

Agenda for Planning Committee Tuesday, 15th July, 2025, 10.00 am

Members of Planning Committee

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



East Devon District Council
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Honiton
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Venue: Council Chamber, Blackdown House, Honiton

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(or group number 01395 517546)

Friday, 4 July 2025

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 8 July 2025 up until 12 noon on Friday, 11 July 2025 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 for the planning applications** (Pages 4 - 6)

2 **Minutes of the previous meeting** (Pages 7 - 10)

Minutes of the Planning Committee meeting held on 10 June 2025.

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 11 - 29)

Update from the Development Manager

Applications for Determination

8 **25/0007/MOUT (Major) WOODBURY & LYMPSTONE** (Pages 30 - 94)

Land north east of Kings Garden & Leisure, Hulham Road, Exmouth.

9 **24/2664/MFUL (Major) BROADCLYST** (Pages 95 - 159)

Land north of Saundercroft Road, Broadclyst.

10 **25/0711/FUL (Minor) BROADCLYST** (Pages 160 - 174)

Mosshayne Farm, West Clyst, Devon, EX1 3TR.

- 11 **25/0724/LBC (Other) SIDMOUTH TOWN** (Pages 175 - 182)

Church Cottage, Church Lane, Sidmouth, EX10 8LG.

The following planning applications will not be considered before 2pm

- 12 **23/1480/MFUL (Major) EXMOUTH HALSDON** (Pages 183 - 240)

Warren View Sports Ground, Halsdon Avenue, Exmouth, EX8 3DH.

- 13 **23/0511/MFUL (Major) CRANBROOK** (Pages 241 - 346)

Land to the south of Tillhouse Road, Cranbrook.

- 14 **25/0039/FUL (Minor) DUNKESWELL & OTTERHEAD** (Pages 347 - 377)

Land adjoining Stockland C of E Primary Academy, Stockland, EX14 9EF.

- 15 **24/2290/FUL (Minor) NEWBRIDGES** (Pages 378 - 395)

Land adjacent Grove Cottage, Shute.

- 16 **25/0750/FUL (Minor) SEATON** (Pages 396 - 413)

Barnards, Harepath Hill, Seaton, EX12 2TF.

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 for the planning applications

Agenda item 7

Application number: 25/0007/MOUT **(Major)** Pages

Ward: Woodbury & Lympstone

Address: Land north east of Kings Garden & Leisure, Hulham Road, Exmouth

Ward Member: Councillor Ben Ingham / Councillor Geoff Jung

Objector	Andrew Roberts
Agent	Simon Collier, Collier Planning
Ward Member	Councillor Geoff Jung Councillor Ben Ingham

Agenda item 8

Application number: 24/2664/MFUL **(Major)** Pages

Ward: Broadclyst

Address: Land north of Saundercroft Road, Broadclyst

Ward Member: Councillor Paula Fernley / Councillor Eleanor Rylance

Committee Ward Member: Councillor Sarah Chamberlain

Parish Council	Angie Hurren, Broadclyst Parish Council
Agent	Naomi Heikalo, IC Planning
Ward Member	Councillor Eleanor Rylance Councillor Paula Fernley

Agenda item 9

Application number: 25/0711/FUL **(Minor)** Pages

Ward: Broadclyst

Address: Mosshayne Farm, West Clyst, EX1 3TR

Ward Member: Councillor Paula Fernley / Councillor Eleanor Rylance

Committee Ward Member: Councillor Sarah Chamberlain

Parish Council	Angie Hurren, Broadclyst Parish Council
Applicant	Ella Gent on behalf of the applicant
Ward Member	Cllr Paula Fernley

Agenda item 10

Application number: 25/0724/LBC **(Other)** Pages

Ward: Sidmouth Town

Address: Church Cottage, Church Lane, Sidmouth

Ward Member: Councillor Sophie Richards

Committee Ward Member: Councillor Ian Barlow

No registered speakers	

The following applications will not be considered before 2pm

Agenda item 11

Application number: 23/1480/MFUL (Major) Pages

Ward: Exmouth Halsdon

Address: Warren View Sports Ground, Halsdon Avenue, Exmouth

Ward Member: Councillor Tim Dumper / Councillor Andrew Toye / Councillor Daniel Wilson

Objector	Mark Hansford Matthew Dunn David Burrows Rebecca Hadley Jennie Dunn
Supporter	Robert Toomy Richard Powers Juniper Connal
Agent	Keegan Ferreday, Base Planning Consultants
Ward Member	Councillor Tim Dumper Councillor Andrew Toye Councillor Daniel Wilson

Agenda item 12

Application number: 23/0511/MFUL (Major) Pages

Ward: Cranbrook

Address: Land to the south of Tillhouse Road, Cranbrook

Ward Member: Councillor Kevin Blakey / Councillor Sam Hawkins

Committee Ward Member: Councillor Kim Bloxham

Agent	Sarah Phillips, David Lock Associates

Agenda item 13

Application number: 25/0039/FUL (Minor) Pages

Ward: Dunkeswell & Otterhead

Address: Land adjoining Stockland C of E Primary Academy, Stockland

Committee Ward Member: Councillor Colin Brown / Councillor Yehudi Levine

Agent	Tamsyn Froom, Tamsyn Froom Architecture Ltd Tel: 01460 61735

Agenda item 14**Application number: 24/2290/FUL (Minor) Pages****Ward: Newbridges****Address: Land adjacent Grove Cottage, Shute****Ward Member: Councillor Iain Chubb**

Agent	Mathew Dalton-Aram Tel: 01297 23261
Ward Member	Councillor Iain Chubb

Agenda item 15**Application number: 25/0750/FUL (Minor) Pages****Ward: Seaton****Address: Barnards, Harepath Hill, Seaton****Ward Member: Councillor Marcus Hartnell / Councillor Dan Ledger****Committee Ward Member: Councillor Del Haggerty**

Agent	Mathew Dalton-Aram Tel: 01297 23261

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 10 June 2025

Attendance list at end of document

The meeting started at 10.00 am and ended at 2.10 pm. The meeting adjourned at 12.15 pm and reconvened at 1.30 pm.

293 Minutes of the previous meetings

The minutes of the previous meetings held on 25 February and 13 May 2025 were agreed as a true record.

Councillor Eileen Wragg requested that it be minuted that she voted against approving the minutes of the meeting held on 25 February 2025.

294 Declarations of interest

Minute 299. 25/0653/FUL (Other) HONITON ST PAULS.

Councillor Colin Brown, Affects and prejudicial Non-registerable Interest, Owner of a property located opposite the application site.

Non-Committee Member

Minute 298. 24/2067/MFUL (Major) YARTY.

Councillor Paul Hayward, Affects Non-registerable Interest, Devon County Councillor Hawkchurch Division.

295 Matters of urgency

There were no matters of urgency.

296 Confidential/exempt item(s)

There were no confidential or exempt items.

297 Planning appeal statistics

The Committee noted the appeal statistics report which included an update on planning application 22/1910/MFUL – Devoncourt Hotel, 16 Douglas Avenue, Exmouth.

298 24/2067/MFUL (Major) YARTY

Applicant:

Root Power (South) Ltd.

Location:

Land to the west of Wareham Road, Scouse Farm, Blackpool Corner, Axminster, EX13 5UE.

Proposal:

The installation of 50MW battery clusters with ancillary equipment including inverter units, 132kV transformer compound, site welfare and switch room and two water tanks to provide standby, emergency electricity to support and facilitate renewable and low carbon energy projects.

RESOLVED:

Refused in accordance with officer recommendation subject to the following additional reasons for refusal:

'It has not been demonstrated that the proposed development would not, in case of a fire, result in pollution of aquifers and/or water courses within an areas where local residents are reliant on the use of aquifers. As such the proposed development could have adverse impacts on health and the environment contrary to Strategy 39 and Policies EN14 and EN18 of the East Devon Local Plan 2013 to 2031 and the provisions of the National Planning Policy Framework 2024 (as amended).'

Councillors Colin Brown and Maddy Chapman left the meeting.

299 **25/0653/FUL (Other) HONITON ST PAULS**

Applicant:

Mr Roland Ebdon.

Location:

Chartwood, Exeter Road, Honiton, EX14 1AN.

Proposal:

Proposed single storey extension and refurbishment of existing dwelling and associated work.

RESOLVED:

Approved with conditions as per officer recommendation.

300 **25/0602/FUL (Other) OTTERY ST MARY**

Applicant:

Mr & Mrs Dommett.

Location:

19 Shutes Mead, Ottery St Mary, EX11 1EE.

Proposal:

Single storey rear extension to replace existing lean to extensions.

RESOLVED:

Approved with conditions as per officer recommendation.

301 **25/0599/PIP (Other) BROADCLYST**

Applicant:

Mr H Mitchell.

Location:

Land adjacent to The Gardens, Blackhorse.

Proposal:

Permission in principle for the construction of four dwellings.

RESOLVED:

1. Approved as per officer recommendation.
2. That the Habitat Regulations Appropriate Assessment be adopted.

302 **24/2528/FUL (Minor) EXMOUTH LITTLEHAM**

Applicant:

Mr Oliver Bridge.

Location:

Unit 6 & 7 Sideshore, Queens Drive, Exmouth, EX8 2GD.

Proposal:

Proposal for café awning on the north elevation.

RESOLVED:

Approved with conditions as per officer recommendation and subject to the following additional condition:

‘The lowest part of the awning when open shall be no lower than 2.1m above ground level.’

Reason: To ensure there is no obstruction to the free flow of pedestrians within the area in accordance with Policy D1 of the East Devon Local Plan 2013 to 2031.

Attendance List

Councillors present:

B Bailey
I Barlow
C Brown
S Chamberlain (Vice-Chair)
M Chapman
B Collins
O Davey (Chair)
P Faithfull
S Gazzard
D Haggerty
M Howe
S Hughes
Y Levine
S Smith
E Wragg

Councillors also present (for some or all the meeting)

R Collins
P Hayward
D Mackinder

Officers in attendance:

Wendy Ormsby, Development Manager
Jeremy Ebdon, Principal Planning Officer (East)
Paul Golding, Principal Planning Officer
Damian Hunter, Planning Solicitor
Jack Richards, Planning Assistant
Wendy Harris, Democratic Services Officer

Councillor apologies:
K Bloxham

Chairman

Date:

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

Agenda Item 7

Ref: 25/0218/FUL **Date Received** 26.05.2025
Appellant: Mr Graham Downes
Appeal Site: 9 Oaktree Close Exmouth EX8 4QL
Proposal: First Floor Extension
Planning APP/U1105/D/25/3366473
Inspectorate Ref:

Ref: 25/0134/LBC **Date Received** 27.05.2025
Appellant: Miss Joanne Nosworthy
Appeal Site: 3 School Cottages Woodbury Salterton Exeter EX5 1PG
Proposal: Install 6no. solar panels on rear south east elevation
Planning APP/U1105/Y/25/3366515
Inspectorate Ref:

Ref: 25/0459/FUL **Date Received** 03.06.2025
Appellant: Jane D'Arcy Evans
Appeal Site: 4 Peek Mead Rousdon Devon DT7 3XW
Proposal: Retrospective planning permission for construction of shed, log store and raised beds constructed from timber sleepers to front (south) of property, and installation of timber sleeper retaining structures from to the rear (north) of property
Planning APP/U1105/W/25/3366940
Inspectorate Ref:

Ref: 23/1770/AGR **Date Received** 05.06.2025
Appellant: L Lush
Appeal Site: Blackenfields Farm Luppitt EX14 4UB
Proposal: Erection of a general purpose agricultural building
Planning APP/U1105/A/25/3367089
Inspectorate Ref:

Ref: 24/1052/FUL **Date Received** 05.06.2025
Appellant: Mr and Mrs R and J Courtney
Appeal Site: Oak Lodge Whimple EX5 2PD
Proposal: Siting of timber static unit as annexe for use by commercial business visitors to Courtneys of Whimple only
Planning APP/U1105/W/25/3367103
Inspectorate Ref:

Ref: 25/0770/FUL **Date Received** 16.06.2025
Appellant: Keith and Anne Hide
Appeal Site: 27 Scalwell Mead Seaton Devon EX12 2DW
Proposal: Creation of raised terrace to side and rear gardens to create level amenity area and construction of 2m fence (retrospective)
Planning APP/U1105/D/25/3367700
Inspectorate Ref:

Ref: 25/0296/ADV **Date Received** 23.06.2025
Appellant: Mr Oliver Bridge
Appeal Site: Unit 6 And 7 Sideshore Queens Drive Exmouth EX8 2GD
Proposal: Proposed 2no. illuminated signs
Planning APP/U1105/Z/25/3368112
Inspectorate Ref:

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

Ref: 24/1116/OUT **Appeal Ref:** 25/00003/REF
Appellant: Mr And Mrs S Steiner
Appeal Site: Sandy Way Kerswell Cullompton EX15 2EJ
Proposal: Outline application for a self-build dwelling with all matters reserved apart from access
Decision: **Appeal Dismissed** **Date:** 27.05.2025
Procedure: Written representations
Remarks: Delegated refusal, accessibility and countryside protection reasons upheld (EDLP Policy TC2, Strategies 1, 2, 5B, 7).
BVPI 204: **Yes**
Planning APP/U1105/W/25/3359249
Inspectorate Ref:

Ref: 24/2153/FUL **Appeal Ref:** 25/00018/HH
Appellant: Mr Steven Congreve
Appeal Site: Knoll Cottage Woodbury EX5 1NJ
Proposal: Replacement of a boundary fence on South and East elevation (Part Retrospective)
Decision: **Appeal Dismissed** **Date:** 28.05.2025
Procedure: Written representations
Remarks: Delegated refusal, amenity and conservation reasons upheld (EDLP Policies D1, EN8, EN9).
BVPI 204: **Yes**
Planning APP/U1105/D/25/3363627
Inspectorate Ref:

Ref:	23/1785/FUL	Appeal Ref:	24/00077/REF
Appellant:	Mr Lewis Pring		
Appeal Site:	The Old Reservoir Ridgeway Lane Colyton		
Proposal:	Demolition of existing reservoir tanks and construction of new dwelling house.		
Decision:	Appeal Allowed (with conditions)	Date:	03.06.2025
Procedure:	Written representations		
Remarks:	Officer recommendation to refuse, Committee refusal.		

The Inspector acknowledged that a previous planning permission for the conversion of the former reservoir to a dwelling from 2014 has commenced, although the existing tanks are sinking into unstable green sand. The submitted structural engineer's report shows that the tank base has been removed and that the existing wall could be used for retaining purposes in this scheme, if strengthened. It is therefore considered that the appellant would be likely to continue with this permission were the appeal to be unsuccessful.

The Inspector agreed with the Council that the appeal site is not in a suitable location for the proposed development having regard to the provisions of local and national policy and the accessibility of services and facilities. Accordingly, there would be conflict with LP Strategy 7 and Policy TC2.

The Inspector considered that the proposal would not, however, harmfully affect the character and appearance of the area and, as such, would not conflict with Strategy 7 or Policy D1 in this regard.

The Inspector also considered that in the absence of any compelling evidence to the contrary, there is a real prospect of the fallback position and this is a material consideration that can be afforded significant weight.

The Inspector concluded that the proposal would not harm the character and appearance of the area and would be similar to the fallback, when considered cumulatively. The material considerations in this case indicate that a decision should be made other than in accordance with the development plan and therefore the appeal should succeed.

BVPI 204:	Yes
Planning	APP/U1105/W/24/3357175
Inspectorate Ref:	

Ref:	24/1836/PDQ	Appeal Ref:	25/00005/REF
Appellant:	Mr Slade (R S Aylesbeare Ltd)		
Appeal Site:	Barton Farm Village Way Aylesbeare		
Proposal:	Prior approval (Class Q) for a change of use of a building as an agricultural unit to 2no. dwellinghouses (Use Class C3)		
Decision:	Appeal Dismissed	Date:	27.06.2025
Procedure:	Written representations		
Remarks:	Delegated refusal. The Inspector agreed with the Council that the proposal did not fall within the scope of permitted development under Class Q of the GPDO.		
BVPI 204:	No		
Planning	APP/U1105/W/25/3359850		
Inspectorate Ref:			

East Devon District Council List of Appeals in Progress

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: 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: 22/0508/MFUL
Appeal Ref: APP/U1105/W/24/3351691
Appellant: HB825AXM Limited
Address: Land At Pound Farm Hawkchurch
Proposal; Battery energy storage scheme and associated development.
Start Date: 24 October 2024
Procedure:
Written reps.
Questionnaire Due Date: 31 October 2024
Statement Due Date: 28 November 2024

App.No: 23/2422/FUL
Appeal Ref: APP/U1105/W/24/3353886
Appellant: Mr & Mrs Brinton
Address: Land to rear of Great Halls Aylesbeare EX5 2FD
Proposal; Erection of highly sustainable self-build dwelling with associated landscaping and biodiversity enhancements.
Start Date: 12 November 2024
Procedure:
Written reps.
Questionnaire Due Date: 19 November 2024
Statement Due Date: 17 December 2024

App.No: 23/2612/OUT
Appeal Ref: APP/U1105/W/24/3357250
Appellant: David Pring
Address: Land at Lower Broad Oak Road West Hill
Proposal; Outline planning application for the construction of 5 no. dwellings, with all matters reserved
Start Date: 13 January 2025
Procedure:
Written reps.
Questionnaire Due Date: 20 January 2025
Statement Due Date: 17 February 2025

App.No: 23/0939/FUL
Appeal Ref: APP/U1105/W/24/3358074
Appellant: Sir and Mrs John and Lucy Kennaway
Address: Clapperentale Farm Escot Park Ottery St Mary Devon EX11 1LU
Proposal; Demolition of barn and construction of new dwelling.
Start Date: 14 January 2025
Procedure:
Written reps.
Questionnaire Due Date: 21 January 2025
Statement Due Date: 18 February 2025

App.No: 24/1028/FUL
Appeal Ref: APP/U1105/W/24/3358068
Appellant: Mr Stephen Drinkall
Address: Warehouse (Store rear of Belvedere House) Danby Lane Exmouth
Proposal; Demolition of warehouse/general industrial building (use classes B2 and B8) and erection of 3no. work/live units and 1no. dwelling (use class C3)
Start Date: 14 January 2025
Procedure:
Written reps.
Questionnaire Due Date: 21 January 2025
Statement Due Date: 18 February 2025

App.No: 24/0431/MOUT
Appeal Ref: APP/U1105/W/24/3357849
Appellant: Taylor Wimpey UK Ltd
Address: Land east of Colestocks Road Feniton
Proposal; Outline planning application for up to 86 dwellings with access from Colestocks Road; the provision of public open space, landscaping, drainage, and associated highways improvements and infrastructure. All matters to be reserved except for access
Start Date: 21 January 2025
Procedure:
Inquiry
Questionnaire Due Date: 28 January 2025
Statement Due Date: 25 February 2025
Inquiry Date: 1 May 2025

App.No: 24/0802/FUL
Appeal Ref: APP/U1105/D/25/3359940
Appellant: Mr & Mrs Jones
Address: Tadpoles Longmeadow Road Lympstone EX8 5LF
Proposal; Construction of new storage building in front of property,
400mm extension to boundary fence and retrospective
permission for a small extension to rear garden terrace.
Start Date: 11 February 2025
Procedure:
Householder
Questionnaire Due Date: 18 February 2025

App.No: 23/2121/FUL
Appeal Ref: APP/U1105/W/25/3360422
Appellant: Carolyn Chapman
Address: Land adjacent Shute Farm Fluxton
Proposal; Proposed barn and polytunnels
Start Date: 24 February 2025
Procedure:
Written reps.
Questionnaire Due Date: 3 March 2025
Statement Due Date: 31 March 2025

App.No: 23/1269/MFUL
Appeal Ref: APP/U1105/W/24/3356636
Appellant: 3West Strawberry Hill Ltd
Address: Land South of Meeting Lane Lymptstone
Proposal; Construction of 42 residential units, affordable housing, new vehicular accesses from Meeting Lane and Strawberry Lane, pedestrian access onto Meeting Lane, associated internal roadways, SUDS features and landscaping
Start Date: 27 February 2025
Procedure: Hearing
Questionnaire Due Date: 6 March 2025
Statement Due Date: 3 April 2025
Hearing Date: 4 June 2025

App.No: 24/1938/FUL
Appeal Ref: APP/U1105/W/25/3361026
Appellant: Mr Ben Smith
Address: Halls Farm Metcombe Ottery St Mary Devon EX11 1SS
Proposal; Conversion of an agricultural building to two dwellings and associated landscaping, and the demolition of agricultural buildings
Start Date: 3 March 2025
Procedure: Written reps.
Questionnaire Due Date: 10 March 2025
Statement Due Date: 7 April 2025

App.No: 21/F0311
Appeal Ref: APP/U1105/C/25/3360742 & APP/U1105/F/25/3360464
Appellant: Julia Gardiner
Address: 55 High Street, Honiton EX14 1PW
Proposal; Appeals against enforcement notices served in respect of the installation of windows in a listed building
Start Date: 10 March 2025
Procedure: Written reps.
Questionnaire Due Date: 24 March 2025
Statement Due Date: 21 April 2025

App.No: 23/1276/MOUT
Appeal Ref: APP/U1105/W/25/3361389
Appellant: Mr R Falle
Address: Land Adjacent to Hillcrest Awliscombe
Proposal; Outline planning application for construction of 20 no. dwellings, village hall and farm shop and provision of village green and car parking, seeking approval of access only (matters of appearance, landscaping, layout and scale reserved)
Start Date: 12 March 2025
Procedure: Written reps.
Questionnaire Due Date: 19 March 2025
Statement Due Date: 16 April 2025

App.No: 23/F0111
Appeal Ref: APP/U1105/C/25/3361991
Appellant: Mr Robert Hobson
Address: Land at Broad Down, north of Wiscombe Linhay Farm, Southleigh, Colyton EX24 6JF
Proposal; Appeal against an enforcement notice served in respect of siting and storage of non-agricultural items on the land including a static caravan, shipping containers, a porta cabin, a storage/toilet block and a commercial vehicle.
Start Date: 25 March 2025
Procedure: Written reps.
Questionnaire Due Date: 8 April 2025
Statement Due Date: 6 May 2025

App.No: 24/1832/FUL
Appeal Ref: APP/U1105/W/25/3363078
Appellant: Dr Hugh McCormick
Address: 10 Marine Parade Budleigh Salterton EX9 6NS
Proposal; Replacement of existing single-family dwelling and creation of 4 no. apartments.
Start Date: 2 April 2025
Procedure: Written reps.
Questionnaire Due Date: 9 April 2025
Statement Due Date: 7 May 2025

App.No: 24/2661/FUL
Appeal Ref: APP/U1105/W/25/3363293
Appellant: Dr Hugh McCormick
Address: 10 Marine Parade Budleigh Salterton EX9 6NS
Proposal; Terraced landscaping to rear garden
Start Date: 2 April 2025
Procedure:
Written reps.
Questionnaire Due Date: 9 April 2025
Statement Due Date: 7 May 2025

App.No: 24/0371/FUL
Appeal Ref: APP/U1105/W/25/3363278
Appellant: Mr Kevin Howe
Address: Bridgend Harpford Devon EX10 0NG
Proposal; Removal of residential caravan and conversion of building to dwelling.
Start Date: 9 April 2025
Procedure:
Written reps.
Questionnaire Due Date: 16 April 2025
Statement Due Date: 14 May 2025

App.No: 24/2384/FUL
Appeal Ref: APP/U1105/W/25/3363540
Appellant: Sam and Alice Carlisle
Address: Coly Dale Station Road Colyton EX24 6HA
Proposal; Proposed extensions
Start Date: 14 April 2025
Procedure:
Written reps.
Questionnaire Due Date: 21 April 2025
Statement Due Date: 19 May 2025

App.No: 24/2680/FUL
Appeal Ref: APP/U1105/W/25/3363776
Appellant: Dr Hugh McCormick
Address: 10 Marine Parade Budleigh Salterton Devon EX9 6NS
Proposal; Single storey rear extensions and new 2nd floor extension with conservation rooflights and second storey side windows (with translucent glazing)
Start Date: 14 April 2025
Procedure:
Written reps.
Questionnaire Due Date: 21 April 2025
Statement Due Date: 19 May 2025

App.No: 24/1823/FUL
Appeal Ref: APP/U1105/W/25/3363777
Appellant: Dr Hugh McCormick
Address: 10 Marine Parade Budleigh Salterton EX9 6NS
Proposal; Proposed self-build dwelling.
Start Date: 14 April 2025
Procedure:
Written reps.
Questionnaire Due Date: 21 April 2025
Statement Due Date: 19 May 2025

App.No: 25/0035/PDQ
Appeal Ref: APP/U1105/W/25/3364022
Appellant: Mr R May
Address: Oakhay Barton Stoke Canon Exeter EX5 4ED
Proposal; Prior approval (Class Q) for a change of use of a building as an agricultural unit to 5no. dwellinghouses (Use Class C3)
Start Date: 15 April 2025
Procedure:
Written reps.
Questionnaire Due Date: 22 April 2025
Statement Due Date: 20 May 2025

App.No: 24/2715/FUL
Appeal Ref: APP/U1105/W/25/3364573
Appellant: Mr Charles Hankin
Address: 34 Queen Street Seaton EX12 2RB
Proposal; Change of use for rear only of shop into a flat, and creation of 2no. flats from existing single flat. Enlarged dormers, changes in fenestration, and associated external works
Start Date: 24 April 2025
Procedure:
Written reps.
Questionnaire Due Date: 1 May 2025
Statement Due Date: 29 May 2025

App.No: 24/1150/FUL
Appeal Ref: APP/U1105/W/25/3364822
Appellant: Mr A Randall
Address: Roseleigh Church Road Colaton Raleigh Devon EX10 0LH
Proposal; Proposed dwelling with associated driveway and private garden
Start Date: 1 May 2025
Procedure:
Written reps.
Questionnaire Due Date: 8 May 2025
Statement Due Date: 5 June 2025

App.No: 24/1278/FUL
Appeal Ref: APP/U1105/W/25/3364929
Appellant: Tim and Libby Read
Address: Land Adjacent Upper Spilsby Exeter Road Ottery St Mary
Proposal; Construction of a new dwelling and associated landscaping
Start Date: 6 May 2025
Procedure:
Written reps.
Questionnaire Due Date: 13 May 2025
Statement Due Date: 10 June 2025

App.No: 24/1900/FUL
Appeal Ref: APP/U1105/W/25/3365290
Appellant: Mr S Conway
Address: Land South of Hillside Salcombe Regis
Proposal; Agricultural storage building (resubmission of 23/1161/FUL)
Start Date: 13 May 2025
Procedure:
Written reps.
Questionnaire Due Date: 20 May 2025
Statement Due Date: 17 June 2025

App.No: 24/1552/ADV
Appeal Ref: APP/U1105/Z/25/3365316
Appellant: Zeal Hotel (Exeter) Ltd
Address: Land Adjacent to Babbage Way Exeter Science Park Clyst Honiton EX5 2FN
Proposal; Proposal to Install No. 3 Fascia Signs and No 4. Totem Signs
Start Date: 16 May 2025
Procedure:
Commercial
Questionnaire Due Date: 23 May 2025

Ref.No: 24/F0114
Appeal Ref: APP/U1105/C/25/3365463
Appellant: FWS Carter & Sons
Address: NHS Drive Through Vaccination Centre Greendale Farm Sidmouth Road Farringdon Exeter
Proposal; Appeal against enforcement notice served in respect of the retention of the building.
Start Date: 16 May 2025
Procedure:
Inquiry
Questionnaire Due Date: 30 May 2025
Statement Due Date: 27 June 2025
Inquiry Date: 9 September 2025

Ref.No: 22/F0379
Appeal Ref: APP/U1105/C/25/3365468
Appellant: FWS Carter & Sons
Address: Land north of unit 4 Greendale Farm Shop Sidmouth Road
Farringdon Exeter EX5 2JU
Proposal; Appeal against an enforcement notice served in respect of
the construction of a building on the land.
Start Date: 16 May 2025
Procedure:
Inquiry
Questionnaire Due Date: 30 May 2025
Statement Due Date: 27 June 2025
Inquiry Date: 9 September 2025

App.No: 24/1732/FUL
Appeal Ref: APP/U1105/D/25/3365472
Appellant: Mr McCue
Address: Carpenters Cottage Causeway Beer EX12 3LF
Proposal; Garden works including replacement of boundary fence
Start Date: 19 May 2025
Procedure:
Householder
Questionnaire Due Date: 26 May 2025

App.No: 25/0197/FUL
Appeal Ref: APP/U1105/W/25/3365655
Appellant: Mr and Mrs Vaughan
Address: 13A High Street Budleigh Salterton EX9 6LD
Proposal; Proposed replacement windows to front (north) elevation
Start Date: 20 May 2025
Procedure:
Written reps.
Questionnaire Due Date: 27 May 2025
Statement Due Date: 24 June 2025

App.No: 24/2618/FUL
Appeal Ref: APP/U1105/W/25/3364947
Appellant: Mr R Eley
Address: Land Adjacent to River Sid Fortescue Road Sidmouth
Proposal; Bridge over the river on private land
Start Date: 21 May 2025
Procedure:
Written reps.
Questionnaire Due Date: 28 May 2025
Statement Due Date: 25 June 2025

App.No: 24/1268/LBC
Appeal Ref: APP/U1105/Y/25/3365308
Appellant: Mr & Mrs Martin and Ali Kolaszynski
Address: Jackmoor Cottage Upton Pyne EX5 5HY
Proposal; Demolish existing annexe and rear extension, proposed new 2 story extension with link Replacement of all windows, and front door
Start Date: 21 May 2025
Procedure: Written reps.
Questionnaire Due Date: 28 May 2025
Statement Due Date: 25 June 2025

App.No: 24/1267/FUL
Appeal Ref: APP/U1105/W/25/3365953
Appellant: Mr & Mrs Martin and Ali Kolaszynski
Address: Jackmoor Cottage Upton Pyne EX5 5HY
Proposal; Demolish existing annexe and rear extension, proposed new 2 storey extension with link.
Start Date: 21 May 2025
Procedure: Written reps.
Questionnaire Due Date: 28 May 2025
Statement Due Date: 25 June 2025

App.No: 25/0218/FUL
Appeal Ref: APP/U1105/D/25/3366473
Appellant: Mr Graham Downes
Address: 9 Oaktree Close Exmouth EX8 4QL
Proposal; First Floor Extension
Start Date: 28 May 2025
Procedure: Householder
Questionnaire Due Date: 4 June 2025

App.No: 25/0134/LBC
Appeal Ref: APP/U1105/Y/25/3366515
Appellant: Miss Joanne Nosworthy
Address: 3 School Cottages Woodbury Salterton Exeter EX5 1PG
Proposal; Install 6no. solar panels on rear southeast elevation
Start Date: 2 June 2025

Procedure:
Written reps.

Questionnaire Due Date: 9 June 2025
Statement Due Date: 7 July 2025

App.No: 25/0742/FUL
Appeal Ref: APP/U1105/D/25/3366050
Appellant: Michelle Oldfield
Address: 4 Hillside Axmouth Seaton EX12 4BA
Proposal; Construction of rear extension and removal of outside store to be replaced with a new patio, terraced garden, retaining wall and new garden steps.

Start Date: 5 June 2025
Procedure:
Written reps.

Questionnaire Due Date: 12 June 2025
Statement Due Date:

App.No: 25/0459/FUL
Appeal Ref: APP/U1105/W/25/3366940
Appellant: Jane D'Arcy Evans
Address: 4 Peek Mead Rousdon Devon DT7 3XW
Proposal; Retrospective planning permission for construction of shed, log store and raised beds constructed from timber sleepers to front (south) of property, and installation of timber sleeper retaining structures from to the rear (north) of property

Start Date: 9 June 2025
Procedure:
Written reps.

