooms for vulnerable people; the facility includes communal areas for socialising, cooking and dining set with private and secure gardens.
Start Date: 10 September 2024
Procedure: Written reps.
Questionnaire Due Date: 17 September 2024
Statement Due Date: 15 October 2024

App.No: 23/1890/FUL
Appeal Ref: APP/U1105/D/24/3349359
Appellant: Mrs Alison Beresford
Address: Ratclyffe House Clyst Hydon Cullompton EX15 2NQ
Proposal; Reinstatement of main drive lights and gate pillar lights.
Start Date: 17 September 2024
Procedure: Householder
Questionnaire Due Date: 24 September 2024

App.No: 24/0542/FUL
Appeal Ref: APP/U1105/D/24/3349512
Appellant: Mr Stephen Condell
Address: Littlebrook Venlake End Uplyme DT7 3SF
Proposal; Demolition of existing single storey garage and storeroom, erection of two storey side extension, and new external materials.
Start Date: 17 September 2024
Procedure: Householder
Questionnaire Due Date: 24 September 2024

App.No: 24/0913/PIP
Appeal Ref: APP/U1105/W/24/3349912
Appellant: Mr Jake Huntley
Address: 2 Lime Grove Exmouth EX8 5NN
Proposal; Permission in principle for 1 no. dwelling.
Start Date: 24 September 2024
Procedure: Written reps.
Questionnaire Due Date: 1 October 2024
Statement Due Date: 29 October 2024

App.No: 23/2604/FUL
Appeal Ref: APP/U1105/W/24/3350271
Appellant: Mr S Hallett & M Conibear
Address: Lower Sweetcombe Farm Sidbury EX10 0QR
Proposal; Change of use of land from agricultural to holiday/tourism accommodation including the retention of a shepherd's hut, shed (housing a kitchen/store and shower) and toilet (retrospective)
Start Date: 2 October 2024
Procedure: Written reps.
Questionnaire Due Date: 9 October 2024
Statement Due Date: 6 November 2024

App.No: 24/0320/LBC
Appeal Ref: APP/U1105/Y/24/3350909
Appellant: Mr C Smith
Address: 2 School Cottages Woodbury Salterton EX5 1PG
Proposal; Replace 1no. rooflight with Fakro rooflight on rear north west elevation
Start Date: 2 October 2024
Procedure:
Written reps.
Questionnaire Due Date: 9 October 2024
Statement Due Date: 6 November 2024

App.No: 23/2506/MFUL
Appeal Ref: APP/U1105/W/24/3350852
Appellant: P Quincey
Address: Winslade Park Clyst St Mary
Proposal; Installation of solar array with associated infrastructure, access and landscaping
Start Date: 3 October 2024
Procedure:
Written reps.
Questionnaire Due Date: 10 October 2024
Statement Due Date: 7 November 2024

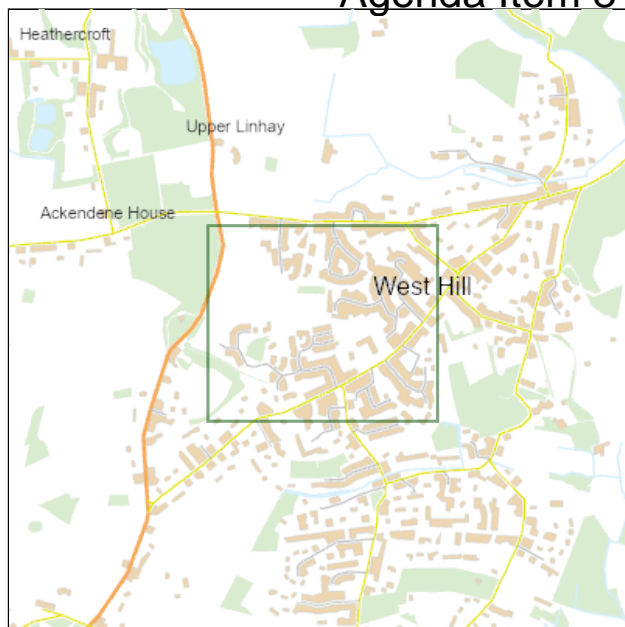
Ward West Hill And Aylesbeare

Reference 23/0727/MOUT

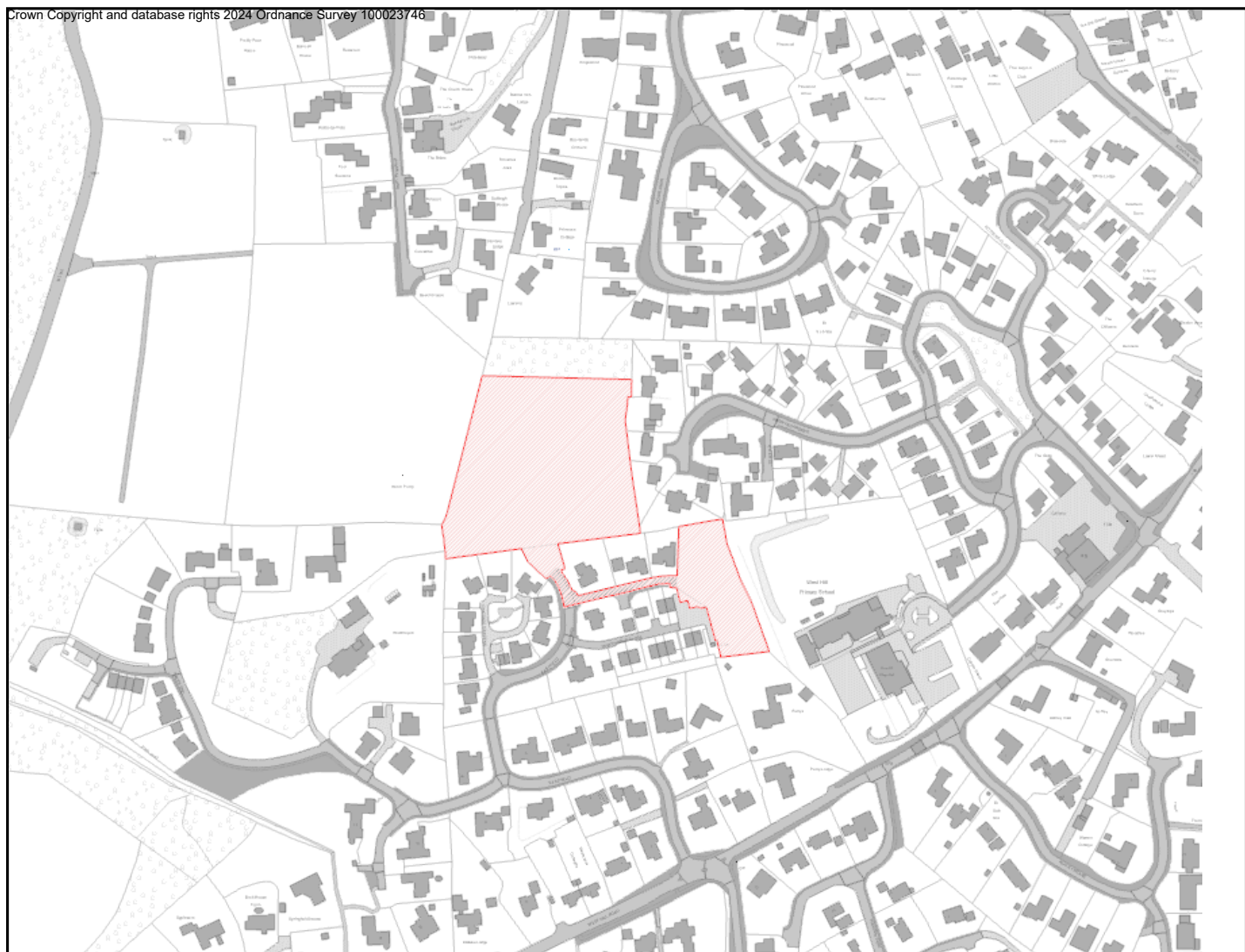
Applicant Blue Cedar Homes

Location Land North Of Eastfield West Hill

Proposal Erection of up to 30 dwellings with all matters reserved apart from means of access.



RECOMMENDATION: Resolution to approve with conditions, subject to the completion of a s106 legal agreement and to adopt the Appropriate Assessment



		Committee Date: 22.10.2024
West Hill And Aylesbeare (West Hill)	23/0727/MOUT	Target Date: 24.07.2023
Applicant:	Blue Cedar Homes	
Location:	Land North Of Eastfield	
Proposal:	Erection of up to 30 dwellings with all matters reserved apart from means of access	

RECOMMENDATION: Resolution to approve with conditions, subject to the completion of a s106 legal agreement and to adopt the Appropriate Assessment

EXECUTIVE SUMMARY

The proposal seeks outline consent for the creation of 30 dwellings including 50% affordable housing, with all matters reserved save for access. The planning application concerns two parcels of land in West Hill. To the north of Eastfield Gardens is the larger field parcel to be developed and to the east of Eastfield Gardens is a smaller parcel.

This proposal already benefits from a resolution to approve. Since that resolution the tilted balance, because of the December 2023 changes to the National Planning Policy Framework, would no longer apply within East Devon. This tilted balance ingrains a presumption to grant permission unless harm that is identified is demonstrable and significant. Further, updated comment from SWW represent a material consideration to take into account in the determination. These changes are addressed within the report below. However, these do not ultimately change the officer recommendation, notwithstanding the necessity for these issues to be addressed.

The site lies beyond the built up area boundary of West Hill and the proposed development therefore as a matter of principle contrary to the policies of the Local Plan. The district is currently able to demonstrate a 4 year housing land supply.

Nevertheless, the boost to housing supply represents a national objective and so must weigh heavily in favour of the development, even after accounting for the present housing supply. The proposal would bring about additional housing on what is considered to be a sustainable location with services and facilities within a walkable distance. There are no objections raised by technical consultees taking into account the context and constraints of this site. This

boost towards meeting housing supply forms a compelling material considered thereby justifying developing beyond former built up area boundaries. In addition, comments have been received by SWW regarding the capacity of Fluxton waste water treatment plant and provision of potable water. SWW have noted the need to upgrade the WWTW but pointed towards this being able to be carried out within the lifespan of any subsequent planning consent. Therefore conditions are suggested to overcome this issue.

As such, again, a recommendation of approval is made.

As the officer recommendation of approval conflicts with the views of a ward member, and as the planning balance has now changed, this application is referred to members of the Development Management Committee.

CONSULTATIONS

Local Consultations

West Hill And Aylesbeare - Cllr Jess Bailey

I wish to OBJECT to this planning application and firmly believe this application should be REFUSED.

LACK OF SUSTAINABILITY

There has been considerable development in and around West Hill in recent years meaning that the infrastructure is already under strain. Ottery St Mary which shares many services with West Hill, has seen growth of 25% in recent years.

The Kings School is oversubscribed for the year 7 intake (academic year 2023-4) which has resulted in 20 children from within the catchment area being unable to attend. Granting consent for this application will exacerbate this issue and will result in additional displacement of pupils from within the catchment area, including West Hill. This is not a sustainable approach to planning ' building more houses resulting in children being transported elsewhere to go to school.

Simply allowing a developer to make a monetary contribution to education does not overcome the issue as it is not possible for the School to simply enlarge its class sizes.

The Coleridge Medical Centre is already under considerable pressure and this is reflected by the surgery reducing its catchment area in recent years. New residents moving to Newton Poppleford are now no longer able to register as patients at the Coleridge Medical Centre, for instance, as a result of the boundary reduction. It would be wrong to further exacerbate the pressures on the surgery by building yet more houses in West Hill.

It is not acceptable to support substantial development which is proposed by this application unless and until the issues around existing pressure of infrastructure have been resolved.

It is also concerning to note that West Hill village shop has declined materially in recent weeks/months/years. It currently serves no fresh produce (milk, cheese etc) and has not done so for many months - since February 2023. West Hill cannot be considered a sustainable village without residents having access to even the basics in their local shop.

CONCERN ABOUT SURFACE WATER FLOODING

Approximately 100 houses flooded in villages close to West Hill on 9th May 2023 predominantly due to surface water run off. This very much emphasizes the precautionary approach that EDDC as planning authority must take in order to protect homes and residents and to avoid creating additional risks of run off and flooding.

I note the concerns expressed by residents about surface water flooding, springs, drainage and run off from the site. I very much share these concerns and their concerns that building on the site with houses and associated hardstanding etc seriously risks exacerbating existing surface water and drainage issues.

I note that the historic google maps imagery shows two long trenches across the site ' and the function of these needs to be identified and explained by the applicant.

I find it unsatisfactory that the ground investigation and environmental assessment is dated 2010 so is thirteen years old. This pre-dates the building work in the immediate area and an up to date investigation must be required.

As the Devon County Councillor I have called EDDC to formally consult with DCC a the Lead Local Flood Authority on this application.

TREES

As this is a split site the applicant should provide information about both parts of the site. However it appears the applicant has not included any tree information ' tree survey, constraints plan, arb impact assessment, in relation to the smaller of the two sites at Hawthorn Close. This is unacceptable and must be rectified particularly as there are significant trees on the eastern boundary of the smaller site.

This application is set to harm mature trees. The proposed entrance will encroach into the root protection areas of mature oaks T1 and T40. Tree T1 is a category A1 tree and tree T40 is a category B2 tree and so they should not be harmed or damaged in any way.

There are significant trees around the site, and the proposed development will cause unacceptable pressure on these trees ' with future inhabitants of the site inevitably wishing to reduce and fell due to shading and leaf drop.

I understand that the woodland in the north of the site is ancient woodland ' particular care and attention must be given to protection of this important area.

I am disappointed to note that there has been pre-emptive felling on the western boundary of the site. This is clearly visible from google historic mapping as having taken place between 2016-18.

I seriously question the applicant's arboricultural impact assessment which claims that the arboricultural impact is moderate to low when in all reality it is very high.

APPLICATION NOT IN ACCORDANCE WITH PLANNING POLICY

EDDC is currently reviewing its local plan, however due to changes in government policy that process has not been concluded and the site in question remains outside the built up area boundary.

There is therefore no planning policy support for this application. This is a greenfield site and I am strongly opposed to development on greenfield sites particularly when the full potential of brownfield sites in East Devon has not been fully explored. It is harmful to our natural environment and erodes the rural ambience of our village.

This application should be refused.

Parish/Town Council

West Hill Parish Council considered this application at its meeting on 23rd May 2023. Also in attendance were 35 members of the public who spoke against the proposed development during the public session at the beginning of the meeting. It is unusual to have so many public attendees at a Parish Council meeting, which demonstrates the importance of this issue to residents. It was clear that all of the public attendees objected to the application and none were in favour. The Parish Council's response reflects the issues presented by residents at the meeting and also from several emails sent prior to the meeting by residents unable to attend. Residents were reminded to also submit their comments direct to EDDC Planning Officers. Councillors considered the following:

1. The Proposal:
 - The site has an extensive planning history included two planning appeals which were dismissed.
 - The site is outside the current BUAB. The application is a departure from the Development Plan and is contrary to Strategy 7 (Development in the Countryside) and Strategy 27 (Development at the Small Towns and Larger Villages) of the Local Plan.
 - The site is one of the preferred allocations in the Draft Local Plan, though the current proposal is for 30 houses rather than 25.
 - 50% affordable housing is to be provided, which is policy compliant and a benefit of the proposal.

2. Flooding

- West Hill residents expressed serious concerns regarding the risk of flooding due to surface water run off from the site and underground springs.
- Over several years residents have previously contacted Blue Cedar Homes, WHPC and EDDC seeking to resolve the problem of flooding.
- The existing flooding problems affect properties in Perrys Gardens and Eastfield Gardens. Further development would aggravate this situation. Currently there are holding tanks underneath the area at the end of Hawthorne Close where further development is proposed. There must be a more robust system to deal with drainage issues.
- The flooding of East Devon communities on 9th May 2023 highlights the potential risks of water flowing off the sloped site into adjacent residential areas. Residents have provided EDDC with photographs taken of the site and neighbouring areas on/after 9th May which demonstrate how the site, nearby gardens and properties were affected. These evidence streams of water flowing down the site.

3. Sustainability:

- The walking distances to village facilities are above the upper end of acceptable. Although as the crow flies the village hall and primary school are close by, the walking distance is 1.0km. Other village facilities including the Royal British Legion Club, Church and bus stop are around 1.5km walking distance. This would likely increase reliance on the private car for most journeys and would therefore amount to non- sustainable development that would be contrary to the provisions of Strategy 5B (Sustainable Transport) and Policy TC2 (Accessibility of New Development).
- If a pedestrian access through to Bendarroch Road could be provided (with co- operation from the developers of the WH_04 site) this would improve access to a bus route and also improve general pedestrian connectivity for the village.

4. Infrastructure:

- During the recent public consultation for the Emerging Local Plan many residents expressed concerns regarding the serious deficiencies in infrastructure which should be addressed before further development is considered. This proposal could do much more to address these issues.
- Schools - West Hill Primary School is over-subscribed. The Kings School, Ottery, is also over-subscribed and unable to take all children within its catchment area.
- GP services are overstretched with long waits for appointments.
- There is a lack of public open space and a serious lack of sports and recreational facilities in West Hill. The public open space proposed in this application does not remedy this situation.

5. Highways and Road Safety:

- The roads within the existing Blue Cedar development are crowded and narrow, aggravated by on-street parking. At times larger vehicles such as delivery vehicles and refuse lorries are unable to pass. An additional 30 dwellings with limited visitor parking would aggravate this situation further and could prevent/delay access by emergency vehicles.
- Because of the lack of recreation and open space, children currently play on the street at Hawthorne Close and Eastfield Gardens, which are currently cul-de-sacs. If another 9 houses were built at the end of Hawthorne Close, the additional

traffic would make this too dangerous for children to play safely. This is aggravated by the lack of any suitable nearby public open space or play area.

6. Housing Need?

- The Housing Need of West Hill has not been established.
- A 2021 survey of residents identified the community's preference for smaller "downsize" properties.

7. Construction phase:

- Local residents have serious concerns over the disruption that would be caused during the construction phase. The estate roads are not suitable for HGVs and construction vehicles because they are narrow and because of on-street parking. The noise and nuisance from construction would be adverse for the elderly residents of Oak Tree Gardens and other local residents.
- The impact on other areas of the village, such as West Hill Road, should also be considered. During the development of the existing Blue Cedar development the transfer of materials from storage sites to the construction site caused significant disruption to residents and traffic.
- A robust Construction Environment Management Plan must be in place.

Having considered all of the above, and taking into account residents' comments, Councillors voted to OBJECT to this application.

Technical Consultations

DCC Flood Risk SuDS Consultation

25.08.2023

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

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

- (a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.
- (b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (d) A plan indicating how exceedance flows will be safely managed at the site.

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

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:

Following my previous consultation response (FRM/ED/0727/202; dated 7th June 2023), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

It is understood that the applicant owns the downstream surface water drainage system, which they have proposed to connect into.

The ecological corridor should be designed appropriately, possibly with bunds in addition to the ditch, to provide management of potential overland flows.

Above-ground features should be used to form a SuDS Management Train.

Exceedance flows should be managed within open spaces.

South West Water (SWW)

Potable Water Supply

It is anticipated that suitable provision can be made within the existing network for the supply of potable water to the proposed development. The applicant is strongly advised to consider maximising the use water efficiency opportunities within the design of their proposals, as supported by adopted planning policy Strategy 3 and 38. The current average water use in the UK is approx. 142 litres/person/day [l/p/d] (Water UK, 2020), with the South West experiencing a higher-than-average consumption rate than the rest of England. With climate change progressing with trends set to add further stress upon available water resources, SWW would support the LPA imposing a condition requiring the optional Building Regulations requirement (G2) of 110 l/p/d for the proposed residential development.

The 125 litres/person/day water efficiency standard is a requirement of Building Regulations Approved Document G (2015 Edition), with the optional standard under Regulation 36(2) being 110 l/p/d being enforced if applied as a requirement within a planning condition. Due to the current trends towards increased stress upon existing water resources, their associated water use behaviour impacts, and the increased likelihood of annual drought conditions, SWW would support the inclusion of a condition securing the optional requirement of 110 l/p/d. Draft wording of a condition securing the G2 optional requirement is set out below.

Draft Condition: Prior to commencement of development approved by this permission, a Water Conservation Strategy shall be submitted for the written approval of the Local Planning Authority. The strategy shall include a water efficiency specification for each dwelling type, based on the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition or any future successor) demonstrating that all dwellings (when considered as a whole) are able to achieve a typical water consumption standard of no more than 110 litres per person per day, in line with Building Regulations Requirement G2. The approved strategy for each residential dwelling shall be subsequently implemented in full accordance with the approved details prior to first occupation of that residential dwelling and thereafter shall be retained.

Reason: To ensure that the development makes efficient use of water and promotes the principles of sustainable construction in line with Paragraph 154 of the NPPF and adopted policy Strategy 3 of the East Devon Local Plan (January 2016). This aligns with the joint statement produced by SWWL and the EA.

Surface Water flows –

SWWL note that the applicant has included a flood risk assessment & surface water drainage strategy dated June 2023 which indicated that soakaways are not feasible. The report indicates that the surface water is going to a surface water body. The detail in the report shows it is proposed to go to a surface water sewer. SWWL believes that that the discharge is being suggested to go to a surface water sewer which ultimate ends up in the Watercourse.

SWWL can confirm that there is capacity within its surface water sewer to take the domestic run off from the site (run off from roofs and driveways (land appurtenant to buildings) subject to the sewers being constructed in accordance with the Design and Construction Guidance (DCG).

The applicant should make separate arrangements to deal with: -

- Land Drainage – SWW is not a land drainage authority and so any land drainage from the site should go to an alternative discharge point.
- Highway Drainage – SWW is not the Highway Authority and the applicant should liaise with the Highway Authority in relation to this drainage.

SWWL requests the following information is provided:

- A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.
- Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- Proposals for the adoption and maintenance of the permanent surface water drainage system.

- A plan indicating how exceedance flows will be safely managed at the site.

- A build programme for the site.

Draft condition - The occupation of any dwellings approved by this permission shall not be authorised until written confirmation is received by the Local Planning Authority from SWW that the above has been approved and implemented in accordance with the details under 'a to e'.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed. SWWL offer a pre-development adoption evaluation service and the applicant is encouraged to use this service.

Foul Water Flows

It is noted that the applicant has stated within their Application Form that foul water flows are intended for disposal via mains sewer. In principle, SWWL does not currently hold any objection to foul water disposal through a connection to a public Foul Sewer; however, SWWL has previously experienced flooding in West Hill which has been resolved. SWWL needs to undertake some further hydraulic modelling on the network to see if there would be need for some further network improvements to be undertaken. If network improvements are needed it is likely to be in the form of surface water separation. It will take SWWL 3 months to complete this hydraulic modelling which will confirm the scope of any relevant improvements.

Draft condition - The occupation of any dwellings approved by this permission shall not be authorised until written confirmation is received by the Local Planning Authority from SWWL has completed its modelling and any network improvements required are completed, or 18 months from receipt of planning permission, whichever is sooner.

No development approved by this, or subsequent applications pursuant to this, permission shall be commenced until details of a scheme for the provision of foul water management has been submitted to and approved in writing by the Local Planning Authority.

The details shall include:

- A description of the foul water drainage systems operation.
- Confirmation from South West Water Ltd that they will accept the flows from the development into their network;
- Details of the final drainage scheme including estimated volume of waste water from the development at full occupation;
- A Construction Quality Control Plan.
- A timetable of construction.

Reason: To minimise the risk of pollution by ensuring the provision of a satisfactory means of foul water disposal and in accordance with policy EN19 of the East Devon Local Plan.

Police Crime Prevention Officer

I appreciate that the layout of the site is only illustrative however, I would like to make the following comments and recommendations for consideration. They relate to the principles of Crime Prevention Through Environmental Design (CPTED) and should be embedded into the detailed design of the scheme to reduce the opportunity for crime and anti-social behaviour (ASB) and conform with both local and national planning guidance.

- Detailed design should include a layout that provides overlooking and active frontages to the new internal streets with accessible space to the rear of plots avoided.
- Any existing or new hedgerow that is likely to comprise new rear garden boundaries must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be needed until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.
- Boundary treatments to the front of dwellings are important to create defensible space to prevent conflict between public and private areas and clearly define ownership of space. The use of low-level railings, walls, hedging for example would be appropriate.
- Treatments for the side and rear boundaries of plots should be adequately secure (min 1.8m height) with access to the rear of properties restricted via lockable gates. Defensible space / buffers should also be utilised where private space abuts public space in order to reduce the likelihood of conflict and damage etc.
- Pedestrian routes throughout the development must be clearly defined, wide, well overlooked and well-lit. Planting immediately abutting such paths should generally be avoided as shrubs and trees have a tendency to grow over the path creating pinch points, places of concealment and unnecessary maintenance.
- Presumably the site will be adopted and lit as per normal guidelines (BS 5489). Appropriate lighting for pathways, gates and parking areas must be considered. This will promote the safe use of such areas, reduce the fear of crime and increase surveillance opportunities.

EDDC Trees

16.08.2023

Recommendations:

Ensure that sufficient space is provided between the edge of the crowns and rear of the dwelling so that proximity issues do not arise. I currently have concerns over the

size of the gardens and level of shading for plots on the southern boundary and plot nearest to T10. Dwellings should be located further north & west (of T10). Car parking removed from RPA & crown spread of T28 and large buffer area to be retained between tree and nearby structures as other plots along the north boundary.

No objection in principle subject to planning conditions.

District Ecologist

21.08.2023

The amended ecological impact assessment and submitted biodiversity net gain calculator addresses my previous comments regarding completion of the ecological surveys and submission of further information.

The proposed ecological avoidance, mitigation, and enhancement measures (subject to the recommended conditions below), and indicative biodiversity net gain calculations are considered acceptable and proportionate.

Recommend conditions.

County Highway Authority

I have visited the site in question and reviewed the planning documents. All matters are reserved under this outline application except from access, therefore I will reserve commenting upon any future internal layout. Eastfield Orchards will facilitate the access to the northern parcel, with a 5m carriageway width, this meets our current best practice guidance, Manual for Streets (MFS) 1 and 2, which requires a minimum 4.8m carriageway width, allowing simultaneous access and egress. Along with a 2m footway, which also meets the basic design requirements of MFS. The Eastern parcel will be facilitated with an extension to Eastfield Gardens as a shared space facility.

Traffic speeds are generally low in this residential area and visibility for both accesses is good.

The County Highway Authorities (CHA) requirement is that development parcels under 40 dwellings in total do not require a Travel Plan, though I do recommend the provision of secure cycle storage to encourage sustainable travel, especially for shorter trips, to help mitigate the trip generation from this site.

I can also appreciate that as an established residential area, any construction period will need to be sensitive to the local highway network, therefore I also recommend a comprehensive Construction and Environment Management Plan (CEMP) to help mitigate any effects on the local highway network.

Overall, however, I do not envisage that should this application gain permission, an unsatisfactory trip generation intensification will occur on the local highway network.

No objection subject to recommended conditions.

Other Representations

To date there have been 44 objections to the proposal and 4 letters of representation;

Issues raised in the objections (in summary);

- Harm to the character and appearance of the area – over development, incongruous designs and out of character with woodland village
- Harm to surrounding trees (inc. TPOs)
- Land has a history of drainage and flooding issues
- Increase traffic would harm pedestrian safety – also result in wear and tear of existing highway
- Routes to services and facilities are inaccessible.
- Harm to ecological value of the land – harm to protected species.
- There is no need for the housing – conflicts with planning policies.
- Increased pressures on Infrastructure (oversubscribed schools, medical centres etc)
- Phosphates prevent housing
- Harm to amenity of surrounding residents – loss of light and overlooking.
- Environmental health harms arising from construction process

Issues raised in the representations (in summary);

- Environmental impact
- Additional car movements
- Impact on infrastructure
- Eroding woodland village
- West Hill doesn't need additional housing – too many houses proposed
- Noise, dirt and disruption
- Impacts on road
- Drainage issues

PLANNING HISTORY

Reference	Description	Decision	Date
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10/0761/MOUT	Outline application (seeking determination of means of access only) for the erection of 50 dwellings of which 20 to be age restricted dwellings and 30 to be for general needs housing, together with associated open space and necessary infrastructure, the change of use of part of the site to educational use and provision of a new building for educational purposes	Dismissed at Appeal	15.11.2011
95/P1395	Residential development	Dismissed at Appeal	29.07.1996

POLICIES

Ottery St Mary and West Hill Neighbourhood (Made)

Policy NP1: Development in the Countryside

Policy NP2: Sensitive, High Quality Design

Policy NP6: Valued Views

Policy NP8: Protection of Local Wildlife Sites and Features of Ecological Value

Policy NP9: Accessible Developments

Policy NP12: Appropriate Housing Mix

Policy NP13: Accessible and Adaptable Homes

Policy NP14: Demonstrating Infrastructure Capacity

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 2 (Scale and Distribution of Residential Development)

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5 (Environment)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 24 (Development at Ottery St Mary)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)

Strategy 37 (Community Safety)

Strategy 38 (Sustainable Design and Construction)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 49 (The Historic Environment)

Strategy 50 (Infrastructure Delivery)
D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
D3 (Trees and Development Sites)
D6 (Locations without Access to Natural Gas)
EN5 (Wildlife Habitats and Features)
EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)
EN13 (Development on High Quality Agricultural Land)
EN18 (Maintenance of Water Quality and Quantity)
EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)
EN21 (River and Coastal Flooding)
EN22 (Surface Run-Off Implications of New Development)
H2 (Range and Mix of New Housing Development)
TC2 (Accessibility of New Development)
TC4 (Footpaths, Bridleways and Cycleways)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)
National Planning Practice Guidance

Site Location and Description

West Hill 'the Woodland Village' is particularly notable for its unique low density wooded character. The rural quality of its verges and Devon banks, the glimpses of tree framed views and the maturity of the trees all contributes to West Hill's special character.

The application site concerns two field parcels;

Firstly, the larger of the two field parcel is positioned to the north of Eastfield Gardens. The existing road at Eastfield Garden terminates where the proposed access point of the development proposed would be located. Here in this location is an existing field gate positioned which allows access to the agricultural field beyond. As it exists today this access area has been laid with a track of unconsolidated material through an existing gap in the boundary hedge. This field is roughly rectangular in shape with land generally sloping down to the east. To the east of this site are the detached properties within Perrys Gardens and are situated at a lower level than the application site. To the north lies a belt of TPO trees and there are also notable protected trees around the perimeter with mature trees. To the west is another field parcel. At the time of writing there is a planning application pending for the erection of 36 dwellings (EDDC ref; 23/1143/MFUL) on this adjacent field parcel.

Secondly, the smaller of the two parcels of land lies to the east of Eastfield Gardens. This is a narrower field parcel more linear in shape and features high canopy mature trees along it's east boundary. Further to the east of this site lies the playing field of the local primary school, and to the west are the existing dwellings belonging to

Hawthorn Close and Eastfield Gardens. Both of these roads terminate adjacent to the west boundary of this application site. Generally the land slopes down to the east. There are protected trees around the perimeter of this site.

In terms of overall character there is a mixture of suburban residences of a larger size, often detached and centrally positioned within plots. The rear garden of these dwellings form the built up area boundary line.

Proposed Development

Although this proposed development is not in accordance with the adopted Local Plan it is worth noting that the consultation on the draft new Local Plan identifies this site as a preferred allocation. Although the emerging Local Plan carries little weight at this early stage it is worth noting the assessment work that has been carried out highlighted the potential for this site to be allocated;

WEST 06

Infrastructure implications: 36 ha development proposed. West Hill Primary has capacity to support limited development (requiring safe walking routes) but not on this scale. New primary and secondary capacity would be required and need to be funded by development. The Kings academy has previously clearly indicated it will not expand with significant investment and potentially new school.

DCC Highways: Assuming it has access to the new estate road off Eastfield access is fine

Landscape sensitivity - summary of findings: Located in Landscape Character Type 1C: Pebble Bed Heaths. Comprised of two fields- one to north of modern development at Eastfield Gardens, and a smaller field to west. Gently sloping west to east. TPO covers section of northern field, also along southern and eastern boundary. However overriding context of built form associated with modern development at Eastfield Gardens, along with dwellings along north eastern boundary.

Impact on historic environment - summary of findings: Around 400m to nearest designated heritage asset. Overall, no change to heritage assets or their settings.

Ecological impact - summary of findings: Agriculturally improved grassland. Numerous mature trees along site boundary, many of which are subject to TPOs. NRN and s.41 adjacent to south west boundary. However, relatively low ecological value of the site itself means that a minor adverse effect predicted (not significant)

Accessibility assessment: 6 out of 12 facilities within 1,600m of site. Pavement and street lights present along most of the route to the school, village hall, shop nearby to the south west, but there are some gaps along West Hill Road.

Other known site constraints: Grade 3 agricultural land.

Whilst located in a Mineral Safeguarding Area, Devon County Council has stated the potential area of resource is small and already constrained by existing built development and therefore unlikely to be economic - as such DCC do not object.

Adjacent to Local Green Space to the east (primary school recreation field). Part of larger site (incl land to south which is now developed) for 50 dw dismissed at appeal in 2011 (10/0761/MOUT) because it would encroach onto an attractive tract of countryside, would perform poorly in relation to the objectives of sustainable development, and would not accord with the spatial vision for the district.

Site opportunities: Provide pedestrian/cycle access through Eastfield Orchard Amended Maximum Yield following discounted areas on site: 25

Brief summary of the key positives and negatives of the site: Positives: Suitable highways access off Eastfield Gardens. Close to school, shop, village hall, with pavement and street lights present along most of the route. No change to heritage assets. Adjacent to existing development, so less sensitive landscape.

Negatives: TPO covers woodland in northern part of site (although this area has been excluded when calculating the yield).

Should the site be allocated? Yes Reason(s) for allocating or not allocating: The scale of development on this site would help deliver the district-wide housing requirement in a manner that is consistent with the spatial strategy. Relatively good pedestrian access to facilities, along with suitable highways access. No change to heritage assets. Adjacent to existing development, so less sensitive landscape

The emerging local plans site allocation for this location can be summarised as;

Positives: Suitable highways access off Eastfield Gardens. Close to school, shop, village hall, with pavement and street lights present along most of the route. No change to heritage assets. Adjacent to existing development, so less sensitive landscape. Negatives; TPOs

This site was discussed during the Strategic Planning Committee on 23rd September 2024 in relation to its allocation for residential development as part of the Regulation 19 submission. At this meeting the vote was carried to include this as part of the emerging local plan.

ANALYSIS

The proposal seeks outline planning consent for the creation of up to 30 dwellings. This planning application is made in outline with all matters reserved apart from the access which is to be assessed at this stage. As such the main issues are the following;

- the principle of the development and the impact on the supply of 5 year housing land supply on the decision making process
- The need to maintain a healthy housing supply and trajectory going forward

- whether occupiers would be in suitable proximity to access services and facilities without the need to private modes of transport
- the impact on the character and appearance of the area
- the impact on the highway network
- the impact on trees (including protected trees)
- the impact on ecology
- the impact on surface water drainage, potential flooding in the area and foul drainage – specially taking into account recent advice from SWW..
- the requirement for affordable housing
- mitigating the impact on infrastructure
- the planning balance

Addressing each issue in turn;

The principle of the development and the impact of the supply of housing land supply on the decision making process

Strategies 1 and 2 of the Local Plan set out the scale and distribution of residential development in the district for the period 2013-2031. The main focus is on the West End and the seven main towns. Development in the smaller towns, villages and other rural areas is geared to meet local needs and represents a much smaller proportion of the planned housing development.

The proposed development would comprise major development in the countryside, outside of the defined settlement boundary of West Hill, thereby conflicting with Strategy 7 of the local plan. Consequently, the site would not offer an appropriate location for the development proposed having regard to the development plan's overall settlement strategy and expectation for such development to be contained within a designated built up area boundary.

Planning legislation is clear that planning applications should be determined in accordance with the development plan, unless other material considerations suggest otherwise. One such consideration is the National Planning Policy Framework (NPPF). The NPPF states that plans and decisions should apply a presumption in favour of sustainable development. Paragraph 11 of the Framework, in the decision-taking section states:

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay
- ; and
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed
 - ; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The National Planning Policy Framework (December, 2023) (NPPF) states, at paragraph 77, that "local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply."

Paragraph 226 states: "From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need."

The draft local plan consultation undertaken by East Devon District Council in November 2022 to January 2023 was carried out under Regulation 18. The emerging new Local Plan is therefore sufficiently progressed to benefit from this provision.

On this basis, the Council can demonstrate a **4.5** year housing land supply. Policies within the adopted Local Plan, most important for determining the application, remain up to date and the presumption in favour of sustainable development (the 'tilted balance') set out at paragraph 11d) of the NPPF need not be applied.

Members should also be aware that paragraph 14 of the Framework advises that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made. In this instance the proposal takes place in West Hill. Whilst West Hill and Ottery St Mary has a 'made' neighbourhood plan this was 'made' more than five years ago from the time of writing. Accordingly, paragraph 14 of the Framework does not affect the application of paragraph 11 under this proposal.

The above noted the proposal needs to be assessed against the development plan and other material considerations.

The need to maintain a healthy housing supply and trajectory going forward

The "tilted balance" in the NPPF is not the only basis for planning decisions and indeed amounts to a material consideration and does not displace the development plan nor the requisite planning balance established under section 38(6) of the Planning and Compulsory Purchase Act 2004.

The need for housing over the next five years is a crucial consideration in planning decisions. According to paragraph 69 of the National Planning Policy Framework (NPPF), local planning authorities must identify specific sites for housing for the next five years and broader areas for growth for the subsequent 10-15 years. This means that a responsible and proactive council should be looking beyond the mere 4 and 5 year timescales, recognise the implications of present actions and take action now with regard to the impact of these longer time scales.

If the Council cannot demonstrate a five-year housing supply when adopting a new local plan, it would conflict with paragraph 69(a) of the NPPF. Within an adequate supply of housing an Inspector would likely find such an emerging plan unsound and inconsistent with the requirements of paragraph 35 of the NPPF. Therefore, on this basis alone the Council should not rely solely on a short-term, four-year housing supply, as providing robust reason enough for resisting further housing as a matter of principle.

Appeal decisions have shown that even if a site is not allocated in the current plan or is outside development boundaries, it can still nevertheless be considered for 'sustainable development' if there is no identified contextual conflict and is within reasonable reach of an appropriate level of services and facilities. This is especially relevant given the Council's current and future housing supply challenges, regardless of the 'tilted balance'.

National policy, prior to December 2023, required a continuous five-year housing supply. Some other authorities have struggled to maintain this, leading to weaker positions when being subject appealing planning decisions. These decisions often relied on overly optimistic policy assessments, resulting in a compounded effect on future planning. The experience of these authorities shows that it takes time to recover (to claw back an appropriate supply of housing) so as to successfully defend against appeals for sites deemed unacceptable.

The Council's Housing Monitoring Update shows that the forthcoming five-year housing trajectory will fall below the required numbers and it is notable that affordable housing delivery has also been below the required levels. Currently, about 6,000 households are on the Council's housing register. The district's identified affordable housing need is 272 dwellings per year, totalling 4,896 dwellings over the 18-year plan period. Delivery in recent years has fallen well short of this annual target

This issue was considered by Strategic Planning Committee on 15/7/2024 following the receipt of advice from Kings Counsel. The committee resolved to advise Planning Committee that in considering planning applications for housing developments that would deliver homes within the next 5 years in a sustainable way, significant weight should be given to the need to bolster the council's housing land supply position. This is in order to ensure that the council has a robust housing land supply and as a result a sound local plan in respect of housing land supply for examination of the Local Plan.

There is a clear need for more housing, both market and affordable, within the district. The current and projected levels of housing delivery do not meet this need in the long term under the current policy climate. This unmet need is a significant factor for

decision-makers in planning applications and appeals, particularly pertinent for otherwise sustainable sites outside current settlement boundaries.

To be in a strong position now, and remain so in the future, the Council must boost its supply of market and affordable housing and develop a local plan that ensures the realistic delivery of sufficient homes over the plan period. A robust approach in this regard would mean the adoption of a local plan which both expresses and reflects the needs of the district, provides the ability to defend unsustainable sites for development at appeal, prevent speculative planning applications afflicting local communities and meet the social elements at a national scale by delivering the right type of housing at the right time. Accordingly, the need to boost the supply of housing is a material consideration that can be attributed significant weight given the strategic importance that maintaining a healthy supply of housing means to the council and its ability to retain control over key planning decisions.

The ability of occupants to reach services and facilities

The NPPF advocates the creation of places that promote social interaction and encourage walking and cycling, thereby helping to provide inclusive and safe places which support healthy lifestyles. The 'village core' of West Hill can reasonably be identified as West Hill Road area which features the school, hall and shops/post office or, to a lesser extent, Bendarroch Road where the Church and Legion Club are sited.

In terms of sheer distances from the entrance of the north site it is 600m to the shop and 870m to the village hall and school. The legion club is 1,040m away and the church (St Michael's) is 1,700m via school lane.

The government published Manual for Streets states 'walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to 800m) walking distance of residential areas which residents may access comfortably on foot. Not only is the distance of important but so too is the nature and character of the route, for example; is it safe for pedestrians and cyclists? Is it well lit? Is the terrain challenging? Is it protected from the elements?