Questionnaire Due Date: 16 June 2025
Statement Due Date: 14 July 2025

App.No: 23/1770/AGR
Appeal Ref: APP/U1105/A/25/3367089
Appellant: L Lush
Address: Blackenfields Farm Luppitt EX14 4UB
Proposal; Erection of a general-purpose agricultural building
Start Date: 9 June 2025

Procedure:
Written reps.

Questionnaire Due Date: 16 June 2025
Statement Due Date: 14 July 2025

App.No: 24/1052/FUL
Appeal Ref: APP/U1105/W/25/3367103
Appellant: Mr and Mrs R and J Courtney
Address: Oak Lodge Whimble EX5 2PD
Proposal; Siting of timber static unit as annexe for use by commercial business visitors to Courtneys of Whimble only
Start Date: 9 June 2025

Procedure:
Written reps.

Questionnaire Due Date: 16 June 2025
Statement Due Date: 14 July 2025

App.No: 25/0770/FUL
Appeal Ref: APP/U1105/D/25/3367700
Appellant: Keith and Anne Hide
Address: 27 Scalwell Mead Seaton Devon EX12 2DW
Proposal; Creation of raised terrace to side and rear gardens to create level amenity area and construction of 2m fence (retrospective)
Start Date: 17 June 2025

Procedure:
Written reps.

Questionnaire Due Date: 24 June 2025
Statement Due Date: 22 July 2025

App.No: 25/0296/ADV
Appeal Ref: APP/U1105/Z/25/3368112
Appellant: Mr Oliver Bridge
Address: Unit 6 And 7 Sideshore Queens Drive Exmouth EX8 2GD
Proposal; Proposed 2no. illuminated signs
Start Date: 25 June 2025

Procedure:
Commercial

Questionnaire Due Date: 2 July 2025

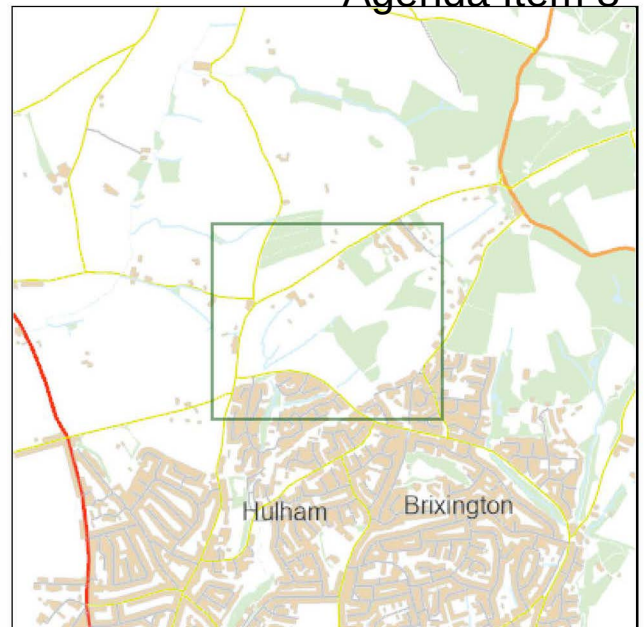
Ward Woodbury And Lympstone

Reference 25/0007/MOUT

Applicant Eagle Investments (SW) Ltd

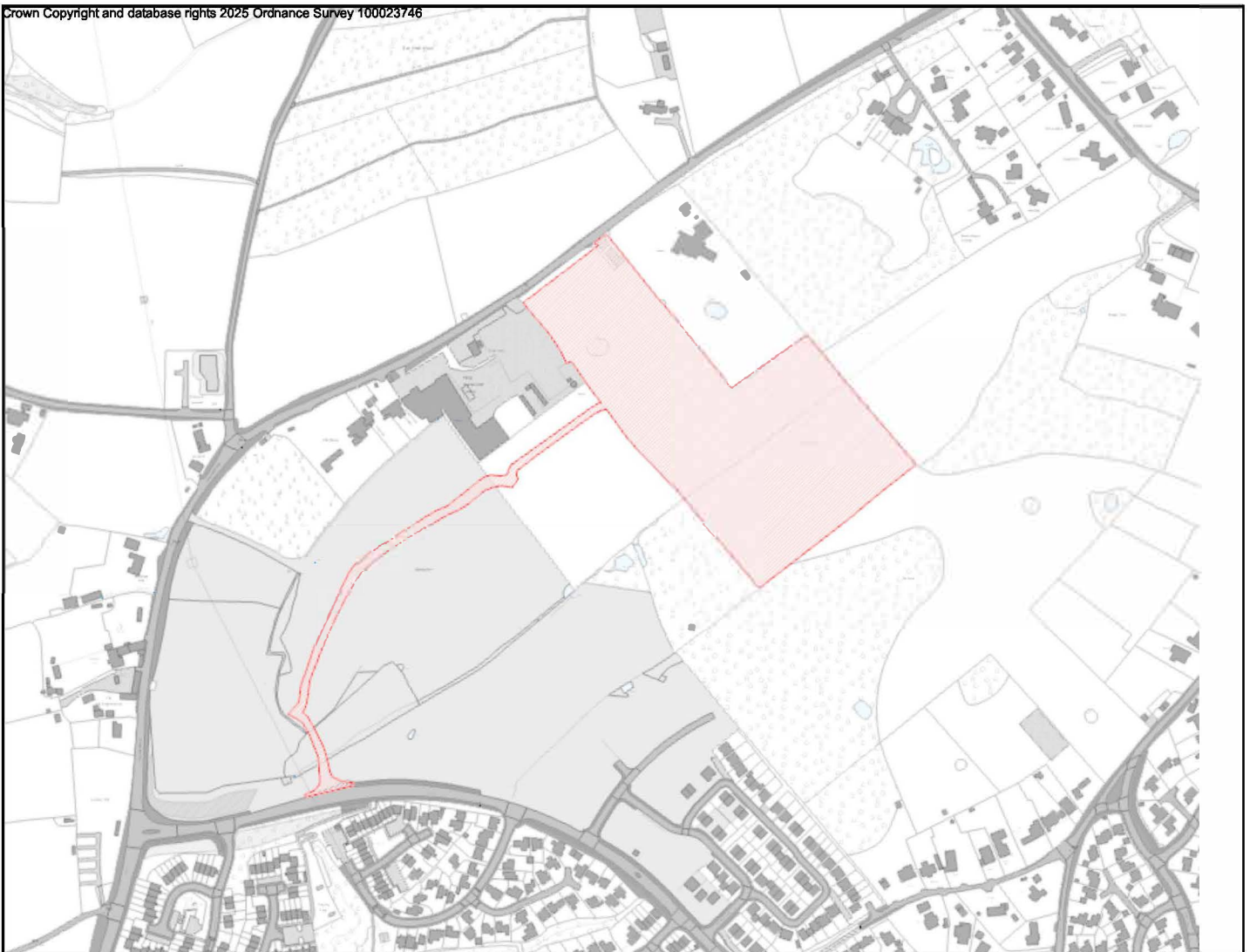
Location Land NE Of Kings Garden And Leisure Hulham Road Exmouth

Proposal Outline application seeking approval for access only (with matters of layout, scale, appearance and landscaping reserved) for residential development comprising of up to 75 dwellings, the formation of vehicular and pedestrian access from the adjoining Goodmores development site, public open space and other associated infrastructure



RECOMMENDATION: APPROVE the application subject to a S106 legal agreement and conditions.

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		Committee Date: 15.07.2025
Woodbury And Lympstone (Lympstone)	25/0007/MOUT	Target Date: 11.04.2025
Applicant:	Eagle Investments (SW) Ltd	
Location:	Land NE Of Kings Garden and Leisure, Hulham Road, Exmouth.	
Proposal:	Outline application seeking approval for access only (with matters of layout, scale, appearance and landscaping reserved) for residential development comprising of up to 75 dwellings, the formation of vehicular and pedestrian access from the adjoining Goodmores development site, public open space and other associated infrastructure	

RECOMMENDATION: APPROVE the application subject to a S106 legal agreement and conditions.

EXECUTIVE SUMMARY

This application is before Members because it represents a departure from the adopted Local Plan and a contrary view has been expressed by the Town Council.

The proposal is not in accordance with the Local Plan, with Strategy 7 stating that new development in the countryside, and outside Built Up Area Boundaries should be strictly controlled. As planning applications must be determined in accordance with the development plan this would suggest that planning permission ought to be refused, unless material considerations indicate otherwise.

The application has been submitted in outline form for the construction of up to 75 residential dwellings with public open space, SuDs systems, landscaping and associated infrastructure. The proposal includes the provision of affordable housing at 25% (18 affordable dwellings and 0.75 as a financial contribution).

Access is to be considered at this stage, with a new access road leading into the site as an extension from the internal roads which serve the adjacent sites of Goodmores which itself leads onto Dinan Way. The County Highway Authority raise no concerns in respect of increased traffic generation from the proposed development or in terms of the suitability of the vehicular access onto Dinan Way itself which has a wide junction and good standards of visibility in both

directions.

The site lies adjacent to existing residential development to the south west at Goodmores and the boundary of the site is contiguous with the built up area boundary of Exmouth as defined by the current Local Plan.

Whilst the site is rural in character and is within the countryside, it does not have any designated landscape or other protective designation.

The character and appearance of the site would change quite significantly from its current rural setting to a more urban built form, although it is proposed to retain the majority of trees, and to create large areas of open space within the site including appropriately sized ecological buffers around the site boundaries. The landscape and visual effects would generally be localised, with limited views in and from the site owing to the fact that it is self-contained and well screened by trees and vegetation on the boundaries. The submitted layout is illustrative, however it is considered to demonstrate that the suggested level of development of up to 75 dwellings can be accommodated on the site, with appropriate levels of open space, SUDs drainage, good sized private gardens and an internal access road whilst having regard to the shape, size and configuration of the site, its topography and surrounding development as well as the ecological and arboricultural constraints of the site

In applying the planning balance there is a need to weigh any harm caused by development outside of any defined development boundary, and consequently contrary to Strategy 1 (Spatial Strategy for Development in East Devon), 7 (Development in the Countryside) against the need for housing within the district. The Council cannot demonstrate a 5 year housing land supply so development plan policies important for determining this application including Strategies 1 and 7 are considered to be out of date and the titled balance in favour of sustainable development must be applied to the consideration of this application.

In this case the development is sustainably located contiguous with the built up area boundary as defined by the current Local Plan and on the edge of the district's largest town and consequently supported by Strategy 3 (Sustainable Development) and the provisions of the NPPF24. It is also a preferred residential site allocation for 59 dwellings in the Regulation 19 Draft Local Plan having been considered and adopted by the Strategic Planning Committee.

On balance, having regard to all planning issues and material considerations, the need for new and affordable dwellings to boost the future housing supply of the district is considered to justify a departure from the Local Plan.

It is recommended therefore that outline planning permission (with access approved) is granted subject to the completion of a S106 agreement and the conditions set out below.

CONSULTATIONS

Local Consultations

Woodbury and Lympstone- Cllr Geoff Jung 03/07/2025

I have viewed the planning application documents 25/0007/MOUT for outline application seeking approval for access only (with matters of layout, scale, appearance and landscaping reserved) for residential development comprising of up to 75 dwellings, the formation of vehicular and pedestrian access from the adjoining Goodmores development site, public open space and other associated infrastructure on land NE of Kings Garden and Leisure Hulham Road Exmouth. There are a number of concerns especially loss of important habitat, Bio diversity, surface water management and sewage capacity which will need to be covered satisfactorily to the specific consultees

However, I am most concerned that SWW in February claimed that “there may be need to carry out further assessment on the waste network. Initial assessments suggest possible need for surface water separation further downstream. Survey work and checking of ground levels may be needed to confirm. However, the flooding location is downstream from a site already in construction. If a scheme is required, it will be carried out in the next 18 months or may be picked up as part of the wider investment in Exmouth.” Although this was vague and not very specific to the acknowledged engineering failures and capacity to the Exmouth sewage network and sewage treatment work capacity, it confirmed that works were imminent and pollution incidents would hopefully reduce. However, I now note that on the 27th of June they have submitted a further assessment which has confirmed “South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site.”

This comment is surprising after a number of incidents of pollution in Exmouth between Feb and June, and therefore I would like to understand the improvements and works carried out, plus assurances of reduced incidents in the future, preferably from the Environment Agency before I can remove my request for a Grampian Order to be placed on this application.

Therefore, at present cannot support this application, but I reserve my views on this application until I am in full possession of all the relevant arguments for and against.

Woodbury and Lympstone- Cllr Geoff Jung 27/06/2025

Thank you for the report and recommendation. Unfortunately the report from SWW is far too vague and totally inconsistent to various comments related to other applications in Exmouth related to the failing sewage network in Exmouth.

Their comments are:

Foul Sewerage Services

There may be need to carry out further assessment on the waste network. Initial assessments suggest possible need for surface water separation further downstream. Survey work and checking of ground levels may be needed to confirm. However, the flooding location is downstream from a site already in construction. If a scheme is required, it will be carried out in the next 18 months or may be picked up as part of the wider investment in Exmouth.

All the comments bar one for substantial development connecting to the Exmouth Sewage network, SWW claim there are works to be carried out in the next 18months. (despite the reports being many months apart!)

Therefore I will be objecting to this planning application, until there is a far better explanation from SWW on what is the problem with the network downstream "causing flooding" and an explanation why all these works related to different locations are always 18 months until they are corrected!

I would also require a Grampian order attached to be included to ensure no housing is occupied until SWW can ensure this Authority that the sewage network in Exmouth is capable of accepting this increased flow in storm conditions, to EA permit standards.

Woodbury And Lympstone - Cllr Geoff Jung
25/0007/MOUT

I have viewed the planning application documents 25/0007/MOUT for an outline application seeking approval for access only (with matters of layout, scale, appearance and landscaping reserved) for residential development comprising of up to 80 dwellings, the formation of vehicular and pedestrian access from the adjoining Goodmores development site, public open space and other associated infrastructure at land NE of Kings Garden and Leisure Hulham Road.

There are a number of concerns especially surface water management and sewage management which will need to be covered by specific conditions or Grampian orders, if this application proceeds.

However, I note the proposal is for 30% affordable housing but as the present EDDC local Plan states any proposal outside the Built-up Area boundary must provide 50% affordable housing I cannot support this application, but I reserve my views on this application until I am in full possession of all the relevant arguments for and against.

Exmouth Town Council 24/06/2025

Objection, although the number of dwellings has been reduced from 80 to 75, the proposal is still considered an overdevelopment of the site. The submitted scheme would result in a quantified biodiversity loss of over 60% in area habitat units (EDDC District Ecologist, 18.06.25), which is deemed completely unacceptable. The proposed cycle path/pedestrian footpath is regarded as a token gesture and does not adequately address the fundamentally unsustainable location. The proposal did not meet the requirements of strategy 3 – Sustainable Development in the Local Plan.

Clerk To Exmouth Town Council

Objection: members felt they could not support the application until DCC Highways had assessment on the potential impact of the proposed development on the wider road network.

Recommendation: Object

Lympstone Parish Council

Lympstone Parish Council objects to this application due to site specific concerns of the validity of safe travel plans and the tree root protection areas appear too small. LPC would like to raise the question of how the trees will be managed in the future?

Technical Consultations

EDDC Ecologist 17/06/2025

Conclusions and recommendations

The submitted scheme would result in a quantified biodiversity loss in excess of - 60% for area habitat units and would rely on the provision of a significant number of offsite habitat units (29.18). No details have been provided regarding potential offsite measures so the full spatial impact of the development is unknown, e.g., offsite habitat units could potentially be located anywhere in England. The EcIA reiterates the importance of local offsite delivery to minimise the spatial impact, and that offsite habitat should be managed for bats, given the loss of foraging habitat from the site.

It is accepted that offsite compensation is a legitimate mechanism to deliver BNG and it is a post-determination matter. However, it would be recommended that local (within East Devon or surrounding area) offsite BNG provision is committed to, in accordance with BNG Good practice principles for development and Principle 8 of the biodiversity net gain user guide. This would also align with the local planning authority's legal duty under Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC Act) to conserve and enhance biodiversity.

As this is an outline application, the full requirements of offsite BNG and other ecological mitigation, compensation, and enhancement measures are provided as parameters. The general parameters are broadly acceptable, subject to planning conditions, sufficient details, and successful implementation.

Given the poor implementation of the habitat planting around the artificial badger sett and issues regarding tree protection on the adjacent site (within the same ownership) any development of the site would require appropriate control and monitoring measures to ensure all ecological measures were implemented successfully during construction and operation.

Should the application be minded for approval key parameters to secured would include:

- A detailed lighting strategy, including lux contours, demonstrating the achievability of dark (<0.5 lux) corridors within public open space.

- Detailed landscape and ecological management plan (LEMP) and habitat management and monitoring plan (HMMP).
- Construction Ecological Management Plan (CEcoMP)
- Reptile mitigation strategy

DCC Historic Environment Officer

The archaeological field evaluation of the proposed development site has been completed and the report setting out the results of these investigations has been submitted to this office. The anomaly identified by the geophysical survey has been shown to be associated with the extant field system rather than representing an earlier prehistoric or Romano-British ditched enclosure. The geophysical survey and field evaluation report will be uploaded to the Archaeology Data Service and no further archaeological mitigation is required.

In the light of these results I would consider the archaeological potential of the site as being low and would like to withdraw the Historic Environment Team's previous advice and instead offer no comments on this planning application.

Housing Strategy/Enabling Officer - Cassandra Pressling

I support these amended plans.

The Affordable Housing is dispersed throughout the site and the largest cluster is 9 dwellings.

I note the reduction in overall dwellings from 80 to 75.

25% Affordable Housing will be provided which is the policy position for Exmouth in the adopted Local Plan, Strategy 34. This equates to 18 affordable dwellings and 0.75 as a financial contribution. This will need to be secured in the S106 agreement.

Tenure - Strategy 34 sets a target of 70% for rented accommodation (social or affordable rent) and 30% for affordable home ownership.

EDDC Landscape Officer:

Having reviewed the amended and additional details submitted in respect of the above application I confirm I am satisfied with the layout changes made and that these generally address the issues raised in my previous response subject to conditions as noted.

In respect of connections to the adjacent Marley Road site to the south (Application reference 25/0078/MOUT) and the proposed emergency access onto Hulham Road it is recommended that provision is made within the s106 agreement for these to be adopted to facilitate future access links to adjoining land parcels should they come forward for development in the future.

EDDC Green Infrastructure Project Manager

The updated plans positively address a number of the issues raised in my previous consultation response.

As previously noted I have no in principle objection to the outline application, but there are a number of detailed issues to be addressed (at RM stage, via appropriate conditions) in relation to Green Infrastructure:

- o There are a number of significant mature and veteran trees on the site which must be retained. Future RM applications must ensure that the root protection areas and shadows cast by these trees are adequately accommodated without impacting on the proposed dwellings, and that their rooting and growth areas are protected for the future.
- o The boundary trees and hedgerows (which are used by a number of bat species) to be retained in the public realm in future RM applications. We need to confirm the offsets to these are sufficient to provide dark corridors which accommodate use by bats and other species.
- o The mitigation and enhancement measures set out in the Ecological Impact Assessment need to be conditioned in order that they are provided at the RM stage.
- o The SUDs basins are shown as wet ponds with 300mm of permanent water. It would increase biodiversity to incorporate deeper areas of permanent water within the pond (these could be within the centre to allow a shallower margin). Marginal planting should form part of the landscape plan.
- o High quality pedestrian/cycle connections should be provided from the emergency access to Hulham Road through the site towards Marley Road to connect with the Exmo_04 (which is proposed to be allocated for residential development in the emerging local plan) as well as to adjacent development sites to the south/east (the illustrative plan shows trees planted in these areas). The conditions/s106 need to ensure that connectivity is provided to the site boundary without breaks or ransom strips. The parameter plans (GI, Movement) should be amended to remove the trees in these areas and show the connections pedestrian/cycle connections.
- o Please could the relevant parameter plans be identified in the planning conditions to ensure that the RM applications relate to these.
- o Detailed landscape plans required at the next stage that accommodate all of the above.

County Highway Authority

The proposal is an outline application for a residential development for up to 80 dwellings, where all matters are reserved except for access. The proposal site is currently allocated in the draft local plan, currently out for consultation.

The proposal site sits off Hulham road, on the northern edge of Exmouth. Vehicular access proposed however would be off the adjacent Goodmores site currently under construction, which forms part of the consented outline application 14/0330/MOUT.

The applicant has indicated a potential pedestrian/cycle link into a neighbouring parcel, which is also included in current draft Local Plan consultations.

Emergency access into the site would be off an existing access from Hulham Road. Should this application be approved, careful design of this access will be needed. Hulham Road should not be promoted as a pedestrian access from the site onto Hulham Road in its current state, however there appears merit in potentially providing this as an opportunity for primarily cyclists (and any pedestrians that may be walking along the carriageway from existing nearby dwellings) to utilise this access as a safer route to wider areas, as opposed to continuing along Hulham Road. In the event the application is approved, this can be discussed further as part of the detailed design and any land safeguarded where necessary.

There is also a potential opportunity to provide for a private pedestrian access into the neighbouring Garden Centre, (which would need a private agreement) that would seemingly be of benefit to all parties. Whilst this is not a direct highway matter, it is advised best endeavours are made to secure this and provide for future permeable access into neighbouring parcels.

In support of the development proposed the applicant has submitted supporting transport documentations that has been assessed by the Highway Authority. Taking into account the established accesses off Dinan Way into the consented Goodmores development, whilst the proposal would see additional vehicle movements to and from these intersections, it is considered that there is not sufficient evidence to suggest that upgrades are required to be delivered at these intersections from the application parcel alone. However, as a draft allocation, there is opportunity to secure a reasonable contribution(s) from the developer towards future localised improvements, for example potential future access upgrades and/or to improve pedestrian and cycle accessibility to and from Exmouth Town centre that would also benefit the settlement as a whole.

A Travel Plan would also need to be provided as part of a future obligation for the applicant/developer and secured through a s106.

With the above in mind, if members are minded in approving the development proposed, the applicant will be required to produce an appropriate Travel Plan, detail, and timing of its delivery to be agreed and finalised at S106 stage. Access into the neighbouring parcel, as already outlined in the draft Local Plan, the emergency access arrangements and any contributions towards localised improvements will also need to be appropriately secured.

The Highway Authority also recommend conditions are attached to any favourable decision notice.

The Woodland Trust

Summary:

Veteran trees are irreplaceable habitats and must be protected from loss, deterioration or harm. Any development resulting in the loss of a veteran tree should not be taken forward unless there are wholly exceptional reasons. The Woodland Trust objects to this application on the basis of deterioration to a number of potential veteran trees.

The applicant needs to demonstrate that the veteran trees on site are appropriately protected from detrimental impact and harm in line with paragraph 193 of the National Planning Policy Framework. The applicant should provide these trees with an un-encroached buffer zone as befitting a veteran specimen to ensure that the proposed works will not have a detrimental impact on the longevity of these trees.

Devon Wildlife Trust

We object to the planning application because we consider that the proposals do not provide sufficient evidence to satisfy the requirements relating to biodiversity in paragraphs 174d, 180a, 180d and 185c of the National Planning Policy Framework or the requirements of paragraph 99 of ODPM Circular 06/2005 Biodiversity and Geological Conservation.

Furthermore, the requirements of the Environment Act 2021 have not been appropriately addressed. These requirements are reproduced at the end of this letter.

The comments provided below are based on an Ecological Impact Assessment produced by Richard Green Ecology Ltd (December 2024). We consider that insufficient evidence has been provided because -

1. The site lies within a Great Crested Newt Consultation Zone and a number of ponds are present in close proximity to the site. The report states that 'In accordance with local guidance for developers (DCC 2012, DLNP 2016), as the ponds all returned a HSI score of less than 0.6, no further survey of the ponds is required.' The DCC guidance referred to has been superseded. Current DCC guidance (February 2023) states that national guidance should be utilised, which states that HSI is not a substitute for newt surveys; great crested newt presence cannot be ruled out on pond HSI alone. The report also refers to great crested newt surveys which have been undertaken at an adjacent site. However, these surveys were carried out in 2012 and are therefore many years out of date.

Further assessment, such as eDNA surveys of the ponds, should be undertaken to confirm presence/absence of great crested newts. This must be carried out prior to considering an application for the site.

It should be noted that it is a matter of current caselaw (R v Cornwall County Council ex parte Hardy & Gwennap Parish Council CO/4784/99) that it is not acceptable to condition

protected species surveys, or to grant permission in the absence of such data, as this denies the public the ability to provide properly informed comment on the potential environmental effects of proposed developments.

2. The report states that 'the habitats on the site are unlikely to be used by breeding ciril buntings', however this statement is not supported by any evidence. Species-rich, native

hedgerows are present throughout the site in addition to scrub habitat and other neutral grassland with a varied sward height, which represent suitable habitat for breeding ciril bunting. The site is located within a Ciril Bunting Consultation Zone and therefore summer ciril bunting surveys are required prior to considering an application for the site.

3. The site has been confirmed as being of national importance for commuting/foraging bats. A diverse range of species has been recorded, including significant numbers of barbastelle and horseshoe bats, which are light-averse species. It will therefore be essential to ensure that bat commuting/foraging routes are retained and enhanced following completion of the development. Detailed design should include buffer zones of a minimum of 10m in width surrounding all hedgerows and a lighting strategy or assessment will be required at reserved matters stage which concludes that light spill will not impact on commuting/foraging bats or dormice. This should follow the recommendations provided in the Devon dark corridors guidance note produced by DCC. Mitigation measures must utilise permanent physical barriers such as new hedgebanks, walls etc. to ensure light spill is controlled in the long-term. The lighting scheme must demonstrate that light spill does not exceed 0.5 Lux at a height of 2m on the vertical plane at a distance of 5m from the face of areas of habitat retained/created for use by commuting/foraging bats. This is particularly important given that species of high conservation significance have been recorded within the site.

4. A 'good' population of slowworms has been identified with the site. The report states that 'Habitat manipulation to deter reptiles from the development area and into retained

habitats, followed by a translocation exercise, should be undertaken'. Given the population size class and large area of suitable habitat (4.2752 ha), this does not conform with best

practice guidelines and is likely to result in killing/injury of reptile species, which is a contravention of the Wildlife and Countryside Act 1981 (as amended). In order to safeguard

the population of reptiles present on site, a translocation to a site with adequate carrying capacity for the population must be undertaken prior to carrying out any habitat manipulation.

5. The report includes limited details for hedgehog mitigation post-development.

'Hedgehog highways' should be incorporated into all residential garden boundaries in order to ensure the landscape continues to be permeable for this species post-development.

6. The Environment Act 2021 outlines the requirement for Biodiversity Net Gain (BNG) as a condition of planning in England. This requires development to deliver a minimum of 10% net gain in biodiversity units post-development.

Principle 7 of the BNG Principles is 'be additional'. No evidence is provided within the assessment to suggest that additionality has been considered. Additionality cannot be appropriately considered until all protected species survey information is available.

Additionality must be considered within the reserved matters stage of the application.

In light of the biodiversity crisis, DWT recommends all developments achieve a 20% net gain.

For the reasons given above, we object to the planning application and recommend that it is refused.

NPPF para. 174

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;"

NPPF para. 180

"When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

d) opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."

NPPF para. 185

"Planning policies and decisions should ...

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."

ODPM Circular 06/2005 para. 99

Paragraph 99 states that 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 a planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. In cases where there is a reasonable likelihood of a protected species being present and affected by the development, surveys should be undertaken and any necessary measures to protect the species should be in place (through conditions and/or planning obligations), before a permission is granted.

Environment Act 2021

The act will require biodiversity net gain to ensure developments deliver at least 10% increase in biodiversity.

Police Architectural Liaison Officer

I have no objection to the planning application

I appreciate that the layout of the site is only illustrative at this stage but should the application progress, more detailed design should embed the principles outlined in the Crime and Disorder section.

DCC Flood Risk Management Team

2/7/2025:

Email received confirming that some further information is required but this can be dealt with by planning condition to require details prior to the submission of a reserved matters application for layout. This will ensure the layout reflects the drainage requirements of the site and takes into account any watercourses within the site.

Previous comments:

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.

Observations:

The applicant has referred to infiltration tests. These results should be submitted for this planning application.

The applicant should submit a screenshot of the FEH Catchment Descriptors.

Whilst we really appreciate swale and attenuation ponds being proposed to manage surface water, the applicant has proposed 1 in 2 side slopes and freeboards of 0.15m. The applicant should assess varied side slopes, no more than 1 in 3 gradient. Attenuation ponds should have minimum 0.30m freeboard. Aquatic benches should be included within attenuation ponds.

Could a swale not be achieved in the western parcel of the site?

Exceedance routes should not go through rear gardens.

Whilst the site layout for the planning application to the southwest is not being considered within this planning application (25/0007/MOUT), it should be noted that the current layout would prevent any maintenance access to the Ordinary Watercourse. A 6m corridor should be given to this watercourse.

The proposed realignment of the existing land drain should be further clarified. This land drain should be kept in open space and should not have any 90 degree bends.

The applicant is proposing to connect the outfall from the western attenuation pond to discharge into this land drain. However, it is not thought that the applicant will be able to demonstrate that this land drain will never reach full bore conditions. Full bore conditions might impact on the discharge from the basin.

Further evidence, such as photographs, of the existing land drain should be submitted. The survey noted that rubble was in the upstream manhole, could this be covering any inlets to the land drain? There is an Ordinary Watercourse to the northeast of Marley Drive which might connect to this land drain, which would make the land drain an Ordinary Watercourse.

Could the land drain be 'opened up'?

Land Drainage Consent will be required for any works to the watercourse to the southwest of the site, possibly including any new outfalls. This watercourse is outside of the sites red line boundary.

Whilst a Surface Water Construction Management Plan has been submitted at this stage, if planning permission is granted for this site, then a condition should be included for a more detailed surface water management plan during the construction stage. This will need to include, amongst other things, management of stockpiles; minimising topsoil removal to only areas to be worked imminently; discussion of build sequence; location and management of any compound; timescales for construction of permanent drainage system; possible protection of permanent drainage system.

It is understood that there are surface water drainage issues with Hulham Road. It would be greatly appreciated if the applicant was able to assess this issue and provide some improvement,

Contaminated Land Officer

No objection subject to conditions

Environmental Health

No objection subject to conditions

EDDC Trees

It is noted that the application is outline only and that matters of layout, scale, appearance and landscaping are reserved. In principle I have no objection to the outline proposal. Overall the access points are likely to only have a relatively low impact on nearby trees resulting in the removal of low category trees which can be offset on site. I have provided brief comments on the arboricultural layout impact plans and illustrative master plan.

The main tree constraints of the site are confined mainly to the boundaries though there are a number of protected trees centrally located which are also significant constraints. It is possible that these trees could be considered as notable trees or future veterans which therefore should be considered as irreplaceable habitats under NFFP. The Woodland Trust recommends that notable trees should be afforded the same protection as ancient or veteran trees.

It does appear from a tree perspective that the site does offer potential for appropriate careful development though whether the site can accommodate up to 80 dwellings is questionable. Suitable consideration should be given to proximity of structures to trees, the type of structures, the location of hard standing and access roads (all outside of RPA's), potential safety concerns, issues of debris fall and maintenance, bird detritus, shading, future growth of and management of trees and appropriate planting and long-term management of trees and hedges.

Detailed comments on current illustrative layout provided and annexed to this report

EDDC Recycling & Waste Contract Manager

No comments from Recycling & Waste on the following planning application as there is not yet any detailed design layouts.

Natural England

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions,

providing that all mitigation measures are appropriately secured in any planning permission given.

South West Water 02/07/2025

In relation to the Undertaker's response to application ref: 25/0007/MOUT, SWW confirms that the imposition of a Grampian condition relating to Foul Drainage is no longer requested by the Undertaker. The Undertaker's initial comments made a request to impose such a condition pending further assessment due to the potential risk posed by the proposed development. The more detailed hydraulic assessment has now been completed and this indicates that the proposed development can be accommodated, if approved. As such, SWW confirms that the imposition of a Grampian condition will not be necessary in this case.

South West Water 20/06/2025

This is the current situation for the site, which our Development Evaluation Team have reviewed following your query:

The long section of the scheme has been checked and there will be no significant impact on the network from this development. The model was sense checked for levels of the sewer and the risk previously highlighted was not flagged in the more recent scenarios.

Therefore, Grampian conditions will not be required for this site and it is not expected to see any significant detriment to the network caused by the new housing downstream from the connection point.

South West Water

Updated foul drainage comments received 2/7/2025:

In relation to the Undertaker's response to application ref: 25/0007/MOUT, SWW confirms that the imposition of a Grampian condition relating to Foul Drainage is no longer requested by the Undertaker. The Undertaker's initial comments made a request to impose such a condition – similarly to the Undertaker's response to 24/0301/MOUT – pending further assessment due to the potential risk posed by the proposed development. The more detailed hydraulic assessment has now been completed and this indicates that the proposed development can be accommodated, if approved. As such, SWW confirms that the imposition of a Grampian condition will not be necessary in this case.

Previous comments:

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable

(with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Discharge to surface water body

Having reviewed the applicant's current information as to proposed surface water disposal for its development, the method proposed to discharge into a surface water body is acceptable and meets with the Run-off Destination Hierarchy.

It is noted runoff from proposed impermeable areas will be collected and conveyed via private surface water drains into adoptable, onsite surface water sewers or grassed swales. These will discharge to two onsite separate attenuation ponds, each with a restricted runoff rate and outfall to the small watercourse to the south, as shown in Drawing No. 03.00 Rev A - Dec 24.

For Highway run off please contact the Highway Authority to agree disposal method.

South West Water response relates to surface water discharge to our network, where the discharge is from buildings and yards belonging to buildings. Where the applicant has highlighted that the surface water does not connect to South West Water network, we are not commenting on this as it is not our responsibility.

South West Water has no duty to accept land drainage runoff, flows from natural watercourses or groundwater to the public sewer system, and this is not permitted to discharge to the South West Water network. The applicant should make alternative arrangements to deal with this separately during the development and once the construction work is complete.

South West Water are not responsible for Highway Drainage and our comments do not relate to accepting any of these flows. The applicant should discuss and agree with the Highway Authority, where the highway water connects to.

If the applicant wishes to connect this development to the South West Water network, they should engage with us separately to see if we can accommodate this. No highway drainage will be permitted to be discharged to SWW foul or combined public sewer network either directly or indirectly.

If the applicant is looking to have their sewers adopted (surface and foul), they should design and construction the sewers to the current version of the Design and Construction Guidance. The process for doing this can be found on South West Water's website at Adoption of new sewers | Building & Development | South West Water

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services

There may be need to carry out further assessment on the waste network. Initial assessments suggest possible need for surface water separation further downstream. Survey work and checking of ground levels may be needed to confirm. However, the flooding location is downstream from a site already in construction. If a scheme is required, it will be carried out in the next 18 months or may be picked up as part of the wider investment in Exmouth.

Other Representations

23 letters of objection have been received at the time of writing this report raising concerns which can be summarised as:

Overdevelopment and Density

- The proposed 80 dwellings exceed the 59 recommended in the emerging Local Plan (a 36% increase).
- The site is considered unsuitable for high-density housing due to its rural character and proximity to protected landscapes.
- The development is seen as an extension of the already controversial Goodmores development, which has caused years of disruption.

Environmental and Ecological Concerns

- The site includes:
 - Veteran and ancient trees.
 - Historic hedgerows.
 - Habitats for protected species including badgers, great crested newts, and 17 species of bats (including the rare Barbastelle bat).
- The Biodiversity Net Gain (BNG) is reported as a 66% loss, far below the required +10%.
- The development risks irreversible damage to wildlife corridors and greenfield land near the East Devon Pebblebed Heaths and Woodbury Common (SSSI).

Flooding and Water Management

- The site has a high water table and clay soil, leading to persistent surface water flooding.
- Concerns that the proposed Sustainable Drainage System (SuDS) is inadequate and does not account for runoff from adjacent land.
- Risk of pollution to Withycombe Brook and the Exe Estuary (a Special Protection Area and Ramsar site).

Infrastructure Deficiencies

- No new schools, medical facilities, or public transport are proposed.

- Exmouth Community College is already over capacity (2,000+ students).
- Local GP surgeries and sewage systems are under severe strain.
- The development is seen as unsustainable without significant infrastructure investment.

Traffic and Highway Safety

- Increased traffic on Dinan Way and Hulham Road, both already congested and dangerous.
- Lack of safe pedestrian and cycle access, especially along Hulham Road.
- Calls for traffic lights at Dinan Way junction and better integration with future developments.

Planning Policy and Procedural Issues

- The site lies outside the Built-Up Area Boundary (BUAB) of Exmouth and Lympstone, requiring 50% affordable housing under Strategy 34. The application only offers 30%.
- No viability assessment provided to justify reduced affordable housing.
- Lack of archaeological survey, despite objections from the Historic Environment Team.
- Failure to meet sustainability criteria (e.g., most services are beyond 800m walking distance).

Design and Layout Concerns

- The proposed layout is high-density and not in keeping with the surrounding semi-rural area.
- Lack of solar panels and limited use of sustainable building practices.
- No clear plan for integrating with adjacent developments or providing community facilities.

Cumulative Impact

- Residents cite ongoing disruption from the Goodmores development and fear another two years of construction.
- Concerns about the long-term degradation of Exmouth's character and environment due to piecemeal, speculative development.

Recommendations from Objectors

- Reduce the number of dwellings to align with the Local Plan (59 units).
- Require full archaeological and ecological assessments.
- Improve drainage and flood mitigation.
- Secure pedestrian/cycle links to Hulham Road and Kings Garden Centre.
- Ensure infrastructure (schools, healthcare, roads) is delivered before or alongside housing.
- Consider alternative, more sustainable sites.

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 27 (Development at the Small Towns and Larger Villages)
 Strategy 34 (District Wide Affordable Housing Provision Targets)
 Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)
 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)

EN5 (Wildlife Habitats and Features)
 EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)
 EN8 (Significance of Heritage Assets and their setting)
 EN9 (Development Affecting a Designated Heritage Asset)
 EN13 (Development on High Quality Agricultural Land)
 EN14 (Control of Pollution)
 EN16 (Contaminated Land)
 EN21 (River and Coastal Flooding)
 EN22 (Surface Run-Off Implications of New 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)

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP01 - Spatial strategy Draft
 Strategic Policy SP02 - Levels of Future Housing Development Draft
 Strategic Policy SP06 - Development Beyond Settlement Boundaries Strategic Policy
 Strategic Policy SP07 - Delivery of Infrastructure Draft

Strategic Policy SD01- Exmouth and its Development Allocations Draft
 Strategic Policy AR01 - Flooding Draft
 Strategic Policy HN01 - Housing to Address Needs Draft
 Strategic Policy HN02 - Affordable Housing Draft
 Policy HN04 Accessible and Adaptable Housing Draft
 Strategic Policy DS01 - Design and Local Distinctiveness Draft

Policy DS02 - Housing Density and Efficient Use of Land Draft
Strategic Policy TR01 - Prioritising Walking, Wheeling, Cycling and Public Transport Draft
Policy TR04 - Parking Standards Draft
Strategic Policy OL01 - Landscape Features Draft
Policy OL09 (Control of pollution) Draft
Strategic Policy PB01 - Protection of Internationally and Nationally Important Wildlife Sites Draft
Strategic Policy PB04 - Habitats Regulations Assessment Draft
Strategic Policy PB05 - Biodiversity Net Gain Draft
Policy PB07 - Ecological Enhancement and Biodiversity in the Built Environment Draft
Policy PB08 - Trees, Hedges and Woodland on Development Sites Draft
Strategic Policy OS01 - Access to Open Space and Recreation Facilities Draft
Policy OS02 - Sport, recreation and open space provision in association with development Draft
Strategic Policy HE01 - Historic Environment

Government Planning Documents

NPPF (National Planning Policy Framework 2024)
National Planning Practice Guidance

Site Location and Description

The site is comprised of an agricultural field approximately 4.3 ha in area which adjoins the existing built-up area boundary of Exmouth as defined by the Adopted East Devon Local Plan. The southwestern boundary of the site adjoins the northeastern boundary of the current Local Plan W147 housing allocation within the Adopted Local Plan, which is currently under construction and known as Goodmores. This site will deliver 300 dwellings, commercial and employment land and includes land reserved for a primary school, a community football pitch and an equipped area of children's play space.

The application site is currently undeveloped and comprises a gently sloping field of neutral grassland bound by native hedgerow and mature lines of trees. It also contains three individual veteran and mature trees which are the subject of a Tree Preservation Order and a small area of mixed scrub surrounding an artificial badger sett in the southern corner of the field.

The site is located outside of the built-up area boundary of Exmouth as defined by the Adopted East Devon Local Plan and the made Exmouth Neighbourhood Plan and is considered to be open countryside. The site is not the subject of any national or local landscape designations. The National Landscape boundary and Pebblebed Heaths boundary is located around 950 metres from the site. The site falls within an area designated as flood zone 1 (low risk of flooding).

The site benefits from an existing agricultural vehicular access off Hulham Road to the North West. Kings Garden and Leisure and the Goodmores site adjoins the

south western boundary, Coles, a large residential dwelling adjoins the north eastern boundary with agricultural land adjoining to the south east.

Proposed Development:

This application seeks outline planning permission, with all matters reserved except access, for the development of up to 75 dwellings, including 25% affordable housing comprising of 18 affordable dwellings and 0.75 as a financial contribution. The application is accompanied by a constraints and opportunities plan and an indicative illustrative masterplan which shows a vehicular access and central spine road forming an extension of the proposed roads and footways within the Goodmores development through the north eastern boundary. The vehicular access itself would be taken from Dinan Way to the south with vehicles accessing the application site through the approved estate roads within Goodmores. The constraints and opportunities plan has been provided to illustrate the net developable area of the site which has been led by the requirement for dark buffers and ecological corridors around the perimeter of the site and the above and below ground constraints of trees within the site and on the site's boundaries. Whilst the layout plan that has been provided is indicative, it has been provided to demonstrate that a maximum of 75 dwellings could be accommodated on the site alongside its constraints. The site layout plan also shows the provision of a Local Area of Play (LAP), two SUD/ drainage ponds, swales and potential future cycle/ footpath links to the north east and south east.

ANALYSIS

The main issues to be considered in the determination of this application relate to:

- Policy Position and The Principle of Development (including consideration of housing supply within the district)
- Affordable Housing
- Transport and Access
- Design and Layout
- Heritage Impact
- Landscape and Visual Impact
- Residential Amenity
- Arboricultural Impact
- Drainage and Flood Risk
- Ecology/Biodiversity
- Open Space
- Loss of Agricultural Land
- Planning Obligations
- Planning Balance and Conclusions

Policy Position and Principle of Development

East Devon Local Plan 2013-2031 (EDLP)

The application site lies outside of any built-up area boundary, as defined in the EDLP, and as such, and in accordance with Strategy 7 of the plan, it falls to be considered as open countryside.

Within the open countryside Strategy 7 only permits development where such development is explicitly permitted by another policy of the Local Plan or, where relevant, Neighbourhood Plan.

There are no other policies of the EDLP or the ENP that provide the specific policy support required by Strategy 7, as such the proposal represents a departure from the development plan.

Emerging East Devon Local Plan (Consultation draft)

A new East Devon Local Plan is under preparation and a Draft Local Plan has been produced and has been consulted upon; following on from this site allocations have been determined and agreed upon by the Council. The Emerging Plan has reached Regulation 19 stage, with the consultation period on the draft plan having closed on 31 March 2025.

At this stage proposed Strategic Policy 1 (Spatial Strategy) sets out the proposed strategic approach for delivery of new development.

Strategic Policy SD01: Exmouth and its Development Allocations identifies and allocates the site (Land at Coles Field Hulham Road Lymp_14) for 59 new homes.

Specifically, the draft policy states:

This site is allocated for around 59 new homes. Biodiversity interest at and close to this site will demand particular sensitivity in respect of site design and implementation to avoid damages. This site will need to provide pedestrian and cycle access into the adjoining site Exmo_04a.

The inclusion of the site as a future housing allocation demonstrates the Council's view of the suitability of the site in principle, however only limited weight can be afforded to this draft plan at present. Nevertheless, Officer's consider that it does indicate the Council's direction of travel with regards to the residential allocation of this site.

National Planning Policy Framework (NPPF)

The amended NPPF (para. 78) requires authorities to be able to demonstrate a minimum five year supply of '*specific, deliverable sites*' against their housing requirements (including a requirement to demonstrate a further buffer where there has been significant under delivery). Where such supply can't be demonstrated the presumption in favour of sustainable development, as set out at para.11 of the NPPF applies, this states that,

*For **decision-taking** this means:*

c) approving development proposals that accord with an up-to-date development plan without delay; or

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 strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

The most recent information indicates that the Council's 5 year housing land supply (YHLS) stands at 2.97 years and as such the presumption in favour of sustainable development applies unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed.

The policies of the adopted East Devon Local plan which are directly related to the supply of housing have evidently not maintained a suitable supply of housing within the district. These policies include, amongst others, establishing settlement boundaries to control sporadic development and a hierarchy of settlements and must now be considered to be out of date, carrying limited weight.

In this case, the site lies adjacent to existing development and is contiguous with the BUAB of Exmouth and is proposed as a site allocation in the New Local Plan, indicating that the Council consider the site to be a sustainable location for development as a matter of principle. There is a clear need for more housing, both market and affordable, within the district and the current shortfall in supply is a significant factor in determining planning applications. Accordingly, in applying the tilted balance unless there are adverse impacts that would 'significantly and demonstrably' outweigh the benefits of the development (when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), permission should be granted.

Affordable Housing

Lack of affordable housing is a critical issue in East Devon and in order to retain younger people in our neighbourhoods and communities, as well as housing others in need, we need more affordable homes.

Strategy 34 (District Wide Affordable Housing Provision Targets) of the adopted EDLP (2016) states that affordable housing will be required on residential developments in East Devon. The policy requirement on residential developments

within Exmouth is to provide 25% affordable housing with an expectation that it is delivered on site. Outside of specific identified settlements the adopted local plan requires 50% affordable housing.

Strategy 34 sets a target of 70% for rented accommodation (social or affordable rent) and 30% for affordable home ownership.

The absence of a five year housing land supply however means that policies important for decision making in regard to housing delivery are considered to be out of date. As such less weight can be given to built up area boundaries. For this reason officers consider that for the purpose of affordable housing requirements the site should be considered as if it were within the Exmouth BUAB, where 25% affordable housing is required.

Strategic Policy HN02: Affordable Housing of the Reg. 19 Plan requires affordable housing on all developments with a capacity of 10 or more in non-designated rural areas. On allocated sites within the new plan, such as the application site, the requirement is for 30% affordable housing, with the tenure mix of 65% Social Rent and 35% Intermediate or other forms of affordable housing. However, this draft policy has yet to be scrutinised and at the present time carries very limited weight, and as such the Council's position remains that 25% affordable housing is required to satisfy Strategy 34 (District Wide Affordable Housing Provision Targets).

As submitted the application proposes 25% affordable housing on site which equates to 18 affordable dwellings with the remaining 0.75 as a financial contribution which would need to be secured in the S106 agreement.

The affordable housing offer is considered to be acceptable and the provision of 18 on site affordable dwellings weighs in favour of the proposals within the overall planning balance.

Transport and Access:

Strategy 5B (Sustainable Transport) of the EDLP (2016) 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 EDLP (2016) 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.

Policy TC4 (Footpaths, Bridleways and Cycleways) of the EDLP (2016) states that development proposals will be required to include measures to provide, improve and extend facilities for pedestrians and cyclists commensurate with the scale of the proposal. Policy TC7 (Adequacy of Road Network and Site Access) of the EDLP

(2016) states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy TC9 (Parking Provision in New Development) of the EDLP (2016) states that spaces will need to be provided for parking of cars and bicycles in new developments. All small scale and large scale major developments should include charging points for electric cars.

The proposal site sits off Hulham road, on the northern edge of Exmouth. Vehicular access proposed however would be off the adjacent Goodmores site currently under construction, which forms part of the consented outline application 14/0330/MOUT. The access road from Goodmores would be extended into the application site to serve the development.

The applicant has indicated that a pedestrian/cycle link into a neighbouring parcel would be provided, which is a requirement included in current draft Local Plan consultations.

The County Highway Authority have considered the application and the submitted supporting transport documentation. No objections are raised to the proposed access taking into account the established accesses off Dinan Way into the consented Goodmores development. Whilst the proposal would see additional vehicle movements to and from these intersections, it is considered that there is not sufficient evidence to suggest that upgrades are required to be delivered at these intersections from the application parcel alone.

A Travel Plan would also need to be provided as part of a future obligation for the applicant/developer and secured through a s106.

Emergency access into the site would be off an existing access from Hulham Road. The CHA have advised that should this application be approved, careful design of this access will be needed. Hulham Road should not be promoted as a pedestrian access from the site onto Hulham Road in its current state, however there appears merit in potentially providing this as an opportunity for primarily cyclists (and any pedestrians that may be walking along the carriageway from existing nearby dwellings) to utilise this access as a safer route to wider areas, as opposed to continuing along Hulham Road.

This has been considered by the applicants but has been discounted due to concerns about highway safety. Whilst there is potential to provide pedestrian and cyclist access into the site, the applicants have not accepted this request and have advised that the emergency access onto Hulham Road will be delivered with a locked gate and will not be accessible for pedestrians and cyclists, i.e. it will be an emergency access only- understood to be for reasons of highway safety only. It is understood that concern was raised about using this access for anything other than an emergency access during a community consultation exercise prior to submission of the application. Whilst the use of the access for cyclists could be desirable, given the fact that it leads onto Hulham Road, which is a fast and fairly heavily trafficked section of road and it doesn't provide any additional connectivity to services and

facilities or other housing developments the highway safety concerns seem justified. It isn't considered that the lack of this link would result in an unsustainable development or a development that doesn't maximise opportunities for sustainable travel beyond that of the private car. It is recommended that a detailed scheme for the provision of the emergency access is conditioned to be provided as part of any future reserved matters application and that its provision in perpetuity is secured through a S106 agreement.

The indicative masterplan does however show the provision of future pedestrian and cycle links into the adjacent Exmo_04 site to the south east which is proposed to be allocated for residential development in the emerging local plan as well as the highway and pedestrian link into Goodmores itself which will promote connectivity and improve the permeability of the development by linking through to other residential schemes which is an essential part of place making and building sustainable communities. It is recommended that pedestrian and cycle links into Exmo 04 is secured through a S106 agreement.

The development is generally considered to comply with Strategy 5B (Sustainable Transport), TC7 (Adequacy of Road Network and Site Access) and TC4 (Footpaths, Bridleways and Cycleways) of the local plan.

Landscape and Visual Impact:

Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the Local Plan requires 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 (now known as National Landscapes (NLs)).

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that development proposals should not adversely affect important landscape characteristics or prominent topographical features.

Policy D2 (Landscape Requirement) of the EDLP (2016) states that existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. Measures to ensure safe and convenient public access for all should be incorporated. Measures to ensure routine maintenance and long term management should be included. Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping. The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

The site comprises an agricultural field, enclosed by mature hedging and trees to its NE and SE boundaries with Hulham Road to the NW and by built development and future built development to the SW. Whilst the site is in the open countryside on the edge of the settlement of Exmouth where housing densities (with the exception of

Goodmores) is generally lower marking a transition from the settlement into the open countryside. It is identified as 3B Lower rolling farmed and settled valley slopes Landscape Character.

Notwithstanding the site's rural character, the findings of the submitted Landscape and Visual Appraisal are generally accepted by the Council's Landscape Officer who advises that the wider landscape and visual effects of development of the site are likely to be low, subject to retention and appropriate long-term protection and management of existing landscape fabric, in particular trees and hedgerow.

While the principle of residential development of the site is accepted, concerns were originally raised about the quantum (80) of development proposed being too high particularly when considering the draft local plan allocation is for 59 dwellings.

The quantum of development has been given careful consideration by officers who have worked with the applicants to produce a site constraints and opportunities plan to inform the quantum of development which has been informed by ensuring boundary trees and hedgerows are safeguarded and retained within public/communal ownership and not individual plots. In addition, a minimum 10m buffer would be provided around the perimeter of the site to safeguard trees and hedgerows and provide a dark corridor for bats. A 15m buffer should be secured around veteran trees.

Whilst the submitted site layout plan is indicative, it has been informed by the ecological and arboricultural constraints and does demonstrate that 75 dwellings could be accommodated on the site in a form and layout that would be appropriate for the size, shape and configuration of the site and its rural character. The indicative layout plan demonstrates that a housing layout could be provided with good amounts of informal and formal open space, garden sizes whilst retaining important ecological features which contribute positively to the rural landscape character and visual amenity of the site and the surrounding area.

The development of the site as proposed would result in the loss of an agricultural field to urban development but its sensitivity is considered to be reduced by the presence of existing residential and commercial development to the south west and by virtue of the fact that the site does not appear unduly prominent within the wider landscape which is not the subject of any designations. Retention of the trees and vegetation around the site's boundaries and additional planting will be an important part of the scheme helping to screen the development and ensure its assimilation into the local landscape. These measures are considered to be appropriate and would be reviewed as part of any reserved matters application.

The landscape and visual impacts of the proposals are likely to be limited to the site and local area and while the change in character along Hulham Road at the access point would result in changes to the landscape, the site is well contained, and it is considered that the development could be accommodated without a significant adverse impact to the wider landscape character. Nevertheless, there will be some adverse landscape impact which needs to be weighed in the planning balance.

Design and Layout

Section 12 of the NPPF, 2024 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development (para 131). In addition, development should function well and add to the overall quality of the area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and be sympathetic to local character and history, including the surrounding built environment and landscape setting (para 135). Development that is not well designed should be refused (para 139)

Strategy 48 (Local Distinctiveness in the Built Environment) of the adopted EDLP (2016) states that local distinctiveness and the importance of local design standards in the development process will be of critical importance to ensure that East Devon's towns and villages retain their intrinsic physical built qualities. Where towns or villages are or have been despoiled, we will seek to have qualities reinstated through good design. Use of local materials and local forms and styles will be essential to this distinctiveness.

Policy D1 (Design and Local Distinctiveness) of the Local Plan sets out detailed criteria to ensure that new development is of a high quality design and is locally distinctive. In particular, development should respect the key characteristics and special qualities of the area and ensure the scale, massing, density, height, fenestration and materials of buildings relate well to their context. In addition, development should not adversely affect the urban form in terms of significant street patterns, groups of buildings and open spaces.

The application has been submitted in outline, with matters of design, appearance, layout and scale forming reserved matters to be considered in detail should an outline consent be forthcoming. Nevertheless, an illustrative masterplan layout has been submitted which identifies, and seeks to address, the constraints of the site, both in physical terms, arboricultural and ecological.

The wider landscape and visual effects of development of the site are considered to be low and the indicative site layout plan has sufficiently demonstrated in principle that a high standard of development could be accommodated within the site with place making at its heart, framed around areas of open space and children's play space, attenuation basins with a direct link into the adjacent Goodmores site to access its future services and facilities.

While the submitted layout is indicative, clear design parameters need to be established to ensure that required buffer strips and future pedestrian and cycle links to adjacent sites are provided and that the access roads are appropriately designed as noted above.

The Council's Green Infrastructure Officer has advised that the updated plans positively address a number of the issues raised in a previous consultation response but considers that a number of detailed issues would need to be addressed at Reserved Matters stage in relation to Green Infrastructure:

- Retention of a number of significant mature and veteran trees on the site
- The boundary trees and hedgerows (which are used by a number of bat species) to be retained in the public realm.
- High quality pedestrian/cycle connections should be provided from the emergency access to Hulham Road through the site towards Marley Road to connect with the Exmo_04 (which is proposed to be allocated for residential development in the emerging local plan) as well as to adjacent development sites to the south/east (the illustrative plan shows trees planted in these areas). The conditions/s106 need to ensure that connectivity is provided to the site boundary without breaks or ransom strips. The parameter plans (GI, Movement) should be amended to remove the trees in these areas and show the connections pedestrian/cycle connections.
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It is considered that the site could accommodate up to 75 dwellings with an acceptable form of design and layout in accordance with the development plan.

Heritage Impact:

As well as the policies of the Development Plan, the Planning Authority must give special consideration to the significance of any Listed Buildings or Conservation Areas affected by this development as required by Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential development on this site would result in no harm to any listed buildings within the vicinity of the site. The site is sufficiently distanced and screened from any listed buildings, which include the Manse, 1-4 Point in View Cottages and Al A Ronde (grade I Listed buildings) 800 metres to the south west and Exe View House (grade II listed) 350 metres to the north, to preserve their significance and setting. Given the intervening vegetation, topography and very limited visibility between the site and the ongoing development at Goodmores which is much close to the grade I listed buildings, it isn't considered necessary to seek the views of Historic England in this instance as there will be no impact on setting.

The proposal would result in no harm to heritage assets and would comply with policy EN9 (Development affecting a Heritage Asset) of the East Devon Local Plan and paragraphs 202-214 of the NPPF and Section 66 (1) of the Listed Buildings Act which imposes a legal duty to preserve the setting of listed buildings.

Policy EN7 - Proposals Affecting Sites which may potentially be of Archaeological Importance of the Local Plan states that when considering development proposals which affect sites that are considered to potentially have remains of archaeological importance, the District Council will not grant planning permission until an

appropriate desk based assessment and, where necessary, a field assessment has been undertaken.

Despite an earlier objection from Devon County Council's Historic Environment Officer, they have advised that the archaeological field evaluation of the proposed development site has been completed and the report setting out the results of these investigations has been submitted.

The anomaly identified by the geophysical survey has been shown to be associated with the extant field system rather than representing an earlier prehistoric or Romano-British ditched enclosure. The geophysical survey and field evaluation report will be uploaded to the Archaeology Data Service and no further archaeological mitigation is required.

In the light of these results the archaeological potential of the site is low and Historic Environment Team's objection has been removed. The proposal complies with policy EN7 of the Local Plan.

Residential Amenity

Section 12 (Achieving Well-Designed Places) of the NPPF (202) outlines that planning policies and decisions should ensure that development create places with a high standard of amenity for existing users.

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that development should 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 results in unacceptable levels of pollution including smell, fumes and dust; pollution of surface or underground waters; noise; vibration; light intrusion and fly nuisance

There is one residential dwelling (Coles) to the north east of the site that is likely to be affected by this development which would see a change in character from an undeveloped agricultural field to a residential development. Coles itself is located a significant distance from the boundary of the site which is defined by mature tree and hedgerow planting. Whilst all plans that have been provided are indicative only, the masterplan does demonstrate that the site can accommodate the quantum of development proposed in a manner that would not result in any significant harm to the residential amenities of the occupiers of this property. The position and relationship of the development with Coles and its garden would be carefully assessed at reserved matters stage but in principle, the development would not result in any significant amenity harm that would justify refusal of planning permission.

The indicative site plan also demonstrates that an acceptable relationship can be formed with the development and layout at Goodmores.

In terms of Environmental Health, the District Council's Environmental Health Officer reviewed the application and recommended a Construction and Environment Management Plan (CEMP) condition to any approval.

The proposed dwellings would be expected to comply with the Nationally Described Space Standards (NDSS). Whilst these are not adopted planning policy within the Local Plan, they are nevertheless a useful guide and Policy D1 seeks to ensure that development does not adversely affect the living conditions of occupants of proposed future residential properties and that development includes features that maintain good levels of daylight and sunlight into buildings. These requirements also accord with the P.135 (f) of the NPPF's requirement for a high standard of amenity for existing and future occupiers.

The proposed development at outline stage is therefore considered to be acceptable and would comply with Policy D1 and Policy EN14.

Arboricultural Impact:

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that development should not adversely affect trees worthy of retention.

Policy D3 (Trees and Development Sites) states that 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.

Para 136 of the NPPF²⁴ states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change; opportunities should be taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures should be in place to secure the long-term maintenance of newly-planted trees, and that existing trees should be retained wherever possible.

Para 193 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles:

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

The objection to the application by the Woodland Trust on account of the loss and deterioration of a number of potential veteran trees is noted. The Woodland Trust have advised that these trees are referred to within the applicant's Tree Survey as trees T39, T48, T51, T81, T86, T91, and T93. These trees are not noted recorded on

the Trust's Ancient Tree Inventory¹ with only T78 has been recognised as a veteran tree by the applicant, which has been appropriately protected.

The Woodland Trust considers that the application in question features a number of veteran trees based on the descriptions provided within the tree survey. As these trees have not been recognised as veterans, they have not been provided with veteran tree buffers (VTB) in line with Natural England and Forestry Commission's standing advice.

They do also recognise that they do not have the ability to visit the site and make assessments of these trees themselves and must therefore rely on the information provided as part of the application and therefore have asked that the Council's tree officer takes their comments into consideration and applies them to their assessment when looking at this application.

The Council's Tree Officer has considered the application and the additional information that has been provided by the applicants. An additional technical note was provided with the applicant's tree consultant along with a revised tree survey. The report concludes that the T78 oak has been given a buffer zone as required by the NPPF as a tree recorded as a Veteran. This buffer zone is 15 x the stem diameter, this includes 5m clearance from the crown spread.

Following the consultation comments, T93 oak has now also been given an NPPF buffer zone as a Veteran. This buffer zone is 15 x the stem diameter, plus provision for 5m clearance from the crown spread.

Other centrally located trees have been assessed in accordance with relevant policy and best practice: NPPF, BS5837:2012, Woodland Trust and Tree Council, to assess presence of Veterans and Ancient Trees. This does not include giving buffer zones to trees that are not yet Veterans / future Veterans.

It should also be noted that the RPA's of trees along the western boundary (t-89-T93) have been modified to be more orientated into the site and less into the Kings Garden centre parking area.

It is important to realise that this is an outline application where matters of layout are reserved for future consideration. An indicative site plan has however been provided which shows that the veteran trees identified can be accommodated within areas of open space with appropriate buffers provided in line with the advice above. Furthermore, the revised constraints and opportunities plan which allows for a 10 metre ecological corridor on the south, east and western sides of the site would allow additional clearance of private gardens from retained trees, again reducing the likelihood of future pressure from residents.

There is a tension between considering an outline application where the detail provided is indicative only. The additional information that has been provided by the applicants has been considered by the Council's tree officer who has advised that in principle there is no objection to the outline application. Overall the access points are likely to only have a relatively low impact on nearby trees resulting in the removal of low category trees which can be offset on site.

The Council's tree officer accepts that the main tree constraints of the site are confined mainly to the boundaries though there are a number of protected trees centrally located which are also significant constraints. It is possible that these trees could be considered as notable trees or future veterans which therefore should be considered as irreplaceable habitats under NFFP. The Woodland Trust recommends that notable trees should be afforded the same protection as ancient or veteran trees.

It does appear from a tree perspective that the site does offer potential for appropriate careful development and highlights that suitable consideration would need be given to proximity of structures to trees, the type of structures, the location of hard standing and access roads (all outside of RPA's), potential safety concerns, issues of debris fall and maintenance, bird detritus, shading, future growth of and management of trees and appropriate planting and long-term management of trees and hedge.

The arboricultural constraints of this site will have to be further carefully considered at reserved matters stage once a layout is fixed. The applicant will be expected to provide a layout that provides appropriate sized buffers for veteran trees and other mature protected trees within the site. As shown indicatively these trees should be kept within buffer zones and away from driveways and gardens so as to ensure their long term management as part of open space within the development.

At reserved matter stage, the applicant would have to provide an Arboricultural impact Assessment and Method Statement to appropriately demonstrate that the above and below constraints of all retained trees have been taken into account and have informed the overall layout of the development where consideration would be given to the position of dwellings in relation to crown spreads and root protection areas, the position of driveways and parking spaces etc to ensure that the development can be provided in a sustainable and harmonious manner with the trees. This will be the subject of rigorous assessment at reserved matters stage once the layout has been fixed.