The previous 2011 appeal noted that whilst the village shop is nearby the lack of footways on West Hill Road would deter some residents from walking there. As such the Inspector in 2011 considered that the site was not well related to local facilities and services and not in a location with good public transport access. The majority of the route to the village shop features a pavement, however it is recognised that the main road would have to be crossed several times. Moreover, there is also short distance of no pavement along the main route (West Hill Road) to the village shop, school and village hall due to the restrictive width of the highway. En route from the site to these destinations the length of West Hill Road with no pavement stretches for approximately 15.0 metres. This is the only section along this route with no pavement.

Pedestrian users would be need to be aware and responsible traversing this short section and Manual for Streets recognises that drivers must take the road and traffic conditions into account. This is the situation faced by all residents of the village such

that most drivers will be aware of the likely shared nature of the road surface. So whilst this lack of pavement could deter some pedestrian users from reaching the local shop this is not to say that it represents an unacceptable safety issue that would force users with no alternative but to travel by cars.

The planning policy landscape and context has changed much in the intervening period since that appeal decision. Governmental guidance in the form of the NPPF provides for a compelling material consideration. Further, the East Devon current local plan was adopted in January 2016 and Manual for Streets has been updated.

The sites are situated within reasonable distance to services and facilities on offer within West Hill. On balance, noting the short stretch with a lack of a pavement and the fact that the legion club and church are in excess of 800m there are adequate pedestrian and cycle linkages to the majority of services on offer within the village. There are also bus stops nearby which provide suitable linkages further afield.

Taking all of the above into the balance the proposal is considered acceptable in relation to policy TC2 of the local plan and policy NP9 of the Neighbourhood Plan (NP).

Impact on the character and appearance of the area

The proposal, with the introduction of housing, would fundamentally change the character and appearance of this part of the landscape. The field to the north appears agricultural in nature. Perimeter hedgerows and mature trees (inc. TPOs to the north) which provide for a high quality environment a common feature on the fringe of this village. The verdant character of the village is displayed in this area. Within the NP West Hill valued 'viewpoint 1' looks towards the general direction of this site, but direct views are obscured to a large extent by intervening field boundaries and topography.

The proposal relates to a greenfield site which has not been previously developed. Previous appeal decisions have concluded that the site is visually associated with and forms part of the surrounding countryside and makes a valuable contribution to the rural setting of West Hill. Since the latest of those assessments made in November 2011 the lower field parcel adjacent this site has been developed. The north larger site is effectively bounded on three sides with residential development. However, there is a buffer of mature high canopy trees along the northern part which benefits from formal protection and as such prevent visual association in this direction. Although some of the comparatively recent development to the south features two storey properties the general surrounding area is recognised as low rise.

The smaller east parcel of land is arguably better integrated with the previously developed land. It protrudes less into the countryside (compared to the northern parcel) and so would appear more integrated with the built form of the village. Therefore whilst there would be an intrinsic change to the character of this field this would be less noticeable due to the surrounding developed land. Put simply it would read as a less drastic change in character and instead read as a continuation of the existing build form of a residential estate.

Although layout is a reserved matter and therefore not for consideration at this stage the quantum of the development is known and illustrative layouts provided to give indication of how this can be accommodated within the confines of the site. Whilst noting that the evidence base of the emerging local plan suggested a figure of 25 dwellings the 30 dwellings now proposed does not appear overly cramped in terms of layout or incompatible with that of the surrounding residential development. The illustrative layout shows a development of similar grain to that of the surrounding suburban areas which adjoin the site and therefore from intervisibility vantage points the development would provide continuity and harmonious integration with surrounding residential development. Although illustrative this layout would broadly accord with policies NP2 and NP26 of the NP which establishes principles of a high quality design.

If approved the reserved matters should seek to introduce planting, with minimal harsh means of the enclosure to maintain the verdant character and appearance of the village. Features, specifically mentioned in policy NP1 of NP would need to be addressed, protected and retained under the reserved matters.

However, mitigatory landscape measures such as additional planting to soften the appearance would not overall prevent the intrinsic change in character which would arise on the larger north field parcel. In this regard although the evidence base of the emerging local plan views this site as a natural infill of the settlement there would nevertheless be some character harm in conflict with policy D1. This intrinsic change from a rural to urban character, viewable from several public vantage points, weighs against the scheme.

The impact on the highway network

Access is a matter to be considered at this stage. The larger north parcel of land seeks connection to the existing highway network of the adjacent residential estate. Two separate access points would facilitate access to the smaller field parcel from Eastfield Gardens and Hawthorne Close each. The key consideration at this point is the impact of increased traffic movements on the existing highway network. Devon County Highway in their role as a consultee have reviewed the proposal.

Eastfield Orchards would facilitate the access to the northern parcel. With a 5m carriageway width this meets best practice guidance which requires a minimum 4.8m carriageway width thereby allowing simultaneous access and egress. The 2m footway proposed also meets the basic design requirements of MFS. The Eastern parcel would be facilitated as an extension to Eastfield Gardens.

Devon County have noted that traffic speeds are generally low in this residential area and visibility for both accesses is good.

The requirement is that development parcels under 40 dwellings in total do not require a Travel Plan. However, provision of secure cycle storage to encourage sustainable travel, especially for shorter trips, to help mitigate the trip generation from this site are suggested.

The highway officer does not envisage that should this application gain permission, an

Unsatisfactory trip generation intensification would occur on the local highway network.

Whilst layout is a reserved matter the illustrative layout would appear to make appropriate room for parking serving the dwellings. However, this shall be assessed in more detail at reserved matters stage.

Given the above this outline consent is considered to comply with policies TC7 and TC9 of the local plan.

The impact on trees (including protected trees)

Within the northern portion of the northern larger parcel of land is a distinctive thick belt of trees protected by a TPO. There are also category A trees around both sites which could be affected by the proposal. Aside from the health and retention of such trees for their own sake these also contribute greatly to the defined character of area.

A detailed tree survey including tree constraints plan and arboricultural impact assessment was required for the smaller site to the east of Eastfield Gardens / Hawthorne Close so that the impact on the trees on site can be assessed.

There is no objection to development of either parcels of land based on appropriate design. This adequately considers the constraints posed by significant trees on /adjacent to both sites. For the avoidance of doubt careful construction using a no dig solution will be required for the access road between category A and B trees T1 and T40 are required.

On the small parcel of land there is a degraded hedge along the east boundary and there are some category A trees which act as a constraint.

Both sites contain large mature significant trees which are protected. These trees pose a significant constraint to the site due to their size and associated issues and concerns that would arise due to proximity of mature trees to dwelling; namely concerns over risk of failure, leaf and debris fall, shading and future growth potential which may lead to pressure to prune or remove trees.

The construction of car parking area within the RPA of T28 (category A Oak) has been identified as not appropriate as construction within the RPA should only occur in exceptional circumstances. Therefore parking spaces shown on illustrative plans would need to be located outside of the RPA of T28. The tree has low crown touching the floor and still has significant growth potential. Some of the large upper branches are not considered 'great' and the lower branches act as a damper to upper branch movement. Crown lifting has the potential to expose these limbs and so increase the risk of failure.

With regards to the northern larger area the Tree Protection Plan (TPP) identifies the area of the existing gate, between T1 and T40, as requiring a method statement to ensure successful construction of the road. The gateway provides the most suitable access point as the ground has been heavily compacted over many years from the

former livestock use. It is agreed that the most viable access point is in this location and suitable mitigation controls can be put in place to reduce any impacts to acceptable levels.

With regards to the eastern smaller area this has two access points on the western boundary that link into the adjacent housing developments. These are clear of the key trees and the access can be achieved without any impact on the retained trees.

Whilst the larger trees cast shade in the southern areas the daylight levels on overcast days (approximately 60-70% in the UK). Therefore, diffuse daylight levels will be good and sufficient to illuminate dwellings in accordance with national standards and design guidance.

The spatial relationship between trees and dwellings can be dealt with at a detailed design stage. Overall the site has development potential for the density proposed.

The tree officer has some outstanding concerns over the size of the gardens and level of shading for plots on the southern boundary and plot nearest to T10. Dwellings should be located further north & west (of T10) with car parking removed from RPA & crown spread of T28 and large buffer area to be retained between tree and nearby structures as other plots along the north boundary. However, these comments relate to layout and there is no reason as to why these could not be resolved at this stage. As such the tree officer went on to consider appropriate conditions for this outline application.

Accordingly, subject to conditions the outline proposal is considered to comply with policy D3 of the Local Plan.

The impact on ecology

The amended ecological impact assessment and submitted biodiversity net gain calculator addresses previous comments from the District Ecologist regarding completion of the ecological surveys and submission of further information.

The proposed ecological avoidance, mitigation, and enhancement measures (subject to the recommended conditions below), and indicative biodiversity net gain calculations are considered acceptable and proportionate

ODPM Circular 06/2005 states: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

In terms of protected species within the site;

Amphibians - The site is within a great crested newt consultation zone. However, no records of great crested newts were returned within the search, with no ponds being

present on site or within 250m of the site boundary. There is no suitable habitat for this species on site.

Badgers - There were three records of badger within 2km of the site from the last 15 years, the closest recorded 220m south of the Site. No setts were present on the Site at the time of survey, although badgers are widespread in the area and may use the site for occasional commuting and foraging.

Bats - The surveys recorded nine species of bats using the hedgerows and tree lines, consisting predominantly of common pipistrelle (European Protected Species; EPS) and soprano pipistrelle (EPS, SPI). The surveys recorded nine species of bats using the hedgerows and tree lines, consisting predominantly of common pipistrelle (European Protected Species; EPS) and soprano pipistrelle.

The rare and light averse species lesser and greater horseshoe bats (EPS, SPI, Annex II species) were recorded in low numbers per night at all automated detector locations with a maximum average of 1.4 passes per night from lesser horseshoe bats on the southern boundary of the northern parcel and 0.9 passes per night of greater horseshoe bats on the northern boundary of the northern parcel adjacent to the woodland.

Birds - The barn owl was recorded 1.1km from the Site. There were 12 records for red listed Birds of Conservation Concern (BoCC) species returned, including records for linnet, woodcock and yellowhammer, and 26 records for amber listed BoCC, including records for redwing, tawny owl and sparrowhawk. There were three records for Devon Biodiversity Action Plan (DBAP) species returned, including two records for nightjar, also an amber listed species.

Dormice - There are two records of hazel dormouse (EPS, DBAP) within 2km, located 1.1km southeast and 1.5km south of the Site. A nest tube survey in 2022/ 2023 recorded dormice within the Site. It is not deemed a significant impact, and therefore a Dormouse Mitigation Licence will not be required. A dormouse nest was found in the south-western parcel in June 2023.

Invertebrates - There are 20 records of notable invertebrates within 2km of the Site. There is one record of silver-studded blue butterfly, which is listed under Schedule 5 of the Wildlife and Countryside Act (WCA) 1981.

Reptiles - There were 15 records of reptiles within 2km returned from DBRC. This included four records for adder, the closest located 1.1km from the Site; three records for common lizard, the closest located 1.6km from the Site; five records for grass snake, the closest located 1.3km from the Site; and three records for slow worm, the closest located 1.1km from the Site. The habitats within the site were of low potential value to reptiles.

The development would result in the loss of 1.06ha of modified grassland, 0.01 bramble scrub and a maximum of 10 m of hedgerow for access.

The following mitigation and compensation measures will be undertaken;

- Impacts on important ecological designation – Special Area of Conservation contributions to mitigate impacts on the internationally designated East Devon Pebblebed Heaths Special Protection Area (SPA); During construction, protect hedgerows using temporary fencing in accordance with BS 5837:2012‘Trees in relation to design, demolition and construction’;
- No clearance of vegetation during breeding bird season, or with a pre-works check for active nests and nests buffered until chicks have fledged;
- Mitigation for the presence of dormice including a fingertip search will take place by a licenced ecologist during hedgerow removal;
- Prior to and during construction the grassland will be maintained at a short sward height through grazing or cutting to ensure that the Site does not become suitable for reptiles to colonise the Site;
- Good working practices prior to/ during construction, including capping of large pipes and trenches to prevent mammals from becoming trapped and provision of a CEMP;
- A retained 10m dark zone of <0.5Lux on the northern parcel, adjacent to the woodland copse;
- Closed board fencing will be used on the western boundary to retain a 2m wide flyway for bats, with a Lux
- Plan showing <0.5Lux provided at the Reserved Matters stage;
- A 2m buffer on all boundaries, outside of the curtilage of property owners will be enhanced with species-rich grassland planting;
- Species-rich grassland planting will be provided in the attenuation basin;
- No direct lighting to boundaries during construction or operation to prevent fragmentation effects for bats, including in the northeastern car park adjacent to the northern buffer.

Additional recommendations have been provided in order to enhance the site for biodiversity post-development, including:

- Enhancement of the woodland through native planting;
- Integrated bat and bird boxes along with five tree mounted bat boxes including three for barbastelle bats;
- 13cm x 13cm cut outs within all solid fences to allow passage of hedgehogs through gardens and across the landscape.

Derogation tests

Given that bats were found to use the hedgerow and trees, and further that badgers may use the site for commuting and foraging it is necessary to consider these aspects in light of the derogation test. Natural England can only issue a licence if the following tests have been met:

- the development is necessary for preserving public health or public safety or other imperative reasons of overriding public interest;
- there is no satisfactory alternative; and
- the action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range.

Whilst decision makers should have regard to the 3 tests above it should be noted that the LPA is not expected to duplicate the licensing role of NE. An LPA should only refuse permission if the development is *unlikely* to be licensed pursuant to the derogation powers *and* Article 12 of the Habitats Directive was likely to be infringed.

In terms of public interest this proposal as a matter of principle accords with the national level of significantly boosting housing supply from which some economic and social benefits could accrue. Alternative scenarios are not easily discernible, however, improving the biodiversity of the site would occur through recommendations of the ecology report and Biodiversity Net Gain. There is also a consensus that in order to provide housing, thereby meeting a public interest, greenfield sites such as this would need to be developed. Given what has been reported for this site, the fact suitable mitigation measures are proposed and both of these elements have been found acceptable by the council's ecologist there is no reason why a license would not be issued or why Article 12 would be infringed.

As a consequence, there is no reason to suggest that, from the LPA's perspective, the proposal would be likely to offend article 12 of the Habitat Directive or that a licence would be withheld by Natural England as a matter of principle.

Summary

Based on the information received and proposed mitigation measures the council ecologist raises no objection. Taking into account all of the above the proposal is considered to accord with policy EN5 of the East Devon Local Plan, NP8 of the NP, the NPPF and reflective of guidance within circular 06/2005

The impact on surface water drainage, potential flooding in the area and foul drainage, and access to drinking water. specifically taking into account recent comments from South West Water (SWW),

It is clear from the objections received from adjacent properties, reinforced by the parish comments, that there is concern regarding surface water drainage in this area. Many objections refer to existing on going drainage issues which have reportedly occurred in recent times. The site is not in floodzone 2 or 3 and it is not in a critical drainage area.

The development appears to be proposing to manage surface water within a detention basin, as well as attenuation tank and permeable paving, before discharging into a surface water sewer.

It is understood that the applicant owns the downstream surface water drainage system, which they have proposed to connect into.

Above-ground features should be used to form a SuDS Management Train with exceedance flows managed within open spaces.

Ongoing discussions have been taken place with DDC Lead Flood Team to ensure that surface water is properly disposed of in line with the aims to meet sustainable urban drainage systems. Ultimately an acceptable solution has now been arrived at. The DCC Lead Flood Team have no in-principle objections to the proposed development at this outline stage, assuming that certain pre-commencement planning conditions are imposed on any approved outline permission.

The development has been demonstrated to satisfactorily conform to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan.

According to the submitted details foul water would connect to the existing sewer system.

There is a duty on SWW under s94 and s37 of the Water Industry Act 1991 (the WIA) to provide capacity to accommodate new developments, the water company have a statutory duty to accommodate new developments. This duty is enforceable under s18 of the WIA. In planning terms, while concerns have been raised that neither SWW or by extension an enforcing authority are meeting those commitments, the NPPF (at para 194) specifically requires that in taking planning decisions it should be assumed that separate pollution control regimes, in this case including the WIA, should operate effectively. This does not mean that a proposal to operate with an unsustainable or inappropriate foul drainage scheme cannot be considered, but does apply where a proposal is to connect to a mains drainage network and there is no objection from the water undertaker (as is the case).

SWW notes there has previously been flooding in West Hill but which has been resolved. However, SWW needs to undertake some further hydraulic modelling on the network to see if there would be need for some further network improvements to be undertaken if further housing is to be built. If network improvements are needed it is likely to be in the form of surface water separation. According to SWW it would take 3 months to complete this hydraulic modelling which will confirm the scope of any relevant improvements.

Regarding potable water usage, SWW acknowledge future pressures on potable water supply need to be addressed. The current average water use in the UK is approx. 142 litres/person/day [l/p/d] (Water UK, 2020), with the South West experiencing a higher-than-average consumption rate than the rest of England. With climate change progressing with trends set to add further stress upon available water resources, SWW would support the LPA imposing a condition requiring the optional Building Regulations requirement (G2) of 110 l/p/d for the proposed residential development.

The 125 litres/person/day water efficiency standard is a requirement of Building Regulations Approved Document G (2015 Edition), with the optional standard under Regulation 36(2) being 110 l/p/d being enforced if applied as a requirement within a planning condition. Due to the current trends towards increased stress upon existing water resources, their associated water use behaviour impacts, and the increased likelihood of annual drought conditions, SWW would support the inclusion of a condition securing the optional requirement of 110 l/p/d.

Therefore, SWW support the proposal subject to a planning condition securing the G2 optional requirement regarding potable water use and a Grampian condition requiring a review of foul water treatment capacity with mitigation provided if necessary, prior to occupation. The response sets out that such requirements can be made achievable within the lifetime of the consent so that a Grampian condition would be reasonable.

Given the above it is considered that foul water drainage from the proposal and supply of potable water can be suitably accommodated and should not be used as a reason to withhold planning consent.

The requirement for affordable housing

The submitted heads of terms offer a commitment to deliver a minimum of 50% of the affordable housing prior to 50% open market housing occupation AND to provide 100% affordable housing prior to 75% occupation of open market housing take place.

Policy requirement inside the BUAB of West Hill in line with adopted policy would have been 50% and in the countryside 50% and so as weight cannot be given to BUABs there should be no difference between the two requirements. It would be the following reserved matters which would establish layout to finalise the position of such affordable housing over the two sites.

Strategy 34 sets a target of 70% for rented accommodation and 30% for affordable home ownership and so this should be secured within the s106. The above is compliant with the stance the local planning authority is taking without an adequate housing land supply in place.

The offer of 50% affordable housing is unchanged since the last time this item was presented to committee and remains policy compliant.

Mitigating the impact of the development on infrastructure

As noted within the evidence base of the emerging local plan the school facilities are near capacity. Others have also noted that the medical facilities, the closest being in Ottery St Mary, are nearing capacity. At the time of writing the NHS have not responded to consultation request to date, but if a request is made this can be verbally updated at the committee meeting.

Similar concern has been noted with regards to capacity levels at nearby schools; this development will be CIL liable which includes a proportion of funding for education infrastructure.

Whilst CIL will provide for some aspects such as education it will be necessary for a s106 to provide a contribution towards the other elements.

In order to mitigate the impact of this development a legal agreement is being drafted to secure the following;

- Provision of onsite affordable housing (50% of the total number of houses)
- Provision of Open space and maintenance of (to comply with strategy 43 of the LP)
- Arrangement of maintenance for any grassland/parkland/communal areas.
- Secure and maintain BNG
- To require public access across a pedestrian link to the adjacent field to the west in perpetuity.

At the time of writing a S106 legal agreement securing the above requirements has not been secured. Accordingly, the recommendation to Members is that of a resolution to approve *subject to* the completion of the S106 and the conditions at the end of this report. Completion of the above mitigation measures are required to accord with policy NP14 of the NP.

Other matters

Agricultural Land Classification

Policy EN13 of the EDDC Local Plan and advice contained in the NPPF suggest that agricultural land falling in Grade 1, 2 or 3a should not be lost where there are sufficient areas of lower grade land available or the benefits of development justify the loss of the high quality land. It would appear that the land is grade 3 agricultural land although our maps do not differentiate between grade 3a or 3b. Taking into account the quantum of agricultural land that could be lost in the northern parcel (the east parcel does not appear to hold much agricultural potential) this would equate to approximately 1.06ha. It would appear that there are large amounts of other land in the locality of higher quality land. As such it is considered that the loss would not significantly harm agricultural interests or the national food supply.

Amenity

The proposal has been made in outline with appearance and scale reserved matters. It is clear that there are surrounding properties of each site which could be impacted upon in terms of amenity without proper consideration or appreciation of the surrounds. Specifically the properties at the eastern end of Eastfield Gardens and Hawthorne Close, side on to the smaller site would need to be taken into account. With regards to the larger northern parcel the properties on Eastfield Gardens and the dwellings along Perrys Gardens would need to be taken into account. Appropriate separation distance and consideration for the positioning of windows to habitable rooms are needed when layout and appearance are to be considered. However, illustrative plans show that the quantum of development can be achieved without undue pressures on site boundaries (in part due to tree constraints) thereby offering suitable separation distances.

With regards to the land north of Eastfield it is noted that there are several properties in proximity to the proposed access point. Given the distances between the proposed access route and these surrounding properties although noise and lights from vehicles movements could be noticeable there is nothing to suggest that this would be to an unreasonable degree to compromise harm to living standards of occupiers.

Given the above the proposal is considered to be acceptable under policy D1 of the local plan.

The Planning Balance

The planning history shows that this site was dismissed at appeal for residential development in 2011. However, the development plan has changed since then and so too has national guidance in the form of the NPPF Accordingly, both the development plan and material consideration differ from 2011.

There has been an identified conflict with the policies of the adopted local plan – in this instance principally with strategy 7 which seeks to prevent expansions of settlements into the countryside and policy D1 due to the harm to the existing character of the larger north field parcel. The loss of potentially higher quality agricultural land also could weigh against the scheme, notwithstanding that similar quality land appears plentiful in the area.

The NPPF seeks to significantly boost the supply of housing across England. The proposal would provide for a not insignificant amount of dwellings, required to bolster the much needed supply of housing in the district. This proposal would bring about some shorter term economic benefits through the construction phase as well as longer lasting social benefits in making housing available at a time when this is much needed. This provision of housing (including 50% affordable housing) is one of the main thrusts of the NPPF and accordingly this is given significant weight in the planning balance.

It needs to be made clear that there are no objections raised by technical consultees, subject to conditions.

In terms of the social benefits, the scheme would deliver some additional housing, adjacent to a sustainable village and in line with the National Framework's aim to significantly boosting the supply of housing. There is a general acceptance that the release of additional greenfield sites will be necessary to meet the Council's housing trajectory.

It has been identified that the site would provide an accessible location relative to local services and facilities thereby encouraging active travel modes and public transport. There are significant protected trees around the perimeter and these contribute greatly to the character of the area. However, no objections are raised by the tree officer as sufficient details have been submitted to demonstrate the trees can be retained. Ground conditions are such that a robust SuDs scheme would be required and DCC Lead Flood team are satisfied that this can be accommodated. No objections are raised by the council's ecologist with suitable mitigation measures provided. The

highway officer has not raised any objection to the increased traffic on the existing highway network. Whilst some amendments to the layout are likely to be required at reserve matter stage but that does not weigh against this outline.

From a social perspective affordable housing is needed within the district and with half of the proposed number being affordable this would help booster this social element.

Mitigation of the scheme to account for impacts such as the requirements to protect and maintain open space, secure affordable housing, and ensure BNG are not to date secured, as there is no completed s106 legal agreement at the time of writing. However, should members resolve to approve the scheme it would be subject to the completion of a s106 which is the appropriate mechanism to secure such mitigating contributions.

The need to boost the supply of housing is a material consideration that can be attributed great weight given the strategic importance maintaining a healthy supply of housing means to the council and its ability to retain control over key planning decisions.

Furthermore, the new governments draft NPPF is currently out to consultation, although it has no weight at present as it is subject to change. Nevertheless, going forward it is clear that a return to mandatory targets for housing targets, removal of 4 year and the return of 5 years targets are advocated. If realised in the final NPPF version this would essentially reverse the December 2023 amendments to mean that once again further housing, where suitable, should be supported in the absence of an advanced local plan.

Although the evidence base for the emerging local plan takes a macro level look at the suitability of sites for allocation the benefits mentioned therein have, to a large extent, been agreed with as per the above report.

When taking all of the above into account the conflict with residential development beyond built up area boundary's, and harm to the intrinsic character of the countryside resulting from the larger north parcel of land, this is not considered to outweigh the benefits (noted above). Therefore it is concluded that the benefits of the development, including the need to bolster housing supply within the district are material considerations that outweigh the conflict with the development plan.

As such, given the above a recommendation of approval is made, subject to completion of a s106.

Appropriate Assessment

The nature of this application and its proximity to the Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its

neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. A legal agreement securing the contribution can be secured and on this basis significant effects would be avoided.

Statement on Human Rights and Equalities Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

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

RECOMMENDATION

Resolve to APPROVE subject to the following conditions, adoption of the Appropriate Assessment above and completion of a s106:

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission. The development hereby permitted shall be begun before the expiration of one year 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 external 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. No development shall take place until a revised Construction and Environment Management Plan (CEMP) (to include schemes for the suppression of dust and air quality measuring and mitigation has been submitted to and agreed in writing with the Local Planning Authority. The development shall not proceed otherwise than in strict accordance with the CEMP as may be agreed unless otherwise agreed in writing with the Local Planning Authority.
(Reason - To ameliorate and mitigate against the impact of the development on the local community in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan)
4. 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.
(Reason - To ameliorate and mitigate against the impact of the development on the local community in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan)
5. Prior to their installation, a schedule of materials and finishes, including British Standard or manufacturer's colour schemes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls, roofs and ground surface materials 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 sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
6. The development shall not proceed other than in strict accordance with the Flood Risk Assessment and Surface Water Drainage Strategy dated 15th June 2023 and conducted by Pegasus Group. (Reason – To ensure that the drainage and flood risk of the development is suitably mitigated in accordance with policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan).
7. Prior to the commencement of development the following information shall be submitted to and approved in writing by the Local Planning Authority:
 - (a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.
 - (b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.

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

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

No dwelling hereby permitted shall be occupied until the works which relate to the dwelling or site area have been approved and implemented in accordance with the details under (a) - (d) above.

(Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed).

8. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details. The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS. The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

The AMS will also show all new above and below ground services, foul and surface water drainage and other infrastructure - insofar as they may affect existing trees - shall be submitted to and approved in writing by the Local Planning Authority (notwithstanding any additional approvals or compliance which may be required under any other Legislation e.g. NJUG Vol. 4 Guidelines). Such layout and design and implementation shall provide for the long term retention of the trees and hedgerows. Any unavoidable but necessary root severance and soil disturbance is to be minimised by providing a specification for root pruning in accordance with BS 3998: 2010. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement / approved service / drainage/infrastructure layout.

(Reason - To ensure retention and protection of trees on the site during and after construction 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 D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031)

9. No development shall commence until a Biodiversity Management Plan to ensure that there is a quantifiable net gain in biodiversity as a result of the development has been submitted to, and approved in writing by, the Local Planning Authority.

The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity metric as applied in the area in which the site is situated at the relevant time, and the Biodiversity Management Plan shall include:

1. Proposals for on-site biodiversity net gain (full details of which will be provided in relation to each phase of development (where applicable) and/or for off-site offsetting);
2. A management and monitoring plan for any on-site and off-site biodiversity net gain, objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years from commencement of development, demonstrating how the biodiversity net gain is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed;
3. A methodology for the identification of any site(s) to be used for offsetting measures and the identification of any such offsetting site(s); and/or
4. Details of any payments for offsetting measures including the biodiversity unit cost and the agreed payment mechanism.

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Management Plan and shall be retained as such thereafter.

(Reason – to ensure that the development has no adverse effect on protect and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology and Policy EN5 (Wildlife Habitats and Features and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031).

10. The development shall proceed in accordance with the submitted ecological impact assessment (GE Consulting, July 2023). No works shall commence until the following information has been submitted and approved in writing by the Local Planning Authority.
 - o A Landscape and Ecological Management Plan (LEMP),
 - o Construction and Environmental Management Plan (CEMP); and

- o A detailed lighting design for bats following Devon County Council (2022) guidance, including provision of lux contours illustrating dark corridors, i.e., where predicted lighting levels are not in excess of 0.5 lux.

The submitted documents shall include details of how protected species including bats, dormice, reptiles, nesting birds, and badgers will be protected during the development and following construction, and include details of working practices, compensatory habitat creation and management, habitat enhancement measures, monitoring, compliance, and remedial measures.

The location and design of biodiversity features including bird boxes (at a ratio of 1 per unit), bat boxes, insect bricks, permeable fencing and any other features should be clearly shown on plans supporting a detailed application. The development shall be carried out in accordance with the agreed details.

(Reason: To ensure that the development has no adverse effect on protected and notable species, and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031).

11. Prior to commencement of development the Planning Authority shall have received an approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to

commencement of any work;

The development shall be carried out in accordance with the agreed CMP.

(Reason - To ameliorate and mitigate against the impact of the development on the local community and to ensure that any impact on the highway network is kept to a minimum in accordance with policies TC7 - Adequacy of Road Network and Site Access and EN15 (Control of Pollution) of the East Devon Local Plan)

12. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details prior to the occupation of the dwelling to which they relate.

(Reason: To promote sustainable travel in accordance with policy TC9 (Parking Provision) of the East Devon Local Plan).

13. The development shall not proceed other than in strict accordance with the recommendation, mitigation measures and enhancements detailed in the Ecological Assessment dated July 2023 conducted by GE consulting. (Reason -To ensure protected species are managed in an appropriate way in accordance with Policy EN6 (Wildlife Habitats and Features) of the East Devon Local Plan.)

14. The landscaping scheme approved at the reserved matters stage 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 - 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 D4 (Landscape Requirements) of the East Devon Local Plan).

15. The layout approved at the reserved matters stage shall include provision for a pedestrian public access link to the adjacent field to the west of this site. The link shall be provided prior to the occupation of the 20th dwelling and shall be retained to provide public access through the site to the west in perpetuity. (Reason – In order to provide suitable pedestrian linkages to reduce reliance on private modes of transport and promote sustainable forms of travel, in accordance with policies Strategy 5B (Sustainable Transport) and TC2 (Accessibility of New Development) of the East Devon Local Plan).

16. Prior to development above slab level of any dwelling on the development approved by this permission, a Water Conservation Strategy shall be submitted for the written approval of the Local Planning Authority. The strategy shall include a water efficiency specification for each dwelling type, based on South

West Water's run off destination hierarchy including the use of measures such as smart water butts, rainwater harvesting, grey flushing toilets. The approved strategy for each residential dwelling shall be subsequently implemented in full accordance with the approved details prior to first occupation of that residential dwelling and thereafter shall be retained.

Reason: To ensure that the development makes efficient use of water and promotes the principles of sustainable construction in line with Paragraph 154 of the NPPF and adopted policy Strategy 3 of the East Devon Local Plan (January 2016).

17. Prior to the commencement of development it shall be evidenced to, and agreed in writing by the Local Planning Authority, whether or not the South West Water foul and surface water (combined sewer) sewerage infrastructure that this development would link into has adequate capacity to deal with the foul sewage generated by this development and its surface water run off. If it is identified that upgrade works are required to ensure adequate foul sewage capacity and surface water drainage capacity, no dwelling shall be occupied until the upgrades to the foul sewage and surface water infrastructure have been completed to the satisfaction of the Local Planning Authority unless alternative means of adequately dealing with foul drainage have been agreed in writing by the Local Planning Authority and implemented in full.

(Reason: In the interests of pollution control, the environment and amenity in accordance with Policy EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) and EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan. This needs to be a pre-commencement condition to ensure that the impact and therefore control of sewage and surface water discharge outputs from the site are fully understood and any necessary upgrades to the sewage infrastructure identified and agreed, together with a time scale for implementation)

Plans relating to this application:

220501 L 001 rev	Location Plan	20.04.23
a		

List of Background Papers

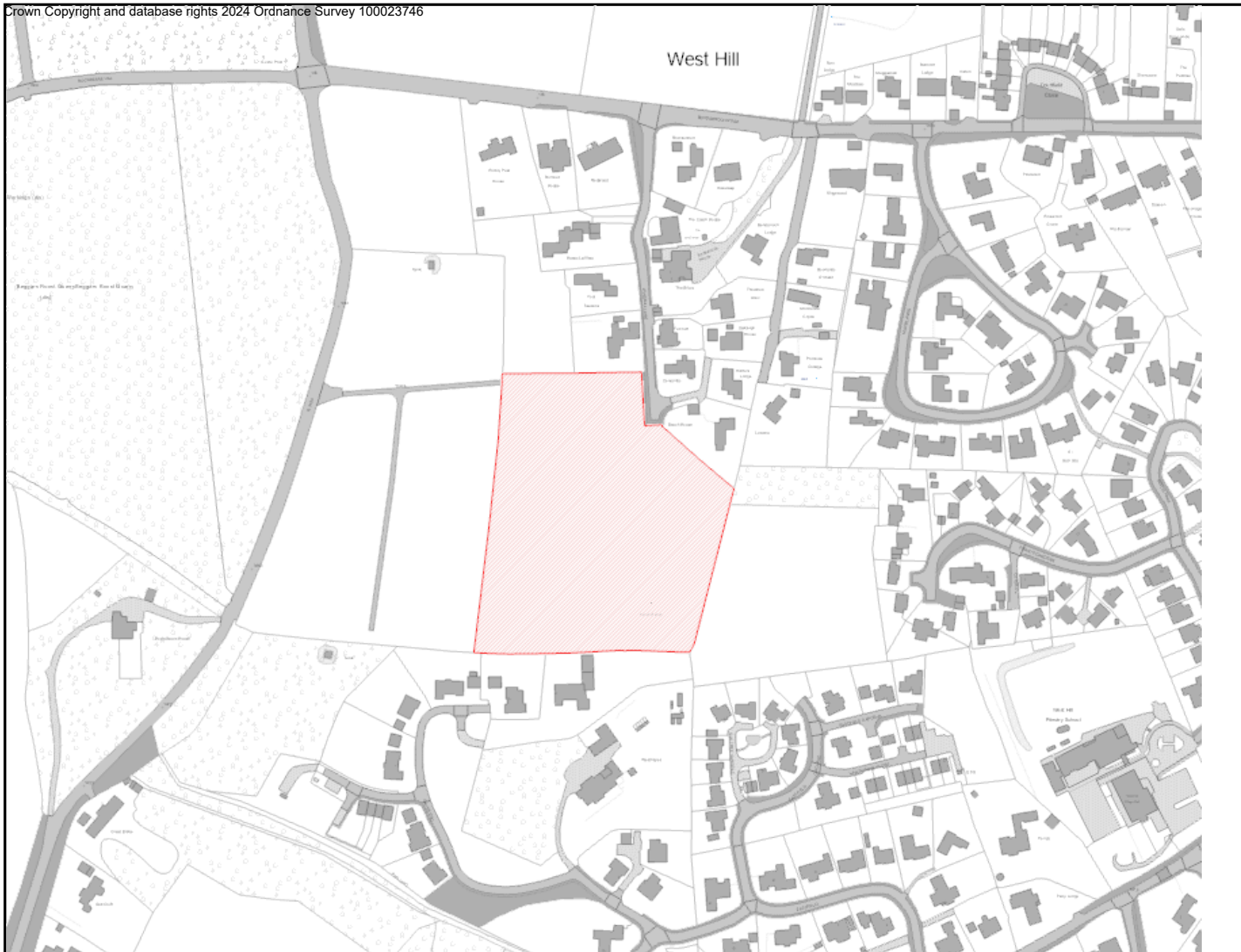
Application file, consultations and policy documents referred to in the report.

Ward West Hill And Aylesbeare
Reference 23/1143/MFUL
Applicant Mr Bill Richardson (Strongvox Ltd)
Location Land South Of Windmill Lane West Hill



Proposal The erection of 34 dwellings (35% of which will be provided as affordable housing), formation of access, open space and associated infrastructure on land to the South of Windmill Lane, West Hill.

RECOMMENDATION: Approval with conditions, subject to completion of a s106 and adoption of an Appropriate Assessment



		Committee Date: 22.10.2024
West Hill And Aylesbeare (West Hill)	23/1143/MFUL	Target Date: 12.09.2023
Applicant:	Mr Bill Richardson (Strongvox Ltd)	
Location:	Land South Of Windmill Lane, West Hill	
Proposal:	The erection of 34 dwellings (35% of which will be provided as on site affordable housing and 15% offsite affordable housing), formation of access, open space and associated infrastructure on land to the South of Windmill Lane, West Hill	

RECOMMENDATION: Approval with conditions, subject to completion of a s106 and adoption of an Appropriate Assessment

EXECUTIVE SUMMARY

The proposal seeks full planning permission for the erection 34 dwellings on current agricultural land on the fringe of the built up area of West Hill. Members will also be aware of a recent planning application on land to the east of this application site for outline consent 23/1143/MOUT for 30 dwellings (currently pending).

This planning application seeks a vehicular access on to Windmill Lane, with improvements to the access with Bendarroch Road. In addition, a pedestrian link through to this adjacent application site is shown on the layout.

The site lies beyond the built up area boundary of West Hill and therefore as a matter of principle contrary to the policies of the Local Plan. The district is currently able to demonstrate a 4 year housing land supply. As a result the presumption in favour of sustainable development applies and so called “tilted balance” assessment are not required to assess whether any adverse impacts of granting consent would significantly and demonstrably outweigh the benefits.

The boost to housing supply reflects a national objective and so must weigh heavily in favour of the development at the present time. The proposal would bring about additional housing on what is, on balance, a sustainable location with services within a walkable distance. There are no objections raised by technical consultees taking into account the context and constraints of this site. This boost towards meeting housing supply forms a compelling material

considered thereby justifying developing beyond former built up area boundaries.

In addition to the housing issue, comments have been received by SWW regarding the capacity of Fluxton waste water treatment works and provision of potable water. SWW have noted the need to upgrade the WWTW but pointed towards this being able to be carried out within the lifespan of any subsequent planning consent. Therefore conditions are suggested to overcome this issue. suggested to overcome this issue.

As such a recommendation of approval is made.

As the officer recommendation of approval conflicts with the views of a ward member this major application is referred to Members of the Development Management Committee.

CONSULTATIONS

Local Consultations

Parish/Town Council

These comments are submitted under delegated powers as the meeting at which West Hill Councillors were due to discuss the application was inquorate and had to be cancelled.

West Hill Parish Council objects to the application. The Parish Council held a public meeting on 29th June 2023 to allow residents to give their views. Around 40 people attended. We have tried to reflect the public's views in our comments.

Relevant Policies

- East Devon Local Plan 2013-2031
- East Devon Villages Plan 2018
- Ottery St Mary & West Hill Neighbourhood Plan
- NPPF
- Emerging Local Plan 2020-2040
- Emerging Local Plan 2020-2040: HELAA Site Assessment West Hill 04:

o "General comment for all sites: Factors such as settlement character and proximity, housing type and size, impact of development on infrastructure, and other impacts such as other noise sources, air quality, ground conditions and contamination, topography, or mitigation measures may also further reduce site potential."

Background:

- In 2013 EDDC refused an application for the construction of 2 no. residential dwellings (13/2624/FUL) and the subsequent appeal was dismissed by the Planning Inspector.

- EDDC has not maintained a suitable supply of housing within the district (currently standing at 4.65 years, not the required 5). Paragraph 11 of the National Planning Policy Framework (NPPF) states that where the policies of the Local Plan are out of date, which is the case here in the absence of a 5 year housing land supply, then a so called 'tilted balance' is applied, unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

1. The proposal is outside the Built Up Area Boundary as defined in the adopted Local Plan and is therefore in open countryside.

2. The proposal of 36 dwellings is 44% more than originally stated in the draft East Devon Local Plan (EDLP). Although the site features in the draft Local Plan as being "suitable" for development, the Plan is still a considerable way from being adopted and therefore the site should be judged on previous planning applications which were rejected due to the adverse impact on the landscape.

3. The 50% affordable housing provision cannot be relied upon. The published pre-application advice indicates that the developer originally sought 35% affordable housing, based on the EDDC emerging Local Plan, which is still in the early stages of consultation and subject to change. The adopted Local Plan requires 50% affordable housing provision. However, the developer could still try to argue that 50% affordable housing provision is not economically viable.

4. West Hill has already provided more dwellings than needed to comply with the EDLP 2013-31, with around 80 dwellings already built or with extant planning permission. In addition to the current proposal for 36 dwellings, there are 2 other significant planning applications in West Hill, as yet undetermined, which could provide a further 54 dwellings. Excessive levels of new house building will put pressure on the infrastructure of the village – notably primary school provision, secondary school provision, health services, and public open space and recreation facilities, and also on community cohesion.

5. West Hill's special character is set out in the Neighbourhood Plan for West Hill and Ottery St Mary "From afar the village appears simply as a wooded area" with low density development and houses set within spacious plots and "Dwellings are generally set well back from the road". The proposed development does not adequately reflect that special character, instead appearing urban, devoid of character and of a higher density than normal for the village.

6. In 2013 EDDC refused an application for the construction of 2 no. residential dwellings (13/2624/FUL) and the subsequent appeal was dismissed by the Planning Inspector: "the main issues in this case are the effect of the proposal on the character and appearance of the area, and whether the new dwellings would be in a sustainable location.