On balance, having regard for the above, it is not considered that the proposal would result in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees). Through the submission of an indicative site layout plan, officers consider that the applicant has demonstrated that the veteran trees on site could be appropriately protected from detrimental impact and harm in line with paragraph 193 of the National Planning Policy Framework. Any future reserved matters application would require the applicant to demonstrate that these trees will be provided with an un-encroached buffer zone as befitting a veteran specimen to ensure that the proposed works will not have a detrimental impact on the longevity of these trees.

Drainage and Flood Risk

Policy EN21 (River and Coastal Flooding) of the EDLP (2016) states that a sequential approach will be taken to considering whether new developments

excluding minor developments and changes of use will be permitted in areas subject to river and coastal flooding. Wherever possible, developments should be sited in Flood Zone 1. The policy sets out a sequential approach whereby if there is no reasonably available site in Flood Zone 1, only then will locating the development in Flood Zone 2 and Flood Zone 3 be considered.

Policy EN22 (Surface Run-Off Implications of New Development) of the adopted Local Plan (2016) 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.

The NPPF (2023) states at Paragraph 168 that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

The entire of the site is within Flood Zone 1 and is therefore at very low risk of flooding. All new development will be sited within Flood Zone 1.

Surface Water Run-Off

In relation to surface water run-off, a Flood Risk Assessment (FRA) has been submitted as part of the application including a surface water drainage strategy with an additional allowance of 45% additional capacity made for climate change.

All run off from impermeable areas such as roofs, access roads etc would be collected within downpipes and gullies and conveyed via private surface water drains into the adoptable onsite surface water sewers or grassed swales which would discharge flows to two on site SuDS attenuation ponds each with a restricted runoff rate and outfall to a small watercourse to the south. It is suggested that each pond (Eastern and Western) will contain a permanent water depth of 0.3m, 1.5m deep maximum storage level, 0.3m freeboard, and 1 in 3 grassed slopes. Two separate attenuation ponds are required to the onsite ground slopes, and a large root protection area on the southwest boundary line.

Members will note that there was an objection from the LLFA on the basis that insufficient information had been submitted in order to demonstrate that all aspects of the surface water drainage management had been considered. The applicant has submitted additional drawings and calculations to address the technical issues raised by the LLFA. The LLFA have recently responded to confirm that while further information is still required this can now be dealt with by a planning condition requiring a detailed drainage strategy to be agreed prior to the submission of the reserved matters application for layout. This will ensure the layout takes into account all necessary drainage issues.

Subject to appropriate conditions relating to a detailed drainage design, management of the surface water drainage system as well as information on the existing surface water drainage systems. The proposal is considered to be acceptable at this stage in relation to surface water subject to conditions.

Clean Potable Water

South West Water have advised that they are able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services

In relation to Foul Sewage, the foul water strategy for the site would comprise an on site adoptable foul sewer network that collects and conveys the domestic foul flows for all 75 dwellings offsite to the Section 104 sewers within the Goodmores Farm development.

South West Water have advised that they have no duty to accept land drainage runoff, flows from natural watercourses or groundwater to the public sewer system, and this is not permitted to discharge to the South West Water network. The applicant would need to make alternative arrangements to deal with this separately during the development and once the construction work is complete. No highway drainage will be permitted to be discharged to SWW foul or combined public sewer network either directly or indirectly.

SWW initially advised that there may be need to carry out further assessment on the waste network. Initial assessments suggested possible need for surface water separation further downstream. SWW have recently updated their comments however to confirm the following:

In relation to the Undertaker's response to application ref: 25/0007/MOUT, SWW confirms that the imposition of a Grampian condition relating to Foul Drainage is no longer requested by the Undertaker. The Undertaker's initial comments made a request to impose such a condition – similarly to the Undertaker's response to 24/0301/MOUT – pending further assessment due to the potential risk posed by the proposed development. The more detailed hydraulic assessment has now been completed and this indicates that the proposed development can be accommodated,

if approved. As such, SWW confirms that the imposition of a Grampian condition will not be necessary in this case.

As such the proposal is considered to comply with NPPF23 and Policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development) of the Local Plan.

Ecology:

Strategy 47 (Nature Conservation and Geology) of the Local Plan states that all development proposals will need to conserve the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats; maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features. The aims of this Strategy are reinforced in paras 187 to 188 of the NPPF, 2024.

Policy EN5 (Wildlife Habitats and Features) of the adopted Local Plan (2016) 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. Where potential arises positive opportunities for habitat creation will be encouraged through the development process. Where development is permitted on such sites mitigation will be required to reduce the negative impacts and where this is not possible adequate compensatory habitat enhancement or creation schemes will be required and/or measures required to be taken to ensure that the impacts of the development on valued natural features and wildlife have been mitigated to their fullest practical extent.

Policy PB07 (Ecological enhancement and biodiversity in the built environment) of the Emerging East Devon Local Plan 2020 to 2024 (Regulation 19 Plan February 2025) states that in addition to features required as part of biodiversity net gain, mitigation or compensation, all proposals are required to incorporate features of biodiversity value tailored to the specific proposals, relevant local receptors and in accordance with best practice to maximise potential benefits.. This emerging policy carries limited weight at the time of determination.

The application is supported by an Ecological Impact Assessment (EclA) (Richard Green Ecology, December 2024) including ecological surveys for bats, dormice, reptiles and great crested newts. The application is further supported by a Biodiversity Net Gain (BNG) Assessment, a Statutory Biodiversity Metric Calculation Tool and associated condition assessment sheets undertaken by Richard Green Ecology.

Designated Sites

The site is within 10 km of the Exe Estuary Ramsar site\Special Protection Area (SPA) and East Devon Pebblebed Heaths Special Area of Conservation (SAC) and East Devon Pebblebed Heaths Special Protection Area (SPA).

Habitat Removal:

The EcIA considers much of the site is comprised of other neutral grassland in moderate condition, several scattered mature trees and an area of mixed scrub. The site is bound by native hedgerows and mature lines of trees on all sides.

Two ash trees, approximately 13 m of hedgerow, and all the other neutral grassland would be removed to facilitate development.

Protected Species:

The Council's Ecologist initially submitted a holding objection to this application on the basis that:

- HSI survey of surrounding ponds and if scores above 0.6, further eDNA survey
- Clarity provided regarding the potential use of the site by foraging summer cirl buntings (in accordance with RSPB guidelines) and (if required) further summer cirl bunting surveys.
- Additional clarity regarding the current use of the artificial badger sett and how it is considered the location of the artificial sett is a sustainable location which is unlikely to be disturbed by construction and operation. Details should also confirm whether the proposals are in line with the existing Natural England badger licence terms.
- Clarity on how the biodiversity gain hierarchy has been followed, given that no gains more than 10% are provided on the site. This should also take consideration of comments made regarding the expansion of buffer zones, exclusion of mature trees from private curtilage, and the proposed density of housing which is more than the draft local plan site allocation.

Policy EN5 requires that where development is permitted on sites that are host to important wildlife habitats or features, mitigation will be required. In terms of protected species, mitigation is proposed for possible impacts on birds, bats, dormice and badgers to include:

Bats- Static bat activity surveys and transect activity surveys, undertaken in the most recent optimal survey period, determined the site supports at least 11 species of bats, including Annex II barbastelle, greater horseshoe and lesser horseshoe bats. The site is considered of national importance for bats.

Any lighting design will need be in accordance with BCT/ILP 2023 Guidance Note 8 and follow Devon County Council (2022) guidance - Maintaining dark corridors through the landscape for bats. In particular, major development proposals with potential impacts on light averse bat species should include a network of dark corridors, with a minimum 10 m width open grassy corridor maintained next to natural linear features. The dark corridors should be no more than 0.5 lux (or above existing baseline lighting levels) as shown on a horizontal illuminance contour plan, measured at 1.5 m and be managed to maximise insect prey.

The originally submitted constraints and opportunity plan only indicated a 5 m buffer dark corridor along most of the boundaries. Given bat surveys determined light adverse bat species including horseshoe and long-eared bats are utilising the site, it was considered that a 10 m wide buffer zone would need to be provided outside of private curtilages to ensure their long-term maintenance can be secured.

The Council's ecologist notes that the revised framework plan indicates 10 m wide dark corridors along the southwest, southeast, and north-east boundaries, and through the centre of the site. 5 m dark corridors are proposed along the remaining boundaries. He is in support of the principle of this, but has advised that the devil will be the detail of how the areas will be designed. As this is an outline application, it is the parameters of these measures to secure.

Any forthcoming reserved matters application would need to ensure that any lighting design is in accordance with BCT/ILP 2023 Guidance Note 8 and follow Devon County Council (2022) guidance - Maintaining dark corridors through the landscape for bats. Salient (non-exhaustive) points include:

- A minimum 10 m width open grassy corridor maintained next to natural linear features, i.e., not hardstanding paths etc running through the corridors.
- The dark corridors must be maintained for the lifetime of the development and be protected from the start of construction
- The adjacent hedge or linear feature which forms the flight line should be in the control of the applicant (within the red or blue line) and should be managed following best practice for bats and other wildlife and to maximise insect prey e.g., bushy dense hedge at a minimum height of 3 metres with frequent standard trees
- Where detailed final design will take place at Reserved Matters stage and there is uncertainty surrounding lighting impacts, the indicative layout and information submitted in the EclA should provide sufficient certainty that buffers are achievable. Please see recent appeal decision where the use of automatic blinds would not be suitable for light attenuation.
- The provision of buffer features is likely to be required next to the development platform such as Devon bank hedges etc. designed to ensure that the lighting requirements of the dark corridors can be met.
- Any corridors must be outside of private curtilages to ensure their long-term maintenance can be secured.

Badgers- The ecologist originally advised that the man-made badger sett in the southernmost corner of the site was recently constructed to compensate for badger disturbance on the adjacent Goodmores site and was not expected to be subject to further development pressure. Careful consideration will be required as to whether badgers can realistically be expected to survive and flourish in this location if this site is developed.

Mitigation and compensation measures for the destruction of a badger sett within the adjacent Goodmores site, stipulated the construction of an artificial badger sett in the southwest corner of this site. Drawing No 667/15 submitted with planning application 20/0993/MRES (RedBay Design, July 2021) includes the following description:

Proposed deciduous woodland around the badger sett (40 m x 40 m) - SY 01530 83927

A small area of native deciduous woodland will be created around the artificial badger sett that has been created. This area of woodland would measure approximately 1600 m². The proposed woodland would consist of a mixed native species woodland, of value to foraging and nesting dormice, birds, badgers, foraging and commuting bats, invertebrates and amphibians.

The Ecological Impact and Mitigation Assessment (Richard Green Ecology, February 2021) to inform the reserves matter application (20/0993/MRES) for the adjacent site, regarding the compensatory badger sett stated:

The artificial sett will be located at SY 01526 83923, within the corner of an adjacent field owned by the owner of the development site. This location has been chosen as it has no public access but remains close to the existing main sett (approximately 130 m east) and is therefore likely to remain in the centre of the badger clan's territory. A 300 m² area around the artificial sett will be fenced off from the rest of the field using stock fencing, to prevent grazing animals from entering the vicinity of the sett. The stock fence will be set 200 mm above ground level to allow badgers to pass beneath it.

A walkover survey of the site (February 2025) confirms a lack of stock fencing around the artificial badger sett. There was also evidence of current use by badgers includes a fresh spoil heap.

The location of the artificial badger sett was explicitly stated to be in an area central to the local badger clan's territory and located in an area with no public disturbance. The development of the site would result in a significant loss of potential foraging habitat and introduce significant levels of disturbance both during construction and site operation.

Concerns were raised that the Framework Plan showed an area of proposed woodland, located to the north and adjacent to the artificial sett. However, immediately adjacent to this is public footpaths (including connecting to a proposed play area), likely subject to regular disturbance, e.g., from dog walkers raising some uncertainty regarding the long-term viability of the artificial badger sett and its continued use. There is also consideration of whether the proposals would affect the existing Natural England badger licence conditions and requirements for additional surveys and a modification request.

The ecologist has considered the revised framework plan and has advised that subject to suitable remedial measures and new planting/provision of corridors etc. then the impacts are likely to be acceptable noting that it is concerning that the initial compensatory planting has not been maintained under the terms of the existing LEMP for Goodmores which can be investigated through enforcement outside of this application. The layout at this stage is indicative and officers would expect any reserved matters application to ensure that the artificial badger sett is not comprised and continues to be important commuting and foraging opportunities.

Cirl Buntings- The site is within a cirl bunting consultation zone and there is a central breeding zone located 500 m to the north-east of the site. There are also several breeding zones further west and unmapped breeding records approximately 750 m south identified during the ecology surveys for the DCC Dinan Way extension.

The EcIA considers the site does not provide suitable breeding or wintering habitat for cirl buntings. Given the site lacks dense hedges and scrub for nesting and seed-rich habitat for winter foraging, it was considered unlikely cirl buntings are breeding in the summer or foraging in the winter on the site.

Although the site may not provide suitable cirl bunting nesting habitat, the site is described as other neutral grassland with a varied sward height. The pictures within the EcIA from the summer indicates the site consist of pasture and the site also supports a diverse assemblage of foraging and commuting bats which relay on invertebrate prey.

RSPB cirl bunting survey guidelines (June 2017) states: *“If birds are suspected of nesting off the site but foraging within the site boundaries, this information is equally important.”* Therefore, further clarity should be provided on the likely use of the site by foraging cirl bunting in the summer, given the abundance of nearby breeding zones, and clarity of whether a summer survey should be undertaken in accordance with RSPB guidance.

The applicants have commissioned a series of Cirl Bunting surveys which concludes that the site is considered unlikely to be used by nesting cirl bunting and it is considered unlikely to be significant value to foraging cirl buntings based on the surveys undertaken and habitats present. The Council's ecologist has advised that no further cirl bunting survey is considered necessary and that the findings of the surveys are accepted.

Great Crested Newts- There are 4 ponds within 250 m of the site. Habitat suitability index (HSI) surveys were previously undertaken of three of the ponds in 2021, as part of the adjacent Goodmores Farm development (14/0330/MOUT), with HSI survey results indicating below average or poor suitability to support GCN. The HSI survey of the fourth pond, undertaken in 2024, also indicated poor suitability.

The Council's ecologist accepts that it is unlikely that GCN will be present.

Reptiles- Surveys determined the site supports a 'good population' (Froglife 1999) of slow worms. The EcIA recommends a translocation exercise. The report recommends that habitat manipulation should be attempted first to deter reptiles from the development area and into retained areas. Given the lack of appropriate surrounding areas, it is considered that the proposed development site be isolated using reptile fencing with the reptiles translocated to a secured receptor site.

Habitat manipulation can be used to enhance the capture/translocation exercise. Any receptor site will need to be in accordance with .GOV guidance with suitable measures, e.g., planning obligation, to maintain any receptor site in the long-term. Any translocated reptiles should not be result in pressure on existing reptile populations, e.g., other translocation sites, unless survey work and habitat

enhancements can demonstrate these measures will increase the carrying capacities of such sites.

The mitigation proposed as part of this application as well as a CEMP and LEMP will need to be secured and this can reasonably be achieved through a suitably worded condition in the form of the requirement for the approval of an Ecological Mitigation Strategy based on the proposed mitigation in the Environmental Report. The Council's ecologist has advised that the proposed mitigation, creation and enhancement measures for other protected and notable species are considered appropriate, assuming they are fully implemented. Insect bricks should also be provided in each dwelling, as well as bat and bird features.

Biodiversity Net Gain:

As a major application, this proposal has a mandatory requirement to provide 10% biodiversity net gain. The application is supported by a Biodiversity Net Gain Assessment with the details included within the EclA (Richard Green Ecology, December 2024).

The Council's ecologist has advised that the ecological report indicates a loss of 25.36 area habitat units (-66.34% net loss) and a gain of 0.91 hedgerow units (+6.38% net gain) post development; trading rules have not been met and it is not considered possible to achieve 10% increase in biodiversity on site. Therefore, it is acknowledged in the EclA that offsite biodiversity unit provision in order to meet the biodiversity gain objective, will be required.

Any offsite habitat provision will need to be allocated to the development on the national BNG register before the Biodiversity Gain Plan can be accepted prior to implementing the new permission.

The submitted Statutory Biodiversity Metric only provides an indicative assessment as this is an outline development and detailed landscaping plans are unknown. Therefore, the final BNG outcome could vary from the submitted details either positively or negatively.

The BNG calculations have not been updated since the previous EclA iteration (as the plans are indicative), and it is stated that any shortfall in required BNG units would be made up by purchasing off-site units (not Statutory Credits) or providing off-site enhancement. The EclA reiterates that any BNG shortfall should be provided as close to the development as possible, which is in accordance with Principle 8 of the biodiversity net gain user guide.

The submitted proposal includes the provision of significant onsite gains, such as provision of 147 trees. Therefore, these habitats would require legally securing for a minimum of 30-years from the completion of development and be subject to a monitoring contribution.

Previous correspondence with the applicants (and considered mitigation for other developments by the same applicant) indicate there are potential sites nearby that could provide offsite BNG.

Any proposed offsite habitat units to achieve BNG (including within the same ownership) will be required to be legally secured via a planning obligation and registered and allocated on the Natural England offsite register prior to the submission of a biodiversity gain plan and prior to the commencement of development.

A condition will therefore be imposed to secure the onsite BNG and ecology measures and for a Biodiversity Gain Plan to be prepared in accordance with the Ecological Impact Assessment. This condition will state that the development shall not commence until a Habitat Management and Monitoring Plan (the **HMMP**), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority.

Habitat Regulations and Appropriate Assessment:

The site is located in close proximity to the Exe Estuary and the East Devon Pebblebed 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 would therefore attract a habitat mitigation contribution towards non-infrastructure at a rate of £367.62 per dwelling which will be secured through a S106 agreement.

An Appropriate Assessment has been undertaken and the conclusions reached by officers that the effects of the development of European protected sites would not be significant, subject to the mitigation measures highlighted above (which is in line with the South West Devon Wildlife Mitigation Strategy) have been supported by Natural England.

Open Space

Strategy 43 (Open Space Standards) of the adopted EDLP (2016) states that developments proposing net new dwellings will be expected to provide for open space on-site where there is a demonstrable need for such open space in the vicinity. Developments will be assessed against existing provision in the parish in

which they are proposed. Where existing provision of specific typologies exceeds quantity standards, on-site provision will only be required where the existing open space typology is of poor quality or is in some other manner deficient such as not matching up to the accessibility standard. Developments will be expected to provide open space on-site through a Section 106 Agreement in line with the following thresholds:

- 9 dwellings or less will not be required to provide any specific open space typologies onsite, however developers may choose to make such provision.
- 10 - 49 dwellings will be required to provide amenity open space on-site.
- 50 - 199 dwellings will be required to provide amenity open space, and children's and youth play space on-site.
- 200+ dwellings will be required to provide for all open space typologies on-site.

The application would include up to 75 residential dwellings meaning that amenity open space and children's and youth play space is required on site by Strategy 43. As detailed layouts are not known it is considered that the application could include up to 75 residents. The requirement for up to 75 residents would be for 799.2 sqm of on site open space based on 2.2 residents per household

The detailed site layout would be reviewed as part of the reserved matters application however based on the submitted illustrative site plan, which includes a open space and a LEAP, it is considered that there is sufficient room to include the provision of amenity open space required, such that the proposal would accord with the requirements of Strategy 43.

Agricultural Land

Paragraph 180 (b) of The NPPF (2023) requires that planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality. In addition, the planning system should contribute to and enhance the natural and local environment, including protecting and enhancing soils.

Policy EN13 of the adopted Local Plan aims to protect from development the higher quality agricultural land unless there is an overriding need for the development and there is insufficient lower grade land available (or has environmental value) or the benefits of the development justify the loss of the high quality agricultural land.

The application site measures around 4.3 ha and is currently used for agricultural purposes. Where the loss of agricultural land is proposed an assessment must be made as to whether it is the best and most versatile agricultural land (Grades 1, 2 and 3a). 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.

The majority of the site is Grade 3 agricultural land, which is not the highest grade land but one where an on-site survey would be needed to determine whether it is 3a or 3b. No such survey has been submitted with this application and so a cautious approach is to consider that the site could be 3a, which does fall within the category of best and most versatile agricultural land.

The proposed development would result in the permanent loss of this agricultural land starting at the construction stage, and whilst the loss of nearly 4.3 ha of any agricultural land is regrettable, it is not considered that the loss would significantly harm wider agricultural interests as there are large amounts of other land in the locality of higher quality. Furthermore, it should be noted that the future allocation of this land for housing already shows an acceptance of the fact that there will be a loss of this agricultural land. Nevertheless, the loss of agricultural land weighs negatively in the planning balance.

Planning Obligations

Strategy 50 (Infrastructure Delivery) of the adopted Local Plan (2016) states that the Council produced and consulted (in June/July 2013) on an Infrastructure Delivery Plan to set out how the implementation of Local Plan policies and proposals will be supported through the timely delivery of infrastructure improvements. It identifies schemes, sets out how much they will cost, indicates potential funding sources and establishes a funding gap. Developer contributions will be sought to ensure that the necessary infrastructure improvements are secured to support the delivery of development and mitigate any adverse impacts. The failure to provide or absence of relevant infrastructure will be grounds to justify refusal of permission.

As set out throughout this report, the following obligations are required for this development via a S106 legal agreement:

1. Delivery of 25% on site affordable housing
2. 0.75% off-site affordable housing contribution of £34,677.00
3. Pedestrian/Cycle connections and emergency access provision
4. Provision and maintenance/management arrangements for on-site communal open space and SUDs
5. Implementation of a Travel Plan
5. Financial contributions of £367.62 per dwelling towards habitat mitigation for the Exe Estuary and East Devon Pebblebed Heaths
6. Offsite habitat units to achieve BNG
7. A financial contribution towards BNG monitoring
8. S106. Monitoring fees

If this application were to be approved a S106 would be required which captures the above. However, if this application is refused the lack of a legal mechanism to secure these contributions should also form a reason for refusal as the proposal would fail to be in accordance with Strategy 34 (District Wide Affordable Housing Provision Targets), and Geology) and Strategy 50 (Infrastructure Delivery) of the adopted Local Plan (2016) and the East Devon Affordable Housing Supplementary Planning Document (November 2020).

Planning Balance and Conclusions:

It is a requirement of planning law that planning decisions are determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The site is not allocated for development and is located in open countryside meaning that the proposal would be contrary to Strategy 1, 7 and 27 of the adopted Local Plan which sets the spatial strategy for development and seeks to restrict development in the countryside unless explicitly supported by other local or neighbourhood plan policies.

Whilst the site lies outside any Built-up Area Boundary (BUAB), it adjoins the Exmouth and would be within walking and cycling distance of services and public transport links within the Districts largest town. The proposal would therefore have some support from Strategy 3 of the adopted Local Plan and the NPPF which supports sustainable development, and the development would appear to accord with the overarching principles of delivering sustainable development.

A material consideration in the decision of this application is the need to bolster housing supply especially affordable housing and the proposal would result in additional housing adjacent to Exmouth which should be given significant weight in the decision. Strategic Planning Committee have advised 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. The application site has been identified in the emerging East Devon Local Plan, currently at Regulation 19 stage as being suitable to accommodate up to 59 dwellings. This allocation, ratified by the Councils Strategic Planning Committee, and included in the Regulation 19 consultation draft weighs in favour of the proposal given the council's current housing land supply shortfall, although the draft local plan designation carries very limited weight at present.

The proposal would include 25% affordable housing which, while not strictly policy compliant, meets the requirements of Strategy 34 and should be given significant weight in the determination of this application.

This application has been submitted in outline form for up to 75 residential units seeking approval for access only. Matters of layout, appearance, scale and landscaping have been reserved for future consideration, however the submitted indicative layout, as amended is considered to be appropriate to demonstrate that it would be possible to accommodate up to 75 residential units whilst respecting the constraints of the site.

The application has a number of associated benefits including housing delivery and the provision of affordable homes and public open space which are given weight in the decision. The sustainable location and access to services and infrastructure is also a benefit. The proposal would include economic benefits from construction to operation and benefits to local businesses and services as well as CIL payments of which a proportion would go to the parish council. These are all considered to be

benefits of the development which align with the NPPF's three overarching objectives (economic, social and environmental).

The development of the site as proposed would result in the loss of an agricultural field to built-form but its sensitivity is reduced by the presence of existing residential and commercial development to the south west and by virtue of the fact that the site does not appear unduly prominent within the wider landscape which is not the subject of any designations. Retention of the trees and vegetation around the site's boundaries and additional planting will be an important part of the scheme helping to screen the development and ensure its assimilation into the local landscape. These measures are considered to be appropriate and would be reviewed as part of any reserved matters application. Limited harm to the rural landscape character and appearance of the site weighs negatively in the planning balance.

The proposal has been assessed in relation to design, highways, trees, ecology, contamination, sustainability and amenity and officers have concluded that the proposal would not result in significant harm. The proposal would also result in a Biodiversity Net Gain and the provision of public and play space would meet the policy requirement of the Local Plan. The loss of potentially high grade agricultural land is regrettable however there are large amounts of other land in the locality of higher quality and the loss of 4.3 ha of agricultural land within this context is not considered to significantly harm agricultural interests or the national food supply to an extent that would be significantly and demonstrably harmful against the wider planning benefits of the scheme when considered as a whole.

When taking all of the above into account the conflict with residential development in the countryside, and visual impact on the character of the immediate area, this not considered to significantly and demonstrable outweigh the benefits (noted above), when assessed against the policies of the framework as a whole.

In summary, whilst the proposal would sit in the countryside, outside of any built-up area boundary and would not align with the spatial strategy for development in East Devon, the proposal has some support from Strategy 3 and the principles of the NPPF and would benefit from everyday services, public transport and employment within Exmouth. Furthermore, the need for housing, especially affordable housing within the district is a material consideration and is given significant weight in the decision-making process. The balance between unregulated development in the countryside and supply of homes is finely balanced however given the need to bolster supply for the longer term, the site's sustainable location and proximity to existing development, its community benefits, and level of affordable housing proposed, the material considerations in this instance would on balance justify a departure from the Adopted Local Plan subject to the satisfactory resolution of all planning issues. 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 any precedent for development in the countryside.

This proposal is considered to benefit from the presumption in favour of sustainable development which, as a material consideration, outweighs the limited conflict with the development plan. As such a recommendation of approval is made, subject to completion of a Section 106 Agreement and appropriate conditions.

RECOMMENDATION

1. Adopt the appropriate assessment.
2. APPROVE subject to a legal agreement securing the following matters and the following conditions:
 - Habitat mitigation contribution of £367.62 per residential unit.
 - 25% (18) affordable dwellings
 - off site affordable housing contribution of £34,677.00
 - Management company to maintain common areas on site including SUD features
 - Provision of cycle and pedestrian links and the provision of an emergency access
 - Travel Plan.
 - A financial contribution towards BNG monitoring
 - S106. Monitoring fees
 - Offsite habitat units to achieve BNG

1. Time Period for Submission

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).

2. Reserved Matters

Approval of the details of the layout, scale and appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(Reason - The application is in outline with one or more matters reserved.)

3. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason – For the avoidance of doubt).

4. Construction and Environmental Management Plan (CEMP)

Prior to commencement of development a Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority and shall be implemented and remain in place throughout the development.

The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. The plan shall also consider construction vehicle routing and delivery arrangements.

Construction working hours and all site deliveries shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays.

There shall be no burning on site.

There shall be no high frequency audible reversing alarms used on the site.

(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution from the outset (required to be pre-commencement) in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan.)

The conditions should be pre-commencement since it is essential that the proposed details are provided before any construction impacts on the environment commence.

5. Construction Management Plan (CMP)

Prior to commencement of any part of the site the Planning Authority shall have received and 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;

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.

(Reason - To promote sustainable travel in accordance with the East Devon Local Plan 2013-2031.

The conditions should be pre-commencement since it is essential that the proposed details are provided before any construction impacts on the environment commence

6. Tree Protection Measures

a) Prior to the commencement of any works on site (including demolition and site clearance or tree works), a full tree survey based on BS5837:2012, including a Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement for the protection of retained trees, hedges and shrubs growing on or adjacent to the site, [including trees which are the subject of a Tree Preservation Order currently in force], shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

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 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.

d) 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.

e) 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.

f) 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.

g) 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.

(Reason – A pre-commencement condition is required 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).

7. Ecology

Any application for the approval of reserved matters shall be submitted in accordance with the ecological and arboricultural constraints and opportunities plan ref 0821-1002 received 3rd June 2025. The layout, scale, landscaping, and appearance of the development shall demonstrate how the design has been informed by these parameters, including the retention and protection of existing trees and habitats, and the integration of ecological mitigation and enhancement measures.

Reason: To ensure that the detailed design of the development respects and incorporates the ecological and arboricultural constraints and opportunities identified at outline stage, and to secure the delivery of biodiversity protection and enhancement in accordance with Strategy 47 (Nature Conservation and

Geology), Policy EN5 (Wildlife Habitats and Features), and Policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013–2031.

The development shall be carried out in strict accordance with the Ecological Impact Assessment (Richard Green Ecology, May 2025) and Ecological consultee comments made in June 2025, in particular the ecological mitigation and enhancement measures detailed in Section 4. The development shall not be first occupied until the local planning authority has been provided with a compliance report by a qualified ecologist, including photographs and completed toolbox talk sheets, detailing that all ecological mitigation and enhancement features, including:

- integrated bat boxes (1 per dwelling),
- bird boxes (1 per dwelling)
- insect bricks (1 per dwelling)
- hedgehog highways (13 cm² at ground level every 5 m)
- Reptile/amphibian hibernacula (3 no.)

have been installed/constructed, and compliance with any protected species licences, and ecological method statements in accordance with details within the submitted LEMP and CEcoMP.

(Reason: To ensure that the development delivers the ecological mitigation and enhancement measures identified in the submitted Ecological Impact Assessment and to secure measurable biodiversity gains in accordance with the approved LEMP (Landscape and Ecological Management Plan) and CEcoMP (Construction Ecological Management Plan). This is necessary to protect and enhance habitats for protected and priority species, and to ensure compliance with Policy EN5 (Wildlife Habitats and Features) and Strategy 47 (Nature Conservation and Geology) of the East Devon Local Plan 2013–2031, as well as the biodiversity objectives of the Environment Act 2021.

No development (or reptile translocation) shall commence (including any vegetation clearance, soil stripping, or groundworks) until a detailed reptile translocation strategy in accordance with .GOV advice and Herpetofauna Groups of Britain and Ireland (HGBI) Evaluating local mitigation/translocation: best practice and lawful standards guidance has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be informed by the findings of the approved reptile survey and shall include:

- A plan showing the location and extent of all areas to be fenced for translocation, including soil stripping, storage, and construction compound zones;
- Specifications for reptile fencing, including installation method, dimensions, and maintenance schedule;
- Details of the receptor site located within East Devon, including habitat suitability, enhancement measures, ownership and long-term maintenance requirements;
- A timetable for the erection of fencing, placement of refugia, and duration of translocation (minimum 60 suitable days);

- Capture and release protocols, including weather and seasonal constraints;
- Procedures for destructive search and site clearance following translocation;
- Monitoring and reporting arrangements, including criteria for completion of translocation and submission of a closure report to the Local Planning Authority.

The development shall thereafter be carried out in full accordance with the approved strategy.

(Reason: To ensure that legally protected reptile species are safeguarded prior to the commencement of development, and that appropriate mitigation and translocation measures are implemented in accordance with best practice guidance. This is necessary to avoid harm to reptiles during site clearance and construction, and to secure the long-term viability of local populations. The condition is imposed in accordance with Policy EN5 (Wildlife Habitats and Features) and Strategy 47 (Nature Conservation and Geology) of the East Devon Local Plan 2013–2031, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

No development shall commence until the local planning authority has been provided with a compliance report (including photographs) by a qualified ecologist detailing that all remedial ecological mitigation and compensation requirements under the existing badger licence has been implemented successfully. Planting shall be undertaken in the first planting season from the issue of planning consent. Any failed planting within the first five years shall be replanted.

Reason: To ensure that all remedial ecological mitigation and compensation measures required under the existing Natural England badger licence are implemented in full prior to the commencement of development, and that associated habitat planting is delivered and maintained to support long-term ecological function. This is necessary to comply with legal protections afforded to badgers under the Protection of Badgers Act 1992, and to secure biodiversity enhancements in accordance with Policy EN5 (Wildlife Habitats and Features) and Strategy 47 (Nature Conservation and Geology) of the East Devon Local Plan 2013–2031.

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.

- Risk assessment of potentially damaging construction activities.
- Identification of "biodiversity protection zones".
- 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).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.

- Responsible persons and lines of communication, including reporting compliance of actions to the LPA.
- The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements, i.e., for reptiles, dormice and bats.
- Use of protective fences (including buffer distances), exclusion barriers and warning signs.

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

Reason: To ensure that all construction activities are planned and carried out in a manner that avoids harm to protected species, habitats, and other ecological features, and that appropriate mitigation, monitoring, and management measures are in place from the outset. The CEcoMP is required prior to the commencement of development (including groundworks) because early site clearance and enabling works have the potential to cause irreversible ecological damage if not properly managed. This condition is necessary to secure compliance with relevant wildlife legislation and to deliver biodiversity protection and enhancement in accordance with Policy EN5 (Wildlife Habitats and Features) and Strategy 47 (Nature Conservation and Geology) of the East Devon Local Plan 2013–2031.

No development shall commence on site until a detailed lighting strategy, including lux contours, based on the detailed site design and most recent guidelines (currently GN08/23 and DCC 2022), has been submitted and approved in writing by the local planning authority. The design should clearly demonstrate that the 10 m wide dark corridors along the southwest, southeast, and north-east boundaries, and 5 m corridors along the remaining boundaries remain as dark corridors, i.e., at or below 0.5 lux (considering internal and external lighting), without the attenuation of habitat features which long-term management cannot be guaranteed. All external lighting shall be installed in accordance with the specifications and locations set out in the final design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that the development does not result in light spill into ecologically sensitive areas, particularly the designated dark corridors, which are critical for the movement and foraging of nocturnal wildlife such as bats and other protected species. The lighting strategy must be informed by the final site design and current best practice guidance (including ILP GN08/23 and Devon County Council 2022 standards) to demonstrate that light levels will remain at or below 0.5 lux in designated buffer zones without relying on habitat attenuation that cannot be guaranteed long-term.

This condition is pre-commencement because lighting infrastructure and building orientation decisions made early in the design and construction process can have irreversible impacts on ecological corridors. Early approval ensures that lighting is appropriately designed and integrated from the outset, in accordance with Policy EN5 (Wildlife Habitats and Features) and Strategy 47 (Nature Conservation and Geology) of the East Devon Local Plan 2013–2031.

A Landscape and Ecology Management Plan (LEMP) for a minimum 30-year period following completion of the development (or relevant phase thereof) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The Plan shall be based on the submitted Ecological Impact Assessment (Richard Green Ecology, May 2025) and be informed by the detailed subsequent hard and soft landscape plans and associated details and shall include the following:

- Details of the body or organization responsible for implementation of the plan accompanied by a site plan showing areas to be adopted; maintained by management company or other defined body; and areas to be privately owned/ maintained.
- Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ bodies responsible for its delivery.
- A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- Landscape and ecological management aims and objectives for the site.
- A condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
- Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period). in relation to:
 - 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.
 - Grassland, wildflower and any other habitat areas proposed.
- The location and design of biodiversity features including integrated bird boxes, integrated bat boxes, insect bricks and other features, e.g., permeable fencing, to be shown clearly on accompanying plans including elevations and boundary treatment plans.
- 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 Plan shall also set out (where the results from monitoring show that its conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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

Reason: To ensure that the long-term management, maintenance, and monitoring of landscape and ecological features are secured from the outset of development, and that biodiversity enhancements are delivered and sustained in accordance with the approved ecological assessments and landscape proposals.

The LEMP is required prior to the commencement of development to ensure that all ecological and landscape measures are fully integrated into the design, construction, and post-construction phases, and that appropriate legal, funding, and management mechanisms are in place to support their delivery over a minimum 30-year period. This is in accordance with Policy EN5 (Wildlife Habitats and Features), Strategy 47 (Nature Conservation and Geology), and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013–2031.

The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority and including:

- a non-technical summary;
- the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

No occupation shall take place until:

- the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- Notice in writing, in the form of a landscape verification report completed by a competent ecologist or landscape architect, shall be given to the Local Planning Authority when the habitat creation and enhancement works as set out in the HMMP have been established to define the completion of development and start of the 30-year BNG maintenance and monitoring period.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

(Reason: To ensure the development delivers a biodiversity net gain on site and provides ecological mitigation, compensation, and enhancement measures in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

This condition is required to be discharged prior to the commencement of development to ensure that the necessary habitat creation, enhancement, and long-term management measures are fully integrated into the development from the outset. Early approval of the HMMP is essential to secure the delivery of Biodiversity Net Gain (BNG) in accordance with the approved Biodiversity Gain Plan, and to ensure that legal responsibilities under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by the Environment Act 2021) are met. This approach supports the protection and enhancement of biodiversity in accordance with Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013–2031.

8. Construction Environment Management Plan

Prior to commencement of development a Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority and shall be implemented and remain in place throughout the development.

The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. The plan shall also consider construction vehicle routing and delivery arrangements.

Construction working hours and all site deliveries 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.

The development shall thereafter be carried out in accordance with the approved details.

(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution from the outset (required to be pre-commencement) in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan.)

The conditions should be pre-commencement since it is essential that the proposed details are provided before any construction impacts on the environment commence.

9. Construction Management Plan

Prior to commencement of any part of the site the Planning Authority shall have received and 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
- (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 thereafter be carried out in accordance with the approved details.

(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution from the outset (required to be pre-commencement) in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan.)

The condition should be pre-commencement since it is essential that the proposed details are provided before any construction impacts on the environment commence.

10. Surface Water Drainage

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

- (a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy.
- (b) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy and the results of the information submitted in relation to (a) above.
- (c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (e) A plan indicating how exceedance flows will be safely managed at the site.
- (f) Evidence there is agreement in principle from the landowner to lay the outfall across their land.

Development shall take place in accordance with the approved drainage strategy and shall be completed before the development to which it relates is occupied; the drainage scheme shall be retained and maintained as such for the lifetime of the development.

(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 and policy EN22 (Surface Water Implications of New Development) of the East Devon Local Plan 2013-2031).

11. Foul Drainage

Prior to its installation, a detailed foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the method of disposal of foul water and demonstrate that the proposed system is adequate to accommodate the development without causing pollution or flooding. The approved scheme shall be implemented in full prior to the occupation of any part of the development and shall be retained and maintained thereafter.

Reason: To ensure that adequate foul drainage infrastructure is provided to serve the development and to prevent pollution of the environment, in accordance with Policy EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) of the East Devon Local Plan 2013–2031.

12. Contaminated Land

If, during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how the unexpected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property, and ecological systems, are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors, in accordance with Policies EN16 (Contaminated Land) and EN18 (Maintenance of Water Quality and Quantity) of the East Devon Local Plan 2013-2031).

13. Highways:

No development shall commence until final detailed plans relating to the proposed highway access—specifically the lines, levels, and layout—have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. These details shall be in general accordance with Drawing No. HIGHWAY ACCESS PLAN - 02.01 Rev A, and shall include all necessary engineering specifications to ensure safe and suitable access to the site. The development shall thereafter be carried out in full accordance with the approved details.

This condition is pre-commencement to ensure that the design and layout of the access are technically sound and agreed in advance, thereby safeguarding highway safety and ensuring that the development can be appropriately accessed from the outset. This is in accordance with Policy TC7 (Adequacy of Road Network and Site Access) and Strategy 5B (Sustainable Transport) of the East Devon Local Plan 2013–2031.

Prior to first occupation of the development hereby approved, the detailed design of the emergency access off Hulham Road shall be submitted to and approved in writing by Local Planning Authority (in conjunction with the Local Highway Authority). The agreed detail will be delivered in full, prior to first occupation, retained and maintained as such for the lifetime of the development.

(Reason: In the interests of highway safety in accordance with policy TC7- Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031).

Prior to the commencement of development, an appropriate right of discharge for surface water shall be obtained and submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

(Reason: To ensure that surface water from the development is appropriately managed and discharged in a sustainable manner, thereby reducing the risk of flooding, protecting water quality, and ensuring compliance with the drainage hierarchy. This is in accordance with Strategy 3 (Sustainable Development), Policy EN18 (Maintenance of Water Quality and Quantity), and Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013–2031.

This condition is pre-commencement to ensure that a lawful and sustainable means of surface water discharge is secured and that an appropriate drainage strategy is in place from the outset. Early agreement is necessary to prevent uncontrolled surface water runoff, reduce flood risk, and avoid potential pollution during construction.

Prior to commencement of development, the construction access and contractors' parking/compound area shall be provided, surfaced, and drained in accordance with a detailed scheme, which shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall also indicate the eventual use of that area. The development shall thereafter be carried out in accordance with the approved details.

(Reason: To ensure that adequate facilities are available for construction traffic, materials storage, and contractor parking during the development phase, in the interests of highway safety, residential amenity, and environmental protection. This is in accordance with Strategy 5B (Sustainable Transport), Policy TC7 (Adequacy of Road Network and Site Access), and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013–2031.

This condition is pre-commencement to ensure that appropriate access, parking, and compound arrangements are in place from the outset of construction. This is necessary to prevent obstruction of the public highway, safeguard residential amenity, and ensure safe and efficient site operations.

The Reserved Matters application(s) for layout shall include detailed plans and specifications for emergency vehicular access to the development site. These details shall provide for:

1. Accessibility: The emergency access route must be designed to accommodate emergency vehicles, including fire engines and ambulances, with appropriate width, turning radii, and height clearances.
2. Durability: The access route must be constructed using materials that can withstand the weight and frequency of emergency vehicle use.
3. Signage and Markings: Clear signage and road markings must be provided to indicate the emergency access route, ensuring it is easily identifiable and navigable in all weather conditions.
4. Unobstructed Access: The route must be kept free from obstructions at all times, with measures in place to prevent unauthorized parking or blockage.
5. Integration with Existing Infrastructure: The emergency access must integrate seamlessly with existing road networks and infrastructure, ensuring quick and efficient access for emergency services.

The emergency access shall be provided in accordance with the approved prior to first occupation of the development and shall be maintained as such throughout the lifetime of the development.

NOTE FOR APPLICANT

Biodiversity Net Gain Informative:

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 require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed 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 applies (planning permission for development already carried out).
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.

Where there are losses or deterioration to irreplaceable habitats a bespoke compensation package needs to be agreed with the planning authority, in addition to the Biodiversity Gain Plan.

For information on how to prepare and submit a Biodiversity Gain Plan please use the following link: Submit a biodiversity gain plan - GOV.UK (www.gov.uk)

Plans relating to this application:

ACA0144_3_1	Historic Environment Impact Assessment	13.05.25
0821-1001	Location Plan	03.01.25
GCE01342/R1 - NOVEMBER 2024	Contamination Assessment	03.01.25
P24-2228 TR01 - DECEMBER 2024	Transport Statement	03.01.25
0821-1002 G : constraints/oppor tunities	Other Plans	03.06.25
May 2025	Ecological Assessment	03.06.25
Bat report (appendix K)	Protected Species Report	03.06.25

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.

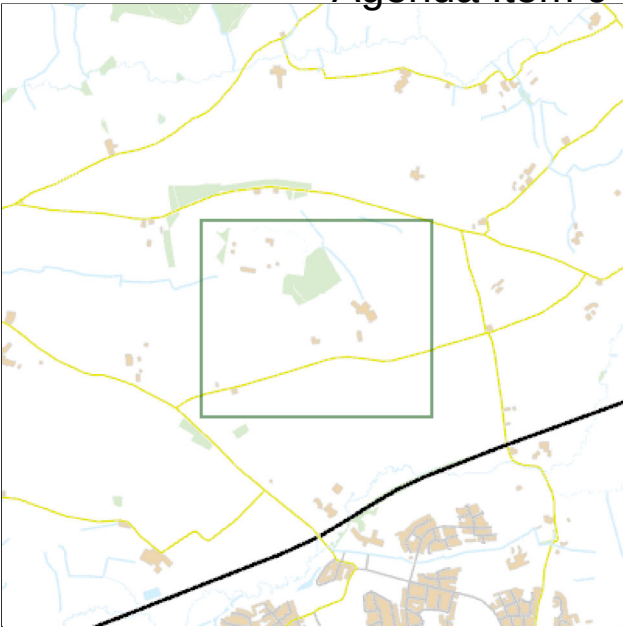
Ward Broadclyst

Reference 24/2664/MFUL

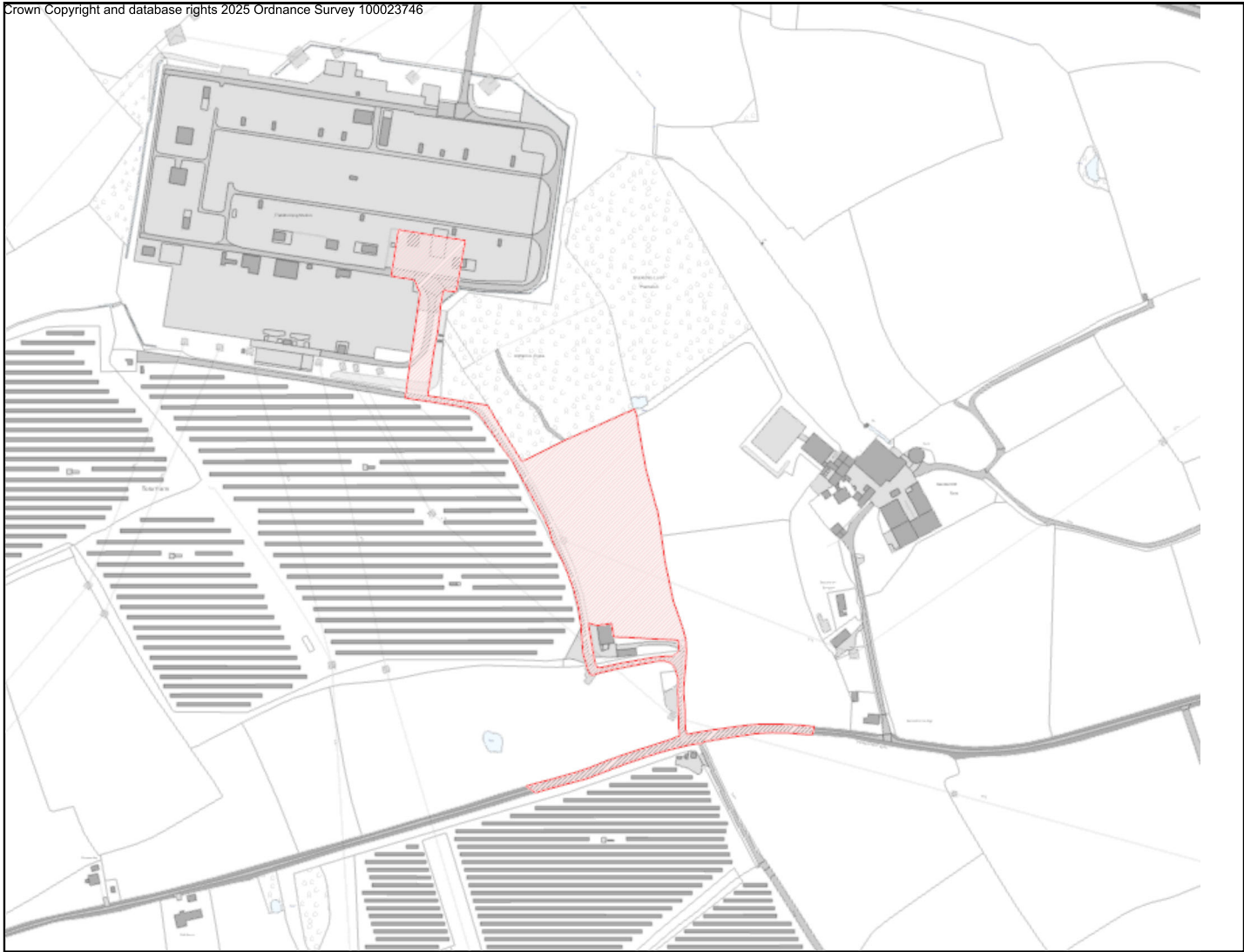
Applicant N/A

Location Land North Of Saundercroft Road Broadclyst

Proposal Construction of a Battery Energy Storage System (BESS) and associated infrastructure



RECOMMENDATION: Approval with conditions



		Committee Date: 15.07.2025
Broadclyst (Broadclyst)	24/2664/MFUL	Target Date: 18.04.2025
Applicant:	Pivoted Power LLP	
Location:	Land North Of Saundercroft Road Broadclyst	
Proposal:	Construction of a Battery Energy Storage System (BESS) and associated infrastructure	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application must be considered by the Planning Committee because the officer recommendation is in conflict with comments received from the Parish Council.

Section 38(6) of The Planning and Compulsory Purchase Act 2004 states determination must be made in accordance with the development plan unless material considerations indicate otherwise. This is echoed in paragraph 11(c) of the NPPF.

Given the proximity to existing energy infrastructure and the proposal's focus on low-carbon energy, the scheme aligns with Strategy 39 of the Local Plan in this context.

The site is relatively well-screened from public view, being set back from the main access road. Although the development would alter the site's character, the impact would be limited to the immediate area and would not significantly affect the broader landscape. Proposed landscaping would help reduce any visual impact. In this regard, the proposal complies with Strategies 39 and 46, as well as Policy D1 of the Local Plan.

The development has been reviewed by the Devon and Somerset Fire and Rescue Service who are satisfied that the proposal has been designed to guidance produced by the National Fire Chief's Council (NFCC) and the National fire Protection Association (NFPA). As such, it is consistent with Strategy 39 and Policy EN14 of the Local Plan.

Evidence has been submitted to demonstrate that the project would not negatively affect local biodiversity, provided that suitable planning conditions are applied. It also ensures the required Biodiversity Net Gain (BNG), in line with

Policy EN5 of the Local Plan.

There are no objections from the highways authority, indicating compliance with Policy TC2. Additionally, the development does not involve the loss of best and most versatile (BMV) agricultural land, so it does not conflict with Policy EN13.

The benefits of the proposal include reducing carbon emissions, contributing to grid decarbonisation, lowering energy costs for consumers, and decreasing reliance on less secure energy sources. These are substantial advantages that weigh heavily in the planning balance. As such, the application is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

NOT IN SUPPORT of this application in its current form due to the following concerns:

1. LGV Movements: The restrictions on LGV movement timings (no LGV traffic will pass through the village before 9.30am and after 3pm Mon-Fri, before 9am and after 1pm on a Saturday) and the presence of banksmen to minimising disruptions and potential safety hazards in Dog Village.
 2. Construction Route:
 - 2.1. Local knowledge: Councillors noted that the proposed construction traffic route is unsuitable. The designated construction route follows the length of Station Road, a rural lane for much of its length with a 7.5-tonne (except for access) weight limit. Construction traffic would pass through Broadclyst Station, in which the bridge over the London Waterloo-Exeter line has a long history of congestion caused by the resident haulage firms. This is a narrow bridge with obstructed views on the approaches and is a pinch point for all vehicles over the size of a domestic car. The bridge tailbacks already cause significant traffic misery, and it is felt unlikely that this route can support the volume of lorries required during construction without unacceptable significant impact on residents, commuters and other road users. This option is unviable.
 - 2.2. Policy compliance: Non-compliance with Broadclyst Neighbourhood Plan (BNP) Policy T4: Active Travel Infrastructure. Policy T4 seeks to "enhance and extend existing networks and create new footpaths, cycle paths, multi paths and low traffic neighbourhoods." Station Road is a vital corridor for pedestrian and cycle movement, especially in the vicinity of Clyst Vale Community College, where:
 - 2.2.1. There are no pavements, forcing students and other pedestrians to walk in the carriageway.
 - 2.2.2. The road is already heavily used by students walking and cycling to school, a fact supported by the NP's aim to increase safe, active travel infrastructure across the parish.
- The addition of heavy construction vehicles along this route directly contradicts the policy's aim of improving safety and active travel infrastructure and would result in increased conflict between vehicles and vulnerable road users.

2.3. Policy compliance: Conflict with BNP Policy T1: New Pedestrian and Cycle Routes

The Neighbourhood Plan supports new and safe connections for pedestrians and cyclists, particularly linking Broadclyst Station to Dog Village, and improving movement across the parish. Use of Station Road as a construction access route runs counter to this aspiration, introducing a high risk to safety along a corridor the community seeks to enhance for sustainable movement.

2.4. Safety Risk - Inadequate Infrastructure

Station Road:

- o Is largely a narrow rural lane with a 7.5-tonne weight limit (except for access).
- o Features a pinch point at the railway bridge near Broadclyst Station, which already suffers from significant congestion and is unsuitable for regular LGV traffic.
- o Has restricted visibility, increasing collision risk, especially with two-way LGV traffic and during school hours.

This road is structurally and operationally unsuitable for sustained construction traffic, and its use would exacerbate safety issues for existing users including schoolchildren, residents, cyclists, and public service vehicles.

2.5. Policy compliance: Potential Contravention of BNP Infrastructure Objectives

The Neighbourhood Plan highlights that the parish's rural infrastructure is already under strain due to strategic developments (p. 22). Policy T3 further calls for improvements to parking and travel infrastructure that reduce carbon impact and improve usability. Using Station Road for heavy construction traffic would not only undermine infrastructure integrity (risking damage to roads and verges), but also discourage low-carbon travel by creating an intimidating and unsafe environment for non-motorised users.

3. Construction hours

The proposed construction hours of 7:00 AM to 8:00 PM on weekdays are excessive. This schedule poses significant disruption to nearby residents, particularly during early mornings and evenings. A more appropriate timeframe would be 8:00 AM to 6:00 PM on weekdays.

4. Highway Damage: We appreciate the proactive measures proposed by the applicant in 2.6.1 and 2.6.2; however, there is no set time period for inspections or remedial repairs to be effected.

5. Environmental Concerns

5.1. Flood Risk: The proposed development could increase surface water runoff and exacerbate flooding in nearby areas.

5.2. Fire safety: Concerns were raised around emergency access in the event of an incident.

6. Community Fund. There has been a hint during pre-app about a community benefit fund but nothing more concrete. (We appreciate this sits outside Planning Policy; nonetheless, it is an important element for the community).

For the above reasons, the Committee is NOT IN SUPPORT of the application at this stage.

The Committee requests the following mitigations and actions applied before it can support the application:

1. Construction Traffic Management

1.1. That the access route avoid using routes with a 7.5-tonne weight limit or roads with structural vulnerabilities such as small bridges.

- 1.2. That the applicant works with the parish council and occupants of the housing along the construction route to mitigate the impact of construction traffic and damage to buildings / highways surfaces along the construction route.
- 1.3. That there be a condition to restrict LGV movements during these timings: (no LGV traffic will pass through the village before 9.30am and after 3pm Mon-Fri, before 9am and after 1pm on a Saturday)
- 1.4. Control vehicle movement with banksman to demonstrate a commitment to minimising disruptions and potential safety hazards in Dog Village and avoid LGVs meeting in the narrow country lanes.
- 1.5. That should more than one BESS development be under construction at the same time, that the developers liaise and work with each other and the parish council to ensure mitigation arrangements for LGV access are not compromised.
- 1.6. That a formal 'holding area' be identified in line with 2.4.2 and 2.4.3 in the Construction Traffic Management plan.
- 1.7. That the applicant enters an undertaking to survey the road surface at 3-month intervals, rectifying defects within the ensuing 2 month period, and provides a bond of appropriate value that the parish council can access to arrange repairs should the condition not be met that will ensure any damage to the road is promptly made good.
2. Construction Times
 - 2.1. Restrict construction hours to 8:00 AM-6:00 PM on weekdays only, with no activity on weekends or public holidays.
3. Road and Verge Protection
 - 3.1. Repair any damage caused to roads, verges, or infrastructure by construction vehicles immediately at the developer's expense.
 - 3.2. Access off Crannaford Lane onto Saundercroft Road will be problematic, with sharp corners, unsuitable for HGV's.
 - 3.3. Can the new access road already approved for the BESS site at Saundercroft Farm (23/0962/MFUL) be utilised?
4. Environmental mitigations
 - 4.1. Minimise noise impacts during construction and operation by adhering to strict noise pollution controls.
 - 4.2. Prevent excessive light pollution by limiting security lighting and ensuring it does not spill into residential areas.
 - 4.3. That the applicant works with the Environmental Agency to mitigate the flood risk. Broadclyst Neighbourhood plan states the runoff from developments should be less and not more. (NP Policy DC3: Sustainable Drainage.)
 - 4.4. That the applicant works with the Local Fire Service to confirm emergency plans in case of a fire at this site, including 24/7 access to the site

Technical Consultations

County Highway Authority
No Objection

EDDC District Ecologist
No objection subject to conditions

Devon County Council Waste Management
No objection subject to condition.

DCC Flood Risk Management Team

20/05/2025 – Objection withdrawn subject to condition

Devon & Somerset Fire And Rescue Service

The proposal broadly aligns with the recommended guidance produced by the NFCC and NFPA.

DCC Historic Environment Officer

No objection subject to conditions.

Environmental Health

No objection subject to submission of revised CEMP

EDDC Landscape Architect

No objection subject to conditions.

EDDC Trees

No objection subject to condition.

EDDC Recycling & Waste Contract Manager

Financial contribution of £20,000 to support tree and woodland planting within the CVRP requested.

Green Infrastructure Project Manager

No objection subject to condition.

National Highways

No objection.

The National Grid

National Grid Electricity Transmission have no objection to the proposal provided the applicant has a valid connection agreement.

Natural England

NO OBJECTION

Other Representations

One third party representation has been received, in objection to the proposal. A summary of grounds for objection is as follows:

- Two items of imminent government legislation will directly affect the planning of Dangerous BESS developments like this.
- 1. The Battery Energy Storage Systems (Fire Safety) Bill, which had its first reading in October 2024, the second will be in April 2025. This will make the inclusion of the Fire Chiefs mandatory in the planning process.
- 2. The UK government is bringing BESS under environmental permitting regulations, ensuring they meet safety and environmental standards. This means permits, inspections, and compliance will be standardised and enforced. Consultations start in June 2025.

- It would therefore be wise to delay any further decisions on BESS projects until these two pieces of legislation are in place and clarity and transparency will be there for all to see.

PLANNING HISTORY

There is no planning history that relates to the application site itself. The Local Planning Authority has engaged in pre-application discussions with the applicant 23/0087/PREAPP.

There are several planning permissions nearby that concern renewable energy development.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development) Adopted
 Strategy 7 (Development in the Countryside) Adopted
 Strategy 38 (Sustainable Design and Construction) Adopted
 Strategy 39 (Renewable and Low Carbon Energy Projects) Adopted
 Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted
 D1 (Design and Local Distinctiveness) Adopted
 D2 (Landscape Requirements) Adopted
 D3 (Trees and Development Sites) Adopted
 EN5 (Wildlife Habitats and Features) Adopted
 EN6 (Nationally and Locally Important Archaeological Sites) Adopted
 EN13 (Development on High Quality Agricultural Land) Adopted
 EN14 (Control of Pollution) Adopted
 EN18 (Maintenance of Water Quality and Quantity) Adopted
 EN21 (River and Coastal Flooding) Adopted
 EN22 (Surface Run-Off Implications of New Development) Adopted
 E4 (Rural Diversification)
 E5 (Small Scale Economic Development in Rural Areas) Adopted
 TC2 (Accessibility of New Development) Adopted
 TC7 (Adequacy of Road Network and Site Access) Adopted
 TC9 (Parking Provision in New Development) Adopted

Broadclyst Neighbourhood Plan (Made)

D1 High Quality Design
 Policy DC3: Sustainable Drainage
 Policy NE1: Protecting Woodland
 Policy NE4: The Protection and Enhancement of Hedgerows
 Policy NE5: Landscape and Biodiversity

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft
 Strategic Policy CC01 (Climate emergency) Draft
 Strategic Policy CC02 (Moving toward Net-zero carbon development) Draft

Strategic Policy CC03 (Promoting low carbon and renewable energy) Draft
Strategic Policy CC04 (Energy storage) Draft
Strategic Policy CC06 (Embodied carbon) Draft
Strategic Policy AR01 (Flooding) Draft
Strategic Policy DS01 (Design and local distinctiveness) Draft
Policy DS04 (Green and blue Infrastructure) Draft
Policy TR03 (Travel plans, transport statements and transport assessments) Draft
Policy TR04 (Parking standards) Draft
Strategic Policy OL01 (Landscape features) Draft
Strategic Policy OL02 (National Landscapes (Areas of Outstanding Natural Beauty)) Draft
Policy OL04 (Areas of strategic visual importance) Draft
Policy OL10 (Development on high quality agricultural land) Draft
Policy PB03 (Protection of irreplaceable habitats and important features) Draft
Strategic Policy PB05 (Biodiversity Net Gain) Draft
Policy PB07 (Ecological enhancement and biodiversity in the built environment) Draft
Policy PB08 (Tree, hedges and woodland on development sites) Draft
Policy PB09 (Monitoring requirements for new planting scheme) Draft
Strategic Policy HE01 (Historic environment) Draft
Policy HE04 (Archaeology and Scheduled Monuments) Draft

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

Site Location and Description

The application site relates to a small parcel of agricultural land 2.2km north of Cranbrook and 2.7km east of the village of Broadclyst. The land is set back from Saundercroft Road and is accessed via an existing gated entrance and track.

From within the site Exeter substation is visible to the northeast, and a solar farm abuts the site's western boundary.

The site is rectangular in form and comprises approximately 1.7 hectares of good to moderate (BMV) agricultural land. It does not form part of any landscape designations and falls entirely within Flood Zone 1.

A broadleaved woodland is located to the north of the site, the LPA's ecologist deems this area as an Unconfirmed Wildlife Site (UWS).

Broadclyst Footpath 28 runs on a north south axis approximately 750 metres west of the site.

Saundercroft Farm, Saundercroft Bungalow and Saundercroft Cottage are located approximately 180 metres to the east and are the nearest residential properties to the site.

Proposed Development

The application seeks planning permission for the construction of a 57MW Battery Energy Storage System (BESS), associated infrastructure and drainage. As shown within the red edging on the submitted Location Plan, the application site includes land for the cable routing to the substation along an existing track to the northwest.

The BESS compound largely consists of the battery storage containers and power conversion units. Each container (battery) shall measure 10m x 3.2m with an overall height of 3.9 metres while the Power Conversion units (PCUs) measure 11.4 metres by 3 metres wide and are 3.2 metres in height. These are all flat roofed structures. Each battery shall feed into a PCS which shall convert the supply from Direct Current (DC) from the battery and Alternating Current (AC) from the National Grid. Depending on the National Grid's requirement at the time, the transformer shall step up or step down the voltage of the supply for either transmission or storage. A 33kV switchgear on the site would manage the electrical flows to and from the site.

The plans detail the siting of a welfare unit for staff visiting the site inside the southern gates, alongside two car parking spaces with electric charging. Surface water attenuation is proposed via an attenuation pond in the northern part of the site and a drainage ditch inside the eastern boundary. The compound would be enclosed by a 2.75 metre high perimeter fence to the northern and western boundaries, and a 3.5 metre high acoustic fence would enclose the southern and eastern sides which are closest to the existing residential dwellings. The site would have two access points, the main one being to the south of the site off Saundercroft Road, and a secondary access for emergency vehicles to the west. Both access points would have 2.75 metre high gates. The proposal also incorporates a water tank which sits outside of the compound, approximately 36 metres south of the boundary fence, with approximate dimensions of 10.5 metres in diameter and 3.93 metres in height which equates to a capacity of 230,000 litres. Water within the tank would be used to cool adjacent containers in the event of a fire. The site would generally be unmanned but monitored by CCTV.