- Section 6.25 of the Planning Statement refers to key viewpoints: "The study has reviewed potential impacts associated with the development from nine key viewpoints and concludes that the proposed development site is visually contained by surrounding existing mature deciduous and coniferous vegetation. Intervening

vegetation and the nature of the existing topography limit views towards this proposed development site. The only potential effects are from within and around the immediate vicinity of the site along Windmill Lane, from properties backing onto the proposed development site and glimpsed views along the B3180.”

- The Landscape & Visual Assessment documents also refers to the viewpoints however Section

8 Appendix lists 15 figures which are not provided. It is unclear how the impact on the landscape can be properly understood without them. Does it take into account that many of the trees in the village are broadleaf, deciduous trees?

7. Neighbourhood Plan Policy NP26: West Hill Design, states that proposals for development should reflect the established character and development pattern of their surroundings and should preserve key features of the village, including trees, hedgebanks, spacious gardens and individuality between properties. The proposed development achieves none of this. The proposed boundary treatments (close boarded fences, walls and railings) are contrary to Policy NP26.

8. The local infrastructure – West Hill Primary School, Kings School in Ottery, Coleridge Medical Centre is unable to accommodate an increased population arising from further development. Coleridge Medical Centre has already had to reduce the practice boundary to protect its service provision for patients and we understand that there is no room on its current site to expand. Kings School could not accommodate all of the children within its catchment area in this year’s intake. In the site assessment in the emerging EDLP, DCC Education commented that “New primary and secondary capacity would be required and need to be funded by development.”

We note and support the concerns raised by contributor of Dr Kerr of Coleridge Medical Centre.

9. West Hill has very limited community recreational facilities. There is no outdoor communal open space for residents to use and the village youth football teams (West Hill Wasps) have no home ground. Perhaps with co-operation between Strongvox and Blue Cedar at the adjacent site something more meaningful in the way of recreation space could be provided.

10. There is no safe walking route from the proposed site to village facilities/bus stop, all of which involve walking on Bendarroch Road. There are few footpaths/lights. This will encourage residents living in the new development to use their cars rather than walk or cycle, contrary to Policy TC2 (Accessibility of New Development) of the adopted EDLP. The site plan shows a path which appears to not join up with anything. The published pre-application advice states that the “submitted layout shows a pedestrian linkage to the site to the east. However, this would not provide any connectivity unless this adjacent site is also developed, with this third party also agreeing to provide a link.” The Transport Statement uses an unreasonable walking speed to assess the time for an average person to walk to the village facilities.

11. Flooding and drainage have not been adequately considered. Some of the properties appear to rely on private foul-water pumping stations and private drainage networks for surface run-off. There is already flooding into neighbouring properties – we know of at least three properties that currently bear the brunt of the runoff and suffer from flooding in driveways and garages – this will surely be worse with the land built on. The clay soil provides no soakaway and there are aquifers known to be in the area. The Drainage/Surface Water Strategy makes reference to using the existing structures on the proposed/existing Blue Cedar sites. But the DCC Lead Local Flood Authority response (23/0727/MOUT land north of Eastfield) states “at this stage we object... because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered...”

12. We are concerned about the location of the SUD alleviation pond, which is in the area of open space and thus a hazard to children.

13. The Transport Statement states that there is an “opportunity relative for its location for residents to travel by sustainable travel modes as a realistic alternative to single occupancy vehicular travel.” However, public transport in the village is limited during the day and none at night – so new residents will be more car dependent, which is not sustainable.

14. Windmill Lane is very narrow and frequently has vehicles parked on the roadway. Additional traffic will increase the danger of pedestrians coming into conflict with vehicles. We are also concerned that emergency vehicles may not be able to access the site if Windmill Lane is blocked or inaccessible.

15. We note the comment from Natural England that a Habitats Regulations Assessment (HRA) has not been provided with the application. How then can the impact on wildlife be properly assessed?

16. We note the issues raised by the Police Architectural Liaison Officer.

17. Should the application be approved, we request that the developer works with residents and the Parish Council to design a scheme that is more acceptable to residents and more in keeping with the character of West Hill, better safeguards wildlife, mitigates the lack of outdoor recreational space in the village and addresses the many concerns from neighbouring properties regarding flooding and drainage. We also request that during the construction phase, restrictions are in place to cover hours of working, no vehicles parking in Windmill Lane or on Bendarroch Road, materials stored solely on site etc to minimise disruption to residents in neighbouring properties and across West Hill.

18. Furthermore, if planning permission is granted, due to the increase in vehicles using Bendarroch Road, we request that traffic calming measures are mandated at the developer’s expense. Data from the Parish Council’s vehicle activated speed signs shows this road to suffer from drivers habitually exceeding the 30mph speed limit.

The Parish Council will submit further comments as necessary.

Finally, West Hill is now subject to three major planning applications. Whilst each application should be considered on its merits the Parish Council is extremely concerned that the cumulative effect could be hugely detrimental to the character of the village:

- The density and visual impact of the proposals is urban and out of character with the rural nature of the “woodland village”.
- West Hill does not have the current infrastructure to support for this level of growth.
- The only community facilities available to younger residents is a small children’s playpark suitable for under 12’s.
- West Hill does not have open space for recreational activities.
- The village roads are unsuitable for greater volumes of traffic: they are typically narrow, unlit lanes, without road markings, twisty and steep.

- The proposed developments are unsustainable:
 - o Public transport is sparse and mostly operates within daylight hours.
 - o There are no employment opportunities in the village. Householders will use their vehicles to travel to work.
 - o Village facilities are very limited. Householders will use their vehicles to access facilities in neighbouring areas.
 - o Local schools have no additional capacity. Householders will use their vehicles for travel to/from school.

06.12.23

From WHPC meeting on 5th December 2023

WHPC response to planning application 23/1143/MFUL Land south of Windmill Lane (amended) - the erection of 36 dwellings (50% of which will be provided as affordable housing), formation of access, open space and associated infrastructure.

The Parish Council has previously objected to this application. At their meeting on 5th December 2023, Councillors discussed the amendments and found no justification for changing their previous objection. The Parish Council continues to object to this application. Councillors noted objections from residents recently submitted both on the planning portal and directly to WHPC, as well as residents attending the Council meeting on 5th December, and have taken those into consideration.

The lack of a 5-year housing land supply in East Devon is a matter of extreme frustration for Councillors and residents. Because of this, West Hill is currently being subjected to several large-scale speculative applications which threaten to overwhelm the character of the village. Paragraph 11d of the NPPF (so-called "tilted balance") does not apply where the adverse impacts of development would significantly and demonstrably outweigh any benefits. The only perceived benefit of

this proposed development is that it would count towards the district's 5-year land supply, whereas the adverse impacts for West Hill are many.

The application should be assessed against the adopted Local Plan, not the updated Plan currently being drafted. In the adopted Plan, the application site is outside the BUAB and is therefore in open countryside.

The amended application does not address the significant adverse impacts of development at this site on which WHPC and residents have commented:

- o Landscape - the draft East Devon Local Plan assesses the site as suitable for a maximum of 26 houses, but the application is for 36 houses. The site is visible from East Hill and the density and urban style of the proposed development will adversely affect the landscape in and around West Hill.
- o Flooding and drainage - with extreme rainfall the pond could overflow into the neighbouring site and the proposed surface water drain will be inadequate for major storm flows causing localised flooding. Residents already report flooding onto neighbouring property, even though the site is currently still a green field. The pond in the proposal is potentially a hazard for children.
- o Unsustainability - future residents will be completely dependent on cars to reach employment, health, education and leisure facilities, most of which are outside West Hill.
- o Access from Windmill Lane is unsuitable for site traffic and subsequent additional car traffic.
- o Trees - the development is still too close to protected trees and will lead to future pressure from residents to prune back due to shading and overhanging. A recent planning appeal in a neighbouring Parish (22/0173/FUL in Rockbeare) was dismissed because of the effect of the proposal on the retention of protected trees, despite the proposal not encroaching on the root protection areas. The Inspector noted "the inharmonious positioning and height of the development would be likely to significantly exacerbate these pressures from potential future occupiers, particularly in relation to pruning. This would, in turn, be likely to harmfully affect the quality of the group of trees that make a significant and positive contribution to the visual amenity of the area. As such, the longevity of the trees would be likely to be put under significant pressure through the lifetime of the development as proposed...As such, the proposed development would be contrary to Policy D3 of the East Devon Local Plan, adopted January 2016 which, in this respect, seeks to ensure developments deliver harmonious and sustainable relationships between structures and trees and do not result in a net loss in their quality."
- o There is insufficient open space allowed in the development for children to play and West Hill lacks any community outdoor space for children and teenagers other than a small playpark for primary-age children.

The infrastructure in the village cannot cope with further development - Coleridge Medical Centre is severely under pressure, the village dentist is not accepting any more patients, West Hill Primary School is oversubscribed, as is Kings School in Ottery.

The current proposal is urban, too dense and out of keeping with the character of West Hill.

WHPC respectfully requests that this application is refused.

However, if the application is approved, the Parish Council requests:

- o The pedestrian path shown on the site plan should be mandated to link to the path in the neighbouring site - recently approved on land north of Eastfield (23/0727/MOUT) - to improve pedestrian connectivity with Bendarroch Road.
- o During construction, restrictions are in place to cover hours of working, no vehicles parking in Windmill Lane or on Bendarroch Road, materials stored solely on site etc to minimise disruption to residents in neighbouring properties and across West Hill.

04.01.2024

Councillors discussed this application at their meeting on 3rd January 2024. They noted that the Parish Council was notified of the application on 22nd December however the supporting documents were not made available on the planning portal until 2nd January 2024. This left virtually no time for residents or Councillors to examine them in detail before the WHPC meeting. Councillors noted that the number of dwellings had been reduced by two and the percentage of affordable housing had also been reduced from 50% to 35% (contrary to the pre-application advice given to the developer by Planning Officers). The density of the development, although reduced slightly, is still out of character with West Hill and contrary to NP26 of the Neighbourhood Plan: new development will maintain the low density pattern of development in West Hill and should reflect built density and layout of the surroundings.

A representative from the Windmill Lane residents spoke in objection, highlighting a number of serious issues still remaining:

1. A surface water drain appears to encroach on the Root Protection Area of trees - this does not seem to have been picked up by the Tree Officer.
2. The final ecology report, requested months ago, has not been submitted.
3. Windmill Lane is not a suitable access for such a large development which will generate increased traffic.
4. Flooding remains a serious issue and residents are concerned about the lack of accountability for flooding on their properties when the development is complete - who will be responsible in future?
5. There is an overlooking issue where one bungalow in particular will be overlooked by two-storey houses from the proposed development.

Councillors agreed the amendments did not change their previous comments and unanimously voted to continue their objection to the application.

25.01.2024

West Hill Parish Council - further comments to amended application 23/1143/MFUL
Land south of Windmill Lane

These comments are submitted under delegated powers because the deadline for comment expires before the next Parish Council meeting.

Several residents attended a WHPC meeting on 16th January 2024 to voice their concerns and state their continuing objection to the application.

WHPC continues to object and stands by its previous comments. In addition, and of particular concern, is the issue of flooding from the site to neighbouring properties. The Parish Council is concerned that this matter has not been adequately addressed.

Councillors note that on 6th July 2023, the DCC Flood and Coastal Risk Officer objected to the application and listed various concerns:

"At this stage, we object to the above planning application because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome our objection, the applicant will be required to submit some additional information, as outlined below....."

However, there appears to be no further comments from the DCC Officer on the many amendments and further information submitted by the applicant, including those related to flooding and sewerage.

Councillors also note that South West Water were invited to submit consultee comments. Yet again, they appear to have declined to comment on a major planning application.

The site itself is in flood zone 1 i.e. with a low probability of flooding from rivers and the sea. However, the experience of residents is that surface water runoff from the field onto Windmill Lane is currently a serious issue for neighbouring properties on the eastern side of the lane. Two WHPC Councillors recently met residents at Windmill Lane to see for themselves. The application site slopes west to east. During heavy rainfall, surface water runs off the field and onto Windmill Lane. It then runs down a steeply sloping part of the lane towards a property (Hunters Lodge) at the bottom of the slope. During heavy rain the water overwhelms existing drains at the top of the slope and a channel drain near the bottom of the slope. The resident at Hunters Lodge has had to construct a series of gullies and barriers to deflect the water away from the front of his house. The water then runs down the steeply sloping driveway, down the side of the house where it eventually forms a large pool at the bottom of the garden.

Councillors are very concerned that if surface water flooding is a problem now, when the field is undeveloped, it will be much worse if the field is developed and the natural drainage is reduced by hard paving and landscaping. The impermeable area plan submitted with the application shows that the total impermeable area will be 0.872 Ha on a total site area of 2 Ha i.e. 40% of the land area will be impermeable.

The weather events currently causing the flooding on Windmill Lane are becoming more commonplace and Councillors believe that the proposal does not adequately address the risk of higher rainfall due to climate change.

Councillors are also aware that concerns were raised by East Devon District Councillors at the Strategic Planning Committee meeting on 9th January 2024 regarding sewage discharges by South West Water into the rivers and coastal waters around the Exe valley. Councillors respectfully suggest that if the current sewage processing infrastructure is unable to cope with demand, consideration should be given as to whether it is advisable to approve any more major planning applications in the District until the infrastructure is improved.

In conclusion, West Hill Parish Council continues to strongly object to this application.

Clerk To West Hill Parish Council

In addition to our previous comments, West Hill Parish Council has agreed the following comments.

The revised National Planning Policy Framework (NPPF), December 2023, states that local planning authorities should demonstrate a minimum of five years' worth of housing OR a minimum of four years' worth of housing if the provisions in paragraph 226 apply. Paragraph 226 states that a four-year supply of housing applies to authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. The emerging East Devon draft local plan is sufficiently progressed to benefit from this provision. East Devon District Council can demonstrate a 4.5 year housing land supply. Therefore the presumption in favour of sustainable development (so-called tilted balance) in paragraph 11d of the NPPF need not be applied

West Hill And Aylesbeare - Cllr Jess Bailey

I wish to register my very strong OBJECTION to this planning application. My reasons are as follows:

1. Contrary to what EDDC planning officers have stated in their pre application advice (which was published at my request), there most definitely is NOT access to 'an appropriate level of services and facilities'. This is not a sustainable location because in all reality future residents will be heavily car reliant. Services and facilities are limited and the bus service is poor (and recently the services were recently downgraded further). Future residents will invariably need to use cars to get to the doctors and the supermarket, or event to reach a park, as we don't even have any playing fields to kick a ball around in. What is more there are no employment opportunities within West Hill (which is recognized in the emerging local plan) which again means that residents will be heavily car dependent.

The applicant's transport statement fails to acknowledge the challenging conditions for walking or accessing facilities in Ottery St Mary by bike or on foot - it is completely unrealistic to think that people will be routinely cycling - given how steep

it is. Whilst the pre-application advice does recognize the 'substandard' pedestrian linkages, I do not consider that sufficient weight is given to the fact that they are 'substandard'. Development proposals must prioritize sustainable development, and any development where the linkages are substandard due to lack of pavement etc should be refused, notwithstanding any issues with the five year land supply.

We are in a climate emergency and EDDC should not be directing housing to locations which are unsustainable and are thereby exacerbating the crisis.

2. Our services are already under considerable strain. I support Dr Simon Kerr of Coleridge Medical Centre who outlined in his response that the pressures on the Centre are such that it has already had to reduce its 'catchment' area not once but twice recently because of huge growth within the area served by the practice. In the public meeting on 29th June 2023 Dr Kerr explained that the practice could not expand due to site constraints. It is quite wrong, in my view, to place an ever greater burden on our GP practice and to lengthen the waiting time for residents who are already living here. Our schools are also under considerable strain - with both West Hill primary school and the Kings School being unable to accommodate all the children from within the catchment area for reception and year 7 in September 2023.

3. I am concerned about the impact on the many high value trees around the site which are TPOed and am concerned to note that there has been historic felling of hedge bank trees on the east of the site.

What typically happens with developments in West Hill is that houses are built too close to existing mature trees and then there is subsequently pressure to fell and reduce the trees due to shading, leaf drop etc. It does not appear to me that the applicant has submitted a drawing showing the shading throughout the day transposed onto a site layout plan and it is important that this is requested. I am strongly opposed to any encroachment onto T1 (beech) which is a category A1 tree.

4. It appears to me that the applicant's landscape appraisal is incomplete without the appropriate views being included. These should be requested. In addition I formally request that EDDC's in house landscape consultant carries out an appraisal and evaluation of the material submitted by the applicant. It is particularly important that the nighttime impact is assessed as well as daytime impact.

5. I note that DCC flood team have submitted an objection and I fully support the comments made. Particularly in view of the serious flooding which happened in our area on 9th May this year when 100 homes close by in Newton Poppleford Tipton St John and Colaton Raleigh suffered internal flooding predominantly from the surface water, it is essential that a precautionary approach is taken to any flood risk.

6. I strongly believe that Windmill Lane is completely ill suited for the siting of 36 houses, and the junction with Bendarroch Road woefully inadequate regardless of

any proposed 'realignment'. Cars will not be able to pass each other and will result in vehicles reversing onto Bendarroch Road where traffic speeds are excessively high.

I therefore urge the EDDC planners to REJECT this application.

13.12.2023

I wish to register my continued objection to this application as the Eddc ward member for West Hill and Aylesbeare.

In addition to the points I previously submitted:

At the EDDC full council meeting of 6th December 2023 I highlighted my concerns around the stance that EDDC takes in planning reports whereby it disregards its extant planning policies due to the lack of 5 year land supply. I tabled a notice of motion for Eddc to seek planning advisory service to help EDDC resist speculative development by drawing on appeal case decisions and the decision making of other authorities. As I pointed out at the meeting there are appeal case decisions in which substantial weight is given to existing planning policies in neighbourhood plans and local plans which accord with the NPPF despite there being a lack of 5 year land supply, (and where councils actually have a lower land supply than EDDC.) My notice of motion was carried by a large majority of EDDC councillors.

EDDC does have a local plan and I believe the settlement containment policies such as the built up area boundary should continue to be given substantial weight by EDDC, they are after all policies which protect the open countryside - a key aim of the NPPF.

This site falls outside the Built Up Area Boundary and substantial weight should be given to this point. Any suggestion that this site should be approved because it is a site put forward as part of the new emerging local plan is incorrect as that would be a pre-emptive position to take. None of the other policies in the new and emerging local plan are given any weight so this should not be either (and I note the site was being suggested for a smaller number of houses in any event.)

As well as the settlement containment policies which EDDC seem to have been ignoring, is the issue of sustainability. EDDC needs to face up to the fact that there are only basic facilities within West Hill and it is completely unrealistic to suggest that anyone living in the proposed development would be anything other than heavily car dependent. West Hill only has one shop, there is no doctor, library, secondary school, pub, or supermarket. EDDC should not be supporting housing development which will result in substantial car use - which this development most very definitely would.

The design of this proposal is very poor and very urbanised. The density is greater and more urban than anywhere else in West Hill that I can think off and I object to the open space being shoehorned into the corner of the site - this does not lend itself to a well designed project. Equally I have safety concerns about there being a huge 5 foot deep attenuation pond.

I object to the surface water sewage pipe which will pass through the root protection area of mature trees including trees on a third party's land. Eddc tree officers should be specifically asked to comment on this and the damage to protected trees which will ensue. What is more, although part of the surface water route is currently unbuilt on, some of this land has recently been granted planning permission (ref 23/0727) which will mean it is impossible to deliver this surface water sewage pipe in the proposed location.

I am seriously concerned about surface water run off from the site, both to properties as yet unbuilt on 23/0727 and existing properties on Windmill Lane, which are at a lower level than the proposed site.

I do not believe the site layout plan is accurate particularly along the southern boundary where it does not align with the existing built properties. Without this inaccuracy it would not be possible to accommodate the number of houses proposed and is a reflection of the overdevelopment of the site.

The plans have changed considerably from the outset, including moving buildings on plots 15 and 16, alterations to the overall layout etc. In my view a revised application should have been required by Eddc.

I therefore continue to OBJECT to this proposal as it is completely unacceptable.

29.02.2024

Please note that I continue to strongly object to this planning application.

I note that Eddc has in excess of a four year land supply and due to revised planning guidance (Dec23) the tilted balance no longer applies. Eddc is required to determine this planning application in accordance with its local plan policies. This site is not compliant with the local plan and must be refused.

Technical Consultations

EDDC District Ecologist

The application is supported by a completed Ecological Impact Assessment (EclA) (Richard Green Ecology, March 2024), with the results of all protected species surveys, and recommendations for ecological mitigation, compensation, and enhancement measures. It is also supported by a biodiversity metric calculation using the statutory biodiversity metric.

Should this application be approved, conditions are recommended.

23.09.2024 – update

In terms of whether I support the scheme given the constraints on the site, e.g., for bat foraging habitat etc. then I would be satisfied as measures for protected species have been satisfactory addressed. There is an obligation to deliver over and above the mandatory requirement for habitats enhancements, which is outside of the mandatory BNG framework. Ideally, I would like to see any offsite provision in East Devon, but again this is something I'm not sure we can insist on. However, I am satisfied that the residual impacts could be mitigated for offsite.

County Highway Authority

The site situated at the end of the residential road of Windmill Lane, which due to its geometry creates a lower speed environment.

The access onto Bendarroch Road will also be improved as part of this application. The visibility splay will be improved to accord with our current best practice guidance, Manual for Streets 1 and 2, utilising the 85th percentile of a speed survey. The improved access kerb works will also create a speed calming feature, this single lane route may be utilised as a shared space road, allowing for pedestrians and cyclists alike.

The existing access to be utilised already has dropped kerbs, though the access will be improved to tie-into a dedicated footway through the proposed site. The swept path plans show successful manoeuvring of both refuse and fire service vehicles around the site in question. Each dwelling has at least 2 parking spaces, therefore I do not believe that carriageway parking will be a particular problem from this development. I would recommend the provision of secure cyclist storage to encourage sustainable travel especially to the nearby services and facilities of West Hill.

The Construction Management drawing is appreciated, should this application be granted, we would require a comprehensive Construction and Environment Management Plan (CEMP) in order to minimise the impact upon the local highway network during the construction phase.

West Hill includes a primary school, dentist, local shop and village hall, whilst it is appreciated that there would be a given walk from this sites location, this would be no further than is typically established on larger new development sites. A bus stop is also present within 400m of the site, which accords to bus stop guidance. The County Highway Authority (CHA) does not require planning applications containing fewer than 40 dwellings to contain a Travel Plan, with a travel plan co-ordinator or car club provision due to the trip generation impact not triggering a set severity level.

No objection subject to conditions.

Devon County Council Education Dept

Regarding the above planning application, Devon County Council has identified that the proposed increase of 30 family type dwellings will generate an additional 9.00 primary pupils and 4.50 secondary pupils which would have a direct impact on West

Hill Primary School and The Kings School. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

We have forecasted that West Hill Primary School has currently got capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will not seek a contribution towards primary education infrastructure.

However The Kings School is not forecast to have capacity for the pupils likely to be generated by the proposed development. Therefore, Devon County Council will seek a contribution directly towards additional secondary education infrastructure at The Kings School . The contribution sought towards secondary is £105,930 (based on the DfE extension rate of £23,540 per pupil). This would relate directly to providing Secondary education facilities for those living in the Development.

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.

DCC Flood Risk Management Team

We have no in-principle objections to the above planning application at this stage, assuming that pre-commencement planning conditions are imposed on any approved permission.

Housing Strategy/Enabling Officer - Cassandra Pressling

Percentage of Affordable Housing - under current policy Strategy 34, a requirement of 50% affordable housing will be required. This application if approved, will provide 50% affordable housing which equates to 18 units and this is acceptable.

Housing Need - the September 2022 East Devon Local Housing Needs Assessment identifies a current unmet affordable housing need of 971 households across the district. The East Devon Council's housing register Devon Home Choice has over 5000 households registered. This application will help meet some of this need. Tenure - Strategy 34 sets a target of 70% for rented accommodation and 30% for affordable home ownership. For the proposed 18 units, this would amount to 13 Social Rented units and 5 units for shared home ownership.

Housing Mix - The housing mix is acceptable and meets identified housing need. Social Rent = 8 x 1 bedroom flats and 5 x 2 bedroom houses. Shared Ownership = 1 x 2 bedroom house and 4 x 3 bedroom houses. All affordable units will meet M4 (2) standards as per Strategy 36 in the adopted Local Plan.

Layout - The 8 x 1 bedroom flats for Social Rent tenure are in two blocks (plots 28 - 31 & 32 - 35). I note there is one communal entrance door to each block of 4 flats. This can lead to housing management issues and high service charges. I would prefer to see a design where each flat has its own separate entrance. This is also preferable to Registered Providers.

Council Plan 2021 - 2023 - East Devon District Council wants to increase access to social and affordable homes and this is one of the Council's highest priorities. This application will provide 18 affordable homes, so will help us meet this priority.

I am in support of the amended plans for 35% affordable housing because of the lack of a 5 year housing land supply and out of date policies, a pragmatic approach is being taken. In the current housing market, with high build costs and high interest rates, 50% affordable is unlikely to be viable. In the emerging, new local plan the affordable housing requirement will be 35%. The revised plans will provide:

Social Rent

4 x 1 beds maisonettes

4 x 2 bed houses

Shared Ownership

2 x 2 bed houses

3 x 2 bed houses

This mix meets an identified housing need. Social Rent tenure is also more affordable to local incomes in East Devon and this scheme will provide 8 Social Rent dwellings.

18.07.24 – (In relation to the latest offer of 35% on site affordable and 15% off site affordable contributions)

That is acceptable and seems reasonable.

Police Architectural Liaison Officer - Kris Calderhead

Thank you for further consultation on the revised plans of this planning application. I have no objection to the scheme and support that designing out crime principles have been considered in the design.

EDDC Trees

The amended plans shows that my initial concerns have been taken on board and the layout of the site around T1 and tree protective fencing concerning T5 and T8 have been adjusted accordingly.

I therefore have no objection to the development subject to conditions:

Natural England

DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING

APPROPRIATE MITIGATION FOR RECREATIONAL PRESSURE IMPACTS ON HABITAT SITES (EUROPEAN SITES).

Natural England notes that the Habitats Regulations Assessment (HRA) has not been provided with the application. As competent authority, and before deciding to give permission for the project which is likely to have a significant effect on a European Protected Site, you must carry out a HRA and adhere to its conclusions.

27.11.2023

Natural England has previously commented on this proposal and made comments to the authority in our response dated 29/06/2023, reference number 438588.

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

EDDC Landscape Architect

1 INTRODUCTION

REVIEW OF SUBMITTED INFORMATION

Site description

The site description erroneously states that the site is well treed. It is in fact an open meadow bounded by Devon hedgebanks which contain mature trees, although the eastern, southeastern and northwestern boundaries are more open and afford views out and in. From the upper parts of the site there are extensive views across the Otter Valley to the east and southeast in which the prominent ridge line of East Hill is clearly visible and there are a number of publically accessible locations along the East Hill ridge from where the site can be viewed. This does not appear to have been accounted for in the LVA.

Description of Development

The description of development should have been more comprehensive and considered also the construction phase.

Baseline conditions

There is a confusion in the baseline assessment between Landscape Character Areas (LCAs) and Landscape Character Types (LCTs). The East Devon and Blackdown Hills Landscape Character Assessment referred to only covers LCTs. References to LCAs in table 5.4 should, in fact, be LCTs. The LVA does not consider LCAs.

The consideration of landscape character types should have made clear that the site itself lies within LCT 1C - Pebble Bed Heaths.

The sensitivities ascribed to LCTs 1C, and 2A (Steep wooded scarp slopes) as high and 3B (Lower rolling farmland and settled slopes) as medium are accepted.

An assessment of the local landscape character and value of the site and its immediate environs and how these differ from the published assessments should have been provided.

The residential receptors listed on p.33 should have included surrounding residential properties that have outlooks towards the site and are visible from it. These include Beech House to the northeast, Hasta la Vista to the north and one or two properties each in Oak Tree Gardens and Hayes End to the south, albeit that, with the exception of Hasta la Vista, none of these properties has primary views over the site.

Transport receptors are stated on p.33 as having low susceptibility whereas in the methodology table 4.5 they are stated as having medium susceptibility.

The selection of representative viewpoints is generally appropriate but there is a partial glimpse view of the northwest corner of the site which should have been included between viewpoints 4 and 5.

Assessment of effects

The LVA should have considered construction phase effects.

Effect on Landscape Elements and Features

The LVA does not consider the effects of development on landscape elements and features. Such assessment should have included loss of 2.1ha grassland, minor tree/ hedgerow loss and grading works affecting landform.

Effect on landscape character

Description of effects on landscape character should have included introduction of built form in to an open field close to a prominent undeveloped ridge and associated light spill and impact on dark skies.

The assessment fails to recognise the visibility of the site from LCT 2A (East Hill) and consequent perceived impact of development on the site and the undeveloped character of the ridgeline of the host landscape. The assessment of no change is inaccurate and should be considered moderate- slight adverse initially reducing to slight adverse with mitigation.

Effect on Visual Amenity

The assessment of effects on receptors at viewpoints 1-8 is generally accepted. However, the assessment of effect for viewpoint 9 (White Cross East Hill) as no

change is not accepted. The accompanying photograph for this viewpoint is of poor quality. The site is visible from this viewpoint and is seen in the context of the high sensitivity undeveloped wooded ridge line within the Pebble Bed Heath LCT 1C. Particularly in winter, new housing would be partially visible from this location and lighting would be evident at night. White Cross lies within the East Devon AONB and is marked on OS leisure maps as a panoramic viewpoint. Development of the application site would be noticeable from this location but due to distance the magnitude of effect is likely to be moderate to slight adverse initially, reducing to slight adverse over time.

For travellers on the B3180 the LVA suggests there would be no change, based on the viewpoints selected. However, it is likely that buildings in the northwest corner of the proposed development would be visible in glimpsed views from a field gate and short section of the road resulting in slight adverse effect following establishment of mitigation measures.

CONCLUSION & RECOMMENDATIONS

Acceptability of proposals

Although the site and host landscape lie within a landscape assessed as high sensitivity, the site is relatively well contained within its immediate landscape setting. While development would inevitably have a major effect on site character introducing built form into an undeveloped field.

Landscape and visual effects are limited due to the surrounding strong landscape structure. The application site is more prominent in the wider landscape and development would be more readily visible in views from East Hill than existing development within West Hill. However, due to distance of over 5km the magnitude of effect would be limited. Other than East Hill visual receptors are limited to a few neighbouring dwellings which currently have partial and filtered views of the site.

The overall site layout is considered acceptable in terms of landscape design subject to minor amendments as noted above which should be provided prior to determination.

Landscaping conditions suggested.

02.01.2024

REVIEW OF SUBMITTED INFORMATION

Proposed Site Levels (dwg. no. Windmill-C-100-100 rev. P3

The levels plan indicates a number of retaining walls required up to 1.5m or so in height. Details of type and proposed facing materials should be confirmed.

In respect of retaining walls adjacent to the ecological buffer strip these should comprise traditional Devon banks constructed in accordance with recommendations of the Devon Hedge Group and as indicated on the amended planting plans.

Tree protection dwg nos. TPP Si-S4 rev D

The position of tree protection measures along the western and southern boundaries should be realigned as close to the inner edge of ecological buffer strip as possible in order to prevent disturbance/ compaction of ground within the buffer strip during construction.

Planting plans dwg. nos. 4710-BB-SC-L-201-P7 and 202-P7

A freestanding hedgebank detail has now been provided on the dwg. no. 201 -P7, however, mostly this will in fact be a retaining bank and a further detail is required to reflect such instances.

Plant schedule dwg. no. 4710-BB-SC-L-291-P7
Amended street tree supply sizes are acceptable.

CONCLUSION AND RECOMMENDATIONS

Further minor amendments/ additional information are required as noted above before the landscape related information can be considered acceptable.

AMENDED PLANS 05/02/24 - I have looked through the amended details and confirm I am generally happy with them except in respect of the proposed standard retaining wall and Devon hedge detail (attached). The submitted detail shows an earth bank (presumably reinforced with geotextile) with a freestanding Devon hedgebank on top. This is not what I intended and does not seem appropriate or necessary.

20/02/24 - I have reviewed the amended hedgebank detail dwg. no. 501/P2 and confirm that it is acceptable.

South West Water (comments in full)

SWWL notes that this is full application for this site, and we don't appear to have been consulted previously on this application (based on the planning portal).

Potable Water Supply

It is anticipated that suitable provision can be made within the existing network for the supply of potable water to the proposed development. The applicant is strongly advised to consider maximising the use water efficiency opportunities within the design of their proposals, as supported by adopted planning policy Strategy 3 and 38. The current average water use in the UK is approx. 142 litres/person/day [l/p/d] (Water UK, 2020), with the South West experiencing a higher-than-average consumption rate than the rest of England. With climate change progressing with trends set to add further stress upon available water resources, SWWL would support the LPA imposing a condition requiring the optional Building Regulations requirement (G2) of 110 l/p/d for the proposed residential development.

The 125 litres/person/day water efficiency standard is a requirement of Building Regulations Approved Document G (2015 Edition), with the optional standard under Regulation 36(2) being 110 l/p/d being enforced if applied as a requirement within a planning condition. Due to the current trends towards increased stress upon existing water resources, their associated water use behaviour impacts, and the increased likelihood of annual drought conditions, SWW would support the inclusion of a condition securing the optional requirement of 110 l/p/d.

Draft wording of a condition securing the G2 optional requirement is set out below.

Draft Condition: Prior to commencement of development approved by this permission, a Water Conservation Strategy shall be submitted for the written approval of the Local Planning Authority. The strategy shall include a water efficiency specification for each dwelling type, based on the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition or any future successor) demonstrating that all dwellings (when considered as a whole) are able to achieve a typical water consumption standard of no more than 110 litres per person per day, in line with Building Regulations Requirement G2. The approved strategy for each residential dwelling shall be subsequently implemented in full accordance with the approved details prior to first occupation of that residential dwelling and thereafter shall be retained.

Reason: To ensure that the development makes efficient use of water and promotes the principles of sustainable construction in line with Paragraph 154 of the NPPF and adopted policy Strategy 3 of the East Devon Local Plan (January 2016).

Surface Water flows –

SWWL note that the applicant has included a surface water management plan WINDMILL/MMP/01 Version 4 February 2024 which indicates that the surface water runoff from the site will be going to the public surface water sewer. SWWL can confirm that there is capacity within its surface water sewer to take the domestic run off from the site (run off from roofs and driveways (land appurtenant to buildings) subject to the sewers being constructed in accordance with the Design and Construction Guidance (DCG).

The applicant should make separate arrangements to deal with: -

- Land Drainage – SWW is not a land drainage authority and so any land drainage from the site should go to an alternative discharge point.
- Highway Drainage – SWW is not the Highway Authority and the applicant should liaise with the Highway Authority in relation to this drainage.

SWWL requests the following information is provided:

- A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.
- Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

- Proposals for the adoption and maintenance of the permanent surface water drainage system.
- A plan indicating how exceedance flows will be safely managed at the site.
- A build programme for the site.

Draft condition - The occupation of any dwellings approved by this permission shall not be authorised until written confirmation is received by the Local Planning Authority from SWW that the above has been approved and implemented in accordance with the details under 'a to e'.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

SWWL offer a pre-development adoption evaluation service and the applicant is encouraged to use this service.

Foul Water Flows

It is noted that the applicant has stated within their Application Form that foul water flows are intended for disposal via mains sewer. In principle, SWWL does not currently hold any objection to foul water disposal through a connection to a public Foul Sewer; however, SWWL has previously experienced flooding in West Hill which has been resolved. SWWL needs to undertake some further hydraulic modelling on the network to see if there would be need for some further network improvements to be undertaken. If network improvements are needed it is likely to be in the form of surface water separation. It will take SWWL 3 months to complete this hydraulic modelling which will confirm the scope of any relevant improvements.

Draft condition - The occupation of any dwellings approved by this permission shall not be authorised until written confirmation is received by the Local Planning Authority from SWWL has completed its modelling and any network improvements required are completed, or 18 months from receipt of planning permission., whichever is sooner.

No development approved by this, or subsequent applications pursuant to this, permission shall be commenced until details of a scheme for the provision of foul water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- A description of the foul water drainage systems operation.
- Confirmation from South West Water Ltd that they will accept the flows from the development into their network;
- Details of the final drainage scheme including estimated volume of waste water from the development at full occupation;
- A Construction Quality Control Plan.
- A timetable of construction.

Reason: To minimise the risk of pollution by ensuring the provision of a satisfactory means of foul water disposal and in accordance with policy EN19 of the East Devon Local Plan.

Other Representations

At the time of writing 57 objections have been received, including from Simon Jupp (former MP) (in summary);

- Overdevelopment and density - The proposal is for too many houses, which is significantly more than the local plan suggests and is out of character with the surrounding area
- Infrastructure strain - Local infrastructure (schools, GP surgeries, shops) cannot cope with the additional population and strain on services
- Traffic and road safety - Windmill Lane is too narrow and unsafe for the increased traffic, posing risks for pedestrians and road users, inadequate access
- Flooding concerns - The site is prone to flooding, and the proposed drainage solutions are inadequate
- Ecological impact - Development threatens local wildlife and protected species and Special Areas of Conservation further afield, with concerns over inadequate mitigation
- Unsustainable location and contrary to the local plan - The development is outside the Built-Up Area Boundary (BUAB) and lacks sustainable transport and local job opportunities
- Privacy issues - The proposed buildings overlook existing properties, causing privacy concerns for current residents
- Environmental degradation - The proposal threatens the rural character of the area and risks harming a cherished landscape
- Harm to trees – through the construction and implementation of drainage

PLANNING HISTORY

Reference	Description	Decision	Date
13/2624	Construction of 2no. residential dwellings (re-submission of application 13/1433/FUL)	Dismissed at appeal	09.09.2014
13/1433	Erection of 2 no. residential dwellings	Refused	27.09.2013

81/P0938	Residential 1 Unit.	Dismissed at appeal	Unknown.
79/C0581	RESIDENTIAL UNIT	Refused	17.07.1979

The Emerging Local Plan

As part of the evidence base for the emerging local plan is a high level and broad assessment of potential allocation sites and drawing of Built Up Area Boundaries (BUABs). Within this evidence base this site is listed as 'West Hill_04';

Accessibility assessment: 6 out of 12 facilities within 1,600m of site. Although the shop/school is only around 300m as the crow flies, the actual route along Windmill Lane-Bendarroch Road-School Lane-West Hill Road would be much longer, lacking pavement or street lighting along most of the route. Potential for more direct access if site is developed in conjunction with West_06 with an access through Eastfield Orchard. 160m to hourly or better bus route to north.

Other known site constraints: Grade 3 agricultural land. Whilst located in a Mineral Safeguarding Area, Devon County Council has stated the potential area of resource is small and already constrained by existing built development and therefore unlikely to be economic - as such DCC do not object. Application for 2 dw in north part of site dismissed at appeal (13/2624/FUL) - although the proposal was considered to be in a sustainable location, the development would seriously harm the character and appearance of the area.

Site opportunities: Provide pedestrian/cycle access through Eastfield Orchard if site is developed in conjunction with West_06. Construct bus stop on Bendarroch Road near to the site.

Amended Maximum Yield following discounted areas on site: 26

Brief summary of the key positives and negatives of the site: Positives: no change to heritage assets. Suitable highways access. Existing dwellings along north eastern boundary and to south provide some context of built form. Negatives: pedestrian access to facilities along a route that is largely unlit and lacks pavements (this could be addressed through developing adjacent site West_06). Should the site be allocated? Yes

Reason(s) for allocating or not allocating: The scale of development on this site would help deliver the district-wide housing requirement in a manner that is consistent with the spatial strategy. No change to heritage assets. Suitable highways access. Existing dwellings along north eastern boundary and to south provide some context of built form.

This site was discussed during the Strategic Planning Committee on 23rd September 2024 in relation to its allocation for residential development as part of the Regulation 19 submission. At this meeting the vote was carried to include this as part of the emerging plan.

POLICIES

Ottery St Mary and West Hill Neighbourhood (Made)

Policy NP1: Development in the Countryside
Policy NP2: Sensitive, High Quality Design
Policy NP6: Valued Views
Policy NP8: Protection of Local Wildlife Sites and Features of Ecological Value
Policy NP9: Accessible Developments
Policy NP12: Appropriate Housing Mix
Policy NP13: Accessible and Adaptable Homes
Policy NP14: Demonstrating Infrastructure Capacity

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)
Strategy 2 (Scale and Distribution of Residential Development)
Strategy 3 (Sustainable Development)
Strategy 4 (Balanced Communities)
Strategy 5 (Environment)
Strategy 5B (Sustainable Transport)
Strategy 7 (Development in the Countryside)
Strategy 24 (Development at Ottery St Mary)
Strategy 34 (District Wide Affordable Housing Provision Targets)
Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)
Strategy 37 (Community Safety)
Strategy 38 (Sustainable Design and Construction)
Strategy 43 (Open Space Standards)
Strategy 46 (Landscape Conservation and Enhancement and AONBs)
Strategy 47 (Nature Conservation and Geology)
Strategy 48 (Local Distinctiveness in the Built Environment)
Strategy 49 (The Historic Environment)
Strategy 50 (Infrastructure Delivery)
D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
D3 (Trees and Development Sites)
D6 (Locations without Access to Natural Gas)
EN5 (Wildlife Habitats and Features)
EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)
EN13 (Development on High Quality Agricultural Land)
EN18 (Maintenance of Water Quality and Quantity)
EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)
EN21 (River and Coastal Flooding)
EN22 (Surface Run-Off Implications of New Development)
H2 (Range and Mix of New Housing Development)
TC2 (Accessibility of New Development)
TC4 (Footpaths, Bridleways and Cycleways)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)
National Planning Practice Guidance

Site Location and Description

The site comprises an approximately rectangular field of unimproved grassland extending to 2.1ha, bounded largely by Devon hedgebanks containing mature trees. The ground is moderately steeply sloping with an easterly aspect and an overall level change of 18m. Apart from the remains of a wind pump and an adjacent small sycamore in the southeast corner there are no existing features within the site. Boundary trees comprise a mix predominantly of beech, oak, horse chestnut, many of which have TPOs.