The southern side of the application site would be largely undeveloped apart from the siting of a water tank. The submitted Site Plan shows that this area shall also be used as a temporary compound during the construction phase.

The main issues for consideration are the following:

- Principle of development.
- Landscape and Visual Impacts.
- Fire Safety.
- Impact on neighbouring amenity.
- Loss of Best and Most Versatile (BMV) agricultural land.
- Ecological impact,
- Surface Water Attenuation.
- Highway impacts.
- Heritage Impacts.

Principle of Development

Strategy 7 (Development in the Countryside) does not permit development outside of Built-Up Area Boundaries unless explicitly permitted by some other policy in the Local Plan or an adopted Neighbourhood Plan. One such policy is Strategy 39 (Renewable and Low Carbon Energy Projects) and this permits such developments in the open countryside subject to criteria.

Strategy 39 of the Local Plan states that:

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

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

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

The Council accept that battery energy storage installations are ‘low carbon energy’ projects as this is defined in the Local Plan as including technologies ‘that can help reduce emissions (compared to conventional use of fossil fuels)’. In simple terms, such energy storage facilities can be used to store energy from the grid when renewable generation (not necessarily from the solar farm at the site) is in excess of demand.

Prices during this time will be lower (supply exceeding demand) and can be used later when prices are higher, which typically is when renewable generation is low. The power fed back to the grid will reduce the amount of non-renewable generation required during such times, and in this way is considered to reduce emissions that otherwise would have been generated.

The Planning Inspector noted in the decision letter relating to an appeal against the refusal of 22/2216/MFUL (also for a BESS scheme) that:

42. Whilst the proposal would not generate renewable energy, it would nonetheless store power. This is significant as typically wind turbines and solar panels have variable generation and this supply needs to be managed. Demand too will vary according to season and time of day. Given these variables, battery storage is essential to help manage the use of renewables so that they can be relied upon, which supports their continued development and a low carbon future. Whilst the

proposal will manage all electricity use, including that generated by fossil fuel, it will still manage some renewables. Moreover, the proposal is for a 40 year use and the vast majority of energy stored would be from renewable sources: the Overarching National Policy Statement for Energy (NPS) foresees that by 2035 all our electricity will need to come from low carbon sources, subject to security in supply.

And also:

44. Indeed, the Renewable and low carbon energy Planning Practice Guidance, (the PPG) encompasses battery storage and acknowledges its de-carbonising role. The NPS goes further stating storage has a key role in achieving net zero. Similarly, the Glossary to the Framework defines low carbon technologies as those that can help reduce emissions. Consequently, I find these confirm that the proposal represents a low carbon project for the purpose of the development plan and the proposal would not be contrary to Strategy 39.

The principle of development is therefore considered to be acceptable insofar as it is a 'low carbon energy' project as defined in the Local Plan.

The recently revised NPPF also now lends support in principle to the proposed development. Paragraph 165 makes clear the aim to 'help increase the use and supply of renewable and low carbon energy and heat' through appropriate plans. Paragraph 168 of the NPPF requires that – "When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future."

Landscape Visual Impacts

The site lies on gently undulating low-lying land which slopes down towards the north and adjacent woodland. The area is predominantly rural with the wider landscape characterised by farmland, agricultural buildings, power infrastructure, PV arrays and the built-up areas of nearby settlements.

The site is located within National Character Area (NCA) 148 Devon Redlands and classed within the Devon Landscape Character (LCT) as 3E Lowland Plains. The pattern of the rural landscape largely consists of small sized fields bounded by hedgerows and trees with intermittent areas of woodland. This type of vegetation, alongside the built form of buildings at Saundercroft Farm, largely obscure the site from any view within publicly accessible areas.

There has been slow, incremental change to the agricultural character of the immediate area as a result of renewable energy developments. The site is adjacent to Saundercroft Solar Farm to the west (23/0612/VAR) and within 1 kilometre of Burrowton Farm Solar Farm (19/2356/VAR) to the northwest and another to the north of Crannford House (15/1409/VAR). The Local Planning Authority has granted planning permission for a BESS to the south of Saundercroft Road (23/0962/MFUL) and is, at the time of drafting this report, considering two further applications for

BESS development to the west of the site (25/1150/MFUL) and to the north east of the site (25/0063/MFUL).

The solar array developments highlighted have all largely been implemented and whilst these developments have had an impact on the local rural landscape, the visual impact of this has been limited due to the topography of the area, which is relatively flat and has been undertaken in close proximity to the existing substation. These characteristics are particularly relevant to the current proposals due to their siting and position in relation to existing development. Furthermore, the site is set back from Saundercroft Road with Addlehole Copse forming a backdrop which shall further soften the visual impact of the acoustic fencing and water tower which are likely to be visible in glimpsed views to the south east of the application site.

A degree of cut and fill shall be required to facilitate the development. Plan ref DRG-P005 provides sections through the site and calculations with regards to the volume of soil to be cut and filled. A sloping bank approximately two metres in height shall be constructed along the northern boundary of the compound where the land is to be lowered. Overall, whilst this aspect of the development would alter the natural topography of the land where the compound sits, the works are considered minor in context of the wider site. These engineering works would also ensure that the northern part of the development would sit down in the site and therefore assist in reducing the scheme's overall prominence in wider views to the south.

The proposals shall require a degree of hedge removal in order to provide adequate visibility splays at the junction with Saundercroft Road. The extent of these works are depicted at Figure 14 of the Transport Statement that shows two 120 metre visibility splays in an easterly and westerly direction and involve hedge removal works on third party land. Figure 14 does not appear to have been drawn to scale and therefore a pre-commencement condition shall be required for the submission of such details if permission is to be granted.

The proposals include a Landscape Mitigation Strategy that details the planting of new hedgerows along the southern extent of the compound and the boundary of the application site. The area of land south of the BESS shall be maintained as improved grassland. The plan is general and lacks detail, which is reflected in comments from the Landscape Architect. It is questioned whether the area south of the site could be planted as an orchard. It is accepted that a fully detailed Landscaping Scheme shall be secured via condition that can secure appropriate mitigation/ planting commensurate with the scale of development and level of visual harm caused.

Overall, the Local Authority's Landscape Architect considers that the landscape and visual appraisal are generally accepted and the visual impacts of the proposal in the context of surrounding landscape character and land use are considered to be low. However, if permission is to be granted, further information shall be secured via condition requiring the following information:

- Details of any external lighting and hours of operation.
- Landscaping Scheme (hard and soft).
- Planting Scheme.
- Landscape and Ecology Management Plan (LEMP).

- Soil Management Plan.

Subject to conditions securing the above information, officers are satisfied that the proposals would not lead to adverse landscape harm or undermine the character and appearance of the area. As such the application is considered to meet the objectives of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) East Devon Local Plan.

Fire Safety

The NPPG includes a section on BESS schemes. This advises that for a scheme of 1MW or over applicants are encouraged to engage with the local fire and rescue service before submitting a planning application.

Applicants are also 'encouraged' to consider the guidance produced by the National Fire Chiefs Council (NFCC) when preparing an application. Likewise, LPAs are 'encouraged' to consider this guidance in determining an application. It is acknowledged that the NFCC guidance is specifically based on proposals for lithium-ion batteries. It is important to note as not all BESS schemes necessarily will use such cells and the application of this guidance may not always be appropriate as a result. The NPPG notes that matters such as design, firefighting access and facilities at BESS sites are of interest to fire and rescue services. The application states that it is proposed to use Lithium Iron Phosphate (LFP) cells, which are a type of lithium-ion battery.

The matter of fire safety and pollution was dealt with at a recent public inquiry (APP/U1105/W/23/3319803) into the refusal of a BESS scheme near Hawkchurch, application ref. 22/2216/MFUL in the vicinity of this site. That appeal decision took into account the NFCC guidance and updated NPPG. One of the main issues considered by the Inspector was *'Whether there is sufficient information on the health and safety measures and the extent to which there would be significant risk to local residents and the environment'*.

The following matters were considered in the appeal decision

- BESS installations are not long enough established to prove that safety risk is not significant (para 56);
- NFCC guidance recommends a minimum of 6m separation between BESS containers (para 61);
- Less than 6m separation may be feasible but predicated on modelling and engineering measures to prove safety (para 61);
- While final technological battery details not specified (in the appeal) there was also no evidence that any particular battery specification could be safe with the 2m separation that was proposed (para 64);

- NFCC guidance recommends at least 2 separate access points to account for opposite wind conditions/direction (para 65);
- Sufficient storage capacity needed at site to deal with firefighting wastewater (as the site lies on an aquifer needed for local drinking supplies). Relying on wastewater tankers to carry waste away from site unlikely to be sufficient as they could be delayed and the fire service was unlikely to want non-fire service staff in the area while dealing with the fire due to the risk to their safety (paras 69 – 72);
- No fire hydrants were shown to be in the area
- Planning conditions requiring water storage tanks cannot be assumed to be achievable as it could take up room required for access and landscaping.

The application is supported by an Outline Battery Safety Management Plan by Envams Ltd December 2024, which has been reviewed by a Chartered Fire Engineer.

The management plan focuses on the safety considerations and mitigation measures for the battery component of the BESS, as the risks relating to the other components such as transformers, inverters, and switchgear are well understood and managed through existing industry guidance and regulatory codes.

Thermal monitoring of the cells alongside gas sensors and smoke detectors would trigger automated safety responses and notify operators of abnormal conditions. Should a fire occur, the design ensures containment and suppression to limit its impact. The positioning of BESS enclosures within the site adheres to the National Fire Protection Association (NFPA) requirement for a minimum spacing of 3 meters between battery units, reducing the risk of fire propagation, and the units are sited at least 10 meters away from existing and proposed vegetation, to reduce the risk of fire spread to or from vegetation in line with recommendations outlined in the National Fire Chiefs Council (NFCC 2022) guidance.

Each enclosure is fitted with a thermally activated aerosol suppression system, a liquid cooling system to stabilize temperatures and a ventilation system to maintain safe gas concentrations. Each BESS enclosure is also fitted with a deflagration panel compliant with NFPA 69. The nearest residential properties are spaced more than 166 metres from the BESS, well in excess of the 25 metre minimum recommendation contained within the NFCC guidance.

Devon and Somerset Fire and Rescue Service (DSFRS) have reviewed the proposal and have stated that the proposed provision for detecting both smoke and gas broadly align with recommended safety guidance (e.g. NFCC, FM Global). The information indicates that there will be provisions for monitoring battery conditions, and these include both remote and local emergency shut off functions. This also broadly aligns to the above referenced guidance.

The proposed aerosol-based suppression, with deflagration prevention and venting are designed to an NFPA codes which are different safety codes to the NFCC guidance but are widely recognised as suitable safety benchmarks.

The Fire Service have commented that the proposed container spacing appears to be around 3 meters. This distance does differ from the NFCC guidance figure of 6 meters but is a recognised approach, when implemented holistically, with the recommendations of other recognised guidance (in this case, the NFPA guidance).

The proposal indicates 2 separate points of access which aligns to the NFCC guidance. The information also indicates the width of access roads and turning points should comply with section B5 of Approved Document B in order that the carriageways to these access points are also suitable for DSFRS vehicles.

The proposed water supply of 2 hours at 1,900 litres per minute broadly aligns with the proposed figure within the NFCC guidance. There are no fire hydrants in close proximity so if this supply is exhausted, additional water could be required. DSFRS stated they do have capability to do this, but this may be impacted if there is competing demands for this capability. The nearest fire hydrant is on Crannaford Lane, approximately 740 metres south west of the site. The attenuation system provided as part of the SuDS Strategy can be shut off to avoid contamination in the event of a fire.

It is relevant to note that water is not used to put out any fire as experience has now led to the approach of allowing a battery fire to burn itself out. Instead water is used if needed to cool nearby batteries if they show signs of getting too hot.

Many of the safety systems are referenced as aligned to the NFPA guidance which, although not the NFCC guidance, is recognised as an industry safety standard. This is similarly the case with the proposed container spacing, however, the precautions for any adjoined containers should be consistent with the precautions given in the chosen safety guidance / benchmark.

A pre-commencement condition would require the development of an Emergency Response Plan (ERP) in consultation with the DSFRS, which should include the following information:

- How the fire service will be alerted
- A facility description, including infrastructure details, operations, number of personnel, and operating hours.
- A site plan depicting key infrastructure: site access points and internal roads; firefighting facilities (water tanks, pumps, booster systems, fire hydrants, fire hose reels etc); drainage; and neighbouring properties.
- Details of emergency resources, including fire detection and suppression systems and equipment; gas detection; emergency eye-wash and shower facilities; spill containment systems and equipment; emergency warning systems; communication systems; personal protective equipment; first aid.
- Up-to-date contact details for facility personnel, and any relevant off-site personnel that could provide technical support during an emergency.
- A list of dangerous goods stored on site.

- Site evacuation procedures.
- Emergency procedures for all credible hazards and risks, including building, infrastructure and vehicle fire, grassfire and bushfire.

Given the above, in light of the comments received from DSFRS it is considered the design of the proposed installation has suitable features to minimise risk of uncontrolled fires. Consequently, the proposal complies Strategy 39, and Policies EN14 of the Local Plan and paragraph 8 of the NPPF and the guidance in the NPPG and NFCC and NFPA guidance.

Best Most Versatile (BMV) agricultural land

The Agricultural Land Classification report submitted with the application confirms the site is classified grade 3b (not BMV) land. There is no information to contradict this and therefore there is no objection in relation to this matter. There is no conflict with policy EN13 of the Local Plan in this regard.

Surface Water Attenuation

The application is supported by a drainage strategy. The total area of hard surfaces (battery storage units and buildings) is approximately 0.12 hectares. Infiltration testing undertaken shows that Infiltration rates were very low.

The development will discharge to an existing drainage ditch which serves the existing substation to the north of the Development via a detention basin and a swale at greenfield rate, in accordance with the SuDS hierarchy.

The DCC Flood Risk Management Team have no in-principle objections to the proposal, subject to the imposition of a pre-commencement planning conditions requiring further details in respect of the drainage design during the construction phase, details of the adoption and maintenance of the permanent surface water drainage system and a plan indicating how exceedance flows will be safely managed at the site. As stated previously, the attenuation system provided as part of the SuDS Strategy can be shut off to avoid contamination in the event of a fire. The basin and swale would be lined, with no potential for infiltration. The swale and basin have been designed to have 53% and 24% capacity available during the 1:100 + 40% Climate Change critical event, so would not be 'full' during the unlikely event that there was a battery fire at the same time as an extreme storm. The headroom volume available during the 1:100 + 40% Climate Change critical event is 255 cubic metres, which is more than the NFCC requirement of 228 cubic metres for firefighting water. As such the swale and pond can accommodate the 1:100 + CC event as well as the firefighting volume. In the unlikely event of a fire, any firewater in the sealed basin would be tested on-site to determine whether it is contaminated, and any contaminated water would be taken off site for safe disposal at a treatment plant.

The outfall will be to an existing drain to the north of the site. Any temporary or permanent works that need to take place within the ordinary watercourse to facilitate the proposed development (such as an access culvert or bridge), Land Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing.

With the appropriate condition in place, the proposed would comply with local plan policy EN18 and EN22.

Ecological Impact

The application is accompanied by an Ecological Impact Assessment (EclA), dormouse survey, ground level bat survey of trees, Statutory Biodiversity Metric, and Biodiversity Net Gain Assessment report.

The site supports hazel dormouse and has suitable habitat to support other legally protected and notable species. The EclA recommends suitable mitigation, compensation, and enhancement measures, and considers there are unlikely to be any significant impacts on ecological receptors subject to mitigation and compensation measures being secured and implemented successfully.

Hazel dormouse is present on the site and in the surrounding habitats and should be considered likely to be present in all contiguous habitats, i.e., in surrounding hedges. Therefore, all hedges on the site would be considered as Important under the Hedgerow Regulations due to the presence of a Schedule 51 species.

A three metre section of hedgerow 3 to the west of the site is proposed for removal to facilitate the installation of the cable route. Sections of the hedgerows either side of the existing access would also be subject to pruning to improve visibility into the site. A further removal of approximately 1 metre of Hedgerow 2 would also be required to facilitate the movement of machinery onto the Site. A mitigation license would be required in respect of dormice in relation to the proposed areas of hedge removal.

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 Planning Policy Framework's requirement to give significant weight to the benefits associated with renewable and low carbon energy generation, and the proposal's contribution to a net zero future. Given what has been reported for this site (see above), the fact suitable mitigation measures are proposed and 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.

Consequently, 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.

Two new sections of species-rich native hedgerow will be planted on site in mitigation. The proposed new hedgerows on the site should comprise of species-rich hedgerows on banks. As indicated by the landscape officer, the southern grassland areas could be planted as a traditional orchard with additional copse planting and trees provided on the site.

The site is adjacent to Addlehole Copse Unconfirmed Wildlife Site (UWS), an area of broadleaved woodland. There are records of rare woodland bat species including Annex II barbastelle and lesser horseshoe bat within the vicinity. The development platform of the site is located towards the north part of the site, close to the woodland used by badgers, hazel dormice and likely rare bat species.

EDDC's ecologist has commented that from the scale of the submitted plan (1:2500) it is not clear how far the site are works are from the woodland. It is accepted that direct impacts on the woodland are considered unlikely. From an ecological perspective, it would be preferable to see the area immediately south of the woodland subject to natural regeneration to buffer the woodland naturally and provide habitat for protected and notable species. The submitted drainage details indicate the use of swales and detention basins. The proposed SuDS feature close to the woodland should be designed with a varying topography with permanent standing water and planted with appropriate aquatic and emergent species to maximise ecological value and provide enhanced foraging opportunities for bats and other wildlife.

It is considered that the number of bat and bird boxes should be increased to five of each type, installed on mature trees around the site.

The proposed mitigation, creation and enhancement measures, subject to the above comments, are considered generally appropriate and proportional to the predicted impacts for the proposed scale of development, assuming they are fully implemented.

A number of conditions have been recommended should the application be recommended for approval, requiring compliance with the submitted Ecological Impact Assessment (EclA). A further condition is recommended to secure a Construction and Ecological Management Plan (CEcoMP) prior to the commencement of any works on site.

With the appropriate conditions in place the proposal would comply with Local Plan Policy EN5 and Strategy 47.

Biodiversity Net Gain (BNG)

The proposal includes the enhancement of modified grassland into other neutral grassland, as well as the provision of new and enhanced hedges, and the creation of

a ditch and bioswale. The submitted metric indicates the proposal would achieve a net gain above 10% for all habitat types (areas, hedges, and watercourses).

The proposed habitat creation would be considered as a significant onsite gain and would require securing for 30-years from the completion of the habitat enhancement measures. The habitat would also be subject to a BNG monitoring contribution.

The application is supported by a high-level landscaping mitigation plan. However, if consented the proposals would require a detailed Habitat Management and Monitoring Plan (HMMP) and revised metric supported by a detailed soft landscaping plan, e.g., that considers soil chemistry, habitat condition assessment criteria of proposed habitats, consideration of adaptive management, monitoring, and reporting requirements.

EDDC's ecologist has commented that the area is typified by Devon bank hedges but none of the hedges on the site appear to be classified as on a bank within the submitted metric. This detail for the onsite hedges should be clarified in the submission of the Habitat Management and Monitoring Plan (HMMP) and updated metric.

The Biodiversity Gain Plan and Habitat Management and Monitoring Plan (the HMMP) will also be required to be submitted prior to the commencement of works on site.

Residential Amenity

The application is accompanied by an Outline Construction Environmental Management Plan (CEMP). The core construction working hours are stated as being from 7am until 8pm Monday to Friday and 7am until 4pm on Saturdays.

Environmental Health have commented that they will not support the hours currently detailed within the Outline CEMP and these need to be amended to 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. A pre-commencement condition is therefore recommended requiring an amended CEMP, to protect the amenities of existing residents in the vicinity of the site from noise, air, water and light pollution.

The application is accompanied by a Noise Impact Assessment, the scope of which was agreed with EDDC's Environmental Health officer prior to the submission of the planning application. Noise sources within the proposed development are the battery containers, inverters, and the transformers.

The report provides an indication of the likely impact on nearby noise sensitive receptors (NSR's), Saundercroft Bungalow, Saundercroft Cottage and Saundercroft. A 3.5 m acoustic fence on eastern and southern boundaries has been designed to provide suitable mitigation against noise.

The predicted noise levels at all NSR's are daytime: 4–7 dB below background, evening: 1–2 dB above or below background and Night-time: 2–5 dB above background. Assessed against BS4142 the proposed levels are within acceptable

limits indicating there would be no adverse impacts to nearby residents on the ground of noise.

The site is near an existing substation and solar farm, making the development acoustically consistent with the area no significant cumulative noise impact expected from nearby developments due to distance, terrain, and wind direction.

No details have been provided in respect of the appearance of materials of the proposed acoustic fence. This will be sited inside the line of the existing hedgerow and tree line along the eastern boundary. Further details will therefore be required by condition alongside the rest of the landscaping treatments in respect of the appearance of the acoustic fence, and the other security fence to the northern and western site boundaries.

Monitoring of the site would principally be undertaken remotely via CCTV and remote monitoring of the batteries and transformers. The site would likely be attended by staff weekly for a few hours at a time to physically check the site as well as attend to landscape maintenance. A small welfare facility has been provided for staff which would contain a WC.

Subject to a condition requiring further information in respect of the proposed fencing, the proposal would not adversely affect amenity of occupiers of adjoining residential properties and would comply with Local Plan Policy D1.

Highways

Devon County Highways and National Highways have reviewed the Transport Assessment submitted with the application.

Once constructed, the proposed facility would be unstaffed and accessed by car or van for weekly maintenance and occasional parts delivery only.

The construction phase is anticipated to last 9-12 months with a total of 510 HGV movements forecast across this phase. The traffic generation associated with the decommissioning of the site will be broadly similar to the construction phase.

The comments from the Parish Council are noted, which raise concerns about the narrow pinch point at Broadclyst Station and the proximity of the route to students walking and cycling to Clyst Vale Community College. 5 options of alternative routes to the site were evaluated in the course of identifying a suitable route for construction vehicles to site. Option 1 is routed via Pinhoe, Option 2 via Broadclyst Station, Option 3 via Cranbrook, Option 4 via Whimble and Option 4a via Daisymount Junction and Whimble. Devon Highways expressed concerns over option 3 because of the proximity to Cranbrook Education Campus and the basic nature of Crannaford Level Rail Crossing. Options 1 and 2 were identified as being of good suitability, with routes 4 and 4a being of reasonable suitability. Option 2 via Broadclyst Station has been identified as the preferred route, which Highways have acknowledged is already in use by HGV traffic. The construction period is of a limited duration therefore the traffic impacts would be temporary, and the proposed vehicle

movements are not excessive. Given Highway's support for the proposal, the route is considered to be acceptable.

The Development would utilise the existing access onto Saundercroft Road. Saundercroft Road is subject to a 60mph speed restriction however speed surveys undertaken indicate that actual speeds are in the region of 32 mph, therefore the visibility splays have been designed for a road speed of 30mph. A small scale drawing of the proposed splays have been included within the transport statement and as previously stated, full details of the entrance works to provide the necessary splays, to include the removal of the hedging to the opposite side of the road, would be required by condition should the application be recommended for approval.

National Highways have requested that where possible that HGV deliveries are scheduled to avoid routing via the strategic road network during the AM (0800-0900) and PM (1700-1800) network peak periods. In total 510 HGV vehicle movements are envisaged in the course of the 9–12-month construction period which equates to around 11 per week on average depending on timescale. The proposed route to the site has been discussed with County Highways, who acknowledged that a good part of the route is already used by HGVs and that the construction traffic will only be using the route for a temporary period.

Based on the forecast trip generation National Highways is satisfied that the construction, operation and decommissioning of the development is unlikely to result in an adverse traffic impact on safe operation of the strategic road network.

Devon County Highways likewise have no objection to the scheme given that the development would produce limited trip generation once in operation, and that the submitted Construction and Environment Management Plan (CEMP) would help to mitigate any highway network impacts during construction.

Two parking spaces are provided within the finished scheme, with electric car charging, for parking of staff once the BESS is operational which is considered sufficient.

The comments regarding excessive working hours mirror those of Environmental Health and therefore a condition would be imposed requiring an amendment to the submitted CEMP prior to the commencement of any works on site. With the appropriate condition in place, the proposal would comply with Local Plan Policy TC2, TC7 and TC9.

Trees

The site is a single field bordered by hedgerows, boundary trees, and deciduous woodland. Addlehole Copse lies to the immediate north of the site which is designated as Priority Habitat; Deciduous Woodland.

The existing hedgerows will be retained wherever possible throughout the site. In respects of the impacts to the existing trees on site, an approximately 10 metre long section of a low-quality (Category C) tree group (G3) is proposed for removal to

allow for cable routing and access. Compensatory planting is planned to offset this canopy loss. The proposed work also entails minor pruning of five trees and one hedgerow to allow crane access.

The planting of a 2 metre high species rich hedgerow with trees to the south of the site will compensate for the areas proposed for removal. The eastern, western and southern boundary hedgerows will be further enhanced with infill planting using native species such as hawthorn, downy or silver birch or oak. Hedgerows through the site are to be managed to a height of 3.5 metre.

A full Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) has been submitted with the application. EDDC's tree officer has no objection in principle to the proposal and is satisfied that overall there will be little impact on the majority of retained trees. However, there are concerns over the location of the attenuation basin, which is shown on the plans as being within the tree protective fencing zone.

EDDC's tree officer has asked for the AMS to be updated to outline how the attenuation basin is to be constructed without risking damage to the RPA of the trees. The applicant has clarified that the attenuation basin falls outside of the RPA. A revised TPP and AMS will be required by condition to show the proposed protective fencing outside of the root protection area and the area proposed for the construction of the swale.

With the appropriate condition in place, the proposal would comply with Local Plan Policy D3.

Heritage

There are no listed buildings within the vicinity on the site therefore there are no concerns that the proposal would lead to any adverse impacts to any listed buildings.

In respect of below ground heritage, the archaeological geophysical survey undertaken has identified two areas of possible pits within the area which have potential to be affected by the construction of the proposed battery energy storage system. However, without undertaking intrusive archaeological investigations it is not possible to determine whether these anomalies are archaeological or geological in origin, and if they are archaeological then it is likely that they are prehistoric in date. Nevertheless, the groundworks for the construction of the proposed BESS have the potential to expose and destroy these features. The Historic Environment Team have therefore advised that the impact of development upon the archaeological resource is mitigated by a programme of archaeological work to investigate, record and analyse any archaeological evidence that would otherwise be destroyed by the proposed development.

The Devon Historic Environment Team has recommended a pre-commencement condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) in mitigation for the loss of heritage assets with archaeological interest.

A further condition is recommended to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe.

With the appropriate conditions in place, the application would comply with Local Plan Policy EN6.

Foul Drainage

A Foul Drainage Assessment has been received in respect of the proposed arrangement for foul drainage. The proposed Welfare Unit would contain a WC for visiting staff overseeing the BESS. There is no foul main within a reasonable proximity of the BESS site. Geotechnical assessments undertaken indicate the site is essentially impermeable, and therefore not suitable for the installation of a package treatment plant. A cesspool is therefore proposed, with a level alarm to allow for emptying in good time.

The use of cesspools is an option of last resort as set out in the non-mains drainage hierarchy, however given the site constraints in this instance it is considered acceptable.

Given the above, the proposed would be in accordance with Local Plan Policy EN14 and EN19,

Benefits of the proposal

The proposal presents some benefits that must be considered.

The development would assist in the deployment and operation of renewables across the national grid as it would be able to store energy at times when renewable energy is outstripping demand to maximising the usable output from intermittent low carbon generation (e.g. solar and wind). The additional benefit of this would be to lower energy prices generally as it would prevent Contract for Difference payments (subsidies) having to be paid to renewable generators if they are required to curtail generation during these times. Further, it would contribute towards ensuring UK has a secure energy supply. Perhaps most importantly, in operating in this way it would reduce the Carbon Dioxide emissions in the grid helping to lessen climate change. These are all objectives of UK National planning and energy policy. Very significant weight is afforded to these benefits.

There would also be some temporary benefits in terms of the economic activity generated during the construction phase of the scheme.

Planning Balance

Section 38(6) of The Planning and Compulsory Purchase Act 2004 states determination must be made in accordance with the development plan unless material considerations indicate otherwise. This is echoed in paragraph 11(c) of the Framework.

The proposal is a low carbon project as defined in the Local Plan and it therefore accords with Strategy 39 in this particular regard.

The visual impacts of the proposal in the context of surrounding landscape character and land use are considered to be low and further details would be required by way of condition to secure appropriate mitigation/ planting commensurate with the scale of development. The site is relatively flat and set back from the road such that it is not very exposed to public views. The proposal accords with Strategies 39 and 46, and policies D1 of the Local Plan in this respect.

In respect of fire safety, the proposals have been reviewed by the DSFRS who are satisfied that the proposal meets the requirements of the NFCC and NFPA guidance. The proposal therefore complies with Strategy 39 and Policy EN14 of the Local Plan and guidance within the NPPF.

Sufficient evidence has been provided to demonstrate that the scheme would not harm local biodiversity interests, subject to appropriate planning conditions, and that the requisite BNG can be achieved, complying with policy EN5 of the Local Plan.

There are no highway objections to the scheme in conformity with policy TC2 of the Local Plan. Nor is the development going to lead to the loss of BMV agricultural land so there is no conflict with policy EN13 of the Local Plan.

The benefits of the scheme are set out in the preceding sections but are in the main around reduction in carbon dioxide emissions powering the grid and therefore helping lessen climate change, reducing energy prices for consumers and reducing reliance on less secure forms of energy generation. These are all significant benefits and carry significant weight in the planning balance. Additionally, there would be lesser economic benefits during the construction phase.

On balance the benefits of the development significantly and demonstrably outweigh the limited landscape harm that would arise. It is therefore recommended that permission is granted.

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. Prior to the commencement of the development hereby approved, an emergency Response Plan (ERP) shall be submitted to, and approved in writing by, the Local Planning Authority. The ERP shall be prepared in consultation with the Devon Fire and Rescue Service and shall follow the National Fire Chiefs Council (NFCC) and NFPA 855 guidelines and include as a minimum:
 - How the fire service will be alerted and incident communications & monitoring capabilities.
 - Facility description, including infrastructure details, operations, number of personnel, and operating hours.
 - Site plan depicting key infrastructure.
 - Site access points, internal roads, agreed access routes, observation points, turning areas, etc.
 - Firefighting facilities (water tanks, pumps, booster systems, fire hydrants, fire hose reels etc).
 - Water supply locations & capacity.
 - Drainage and water capture design & locations.
 - Details of emergency resources, including fire detection and suppression systems and equipment; gas detection; emergency eyewash and shower facilities; spill containment systems and equipment; emergency warning systems; communication systems; personal protective equipment; first aid.
 - Up-to-date contact details for facility personnel, and any relevant off-site personnel that could provide technical support during an emergency.
 - A list of dangerous goods stored on site.
 - Site evacuation procedures.
 - Site operation Emergency Management protocols - 4 phases: discovery, initial response / notification, incident actions, resolution & post incident actions / responses.
 - Emergency procedures for all credible hazards and risks, including building, infrastructure and vehicle fire, wildfires, impacts on local respondents, impacts on transport infrastructure.
 - The operator will develop a post-incident recovery plan that addresses the potential for reignition of the BESS and de-energizing the system, as well as removal and disposal of damaged equipment.

(Reason - A pre-commencement condition is required in order that the risks can be minimised in advance of any works on site, and to minimise risks of accidents which could be harmful to the public and the environment in accordance with Strategy 39 (Renewable and Low Carbon Energy Projects) and policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031).

4. Within 30 years and six months following completion of construction of the development hereby permitted, within 12 months of the cessation of operational use, or within six months following a permanent cessation of construction works prior to the battery facility coming into operational use, whichever is the sooner, the batteries, transformer units, inverters, all associated structures and fencing

approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than twenty-eight working days following cessation of power production. The site shall subsequently be restored in accordance with a scheme and timescale, the details of which shall be first submitted to and approved in writing by the Local Planning Authority no later than twelve months following the commencement of the first operation of the development. (Note: for the purposes of this condition, a permanent cessation shall be taken as a period of at least 24 months where no development has been carried out to any substantial extent anywhere on the site).

(Reason - To ensure the achievement of satisfactory site restoration in accordance with Strategy 39 (Renewable and Low Carbon Energy Projects) of the East Devon Local Plan 2013 to 2031.)

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

(Reason: A pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works. To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan 2013-2031 and paragraph 218 of the National Planning Policy Framework (2024), that an appropriate record is made of archaeological evidence that may be affected by the development.)

6. The development hereby approved shall not be brought into its intended use until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.

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

7. Prior to the commencement of development, a site waste management plan shall be submitted to, and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The following points shall be addressed in the statement:

- Identify measures taken to avoid all waste occurring.
- Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
- The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
- Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site, and justification as to why this waste cannot be managed more sustainably.

The development shall be carried out in accordance with the approved statement.

(Reason: A pre-commencement condition is required to ensure that all waste material is dealt with in a sustainable way from the outset of the development, including any groundworks and construction. To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document.)

8. Notwithstanding the submitted CEMP, an amended 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.)

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

(a) A detailed drainage design based upon the approved Westcroft BESS Flood Risk Assessment (Report Ref. 050, Rev. 4-0, dated 12th December 2024).

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

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

The development shall not be brought into use until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason: A pre-commencement condition is required to demonstrate 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. The above condition is 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.

10. The development shall be carried out in strict accordance with the Ecological Impact Assessment (EclA) (SLR Consulting Limited, December 2024), Technical Memorandum - Ground Level Tree Assessment (GLTA) (SLR Consulting Limited, January 2025), Hazel Dormouse Report (SLR Consulting Limited, February 2025) and Ecological consultee comments made (EDDC, May 2025), in particular the implementation of the ecological mitigation and enhancement measures. Following the completion of the development, the local planning authority shall be provided with a compliance report by a qualified ecologist, including photographs and completed toolbox talk sheets, detailing that all ecological mitigation and enhancement features, including:
- a. 5 no. bat boxes installed on mature trees
 - b. 5 no bird boxes installed on mature trees
 - c. Reptile/amphibian hibernacula
 - d. Ecological mitigation planting
- have been implemented, and confirming compliance with any protected species licences and/or ecological method statements secured via planning conditions.

(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), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031)

11. Construction and Ecological Management Plan (CEcoMP).
No development shall take place (including ground works) until a Construction and Ecological Management Plan (CEcoMP) has been submitted to and approved in writing by the local planning authority. The CEcoMP shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".

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

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

(Reason: A pre-commencement condition is required to ensure that suitable mitigation is in place prior to commencement on site 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), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031)

12. No development work shall commence on site until the following information has been submitted and approved:

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

- b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.

External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 - Guidance notes for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK.

- c) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls.

- d) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.

e) 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.

f) A full set of soft landscape details including:

- i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.
- ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
- iii) 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.
- iv) Tree pit and tree staking/ guying details.
- g) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

(Reason - A pre-commencement condition is required to ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

13. A Landscape and Ecology Management Plan (LEMP) for a minimum 30 year period following completion of the development (or relevant phase thereof) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The Plan shall be based on the submitted Ecological Impact Assessment and the approved hard and soft landscape plans and associated details and shall include the following:
- a) Details of the body or organisation responsible for implementation of the plan.
 - b) A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
 - c) Landscape and ecological management aims and objectives for the site.
 - d) A condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
 - e) Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period). in relation to:
 - Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgelink guidance.
 - New trees, woodland areas, hedges and amenity planting areas.
 - Grassland, wildflower and any other habitat areas proposed.
 - f) The location and design of biodiversity features including bird boxes, bat boxes, and other features, e.g., permeable fencing, to be shown clearly on accompanying plans.
 - g) Details regarding the proposed reptile translocation, including receptor site details in accordance with .GOV guidance
 - h) Drainage swales and water bodies.
 - j) Arrangements for inspection and monitoring of the site and maintenance practices.
 - k) Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.

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

4) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the development with the exception of planting which shall be completed no later than the first planting season following first use.

5) 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: A pre-commencement condition is required to ensure that suitable mitigation is in place prior to commencement on site 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), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.)

14. Notwithstanding the submitted AMS and TPP, 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.

(Reason - A pre-commencement condition is required 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 Adopted East Devon Local Plan 2013-2031.)

15. The development hereby approved shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of BESS units with the exception of planting which shall be completed no later than the first planting season following first use.

(Reason: To ensure the visual and landscape effects of the development are adequately mitigated in accordance with Strategies 39 (Renewable and Low Carbon Energy Projects) and 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013-2031).

16. The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Assessment Report dated December 2024 and prepared by SLR Consulting Limited and the EDDC Landscape Officer and EDDC Ecology Officer consultee comments.

The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority and including:

- a) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

1.3 Notice in writing shall be given to the Local Planning Authority when the HMMP works have started.

1.4. Notice in writing, in the form of a landscape verification report completed by a competent ecologist or landscape architect, shall be given to the Local Planning Authority when the habitat creation and enhancement works as set out in the HMMP have been established to define the completion of development and start of the 30-year BNG maintenance and monitoring period.

1.5. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

1.6. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

(Reason: A pre-commencement condition is required in accordance with Paragraph 13 Schedule 7A of the Town and Country Planning Act 1990, to ensure the development delivers a biodiversity net gain on site and that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Schedule 7A of the Town and Country Planning Act 1990, and Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.)

17. Prior to the installation of any BESS unit a site-specific Battery Safety Management Plan (BSMP) shall have been submitted to, and approved in writing by, the Local Planning Authority. The development shall proceed in accordance with the agreed BSMP. Should any changes to the approved BESS units be necessary during the lifetime of the development, no such changes shall be made without a revised BSMP having first been resubmitted to, and written approval received from, the Local Planning Authority.

(Reason - The Battery Safety Standards document 12 September 2023 is in outline form and further details will be required for approval once the technology selected for use on the site is known, in the interests of the minimising risks of a hazardous event which could lead to pollution of the local environment in accordance with Strategy 39 (Renewable and Low Carbon Energy Projects) and policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031).

18. The acoustic fence shown on the plans hereby approved shall be installed prior the first operation of the BESS units and shall be maintained and retained in effective condition for the lifetime of the development. Details of the materials and finish of the fence shall have been submitted to, and agreed in writing by, the Local Planning Authority, prior to its installation.

(Reason - To ensure the nearest residential properties are not adversely affected by noise from the operation of the installation and to ensure the 24/0096/MFUL appearance of the fence is appropriate in accordance with policy EN14 (Control of Pollution) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013-2031).

19. Prior to the commencement of the development hereby approved, details of the construction of the access including details of the hedgerow to be removed shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. All other elements of the hedgerow are to be retained for the lifetime of the development.

(Reason - A pre-commencement condition is required to ensure that the access works are planned and provided in good time in the interests of highway safety for construction and other vehicles, and to preserve the character of the area in accordance with the requirements of Policy D1 (Design and Local Distinctiveness), Policy D3 (Trees and Development Sites) and Policy TC7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan 2013-2031)

20. The two service/emergency access points shown on the plans hereby approved shall be maintained and retained as approved for the duration of the presence of the BESS units on site.

(Reason - To ensure the site can be accessed by emergency vehicles from two separate directions for the lifetime of the development in accordance with Strategy 39 (Renewable and Low Carbon Energy Projects) and policy EN14 (Control of Pollution) 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.

Biodiversity Net Gain Informative:

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 require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed 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 applies (planning permission for development already carried out).

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.

Where there are losses or deterioration to irreplaceable habitats a bespoke compensation package needs to be agreed with the planning authority, in addition to the Biodiversity Gain Plan.

For information on how to prepare and submit a Biodiversity Gain Plan please use the following link: Submit a biodiversity gain plan - GOV.UK (www.gov.uk)

Plans relating to this application:

WES-EDFR- TCL-DRG-E001 : SITE ELEVATIONS	Proposed Combined Plans	19.12.24
WES-EDFR- TCL-DRG-G002 : PCS & TRANSFORMER	Other Plans	19.12.24

ARRANGEMENTS

WES-EDFR-TCL-DRG-G003 :BATTERY CONTAINER ARRANGEMENT	Other Plans	19.12.24
WES-EDFR-TCL-DRG-G004 :DNO INCOMER SUBSTATION ARRANGEMENT	Other Plans	19.12.24
WES-EDFR-TCL-DRG-G005 : FENCING, GATE & CCTV ARRANGEMENT	Other Plans	19.12.24
WES-EDFR-TCL-DRG-G006 :BESS 33KV SWITCH ROOM ARRANGEMENT	Other Plans	19.12.24
WES-EDFR-TCL-DRG-G012:WATER TANK ARRANGEMENT	Other Plans	19.12.24
WES-EDFR-TCL-DRG-G007 : UXILLARY & EARTHING TRANSFORMER ARR.	Other Plans	19.12.24
WES-EDFR-TCL-DRG-G009 :LV AUXILIARY SWITCH ROOM, CONTROL	Other Plans	19.12.24
WES-EDFR-TCL-DRG-G010: EV CHARGE POINT	Other Plans	19.12.24

WES-PP-TCL- DRG-P001	Proposed Site Plan	19.12.24
WES-EDFR- TCL-DRG-G013 :HARMONIC FILTER ARRANGEMENT	Other Plans	19.12.24
WES-EDFR- TCL-DRG-P002	Location Plan	19.12.24
WES-EDFR- TCL-DRG-P005 :CUT AND FILL PLAN	Other Plans	19.12.24
LANDSCAPE MITIGATION PLAN	Landscaping	19.12.24
SUDS STRATEGY	Other Plans	19.12.24

List of Background Papers

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

Relevant consultation responses in full:

County Highway Authority

The County Highway Authority (CHA) has reviewed the planning application document and visited the site.

The construction of BESS's are time limited and due to the nature of these establishments tend to produce limited trip generation once in operation, due to their low maintenance requirements and self-sufficiency in operation.

The proposed location is near to the grid transmission site and therefore would involve reduced construction and/or vehicular trips. The planning documents includes a comprehensive Construction and Environment Management Plan (CEMP), which will help to mitigate any highway network impacts during construction, including 'just-in-time' deliveries, routeing utilising the M5, B3181 and Whimble Road/Saundercroft Road along with limited hours of operation Therefore, in summary, the County Highway Authority (CHA) has no objection to this planning application.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

EDDC District Ecologist

1 Introduction

This report forms the EDDC Ecology response to the above application.

The report provides a review of ecology related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 Review of submitted details

The application is supported by an Ecological Impact Assessment (EclA), dormouse survey ground level bat survey of trees, Statutory Biodiversity Metric, and Biodiversity Net Gain Assessment report.

Supporting ecological surveys are generally considered valid to support the application, i.e., considered within date, following recommended guidelines, with any limitations explained.

The site supports hazel dormouse and has suitable habitat to support other legally protected and notable species. The EclA makes recommended mitigation, compensation, and enhancement measures. It considers there is unlikely to be any significant impacts on ecological receptors subject to mitigation and compensation measures being secured and implemented successfully.

Biodiversity Net Gain (BNG)

The proposal includes the enhancement of modified grassland into other neutral grassland, as well as the provision of new and enhanced hedges, and creation of ditch and bioswale. The submitted metric indicates the proposal would achieve a net gain above 10% for all habitat types (areas, hedges, and watercourses). The proposed habitat creation would be considered as significant onsite gain and would require securing for 30-years from the completion of the habitat enhancement measures and would be subject to a BNG monitoring contribution.

The application is supported by a high-level landscaping mitigation plan. However, if consented the proposals would require a detailed Habitat Management and Monitoring Plan (HMMP) and revised metric supported by a detailed soft landscaping plan, e.g., that considers soil chemistry, habitat condition assessment criteria of proposed habitats, consideration of adaptive management, monitoring, and reporting requirements.

3 Conclusions and recommendations

General comments

Hazel dormouse is present on the site and in the surrounding habitats and should be considered likely to be present in all contiguous habitats, i.e., in surrounding hedges.

Therefore, all hedges on the site would be considered as Important under the Hedgerow Regulations due to the presence of a Schedule 51 species.

The area is typified by Devon bank hedges but none of the hedges on the site appear to be classified as on a bank within the submitted metric. This detail for the on-site hedges should be clarified in the submission of the Habitat Management and Monitoring Plan (HMMP) and updated metric.

The proposed new hedgerows on the site should comprise of species-rich hedgerows on banks.

As indicated by the landscape officer, the southern grassland areas should be planted as a traditional orchard with additional copse planting and trees provided on the site.

The site is adjacent to Addlehole Copse Unconfirmed Wildlife Site (UWS), an area of broadleaved woodland. There are records of rare woodland bat species including Annex II barbastelle and lesser horseshoe bat within the vicinity. The development platform of the site is located towards the north part of the site, close to the woodland used by badgers, hazel dormice and likely rare bat species.

From the scale of the submitted plan 1:2500 it is not clear how far the site is from the woodland. It is accepted that direct impacts on the woodland are considered unlikely. From an ecological perspective, it would be preferable to see the area immediately south of the woodland subject to natural regeneration to buffer the woodland naturally and provide habitat for protected and notable species. The submitted drainage details indicate the use of swales and detention basins. The proposed SuDS feature close to the woodland should be designed with a varying topography with permanent standing water and planted with appropriate aquatic and emergent species to maximise ecological value and provide enhanced foraging opportunities for bats and other wildlife.

It is considered that the number of bat and bird boxes should be increased to five of each type, installed on mature trees around the site.

The proposed mitigation, creation and enhancement measures, subject to the above comments, are considered generally appropriate and proportional to the predicted impacts for the proposed scale of development, assuming they are fully implemented.

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

Compliance

The development shall be carried out in strict accordance with the Ecological Impact Assessment (EclA) (SLR Consulting Limited, December 2024), Technical Memorandum - Ground Level Tree Assessment (GLTA) (SLR Consulting Limited, January 2025), Hazel Dormouse Report (SLR Consulting Limited, February 2025) and Ecological consultee comments made (EDDC, May 2025), in particular the implementation of the ecological mitigation and enhancement measures. Following the completion of the development, the

1 Wildlife and Countryside Act 1981 (as amended)

local planning authority shall be provided with a compliance report by a qualified ecologist, including photographs and completed toolbox talk sheets, detailing that all ecological mitigation and enhancement features, including:

- a. 5 no. bat boxes installed on mature trees
- b. 5 no bird boxes installed on mature trees
- c. Reptile/amphibian hibernacula
- d Ecological mitigation planting

have been implemented, and confirming compliance with any protected species licences and/or ecological method statements secured via planning conditions.

Construction and Ecological Management Plan (CECoMP).

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

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

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

Habitat Management and Monitoring Plan (HMMP)

1.1 The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Assessment Report dated December 2024 and prepared by SLR Consulting Limited and the EDDC Landscape Officer and EDDC Ecology Officer consultee comments.

1.2. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority and including:

- a) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;

- d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

1.3 Notice in writing shall be given to the Local Planning Authority when the HMMP works have started.

1.4. Notice in writing, in the form of a landscape verification report completed by a competent ecologist or landscape architect, shall be given to the Local Planning Authority when the habitat creation and enhancement works as set out in the HMMP have been established to define the completion of development and start of the 30-year BNG maintenance and monitoring period.

1.5. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

1.6. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason:

To ensure the development delivers a biodiversity net gain on site and that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Schedule 7A of the Town and Country Planning Act 1990, and Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031

Devon County Council Waste Management

This major application has come to our attention as the Waste Planning Authority.

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.

It is noted that control of waste is included within the submitted outline construction environmental management plan which mentions the preparation of a site waste management plan.

Therefore, it is recommended that a condition is attached to any consent to require the submission of a site waste management plan prior to the commencement of the development as stated below:

Prior to the commencement of development, a site waste management plan shall be submitted to, and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon

County Council's Waste Management and Infrastructure Supplementary Planning Document. The following points shall be addressed in the statement:

- o Identify measures taken to avoid all waste occurring.
- o Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
- o The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
- o Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- o The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site, and justification as to why this waste cannot be managed more sustainably.

The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. This information is required pre-commencement to ensure that all waste material is dealt with in a sustainable way from the outset of the development including any groundworks, demolition, construction and operation.

Please do not hesitate to contact us should you have any queries

DCC Flood Risk Management Team
FRM/ED/2664/2025

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:

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

(a) A detailed drainage design based upon the approved Westcroft BESS Flood Risk Assessment (Report Ref. 050, Rev. 4-0, dated 12th December 2024).

(b) Detailed proposals for the management of surface water and silt runoff 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/2664/2025, dated 07th February 2025, the applicant have provided additional information in relation to the surface water drainage aspects of the above planning application, in an email, for which I am grateful.

The applicant have confirmed that the development lifetime is 30 years i.e. operational into the 2050s as confirmed in the Construction of a Battery Energy Storage System (BESS) Westcroft, land North of Saundercroft Road, exeter Planning, Design and Access Statement (Report ref. 086, Rev. v.3, dated December 2024).

The applicant have also confirmed that the proposed access road will be 100% impermeable.

The swale is proposed to be restricted to 4l/s before discharging to the pond. The outlet of the pond will restrict the flow to 0.7l/s.

The outfall will be to an existing drain and it is proposed that the detailed design of the outfall will be undertaken prior to construction. Any temporary or permanent works that need to take place within the ordinary watercourse to facilitate the proposed development (such as an access culvert or bridge), Land Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing. Details of this procedure can be found at:

<https://new.devon.gov.uk/floodriskmanagement/land-drainage-consent/>.

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant have submitted Westcroft BESS Flood Risk Assessment (Report Ref. 050, Rev. 4-0, dated 12th December 2024) and Westcroft BESS SuDS Strategy (Report Ref. 050, Rev. 4-0, dated 12th December 2024) to support the proposed battery energy storage system (BESS) on land north of Saundercroft Road, Broadclyst, Exeter EX5 3BG.

The site slopes from approximately 44mAOD in the south to approximately 30mAOD at the northern boundary. It is unclear the gradient of the site.

The total hard surfaces (battery storage units and buildings) is approximately 0.12ha out of a total site area of 2.95ha. But the impermeable area, including the tracks is 0.25ha.

The applicant proposed to use type 2 or 3 aggregate for the access tracks. Type 2 aggregate shall not be considered as permeable.

Infiltration testing undertaken in December 2023 has demonstrated that the infiltration rates were very low and therefore soakaway is not suitable for the proposed development site.

The applicant proposed to discharge the surface water runoff to an existing drainage ditch which serves the existing substation to the north of the development via a detention basin and a swale at a greenfield runoff rate, Q_{bar} of 0.7l/s (0.255ha of impermeable area used).

The proposed development lifetime is for 30 years i.e. operational into the 2050s and hence a 40% climate change allowance was used. The applicant shall confirm that the development will be removed after 30 years or obtain the confirmation from the Local Planning Authority (LPA) regarding this lifetime.

It was mentioned that positively drainage areas will connect to manholes via filter drains which will be confirmed at the detailed design stage. The surface water runoff from the proposed access road will need to be taken into consideration during detailed design. A storage of approximately 158m³ would be required. The discharge will be throttled using a pump.

Looking at the model output results, the applicant shall note that only impermeable area shall be used in the model simulation. The current outlet is shown to restrict to 4.0l/s instead of 0.7l/s. The applicant shall therefore carry out further check on the submitted model output results.

The outfall will be to an existing drain and it is proposed that the detailed design of the outfall will be undertaken prior to construction. Any temporary or permanent works that need to take place within the ordinary watercourse to facilitate the proposed development (such as an access culvert or bridge), Land Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing. Details of this procedure can be found at:

<https://new.devon.gov.uk/floodriskmanagement/land-drainage-consent/>.

The development operator will be responsible for the adoption and maintenance of the proposed surface water drainage management system.

Swales, cutoff ditches and settlement lagoons are likely to be proposed to manage the silt and surface water runoff during construction.

Devon & Somerset Fire And Rescue Service

Detection and Monitoring

The proposed provision for detecting both smoke and gas broadly align with recommended safety guidance (e.g. NFCC, FM Global). The information indicates that there will be provisions for monitoring battery conditions, and these include both remote and local emergency shut off functions. This also broadly aligns to the above referenced guidance.

Suppression, Deflagration Prevention and Venting

The proposal indicates provision of aerosol-based suppression, with deflagration prevention and venting. These measures are designed to an NFPA codes which are different safety codes to the NFCC guidance but are widely recognised as suitable safety benchmarks.

Container Spacing

The proposed container spacing appears to be around 3 meters. This distance does differ from the NFCC guidance figure of 6 meters but is a recognised approach, when implemented holistically, with the recommendations of other recognised guidance (in this case, the NFPA guidance).

Fire Service Access

The proposal indicates 2 separate points of access which broadly aligns to the NFCC guidance. The information also indicates width of access roads and turning points which should broadly comply with section B5 of Approved Document B.

Water Supplies

The proposed water supply of 2 hours at 1,900l per minute does broadly align with the proposed figure within the NFCC guidance. There are no fire hydrants in close proximity so if this supply is exhausted, additional water could be required. DSFRS does have capability to do this, but this may be impacted if there is competing demands for this capability.

Summary

Many of the safety systems are referenced as aligned to the NFPA guidance which, although not the NFCC guidance, is recognised as an industry safety standard. This is similarly the case with the proposed container spacing, however, the precautions for any adjoined containers should be consistent with the precautions given in the chosen safety guidance / benchmark.

Having 2 points of access does align to the NFCC guidance so it is important that the main carriageways to these access points are also suitable for DSFRS vehicles. The proposed water supply also broadly aligns to the figure given within NFCC guidance. There is potential for an incident to outlast the water provision. DSFRS has capability to bring water to site, however, there is also the potential for competing demands for this capability.

Devon & Somerset Fire And Rescue Service

Thank you for your consultation regarding the above, dated and received by Devon and Somerset Fire and Rescue Service (DSFRS) on 20 January 2025.

Whilst DSFRS is not a statutory consultee at this stage of this project, we welcome opportunities to engage with stakeholders to ensure projects are delivered safely and that operators meet the statutory responsibilities that we enforce.

To support an application, a sufficiently detailed Fire Safety Management Plan (FSMP) should be developed and submitted to enable DSFRS to pass comment. In the event that a FSMP and site plans are not submitted, DSFRS will not pass comment on the application.

It is appreciated that during the early stages of the planning process it is unlikely that the applicant will have full specific details. If this is the case an 'Indicative' Fire Safety Management Plan (IFSMP) can be submitted and updated as and when specific details are confirmed.

In terms of the FSMP, DSFRS expects it to include a risk reduction strategy offering multiple layers of protection during construction, safe operation and decommissioning of the facility.

Part of the risk reduction strategy will involve the development of an Emergency Response Plan with DSFRS to minimise the impact of an incident during any of the above phases.

DSFRS' response to a FSMP will be led by the guidance produced by the National Fire Chiefs Council (NFCC) 'Grid Scale Battery Energy Storage System Planning'.

<https://nfcc.org.uk/wp-content/uploads/2023/10/Grid-Scale-Battery-Energy-Storage-System-planning-Guidance-for-FRS.pdf>

Without prejudicing any further comments in relation to a FSMP, DSFRS would recommend adoption and/or inclusion of the risk reduction measures contained within the above guidance.

Any alternative solution or mitigation strategies to those detailed in the NFCC guidance should be evidence based, detailing how they meet the same benchmarks.

We would be happy to comment further should the need arise but in the meantime if you have any queries, please do not hesitate to contact us.

James Whitton
Fire Safety Manager

DCC Historic Environment Officer
My ref: ARCH/DM/ED/40625a

I refer to the above application and your recent consultation. The archaeological geophysical survey undertaken of the site has identified two areas of possible pits within the area affected by the construction of the proposed battery energy storage system. However, without undertaking intrusive archaeological investigations it is not possible to determine whether these anomalies are archaeological or geological

in origin, and if they are archaeological then it is likely that they are prehistoric in date. Nevertheless, the groundworks for the construction of the proposed BESS have the potential to expose and destroy these features. The Historic Environment Team would therefore advise that the impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse any archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 218 of the National Planning Policy Framework (2024) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 218 of the National Planning Policy Framework (2024), that an appropriate record is made of archaeological evidence that may be affected by the development.'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

'The development shall not be brought into its intended use until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.'

Reason

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

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a limited number of trial trenches to investigate the sites of the putative pit features identified by the geophysical survey that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation of all or targeted part(s) of the development site in advance of construction works commencing. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice on the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Stephen Reed

Senior Historic Environment Officer

Environmental Health

The construction working hours detailed within the applicants CEMP needs to be amended to 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. Environmental Health will not support the hours currently detailed within the Outline CEMP. The amended CEMP must be submitted and approved by the Local Planning Authority prior to any works commencing on site and shall be implemented and remain in place throughout the development.

Reason: To protect the amenities of existing residents in the vicinity of the site from noise, air, water and light pollution.

EDDC Landscape Architect

1 INTRODUCTION

This report forms the EDDC's landscape response to the full application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and

existing site context and should be read in conjunction with the submitted information.

2 REVIEW OF SUBMITTED INFORMATION

2.1 Landscape and visual impact assessment (LVIA)

The findings of the landscape and visual appraisal are generally accepted and the landscape and visual impacts of the proposal in the context of surrounding landscape character and land use are considered to be low.

2.2 Issues with submitted information

Site plan

The submitted site plan is presented at a scale of 1:2500. This scale is considered too small to provide sufficient detail required to assess the landscape impacts of the proposal. A revised plan should be provided at 1:500 scale (the same scale as the tree survey). The amended site plan should include the following information:

- Accurate plot of existing trees and hedgerow and associated RPAs and clear indication of extent of any removals.
- Clear indication of the extent of visibility splays and the extent of hedge removal and cutting back required to accommodate them.
- Details of proposed surfacing.
- Locations of proposed CCTV columns.

Landscape mitigation plan

The area of proposed enhanced grassland at the southern end of the site should be planted as an orchard. There is a cider producer based 1km to the southeast of the site who has an agreement with the developers of the large BESS site south of Saudercroft Farm to manage new orchard areas on that site and who would be likely to agree to take on management of an orchard on this site. This would have positive benefits for landscape, biodiversity and the local economy.

The proposed SuDS pond should be designed with permanent standing water and planted with appropriate aquatic species to maximise ecological value.

The proposed new native hedge to the southern side of the BESS compound is shown running along the security fence line. The cut and fill plan indicates that this area is to be excavated by 2m to create a level platform for the compound. The proposed hedge should be planted along the top of the slope and the location should therefore be adjusted as indicated on the overmarked Cut and Fill Plan extract below. Consideration should be given to planting a small native copse at the eastern end of the proposed hedge as also indicated. (IMAGE)

Site Access

Confirmation should be provided that the works will not entail alteration of the site access.

Vehicle tracking details included in the Transport Statement indicate show these passing extremely closely to tree T99 situated immediately to the west of the access. Advice should be sought from EDDC Tree Team as to whether this is acceptable and if so what protective measures would be required.

Security fence

The proposed security fence comprises welded steel mesh panels 2.7m high, which seems excessive. Please consider amending to sheep netting 2m high.

3 CONCLUSIONS & RECOMMENDATIONS

3.1 Acceptability of proposals

Amendments and clarifications to the submitted scheme are required as noted in section 2.2 above. Subject to receipt of satisfactory responses the scheme should be considered acceptable in terms of landscape design/ impact.

3.2 Landscape conditions

In the event that amended information is secured and approval is recommended, the following conditions should be imposed:

1) No development work shall commence on site until the following information has been submitted and approved:

- a) A full set of hard landscape details for proposed walls, fencing, retaining structures, pavings and edgings, site furniture and signage.
- b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.

External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 - Guidance notes for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK.

c) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls.

d) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.

e) 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.

f) A full set of soft landscape details including:

i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.

ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.

iii) 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.

iv) Tree pit and tree staking/ guying details.

g) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

3) A Landscape and Ecology Management Plan (LEMP) for a minimum 30 year period following completion of the development (or relevant phase thereof) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The Plan shall be based on the submitted Ecological Impact Assessment and the approved hard and soft landscape plans and associated details and shall include the following:

a) Details of the body or organisation responsible for implementation of the plan.

b) A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.

- c) Landscape and ecological management aims and objectives for the site.
 - d) A condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
 - e) Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period). in relation to:
 - Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgelink guidance.
 - New trees, woodland areas, hedges and amenity planting areas.
 - Grassland, wildflower and any other habitat areas proposed.
 - f) The location and design of biodiversity features including bird boxes, bat boxes, and other features, e.g., permeable fencing, to be shown clearly on accompanying plans.
 - g) Details regarding the proposed reptile translocation, including receptor site details in accordance with .GOV guidance
 - h) Drainage swales and water bodies.
 - j) Arrangements for inspection and monitoring of the site and maintenance practices.
 - k) Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.
 - l) The Plan shall also set out (where the results from monitoring show that its conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- 4) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the development with the exception of planting which shall be completed no later than the first planting season following first use.
- 5) 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.

EDDC Trees

In principle I have no objection to the proposal. From the information available, it appears that there will be little impact on the majority of retained trees. However there are concerns over the location of the attenuation basin. From the plans provided it does appear that the attenuation basin is located within the tree protective fencing (but outside of the RPA?) - can this be confirmed. There appears to be no reference to the construction of the attenuation basin (or proposed site levels) within the AMS - a detailed AMS is required clearly outlining how the attenuation basin is to be constructed without risking damage to the RPA of the trees; if the tree protective fencing is proposed to be moved there is a risk of inadvertent damage occurring within the RPA and therefore causing damage to the woodland trees which is designated as Priority Habitat; Deciduous Woodland . A secondary fence and ground protection is likely to be necessary to ensure appropriate tree protection.

JMX.pdf

JMX.pdf

EDDC Recycling & Waste Contract Manager

Further to my response to this planning application (below) I note that there are a number of applications for solar farms and battery storage in close proximity to each other within the Clyst Valley Regional Park.

Bearing this in mind, and taking into consideration Strategy 10 of the adopted local plan - Green Infrastructure in East Devon's West End which states: 'We will ensure that the Green Infrastructure Strategy for East Devon's West End dovetails with comparable work being undertaken in Exeter to provide a green framework within which strategic development occurs. All development proposals of the West End will individually and collectively contribute to the implementation and long-term management of green infrastructure initiatives through appropriate contributions and/or on site provision, and Green Infrastructure initiatives should feature in all developments.'

I also note that policy WS09 - Clyst Valley Regional Park states that 'Development proposals within and adjacent to the CVRP will integrate Green Infrastructure and support the achievement of the objectives in the CVRP Management Plan. Any schemes that do not contribute to these objectives, or which would frustrate their implementation, will be refused planning permission. All major development proposals within or on land adjacent to the Clyst Valley Regional Park will need, directly or through mitigation, to:

- A. Meet local plan policy requirements for Green and Blue Infrastructure;
- B. Provide connected cycling/walking infrastructure, where possible, including extension of or links to the Clyst Valley Trail;
- C. Restore and enhance the landscape character and sense of place of the Clyst Valley;

- D. Reduce recreation pressure on environmentally sensitive locations, through the creation of accessible green space and where appropriate Suitable Alternative Natural Greenspace (SANG);
- E. Contribute to the achievement of excellent ecological status in the River Clyst and tributaries, through enhanced natural flood storage, capture of run-off and restoration of soil health;
- F. Contribute to or make proportionate contributions to the following CVRP targets:
1. Creation and/or restoration of 1,000 hectares of priority natural habitat within the Nature Recovery Network;
 2. 30% tree canopy cover in accordance with the East Devon Tree, Woodland and Hedges Strategy;
 3. 740 hectares of Public Open Space meeting 'Building with Nature' or 'Green Flag Award' standards;
 4. 80 km of traffic-free trail and quiet way meeting LTN 1/20 design standards - see Cycle infrastructure design (LTN 1/20) - GOV.UK (www.gov.uk)'

Therefore I would request that this application, and the other applications in close proximity, provide a financial contribution of £20,000 to support tree and woodland planting within the CVRP - contributing to the delivery of CVRP objectives and compensate for the cumulative landscape impact of these developments.