Land rises to the west of the site to the B3180 which follows a wooded ridgeline that is a prominent feature in the wider landscape. Land immediately to the east, west and northwest of the site is agricultural but to the north and south is residential, comprising predominantly detached dwellings in medium to large sized plots forming part of the settlement of West Hill.

West Hill consists largely of a series of modern, small cul-de-sac developments with poor physical linkages between them. Despite the overall size of the settlement, a combination of topography, woodland and tree cover provide effective screening, even for higher parts of the settlement, in views from surrounding areas with only a few isolated dwellings being partially visible within the wider landscape.

There are extensive views to the east and southeast from the higher parts of the site across the Otter Valley to East Hill which lies 5km to the east and partial views of traffic on the B3180 from the northwest corner of the site. A number of adjacent/nearby dwellings are partially visible to the north, south and southeast.

There is no public access within the site but it is directly accessed from the end of Windmill Hill which is a public highway and which affords a view over the site from the entrance gate.

A number of locations along the East Hill ridge afford public views of the site and there are glimpse views towards the site from a short length of the B3180. Otherwise, apart from a few residential properties around the periphery the site is well screened.

Proposed Development

The proposal seeks full planning consent for 34 dwellings on current agricultural land on the fringe of the built up area of West Hill. In addition, access roads and necessary infrastructure is also proposed to serve the development.

The site is accessed from Windmill Lane. There is a main road running in a loop through the centre of the site, with smaller branches providing access to individual dwellings. The road layout is designed to allow easy vehicular movement while minimizing through-traffic, as the loop leads back to Windmill Lane. The houses on the north side of the site have direct access from the road. Dwellings are generally varied in size and design, with the top portion containing more linear, style buildings, while the bottom and central parts have larger, detached homes. The houses in the centre and lower portions are surrounded by greenery, illustrating a more spacious layout for these properties.

The proposed dwellings generally face onto the roads, with direct access from the highway for the majorities of the properties. The heights of the proposed dwellings range from single storey bungalows, sited to the north of the site at the highest point to 2 story semi-detached and detached dwellings. The majority of dwellings are 2 storeys.

Green spaces provide ecological corridors, biological net gain and public open space. Rear gardens back onto the perimeter ecology buffer with the aim to provide offset from this buffer to reduce the impact of ambient light from the proposed dwellings.

A water attenuation pond is located to the south of the open space which is the lowest point on the site with a connecting pedestrian path to the adjacent site to the east.

ANALYSIS

The main issues concerning this planning application are;

- Housing land supply within East Devon
- Whether the proposed occupiers are within suitable range of services and facilities so as to not be reliant on private modes of transport
- the impact on the character and appearance of the area
- Highways Impact
- Ecology
- Trees
- Foul and Surface water drainage
- Affordable Housing
- Amenity
- Agricultural Land Classification
- Open Space
- Mitigation secured via a s106
- The planning balance

Housing Land Supply within East Devon

The National Planning Policy Framework (2023) (NPPF) states, at paragraph 77, that "local planning authorities should identify and update annually a supply of specific

deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply."

Paragraph 226 states: "From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need."

The draft local plan consultation undertaken by East Devon District Council in November 2022 to January 2023 was carried out under Regulation 18. The emerging new Local Plan is therefore sufficiently progressed to benefit from this provision.

On this basis, and as the Council can demonstrate a 4.5 year housing land supply, policies within the adopted Local Plan most important for determining the application remain up to date and the presumption in favour of sustainable development (the 'tilted balance') set out at paragraph 11d) of the NPPF need not be applied.

As stated above, the site is located outside of the BuAB of the adopted Local Plan for settlements. In strategic policy terms therefore, the site is within the 'countryside' as defined in Local Plan Strategy 7 (Development in the Countryside), the provisions of which would not ordinarily facilitate new build housing in the absence of any other local or neighbourhood plan policy that would permit such development.

Whilst the tilted balance need not apply in light of these national revisions there is still nevertheless a need to maintain a healthy supply of housing within the district in order to ensure that the trajectory remains.

The "tilted balance" in the NPPF is not the only basis for planning decisions and indeed amounts to a material consideration and does not displace the development plan nor the requisite planning balance established under section 38(6) of the Planning and Compulsory Purchase Act 2004.

The need for housing over the next five years is a crucial consideration in planning decisions. According to paragraph 69 of the National Planning Policy Framework (NPPF), local planning authorities must identify specific sites for housing for the next five years and broader areas for growth for the subsequent 10-15 years. This means that a responsible and proactive council should be looking beyond the mere 4 and 5 year timescales, recognise the implications of present actions and take action now with regard to the impact of these longer time scales.

If the Council cannot demonstrate a five-year housing supply when adopting a new local plan, it would conflict with paragraph 69(a) of the NPPF. Within an adequate

supply of housing an Inspector would likely find such an emerging plan unsound and inconsistent with the requirements of paragraph 35 of the NPPF. Therefore, on this basis alone the Council should not rely solely on a short-term, four-year housing supply, as providing robust reason enough for resisting further housing as a matter of principle.

Appeal decisions have shown that even if a site is not allocated in the current plan or is outside development boundaries, it can still nevertheless be considered for 'sustainable development' if there is no identified contextual conflict and is within reasonable reach of an appropriate level of services and facilities. This is especially relevant given the Council's current and future housing supply challenges, regardless of the 'tilted balance'.

National policy, prior to December 2023, required a continuous five-year housing supply. Some other authorities have struggled to maintain this, leading to weaker positions when being subject appealing planning decisions. These decisions often relied on overly optimistic policy assessments (purposely or otherwise), resulting in a compounded effect on future planning. The experience of these authorities shows that it takes time to recover (to claw back an appropriate supply of housing) so as to successfully defend against appeals for sites deemed unacceptable.

The Council's Housing Monitoring Update shows that the forthcoming five-year housing trajectory will fall below the required numbers and it is notable that affordable housing delivery has also been below the required levels. Currently, about 6,000 households are on the Council's housing register. The district's identified affordable housing need is 272 dwellings per year, totalling 4,896 dwellings over the 18-year plan period. Delivery in recent years has fallen well short of this annual target

This issue was considered by Strategic Planning Committee on 15/7/2024 following the receipt of advice from Kings Counsel. The committee resolved to advise Planning Committee that in considering planning applications for housing developments that would deliver homes within the next 5 years in a sustainable way, significant weight should be given to the need to bolster the council's housing land supply position. This is in order to ensure that the council has a robust housing land supply and as a result a sound local plan in respect of housing land supply for examination of the Local Plan.

There is a clear need for more housing, both market and affordable, within the district. The current and projected levels of housing delivery do not meet this need in the long term under the current policy climate. This unmet need is a significant factor for decision-makers in planning applications and appeals, particularly pertinent for otherwise sustainable sites outside current settlement boundaries.

To be in a strong position now, and remain so in the future, the Council must boost its supply of market and affordable housing and develop a local plan that ensures the realistic delivery of sufficient homes over the plan period. A robust approach in this regard would mean the adoption of a local plan which both expresses and reflects the needs of the district, provides the ability to defend unsustainable sites for development at appeal, prevent speculative planning applications afflicting local communities and meet the social elements at a national scale by delivering the right type of housing at the right time. Accordingly, the need to boost the supply of housing is a material

consideration that can be attributed great weight given the strategic importance that maintaining a healthy supply of housing means to the council and its ability to retain control over key planning decisions.

Therefore, in summary, there is conflict with the development policies which enforce settlement BuABs to protect the countryside. Further, under the December 2023 NPPF the council can demonstrate a suitable housing supply such that the 'titled balance' does not need to be engaged. Countering this is the need for further housing as a national aim and a 5 year supply requirement for the adoption of a forthcoming local plan. Additionally, a healthy supply is also needed to maintain a trajectory in case of any slippage and the housing targets do not represent a maxima. These competing issues shall be revisited in the planning balance section of this report, once contextual matters have been accounted for.

Whether the proposed occupiers are in suitable range of services and facilities so as to not be reliant on private modes of transport

The provisions of Local Plan Strategy 5B (Sustainable Transport) require that development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport and would need to be of a form, incorporate proposals for and be at locations where it would encourage and allow for efficient, safe and accessible means of transport with low environmental impact, including (among other things), walking and cycling. These provisions are supplemented by those of Policy TC2 (Accessibility of New Development) which require new development to be located so as to be accessible by pedestrians and cyclists, as well as public transport, and also well related to compatible land uses so as to minimise the need for car travel.

The government published Manual for Streets states 'walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to 800m) walking distance of residential areas which residents may access comfortably on foot. The nature and character of the route are of importance, as is the sheer distance.

The 'village core' of West Hill can reasonably be identified as West Hill Road area which features the school, hall and shops/post office or Bendarroch Road where the Church and Legion Club are sited. This distance to these facilities along Bendarroch road is acceptable and no objection with regards to pedestrian safety has been raised by Devon Highways, even after being asked to specifically look at this issue. It should be noted however that there is no pavement on this stretch of road.

Members should be aware that the neighbouring site to the east had an outline planning application submitted which benefited from a committee resolution to approve subject to completion of a legal agreement to secure mitigation, including facilitating a footpath linking this site to the adjacent site at Eastfield. Due to material changes in circumstances this resolution to approve is being reconsidered by the planning committee but is still recommended for approval. This scheme would enable a suitable, safe pedestrian route towards the services within West Hill.

Therefore, the proposal is considered to be located in a suitable location so that intended occupiers would not be overly reliant on private modes of transport.

Impact on character and appearance of the area

West Hill Village Design Statement (in the form of a Supplementary Planning Guidance - SPG) describes the village as a low density "woodland village" 'within a framework of beautiful beech, oak, silver birch and pine woodland. This appraisal goes on to describes the settlement accurately: '...the glimpses of wonderful tree-framed views at every turn, and the maturity of these trees, is what makes West Hill special'. That West Hill is a spacious, leafy character, where there are high quality, low density, and substantial detached houses in secluded plots that gives the place its distinctive identity.

The site comprises 2 ha of unimproved grassland with Devon hedgebanks containing mature trees, including beech, oak, and horse chestnut, some protected by TPOs. The land slopes easterly, rising toward a wooded ridgeline to the west. Residential properties surround the site to the north and south, with agricultural land to the east and west. The site enjoys extensive views over the Otter Valley and East Hill from its higher elevations, though public views are limited to a few peripheral areas.

The submitted basic design principles are outlined below;

- Design within a privately accessed ecology buffer with a minimum width of around 10m
- Create areas of semi-private (BNG)
- A private ecology buffer, areas of biological net gain (BNG) and public open space
- Provide public open space (including drainage attenuation) for the future residents
- Weave the Green Infrastructure through the development
- Improve connectivity by extending the pedestrian routes
- Deliver a mix of market and affordable housing

Policy D1 (Design and Local Distinctiveness) seeks to reinforce the key characteristics and special qualities of the area and ensure that scale, massing, density, height, fenestration and materials of buildings relate well to their context. Furthermore, it seeks to ensure that development does not adversely affect the amenity of occupants of future residential properties with respect to, amongst other things, other uses. NP26 (West Hill Design) states that proposals for development should reflect the established character and development pattern of their surroundings and should preserve key features of the village, including trees, hedgebanks, spacious gardens and individuality between properties. Policy NP2: Sensitive, High Quality Design All proposals for development should demonstrate a high quality of design, which has regard to the local context, is appropriately scaled and sited, and makes an overall positive contribution to the Neighbourhood Plan Area. New development will maintain the low density pattern of development in West Hill and should reflect built density and layout of the surroundings; Development that damages or results in the loss of ancient trees or trees of good arboricultural and amenity value will not normally be permitted. New development should demonstrate that adequate landscaping proposals have been included to reflect the existing landscape character of the surrounding area.

In terms of density the 34 dwellings set out over a site area of 2.00 hectares (as per the application form results in a density of 17 dph. The Design and Access Statement refers to a figure of 24 dph as this accounted only for the area being developed, not including the surrounding greenspace. These figures are notably higher than the cluster of dwellings situated at Westhayes (circa 6.25 dph) and the cluster of dwellings long established at Windmill Lane (circa 6 dph) and Moorlands (circa 8 dph). The proposal would, however, compare more favourably to the density at Perry Gardens (circa 14 dph) and Eastfield Orchard/Garden and Hawthorne Close (circa 17 dph).

With a mixture of density in the general area evident, it is important to understand the context. Indeed, national design guidance states that the appropriate density will result from the context, accessibility, the proposed building types, form and character of the development. In terms of these other sites the character is generally that of suburban residential estates. In this regard the proposal has a similar character of detached and semi detached dwellings distributed in a somewhat uniform manner. The layout of the proposal includes green spaces and tree lined boundaries and cul de sacs with are typical features of the surrounding built form. These proposed elements contribute to the visual continuity and extension of the building form of the settlement. The housing proposed is well spaced with ample greenery thereby maintaining the semi rural suburban feel of the surrounds. The placement of dwellings on the periphery of the site while maintaining tree lines and wildlife corridor compliments this general character. The looping road layout out echoes that of the layouts at Eastfield to the East, and Moorlands.

Therefore, while the density is higher than some of the surrounding built form the emphasis on echoing the surrounding key characteristics means that the development would not appear overly urban due to these density levels. The NPPF encourages the need to make efficient use of land, and to refuse applications that fail to do so, and when viewed through this policy lens the density is considered acceptable in policy terms.

The EDDC landscape officer reviewed the full application for the proposed development, evaluating its landscape impact in accordance with adopted policy, guidance, and site context.

Within the Ottery St Mary and West Hill Neighbourhood Plan valued view WH1, at its periphery, encapsulates some of this application site. This view, from Bendarroch Road crossroads, is enjoyed by West Hill residents and walkers. This viewpoint is slightly elevated in relation to this application site. Whilst some of the roof tops of the proposed development might be seen, as well as some of the rear of the affordable units (in the north east corner), the open farmland feel with distant views over the Ottery Valley and Sidmouth Gap, would not be disturbed. The west hedge line of the application site would be retained and offers suitable screening from this view point.

The LVIA has been submitted and the methodology is mostly acceptable, but the landscape value assessment lacks detail and fails to account for local-scale value. Technical photography standards were not met, impacting accuracy. The site is mischaracterized as "well-treed" when it is largely open, with notable views across the valley. The development description lacks sufficient detail, especially regarding construction phases. There are inaccuracies in referencing Landscape Character

Areas (LCAs) instead of Landscape Character Types (LCTs), and the effect of the development on visual receptors is understated, particularly regarding East Hill and the B3180.

The LVIA underestimates the impact of development on the site's open field, which is near a prominent ridge. The visibility of the site from East Hill is underrepresented, and the potential for adverse effects on the character of the area, including light pollution, was not fully considered. Viewpoint assessments for East Hill and the B3180 should reflect slight to moderate adverse impacts, especially during the initial stages of development.

The proposed site layout is generally appropriate, with housing density reflecting surrounding areas. However, concerns were raised about impacts on protected trees, insufficient detail on surface finishes, and inappropriate boundary fencing. Recommendations include altering the fencing design, adjusting planting plans to match site conditions, and specifying larger street trees for immediate visual impact. Many of these aspects could be dealt with via condition or would go on to be assessed by the council's arboriculturist.

The levels plan indicates a number of retaining walls required up to 1.5m or so in height. Details of type and proposed facing materials should be confirmed within a landscaping scheme. In respect of retaining walls adjacent to the ecological buffer strip these should comprise traditional Devon banks constructed in accordance with recommendations of the Devon Hedge Group and as indicated on the amended planting plans.

The position of tree protection measures along the western and southern boundaries should be realigned as close to the inner edge of ecological buffer strip as possible to prevent disturbance/ compaction of ground within the buffer strip during construction.

The development site lies in a sensitive landscape, but it is relatively well contained. While development would significantly alter the site's character, its visual effects are limited to distant views from East Hill and a few neighbouring properties. The landscape architect finds the proposal generally acceptable, subject to further details of landscaping elements being secured within the plot and it is considered that such details can be secured via condition.

Within the site itself the layout allows for adequate plots size with surrounding garden areas providing for a sense of spaciousness. Suitable levels of natural light would reach each home, and a suitable degree of natural surveillance would occur. Key buildings along the vehicular access, identified as an 'arrival point' from Windmill Lane form a primary frontage, with the larger properties to the south part forming secondary frontages. Accordingly, there is a considered hierarchy to the scale and massing of the development.

The properties, around the arrival point, in the northern portion of the site is single storey with properties in the southern half of the site two storey (and larger) as the ground levels slopes down. Therefore, the topography of the site has been taken into account and as a result the development would not be overly prominent, with the scale and massing of each property not appearing out of character.

The proposed floor space of each dwelling would meet National Minimum Space Standards based upon the number of bedrooms to be provided. Aside from the affordable units two car parking spaces are dedicated to each dwelling.

The design of the dwellings themselves have a variety in size and scale. There is a mixture of materials used on the dwellings consisting of red brick, chalk coloured render with grey and brown tile roofs. Within the overall area there is a mixture of residential designs, with no pervading architectural style. The design of the surrounding dwellinghouses are, to an extent, reflective of their eras. Brick, render and tiled roofs are a common feature of the surrounding dwellinghouses and so the development would not appear out of keeping.

The development proposes largely detached homes with semi-detached and terraced homes with hipped roofs, gable roofs and bay windows aiming to reflect the variety of house designs in the area. Boundary treatments also seek to reflect the context with hedgerows and railings to define private frontages. 1.8m high brick walls screen private rear gardens fronting the public realm.

The existing mature vegetation is to be retained on site forms a key component of the character of the development and so takes reference from the woodland feel of the village. This together with the proposed landscape design would aid integration of the built form with its surrounds, as well as incorporate the woodland feel within the site, albeit not to the same extent as some parts of West Hill.

The police liaison officer has commented on the proposal and due to several amendments has overcome their original concerns. As such there is now no objection raised in this regard.

It is noted that several objections raise safety issues with regard to the attenuation pond and the safety concerns regarding children having unhindered accessing this. The sectional elevations of the attenuation pond illustrate that it would be 1.5 metres deep with a freeboard of 300mm. Marginal edge planting around the attenuation pond perimeter and edge gradient would aim to dissuade the public entering the water. Further a 500mm aquatic bench provides for a shallow area before the central lowest point of the basin as a safety measure. Whilst fencing would remove some of its amenity value and open nature, if deemed necessary such health and safety measures could be conditioned.

The overall layout, design and landscape is acceptable, and so accords with strategy 7 and policies D1 and D2 of the local plan.

Highways Impact

Bendarroch Road is a single carriageway road which measures approximately 6.5 metres wide, is lit within the vicinity of the site and is subject to a 30mph speed limit. The speed limit increases to 40mph approximately 170 metres west of Windmill Lane junction.

Approximately 550 metres to the west of Windmill Lane, Bendarroch Road becomes Rockbeare Hill and to the east it forms a priority junction with the West Hill Road. Bendarroch Road is observed from the site visit to be used as a shared surface used by both pedestrians, cyclist and vehicles. A footway measuring around two metres wide is located on the southern side of Bendarroch Road for a short distance on each side of the Bendarroch Road and Moorlands priority junction. Moorlands benefits from continuous pedestrian infrastructure between Bendarroch Road and the local facilities and amenities located in West Hill on West Hill Road.

Personal Injury Collision data has been obtained for the most recent five-year period between 01/01/2017 and 31/12/2021 and for a study area comprising Windmill Lane and Bendarroch Road between its junction with the B3180 to the west and School Lane to the east. The data shows that there have been no incidents recorded within the study area. It was therefore concluded that there are no highway safety patterns or problems with the local highway network in the immediate vicinity of the site.

Windmill Lane currently serves a number of dwellings and therefore is considered to be of a suitable width and geometry to accommodate refuse, delivery and fire vehicles that may require access to the proposed development.

Pre-application dialogue with the highway authority has confirmed that appropriate visibility should be provided at the junction. On this basis it is therefore proposed to realign the junction bellmouth kerbing, including a section of the Bendarroch Road carriageway. A Grampian condition could preclude residential occupation until these highway realignment works at the junction have been implemented.

Devon County have been consulted on this proposal. The site situated at the end of the residential road of Windmill Lane, which due to the geometry creates a lower speed environment.

The access onto Bendarroch Road would also be improved as part of this application and this can be subject to a Grampian condition to ensure this takes place.

The visibility splay will be improved to accord with our current best practice guidance, Manual for Streets 1 and 2, utilising the 85th percentile of a speed survey. The improved access kerb works will also create a speed calming feature, this single lane route may be utilised as a shared space road, allowing for pedestrians and cyclists alike.

The existing access to be utilised already has dropped kerbs, though the access will be improved to tie-into a dedicated footway through the proposed site. The swept path plans show successful manoeuvring of both refuse and fire service vehicles around the site in question. Provision of secure cyclist storage to encourage sustainable travel especially to the nearby services and facilities of West Hill should be secured.

The Construction Management drawing is appreciated but officers would still require a comprehensive Construction and Environment Management Plan (CEMP) in order to minimise the impact upon the local highway network during the construction phase.

West Hill includes a primary school, dentist, local shop and village hall. While it is appreciated that there would be a given walk from this sites location, this would be no further than is typically established on larger new development sites. A bus stop is also present within 400m of the site, which accords to bus stop guidance. The County Highway Authority does not require planning applications containing fewer than 40 dwellings to contain a Travel Plan, with a travel plan co-ordinator or car club provision due to the trip generation impact not triggering a set severity level.

Given the above there is no objection raised by the Highway Authority and the proposal is considered to comply with policies TC7 and TC9 of the local plan.

Ecology

Strategy 47 (Nature Conservation and Geology) states that all development proposals will need to: 1. Conserve the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats. 2. Maximise opportunities for restoration, enhancement and connection of natural habitats. 3. Incorporate beneficial biodiversity conservation features. Where development or the occupants of development could lead to adverse biodiversity impacts due to recreational or other disturbance, we will require mitigation measures and contributions to allow for measures to be taken to offset adverse impacts and to create new habitats. This will be of particular importance where development could impact upon European Designated Sites.

In respect of the Exe Estuary and the Pebblebed Heaths (and Dawlish Warren in Teignbridge) an over-arching strategic approach to habitat mitigation measures has been established through the Disturbance Study. All residential development schemes within a straight line 10 kilometres distance of any part of the Special Area of Conservation (SAC) and/or SAC designated areas of the Exe Estuary or Pebblebed Heaths will be required to provide mitigation. The onus will rest on developers demonstrating that mitigation can and will be provided and granting of planning permission will be linked to clear evidence that delivery will actually happen to agreed timescales.

The application is supported by a completed Ecological Impact Assessment (EclA) (Richard Green Ecology, March 2024), with the results of all protected species surveys, and recommendations for ecological mitigation, compensation, and enhancement measures. It is also supported by a biodiversity metric calculation using the statutory biodiversity metric.

The results of the bat surveys confirm that between nine and thirteen species of bat commute and forage across the site. The southern and western boundaries, with mature trees on earth banks, provide both foraging opportunities and commuting routes between roosts and foraging territories. It is likely that the site boundaries comprise an important flightline for both lesser horseshoe bats and barbastelle bats to-and-from a nearby known roost. The grassland on the site provides foraging habitat, although there is good availability of alternative foraging habitat in the area.

It is proposed to incorporate ecological buffer zones around the site boundaries, to provide habitat for wildlife, avoid illumination of bat commuting routes and dormouse habitat, and avoid disturbing badger setts. 0.56 ha of species-poor neutral grassland

would be enhanced. Recommended ecological mitigation and enhancement measures include clearance of habitats under ecological supervision, habitat manipulation as part of a mitigation strategy for reptiles, sensitive timing of works and the provision of integrated bat boxes.

Other notable species confirmed on the site include slow worm, grass snake, and badger. Species possibly present on the site include nesting birds, hazel dormouse, common amphibians such as common toad, and hedgehog.

The proposals indicate an increase of 6.33 hedgerow units (a 103.69% gain) measured using the statutory biodiversity metric. The metric also indicates that the proposal would result in a biodiversity net loss of 7.71 habitats units (a 45.46% net loss) and trading rules have not been satisfied for area habitats. The report indicates that the applicant intends to off-set the loss of habitat units providing ecological enhancement using an offsetting scheme. It is understood that discussions to secure an offsite habitat bank in East Devon are currently ongoing, but not yet legally secured at the time of writing.

The above noted there is an advanced s106 which would commit the proposal to BNG improvements.

Although not included in the submission, it is recommended that permeable garden fencing for hedgehogs and invertebrate bricks (one per dwelling) also be provided. These details could be detailed within a landscape and ecological management plan (LEMP).

Ecology - Derogation tests

Licences from Natural England will be required for likely impacts on protected species such as bats and dormice. Natural England can only issue a licence if the following tests have been met:

- the development is necessary for preserving public health or public safety or other imperative reasons of overriding public interest;
- there is no satisfactory alternative; and
- the action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range.

Whilst decision makers should have regard to the 3 tests above it should be noted that the LPA is not expected to duplicate the licensing role of NE. An LPA should only refuse permission if the development is *unlikely* to be licensed pursuant to the derogation powers *and* Article 12 of the Habitats Directive was likely to be infringed.

In terms of public interest this proposal as a matter of principle accords with the national level of significantly boosting housing supply from which some economic and social benefits could accrue. Alternative scenarios are not easily discernible, however, improving the biodiversity of the site would occur through recommendations of the ecology report and Biodiversity Net Gain. There is also a consensus that in order to provide housing, thereby meeting a public interest, greenfield sites such as this would need to be developed. Given what has been reported for this site, the fact suitable

mitigation measures are proposed and both of these elements have been found acceptable by the council's ecologist there is no reason why a license would not be issued or why Article 12 would be infringed.

As a consequence, there is no reason to suggest that the proposal would be likely to offend article 12 of the Habitat Directive or that a licence would be withheld by Natural England as a matter of principle.

Ecology - Special Protection Areas

The Exe Estuary and the East Devon Pebblebed Heaths Special Protection Areas (SPAs) provide an important recreational resource for the local community. They are sensitive environments which are important to nature conservation and are subject to European wildlife site designations. The Authority has a responsibility under European Habitat Regulations to assess and seek to minimise the impacts of new development on these habitats. A recent study has shown that recreational use of the Exe Estuary and Pebblebed Heaths is already having a significant effect on the levels of disturbance of wildlife. New housing and tourist accommodation will lead to increased recreational demands on the environment.

In partnership with Natural England, the Council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these SPAs. It is therefore essential that mitigation is secured to make such developments permissible.

The NPPF advises on the promotion, preservation, restoration and re-creation of priority habitats and protection and recovery of priority species. International and national legislation and policy already provides statutory protection for, and comprehensive guidance on, the management of valued biodiversity and geological assets. The Council will apply these safeguards carefully together with the continued use of Local Plan strategies and policies to conserve these precious assets.

East Devon District Council currently mitigates in accordance with its obligations under the Habitat Regulations by collecting contributions towards infrastructure (for instance SANGS) through the Community Infrastructure Levy. However, contributions are also required towards mitigation through non-infrastructure elements (e.g. monitoring and some on site and off site measures) to fully mitigate the impact in line with the approach taken by Teignbridge and Exeter as joint authorities.

Mitigation for recreational impacts can take the form of access management within the European sites, or provision of substantial alternative recreation locations to draw users away from them. However, to make it easier for developers to 'deliver' such mitigation, in many cases the Council will accept a financial contribution per new house or holiday unit. The three local planning authorities work in partnership to use these financial contributions to deliver the required mitigation measures.

Ecology - Appropriate Assessment

An Appropriate Assessment is required for development as it is within 10k of these designated sites the proposed development and could give rise to recreation activity. The Appropriate Assessment must consider the conservation objectives for the affected European site(s) and the effect the proposed development would have on the delivery of those objectives. In the light of the conclusions about the effects on the delivery of the conservation objectives the competent authority must decide if the integrity of the site would be affected. There is no definition of site integrity in the Habitats Regulations - the definition that is most commonly used is in Circular 06/2005 is '(...) the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified'.

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. An Appropriate Assessment (AA) is required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation would be secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations.

In summary on the ecology issues there is suitable on site mitigation proposed. The wildlife corridors allow for suitable foraging and habitats. Off site mitigation on European designated sites can be secured. BNG can also be secured and there are positive signs this can be achieved within the draft s106. Therefore, these ecology issues do not weight against the scheme.

Trees

The west boundary of the site features four notable mature Oaks which are formally protected. The south boundary is covered by a blanket TPO of mixed woodland species. Likewise, the north eastern permitted of the site is covered by blanket TPOs. A TPO'd oak is situated on the eastern boundary of the site.

Policy D3 (Trees and Development Sites) of the Local Plan states permission will only be granted for development, where appropriate tree retention and/or planting is proposed in conjunction with the proposed nearby construction. The council will seek to ensure, subject to detailed design considerations, that there is no net loss in the quality of trees or hedgerows resulting from an approved development. The development should deliver a harmonious and sustainable relationship between structures and trees. The recommendations of British Standard 5837:2012 (or the current revision) will be taken fully into account in addressing development

proposals. Planning permission will be refused for development resulting in the loss or deterioration of ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the.

The tree reports illustrate that one Beech tree in the south east corner of the site would be removed (T11). The tree survey has identified this Beech tree to be of a poor physiological and structural condition. As such it is deemed to have serious irredeemable structural defects meaning that it realistically cannot be retained as living tree beyond a 10 year time frame. There is no objection to this loss.

The amended tree protection plans shows that the initial concern of the tree officers have been taken on board and the layout of the site around T1 and tree protective fencing concerning T5 and T8 have been adjusted accordingly. In light of this no objections are raised by the tree officer.

Foul and surface water drainage

The drainage plan submitted shows that foul water will be channelled to a proposed adoptable sewer and manhole within Windmill Lane to the north of the site. In terms of surface water this would be directed to the east side of the site to the attenuation pond on off site sewer outfall and to an existing adopted sewer opposite West Hill Primary School. Using the attenuation pond and subterranean cellular attenuation tank would restrict surface water outflow to 5.3 L/s .

Surface water drainage

Policy EN22 (Surface Run-off Implications for New Development) states Surface water in all major commercial developments or schemes for 10 homes or more (or any revised threshold set by Government) should be managed by sustainable drainage systems, unless demonstrated to be inappropriate. Planning permission for new development will require that the surface water run-off implications of the proposal have been fully considered and found to be acceptable.

DCC Lead Flood Authority withdrew their original objection and as such they have no in-principle objections to the above planning application at this stage, assuming that the suitable pre-commencement planning conditions are imposed on any approved permission. Subject to this the proposal complies with policy EN22.

Foul water drainage

Foul water flows are intended for disposal via mains sewer. In principle, SWW does not currently hold any objection to foul water disposal through a connection to a public foul Sewer. However, SWW has previously experienced flooding in West Hill which has been resolved. Further hydraulic modelling on the network needs to be undertaken by SWW to see if there would be need for some further network improvements to be undertaken. If network improvements are needed it is likely to be in the form of surface water separation. SWW have advised it would take 3

months to complete this hydraulic modelling which would then confirm the scope of any relevant improvements. A Grampian style condition is recommended to secure this and any necessary mitigation prior to the occupation of any dwelling.

There is a duty on South West Water under s94 and s37 of the Water Industry Act 1991 (the WIA) to provide capacity to accommodate new developments. The water company who have a statutory duty to accommodate new developments. This duty is enforceable under s18 of the WIA. SWW have done some works to the capacity of the foul drainage network, however, their response indicates that further investigation and works maybe required. In planning terms, while concerns have been raised that neither South West Water or by extension an enforcing authority are meeting those commitments, the NPPF (at para 194) specifically requires that in taking planning decisions it should be assumed that separate pollution control regimes, in this case including the WIA, should operate effectively. This does not mean that a proposal to operate with an unsustainable or inappropriate foul drainage scheme cannot be considered, but does apply where a proposal is to connect to a mains drainage network and there is no objection from the water undertaker (as is the case).

SWW have stated that it is anticipated that suitable provision can be made within the existing network for the supply of potable water to the proposed development however SWW strongly advise the developer to consider maximising the use of water efficiency opportunities within the design of their proposals, as supported by planning policy Strategy 3 and 38. The current average water use in the UK is approx. 142 litres/person/day [l/p/d] (Water UK, 2020), with the South West experiencing a higher-than-average consumption rate than the rest of England.

The 125 litres/person/day water efficiency standard is a requirement of Building Regulations Approved Document G (2015 Edition), with the optional standard under Regulation 36(2) being 110 l/p/d being enforced if applied as a requirement within a planning condition. Due to the current trends towards increased stress upon existing water resources, their associated water use behaviour impacts, and the increased likelihood of annual drought conditions, SWW would support the inclusion of a condition securing the optional requirement of 110 l/p/d.

Therefore, SWW support the proposal subject to a condition securing the G2 requirement relating to potable water prior to commencement and a Grampian style condition requiring no occupation until confirmation that SWW has completed its modelling and network improvements for foul drainage and implemented any required mitigation.. The SWW response sets out that such requirements can be made achievable within the lifetime of the consent so that a Grampian condition would be reasonable. The suggest conditions required modification to align with planning legislation, as some elements are covered under other relevant legislation.

Given the above it is considered that foul water drainage from the proposal can be suitably accommodated and should not be used as a reason to withhold planning consent.

Affordable Housing

For the proposal to be compliant with the existing local plan and given that it is outside of any identified Built Up Area Boundary (BUAB) then under strategy 34 of the Local Plan an affordable housing target of 50% applies. The applicant is proposing to deliver this through a 35% on site affordable provision, and 15% off site affordable contribution. This is not strictly policy compliant as not all the provision is on site, however officers consider this to be an acceptable level of provision which aligns with recent planning decisions elsewhere and reflects the direction of travel regarding the Council's affordable housing policy.

The layout shows that the 8 social rented dwellings would be in the north west section of the site with the 4 shared ownership accommodation more centrally placed within the site. This layout is considered to be suitably peppercotted and dispersed within the overall scheme.

This is proposed within the advanced draft s106 and as such there was no objections raised to this proposal by the Housing Enabling Officer.

Amenity

It is noted that there are several surrounding existing residential properties surrounding the site. Impact on amenity of these occupiers has been raised as a concern. To the north east of the site is the property of Beech House, the boundary of which abuts this application site. The proposed plot, 34, is situated at an angle to this adjacent property so that the north east side elevation of this proposed dwellings faces Beech House. This side elevation is blank so that there are no windows to look out of. Therefore, overlooking would not occur from this and windows at the first floor of the rear elevations are at an oblique angle so that harmful levels are avoided.

The properties to the north, 5 Windmill Lane, Four Seasons and to the south, Hidden Hayes, 17 and 19 Hayes End are a sufficient distance from the proposed dwellings so as to not be impacted in terms of amenity.

Therefore, the proposal is considered to comply policy D1 in this respect.

Agricultural Land Classification

Policy EN13 of the EDDC Local Plan and advice contained in the NPPF suggest that agricultural land falling in Grade 1, 2 or 3a should not be lost where there are sufficient areas of lower grade land available or the benefits of development justify the loss of the high quality land. It would appear that the land is grade 3 agricultural land although our maps do not differentiate between grade 3a or 3b and the applicant has not provided any detailed assessment in this regard. As such the development could result in the loss of Grade 3a, best and most versatile agricultural land.

Whilst our records indicate that there are large amounts of other land in the locality of higher quality land this could nevertheless result in the loss of BMV agricultural land and this weighs negatively in the planning balance.

Open Space

With regards to public open space strategy 43 of the local plan states for the quantum of development proposed on site space within a rural area is to be provided.

Population increase will be used to determine the relative demand created by different developments. For residential development contributions these will be on a per-dwelling basis and the level of contribution will be higher for larger housing than for small houses or flats. This will be determined by the average occupancy rates where the average occupancy acts as a multiplier reflecting population increase. The assumed average occupancy rates are as follows:

- o a 1 bed dwelling = 1.5 persons,
- o a 2 to 4 bed dwelling = 2.22 persons,
- o a 5+ bed dwelling = 2.5 persons.

The development of 34 dwellings, based on bedrooms sizes, would accommodate approximately 74 persons in a rural area. Under strategy 43 this equates to an on site open space requirement of requires at least 222 sqm.

An area of public open space is proposed as part of the development, to the southeast of the site as shown on the Layout Plan. This would be a general amenity use area and therefore would not feature dedicated play equipment. Access to this open space from the adjacent footpath would be readily available. The planting plan illustrates that this open space is further designed with native bulbs, tree and shrub species to provide an attractive public environment.

This total area of the illustrated green area amounts to 1,800sqm which includes the attenuation pond which is approximately 500sqm. Whilst not all of this space would be usable 'open space' the scheme demonstrates nevertheless that it can meet the above requirements. A management company would be responsible for the open space, details of which will be set out within the Section 106 Agreement

As the proposal is made in 'full' the proposed layout plan illustrates the appropriate quantum of on site open space resulting from the number of dwellings approved. This area will be protected and maintained via the requirements of the s106 agreement.

Mitigation secured via a S106

Strategy 50 (Infrastructure Delivery) seeks to ensure that the necessary infrastructure improvements are secured to support the delivery of development and mitigate any adverse impacts. Policy NP14: Demonstrating Infrastructure Capacity All proposals for new development must deliver the necessary provision for physical and social infrastructure to off-set its impacts.

A s106 has been drafted and, at the time of writing, is at an advanced stage to secure the following;

- Affordable Housing Schedule - to secure 35% on site and 15% off site affordable in line with the latest position.
- On Site Open Space Schedule (and Maintenance Company Schedule)
- Habitats Contribution Schedule - to mitigate the impact on the pebblebed Heath SAC
- Off-site BNG Delivery - to go towards a designated landbank.

It is noted that the Devon County Council Education department have requested a contribution towards local educational facilities. It should be noted that this requirement would be covered under the CIL regulations and therefore it should not be duplicated under a s106. Instead, it would be for the Education department to seek and bid for a mitigatory contribution from this CIL pool.

The NHS was consulted on this proposal and the subsequent amended plans but did not respond. However, it is noted that objections received referred to local surgery services being over subscribed and that an increase in residences will exasperate matters. EDDC have considered issues around capacity at GP practices in the past and sought funding to help deliver additional consulting rooms, but it would be for such services to bid for available monies through CIL.

The Planning Balance

Planning legislation is clear that planning applications should be determined in accordance with the development plan, unless other material considerations suggest otherwise.

There is identified conflict with the development plan in that the proposal seeks to build residential development in the countryside outside the defined BUAB for West Hill. Therefore, the proposal does not follow a plan led development and there is identified conflict with the development plan in this regard.

Due to the December 2023 revisions to the NPPF the LPA now claims a 4.5 year housing land supply which means that the local plan policies are not considered out of date so that the 'tilted balance' does not apply. However, there are substantial material benefits of the scheme to be recognised including providing a supply towards housing supply. This is a necessity in order to contribute to healthy housing levels, maintain the council's housing trajectory and meet the national aim to boost housing supply. As mentioned previously, there is a general acceptance that the release of additional greenfield sites will be necessary to meet the Council's on going housing trajectory.

Maintaining a healthy supply of housing will still be needed in order to have an adoptable local plan and that the direction of travel for future revisions of the NPPF under a new government looks to revise the standard methodology for housing calculations and return to a target-based system – thereby effectively reversing the December NPPF amendments. This latest consultation is based on only a draft NPPF version, and so has no weight, yet it clearly represents a desire on the part of the new government to once again raise dwelling targets in order to reach a national target of circa 370k net additional homes per annum.

Further, although only very limited weight can be based upon the emerging local plan looking at the evidence base for the allocation of housing sites it was suggested that this should be allocated, albeit for a lesser number of housing (26 units). Analysis of the site has shown that this number can be accommodated without the development appearing as cramped or out of character with the surrounding suburban character.

In terms of the social benefits, the scheme would deliver some additional housing, adjacent to a sustainable village and in line with the Framework's aim to significantly boosting the supply of housing.

The site has been found to be accessible to a suitable ranges of services and facilities and a pedestrian link to the development at Eastfield would boost such links, if that development is approved. The ecologist is content that on site mitigation measures can be provided. The landscape architect is content that wider landscape harm would not occur, but points towards further on site landscape details being secured. DCC lead flood team raise no objection to the proposal which through an attenuation pond and storage cells would suitably control surface water outflow. SWW have suggested conditions to ensure that updates to the nearby pumping station to accommodate the resultant foul water can be carried out if necessary and so raise no objection. The highway officer is satisfied with the layout and that highway upgrades are achievable and therefore raises no objection. At the time of writing, an advanced s106 is nearing completion which would mitigate the impact of development in terms of impact upon biodiversity net gain, provision/maintenance of open space and suitable affordable housing.

It is therefore recommended that planning consent be granted as the benefits of the development including the delivery of housing to improve the district's housing land supply, are material considerations that outweigh the identified conflict with the development plan. Therefore, a recommendation of approval, subject to conditions and a s106 is put forward.

RECOMMENDATION

APPROVE, subject to completion of a s106, adoption of the appropriate assessment and subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

Construction, access and highways

3. 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.

(Reason - To ameliorate and mitigate against the impact of the development on the local community in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan)

4. Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority) of arrangements which secure provision for a pedestrian public access link to the adjacent field to the East of this site and retain this link in perpetuity. The development shall not proceed above slab level on the dwellings hereby approved until the works have been carried out in accordance with the approved details.

(Reason – In order to provide suitable pedestrian linkages to reduce reliance on private modes of transport and promote sustainable forms of travel. The requirements are pre commencement to ensure consideration at an early stage and to ensure the alterations are in place prior to increased traffic), in accordance with policies Strategy 5B (Sustainable Transport) and TC2 (Accessibility of New Development) of the East Devon Local Plan).

5. Prior to commencement of development the Planning Authority shall have received an approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.

- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

The development shall be carried out in accordance with the agreed CMP.

(Reason - To ameliorate and mitigate against the impact of the development on the local community and to ensure that any impact on the highway network is kept to a minimum in accordance with policies TC7 - Adequacy of Road Network and Site Access and EN15 (Control of Pollution) of the East Devon Local Plan)

- 6. Prior to the occupation of any of the dwellinghouses hereby approved details of secure cycle/scooter storage facilities shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the occupation of the dwelling to which they relate.

(Reason: To promote sustainable travel in accordance with policy TC9 (Parking Provision) of the East Devon Local Plan).

- 7. Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority) of arrangements which secure the highway improvement works for alterations to the junction between Windmill Lane and Bendarroch Road as illustrated in approved plan figure 3.1 of the submitted Transport Statement reference P22-0101/TR01. The development shall not proceed above slab level on the dwellings hereby approved until the works have been carried out in accordance with the approved details.

(Reason - In the interest of highway safety, in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan, and guidance contained within the National Planning Policy Framework) The requirements are pre commencement to ensure consideration at an early stage and to ensure the alterations are in place prior to increased traffic).

- 8. Prior to the first occupation of each individual dwelling at least 1 parking space that relates to the dwelling and its associated vehicle access route shall have been properly formed, surfaced and be accessible for use by the respective occupiers.

(Reason – To ensure that the development has appropriate parking provision, in accordance with policy TC9 (Parking Provision in New Development) of the East Devon Local Plan).

Drainage and Flood Risk

- 9. The development hereby approved shall be carried out in accordance with the submitted Flood Risk Assessment dated 26th April and conducted by RMA Environmental.

(Reason – To ensure that the potential flood risk is mitigated, in accordance with policy EN21 (River and Coastal Flooding) of the East Devon Local Plan).

10. The development shall not proceed other than in strict accordance with the Surface Water Drainage Maintenance and Management Plan dated February 2024 and conducted by Strongvox.

(Reason – To ensure that the drainage and flood risk of the development is suitably mitigated in accordance with policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan).

11. Prior to the commencement of development the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy using FEH rainfall data and the most up to date climate allowance.

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

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

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

No dwelling hereby permitted shall be occupied until the works which relate to the dwelling or site area have been approved and implemented in accordance with the details under (a) - (d) above.

(Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed).

12. Prior development continuing above slab level on any dwelling on the development approved by this permission, a Water Conservation Strategy shall be submitted for the written approval of the Local Planning Authority. The strategy shall include a water efficiency specification for each dwelling type, based on South West Water's run off destination hierarchy including the use of measures such as smart water butts, rainwater harvesting, grey flushing toilets. The approved strategy for each residential dwelling shall be subsequently implemented in full accordance with the approved details prior to first occupation of that residential dwelling and thereafter shall be retained.

(Reason: To ensure that the development makes efficient use of water and promotes the principles of sustainable construction in line with Paragraph 154 of the National Planning Policy Framework and Strategy 3 of the East Devon Local Plan).

13. Prior to the commencement of development it shall be evidenced to, and agreed in writing by the Local Planning Authority, whether or not the South West Water foul and surface water (combined sewer) sewerage infrastructure that this development would link into has adequate capacity to deal with the foul sewage generated by this development and its surface water run off. If it is identified that upgrade works are required to ensure adequate foul sewage capacity and surface water drainage capacity, no dwelling shall be occupied until the upgrades to the foul sewage and surface water infrastructure have been completed to the satisfaction of the Local Planning Authority unless alternative means of adequately dealing with foul drainage have been agreed in writing by the Local Planning Authority and implemented in full.

(Reason: In the interests of pollution control, the environment and amenity in accordance with Policies EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) and EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan. This needs to be a pre-commencement condition to ensure that the impact and therefore control of sewage and surface water discharge outputs from the site are fully understood and any necessary upgrades to the sewage infrastructure identified and agreed, together with a time scale for implementation)

Trees and Landscaping

14. a) Prior to commencement of any works on site (including demolition), the Tree Protection measures shall be carried out in accordance within the Tree Protection Plans (05900 TPP REV D GA, TPP REV D S1 to S4) submitted by Aspect Tree Consultancy dated 11/11/2023. All works shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed, no amendments to be made without first gaining consent in writing from the Local Authority.

b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

c) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

d) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning

Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

e) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

f) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

g) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason - To ensure retention and protection of trees on the site prior to and during construction 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 D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031).

15. Site monitoring:

a) The installed tree protection measures shall be inspected by an appropriately experienced and qualified Arboricultural Consultant commissioned to act as the project Arboricultural Supervisor.

b) The written findings of the Arboricultural Supervisors initial site inspection shall be forwarded to Local planning Authority prior to the commencement of works on site.

c) Ad-hock monthly site inspections (these may be done remotely, via video call) shall be undertaken by a suitably qualified tree specialist and the finding recorded in a site monitoring log.

d) Any departures from the approved Tree Protection Plan shall be reported to the Local Planning Authority in writing within five working days of the site inspection.

On completion of the development hereby approved:

e) A completed written site monitoring log shall be submitted to the Local Planning Authority for prior approval and final discharge of the tree protection condition.

(Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D3 - Trees and Development Sites of the East Devon Local Plan 2013-2031 and pursuant to section 197 of the Town and Country Planning Act 1990).

Ecology

16. The development shall not proceed other than in strict accordance with the recommendation, mitigation measures and enhancements detailed in the Ecological Assessment dated March 2024 conducted by Richard Green Ecology. (Reason -To ensure protected species are managed in an appropriate way in accordance with Policy EN6 (Wildlife Habitats and Features) of the East Devon Local Plan.)

17. Prior to the installation of any external lighting a Lighting Impact Assessment (LIA) including lux contours, based on the detailed site design, EclA report (section 4.3.1) and most recent guidelines (currently GN08/23 and DCC 2022), has been submitted and approved in writing by the local planning authority. The LIA should clearly demonstrate that dark corridors provided around the site are achievable without the attenuation of habitat features, the long-term management of which cannot be guaranteed. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. No other external lighting be installed without written prior consent from the Local Planning Authority.

(Reason: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the East Devon Local Plan).

18. Prior to the commencement of development a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority, based on the submitted Ecological Impact Assessment (Richard Green Ecology, March 2024). It should include the location and design of biodiversity features including bird boxes, bat boxes, permeable fencing, and other features to be shown clearly on submitted plans. The content of the LEMP should also include the following;

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum 30-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- j) Landscape and ecological aims and objectives for the site.
- k) Condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
- l) Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:

- Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.

- New trees, woodland areas, hedges and amenity planting areas.

- Grass and wildflower areas.

- Biodiversity features - hibernaculae, bat/ bird boxes etc.

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

- Arrangements for Inspection and monitoring of the site and maintenance practices.

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

The works shall be carried in accordance with the approved drawings and details and shall be completed prior to first occupation of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following commencement of development. Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the written satisfaction of the LPA.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how

contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The management, maintenance and monitoring shall be carried out in accordance with the approved plans and details.

(Reason: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement of the character and appearance of the area in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the East Devon Local Plan. The condition is pre commencement to ensure that it properly integrates into the development from an early stage

19. No development shall take place (including ground works) until a Construction and Ecological Management Plan (CECoMP) has been submitted to and approved in writing by the local planning authority. The CECoMP shall include the following;

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication, including reporting compliance of actions to the LPA
- g) The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements.
- h) Use of protective fences, exclusion barriers and warning signs.

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

The development shall not be occupied until the local planning authority has been provided with evidence, including photographs, that all ecological mitigation and enhancement features, including bat boxes, bird boxes, permeable garden fencing, and insect bricks, have been installed/constructed, and compliance with any ecological method statements in accordance with details within the submitted LEMP and CECoMP.

(Reason: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the East Devon Local Plan. The condition is pre commencement to ensure construction works are taken into account).

20. No development work shall commence on site until the following information has been submitted and approved by the Local Planning Authority:

a) A full set of hard landscape details for proposed walls, fencing, retaining structures, pavings and edgings, site furniture and signage.

b) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, which should include:

- a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
- methods for stripping, stockpiling, re-spreading and ameliorating the soils.
- location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
- schedules of volumes for each material.
- expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture. identification of person responsible for supervising soil management.

c) A full set of soft landscape details including:

- Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.
- Tree pit and tree staking/ guying details.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

Design

20. Prior to their installation, a schedule of materials and finishes, including British Standard or manufacturer's colour schemes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls including underbuild, roofs, windows, doors, rainwater goods, soffits and fascias and ground surface materials 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 sympathetic to the character and appearance of the area in

accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

120 P2: Attenuation Basin Detail	Other Plans	13.06.23
3.2: Swept Path Analysis	Other Plans	12.06.23
3.3: Swept Path Analysis of AFire Appliance	Other Plans	12.06.23
	Location Plan	05.06.23
WINDMILL-C-300- 1000 P6 : drainage strategy	Other Plans	14.02.24
4710-BB-DR-L- 501: Hedgerow Details	Other Plans	16.02.24
34852 PL03S Planning layout	Other Plans	22.12.23
34852 PL-05.1D Boundary treatments	Other Plans	22.12.23
34852 PL-05F External works plan	Other Plans	22.12.23

34852 PL-06E Affordable homes plan	Other Plans	22.12.23
34852 PL-07E Parking plan	Other Plans	22.12.23
34852 PR-03 Presentation layout	Layout	22.12.23
34852 SS-01F Street scenes & site sections	Other Plans	22.12.23
4710 BB-DR-L-401 P5 Sections A-A/B-B	Landscaping	22.12.23
4710 BB-DR-L-401 P5 LORES Sections A- A/B-B	Landscaping	22.12.23
4710 BB-DR-L-101 P7 Landscape mitigation plan	Landscaping	22.12.23
4710 BB-DR-L-102 P6 On site open space plan	Other Plans	22.12.23
4710 BB-DR-L 201 P9 Planting plan	Landscaping	22.12.23
4710 BB-DR-L-202 P9 Planting plan	Landscaping	22.12.23
4710 BB-DR-L-291 P9 Planting schedule	Landscaping	22.12.23
C_100_100 P4 Site levels	Other Plans	22.12.23
C_300_030 P4 Impermeable area plan	Other Plans	22.12.23

C_300_040 P6 Flood exceedance plan	Other Plans	22.12.23
C_300_1000 P4 Drainage strategy plan	Other Plans	22.12.23
C_300_120 P6 Attenuation basin details	Other Plans	22.12.23
05900 TPP REV F 10.1.24: Whole site	Tree Protection Plan	11.01.24
05900 TPP REV F 10.1.24: Sheet 1 of 4	Tree Protection Plan	11.01.24
05900 TPP REV F 10.1.24: Sheet 2 of 4	Tree Protection Plan	11.01.24
05900 TPP REV F 10.1.24: Sheet 3 of 4	Tree Protection Plan	11.01.24
05900 TPP REV F 10.1.24: Sheet 4 of 4	Tree Protection Plan	11.01.24
Materials plan: PL- 04 REV F	Other Plans	11.01.24
SUB-01 REV A : substation	Proposed Combined Plans	11.01.24
Proposed site levels: WINDMILL_ C_100_100 REV P5	Other Plans	11.01.24
GAR-03 : double garage single owner	Proposed Combined Plans	22.12.23
GAR-01 : single garages	Proposed Combined Plans	22.12.23

1B MAIS-02 C : housetype 1B MAIS-02	Proposed Floor Plans	22.12.23
1B MAIS-01 C : housetype 1B MAIS-01	Proposed Elevation	22.12.23
HT-3B-01 A : housetype 3B-01	Proposed Combined Plans	22.12.23
HT-2B-01 A : housetype 2B-01	Proposed Combined Plans	22.12.23
GT-APPLEDORE- 03 A : housetype APPLEDOR E-03	Proposed Floor Plans	22.12.23
GT-APPLEDORE- 02 A : housetype APPLEDOR E-02	Proposed Elevation	22.12.23
GT-APPLEDORE- 01 A : housetype APPLEDOR E-01	Proposed Elevation	22.12.23
HT-APPLEBY-03 D : housetype APPLEBY-03	Proposed Floor Plans	22.12.23
HT-APPLEBY-01 D : housetype APPLEBY-01	Proposed Elevation	22.12.23
HT-APPLEBY-02 A : housetype APPLEBY-02	Proposed Elevation	22.12.23
HT-AMBERD-02 C : housetype AMBERD-02	Proposed Combined Plans	22.12.23

HT-AMBERD-01 C : housetype AMBERD-01	Proposed Combined Plans	22.12.23
HT-CAMDEN-04 A : housetype CAMDEN-04	Proposed Combined Plans	22.12.23
HT-KNOWLE-01 D : housetype KNOWLE-01	Proposed Combined Plans	22.12.23
HT-CAMDEN-03 A : housetype CAMDEN-03	Proposed Combined Plans	22.12.23
HT-CAMDEN-02 A : housetype CAMDEN-02	Proposed Combined Plans	22.12.23
HT-CAMDEN-01 A : housetype CAMDEN-01	Proposed Combined Plans	22.12.23
HT-ROWAN-02 B : housetype ROWAN-02	Proposed Combined Plans	22.12.23

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:

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

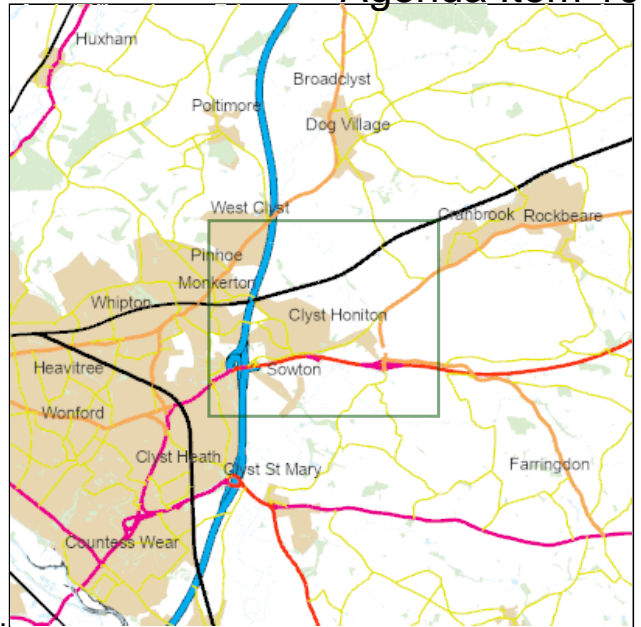
Ward Broadclyst

Reference 24/1154/VAR

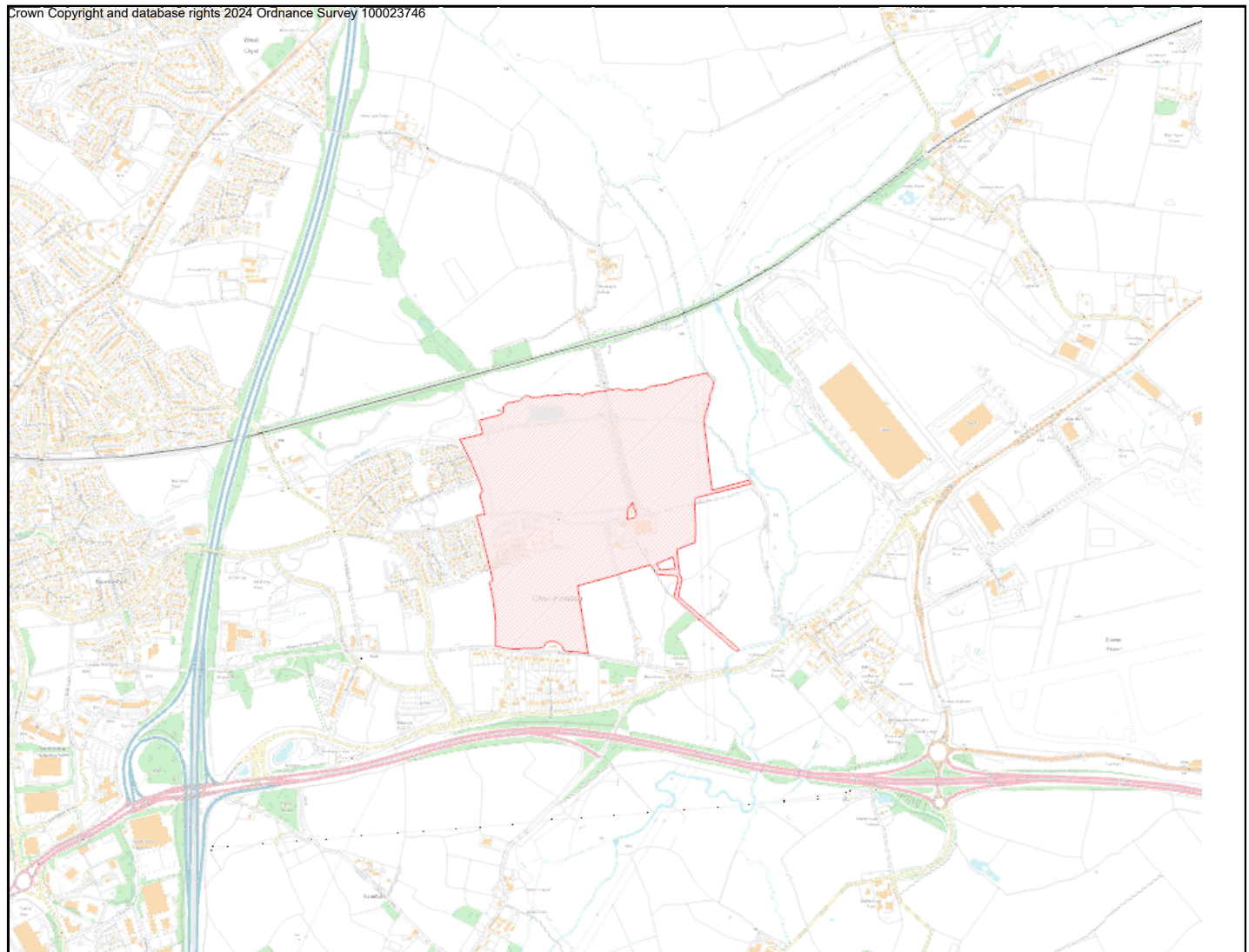
Applicant Mr Stevenson (Persimmon Homes Ltd)

Location Mosshayne Land North Of Tithebarn Lane Clyst Honiton

Proposal Variation of Condition No. 13 (Construction and Environment Management Plan) of planning permission ref: 17/1019/MOUT for the demolition of existing buildings and development of the site to provide up to 900 dwellings and a primary school with car and cycle park, public and private open space, together with landscaping and associated servicing (all matters reserved) which was accompanied by an Environmental Statement. Amendment to construction hours on Saturdays.



RECOMMENDATION: Approve subject to conditions and Section 106 Deed of Variation.



		Committee Date: 22.10.2024
Broadclyst (Broadclyst)	24/1154/VAR	Target Date: 08.10.2024
Applicant:	Mr Stevenson (Persimmon Homes Ltd)	
Location:	Mosshayne (Land North Of Tithebarn Lane Clyst Honiton)	
Proposal:	Variation of Condition No. 13 (Construction and Environment Management Plan) of planning permission ref: 17/1019/MOUT for the demolition of existing buildings and development of the site to provide up to 900 dwellings and a primary school with car and cycle park, public and private open space, together with landscaping and associated servicing (all matters reserved) which was accompanied by an Environmental Statement. Amendment to construction hours on Saturdays.	

RECOMMENDATION: Approve subject to conditions and Section 106 Deed of Variation.

EXECUTIVE SUMMARY

This application is before members as the recommendation to approve is contrary to views expressed by Broadclyst Parish Council.

This application seeks to vary Condition 13 (Construction and Environment Management Plan) (CEMP) of application 17/1019/MOUT which granted permission for the demolition of existing buildings and development of the site to provide up to 900 dwellings. The condition requires the submission and approval of a CEMP for each phase of development as well as a number of restrictions including restriction b) which sets out that "No construction works shall be carried out, outside of the following hours: 0800 to 1800 Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays".

The application seeks to extend the working hours on a Saturday from 13:00 to 16:30. From 13:00 to 14:00, internal and external works are proposed and from 14:00 to 16:30, works would be internal dwelling works only and there would be no use of power tools. The increase in working hours would also be a temporary measure from the decision date of this permission to 31 December 2024. From 1 January 2025, the working hours would revert to the previously approved hours of between 08:00 to 13:00 on Saturdays.

The justification for the change in hours is due to several unforeseen circumstances such as weather, archaeology and personnel which has resulted

in the build programme being behind schedule. The additional time granted would allow for dwellings to be completed internally and free up contractors to progress on the build programme and infrastructure delivery and to avoid further setbacks.

The Parish Council, Residents Association and neighbouring properties have raised concerns with noise, traffic, and deliveries. The application has been reviewed by Devon County Council Highway Authority, National Highways and EDDC Environmental Health and no concerns have been raised. It is acknowledged that the additional hours would result in noise and disturbance to neighbouring residents however from 14:00 to 16:30, works would be internal only and no power tools are to be used. The delivery hours are controlled by each CEMP and are not proposed to be amended and staff and contractors are likely to already be on site rather than changing over. Furthermore, the extended hours are a temporary measure from the decision date of this permission to 31 December 2024.

Officers acknowledge concerns from the Parish Council and residents however, in weighing up the harm and the additional hours, and subject to the restrictions in the proposed condition, officers consider that the temporary extension to working hours would not result in any significant harm to neighbouring properties in terms of noise, traffic and disturbance.

The application is recommended for approval subject to conditions and S106 deed of variation to carry across all S106 provisions.

CONSULTATIONS

Local Consultations

Parish/Town Council

Thank you for consulting Broadclyst Parish Council.

The Committee supported an amendment to the existing condition of working until 2pm on a Saturday but DID NOT support the condition of working 2-4 pm inside, due to the vehicle movements, deliveries, and the low-level noise likely to be associated with this type of work.

Ward Member(s)

Cllr Paula Fernley (4/10/24)

The variation is for such a short period of time, I'm not going to object.

Technical Consultations

Environmental Health

Application 24/1154/VAR seeks to extend permitted working hours on Saturdays to 0800 to 1400 (1400-1630 internal dwelling works only). Where internal dwelling works involves noisy operations i.e., the use of repetitive actions (hammer gun) the CEMP should be amended to show that these operations will not take place during these extended hours in properties that border Noise Sensitive Dwellings on the edge of the development.

Reason: To protect the amenities of local residents from odour.

Contaminated Land Officer

I have considered the application and do not anticipate any concerns in relation to contaminated land.

National Highways

Thank you for consulting National Highways on the above S73 application which seeks to vary condition 13 of permission 17/1019/MOUT to extend permitted working hours on Saturdays. Application 17/1019/MOUT (all matters reserved) for the demolition of existing buildings and development of the site to provide up to 900 dwellings and a primary school with car and cycle park, public and private open space, together with landscaping and associated servicing was granted in November 2017. The site is located approximately 250m north of the A30 trunk road and 800m east of the M5 motorway which form part of the strategic road network (SRN) for which we are responsible.

Condition 13 currently restricts construction works on Saturdays to between 0800-1300. Application 24/1154/VAR seeks to extend permitted working hours on Saturdays to 0800 to 1400 (1400-1630 internal dwelling works only).

National Highways is satisfied the proposal will not result in an unacceptable impact on the safe operation of the strategic road network and therefore offers no objection to application 24/1154/VAR.

County Highway Authority

I have visited the site and reviewed the planning documents, it is usually our standard for works to finish by 1pm on Saturdays to avoid a collision of Saturday tourist and leisure traffic, however given the location, we do not feel the additional hour of works will create a great disruption to the local highway network.

Therefore, the County Highway Authority (CHA) has no objection to this planning application.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)
EN14 (Control of Pollution)

Government Planning Documents

NPPF (National Planning Policy Framework 2023)
National Planning Practice Guidance

OFFICER REPORT

SITE LOCATION

The application site extends around 43.3ha in area and comprises of a mix of residential development in accordance with 17/1019/MOUT and agricultural land separated into the remaining three parcels/fields. The site is known as Mosshayne and forms part of the strategic mixed used development at Redhayes/North of Blackhorse Lane. Within the site at present there are also a series of farm buildings which are to be removed and a small dwelling to be retained which is outside of the application site.

The site lies approximately 800m east of the M5 motorway and approximately 240m north of the A30 dual carriageway. The northern boundary is formed by the Pinn Brook which is around 100m south of the Exeter St David's to London Waterloo railway line. To the east is open land running down to the River Clyst but the dominant feature on this boundary is a double row of overhead power lines. Further to the east is the Lidl Distribution Centre and Exeter Logistics Park. To the south of the eastern part of the site is open agricultural land and to the south of the western part of the site is Blackhorse Lane and associated dwellings. To the west is a mixed-use development known as Tithebarn Green comprising of residential dwellings, open and play space and a local centre in construction. Further to the west is the Exeter Science Park.

PLANNING HISTORY

The site has the following relevant planning history:

- o 17/1019/MOUT | Demolition of existing buildings and development of the site to provide up to 900 dwellings and a primary school with car and cycle park, public and private open space, together with landscaping and associated servicing (all matters reserved) | GRANTED (16 November 2017)
- o 19/0464/MRES | Reserved matters application (access, appearance, landscaping, layout and scale) for the construction of 265 dwellings including affordable housing, landscaping, allotments and associated site infrastructure pursuant to outline application permission 17/1019/MOUT (phase 1). The discharge (partial or full) of conditions 6, 7, 12 and 30 of outline permission 17/1019/MOUT | GRANTED (31 May 2019)
- o 21/2490/MRES | Reserved matters application (access, appearance, landscaping, layout and scale) for construction of 150 dwellings including affordable housing, landscaping, allotments, NEAP and associated site infrastructure; pursuant to outline planning permission reference 17/1019/MOUT. The proposal includes the discharge of conditions 6, 7, 9, 11, 12, 13, 14, 15, 16, 17, 23, 24, 25, 28, 34, 36 and 37 of outline planning permission reference 17/1019/MOUT | GRANTED (10 March 2022)

- o 22/2000/MRES | Reserved matters application (access, appearance, landscaping, layout and scale) for the construction of 135 dwellings including affordable housing, landscaping and associated site infrastructure. Subsequent application to Outline permission 17/1019/MOUT which was accompanied by an Environmental Statement. The proposal seeks the discharge of conditions 6, 7, 9, 11, 12, 13, 20, 21, 23, 24, 25, 28, 36 and 37 of the Outline planning permission. | GRANTED (8 September 2023)
- o 23/0085/MRES | Reserved matters application (access, appearance, landscaping, layout and scale) for the construction of a spine road including drainage and associated infrastructure. Subsequent application to outline permission 17/1019/MOUT which was accompanied by an Environmental Statement | GRANTED (2 February 2024)
- o 24/1387/V106 | Application to vary the S106 agreement to transfer obligations to a S73 application | PENDING CONSIDERATION

APPLICATION

The application seeks to vary condition No. 13 (Construction and Environment Management Plan) of planning permission ref: 17/1019/MOUT for the demolition of existing buildings and development of the site to provide up to 900 dwellings and a primary school with car and cycle park, public and private open space, together with landscaping and associated servicing (all matters reserved) which was accompanied by an Environmental Statement.

The amendment seeks to extend construction hours on Saturdays afternoons from the time of determination to 31 December 2024. From 1 January 2025, the working hours would revert to the previously approved hours.

The Existing Condition is as follows:

No development on an approved phase shall take place until a Construction and Environment Management Plan (CEMP) relating to that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include at least the following matters: air quality, dust, water quality, lighting, noise and vibration, pollution prevention and control, and monitoring arrangements. The following restrictions shall be adhered to:

- a) There shall be no burning on site during construction or site preparation works;
- b) No construction works shall be carried out, outside of the following hours: 0800 to 1800 Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
- c) There shall be no high frequency audible reversing alarms used on site.

The approved Plan shall be adhered to throughout the construction period.

The Proposed Condition (Now Condition 11) is as follows, with the changes shown in italics:

No development on a remaining phase or phases shall take place until a Construction and Environment Management Plan (CEMP) relating to that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include at least the following matters: air quality, dust, water quality, lighting, noise and vibration, pollution prevention and control, and monitoring arrangements. The following restrictions shall be adhered to:

- a) There shall be no burning on site during construction or site preparation works;
- b) *Between the decision date of this permission and 31 December 2024, no construction works shall be carried out, outside of the following hours: 08:00 to 18:00 Monday to Friday, 08:00 to 16:30 on Saturdays (Internal dwelling works only and no use of power tools between 14:00-16:30), and not at all on Sundays and Public Holidays;*
- c) *From 1 January 2025 onwards, no construction works shall be carried out, outside of the following hours: 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays, and not at all on Sundays and Public Holidays;*
- d) There shall be no high frequency audible reversing alarms used on site.

The approved Plan shall be adhered to throughout the construction period.

A separate application (24/1387/V106) has also been submitted to vary the S106 agreement to transfer the planning obligations to S73 applications.

NEIGHBOUR CONSULTATION

Two letters of objection have been received. These are summarised below:

- Application does not state why the variation is required.
- Justification should be provided for the variation.
- The need for the extension must outweigh the potential noise impact.
- Concerns with compliance with existing hours of operation.
- EDDC's Construction Sites Code of Practice states that variations will only be granted under exceptional circumstances.
- Proposal would set a precedence for works.
- Impact of noise, traffic, dust on residents.

The Tithebarn Residents Association objected to the application:

I am Chair of the Tithebarn Residents Association. We discussed this application at our most recent meeting, and these comments are submitted on behalf of people across the area.

Tithebarn Residents Association would like to object to the above variation of condition to extend construction hours on Saturdays.

The applicant has not provided any justification for the extended construction hours nor any mitigating measures to be put in place to avoid impacts on the quality of life of the considerable number of people living nearby. As far as we can establish, the

extension of work is not on an urgent or emergency basis, nor is the nature of work such that it is impossible for it be undertaken during the already permitted hours.

East Devon District Council has a long-established practice in line with other local planning authorities that limits construction to no later than 1300 on Saturdays (c.f. the adopted Construction Sites Code of Practice). We would not expect the quiet period that follows to be eroded without exceptional circumstances being presented by the applicant to avoid setting a wider precedent across the district.

The two primary access routes to this development are via Hutchings Drive and Stone Barton Road, both of which are now heavily inhabited. The extension of construction noise and traffic generation for much of Saturday leaves only one day of respite for residents. With several remaining phases of development within the outline planning area, erosion of this quiet period for an indefinite period undermines the balance between sustainable construction and residential amenity.

Regarding the limitation of construction noise to internal dwelling works between 1400- 1630, this does not specify the nature of the works which could still be equal in noise generation to residents in occupied buildings nearby. In any event, it does not reduce the impact of construction traffic that will be accessing the site, nor the mud/dust generation that already impacts a wider part of Tithebarn.

ASSESSMENT

A) WOULD THE PROPOSED AMENDMENT BE ACCEPTABLE?

Policy D1 (Design and Local Distinctiveness) of the adopted Local Plan (2016) states that proposals will only be permitted where they: 7. Mitigate potential adverse impacts, such as noise, smell, dust, arising from developments, both during and after construction.

Policy EN14 (Control of Pollution) of the adopted Local Plan (2016) 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 and 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 groundwater protection areas. c) Harbours, estuaries or the sea. 3. Noise and/or vibration. 4. Light intrusion, where light overspill from street lights or floodlights on to areas not intended to be lit, particularly in areas of open countryside and areas of nature conservation value. 5. Fly nuisance. 6. Pollution of sites of wildlife value, especially European designated sites or species. 7. Odour

East Devon District Council's Construction Sites Code of Practice (2014) states that where residential occupiers are likely to be affected by noise, the hours of work will normally be restricted to the following: Monday - Friday 8am - 6pm, Saturday 8am - 1pm, Sunday and Bank Holidays No work where noise is audible at the site boundary. These times may be varied according to local circumstances. Any works outside of these hours require prior approval from the Environmental Protection Team, Environmental Health. It should be

noted that approval will only be granted under exceptional circumstances and the contractor will be encouraged to inform local residents in advance of the proposed activity.

This application seeks to vary Condition 13 (Construction and Environment Management Plan) of application 17/1019/MOUT which requires the submission and approval of a CEMP for each phase of development as well as a number of restrictions. This includes restriction b) which sets out that "No construction works shall be carried out, outside of the following hours: 0800 to 1800 Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays". A restriction on construction hours was applied to the development to protect the amenity of existing and future residents and in accordance with the Council's Construction Sites Code of Practice.

The application seeks to increase working hours on a Saturday from 13:00 to 16:30 but from 14:00 to 16:30, works would be internal dwelling works only and there would be no use of power tools. The increase in working hours would also be a temporary measure from the date of decision to 31 December 2024. From 1 January 2025, the working hours would revert to the previously approved hours of between 0800 to 1300 on Saturdays.

The applicant has set out the reasons why the temporary extension to the working hours is required. The applicants are currently developing Phase 2 of the development which was expected to be fully occupied by the end of 2024 as per the Phasing Plan. As of the end of August 2024, 56 out of 150 dwellings have been occupied.

Due to several unforeseen circumstances which includes adverse weather conditions, archaeological discoveries on site and personnel shortages, the build programme is behind schedule. In relation to the archaeological discoveries, a Romano-British enclosure and sunken feature outside the enclosure including pottery and metal work were discovered and which was excavated and reported to Devon County Council. During the excavation which lasted around 4 months, no works on site were permitted. Furthermore, the opportunities for the district heat network connections are limited and directed by E-ON and missing an opportunity could result in delays of up to 6 months. The additional time granted would allow for additional external works and dwellings to be completed internally to release contractors to progress on the build programme and infrastructure delivery and avoid further setbacks.

The proposed works would include an additional hour of internal and external works (from 13:00 to 14:00) followed by an additional 2.5 hours of internal dwelling works (from 14:00 to 16:30). The internal works could include decorating, flooring, fitting of kitchens and bathrooms, electrical installations and plumbing however, due to the location of existing and proposed dwellings, it is necessary to include a restriction on the use of power tools between 14:00-16:30.

In relation to traffic impacts, it is envisaged that staff members and contractors would already be on site and the proposal to extend the hours would result in staff and contractors remaining on site rather than additional staff leaving and entering the site beyond 13:00. The additional works undertaken as a result of the extension of hours is likely to result in additional deliveries to the site, however delivery hours are controlled via the approved CEMPs of which the applicant has not sought to amend. The delivery hours at this stage will remain as previously approved. Furthermore, the applicant is willing to implement internal traffic management strategies to minimise disruption to residents. The applicants

would still be required to manage air quality, dust, water quality, lighting, noise and vibration, pollution prevention and control, and monitoring arrangements as per the requirement of the condition.

The application was reviewed by National Highways, who is satisfied the proposal will not result in an unacceptable impact on the safe operation of the strategic road network and Devon County Council Highway Authority (CHA) who has no objection to the application.

Officers note that residents and the Parish Council have raised concerns regarding the additional hours and impact on traffic, noise, dust etc. The restriction on internal works only between 14:00 and 16:30 to the dwellings and use of power tools would reduce the level of noise and vibrations to existing and proposed residents and it is also noted that these hours are a temporary measure till the end of 2024. The additional hour of external and internal works would result in noise and disturbance however the Parish Council support an additional hour of work from 13:00 to 14:00. It is also noted that this will take effect in autumn/winter where outdoor amenity areas tend to be less used, and windows are more likely to be closed.

The application has been reviewed by the District Council's Environmental Health Officer who indicated that where internal dwelling works involve noisy operations i.e., the use of repetitive actions (hammer gun), the CEMP should be amended. However, officers have taken the view to restrict the use of power tools from 14:00 to 16:30 to protect the amenities of local residents.

It is recognised that Construction Sites Code of Practice does allow for working hours to be varied under exceptional circumstances and whilst there is a recognised need for a temporary change to working hours, the extent to which they are exceptional is not clear. However, the Construction Sites Code of Practice is not an adopted planning policy document and the District Council's Environmental Health Officer has not raised any conflict in relation to the application and compliance with Policies D1 and EN14.

In weighing up the harm and the additional hours, and subject to the restrictions in the proposed condition, officers consider that the temporary extension to working hours would not result in any significant harm to neighbouring properties in terms of noise, traffic and disturbance. A benefit of the proposal would arise from the completion of additional housing on a strategic development site in a timelier fashion.

The conditions attached to the previous outline approval would be transferred to this application. Every planning application is determined on its own merits and the precise context of every site is different, in this case the approval of this application does not set a precedence to extend construction hours.

CONCLUSION

In conclusion, the variation of Condition 13 is considered to be acceptable in this instance. Due to the circumstances of this application and subject to the restrictions in the proposed condition, officers consider that the extension to working hours to the end of 2024 would on balance not result in any significant harm to neighbouring properties in terms of noise, traffic and disturbance.

The application is therefore recommended for approval subject to conditions.

The S106 agreement for 17/1019/MOUT does not allow for the S106 to be carried over to any S73 applications meaning a deed of variation is required. This may be dealt with as a single DOV (ref: 24/1387/V106) alongside the determination of this application.

The previous approval included several conditions and approved plans. The list of recommended conditions below reflects that some conditions have been discharged or partially discharged and the fact that development has begun, to ensure they remain relevant, in accordance with the Planning Practice Guidance.

RECOMMENDATION

APPROVE subject to a Deed of variation to the S 106 Agreement and to the following conditions:

1. Reserved Matters

Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") for each approved phase or phases shall be obtained from the Local Planning Authority in writing before any development is commenced within that phase.

(Reason: The application is in outline with one or more matters reserved.)

2. Reserved Matters Time Limit

Application for the approval of all reserved matters shall be made to the local planning authority before the expiration of 7 years from the date of the original permission (17/1019/MOUT; approved 16 November 2017). The development hereby permitted for each of the subsequent approved phases shall be begun before the expiration of 2 years from the date of the approval of the reserved matters for that relevant phase.

(Reason - To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)

3. Neighbourhood Plan

The development shall be carried out in strict accordance with the details and accompanying documents discharged as part of the Neighbourhood Plan on 26 November 2018 (under reference 17/1019/MOUT).

The development shall be carried out in strict accordance with the details and accompanying documents discharged as part of the Framework Plan and Appearance Palette associated with Phase 1 on 27 February 2019 (under reference 17/1019/MOUT).

The development shall be carried out in strict accordance with the details and accompanying documents discharged as part of the Framework Plan and Appearance Palette associated with Phase 2 (known as Phase 3 at the time) on 6 September 2021 (under reference 17/1019/MOUT).

The development shall be carried out in strict accordance with the details and accompanying documents discharged as part of the Framework Plan and Appearance Palette associated with Phase 3 on 15 May 2023 (under reference 17/1019/MOUT).

The development shall take place in accordance with the following parameter plans together with the design principles and parameters established in the approved Design and Access Statement:

Land Use - drwg no. 1034-SK10-C
Plot ratio plan - drwg no. 1034-SK13-A
Maximum building heights - drwg no. 1034-SK12-B
Access and Movement - drwg no. 1034-SK11-B
Green Infrastructure - drwg no. 1034-SK14-C

Prior to the submission of any reserved matters application(s) for the remaining phase or phases the development, a Framework Plan and Statement on the Appearance Palette for the relevant phase or phases of the development shall be submitted to and approved in writing by the local planning authority. The Framework Plan(s) (1:1000) shall follow the principles established in the approved Neighbourhood Plan and shall be in accordance with the approved parameter plans above. The Framework Plan(s) shall show the indicative location of buildings and their type, public and private open spaces and parking (including cycle parking) typologies, together with how the design principles in the approved Design and Access Statement will be applied at the more detailed level.

The Appearance Palette shall be provided in the form of a statement providing information and guidance on building design and character, constructional materials and detailing, surface materials and their finishes, street furniture and street tree species.

The reserved matters application or applications shall adhere to the approved framework plan(s) and accompanying palette relevant to that part of the site.

(Reason - To define the permission and ensure compliance with the approved plans and principles of the development.)

4. Landscaping Strategy

The development shall be carried out with the details submitted and approved under the following reserved matters approvals: Phase 1 (19/0464/MRES), Phase 2 (21/2490/MRES and 22/2072/VAR) and Phase 3 (22/2000/MRES).

The landscaping schemes to be submitted as part of the remaining reserved matters applications specified within the outline planning permission shall follow the landscape design principles within the approved Landscape Strategy (Section 5.7) of the Design

and Access Statement and the Green Infrastructure Parameter Plan. The details to be submitted for the landscape scheme shall include an implementation schedule and maintenance scheme for the approved details of landscaping. The landscaping shall be provided and maintained in accordance with the approved details.

(Reason - To define the permission and ensure that the development proceeds in accordance with the landscape strategy in the interests of the appearance of the development and to comply with Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013 to 2031).

5. Landscaping

The development shall be carried out with the details submitted under the following reserved matters approvals: Phase 1 (19/0464/MRES), Phase 2 (21/2490/MRES and 22/2072/VAR), Phase 3 (22/2000/MRES) and Infrastructure (23/0085/MRES).

The landscaping proposals to be submitted as part of the remaining reserved matters application(s), shall clearly show all the hedgerows to be retained, removed and created within that phase and how these hedgerows link into the adjacent phase(s). For those hedgerows proposed to be retained in accordance with the approved Green Infrastructure Parameter plan, details shall include how the hedgerows will be protected during construction, future maintenance and, where they form part of the boundary to a private property, how that will be managed and protected from damage. Proposals for existing hedgerows to be removed shall be accompanied by a written justification in terms of species/habitat impact which shall be approved in writing by the Local Planning Authority. New hedgerows to be planted shall be included within the landscape proposals and shall show full details, including implementation, and shall provide a statement to be approved in writing by the Local Planning Authority as to how they contribute to the enhancement of foraging, breeding, commuting and dispersal habitat on the site and the links to other habitats around the site.

(Reason - In the interests of the long term visual amenity of the site and the landscape setting together with the need to conserve and enhance biodiversity on and around the site in accordance with Strategy 7 (Development in the Countryside), Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements), EN4 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites) and EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 to 2031 and policy contained within the NPPF.)

6. Countryside/Community Park

The development shall be carried out in strict accordance with the details and accompanying documents associated with the Countryside/Community Park discharged on 18 October 2023 (under reference 17/1019/MOUT).

(Reason: In the interests of the long term visual amenity of the site and the landscape setting together with the need to conserve and enhance biodiversity on and around the site in accordance with Strategy 7 (Development in the Countryside), policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements), EN4 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites) and EN5

(Wildlife Habitats and Features) of the East Devon Local Plan 2013 to 2031 and policy contained within the NPPF.)

7. Bird Boxes

The development shall be carried out with the details submitted and approved under the following reserved matters approvals: Phase 1 (Condition 11 of 19/0464/MRES), Phase 2 (21/2490/MRES and 22/2072/VAR) and Phase 3 (22/2000/MRES).

No dwelling shall be commenced on a remaining phase or phases until a scheme for the provision of swallow boxes and house martin boxes on the buildings comprised in the remaining phase or phases have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the physical details of the artificial nests, the location of the buildings which would be fitted and their position on the buildings. No building approved to have an artificial nest shall be occupied until the artificial nest has been provided on that building in accordance with the approved details and it shall thereafter be maintained. The development shall provide a minimum of ten swallow boxes and ten house martin boxes around the perimeter of the development.

(Reason - To ensure that the development mitigates against habitat loss and enhances biodiversity in accordance with policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 to 2031 and policy contained within the NPPF. The details are required prior to construction of any dwellings on a particular phase as the design and provision of bird boxes may be required at the start of the development.)

8. Barn Owl Mitigation

The development shall be carried out in strict accordance with the details and accompanying documents associated with the Barn Owl Mitigation discharged on 22 April 2021 (under reference 17/1019/MOUT).

(Reason - To ensure that the development mitigates against habitat loss and enhances biodiversity in accordance with policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 to 2030 and policy contained within the NPPF).

9. External Lighting

The development shall be carried out in strict accordance with the details and accompanying documents associated with External Lighting discharged as part of Condition 11 on 1 October 2020 (under reference 17/1019/MOUT).

The development shall be carried out with the details submitted under the following reserved matters approvals: Phase 2 (21/2490/MRES and 22/2072/VAR).

No development shall be commenced on a remaining phase or phases until a scheme for an External Lighting and Management Plan relating to the relevant phase or phases has been submitted to and approved in writing by the Local Planning Authority. The plan shall provide details of the design, hours of use, locations and management of any temporary or permanent exterior lighting within any public area, including

signage, floodlighting and road lighting. The lighting for the relevant phase or phases shall then be installed and operated in accordance with the approved details.

(Reason: To safeguard the amenities of the area, to protect future occupiers and protected species from excessive light levels and in the interests of airport safety in accordance with Strategy 7 (Development in the Countryside), policies D1 (Design and Local Distinctiveness), EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) and of the East Devon Local Plan 2013 to 2031 and policy contained within the NPPF. The details are required at an early stage for the relevant phase as exterior lighting, in some form, is likely to be needed early on in the development process.)

10. Internal Noise Levels

The development shall be carried out with the details submitted under the following reserved matters approvals: Phase 1 (19/0464/MRES), Phase 2 (21/2490/MRES and 22/2072/VAR) and Phase 3 (22/2000/MRES) and all mitigation measures shall be retained thereafter.

As part of any future reserved matters application, which includes residential development, a scheme shall be submitted to demonstrate that the internal noise levels within all residential units comprised in the relevant reserved matters application will conform to the "good" design range identified by BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' and to the recommendations in the Noise Impact Assessment prepared by Clarke Saunders Acoustics dated November 2014 and the Noise and Vibration chapter of the submitted Environmental Statement dated March 2017. The development of the relevant phase shall thereafter be carried out in accordance with the approved details and be retained thereafter.

(Reason - To protect the amenities of future residents from road, rail and airport noise, in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 to 2031.)

11. Construction and Environment Management Plan (CEMP)

The development shall be carried out in strict accordance with the details and accompanying documents associated with the CEMP for Phase 1 discharged as part of Condition 13 on 23 July 2020 (under reference 17/1019/MOUT).

The development shall be carried out in strict accordance with the details and accompanying documents associated with the CEMP for: Phase 2 (21/2490/MRES and 22/2072/VAR) and Phase 3 (22/2000/MRES).

The development shall be carried out in strict accordance with the details and accompanying documents associated with the CEMP for Infrastructure discharged as part of Condition 13 on 25 September 2024 (under reference 24/1779/DOC).

No development on a remaining phase or phases shall take place until a Construction and Environment Management Plan (CEMP) relating to that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include at least the following matters: air quality, dust, water quality, lighting, noise and

vibration, pollution prevention and control, and monitoring arrangements. The following restrictions shall be adhered to:

- a) There shall be no burning on site during construction or site preparation works;
- b) Between the decision date of this permission and 31 December 2024, no construction works shall be carried out, outside of the following hours: 08:00 to 18:00 Monday to Friday, 08:00 to 16:30 on Saturdays (Internal dwelling works only and no use of power tools between 14:00-16:30), and not at all on Sundays and Public Holidays;
- c) From 1 January 2025 onwards, no construction works shall be carried out, outside of the following hours: 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays, and not at all on Sundays and Public Holidays;
- d) There shall be no high frequency audible reversing alarms used on site.

The approved plan shall be adhered to throughout the construction period.

(Reason - To protect the amenities of existing and future residents and having regard to the special circumstances present between the date of this permission and 31 December 2024 and to comply with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 to 2031. The CEMP details are required at an early stage as it is applicable on commencement of development.)

12. Percolation Testing

The development shall be carried out in strict accordance with the details and accompanying documents associated with Percolation Testing discharged as part of Condition 14 on 23 July 2020 (under reference 17/1019/MOUT).

The development shall be carried out with the details submitted and approved under the following reserved matters approval: Phase 2 (21/2490/MRES and 22/2072/VAR).

(Reason- To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible to accord with policy EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013 to 2031 and policy contained within the National Planning Policy Framework. The tests need to be completed at an early stage before construction starts).

13. Surface Water Drainage Management Plan

The development shall be carried out in strict accordance with the details and accompanying documents associated with the Surface Water Drainage Management Plan discharged as part of Condition 15 on 23 July 2020 (under reference 17/1019/MOUT).

The development shall be carried out with the details submitted and approved under the following reserved matters approval: Phase 2 (21/2490/MRES and 22/2072/VAR).

(Reason - To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the

principles of sustainable drainage systems to accord with policy EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013 to 2031 and policy contained within the National Planning Policy Framework. The details are required at an early stage as the drainage system will need to be provided and managed near to the start of the development).

14. Surface Water Drainage Adoption and Management

The development shall be carried out in strict accordance with the details and accompanying documents associated with the Surface Water Drainage Adoption and Management Arrangements discharged as part of Condition 16 on 23 July 2020 (under reference 17/1019/MOUT).

The development shall be carried out with the details submitted and approved under the following reserved matters approval: Phase 2 (21/2490/MRES and 22/2072/VAR).

(Reason - To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible, and is managed and maintained in accordance with the principles of sustainable drainage systems to accord with policy EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013 to 2031 and policy contained within the National Planning Policy Framework. The details will be required at an early stage of the development as management arrangements will be required near the start of the development).

15. Construction Surface Water Drainage Management Plan

The development shall be carried out in strict accordance with the details and accompanying documents associated with the Construction Surface Water Drainage Management Plan discharged as part of Condition 17 on 23 July 2020 (under reference 17/1019/MOUT).

The development shall be carried out with the details submitted and approved under the following reserved matters approval: Phase 2 (21/2490/MRES and 22/2072/VAR).

(Reason - To ensure that surface water from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area to accord with policies EN18 (Maintenance of Water Quality and Quantity) and EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013 to 2031 and policy contained within the National Planning Policy Framework. The details are required at the start of the development as these drainage measures will be needed early on in the construction).

16. Contamination

Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or the development, the Local Planning Authority shall 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 policy EN16 (Contaminated Land) of the East Devon Local Plan 2013 to 2031 and with the National Planning Policy Framework.)

17. Written Scheme of Investigation

All archaeological investigations shall be carried out in accordance with the approved Written Scheme of Investigation for a Programme of Archaeological Works (dated December 2016) by CgMs Consulting and completed in accordance with the approved scheme on a phased basis, unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan 2013 to 2031. The investigations are required at an early stage of the development or phases as archaeological remains will be disturbed when development commences.)

18. Arboriculture

The development shall be carried out in strict accordance with the details and accompanying documents associated with the Protection of Trees/Hedges discharged as part of Condition 20 on 23 July 2020 (under reference 17/1019/MOUT).

The development shall be carried out in strict accordance with the details and accompanying documents associated with the Protection of Trees/Hedges discharged as part of Condition 20 on 13 December 2022 (under reference 17/1019/MOUT).

The development shall be carried out with the details submitted and approved under the following reserved matters approval: Phase 3 (22/2000/MRES) and Infrastructure (23/0085/MRES).

Prior to commencement of any works comprised in a remaining phase or phases (including demolition and site clearance or tree works), a tree survey and report to include a Tree Protection Plan (TPP) and Arboricultural Method Statements (AMS) for the protection of all retained trees, hedges and shrubs on or adjacent to the relevant phase, shall be submitted to and approved in writing by the Local Planning Authority.

The layout and design of each remaining phase of the development shall be informed by and take account of the constraints identified in the surveys and reports.

The tree survey and report shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. The development shall be carried out in accordance with the approved details.

Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development of each phase, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Local Planning Authority for approval in writing and final discharge of the condition for that particular phase.

(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 and Development Sites) of the East Devon Local Plan 2013 to 2031. The details are required at an early stage as trees are at risk from construction works at the commencement of the development.)

19. Services and Infrastructure

The development shall be carried out in strict accordance with the details and accompanying documents associated with the Services/Drainage in relation to Trees/Hedgerows discharged as part of Condition 21 on 15 March 2021 (under reference 17/1019/MOUT).

The development shall be carried out with the details submitted and approved under the following reserved matters approval: Phase 3 (22/2000/MRES) and Infrastructure (23/0085/MRES).

Prior to the commencement of any works on a remaining phase (including demolition and site clearance or tree works), a detailed plan showing layout of the above and below ground services, foul and surface water drainage and other infrastructure comprised in that phase shall be submitted to and approved in writing by the Local Planning Authority (notwithstanding any additional approvals which may be required under any other Legislation). Such layout shall provide for the long term retention of the trees and hedgerows with the relevant works to be undertaken in accordance with the approved service/drainage/infrastructure layout.

(Reason - To ensure the retention and protection of trees on the site in the interests of amenity and to reserve and enhance the character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and D3 (Trees and Development Sites) of the East Devon Local Plan 2013 to 2030. The details are required at an early stage as trees are at risk from construction work at the start of the development.)

20. Fowl Sewage

The development shall be carried out in strict accordance with the details and accompanying documents associated with the Fowl Sewer discharged as part of Condition 22 on 12 July 2018 (under reference 17/1019/MOUT).

(Reason - To ensure that the proposed development does not overload the existing sewerage network causing flooding to other properties in accordance with policy EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) of the East Devon Local Plan 2013 to 2031 and policy contained within the National Planning Policy framework. The details are required pre-commencement to allow sufficient time to carry out any required improvements as these will be required at first occupation.)

21. Site and Floor Levels

The development shall be carried out in strict accordance with the details and accompanying documents associated with the Site and Floor Levels discharged as part of Condition 23 on 23 July 2020 (under reference 17/1019/MOUT).

The development shall be carried out with the details submitted and approved under the following reserved matters approvals: Phase 2 (21/2490/MRES and 22/2072/VAR), Phase 3 (22/2000/MRES) and Infrastructure (23/0085/MRES).

Before any development commences on a remaining phase, details of finished floor levels and finished ground levels in relation to a fixed datum for that phase 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 the levels are available in the interests of the appearance of the locality and the amenity of adjoining occupiers, in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 to 2031. The details of levels are required at this stage as these will be set at an early stage of the construction).

22. Walls and/or Fences

The development shall be carried out in strict accordance with the details and accompanying documents associated with the Walls/Fences discharged as part of Condition 24 on 23 July 2020 (under reference 17/1019/MOUT).

The development shall be carried out with the details submitted and approved under the following reserved matters approvals: Phase 2 (21/2490/MRES and 22/2072/VAR) and Phase 3 (22/2000/MRES).

Before the development hereby permitted is commenced on a remaining phase, details of the walls and/or fences to be erected within the curtilage of the dwellinghouses comprised in that phase shall be submitted to and approved in writing by the Local Planning Authority.

Any walls and/or fences shall be erected in accordance with the approved details within the curtilage of the dwellinghouse before it is first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), these walls and/or fences shall not thereafter be altered, removed or replaced without the prior written approval of the Local Planning Authority.

(Reason - In the interests of preserving and enhancing the appearance of the area and/or protecting the privacy of local residents, in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 to 2031. The details of boundary treatment are required at this stage as they will start to be erected at an early stage of the development)

23. External Materials

The development shall be carried out in strict accordance with the details and accompanying documents associated with the External Materials discharged as part of Condition 25 on 20 October 2020 (under reference 17/1019/MOUT).

The development shall be carried out in strict accordance with the details and accompanying documents associated with the External Materials discharged as part of Condition 25 on 20 December 2022 (under reference 17/1019/MOUT).

The development shall be carried out with the details submitted and approved under the following reserved matters approvals: Phase 2 (21/2490/MRES and 22/2072/VAR) and Phase 3 (22/2000/MRES).

Prior to the commencement of a remaining phase, details of materials to be used externally in that phase shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be built in the materials approved.

(Reason - 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 2013 to 2031. The materials are required to be agreed prior to commencement of a particular phase because construction using these materials occurs at the start of the development).

24. Phasing Plan

The development shall be carried out in strict accordance with the details and accompanying documents associated with the Phasing Plan discharged as part of Condition 26 on 9 September 2024 (under reference 24/1767/DOC).

(Reason - To ensure that the development proceeds in accordance with an agreed programme of delivery, those areas closest to existing transport services are developed first, and that would be in individual phases, the open space associated with the development is co-ordinated with the construction of the houses which it will serve).

25. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice and all plans and details approved pursuant to the discharge of conditions relating to this permission and 17/1019/MOUT.

(Reason - For the avoidance of doubt.)

26. District Heat Connections

The development shall be carried out in strict accordance with the details and accompanying documents associated with the DHN Connections discharged as part of Condition 28 on 15 March 2021 (under reference 17/1019/MOUT).

The development shall be carried out with the details submitted and approved under the following reserved matters approvals: Phase 2 (21/2490/MRES and 22/2072/VAR) and Phase 3 (22/2000/MRES).

The buildings comprised in the development hereby approved shall be constructed so that their internal systems for space and water heating are capable of being connected to the proposed decentralised energy network. Prior to the occupation of a remaining phase the necessary on site infrastructure for that phase shall be put in place for connection to those systems to the network at points on the site boundary agreed in writing by the Local Planning Authority.

(Reason - In the interests of sustainable development and to support the opportunities for decentralised energy supply systems to accord with Strategy 40 (Decentralised Energy Networks) of the East Devon Local Plan 2013 to 2031 and policy contained within the National Planning Policy Framework).

27. Soil Resources Plan

The development shall be carried out in strict accordance with the details and accompanying documents associated with the Soil Resource Plan discharged as part of Condition 29 on 23 July 2020 (under reference 17/1019/MOUT).

The development shall be carried out in strict accordance with the details and accompanying documents associated with the Soil Resource Plan discharged as part of Condition 29 on 10 March 2023 (under reference 17/1019/MOUT).

(Reason - To ensure that the high-quality soil resources at the site are conserved and re-used having regard to the site being identified as high quality agricultural land and government policy contained in the National Planning Policy Framework).

28. Green Infrastructure Delivery Plan

The development shall be carried out with the details submitted and approved under the following reserved matters approval: Phase 1 (19/0464/MRES).

(Reason - In the interests of the comprehensive and integrated provision of all landscape, biodiversity and open space to ensure the development contributes to and enhances the natural and local environment to comply with Strategy 10 (Green Infrastructure in East Devon's West End) and policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 to 2031 and government policy contained within the National Planning Policy Framework).

29. Sustainable Transport Access Strategy

The development shall be carried out in strict accordance with the details and accompanying documents associated with the Sustainable Transport Access Strategy discharged as part of Condition 33 on 1 October 2020 (under reference 17/1019/MOUT).

(Reason: To ensure safe and suitable access secure for sustainable transport modes and promote sustainable transport, in accordance with policies TC2 (Accessibility of New Development) and TC4 (Footpaths, Bridleways and Cycleways) of the East Devon Local Plan 2013 to 2031 and with paragraph 34 of the National Planning Policy Framework).

30. Cycle and Vehicular Parking

The development relating to cycle and vehicular parking shall be carried out with the details submitted and approved under the following reserved matters approvals: Phase 1 (19/0464/MRES) and Phase 2 (21/2490/MRES and 22/2072/VAR).

No part of the development hereby approved shall be brought into its intended use until the on-site cycle and vehicular parking facilities for the relevant phase 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 policies TC4 (Footpaths, Bridleways and Cycleways) and TC9 (Parking Provision in New Development) of the East Devon Local Plan 2013 to 2031 and the National Planning Policy Framework).

31. Highway Details

The development shall be carried out in strict accordance with the details and accompanying documents associated with the Highway Details discharged as part of Condition 35 on 23 July 2020 (under reference 17/1019/MOUT).

The development shall be carried out with the details submitted and approved under the following reserved matters approval: Infrastructure (23/0085/MRES).

Prior to their construction or laying out, the details of the proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture for the remaining phases shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed and laid out in accordance with the details approved by the Local Planning Authority. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

(Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 to 2030).

32. Construction Method Statement

The development shall be carried out with the construction method details submitted and approved under the following reserved matters approvals: Phase 2 (21/2490/MRES and 22/2072/VAR) and Phase 3 (22/2000/MRES).

The development shall be carried out in strict accordance with the details and accompanying documents associated with the Construction Method Statement discharged as part of Condition 35 on 25 September 2024 (under reference 24/1779/DOC)

No development shall take place on a remaining phase, including any works of demolition, until a Construction Method Statement for that phase has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of access arrangements and timings and management of arrivals and departures of vehicles. The approved Statement shall be adhered to throughout the construction period.

(Reason: In the interests of highway safety and public amenity in accordance with policies D1 (Design and Local Distinctiveness) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 to 2031. The details are required before development takes place as this is to control the construction phase).

33. Waste Audit Statement

The development shall be carried out in strict accordance with the details and accompanying documents associated with the Waste Audit Statement discharged as part of Condition 37 on 17 February 2021 (under reference 17/1019/MOUT).

The development shall be carried out with the details submitted and approved under the following reserved matters approvals: Phase 2 (21/2490/MRES and 22/2072/VAR) and Phase 3 (22/2000/MRES).

Prior to the commencement of a remaining phase, a detailed Waste Audit Statement relating to that phase or phases shall be submitted to and approved in writing by the Local Planning Authority. The Waste Audit Statement shall include the wastes arising from the construction and operational stages of the phase or phases and shall be specific to the development hereby permitted. The approved Waste Audit Statement shall be implemented prior to any waste being generated on site for each relevant phase and it shall thereafter be maintained.

(Reason - The details are required before development takes place to ensure a sufficient and integrated provision on the development for dealing with waste and to maximise reuse and recovery of waste in accordance with the Devon Waste Plan policy W4 and government policy in the National Planning Policy for Waste).

NOTE FOR APPLICANT

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.

This planning permission is accompanied by a S106 Planning Obligation which must be read in conjunction with the decision notice.

The planning application was accompanied by an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In accordance with Regulation 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the Local Planning Authority confirms that they have taken the environmental information contained within the Environmental Statement into consideration.

Biodiversity Net Gain

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

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

The BG conditions states that development may not begin unless:

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

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

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

Based on the information available this permission is considered to be one which will **not require** the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

In this case exemption 3 from the list below are considered to apply

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

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

Irreplaceable habitat

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

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

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

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Plans relating to this application:

MOSS24-001	Location Plan	09.07.24
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List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:

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

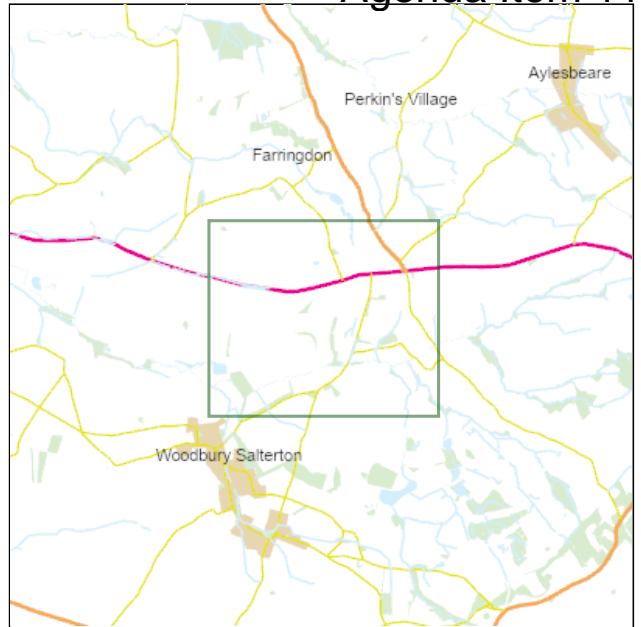
Ward Woodbury And Lympstone

Reference 23/2749/MFUL

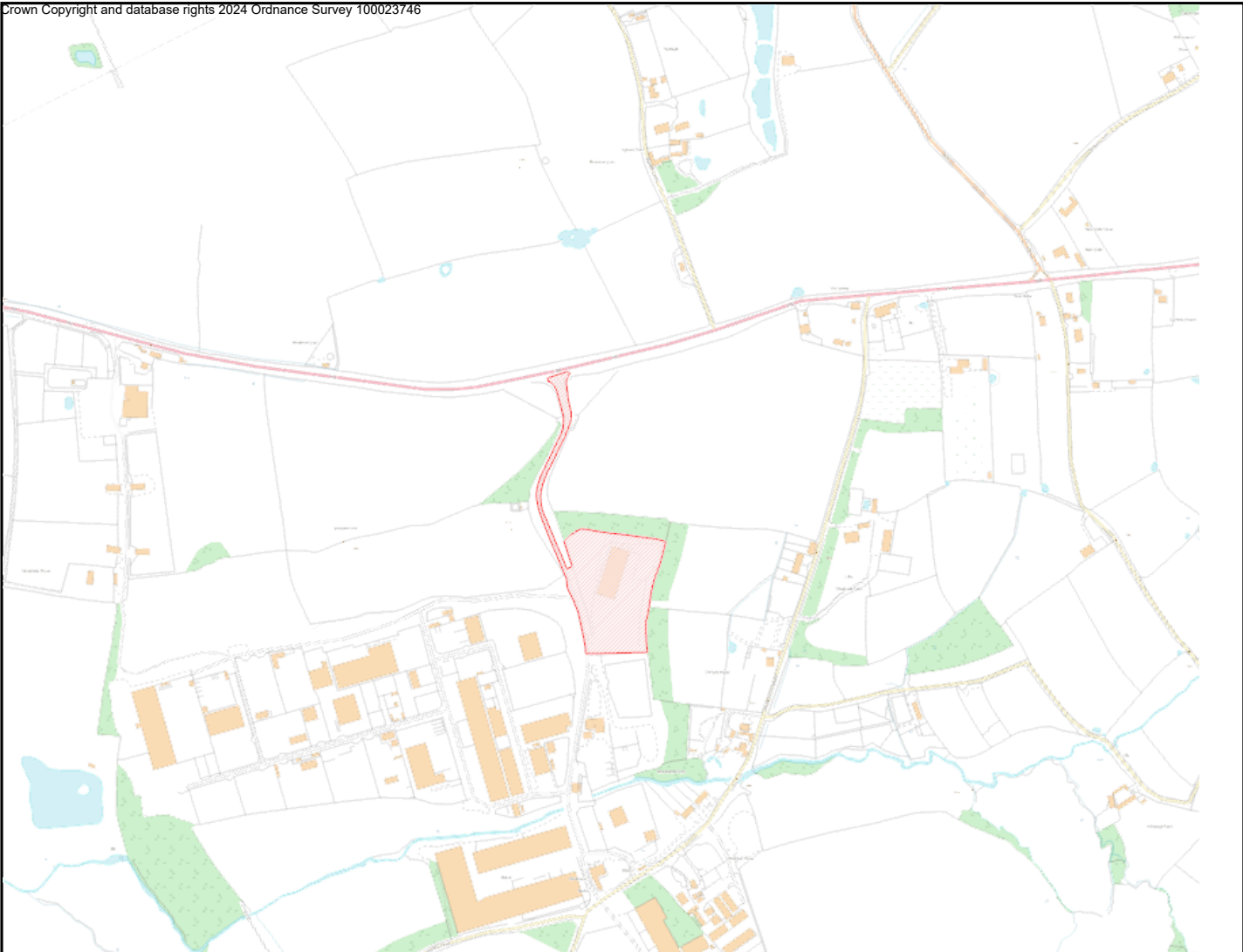
Applicant Mr Paul James

Location NHS Vaccination Centre Greendale Business Park Woodbury Salterton EX5 1EW

Proposal Permanent use of the building and car park for use class E (e) medical and health facility, and ancillary parking.



RECOMMENDATION: Refusal



		Committee Date: 22.10.2024
Woodbury And Lympstone (Woodbury)	23/2749/MFUL	Target Date: 20.03.2024
Applicant:	Mr Paul James	
Location:	NHS Vaccination Centre Greendale Business Park	
Proposal:	Permanent use of the building and car park for use class E (e) medical and health facility, and ancillary parking	

RECOMMENDATION: REFUSAL

UPDATE TO REPORT

This application was deferred at the Planning Committee meeting on 26th March 2024 so that Members could undertake a site visit to better understand the relationship of the site and development with its surroundings and to allow the applicant the opportunity to submit details relating to surface water drainage and management.

Surface Water Management:

Members will note from the appended report that officers recommend refusal of the application on the basis that the applicants have not provided a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere. The County Council's Flood Risk Management Team have objected to the application on the basis that the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. As the application is retrospective and the building and hard standing that has been installed has a significant footprint, officers are of the opinion that a detailed surface water management plan needs to be provided to the satisfaction of the LLFA before planning permission can be granted.

Members of the committee deferred the application to allow the applicant the opportunity to provide the appropriate drainage information. The applicant has engaged in the services of AWP who have prepared a surface water drainage plan for the development along with a technical note which provides further detail in respect of the existing site drainage and a proposed scheme for the drainage of surface water from the site.

The report sets out that at present, the site has a series of surface water gullies and oil interceptors along the eastern and southern margins of the hardstanding areas. Existing runoff is conveyed to a surface water sewer running from north to south within the eastern margin of the site, discharging to an existing manhole to the south with subsequent discharge into the Grindle Brook. The existing site comprises areas of tarmac and concrete surfaces used as parking for the vaccination centre. Run-off from the site drains through the existing private surface water sewer network, discharging south to the Grindle Brook.

Based on a review of ground conditions and due to the extent of made ground, infiltration has been precluded and in line with the drainage hierarchy, discharge to a surface water body is being proposed. The surface water strategy proposed is for the surface water runoff generated from the building and parking areas is to be intercepted by a new swale and filter drain that would be directed towards a new cellular attenuation tank beneath the tarmac yard area. The cellular tank would then discharge flows at greenfield rates to an existing as-built storm water outfall which discharges into the Grindle Brook.

The County Council's Flood Risk Management Team have considered the proposed drainage strategy and have advised that they are supportive of the drainage strategy that has been put forward. Officers are therefore satisfied that a compliance condition could be worded to the effect that the surface water drainage is installed, operated and maintained in accordance with the details that have been submitted and that the proposal would now comply with policy EN22-nSurface Run-Off Implications of New Development of the Local Plan.

The previously worded fourth reason for refusal has now been addressed and has therefore been removed from the officer's recommendation.

Whilst this is the case, officers continue to recommend refusal of the application on the basis that in the absence of any evidence of overriding need, the proposal represents unjustified development in the countryside in conflict with the spatial approach to accommodate commercial development within defined settlements as identified within the Local Plan, use of the site as a COVID surge centre for the NHS will result in employees and visitors to the building being reliant on use of the private car, in conflict with policies in the East Devon Local Plan and the NNPF which encourage promoting and securing sustainable modes of travel and transport and that the development appears unduly prominent and visually intrusive and encroaches into the countryside to the detriment of the rural landscape character and appearance of the area.

EXECUTIVE SUMMARY

This application is before members of the Planning Committee because the officer recommendation differs from that of a ward councillor.

Members will recall planning application 22/1893/FUL which was refused by the Planning Committee, in-line with officer recommendation, for four reasons in relation to the principle of development and the absence of policy support for the expansion of Greendale Business Park, the sustainability and accessibility of the site, the landscape and visual impact and failure to demonstrate that adequate provision has been or can be made to sustainably manage surface water run-off.

This application is a re-submission of the refused application with the only change being that the applicant is no longer proposing alternative commercial uses for the building. The proposal is for retention of the building for use as an NHS surge centre only.

The starting point for determining this application is that it is for the retention of a site and building in the countryside that was originally constructed under permitted development rights. The building has a temporary permission and has only been approved by the Council alongside the permitted development right on the basis of exceptional circumstances at the time to aid in dealing with the global pandemic to fight Covid 19 with the intention of its removal by the end of December 2023.

The fact that the building and site are already in use for a temporary basis is not considered to be relevant to the determination of this application because when originally constructed under permitted development, the Council could give no consideration to the location of the building, its siting and how it would be considered against Local Plan policies, the principle of development, the accessibility and sustainability of the site, its landscape and visual impact, surface water run-off and management, highway safety and any other relevant material considerations.

Development of the application site has led to the outward expansion of the business park into the countryside and outside of the extent of authorised uses of Greendale Business Park which is not supported by either the Local Plan or the Adopted Villages Plan. The application is considered to be contrary to strategy 7 and policy E7 of the Local Plan which indicate that the principle of development in this location would harm the clear strategic intentions of the Local Plan which is not to permit the outward expansion of Greendale Business Park.

In the absence of policy support for the principle of development, the application is considered to be a departure from the Local Plan. Planning law requires that applications for planning permission must be determined in accordance with the

development plan unless material considerations indicate otherwise.

Strategically, Greendale Business Park is identified within the Local Plan as a substantial stand-alone employment site which is different from the smaller and medium scale sites of East Devon and not deemed appropriate for expansion on account of its unsustainable location and to limit further landscape impact.

The location of the application site at Greendale Business Park away from settlements means that people are likely to access the surge centre site via private car which promotes a pattern of transport that would not be considered to represent a form of sustainable development conflicting with Local Plan policies and the NPPF which seek to encourage promoting and securing sustainable modes of travel and transport. In land use terms the proposal is not considered to represent a sustainable form of development from an environmental perspective which weighs further against the proposal within the overall planning balance. A view that has been supported by the Planning Inspectorate in recently dismissing the appeal for retention of the NHS vaccination centre at Greendale Farm Shop.

The landscape impact arising from the outward expansion of the business park into the countryside and the visual impact of the building is considered to be a further environmental concern which weighs against the proposal within the overall planning balance.

The support from the Council's Economic Development Officer is caveated by the fact that it is acknowledged that there is no specific policy within the Local Plan which outlines the conditions to which 'non-small scale' economic development in rural areas will be supported or refused. The economic benefits to be derived from retention of the building and its use by the NHS as a surge centre are not considered to outweigh the proposal's policy conflict and the Council's strategic approach to development and the outward expansion at Greendale Business Park.

On balance, having regard for the above, whilst the proposal does not result in harm to residential amenity or highway safety, it isn't considered that there are sufficient material considerations that have been presented which justifies a departure from the Local Plan. This proposal continues to represent an unjustified and unsustainable form of development which has led to the outward expansion of Greendale Business Park beyond its extent of authorised uses which is visually intrusive and encroaches into the open countryside to the detriment of the rural landscape character and appearance of the area.

Officers do not consider that this revised proposal removing commercial uses of the building and for its use as an NHS surge centre only has been justified and Members should be aware that should they wish to give more weight to the NHS future need for this building and approve the application for this use, the applicant would be able to apply again to use the building for commercial uses as previously proposed which would then be difficult to resist in planning terms once the principle of development has been established and the visual impact has been accepted. Otherwise, and in the absence of any pandemic situation the

building would remain vacant possibly for its lifetime which does not seem a very viable situation. In this respect, officers are of the opinion that the previous reasons for refusal have not been overcome through this revised planning application.

This landscape harm coupled with the conflict with the Local Plan's strategic and plan-led approach towards the outward expansion of the business park contained within the East Devon Villages Plan and its wider sustainability objectives is considered to outweigh the social and economic benefits that would be derived from the fact that the NHS may require the building in the future event of a COVID surge. The proposal is considered to be contrary to the provisions of Strategy 1, 5B, 7, 46 and policies D1, E7, EN22 and TC2 of the Local Plan.

The application is therefore recommended for refusal.

CONSULTATIONS

Local Consultations

Woodbury And Lympstone - Cllr Ben Ingham

I recommend this application for approval

Woodbury And Lympstone - Cllr Geoff Jung

23/2749/MFUL 8/10/24

Thank you for the report and recommendation which I continue to agree with as a refusal.

Following the Strategic Planning Committees view that expansion to this Employment Area should not be expanded this confirms my agreement with the officers recommendation.

Woodbury And Lympstone - Cllr Geoff Jung

23/2749/MFUL

I have viewed the documents for planning application for 23/2749/MFUL for permanent use of the building and car park for use class E (e) medical and health facility, and ancillary parking at the NHS Vaccination Centre Greendale Business Park Woodbury Salterton.

This building was built under Government Emergency Powers, during the Covid Emergency, which did not require the local planning authority to approve. The location for this building is outside the employment area for Greendale Business Park and therefore the location is considered built in the 'open countryside'.

Therefore, this application is against a number of East Devon local plan policies. Also, a previous retrospective planning application was refused at this location and was refused, was not supported by a government planning inspector and the appeal to the High Court by the applicant was also refused, and the area was required to be returned to agricultural use.

I therefore cannot support the building to become permanent, and the structure, compounds and carpark need to be removed to be returned to agricultural use. However, I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

Parish/Town Council

Woodbury Parish Council supports this application.

This building although currently outside the employment area for Greendale Business Park and therefore the location is considered built in the 'open countryside'. We have weighed this up especially as this has been in situ for several years; we have not received any complaints; it is well hidden and not affecting any neighbours or causing any issues i.e.. flooding. It has been used as a vital NHS facility and it is important such facility should remain for future use. This facility provides local employment, is on a bus route and has good infrastructure in place.

To remove this building would be highly unsustainable, keeping it in situ will have a carbon saving.

Technical Consultations

Previous consultation responses:

EDDC Landscape Architect:
24/11/2023

Summary:

Having reviewed the submitted LVIA it is considered that in a number of areas the level of landscape effects are understated and that even with proposed mitigation significant adverse effects remain in respect of changes to landform, landscape patterns/ site character and landscape policies/ strategies resulting in unacceptable landscape and visual harm.

DCC Flood Risk Management Team

At this stage, we object to the above planning application because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome our objection, the applicant will be required to submit some additional information, as outlined below.

The applicant has not provided any information in relation to the disposal of surface water from the site to enable me to make observations on the proposal. The applicant must therefore submit a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems.

Environmental Health

I have considered the application and do not anticipate any environmental health concerns.

County Highway Authority

This establishment has been used since 2020 with no direct recorded collisions within the junction of Greendale from our recorded collision record (currently January 2017 - December 2021).

The vehicular trip generation has already been established along with the current uptake of the regular bus service. I do not envisage the trip generation being in excess of the current extent with either the NHS as is or of a similar use to that of the rest of Greendale Business Park.

Recommendation:

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

Other Representations

No letters of representation have been received at the time of writing this report.

PLANNING HISTORY

There is an extensive planning history for this site however, the most relevant applications to the proposal to which this application relates are:

22/1893/FUL- Temporary permission (use class E) to permanent permission NHS walk in centre (use class E) (Ci, ii,iii, D, E,F,G), B2, B8 commercial, business and services including ancillary parking- Refused for the following reasons:

1. The proposed development, by virtue of its location beyond the built form of Greendale Business Park and outside of any recognised development boundary is within the open countryside where new development is strictly controlled. As no other policy within the Local Plan facilitates such a scale and type of development and in the absence of any evidence of overriding need, the proposal represents unjustified development in the countryside in conflict with the spatial approach to accommodate industrial development within defined settlements as identified within the Local Plan. It is not considered that there are material circumstances to outweigh the adverse impacts as a departure from policy of further industrial development in this location. As such the proposal is contrary to Strategy 1 (Spatial Strategy for Development in East Devon), Strategy 7 (Development in the Countryside) and Policy E7 (Extensions to Existing Employment Sites) of the Adopted East Devon Local Plan 2013-2031, the East Devon Villages Plan as well as the guidance contained within the National Planning Policy Framework.
2. Having regard the site's location in the countryside, remote from any notable settlements and with limited access by public transport, walking or cycling and

having regard to the wide range of proposed commercial uses, including many uses more typically found in town centres, the development will result in employees and visitors to the building being reliant on use of the private car, in conflict with policies in the East Devon Local Plan and the NNPF which encourage promoting and securing sustainable modes of travel and transport. The proposal is considered to be contrary to the provisions of Strategy 1 (Spatial Strategy for Development in East Devon), Strategy 5B (Sustainable Transport) Strategy 7 (Development in the Countryside), policies E7 (Extensions to Existing Employment Sites) and TC2- (Accessibility of New Development) of the East Devon Local Plan 2013-2031, the East Devon Villages Plan and paragraph 105 of the National Planning Policy Framework.

3. The proposed development by reason of the size and scale of the building and the extensive areas of hard surfacing has altered the landform and character of the site from rolling open countryside to urbanised development. The proposal because of its position at the highest part of the business park appears unduly prominent and visually intrusive and encroaches into the countryside to the detriment of the rural landscape character and appearance of the area. It is not considered that there are material circumstances to outweigh the adverse impacts of development in this location which justifies a departure from policy and that the visual harm is considered to outweigh the limited economic and social benefits that would be derived from the proposal. The proposal is considered to be contrary to the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs), Strategy 7 (Development in the countryside) policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031 and the guidance contained within the National Planning Policy Framework.
4. Insufficient information has been submitted to demonstrate that adequate provision has been or can be made to sustainably manage surface water run off arising from the proposed development. As such the proposal is contrary to the provisions of Policy EN22 (Surface Run-Off Implications of New Development) of the Adopted East Devon Local Plan, as well as the guidance contained within the National Planning Policy Framework.

21/2123/COU- Continued use of Greendale Vaccination Centre by the NHS until 31st December 2022- Approved 04.02.2022 subject to the following condition:

The building shall be used as a vaccination/NHS centre only in relation to the Covid19 pandemic and the use of the building hereby approved shall cease on 31st December 2022 unless amended by a further grant of planning permission. The temporary building and all the resulting materials shall be removed from the land and the land restored to its former condition by 31st December 2023 unless varied by a further grant of planning permission.

(Reason - The use of the building and its siting are acceptable in exceptional circumstances to aid in dealing with the global pandemic to fight Covid 19, the use of the site and building are contrary to Strategy 7 (Development in the Countryside) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan being outside the defined developable area of Greendale Business Park as defined by the Villages

Plan DPD and the building would have a detrimental impact on the character and appearance of the surroundings.)

21/3049/FUL- External lighting scheme- Approved 04.02.2022 subject to the following condition:

Use of the lighting hereby permitted shall cease on 31st December 2022 unless amended by a further grant of planning permission. The lights, and all associated materials/equipment, shall be removed from the land and the land restored to its former condition by 31st December 2023, unless varied by a further grant of planning permission.

(Reason - The lighting is acceptable in exceptional circumstances to enable the safe use of the vaccination centre to aid in dealing with the fight against the global Covid-19 pandemic. There is no justification for the retention of the lighting beyond the period for which the vaccination centre has planning permission, given the location of the site outside any built-up area defined in the East Devon Local Plan and outside the defined developable area of Greendale Business Park as defined by the Villages Plan DPD. Without the need to illuminate the vaccination centre, the lights may have a detrimental impact on the character and appearance of the surroundings which would be contrary to Strategy 7 (Development in the Countryside) and Policy D1 (Design and Local Distinctiveness) of the Local Plan).

15/2592/MOUT - Hybrid application for detailed planning permission for extension to compound 33A and attenuation pond and warehouse, office building and hardstanding to compound 39 and outline planning permission for B1/B2/B8 units (access to be determined). Refused 07/07/2016 for the following reasons:

1. The proposed development, by virtue of its scale and extension beyond the built form of Greendale Business Park and outside of any recognised development boundary is within the open countryside where new development is strictly controlled. As no other policy within the Local Plan facilitates such development, the proposal represents sprawling development in the countryside in conflict with the spatial approach to accommodate industrial development within defined settlements as identified within the Local Plan. It is not considered that there are material circumstances to outweigh the adverse impacts of further industrial development in this location. As such the proposal is contrary to Strategy 7 - Development in the Countryside, Policy E4 (Rural Diversification), Policy E5 (Small Scale Economic Development in Rural Areas), Policy E7 (Extensions to Existing Employment Sites) of the Adopted East Devon Local Plan 2013-2031 as well as the guidance contained within the National Planning Policy Framework.
2. Insufficient information has been provided to justify that the proposal would not result in a loss of amenity to the occupiers of near-by dwellings by virtue of noise and, potentially, light pollution. Therefore, the proposal is considered to be contrary to Policy D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan, as well as guidance contained within the National Planning Policy Framework.

3. Insufficient information has been provided to demonstrate that the development proposed would have an acceptable visual impact on the landscape. Therefore the proposal is contrary to Strategy 7 - Development in the Countryside and Policies D1 - Design and Local Distinctiveness, D2 - Landscape Requirements and D3 - Trees on Development Sites of the Adopted East Devon Local Plan and the guidance contained within the National Planning Policy Framework.

16/2597/FUL - Land At Greendale Business Park Woodbury Salterton EX5 1EW -Change of use of the site to a storage yard, including the erection of warehouse, office building, fencing and associated works (retrospective application). Refused - 22/03/2017 for the following reasons:

1. The proposed development, by virtue of its scale and extension beyond the built form of Greendale Business Park and outside of any recognised development boundary is within the open countryside where new development is strictly controlled. As no other policy within the Local Plan facilitates such development, the proposal represents sprawling development in the countryside in conflict with the spatial approach to accommodate industrial development within defined settlements as identified within the Local Plan. It is not considered that there are material circumstances to outweigh the adverse impacts of further industrial development in this location. As such the proposal is contrary to Strategy 7 (Development in the Countryside), Policy E4 (Rural Diversification), Policy E5 (Small Scale Economic Development in Rural Areas), Policy E7 (Extensions to Existing Employment Sites) of the Adopted East Devon Local Plan 2013-2031 as well as the guidance contained within the National Planning Policy Framework.
2. Insufficient information has been provided to demonstrate that the development proposed would have an acceptable visual impact on the landscape. Therefore the proposal is contrary to Strategy 7 (Development in the Countryside) and Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and D3 (Trees on Development Sites) of the Adopted East Devon Local Plan and the guidance contained within the National Planning Policy Framework.
3. Insufficient information has been submitted to demonstrate that adequate provision has been made to accommodate the surface water run off arising from the proposed development. As such the proposal is contrary to the provisions of Policy EN22 (Surface Run-Off Implications of New Development) of the Adopted East Devon Local Plan, as well as the guidance contained within the National Planning Policy Framework.

Following this refusal, the Council took enforcement action seeking the removal of the compounds, hard standing, and to cease the use of the land for the storage of park homes, caravans, and shipping containers.

An appeal against the enforcement notice was lodged and dismissed by the Planning Inspectorate. This appeal decision is appended to the committee report because the conclusions reached by the Inspector at the time in respect of the principle of development and its landscape impact are considered to be material to the determination of this application.

The soundness of Inspector's decision was subsequently challenged and upheld by the High Court.

Greendale Farm Shop Vaccination Centre Appeal Decision:

Whilst each application is to be determined on its own merits, Officers consider it important to direct Members attention to a recently dismissed appeal for the retention of NHS vaccination centre and associated car park at Greendale Farm Shop (ref APP/U1105/W/23/3330631). The appeal decision has been appended to this report for members information.

Members will recall refusal of planning application 23/0298/FUL on the grounds of the unsustainable location of the site and the proposals conflict with the strategic approach to development contained within the Local Plan which is to direct new development into the districts towns and villages in the interests of sustainable development and minimising the over reliance on the use of the car and its harmful landscape impact.

The Council was able to successfully defend the appeal upon which the Inspector agreed that:

'The proposal was at odds with Strategy 1, Strategy 5B and Policy TC2 of the LP which seek to minimise the need to travel by car and promote the use of public transport by locating development where there is a range of transport options. The proposal is also contrary to Paragraph 109 of the Framework which seeks to limit the need to travel by locating development where there is a genuine choice of transport mode.'

The Inspector was also supportive of the spatial approach contained with Strategy 1 of the Local Plan which establishes that the seven main towns in the district should be the focus for development with smaller settlements and rural areas being geared towards meeting local needs.

The Inspector considered the appellants case that the site is fundamental to the delivery of the NHS Covid vaccination programme across East Devon with 90,000 patients in the autumn/ winter programme and the other vaccinations it is administering but was of the opinion that:

'This does not however justify the rural location for the proposal. Evidence was presented to me of the variety of locations where Covid vaccines were being offered in other districts in Devon such as supermarkets, retail parks, hospitals, shopping centres, theatres and car parks. Such locations were in towns and close to centres of population.'

Alternative options considered by the NHS included commercial estates to rent and using an articulated lorry in a supermarket car park. There was little evidence put to me that other options had been considered. Whilst the NHS have carried out 'due diligence' in deciding to operate from the site, the evidence from the NHS as set out in the Council's committee report, indicates that decisions on the location of the vaccination centre have been based on the cost-effective delivery of the vaccination programme rather than any other considerations.

Therefore, whilst I accept that there are benefits to operating a vaccination centre from the appeal site and that the Framework supports healthy communities, the weight I attach to the benefit is tempered by the lack of evidence before me or submitted at the hearing that the facility could not be operated from elsewhere. I therefore give the benefits advanced by the appellant moderate weight'.

The Inspector dismissed the appeal on the basis that it conflicted with Strategies 1 and 7 of the Local Plan and was not considered to be a suitable location for the development. The Inspector also acknowledged the adverse impact on the landscape. The development was considered to be contrary to the development plan as a whole and the material considerations did not outweigh this conflict.

Officers consider this appeal decision to be relevant to the determination of this application because the Inspector's views support those of officers for use of this site by the NHS as a COVID surge centre in respect of the principle of development and the proposal's conflict with the spatial strategy contained within the Local Plan, the unsustainable location of the site and the over reliance on the use of the car. Comparisons between this appeal decision and this planning application will be made throughout this report.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 3 (Sustainable Development)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

E7 (Extensions to Existing Employment Sites)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

East Devon Villages Plan

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

Government Planning Documents

National Planning Practice Guidance

Site Location and Description:

This application relates to the former NHS vaccination centre site and building located to the east of the main entrance off the A3052 into the Greendale Business Park. It is not currently in use as a vaccination centre and is understood to be vacant. The site is located in the countryside, outside of the extent of authorised uses of the business park as defined within the Adopted East Devon Villages Plan. The land rises to the north of the building and drops to the south and east. There are trees and/or hedging to the north, east and west of the building which are the subject of a Tree Preservation Order.

The building on the site is orientated north-south and is a large structure with the appearance of an industrial unit. There is a surfaced area to the east, south and west of the building which is used for car parking.

In planning terms, the site is within the open countryside and is not the subject of any national or local landscape designations. Trees on the eastern and southern boundary are the subject of a TPO.

Background to the NHS Vaccination Centre:

It is important to note that the building that is the subject of this planning application was constructed under permitted development rights established in light of the Covid-19 pandemic.

Part 12A of The Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020 was a time limited emergency permitted development right which came into force on the 9th April 2020 until 31st December 2021. The legislation was updated to extend the permitted development right until the 31st January 2022.

The permitted development right allowed for development by or on behalf of a local authority or health authority body for the purposes of preventing an emergency; reducing, controlling or mitigating the effects of an emergency; and taking other action in connection with an emergency.

The right enabled development including, but not limited to, change of use for existing buildings and new temporary modular buildings. The rights could be suitable to provide permission for a range of uses including use as hospitals, health facilities, testing centres, coroner facilities, mortuaries, additional residential accommodation and storage and distribution, including for community food hubs.

The vaccination centre building and car park which is the subject of this planning application was originally constructed under this legislation.

A temporary planning permission was granted by the Council in 2022 (ref 21/2123/COU) for the continued use of Greendale Vaccination Centre by the NHS until 31st December 2022. Planning permission was granted for the continued use of Greendale Vaccination Centre by the NHS on the basis that the proposal was Permitted Development from the 11th January 2022, and given the need for the facility to deal with the emergency global pandemic treatment required to the wider public, it was in the public interest for the use to continue on site until 31st December 2022 and planning permission was therefore granted even though it was not required because it was superseded by the extended timeframe within the legislation.

Members should note that a condition was imposed which required the temporary building and all the resulting materials to be removed from the land and the land restored to its former condition by 31st December 2023. The reason for the condition was because the use of the building and its siting were considered to be acceptable only in exceptional circumstances to aid in dealing with the global pandemic to fight Covid 19 and on the basis that the use of the site and building are contrary to Strategy 7 (Development in the Countryside) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan being outside the defined developable area of Greendale Business Park as defined by the Villages Plan DPD and the because the building has a detrimental impact on the character and appearance of the surroundings.

Both the permitted development right and the condition of the temporary planning permission are clear in that the use of the land must cease on or before the 31st December 2022 and that on or before the expiry of a further 12 months from when use of the land ceases, any building, works, plant, machinery, structure and erection permitted by Class A has to be removed; and the land is restored to its condition before the development took place, or, if the developer is not also the local planning authority, to such other state as may be agreed in writing between the local planning authority and the developer.

It is understood that the use of the building by the NHS has ceased in favour of a newly constructed vaccination centre at Greendale Farm Shop (refused by Planning Committee and dismissed at appeal) and therefore in accordance with the permitted development legislation and the temporary planning permission granted by the Council, the building should have been removed from the site by the end of last year.

At the time of the pandemic, the priority was to provide a site for the NHS to administer COVID vaccinations, the location and siting of the vaccination centre did not fall within the control of the Local Planning Authority. The fact that the NHS vaccination centre was constructed under permitted development rights is relevant to the determination of this application because, as explained later within this report, it is not a site or a location that the strategic or development management policies within the Local Plan support in land use terms on account of the fact that the site is located within the open countryside, distanced from towns and village settlements and is in an unsustainable location.

The applicant constructed this building in the full knowledge that it was only permitted as a temporary building.

It is also important to note that the emergency legislation was time limited and expired in December 2022. The government have not decided to renew the permitted development right (it did make others permanent) which in itself is suggestive of the fact that the provision of additional temporary health facilities in response to coronavirus is no longer required.

Proposed Development:

Planning permission is sought to retain the building and car park for use by the NHS should it be required in the future as part of their surge protection programme. Members will note that the applicants are no longer seeking planning permission to use the building for alternative commercial uses.

The building is steel framed with dark green clad walls under a dark grey coloured metal profiled roof. The building measures 10.5 metres in height to the ridgeline, 72 metres in length and 26.6 metres in width. It has an internal floor area of 1872 sqm. The building has a pitched roof design with a roller shutter door on the eastern elevation.

The site makes provision for vehicle parking with a mixture of tarmac and concrete surfacing and crushed rolled stone. There is an area for staff parking (approx. 94 spaces) to the west of the building with the remaining hard surfaced areas to the east and south. The site has two vehicular entrances from the internal business park road, one serving the staff parking area and the other to the south of the building

Issues and Assessment:

Members should note that the starting point for determining this application is that it is for the retention of a site and building in the countryside that was originally constructed under permitted development rights. The building has a temporary permission and has only been approved by the Council on the basis of exceptional circumstances at the time to aid in dealing with the global pandemic to fight Covid 19.

As noted within the condition of the temporary planning permission which requires the use of the building to cease and its permanent removal from the site, this is because the use of the site and building are contrary to Strategy 7 (Development in the Countryside) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan being outside the defined developable area of Greendale Business Park as defined by the Villages Plan DPD and because the building would have a detrimental impact on the character and appearance of the surroundings.

In considering this application, Members are therefore advised that the site should be considered as being a greenfield site, within the countryside and that the proposal for the permanent retention of the building and parking should be assessed as if it is a new build development, effectively assessing the application as if the building and

site were not in situ. The fact that the building and site are already in use for a temporary basis is not considered to be relevant to the determination of this application because when originally constructed under permitted development, the Council could give no consideration to the location of the building, its siting and how it would be considered against Local Plan policies, the principle of development, the accessibility and sustainability of the site, its landscape and visual impact, surface water run-off and management, highway safety and any other relevant material considerations.

Members of the Planning Committee will be aware of the previously refused planning application 22/1893/FUL and it will be necessary to assess whether this revised proposal overcomes the previous reasons for refusal.

On the basis that this application seeks the permanent retention of the building and parking, the main issues to consider in determining this application are in terms of an assessment of the following:

- The policy position and principle of development
- East Devon Local Plan
- The East Devon Villages Plan
- Sustainability and Accessibility of the site
- An assessment of the NHS justification and the need for the building
- The landscape and visual impact
- The impact on highway safety
- The impacts on residential amenity
- Surface water drainage and management
- Carbon Impacts
- Planning balance and Conclusions

The Policy Position and Principle of Development:

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council formally adopted the East Devon Local Plan 2013-2031 on the 28th January 2016 and the policies contained within it are those against which applications are being determined and carry full weight.

Planning law requires that applications for planning permission must be determined in accordance with the development plan (foot note 2 states this includes local and neighbourhood plans that have been brought into force) unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The previous application was refused by the Council for the following reason:

The proposed development, by virtue of its location beyond the built form of Greendale Business Park and outside of any recognised development boundary is within the open countryside where new development is strictly controlled. As no other policy within the Local Plan facilitates such a scale and type of development and in the absence of any evidence of overriding need, the proposal represents unjustified development in the countryside in conflict with the spatial approach to accommodate industrial development within defined settlements as identified within the Local Plan. It is not considered that there are material circumstances to outweigh the adverse impacts as a departure from policy of further industrial development in this location. As such the proposal is contrary to Strategy 1 (Spatial Strategy for Development in East Devon), Strategy 7 (Development in the Countryside) and Policy E7 (Extensions to Existing Employment Sites) of the Adopted East Devon Local Plan 2013-2031, the East Devon Villages Plan as well as the guidance contained within the National Planning Policy Framework.

East Devon Local Plan 2013-2031:

The strategic approach within the Local Plan is to direct new development into the most sustainable locations and accessible settlements which have been provided with defined built-up area boundaries (BUABs) which is reflected in Strategy 1- Spatial Strategy for Development in East Devon of the Local Plan.

Para 6.20 of the Local Plan states that BUABs are a fundamental policy tool for determining areas and locations that are appropriate, suitable, and acceptable for development. The Local Plan explains that the boundaries serve three primary functions:

- a) They set limits for outward expansion of settlements and in doing so control the overall scale and location of development that occurs in order to ensure implementation of the plan strategy:
- b) They prevent unregulated development across the countryside and open areas:
- c) They define (within the boundary) locations where many development types, in principle, will be acceptable because they will complement the objectives of promoting sustainable development.

At para 6.21, the Local Plan explains that beyond BUAB's some forms of development will be permitted. The development management policies of the Local Plan will provide more details of this and other development types relating to employment, recreation and other uses that can be acceptable under specified circumstances outside boundaries.

Paragraph 6.23 of the Local Plan states that development in open countryside outside defined boundaries will be resisted, unless on the merits of the particular case, there is a proven agricultural, forestry or horticultural need or it will meet a community need that is not, or otherwise not be met or there is another clear policy justification.

The application site is located in the open countryside where under the provisions of Strategy 7- Development in the Countryside of the East Devon Local Plan it is stated 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 would not cause landscape, amenity or environmental harm.

Officers are of the view that there are no strategic or development management policies within the Local Plan which support this development which effectively leads to the outward expansion of Greendale Business Park into the countryside.

Policy E7- Extensions to Employment Sites of the Local Plan is a development management policy which establishes one of the exceptions to the policy of general constraint on development in the countryside established by Strategy 7. This policy provides for extensions to existing employment sites but specifically excludes Greendale Business Park.

Strategically, Greendale Business Park is identified within the Local Plan as a substantial stand-alone employment site which is different from the smaller and medium scale sites of East Devon and not deemed appropriate for expansion on account of its unsustainable location and to limit further landscape impact.

Policy E5- Small Scale Economic Development in Rural Areas of the Local Plan provides for the small-scale economic development in rural areas but is not applicable to large scale industrial areas such as Greendale Business Park. In addition, the proposed development is not considered to be small scale.

There are no specific policies that would support the outward expansion of Greendale Business Park contained within the Local Plan. Strategy 7 and policy E7 are perfectly clear in that the Plan seeks to apply a restrictive policy approach to accommodating further development through the outward expansion of Greendale Business Park.

This position has been supported by the Inspector in dismissing the appended enforcement appeal in which on the issue of principle, it was concluded that the development is contrary to Strategy 7 and policy E7 which indicate that the principle of development in this location would harm the strategic intentions of the Local Plan.

The Council's strategic approach to development at Greendale Business Park is further explained within the 'Setting the Context' section of the Local Plan (page 7 refers). It is stated that the Local Plan Document will set out strategic policy for development across East Devon and the full suite of policies for the seven main towns of the district and the West End and countryside areas, but not those villages with/proposed to have Built-up Area Boundaries nor Greendale and Hill Barton Business Parks. These villages and Business Parks are to have their own inset maps which will form part of the Village Development Plan Document.

East Devon Villages Plan:

The East Devon Villages Plan was formally adopted by the Council in July 2018.

The Villages Plan together with the Local Plan and any 'made' neighbourhood plans form the 'Development Plan' for East Devon, which guides decisions on development and land use in East Devon. The Villages Plan includes a plan of the extent of authorised uses at Greendale Business Park.

Within the Villages Plan, the purple line on the inset map shows the full extent of the land authorised for business uses at Greendale Business Park. The Villages Plan makes it clear that policies of the adopted Local Plan will be used to determine planning applications at Greendale Business Park which is within the open countryside and the subject of countryside protection policies including Strategy 7 - Development in the Countryside.

Policy VP04 of the Villages Plan sets out the relationship between the policies of the development plan and Greendale Business Park. The policy states that inset maps are included in this plan that show the extent of authorised uses at the Greendale Business Park for information purposes only. Development of Greendale Business Park as indicated on the inset map will be considered in accordance with the relevant policies of the development plan, in particular Strategy 7 of the East Devon Local Plan (Development in the Countryside).

Development of the application site has led to the outward expansion of the business park into the countryside and outside of the extent of authorised uses of Greendale Business Park which is not supported by either the Local Plan or the Adopted Villages Plan. The application is considered to be contrary to strategy 7 and policy E7 of the Local Plan where the principle of development in this location would harm the clear strategic intentions of the Local Plan which is not to permit the outward expansion of Greendale Business Park.

It should be noted that the Villages Plan is supported by an evidence-based document entitled 'Assessment of Potential Appropriateness and Suitability of Greendale and Hill Barton Business Parks for Further Expansion' that was prepared by the Council's Planning Policy Team. This document provides a robust assessment of the sustainability and accessibility of Greendale Business Park and concludes that it has poor accessibility for pedestrians and cyclists with busy roads to navigate, a lack of safe walking and cycling routes and few people living in cycling and walking catchments of the site. It is the evidence base behind the Council's policy approach to preventing the outward expansion and growth of the business park.

In the absence of policy support for the principle of development, the application is considered to be a departure from the Local Plan. Planning law requires that applications for planning permission must be determined in accordance with the development plan (foot note 2 states this includes local and neighbourhood plans that have been brought into force) unless material considerations indicate otherwise.

Sustainability and Accessibility:

The previous application was refused by the Council for the following reason:

Having regard to the site's location in the countryside, remote from any notable settlements and with limited access by public transport, walking or cycling and having regard to the wide range of proposed commercial uses, including many uses more typically found in town centres, the development will result in employees and visitors to the building being reliant on use of the private car, in conflict with policies in the East Devon Local Plan and the NPPF which encourage promoting and securing sustainable modes of travel and transport. The proposal is considered to be contrary to the provisions of Strategy 1 (Spatial Strategy for Development in East Devon), Strategy 5B (Sustainable Transport) Strategy 7 (Development in the Countryside), policies E7 (Extensions to Existing Employment Sites) and TC2- (Accessibility of New Development) of the East Devon Local Plan 2013-2031, the East Devon Villages Plan and paragraph 105 of the National Planning Policy Framework.

In setting out the strategic policy position set out within the Local Plan and the Villages Plan, it is clear that the policy approach is not to permit the outward expansion of Greendale Business Park beyond the extent of authorised uses because the Council does not consider this to be a suitable location for future employment growth. This spatial approach is relevant to the determination of this application both in terms of whether in land-use terms it is an appropriate and sustainable location to meet the future needs of the NHS who retain a long-term lease on the building.

It is accepted that the Greendale Business Park has good vehicular access and connectivity with the A3052 however in location terms, it is not considered to be in a particularly accessible location by more sustainable transport modes, owing to its relatively isolated position away from a town or village settlement or other services and facilities. The site is not accessible on foot and owing to the busy nature of the A3052 is unlikely to be accessed via by bicycle.

Paragraph 109 of the NPPF states 'that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. It does also recognise that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making'.

These principles are reflected in policies in the Local Plan including Strategy 5B - Sustainable Transport which states 'that development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport. Development will need to be of a form, incorporate proposals for and be at locations where it will encourage and allow for efficient, safe, and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport'.

Policy TC2 - Accessibility of New Development of the Local Plan also states 'that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise

the need to travel by car. Where proposals are likely to attract large numbers of visitors, they must be accessible by public transport available to all sectors of the community'.

The application is not accompanied by a transport assessment and therefore the accessibility of the site for NHS use has not been demonstrated by the applicants. It is acknowledged that the application site can be accessed by public transport in that it can be reached by a number of buses with routes along the A3052 and with the 58 and 58A services running from Exeter to Exmouth (with stops in Woodbury, Woodbury Salterton, Clyst St Mary). However, the location of the site away from towns and villages means that the majority of people accessing the site are likely to do so via private car with little option to walk or cycle which promotes a pattern of transport that would not be considered to represent a form of sustainable development conflicting with the aforementioned Local Plan policies and the NPPF which seeks to encourage promoting and securing sustainable modes of travel and transport.

At this point, comparisons can be drawn between this site and the Inspectors conclusions on the sustainability and accessibility of the Greendale Farm Shop vaccination centre. In dismissing the appeal the Inspector commented:

'It is common ground between the parties that the appeal site is well served by public transport, in this case bus services. However, at the hearing the appellant conceded that the site was not accessible by walking and there were no dedicated cycle routes meaning that walking and cycling did not offer realistic alternatives to the private car.'

While I agree with the appellant that wherever the proposal is sited, people would need to travel to it, if it were located in one of the towns, residents would have a greater choice of transport options compared to its current location.

The appeal proposal is not isolated and inevitably some linked trips would take place with the shop, café and nursery facilities already on site. However, its rural location rules out the possibility of people accessing the service on foot and by cycle and notwithstanding that there are bus services which serve the appeal site, the location of the appeal site is heavily car reliant.

I conclude that the proposal is at odds with Strategy 1, Strategy 5B and Policy TC2 of the LP which seek to minimise the need to travel by car and promote the use of public transport by locating development where there is a range of transport options. The proposal is also contrary to Paragraph 109 of the Framework which seeks to limit the need to travel by locating development where there is a genuine choice of transport mode.

Officers are of the opinion that use of the site as an NHS COVID surge centre presents the same accessibility and sustainability concerns highlighted within the appeal. This site is equally inaccessible by cycling and walking and would be a heavily car dependent land use which would be contrary to aforementioned Local Plan policies. Furthermore in the absence of a robust demonstration of need for a surge centre coupled with no justification as to why a surge centre is required in this location as opposed to being able to provide such a facility within the District's larger

towns or villages, environmental harm arising from this proposal is considered to weigh heavily against the proposal within the overall planning balance.

This reflects the spatial and strategic approach that has been taken within the East Devon Local Plan and the Villages Plan which does not offer policy support for the outward expansion or growth of Greendale Business Park on account of its unsustainable location. Whilst proposed commercial uses for the building have been removed for this application, officers remain of the opinion that use of the building as an NHS surge centre would continue to represent an unsustainable form of development in this location and that the previous reason for refusal has not been overcome. Concerns around sustainability and the accessibility of the site are explained in greater detail in respect of the continued use of the site by the NHS.

NHS Justification and Evidence of Need:

In respect of the proposed use for the building, this application seeks permission for possible future use of the building by the NHS as part of their surge protection programme. Whilst the NHS are not the applicants for this application, they are understood to have a long-term lease on the building such that in the event that the vaccination centre was required for another medical emergency, the NHS would relocate back to Greendale Business Park. Officers have not been provided with a copy of the lease, so the exact terms of the lease are unknown along with the timescales. The NHS would only use this building to retain surge capacity on the site.

Members should note that the NHS are currently administering COVID booster vaccinations from an unconsented vaccination centre at the nearby Greendale Farm Shop site, an application for the retention of which was refused by Planning Committee and has been dismissed on appeal on account of the proposals conflict with Strategies 1 and 7 of the Local Plan and the fact that the site was not considered to be a suitable location for the development.

Within the supporting letter accompanying this planning application it is stated that the site has operated in its current form for the last 15 months as a Covid-19 vaccination centre and that the need for the centre by the NHS remains beyond the current time limited consent.

No substantive evidence has been provided by the applicants or the NHS to justify why there is a need for a permanent vaccination centre on this site, officers are however aware from considering the evidence to justify retention of the vaccination centre at the Greendale Farm Shop site that much of the justification is centred around the fact that the site has been used historically for such purposes and is well known and a tried and tested destination for responding to the COVID pandemic. However, officers are of the view that this does not justify the location of the new vaccination centre site or the building's permanent retention given that the Council had no control over the location of the original site during the pandemic.

The NHS describe Greendale as a well-known and accessible location but in planning terms, and as detailed later within this report, it is not located close to a settlement or other services and facilities and other than being on a bus route, is not

very accessible by sustainable modes of transport and creates few opportunities for linked trips making it an unsustainable form of development in land-use terms which weighs against the proposal within the overall planning balance.

No reasonable planning justification or evidence of need for a continued use of this building by the NHS has been presented. There is no longer a state of emergency and there is no timescale or certainty that this building would be required to be used to vaccinate large numbers of people in the future. Officers do not consider this to be an appropriate justification or reason to grant a permanent building on this site.

Furthermore, in the interests of sustainable development, officers are of the opinion that the use proposed conflicts with the strategic approach within the Local Plan to direct new development into the most sustainable locations and accessible settlements which have been provided with defined built-up area boundaries which is reflected in Strategy 1- Spatial Strategy for Development of the Local Plan, a view that has been supported by the Planning Inspectorate in dismissing the appeal for the vaccination centre at Greendale Farm Shop.

The pandemic required an emergency response finding any available sites/buildings that could accommodate, at short notice, temporary buildings, or re-purposing, these were often in unsustainable locations and the planning system set aside its usual land use policies to meet the very urgent need. However, now that the pandemic has been scaled down and the vaccination effort has been reduced to those of a certain age or with pre-existing medical conditions/vulnerable people, more permanent solutions need to be provided in locations that best suit the needs of the community they serve.

The Council has not been presented with sufficient information by the applicants or the NHS to demonstrate why a permanent vaccination centre is required in East Devon, in the countryside and on a greenfield site.

East Devon and Exeter have a wealth of brownfield land, car parks and community buildings within its urban and rural areas and so officers question why these alternative more sustainable locations have not been considered by the NHS in favour of a new build building and a non-conforming land use in the countryside, a view that has been supported by the Planning Inspectorate in dismissing the appeal for the vaccination centre at Greendale Farm Shop

The provision of a permanent vaccination centre in the countryside is contrary to the spatial strategy for development in East Devon and the wider sustainability objectives of the Local Plan which seek to direct new development into the district's most sustainable locations and accessible settlements which have been provided with defined built-up area boundaries. The Council's spatial approach to new development is to direct it to the district's largest towns and villages intended to form focal points for development to serve their own needs and the needs of surrounding rural areas. Within the districts towns and villages there are various 'service centres' where the public go to undertake shopping, other medical needs, and other activities such as church, school or for leisure activities, these service centres are often where the public go to receive vaccinations.

In land-use terms and having regards for the fact that the NHS have not been able to robustly demonstrate why a permanent vaccination centre is required in this location in favour of other more sustainably located sites better located in relation to existing villages and settlements and services and facilities providing better opportunities for linked trips, as advocated in the Local Plan's overall spatial approach to new development, it is not considered that a permanent use of the vaccination centre would represent a sustainable form of development from an environmental perspective which weighs against the proposal within the overall planning balance. This is a view that is supported by the by the Planning Inspectorate in dismissing the appeal for the vaccination centre at Greendale Farm Shop

Members should also note that whilst we are told the NHS have an agreement with the applicants over a long-term lease in the event that the building is required to deal with another medical emergency, this falls outside of the control of the Local Planning Authority and as such we cannot require the applicant to make the building available to the NHS. This further diminishes the weight that should be attributed to the purported future use of the building by the NHS.

The 'need' for the site by the NHS is the key issue that could be used to justify this development that is contrary to the Development Plan. It should be noted that if approved and only operated in accordance with the permission the building is likely to sit empty for much if not all of its lifetime. This significantly reduces any public benefit that might be argued to outweigh the harm arising, such as landscape impact. The government has extended some of the PD rights introduced in response to the Covid pandemic, it has not extended the rights for temporary vaccination centres, indicating that they are no longer considered to be necessary.

Landscape and Visual Impact:

The previous application was refused by the Council for the following reason:

The proposed development by reason of the size and scale of the building and the extensive areas of hard surfacing has altered the landform and character of the site from rolling open countryside to urbanised development. The proposal because of its position at the highest part of the business park appears unduly prominent and visually intrusive and encroaches into the countryside to the detriment of the rural landscape character and appearance of the area. It is not considered that there are material circumstances to outweigh the adverse impacts of development in this location which justifies a departure from policy and that the visual harm is considered to outweigh the limited economic and social benefits that would be derived from the proposal. The proposal is considered to be contrary to the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs), Strategy 7 (Development in the countryside) policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031 and the guidance contained within the National Planning Policy Framework.

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

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

Strategy 7 - Development in the Countryside of the Local Plan requires that development does not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

1. Land form and patterns of settlement.

2. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings.

3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.

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

1. conserves and enhances the landscape character of the area;

2. does not undermine landscape quality; and

3. is appropriate to the economic, social and well being of the area

Policy D1- Design and Local Distinctiveness states that proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.

2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.

Whilst the site is not located within a designated landscape, it is in the countryside and has led to the outward expansion of the business park site to the north of the business park. The application site is located in what would previously would have been undulating rural landscape which is to some extent visually contained by higher ground. Under the permitted development right and the temporary planning permission that has been granted, there is a requirement to remove the building and materials from the site and restore it back to its original condition. Therefore, there is no fall-back for a permanent building on this site.

Members should note that the planning history for the site indicates that development on this site is likely to have a detrimental impact on the character and appearance of the area. In the appended appeal against an enforcement notice issued by the Council seeking the removal of a number of storage compounds, concrete yards with portacabins and the storage of park homes (reference APP/U1105/C/16/3165341) an inspector commented on the following in respect of

development on this site, having already concluded that the principle of the development was contrary to policy.

'The development has altered the landform and character of the countryside through the excavation and construction of the compounds, the creation of extensive areas of concrete hard standing, the introduction of steel fencing and security lighting, the erection of the warehouse on compound 39, the siting of portacabins offices, the open storage of mobile homes and other materials, etc. The effect of the development is significantly to change the character of the site from rolling open countryside to urbanised development having little relationship with its countryside setting. It is intrusive and, because of the change in levels, parts of the site are also prominent, particularly in respect of the warehouse on compound 39'.

Furthermore, within the 'Assessment of Potential Appropriateness and Suitability of Greendale and Hill Barton Business Parks for Further Expansion' that was prepared by the Council's Planning Policy Team in support of the East Devon Villages Plan, this assessment included an assessment of specific land areas around the edges of Greendale Business Park to assess possible suitable locations for extra development. The assessment includes part of the site to which this application relates where it was concluded that the land is considered unsuitable for business park use on account of its elevated position expanding the visual impact of Greendale on the wider countryside including the setting of the AONB.

The landscape sensitivity around the outward expansion of Greendale Business Park was another reason why the strategic decision was made by the Council not to allow its outward expansion into the countryside.

In assessing the landscape and visual impact of this development, on the basis that the building and site benefit only from a temporary planning permission, Members are advised that the starting point should be that the site is a undeveloped greenfield site, in the countryside and outside of the extent of authorised uses contained within the East Devon Villages Plan.

The application is accompanied by a Landscape Visual Impact Assessment (LVIA) prepared by a suitable qualified landscape consultant which has been considered by the Council's Landscape Officer. Of note is that the LVIA is based on the current state of the site as an irregular shaped parcel of land comprising terraced open hardstanding areas with a large metal clad building and tow portacabins. This should not be the starting point for an assessment of the landscape and visual impact of the development. The baseline for the assessment should be the original greenfield state of the site prior to any development taking place.

The LVIA description of the development is not comprehensive and should have included:

- Removal of original land-cover including some removal of trees and scrub.
- Extensive regrading of the site to form a large level platform
- Hard surfacing across the site
- The introduction of associated infrastructure and new light sources

The LVIA sets out landscape guidelines for enhancement of the site including removal of the existing gravel track along the eastern and northern edge of the woodland and its reinstatement to agricultural use, provision of woodland planting in the northeast corner of the site and further offsite planting to the south of the site. These works lie outside of the redline application area and are not included on the submitted block plan (dwg. no 8274-06E). While they form the basis of the LVA of mitigation proposals and are shown on the accompanying landscape strategy plan they are not included in the block plan, dwg. no. 8274-06 rev. E and it is not clear whether they are intended to be provided as part of the application or are just recommendations of the landscape consultant.

The Council's Landscape Officer has advised that assuming these measures are to be included as part of the application then post mitigation effects would be:

- Landscape elements (trees, hedgerow) – **Moderate adverse** level of effect
- Landscape elements (landform) – **Substantial adverse** level of effect (**Significant**)
- Landscape patterns/ site character – **Moderate/ substantial adverse** level of effect (**Significant**) rather than LVA assessment as **Moderate/ slight adverse**
- Wider landscape character – **Moderate/ slight to slight adverse** level of effect as LVA
- Landscape policies and strategies – **Moderate/ substantial adverse** level of effect (**Significant**)

The application has been considered by the Council's Landscape Officer

The conclusion of the Council's Landscape Officer having reviewed the submitted LVA it that is there are a number of areas the level of landscape effects are understated and that even with proposed mitigation significant adverse effects remain as indicated above in respect of changes to landform, landscape patterns/ site character and landscape policies/ strategies resulting in unacceptable landscape and visual harm.

Officers support the view of the landscape officer. In respect of landscape planning policies and strategies, Local Plan policy E7 and the East Devon Villages Development Plan seek to contain the boundaries of Greendale Business Park to existing limits to preserve surrounding rural character. The sensitivity of the site to commercial development has been identified in the Enforcement appeal decision and within the Council's own evidence base supporting the East Devon Villages Plan.

Furthermore, the LVIA's assertion that Local Plan strategy 7 '*does not set out what degree of 'harm' is unacceptable but it would need to be significant otherwise no new development would occur within the district*' is incorrect. The purpose of strategy 7 is precisely to prevent development in open countryside unless there is a specific policy or allocation in the local plan which permits it.

The policy position with regards to development on this site is clear in that there should be no outward expansion of the business park into the countryside and as such the change to the landform, the hard surfacing of the site and the construction of a sizeable industrial building on the site has altered the rural landscape character

of the site which was previously part of the rolling open countryside. By virtue of the lack of policy support for the outward expansion of the business park, development on this site has therefore resulted in landscape harm and harm to the rural character and appearance of the area.

The building and the site do appear more prominent from a number of public vantage points outside the site to the south and east which is considered to be detrimental to the rural landscape character and appearance of the area. It is accepted that there is no visual harm in views from the north due to landform and the topography of the business park which is effectively screened from the A3052 and that the visual impact of the building is reduced to a degree through the use of dark green clad walls and a dark grey roof covering although the building does contain a number of rooflights which is likely to result in some light pollution at night. The visual impact of the development is exacerbated by virtue of the size and scale of the building, its site coverage and its position on the highest point of business park (some 15 metres above that of the existing business park which does extend its visual influence both locally and within the wider landscape).

In the absence of policy support for the outward expansion of the business park, officers considered that the proposed development by reason of the size and scale of the building and the extensive areas of hard surfacing has altered the landform and character of the site from rolling open countryside to urbanised development.

The proposal as a result of its position at the highest part of the business park appears unduly prominent and visually intrusive and encroaches into the countryside to the detriment of the rural landscape character and appearance of the area. It is not considered that there are material circumstances to outweigh the adverse impacts of development in this location which justifies a departure from policy and that the visual harm is considered to outweigh the limited economic and social benefits that would be derived from the proposal. This revised application does not overcome the Council's previous reason for refusal.

The proposal is considered to be contrary to the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs), Strategy 7 (Development in the countryside) policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031 and the guidance contained within the National Planning Policy Framework.

Highway Safety:

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

The views of the County Highway Authority have been sought who have raised no objections to the application on the basis that the site has been used since 2020 with no direct recorded collisions within the junction of Greendale from our recorded collision record (currently January 2017 - December 2021).

The vehicular trip generation has already been established along with the current uptake of the regular bus service. I do not envisage the trip generation being in excess of the current extent with either the NHS as is or of a similar use to that of the rest of Greendale Business Park.

Vehicular access into the business park from the A3052 is well established and does not raise any highway safety concerns in terms of increase traffic generation or visibility. Accesses into the site from the internal business park road are considered to be acceptable in terms of their visibility. In the absence of any objections from the CHA, the proposal is considered to be acceptable from a highway safety perspective in compliance with policy TC7 of the Local Plan.

Residential Amenity:

Policy D1- Design and Local Distinctiveness of the Local Plan requires that proposals 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 and 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 groundwater protection areas.
 - c) Harbours, estuaries or the sea.
3. Noise and/or vibration.
4. Light intrusion, where light overspill from street lights or floodlights on to areas not intended to be lit, particularly in areas of open countryside and areas of nature conservation value

There are a number of residential properties located to the east of the site approximately 200 metres from the boundary. The Council's Environmental Health Officer has considered the application and has raised no concerns about the impact of the proposal on the amenities of local residents.

In the event that the principle of development on this site was supported, officers would seek to impose conditions relating to hours of use, delivery hours and for the submission of a lighting scheme to ensure the amenities of the nearest residential properties are duly protected from commercial uses on the site.

Surface Water Management: (Please see addendum at front of report)

The previous application on this site was refused for the following reason:

Insufficient information has been submitted to demonstrate that adequate provision has been or can be made to sustainably manage surface water run off arising from the proposed development. As such the proposal is contrary to the provisions of Policy EN22 (Surface Run-Off Implications of New Development) of the Adopted East Devon Local Plan, as well as the guidance contained within the National Planning Policy Framework.

EN22 - Surface Run-Off Implications of New Development of the Local Plan states that planning permission for new development will require that:

1. The surface water run-off implications of the proposal have been fully considered and found to be acceptable, including implications for coastal erosion.
2. Appropriate remedial measures are included as an integral part of the development, and there are clear arrangements in place for ongoing maintenance over the lifetime of the development.
3. Where remedial measures are required away from the application site, the developer is in a position to secure the implementation of such measures.
4. A Drainage Impact Assessment will be required for all new development with potentially significant surface run off implications.
5. Surface water in all major commercial developments or schemes for 10 homes or more (or any revised threshold set by Government) should be managed by sustainable drainage systems, unless demonstrated to be inappropriate.

Whilst the site falls within an area with a low risk of flooding (flood zone 1) as a major development for a large building with substantial hard surfacing on a site in excess of 1 ha, the planning application should have been accompanied by a Flood Risk Assessment along with details of a surface water management and drainage strategy.

The omission of this information has been raised with the applicant who has failed to provide the requested information to allow a robust assessment of the impact the development has had in relation to surface water run-off, management and disposal from the site. As the building and parking on the site was originally permitted development, surface water drainage was not a matter that the Council had any control over. As the planning application is seeking the permanent retention of the building and hard surfacing, the surface water run off implications of the development must be considered.

The application has been considered by the County Council's Flood Risk Management Team who have raised an objection to the application on the basis that the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered.

In the absence of a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, officer's do not considered that the applicant has overcome the previous reason for refusal and the application is recommended for

refusal in conflict with policy EN22 - Surface Run-Off Implications of New Development of the Local Plan.

Carbon Impact:

The application is accompanied by a Greenhouse Gas Assessment which reports that removal of 2000 sqm of building and hard surfaced areas would result in significant carbon impact which does not accord with the Council's Climate Change Action Plan.

As part of the report the building's GHG emissions were analysed to understand the impact of three different scenarios to demonstrate the impact of the Vaccination Centre after 1.25 years

- Scenario 1 (baseline) which is the continuation of the existing building;
- Scenario 2 which is the demolition of the NHS Vaccination Centre after 2 years of operation; and
- Scenario 3 which is the early demolition of the NHS Vaccination Centre and the rebuild of a similar building on an alternative greenfield industrial site.

It is reported that to build the original NHS Vaccination Centre, 376 tCO₂e was spent in embodied carbon, transport to site and construction emissions. To support the planning application to retain and repurpose the existing Centre, demolition emissions for the current asset were forecast (Scenario 2), and the future rebuild of a similar Centre in a different location (Scenario 3) estimated to demonstrate these latter two approaches would not only result in additional local carbon emissions but would waste all resources invested and emissions embodied within the Centre to date.

The report concludes that:

Scenario 1 (retention of the existing facility) is - in terms of carbon and the circular economy – the most efficient and sustainable of the three scenarios as it is the one that promotes preservation of the resources invested in the building and has the least carbon emissions.

Scenario 2 (the demolition of the Centre) will result in emissions associated with on-site activities and from the transport and disposal of end of life waste arisings. This scenario has a total carbon impact of 32.02 tCO₂e which is equivalent to 231,000km travelled by an average private car.

Scenario 3 (the demolition of the Centre, as per Scenario 2, and rebuild of a similar building in a different location), represents the least sustainable option as all resources invested in the initial building are wasted, and additional embodied and transport GHG emissions associated with the construction of a new building would be required. This scenario's carbon impact is 407.86 tCO₂e which is equivalent to 2.9 million km travelled by an average private car.

Whilst the Council has declared a climate change emergency and is committed to achieve Carbon neutrality by 2040 and the carbon impacts arising from removal of

the building and hard surfacing are acknowledged, officers consider that very little weight should be attributed to this as a material planning consideration.

As previously stated, the building was originally constructed under emergency permitted development rights and through the legislation it was always the intention that any buildings or development would be time-limited and would be required to be removed within a given timescale. It is the case that there would be carbon impacts from the removal of any buildings that were constructed under the emergency legislation across the country but this does not justify their retention particularly when considering development in the countryside which contravenes Local Plan policies and the Council's strategic approach to development at Greendale Business Park.

In deciding how much weight should be attributed to the carbon impacts arising from removal of the building, Members should be mindful that if this position was taken with all temporary or unauthorised building constructed in the District, enforcement action against them would rarely be taken. In the case of this application, the building has only been constructed on this site under permitted development rights for a temporary period. As such officers consider that minimal weight should be given to the carbon impacts arising from removal of the building as a material planning consideration.

Planning Balance and Conclusions:

The site is located within the open countryside where under the provisions of Strategy 7- Development in the Countryside of the East Devon Local Plan, 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 would not cause landscape, amenity or environmental harm.

The starting point for determining this application is that it is for the retention of a site and building in the countryside that was originally constructed under permitted development rights. The building has a temporary permission and has only been approved by the Council alongside the permitted development right on the basis of exceptional circumstances at the time to aid in dealing with the global pandemic to fight Covid 19 with the intention of its removal by the end of December 2023.

The fact that the building and site are already in use for a temporary basis is not considered to be relevant to the determination of this application because when originally constructed under permitted development, the Council could give no consideration to the location of the building, its siting and how it would be considered against Local Plan policies, the principle of development, the accessibility and sustainability of the site, its landscape and visual impact, surface water run-off and management, highway safety and any other relevant material considerations.

Development of the application site has led to the outward expansion of the business park into the countryside and outside of the extent of authorised uses of Greendale Business Park which is not supported by either the Local Plan or the Adopted Villages Plan. The application is considered to be contrary to strategy 7 and policy E7 of the Local Plan which indicate that the principle of development in this location

would harm the clear strategic intentions of the Local Plan which is not to permit the outward expansion of Greendale Business Park.

In the absence of policy support for the principle of development, the application is considered to be a departure from the Local Plan. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

A new building in the countryside requires robust justification which the applicants have failed to provide to justify retention of the building. Whilst the NHS are not the applicants for this application, we are told they have a long-term lease on the building such that in the event that the building was required for another medical emergency, the NHS would relocate back into the building and operate it as a surge centre. As the application no longer proposes alternative commercial uses, when not required by the NHS the building would remain vacant and may never be required by the NHS.

In this respect, it is important for Members to understand that if minded to approve the building as an NHS surge centre site only, this approves the principle of development on this site and accepts the landscape and visual impact that has arisen as a result of the outward expansion of the site. The future of COVID is unknown however the surge centre may never be required by the NHS and would therefore remain vacant outside of NHS use.

Officers do not consider that the revised proposal removing commercial uses of the building and for its use as an NHS surge centre only has been justified and Members should be aware that should they wish to give more weight to the NHS future need for this building and approve the application for this use, the applicant would be able to propose to use the building for commercial uses as previously proposed which would be more difficult to resist in planning terms once the principle of development has been established and the visual impact has been accepted. In the absence of evidence of need for an NHS surge centre, there is a very likely prospect that the building would remain vacant which does not seem to be commercially viable for the applicants increasing the likelihood that future uses of the building would be proposed. In this respect, officers are of the opinion that the previous reasons for refusal have not been overcome through this revised planning application.

Whilst little evidence has been provided by the applicants or the NHS to justify why there is a permanent need for a 'reserve' vaccination centre on this site, officers are aware from considering the evidence to justify retention of the vaccination centre at the Greendale Farm Shop site that much of the justification is centred around the fact that the site has been used historically for such purposes and is well known and a tried and tested destination for responding to the COVID pandemic. However officers are of the view that this does not justify the location of this proposed 'reserve' vaccination centre site; it has not been demonstrated that such a service cannot be provided in equally well known locations that are more sustainable, a view that has been supported by the Planning Inspectorate in dismissing the appeal for the vaccination centre and Greendale Farm Shop.

The NHS describe Greendale Business Park as a well-known and accessible location but in planning terms, it is not located close to a settlement or other services and facilities and other than being on a bus route, is not very accessible by sustainable modes of transport and creates few opportunities for linked trips making it an unsustainable form of development in land-use terms which weighs against the proposal within the overall planning balance.

The location of the application site at Greendale Business Park away from settlements means that when used as a surge centre by the NHS, people are likely to access the site mainly by private car which promotes a pattern of transport that would not be considered to represent a form of sustainable development conflicting with the aforementioned Local Plan policies and the NPPF which seeks to encourage promoting and securing sustainable modes of travel and transport. A view that has been supported by the Planning Inspectorate in dismissing the appeal for the vaccination centre and Greendale Farm Shop.

In land use terms the proposal is not considered to represent a sustainable form of development from an environmental perspective which weighs further against the proposal within the overall planning balance.

The adverse landscape impact arising from the outward expansion of the business park into the countryside and the visual impact of the building is considered to be a further environmental concern which weighs against the proposal within the overall planning balance.

Previous support for the proposal from the Council's Economic Development Officer is noted and use of the site and building by the NHS and for other commercial uses would generate jobs and employment although this has not been quantified within the planning application submission. The support from the EDO is however caveated by the fact that it is acknowledged that there is no specific policy within the Local Plan which outlines the conditions to which 'non-small scale' economic development in rural areas will be supported or refused. The economic benefits to be derived from retention of the building for commercial uses are positive but are not considered to outweigh the proposal's policy conflict and the Council's strategic approach to development and the outward expansion at Greendale Business Park.

On balance, having regard for the above, it is concluded that no overriding material considerations have been presented which justify a departure from the Development Plan and that the Council's previous four reasons for refusal have not been overcome. This proposal continues to represent an unjustified and unsustainable form of development which has led to the outward expansion of Greendale Business Park beyond its extent of authorised uses which is visually intrusive and encroaches into the open countryside to the detriment of the rural landscape character and appearance of the area. This harm coupled with the conflict with the Local Plan's strategic and plan-led approach towards the outward expansion of the business park contained within the East Devon Villages Plan and its wider sustainability objectives is considered to significantly and demonstrably outweigh the social and economic benefits that would be derived from the use of the building and site by the NHS as a surge centre. Officers consider that the proposal continues to be contrary to the

provisions of Strategy 1, 5B, 7, 46 and policies D1, E7, EN22 and TC2 of the Local Plan.

The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development, by virtue of its location beyond the built form of Greendale Business Park and outside of any recognised development boundary is within the open countryside where new development is strictly controlled. As no other policy within the Local Plan facilitates such a scale and type of development and in the absence of any evidence of overriding need, the proposal represents unjustified development in the countryside in conflict with the spatial approach to accommodate commercial development within defined settlements as identified within the Local Plan. It is not considered that there are material circumstances to outweigh the adverse impacts as a departure from policy of further commercial development in this location. As such the proposal is contrary to Strategy 1 (Spatial Strategy for Development in East Devon), Strategy 7 (Development in the Countryside) and Policy E7 (Extensions to Existing Employment Sites) of the Adopted East Devon Local Plan 2013-2031, the East Devon Villages Plan as well as the guidance contained within the National Planning Policy Framework.
2. Having regard the sites location in the countryside, remote from any notable settlements and with limited access by public transport, walking or cycling the use of the site as a COVID surge centre for the NHS will result in employees and visitors to the building being reliant on use of the private car, in conflict with policies in the East Devon Local Plan and the NPPF which encourage promoting and securing sustainable modes of travel and transport. The proposal is considered to be contrary to the provisions of Strategy 1 (Spatial Strategy for Development in East Devon), Strategy 5B (Sustainable Transport) Strategy 7 (Development in the Countryside), policies E7 (Extensions to Existing Employment Sites) and TC2- (Accessibility of New Development) of the East Devon Local Plan 2013-2031, the East Devon Villages Plan and paragraph 105 of the National Planning Policy Framework.
3. The proposed development by reason of the size and scale of the building and the extensive areas of hard surfacing has altered the landform and character of the site from rolling open countryside to urbanised development. The proposal as a result of its position at the highest part of the business park appears unduly prominent and visually intrusive and encroaches into the countryside to the detriment of the rural landscape character and appearance of the area. The proposal is considered to be contrary to the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs), Strategy 7 (Development in the countryside) policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) of the East Devon Local Plan

2013-2031 and the guidance contained within the National Planning Policy Framework.

- ~~4. Insufficient information has been submitted to demonstrate that adequate provision has been or can be made to sustainably manage surface water run off arising from the proposed development. As such the proposal is contrary to the provisions of Policy EN22 (Surface Run-Off Implications of New Development) of the Adopted East Devon Local Plan, as well as the guidance contained within the National Planning Policy Framework.~~

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant listed building 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.

List of Background Papers

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

Plans relating to this application:

8274-04	Proposed Combined Plans	20.12.23
8274-06 E	Block Plan	20.12.23
8274-05	Proposed Elevation	20.12.23
8274-LPA	Location Plan	20.12.23
	Landscape Visual Impact Appraisal	20.12.23

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:

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

Ward Woodbury And Lympstone

Reference 24/0674/FUL

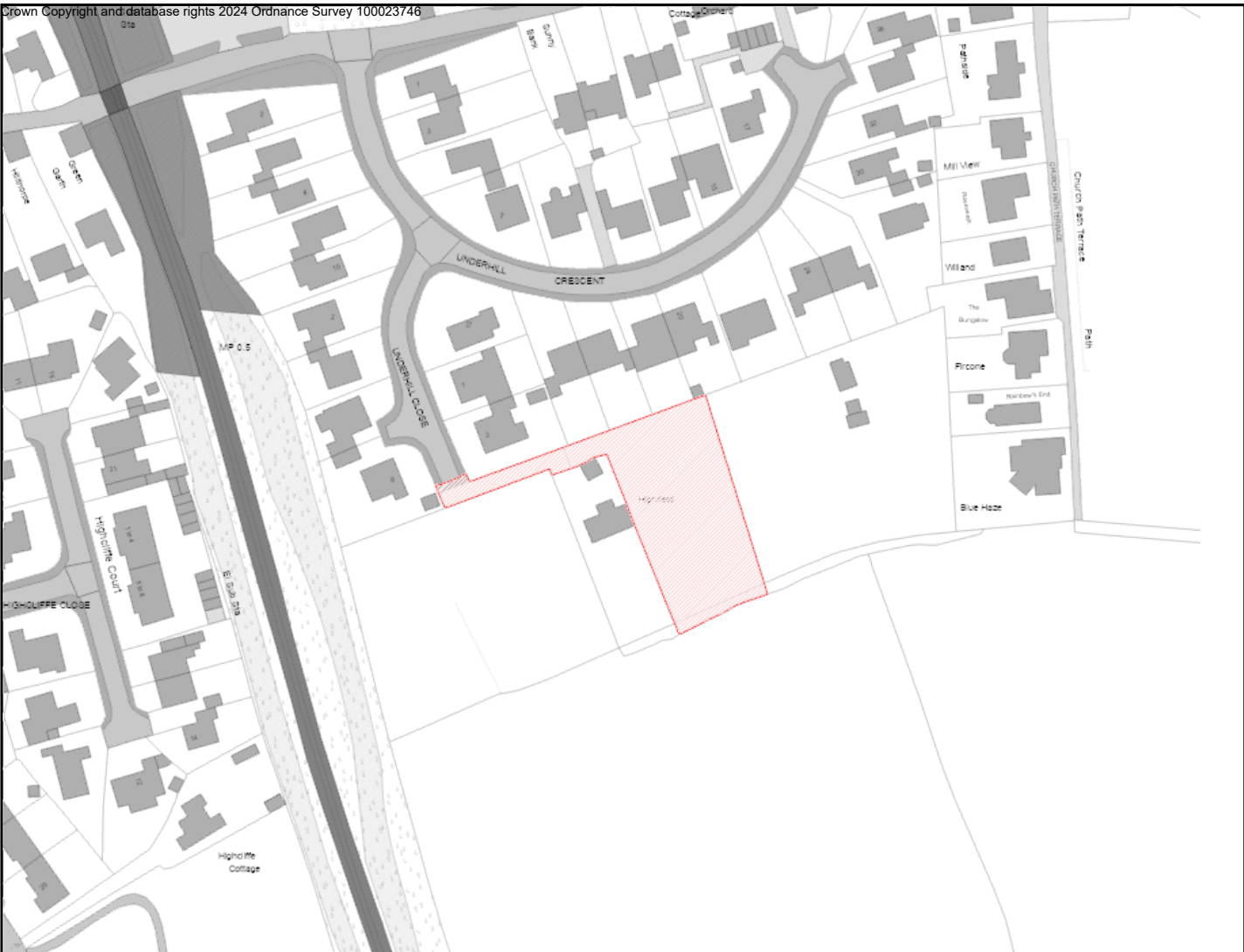
Applicant C & E Wintrell

Location Land At 22 Underhill Crescent Lympstone

Proposal Construction of two dwellings.



RECOMMENDATION: Approval with conditions



		Committee Date: 22.10.2024
Woodbury And Lympstone (Lympstone)	24/0674/FUL	Target Date: 21.05.2024
Applicant:	C & E Wintrell	
Location:	Land At 22 Underhill Crescent	
Proposal:	Construction of two dwellings	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members of the Planning Committee because the Officer recommendation differs from that of the Ward Members and it is a departure from the Local Plan.

This application seeks planning permission for the construction of two dwellings with associated parking and amenity areas.

The site is located within the open countryside, as defined by Strategy 7 (Development in the Countryside) of the East Devon Local Plan 2013-2031 in an area designated as Green Wedge.

Planning law requires that applications for planning permission must be determined in accordance with the development plan (foot note 2 states this includes local and neighbourhood plans that have been brought into force) unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

Appeal decisions have shown that even if a site is not allocated in the current plan or is outside development boundaries, it can still nevertheless be considered as 'sustainable development' if there is no identified contextual conflict and it is within reasonable reach of an appropriate level of services and facilities.

There is a clear need for more housing, both market and affordable, within the district. The current and projected levels of housing delivery do not meet this need in the long term under the current policy climate. This unmet need is a significant

factor for decision-makers in planning applications and appeals, particularly pertinent for otherwise sustainable sites outside current settlement boundaries.

The application site is part of a larger site which has very recently been considered by EDDC's Strategic Planning Committee, on 3 September 2024. At this meeting the suit was considered to be suitable and sustainable and a preferred site for new residential development within Lympstone. Whilst the emerging local plan has yet to be examined, the Planning Committee has been advised that when considering planning applications for housing developments that would deliver homes within the next 5 years in a sustainable way, significant weight should be given to the need to bolster the Council's housing land supply position.

Overall, whilst there is some conflict with the adopted local plan, it is considered that due to the sustainable location of the site, the need for new housing, and the resolution to promote the site as a preferred allocation in the emerging local plan, the principle of development of this site is acceptable.

The proposed dwellings are considered to be acceptable in terms of layout, scale and appearance and would not result in any significant harm to the character and appearance of the area or the Green Wedge designation to justify refusal of the application. The proposal is accompanied by detailed landscaping proposals which include maintaining the southern hedgerow at an appropriate height along with additional planting which would help to soften the impact of the development in localised and wider views.

The proposal is considered to be acceptable in terms of its impacts on residential amenity and parking provision such that on balance, it is recommended for approval.

CONSULTATIONS

Local Consultations

Woodbury And Lympstone - Cllr Ben Ingham 13.08.24

As EDDC still have not made a decision on this application, I recommend this planning application for refusal because:

The site is outside the Lympstone built up area boundary

The site is within the Lympstone green wedge (part of the current EDLP and earmarked for stronger policy definition in the eEDLP0.

All traffic to and out of this site has to go through the village centre, thereby increasing traffic on already overused lanes, and increasing risk to pedestrians and cyclists.

This site is on the crest of a hill, highly visible from the southern Exe Estuary, therefore to be avoided.

Woodbury And Lympstone - Cllr Geoff Jung 30.04.24 24/0674/FUL

I have viewed the planning application 24/0674/FUL for the construction of two dwellings on land at 22 Underhill Crescent Lympstone. The applicants state in the documents that the scheme forms part of an EDDC's preferred allocation for development and would create a consolidation of the pattern of development within the edge of Lympstone village which is misleading.

Although this application seems to be infill between 2 sets of buildings, this application is beyond BUAB (the built-up area boundary) of Lympstone, but critically it is with the existing green wedge special designated area where development is precluded to help restrict coalition between 2 communities. Therefore, this application would be considered against the present local plan and therefore I am unable to support. However, I will reserve my final views on the application until I am in full possession of all the relevant arguments for and against.

Parish/Town Council 07.05.24

Recommendation: Support

Lympstone Parish Council fully discussed the location and access to the site. The site is outside the BUAB and part of the current green wedge. However, the consultation on the proposed EDDC plan, identified this as a favoured site, highlighting connection to the village and close proximity to shops and the railway station. Recent applications (24/0725 and Blue Hayes) have been approved adjacent to the site, and the Parish Council felt the development would cause no harm to the character of the area and is justified because it is a sustainable development and in a residential site curtilage. (NPPF Sec.9, 11 and 12, LNP Policy 3).

Technical Consultations

EDDC Trees 04.09.24

Thank you for the email. I understand that my proposal to move the drive to the south is not quite as straight forward as I had hoped. With the benefits of a detailed landscaping scheme (hopefully with some large scale trees) I am happy to remove my concerns / objection to the construction of the no dig drive within the RPA of the retained Pine.

EDDC Trees 22.04.24

Please see tree comments below and attached alternative proposed drive plans (under documents tab).

In principle I have no objection to the proposed development. However, I do have concerns about the location of the no-dig drive under the crown of the T4, a category B Scots Pine. Preferably to reduce any potential detrimental impact on the long-term health of the tree, the area within the crown spread of the tree should be retained as it currently is with the drive located outside the RPA as per the attached. This would appear to entail only a minor modification of the current plans but would benefit the long-term health of the tree. Furthermore, it would appear that a substantial portion of the area under the crown of the tree is not necessary for the drive to be usable.

Other Representations

A total of 10 representations have been received, 3 raising objections, 4 in support and 3 making comment, summarised below:

Objections

- Site is outside of Built-up Area Boundary
- Site is within Green Wedge
- Overbearing development
- Loss of outlook and visual intrusion
- Out of character with existing development
- Additional traffic
- Increased noise and disturbance
- Loss of amenity during construction period
- Loss of privacy and overlooking of neighbouring properties
- Previous development on the site has been refused
- Undesirable backland development
- Proposal would be skyline development, visible from Exe Estuary and
- Dominant location being on highest land
- Footprint of the buildings too large
- Increased surface water run off due to loss of greenfield site
- No garages or storage buildings proposed

Support

- Proposal will provide much needed family housing in the village
- Design in keeping with surroundings
- Ample parking provided
- Existing hedging will be retained and enhanced
- Site is outside of Coastal Protection Area
- Site is within easy reach of the station, village centre, primary school and Exe Trail
- Appropriate infill development

Representation

- It is suggested that refuse turning could be provided within the site, but would prefer if current arrangements of residents taking bins to end of the private drive continue
- The drive leading to the plot is in separate ownership with a right of access across.

PLANNING HISTORY

22/1748/CPL	Erection of a proprietary mobile stable and tack room.	CPL Refused (planning permission required)
22/1845/FUL	Use of land (East and West paddocks) for the grazing of horses, and siting of mobile	Approved 26.10.2022

stable with adjoining tack room.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 8 (Development in Green Wedges)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Lympstone Neighbourhood Plan

Policy 2 – Isolated New Homes

Policy 3 – Green Wedge and Coastal Preservation Areas

Policy 4 – Range of Housing Sizes

Policy 5 & 6 – Density and Scale

Policy 7 – Design

Policy 8 – Sustainable Development

Policy 11 – Parking

Policy 12, 13, 14 – Climate Change

Government Planning Documents

NPPF (National Planning Policy Framework 2023)

National Planning Practice Guidance

Site Location and Description

The application site comprises an area of extended garden/paddock associated with 22 Underhill Crescent. It is a generally level piece of grassed land that is enclosed by boundary hedging to the east, closeboard fencing to the north and west, and an earth bank and hedging to the south.

To the north are the rear gardens and existing residential properties fronting onto Underhill Crescent, to the east is further paddock/extended garden, and to the south are agricultural fields. To the west is a two storey detached property, Highfield, with its garden area extending the length of the western boundary of the site.

Access to the site is proposed from a private drive at the end of Underhill Close to the west, which also serves Highfield.

Proposed Development

Full planning permission is sought for the construction of two detached four bedroom dwellings with associated parking and garden areas.

The dwellings of a generally traditional design, with hipped roofs to, the main building and projecting front element, with a two storey projecting gable, with recessed first floor balcony to the rear/south. The proposed materials comprise a mixture of stone, render and cladding, with large areas of glazing on the southern elevations, and more conventional window openings on the front elevations. The hipped roofs are natural slate, with solar PV panels on the southern elevation.

The footprint of the dwelling provides family/living area, lounge, utility and study area on the ground floor with four bedrooms and associated facilities on the first floor.

Consideration and Assessment

The main issues to be considered in the determination of this application relate to the policy context and principle of the proposed development; impact on the Green Wedge; design, scale and visual impact on the character and appearance of the area, on residential amenity, highway safety and parking, ecology or arboricultural impact.

Policy Context and Principle

The application site lies outside of any built-up area boundary defined in the East Local Plan 2013 - 2031 (EDLP), Lympstone Neighbourhood Plan or associated East Devon Villages Plan (2018) (EDVP). Consequently, the site is defined as open countryside in accordance with the terms of Strategy 7 (Development in the Countryside) of the EDLP. This states that;

"Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located."

This application comprises new development in the countryside, outside of the defined settlement boundary of Lympstone, thereby conflicting with Strategy 7 and the special approach to development as expressed within the local plan, which of the local plan which significant weight given that this is one of the main objectives of the local plan.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

This paragraph of the NPPF allows for Local Planning Authority's to make decisions which depart from the local plan if the material considerations of the development outweigh the harm.

The National Planning Policy Framework (December 2023) (NPPF) states, at paragraph 77, that "local planning authorities should identify and update annually a

supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply."

Paragraph 226 states: "From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need."

The draft local plan consultation undertaken by East Devon District Council in November 2022 to January 2023 was carried out under Regulation 18. The emerging new Local Plan is therefore sufficiently progressed to benefit from this provision.

On this basis, and as the Council can demonstrate a 4.5 year housing land supply, policies within the adopted Local Plan most important for determining the application remain up to date and the presumption in favour of sustainable development (the 'tilted balance') set out at paragraph 11d) of the NPPF need not be applied.

(It is noted that the current government is consulting on a revised version of the NPPF which proposes to delete paragraph 226 from the NPPF, reverting to the standard requirement for all Council's to demonstrate a 5-year housing land supply, but the consultation document carries little weight at present.)

Appeal decisions have shown that even if a site is not allocated in the current plan or is outside development boundaries, it can still nevertheless be considered for 'sustainable development' if there is no identified contextual conflict and it is within reasonable reach of an appropriate level of services and facilities. This is especially relevant given the Council's current and future housing supply challenges, regardless of the 'tilted balance'.

There is a clear need for more housing, both market and affordable, within the district. The current and projected levels of housing delivery do not meet this need in the long term under the current policy climate. This unmet need is a significant factor for decision-makers in planning applications and appeals, particularly pertinent for otherwise sustainable sites outside current settlement boundaries.

However, the application site is part of a larger site, Lympstone)_01 Little Paddocks, 22 Underhill Crescent which has very recently been considered by EDDC's Strategic Planning Committee, on 3 September 2024. At this meeting the suit was considered to be suitable and sustainable and a preferred site for new residential development within Lympstone. The allocation is for 14 new dwellings, with an access off Underhill Crescent. The application site comprises the western paddock with the rest of the site

comprising the existing dwelling (No. 22) and extended garden area which would be unaffected by the current application. Whilst the emerging local plan currently carries little weight, the Planning Committee has been advised that when considering planning applications for housing developments that would deliver homes within the next 5 years in a sustainable way, significant weight should be given to the need to bolster the Council's housing land supply position.

Overall, whilst there is some conflict with the adopted local plan, it is considered that due to the sustainable location of the site, the need for new housing, and the resolution to promote the site as a preferred allocation in the emerging local plan, the principle of development of this site is acceptable.

Impact on the Green Wedge

The application site lies within an area identified as being within a Green Wedge where Strategy 8 (Development in Green Wedges) applies. This policy seeks to protect the countryside from 'creeping' development to ensure that open land between settlements is retained. Within such areas development which, amongst other criteria, would add to existing sporadic or isolated development will not be permitted. In this instance there are a number of residential properties in the vicinity which are considered to have an urbanising impact on this countryside location, it is considered that the fundamental thrust of the policy is to ensure that further urbanisation does not occur.

The definition of the boundary of Strategy 8 has been specifically identified to ensure that inappropriate infill development does not occur. The land within it is under considerable pressure for new or additional development and whilst it can be argued that a single dwelling, even where that dwelling has been specifically designed to be environmentally beneficial, will not have a significant impact on the overall designation, it will still increase the built form, and domestication of the area.

Policy 3 of the Lypstone Neighbourhood Plan states that development will not normally be permitted in the Green Wedge unless it can be demonstrated that no harm to the character or purpose of these areas will occur, and a number of other criteria are met.

With regard to the character, it is important to have regard to the findings of a recent planning appeal (reference APP/U1105/W/21/3282445) for a new dwelling, on a site within very close proximity to the application site. This site is located at the southern end of Underhill Close, adjacent to the access to the application site. In considering the impact which that development would have, the Inspector found, at paragraph 11 that

"The development would read as infill and would relate very well to surrounding housing, falling inside a notional building line across this southern extent of the village. If this feature is retained, and if the dwelling were to maintain a low-profile design as suggested, the proposal would have a negligible presence within the Green Wedge in views from the public footpaths and the highway network to the south. On this basis, the scheme would consolidate the pattern of development at this village edge without harm to the character and appearance of the Green Wedge and without any

semblance of encroachment towards Exmouth.” A copy of the appeal decision is appended.

The application site is less visible in wider views than the appeal site being seen, where visible, within the context of the existing two storey dwelling adjacent to it and the development to the north in Underhill Crescent. From surrounding lanes to the south and west, and using the adjacent dwelling as a reference, it is very difficult to find any public views of the building due to the topography of the land and existing vegetation. There are some limited views of the site, from the public footpath to the east and south east of the site (Lympstone footpath 4) between the hedge but from here the site is seen within the context of a new dwelling, Blue Haze, and behind the existing boundary planting. It is not considered that the development would be prominent or visually intrusive in this context.

With regard to the other criteria of Policy 3 of the Neighbourhood Plan the site is within an extended curtilage (grassed paddock) associated with a residential property (22 Underhill Crescent) and is considered to be a reasonable sustainable location.

Overall it is not considered that there is any material conflict with Strategy 8 (Development in Green Wedges) of the Local Plan or Policy 3 of the Neighbourhood Plan

Design and Scale

The design of the proposed dwellings is considered to be reasonable, if not exceptional, with materials, including natural stone, timber cladding and slate roofs, reflective of those found within the vicinity of the site. The dwellings have a lower overall ridgeline than that of the neighbouring property, Highfield, and do not extend the built form further into the countryside than that existing. The overall scale is considered to be commensurate with that adjacent and not unreasonable in this location.

Given the extent of glazing on the southern elevations of the dwellings it is considered that the use of anti-glare glazing be used to ensure that, where visible, the sensitivity of views from the southwest, are protected. This element is indicated on the submitted plans and can be conditioned.

Overall it is considered that the dwellings respect the notional building line of this southern extent of the southern extent of the village, and that the layout of the development is acceptable as it would not result in any substantive visual intrusion into the wider landscape.

Residential Amenity

Policy D1 of the Local Plan requires that proposals do not adversely affect the amenity of occupiers of adjoining residential properties.

The introduction of 2 dwellings on this site will alter the aspect and have some impact on the outlook from the residential properties to the north, with built development replacing what is currently an open field. The dwellings will be visible from these

properties over the existing fence and boundary vegetation, but their position, with the first floor frontage 15m to the boundary of the rear gardens and 27m from the rear of these properties is not, considered to be unreasonable or that the new dwellings would be unacceptably overbearing. Concerns raised regarding loss of privacy are appreciated, however the relationship between the dwellings is such that it is not considered that a refusal could be substantiated in terms of loss of privacy or amenity to the occupiers of these properties. Additional planting to the northern boundary would further mitigate any potential impact.

An increase in noise and disturbance arising from the introduction of 2 dwellings is also inevitable, with additional activity and vehicle movements, although given the main amenity and living areas of the dwellings being located on the southern side of the new properties, it is not considered that this will result in any material loss of amenity for existing residents.

The shared access drive will also result in additional activity to the front of Highfield, particularly during any construction, although this is transitory and the overall impact of vehicles accessing the site following completion of the dwellings is likely to be modest, such that it would not result in any substantive impact. It is not considered that any loss of privacy or overlooking would arise which would have a material impact on the residential amenity of the occupiers of Highfield.

On balance, whilst the proposed dwellings would result in a degree of impact on the occupiers of surrounding properties, it is not considered that this would justify refusal of the application. In addition, the relationship between the new dwellings, incorporating appropriate boundary treatment and privacy measures is such that the amenity of existing and future occupiers will be protected. The proposal would comply with the provisions of policy D1 of the Local Plan.

Highway Safety and Parking

The access to the site is existing and is currently in use by Highfield and to gain vehicular access to the site. No physical alterations to this are proposed.

Policy TC9 - Parking Provision in New Development of the Local Plan states that spaces will need to be provided for Parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home.

The submitted site plan demonstrates that sufficient parking would be provided within the site for the parking of vehicles along with adequate turning space so that vehicles can exit the site in a forward gear. The proposal complies with the provisions of policy TC9 of the Local Plan.

Whilst the submitted swept path analysis plans indicate that there is sufficient space for emergency or refuse vehicles to enter and leave the site in a forward gear, it is not anticipated that such vehicles would access the private driveway unless an emergency need should arise.

Ecology

Strategy 47 (Nature Conservation and Geology) of the Local Plan requires that all development proposals:

1. Conserve the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats.
2. Maximise opportunities for restoration, enhancement and connection of natural habitats.
3. Incorporate beneficial biodiversity conservation features.

Development proposals that would cause a direct or indirect adverse effect upon internationally and nationally designated sites will not be permitted unless:

- a) They cannot be located on alternative sites that would cause less or no harm.
- b) The public benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats.
- c) Prevention, mitigation and compensation measures are provided.
- d) In respect of Internationally designated sites, the integrity of the site will be maintained.

Policy EN5 (Wildlife Habitats and Features) of the Local Plan states that wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would result in the loss of or damage to their nature conservation value, particularly where these form a link between or buffer to designated wildlife sites.

The application is accompanied by an Ecological Impact assessment Report prepared by a suitably qualified ecological consultant which found all habitat types were identified, with the dominant habitat being semi-improved species poor grassland, with the addition of scattered trees, intact species-poor hedge, fence and other habitats. No rare or nationally scarce botanical species were identified.

In order to avoid any adverse impact to protected species a number of ecological mitigation, compensation and enhancement measures are proposed, including minimal external lighting, with none on the boundary, protection of any identified breeding birds, the hand dismantling of the on-site manure heap, and overnight covering of any construction trenches.

A number of ecological enhancements are suggested, including the provision of bat and bird boxes; hedgehog access points in boundary walls/fences; a hedgehog house or log piles/compost heap/leaf piles and overgrown corners created; native planting/landscaping; swift houses, and a Landscape and Ecological Management Plan (LEMP) provided.

Arboricultural Impact

There is a category B Scots Pine located adjacent to the northern boundary of the site. As part of the consideration of the proposal the Councils Arboricultural Officer suggested that the no-dig hardsurfacing area within the root protection zone be

relocated, however this is required to provide an emergency vehicle turning area should this ever be required and as such is considered appropriate to be retained.

A detailed soft landscaping scheme, including the planting of a number of trees to the southern boundary of the site, has been submitted which is considered to be appropriate in this exposed location.

Habitat Regulations Assessment and Appropriate Assessment

The site is located in close proximity to the Exe Estuary and the East Devon Pebble bed Heaths Special Protection Areas (SPA's) which provide an important recreational resource for the local community. However, these are sensitive environments which are important to nature conservation and are subject to European wildlife site designations.

Despite the introduction of the Community Infrastructure Levy (CIL) where a proportion of CIL goes towards infrastructure to mitigate any impact upon habitats, contributions towards non-infrastructure mitigation are also required as developments that will impact on a protected habitat cannot proceed under an EU directive unless fully mitigated. Evidence shows that all new dwellings and tourist accommodation within 10 kilometres of the Exe Estuary and/or the Pebblebed Heaths Special Protection Areas (SPA's) will have a significant effect on protected habitats which is reflected in Strategy 47 (Nature Conservation and Geology) of the Local Plan. This proposal is within 10 km of the Exe Estuary and the Pebblebed Heaths and therefore attracts a habitat mitigation contribution towards non-infrastructure at a rate of £367.67 per dwelling which has been secured as part of this application.

Planning Balance

The site is located within the open countryside, as defined by Strategy 7 (Development in the Countryside) of the East Devon Local Plan 2013-2031 in an area designated as Green Wedge.

Planning law requires that applications for planning permission must be determined in accordance with the development plan (foot note 2 states this includes local and neighbourhood plans that have been brought into force) unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

Appeal decisions have shown that even if a site is not allocated in the current plan or is outside development boundaries, it can still nevertheless be considered for 'sustainable development' if there is no identified contextual conflict and it is within reasonable reach of an appropriate level of services and facilities.

There is a clear need for more housing, both market and affordable, within the district. The current and projected levels of housing delivery do not meet this need in the long

term under the current policy climate. This unmet need is a significant factor for decision-makers in planning applications and appeals, particularly pertinent for otherwise sustainable sites outside current settlement boundaries.

The application site is part of a larger site which has very recently been considered by EDDC's Strategic Planning Committee, on 3 September 2024. At this meeting the site was considered to be suitable and sustainable and a preferred site for new residential development within Lympstone. Whilst the emerging local plan has little weight, the Planning Committee has been advised that when considering planning applications for housing developments that would deliver homes within the next 5 years in a sustainable way, significant weight should be given to the need to bolster the Council's housing land supply position.

Overall, whilst there is some conflict with the adopted local plan, it is considered that due to the sustainable location of the site, the need for new housing, and the resolution to promote the site as a preferred allocation in the emerging local plan, the principle of development of this site is acceptable.

The proposed dwellings are considered to be acceptable in terms of layout, scale and appearance and would not result in any significant harm to the character and appearance of the area or the Green Wedge designation to justify refusal of the application. The proposal is accompanied by detailed landscaping proposals which include maintaining the southern hedgerow at an appropriate height along with additional planting which would help to soften the impact of the development in localised and wider views.

The proposal is considered to be acceptable in terms of its impacts on residential amenity and parking provision such that on balance, it is recommended for approval in compliance with the East Devon Local Plan and the Lympstone Neighbourhood Plan.

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. 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 must be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm

Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

(Reason: A pre-commencement condition is required to ensure that the details are agreed before the start of works to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)

4. A Landscape and Ecological Management Plan (LEMP) must be submitted to and approved by the Local Planning Authority prior to any works commencing on site. The LEMP shall outline details of any landscaping plans, monitoring, ecological enhancements (bird/bat boxes and long-term ecological gain. The works shall thereafter be undertaken in accordance with the approved plan.
(Reason - A pre-commencement condition is required to ensure that the details are agreed before the start of works to ensure that appropriate protection and enhancement of the ecology on the site in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031.
5. No development above foundation level shall take place until samples of the materials and finishes to be used in the construction of the external surfaces of the building and the entrance gates hereby permitted have been 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.)
6. Prior to its installation, full details and specification for the anti-glare glazing to be installed on the southern elevations of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and the anti-glare glazing shall remain in place in perpetuity.
(Reason: To ensure that reflective glare from the southern elevations of the dwellings is minimised to reduce the visual impact of the development in the interests of the character and appearance of the area and the Green Wedge in accordance with Strategies 7- Development in the Countryside, 8- Development in Green Wedges and policies D1- Design and Local Distinctiveness and D2- Landscape Requirements of the East Devon Local Plan 2013-2031).
7. The development hereby permitted shall be undertaken in accordance with the Arboricultural Report prepared by Advanced Arboriculture Ltd. and dated 9 February 2024.
(Reason – To ensure retention and protection of trees on the site during and after construction. The condition is required 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 D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification) no works shall be undertaken within the Schedule Part 1 Class E for the provision within the curtilages of the dwellinghouse hereby permitted of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouses as such.
(Reason: To reduce the visual impact of any uncontrolled future development in the interests of the character and appearance of the area and the Green Wedge in accordance with Strategies 7- Development in the Countryside, 8- Development in Green Wedges and policies D1- Design and Local Distinctiveness and D2- Landscape Requirements of the East Devon Local Plan 2013-2031).
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of the dwellinghouse.
(Reason: To reduce the visual impact of any uncontrolled future development in the interests of the character and appearance of the area and the Green Wedge in accordance with Strategies 7- Development in the Countryside, 8- Development in Green Wedges and policies D1- Design and Local Distinctiveness and D2- Landscape Requirements of the East Devon Local Plan 2013-2031).
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification) no works within the Schedule Part 1 Classes A, C and F for the enlargement, improvement or other alterations to the dwelling hereby permitted or hard surfacing, other than works that do not materially affect the external appearance of the building, shall be undertaken.
(Reason: To reduce the visual impact of any uncontrolled future development in the interests of the character and appearance of the area and the Green Wedge in accordance with Strategies 7- Development in the Countryside, 8- Development in Green Wedges and policies D1- Design and Local Distinctiveness and D2- Landscape Requirements of the East Devon Local Plan 2013-2031).

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:

	Tree Survey	26.03.24
DRAINAGE STRATEGY	Drainage report	26.03.24
DRAINAGE STRATEGY	Drainage report	26.03.24
DRAINAGE DOCUMENTATION	Drainage report	26.03.24
227111_AT_A04	Other Plans	26.03.24
227111_AT_A03	Other Plans	26.03.24
227111_AT_A01	Other Plans	26.03.24
1423.20	Proposed Elevation	26.03.24
1423.19	Proposed Combined Plans	26.03.24
1423.18	Proposed Floor Plans	26.03.24
1423.17	Proposed Floor Plans	26.03.24
1423.15	Location Plan	26.03.24
2411-01 : soft landscaping	Additional Information	25.09.24
1423.16.a.	Proposed Site Plan	25.09.24

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

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

applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:

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