Please let me know if you would like to discuss the above,
Hello Team

This is an application for battery storage so there are no household/waste and recycling requirements to comment on.

Steve Maclure
Operations and Project Officer

Recycling and Waste
East Devon District Council

smaclure@eastdevon.gov.uk

Green Infrastructure Project Manager - Paul Osborne

The boundary for the Clyst Valley Regional Park is amended in the emerging local plan and extends to the immediate north of the site, and this should be picked up in the LVIA.

That being said I have no objection to raise in relation to the proposals - the proposed battery storage is located in close proximity to the existing regional substation and adjacent solar farm and where visible will be seen in this context. I am happy with the LVIA's conclusions the landscape and visual impact of the proposed development is likely to be limited/negligible.

It is important to deliver battery storage to support a decarbonised energy network and reduce carbon emissions - and minimise the impact of future climate change on valuable landscapes such as the Clyst Valley.

A landscape condition is required to approve detailed planting plans for the proposed landscape mitigation and to ensure this is properly planted and managed to ensure it establishes and is appropriately maintained.

Paul Osborne (He/Him)
Green Infrastructure Project Manager

Place, Assets & Commercialisation
East Devon District Council

National Highways

Referring to the consultation on a planning application dated 20/01/2025 referenced above, in the vicinity of the A30 trunk road and M5 motorway that form part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is as follows:

a) offer no objection (see reasons at Annex A);

Highways Act 1980 Section 175B is not relevant to this application.¹

¹ Where relevant, further information will be provided within Annex A.

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to PlanningSW@nationalhighways.co.uk

This response and all comments outlined herein are made in respect of planning matters only in National Highways' position as a statutory planning consultee, and does not confer any proprietary rights nor amount to the giving or refusal of consent, assent, approval, or awareness of or by National Highways in or of any other aspects or matters (including, but not limited to, the use of property belonging to National Highways). If anyone wishes for National Highways to consider any aspects which do not relate to planning submissions, they should call our contact centre on 0300 123 5000.

Annex A National Highways' recommended No Objections

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 01/2022 "The Strategic Road Network and the Delivery of Sustainable Development" and the National Planning Policy Framework (NPPF). This response represents our formal recommendations with regards to planning application reference 24/2664/MFUL.

Statement of Reasons

The application seeks full permission for the construction of a Battery Energy Storage System (BESS) for an operational period of 30 years, at Land north of Saundercroft Road, Broadclyst. The 2.61ha site located approximately 3.8km west of the M5 motorway and 3.7km north of the A30 trunk road.

The application is supported by a Transport Statement (TS) dated 06/12/2024 prepared by Systra.

Impact on Strategic Road Network

Operational Phase

Once constructed the proposed facility would be unstaffed and accessed by car or van for maintenance and occasional parts delivery only.

Construction Phase

The construction phase is anticipated to last 9-12 months with a total of 510 HGV movements forecast across this phase. The TS proposes a number of HGV construction traffic routes all of which travel via M5 Junction 29 and the A30 trunk road.

National Highways would request that where possible that HGV deliveries are scheduled to avoid routing via the SRN during the AM (0800-0900) and PM (1700-1800) network peak periods.

Whilst the number of construction personnel on site will vary throughout the construction phase, a maximum of 30 are forecast to be present on site at any one time with the majority of staff arrival and departure times occurring outside of the AM and PM network peak periods.

The TS assumes that the traffic generation associated with the decommissioning of the site will be broadly similar to the construction phase.

Based on the forecast trip generation National Highways is satisfied that the construction, operation and decommissioning of the development is unlikely to result in an adverse traffic impact on safe operation of the strategic road network.

Recommendation

National Highways offers no objection to application 24/2664/MFUL.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 77 and 110 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 109 and 115 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up as part of a vision-led approach.

Moreover, the carbon reduction hierarchy (avoid-switch-improve) as set out in clause 4.3 of PAS2080:2023 promotes approaches and measures to minimise resource consumption and thereby reduce carbon emissions.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

The National Grid

Good afternoon,

Thank you for your email.

Regarding planning application 24/2664/MFUL at site location 'Land North Of Saundercroft Road Broadclyst' there are no National Gas assets affected in this area.

If you would like to view if there are any other affected assets in this area, please raise an enquiry with www.lsbud.co.uk. Additionally, if the location or works type changes, please raise an enquiry.

Please note this response is only in reference to National Gas Transmission assets only.

Hayley White

Asset Protection Assistant

Regarding planning application 24/2664/MFUL, National Grid Electricity Transmission have no objection to the proposal provided the applicant has a valid connection agreement and an agreement for their proposed cable route through our land around Exeter substation via the Use of NGET Land process.

If the applicant requires further information on the Use of NGET Land process they should contact NGETLandEnquiry@nationalgrid.com.

Please note this response is only in reference to National Grid Electricity Transmission assets only. National Grid Electricity Distribution (formerly WPD) and National Gas Transmission (formerly National Grid Gas) should be consulted separately where required.

Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Priority Habitats and Species

Priority habitats and Species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. A list of priority habitats and species can be found on Gov.uk. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#)

Sites of Special Scientific Interest Impact Risk Zones

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

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Beemal Brahmabhatt
Consultations Team

Annex A -Natural England general advice
Protected Landscapes

Paragraph 182 of the National Planning Policy Framework - GOV.UK (www.gov.uk) (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. Section 245 of the Levelling-up and Regeneration Act 2023 (legislation.gov.uk) places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

Wider landscapes

Paragraph 180 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) - Landscape Institute for further guidance.

Biodiversity duty

Section 40 of the Natural Environment and Rural Communities Act 2006 (legislation.gov.uk) places a duty on the local planning authority to conserve and enhance biodiversity as part of its decision making. We refer you to the Complying with the biodiversity duty - GOV.UK (www.gov.uk) for further information.

Designated nature conservation sites

Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites (Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Both the direct and indirect impacts of the development should be considered.

A Habitats Regulations Assessment is needed where a proposal might affect a habitat site (see Habitats regulations assessments: protecting a European site - GOV.UK (www.gov.uk) and Natural England must be consulted on 'appropriate assessments' (see Appropriate assessment - GOV.UK (www.gov.uk) for more information for planning authorities).

Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via the SSSI Impact Risk Zones (England) (arcgis.com) or as standard or bespoke consultation responses. Section 28G of the Wildlife and Countryside Act 1981 places a duty on all public bodies to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features for which an SSSI has been notified (Sites of special scientific interest: public body responsibilities - GOV.UK (www.gov.uk)).

Protected Species

Natural England has produced Protected species and development: advice for local planning authorities (gov.uk) (standing advice) to help planning authorities understand the impact of particular developments on protected species.

Annex A -Natural England general advice

Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species licence may be required in certain cases. We refer you to Wildlife licences: when you need to apply - GOV.UK (www.gov.uk) for more information.

Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local environmental records centre, wildlife trust, geoconservation groups or recording societies. Emerging Local nature recovery strategies - GOV.UK (www.gov.uk) may also provide further useful information.

Those habitats and species which are of particular importance for nature conservation are included as 'priority habitats and species' in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. We refer you to Habitats and species of principal importance in England - GOV.UK (www.gov.uk) for a list of priority habitats and species in England. You should consider priority habitats and species when applying your 'biodiversity duty' to your policy or decision making

Natural England does not routinely hold priority species data. Such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. We refer you to the Brownfield Hub - Buglife for more information and Natural England's Open Mosaic Habitat (Draft) - data.gov.uk (Open Mosaic Habitat inventory), which can be used as the starting point for detailed brownfield land assessments.

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. Major development (defined in the National Planning Policy Framework (publishing.service.gov.uk) glossary) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is expected to be extended to smaller scale development in spring

2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

For further information on the timetable for mandatory biodiversity net gain, we refer you to Biodiversity Net Gain moves step closer with timetable set out - GOV.UK (www.gov.uk). Biodiversity net gain - GOV.UK (www.gov.uk) provides more information on biodiversity net gain and includes a link to the draft Biodiversity net gain - GOV.UK (www.gov.uk) Planning Practice Guidance.

The statutory biodiversity metric should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. We refer you to Calculate biodiversity value with the statutory biodiversity metric - GOV.UK (www.gov.uk) for more information. For small development sites, The Small Sites Metric - JP040 (naturalengland.org.uk) may be used. This is a simplified version of the statutory biodiversity metric and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Where off-site delivery of biodiversity gain is proposed on a special site designated for nature (e.g. a SSSI or habitats site) prior consent or assent may be required from Natural England. More information is available on Sites of Special Scientific Interest: managing your land

Annex A -Natural England general advice

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

The Environmental Benefits from Nature Tool - Beta Test Version - JP038 (naturalengland.org.uk) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the statutory biodiversity metric.

Natural environment - GOV.UK (www.gov.uk) provides further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain. Ancient woodland, ancient and veteran trees The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. The Natural England Access to Evidence - Ancient woodlands Map can help to identify ancient woodland. Natural England and the Forestry Commission have produced Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK (www.gov.uk) (standing advice) for planning authorities. It should be considered when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in the Guide to assessing development proposals on agricultural land -

GOV.UK (www.gov.uk). Find open data - data.gov.uk on Agricultural Land Classification or use the information available on MAGIC (defra.gov.uk).

The Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (publishing.service.gov.uk) provides guidance on soil protection, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, we refer you to Reclaim minerals extraction and landfill sites to agriculture - GOV.UK (www.gov.uk), which provides guidance on soil protection for site restoration and aftercare. The Soils Guidance (quarrying.org) provides detailed guidance on soil handling for mineral sites.

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Green Infrastructure

For evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI) we refer you to Green Infrastructure Home (naturalengland.org.uk) (the Green Infrastructure Framework). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the 15 GI How Principles (naturalengland.org.uk). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

Annex A -Natural England general advice

The Green Infrastructure Map (naturalengland.org.uk) and GI Mapping Analysis (naturalengland.org.uk) are GI mapping resources that can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Access and Recreation:

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

Rights of Way, Access land, Coastal access and National Trails:

Paragraphs 105,185,187 and 193 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development.

Consideration should also be given to the potential impacts on any nearby National Trails. We refer you to Find your perfect trail, and discover the land of myths and legend - National Trails for information including contact details for the National Trail Officer.

The King Charles III England Coast Path (KCIIIIECP) is a National Trail around the whole of the English Coast. It has an associated coastal margin subject to public access rights. Parts of the KCIIIIECP are not on Public Rights of Way but are subject to public access rights. Consideration should be given to the impact of any development on the KCIIIIECP and the benefits of maintaining a continuous coastal route.

Appropriate mitigation measures should be incorporated for any adverse impacts on Rights of Way, Access land, Coastal access, and National Trails.

Further information is set out in the Planning Practice Guidance on the Natural environment - GOV.UK (www.gov.uk).

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.

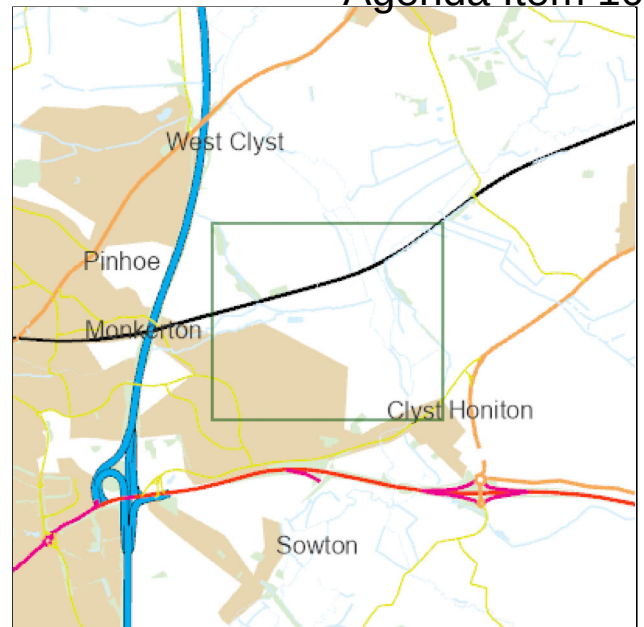
Ward Broadclyst

Reference 25/0711/FUL

Applicant Mr Henry Gent (Mosshayne Farm Partnership)

Location Mosshayne Farm West Clyst Devon EX1 3TR

Proposal Siting of temporary rural workers dwelling (retrospective)



RECOMMENDATION: Refusal

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		Committee Date: 15.07.2025
Broadclyst (Broadclyst)	25/0711/FUL	Target Date: 25.06.2025
Applicant:	Mr Henry Gent (Mosshayne Farm Partnership)	
Location:	Mosshayne Farm West Clyst	
Proposal:	Siting of temporary rural workers dwelling (retrospective)	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is brought before the Planning Committee owing to the officer recommendation being in conflict with comments received from the Ward Councillor and the Parish Council.

The application seeks temporary retrospective approval for the siting of a small dwelling for two rural workers at Mosshayne Farm, which sits just over a kilometre from West Clyst. The proposed dwelling would be sited approximately 150 metres south of the main farmhouse.

Local Plan Policy H4 lends support for new dwellings in the countryside for people employed in rural businesses, subject to a proven and essential agricultural need for the occupier of the proposed dwelling to be housed permanently on the unit.

The holding comprises 290 acres of land and is farmed as a mixture of ley, vegetables and grass. Vegetables are grown organically, and the proportion of the farm given over to vegetable production has grown since 2018. Three of the farm partners live in the farmhouse but only work part time on the farm due to other commitments.

The application states that organic vegetable growing is very labour intensive, and the dwelling would also help with security as the farm has the well used Mosshayne Lane cycle path and public footpath running through the middle of it. However, security is seldom sufficient justification for a rural dwelling and there is insufficient evidence that a 24/7 on site presence is needed in addition to the existing farmhouse. Moreover, the application has not demonstrated future operational viability.

The building is sited some distance from the rest of the farm buildings and would lead to harm to the character and appearance of the countryside. On the

basis that the proposal would not meet the criteria for a temporary dwelling under Policy H4 and would be contrary to policies contained within the Local Plan and guidance contained within the NPPF, the application is recommended for refusal.

CONSULTATIONS

Local Consultations

Parish/Town Council

Thank you for consulting Broadclyst Parish Council.

At the Annual meeting of the Council on May 12th 2025, the Council was in agreement to support the application 25/0711/FUL Mosshayne Farm West Clyst Devon EX1 3TR, Siting of temporary rural workers dwelling (retrospective) with the following conditions:

- A 3-year temporary consent;
- Occupancy restriction to rural workers employed at Mosshayne Farm;
- A review mechanism linked to the farm's business plan progress.

Thank you

Broadclyst - Cllr Paula Fernley

I know this little caravan well. I walk past it regularly. I think to say it is easily visible on public realm is an exaggeration, you can only see the top windows as you go past which are very small. I thought it was something that housed chickens not people it's so small.

We are in an age where young people with poorly paid jobs find it difficult to find suitable housing close to their places of work. As the tenants are working on the farm is it not going against climate policy to make them move further away from their place of work to make them drive to an organic farm.

I'm not sorry to say that I support this retrospective application for temporary accommodation for farm workers.

Climate Change Mitigation and Sustainability - NPPF February 2025 Paragraphs 161 & 163

The application aligns with national goals on climate change.

161. The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

If the dwelling were removed, staff would be required to commute by vehicle, increasing carbon emissions and undermining sustainable development objectives. The current on-site location is consistent with the NPPF's climate ambitions.

As there are around 600 more houses to build in the surrounding area in what was the countryside, objecting to 1 small temporary dwelling is a little excessive.

Technical Consultations

Environmental Health

I have considered the application and do not anticipate any environmental health concerns.

Other Representations

No third party representations have been received.

PLANNING HISTORY

88/P2704 Conversion Of Barn To Dwelling. Refusal

11/2754/FUL Construction of replacement two storey extension, construction of porch , single storey extension, construction of raised deck and installation of new septic tank. Approval.

14/0134/GPD Construction of single storey rear extension measuring 5.23m deep at a maximum height of 3.15m and eaves height of 2.45m. Prior approval not required.

17/0018/FUL Creation of new vehicular access and driveway. Approval.

17/0302/VAR Variation of condition 2 of planning permission 11/2754/FUL to allow extensions and alterations to west elevation including revised ramped and stepped access from parking area to first floor flat. Approval.

21/0538/FUL Proposed store building for vegetables, machinery and equipment with workshop area. Approval

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5B (Sustainable Transport) Adopted

Strategy 7 (Development in the Countryside) Adopted

Strategy 10 (Green Infrastructure in East Devon's West End) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

EN14 (Control of Pollution) Adopted

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

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

H4 (Dwellings for Persons Employed in Rural Businesses) Adopted

TC2 (Accessibility of New Development) Adopted

TC7 (Adequacy of Road Network and Site Access) Adopted

TC9 (Parking Provision in New Development) Adopted

Broadclyst Neighbourhood Plan (Made)

D1: High Quality Design

Policy DC3: Sustainable Drainage

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy WS09 (Clyst Valley Regional Park) Draft

Strategic Policy AR01 (Flooding) Draft

Policy HN11 (Housing for rural workers) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

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

Policy TR04 (Parking standards) Draft

Policy TR05 (Aerodrome safeguarded areas and Public Safety Zones) Draft

Strategic Policy OL01 (Landscape features) Draft

Policy OL09 (Control of pollution) Draft

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

Site Location and Description

Mosshayne Farm comprises a range of historic and modern agricultural buildings and a farmhouse which sit either side of Mosshayne Lane, a private lane and public footpath which runs between West Clyst to the north and Clyst Honiton to the south.

The holding comprises 290 acres of land, 160 acres of which are owned and 130 are rented. The land is farmed as a mixture of ley (60 acres), vegetables (50 acres) and grass (180 acres). The holding has moved away from organic milk production and towards organic vegetable production since 2018, and now supplies a number of local shops, restaurants and businesses. The farm also has a small free range flock of hens.

The application site is within the Clyst Valley Regional Park, but no formal landscape designations apply to the site.

Proposed Development

Retrospective approval is sought for a temporary rural worker's dwelling in support of the wider farming operations at Mosshayne Farm.

The proposed dwelling occupies a total footprint of 7 metres wide by 5.5 metres deep, which comprises the dwelling of 7 metres long by 2.5 metres deep and a covered veranda.

The dwelling is constructed off a deck which is raised off the ground. The veranda has an eaves height of 2.9 metres, and the dwelling has an eaves height of 4.5

metres. The proposal also includes a ground mounted solar array of six solar panels which provides power for the dwelling.

Approval is sought for a temporary period of three years.

Analysis

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

Principle of Development including functional and financial tests

The site lies outside of any Built Up Area Boundary as defined within the East Devon Local Plan, therefore Strategy 7 applies. This strategy is an overarching strategy for all development and states that "Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development". Additionally, development must not harm the distinctive landscape, amenity and environmental qualities within which it is located. Local Plan Policy H4 lends support for dwellings in the countryside for people employed in rural businesses, which reflects guidance set out within the National Planning Policy Framework at para. 84. This states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of a number of stated circumstances apply. One of the listed circumstances is where there is '...an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside...' The application seeks approval for a temporary dwelling for two permanent employees at Mosshayne Farm.

Local Plan Policy H4 - 'Dwellings for Persons Employed in Rural Businesses' states that permission for dwellings in the countryside for new agricultural or forestry workers or people employed in rural businesses or activities will be granted, where the proposal fully satisfies all six criteria of the policy. In terms of scale, the dwelling should be commensurate with the established need and should not be overly large to the extent that any future prospective purchaser of the farm could be priced out of a sale. Where a dwelling is permitted it must not exceed a size necessary to meet the reasonable needs of the worker/s. Any dwelling, under the control of the applicant, which houses the holdings worker/s, will be subject to an occupancy condition. These measures will help to protect the countryside against undue pressure for new houses.

Addressing the criteria of policy H4 in turn:

1. *There is a proven and essential agricultural or forestry or rural business need for the occupier of the proposed dwelling to be housed permanently on the unit or in the specific rural location for functional reasons and the size of the proposed dwelling is commensurate with the scale of the established functional need. Where this need is unproven or a new business is being established a temporary dwelling (such as a mobile home) may be permitted to allow time to establish that there is a genuine functional and financial need for a permanent dwelling. A temporary*

dwelling will normally be permitted for a period of three years, subject to meeting relevant criteria detailed below.

Since the dairy herd was dispersed in 2018, the acres given over to vegetable crops on the holding has increased from 37 acres in 2023 to 45 acres in 2025. In addition to the vegetable growing, the farm has two honesty boxes selling vegetables and eggs, one opposite the farmhouse and a second box at the southern end of Mosshayne Lane, on the junction with Blackhorse Lane, just under a mile south of the site. The turnover from the two honesty boxes has climbed considerably since their inception in 2019. The holding has plans to expand upon the existing enterprise, through the installation of polytunnels, and potentially a 'manned' shop, subject to planning / permitted development. The installation of polytunnels could increase turnover in the two honesty box shops by a further 25/35%.

A Standard Man Day (SMD) calculation is traditionally provided to demonstrate the number of labour units required to run the business, with 275 SMDs equating to a full time worker.

The submitted planning statement confirms that the farm currently employs 6 no. staff through the peak months, all of whom live locally. These staff members are predominantly young people including school and university students working in their summer break. One full time member of staff lives locally. Three of the farm partners live within the farmhouse but are part time owing to other commitments and their individual circumstances. Permission is sought for a temporary dwelling for two workers; one worker who works four days a week at the farm and one who is working one day per week and occasional weekend days.

The application documents state that the budgeted labour hours for 2025 is 6,000 hours of work which is approximately equivalent to three full time members of staff. A detailed breakdown has been provided detailing how this figure has been arrived at, based on previously recorded labour hours per crop and per acreage, extrapolated to provide the labour requirement for the additional acreage of vegetable growing planned.

This application is for a temporary dwelling, this is normally relevant for new farming enterprises to allow time for them to prove if they can be viable. In this case the new business has been running since 2018, so for 7 years already. No detailed accounts or business plan have been provided to demonstrate the current or future viability of the business, instead a few headline figures have been provided showing the overall margins in recent years. In the absence of detailed accounts or a detailed business plan it is not possible to assess current or future viability

With regard to labour requirements no break down of day-to day activities has been provided to ascertain whether this number of hours is realistic, but the LPA has no reason to doubt the stated figures.

Functional need to live on the site

The application states that the production of organic vegetables is very labour-intensive, and a large labour input is required for planting, weeding, and most of all for harvesting, which is largely manual.

The statements submitted with the application give an indication of the day to day activities on the farm which require an on site presence. The statement confirms that having staff on site who are able to do extra work at short notice or at the weekend in response to changing weather conditions is a significant benefit. The irrigation system needs monitoring during the evenings and weekends in summer. Birds can damage crops by pulling them up during the early morning and during daylight hours. Loud gas fired bird scarers cannot be used because of the proximity to nearby housing therefore there is a requirement for physical barriers and visual deterrents to keep birds away. The farm currently has 100 hens which need letting out at dawn and are shut in again at dusk. A pilot project to feed insect larvae to the hens is about to commence, and the application states that the insects also need looking after 7 days a week included weekends and evenings. In addition the farm have three pigs which also need daily attention. The honesty shop at the farm also requires topping up, particularly over the weekend.

Mosshayne Lane is a well used public footpath and cycle path which runs through the middle of the farm, which makes the farm vulnerable to vandalism, trespassing, and theft. The farm has had a number of 'near misses' of people walking around the land or looking in buildings without permission, therefore the application states that staff living on site would act as a good deterrent. However the application is retrospective, therefore the deterrent is already in place.

However, security is seldom sufficient justification for a rural dwelling and there are other security measures such as CCTV and alarms which could provide rural security. Without the proposed dwelling, the farm would still have three residents within the farmhouse. The proposed dwelling would not be within visual proximity of either of the two honesty boxes, with one being almost a mile south of the farm, and one being opposite the main farmhouse. In addition, the business is dominated by horticulture which has a lower propensity to need around the clock attention than caring for livestock does. Damage to crops could have a large impact on such an enterprise but no evidence has been provided that other options for security have been explored.

The outline financial assessment and business plan states that should the application for a worker's dwelling be refused, the potential loss of the two employees may result in the farm having to use agency labour which would cost significantly more. The provision of cheaper labour through the provision of year round on site accommodation is not one of the reasons or tests that should justify a second farm dwelling at this site.

Furthermore, insufficient justification has been provided in respect of which elements horticulture and welfare require a 24/7 on-site presence beyond the timeframe of a normal working day, including evidence that this need would subsist throughout the year. The farm is in relative close proximity to nearby settlements at West Clyst and Exeter where alternative accommodation could be sought.

2. *In the case of a permanent dwelling, the rural business has been operational for a minimum of three years, it is demonstrable that it is commercially viable and has clear prospects for remaining so.*

This criterion is not relevant as a permanent dwelling is not proposed.

3. *In the case of a temporary dwelling, a financial assessment, specifically in the form of a business plan setting out projected future operations, must demonstrate future operational viability.*

Financial statements for the years ending March 2021, March 2022, and March 2024 have been provided, on a confidential basis. It has not yet been demonstrated that the business is viable and the submitted Outline Financial Assessment and Business Plan recognises that the farm needs to improve in order to be viable, despite the new enterprise having started in 2018. No figures have been submitted to demonstrate future operational viability. The statement contends that the proposed dwelling would enable the farm to improve its viability by retaining good quality staff. The statement includes information regarding future expansion plans for the farm, but no information such as a robust business plan has been submitted which would specifically demonstrate future operational viability.

4. *The qualifying test of occupancy must involve at least one occupant being employed full time in the relevant rural business. Two occupants in partnership can meet the condition so long as their joint weekly hours equate to a full working week*

The submitted planning statement confirms that one employee works four days a week on the farm, and one works one day a week with occasional weekends. Their joint hours would equate to a full working week.

5. *There are no buildings on the operational holding suitable for conversion to meet the residential need or exiting dwellings available now or likely to be available within a nearby location or settlement. Sale within the last three years of any dwellings or buildings suitable for conversion will be taken into account and will count against 'need' in the assessment carried out.*

The application documents state that the remainder of the barns and outbuildings are required for agricultural purposes and there are no other viable possibilities on the farm or within the control of the farm partnership.

The existing farmhouse is occupied by three part time partners of the farm. It is material in the assessment of criteria 5 to consider whether the existing dwelling could be occupied by the additional workers. There is case law on the matter of whether or not a dwelling can reasonably be considered to be available. The key High Court judgments regarding this are *Keen v. Secretary of State for the Environment and Aylesbury Vale District Council* (1996), the approach within which was confirmed in *JR Cussons and Son v. Secretary of State for Communities and Local Government* (2008). Both judgments made it clear that it is necessary to test whether there is accommodation which is both suitable and available and, where there is existing accommodation, it must be subject to scrutiny as to whether it can reasonably be held to be available. It is insufficient for accommodation to merely

exist. In accordance with Keen, it is contended that the farmhouse is not available to house additional workers since it would be unreasonable to expect the applicants to vacate this property. However since there are already 3 occupants living in the main farmhouse there is already a 24/7 presence at the farm. Given the nature of the farming operations, which are dominated by horticulture, the requirement for a full time presence of five staff at the farm year all year round is not justified.

6. Any permission granted will be subject to an occupancy condition tying it to the relevant business on the proposed dwelling and where appropriate, any existing dwelling on the farm holding.

The applicant confirms that the imposition of an agricultural occupancy condition would be acceptable.

As a matter of principle, therefore, the lack of a demonstrable functional requirement for a permanent on-site presence set out within Policy H4 are considered to weigh significantly against the proposed dwelling.

Design impact on character of site including Landscape Impact

The site is approximately 30 metres north of Broadclyst Footpath 29 / Mosshayne Lane which is a well used public footpath, unclassified lane and cycle path which runs between Clyst Honiton to the south and West Clyst to the north.

The East Devon and Blackdown Hills Landscape Character Assessment places the site within Landscape Character Type (LCT) 3B 'Lower rolling farmed and settled valley slopes'. The LCT is characterised by a gently rolling landform, of predominantly pastoral farmland with many hedgerow trees. There are various ages and styles of buildings with the predominant building materials including stone, cob, whitewash/ render, slate, thatch and tile. Larger agricultural buildings are noted as being prominent in the landscape but are considered part of a working farmed landscape. Immediately to the north of the footpath is an agricultural shelter with a low pitched corrugated shelter. The height of the proposed temporary dwelling, results in the proposal being highly visible over the roof of the shelter, with the building appearing as an incongruous structure with its highly conspicuous row of square upvc windows within the horizontal black cladding. Additionally, the proposed structure is over 100 metres away from the farmhouse and other associated farm buildings and stands in an isolated location, rather than being sited alongside the existing farm buildings where the proposed building would be read against the existing structures to minimize its visual impact.

Strategy 7 - Development in the Countryside states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not lead to the adverse disruption of a view from a public place which forms part of the distinctive character of the area. The proposal is within close proximity of Broadclyst Footpath 29 / Mosshayne Lane and the proposal would be out of character with the surrounding rural landscape, would not be well integrated with the existing setting and would be highly visible from the adjacent public footpath. The

proposal would therefore lead to harm to the character and appearance of the countryside.

Local Plan Policy D1 Design and Local Distinctiveness requires that proposals are locally distinctive. In addition, Policy D1 High Quality Design of the Broadclyst Neighbourhood Plan requires that proposals respect and / or complement local character setting in relation to the height, scale, layout, orientation and spacing of buildings as in the Broadclyst Design Code and draw inspiration from the best and most locally distinctive buildings. The proposal, being siting away from the other farm buildings, and by way of its height and siting next to a public footpath would have a significant adverse impact upon the visual amenity of the surrounding landscape.

Given the above, the proposal would be contrary to Local Plan Strategy 7 and Policy D1 and Broadclyst Neighbourhood Plan Policy D1.

Residential / Neighbour Amenity

The proposed dwelling would provide 16 square metres of accommodation. This is significantly smaller than the Nationally Described Space Standard (NDSS) of 50 square metres for a one bedroom two person dwelling. Officers would not normally apply NDSS to temporary caravans, however this application is not for a caravan, whilst temporary consent is sought the building appears to be constructed as a permanent structure and does not meet the definition of a caravan. It is currently occupied and seeks consent for occupation of 3 more years. This is a significant time period for persons to live in sub-standard accommodation. Furthermore, if the farming business is proven to be profitable it is likely an application would be submitted to retain the building permanently.

There is no defined residential curtilage or identified parking area. Arrangements on site are ad hoc but outside of the application site boundary. The proposal would not lead to any adverse impacts to the residential amenity of any adjoining residential properties.

As such the proposal would fail to comply with local plan policy D1 as it would not provide suitable living standards for occupiers.

Highways, access and parking

Vehicular access is currently provided via Mosshayne Lane. It is considered that the proposals will not result in a significant increase in traffic movements to and from the site that would give rise to any highway safety concerns. Parking is provided alongside the dwelling accessed off an existing concrete track off Mosshayne Lane.

Given the above, the proposal would comply with local plan policies TC7 and TC9.

Ecology / biodiversity

The proposal is raised on stilts above the existing site, which is mown grassland, therefore it is not considered that the proposal would give rise to any adverse impacts to any protected species.

In terms of biodiversity net gain, BNG does not apply to retrospective planning applications as the BNG condition cannot be applied by way of a standard pre-commencement condition as the development has already been commenced.

The proposal would therefore comply with local Plan Policy EN5.

Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designation 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 the designation. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

Drainage

Foul drainage is being dealt with by a composting toilet. Grey and surface water would be disposed of via soakaway. Should the application be recommended for approval a condition would be imposed requiring the submission of a written compost management plan (CMP) detailing how liquid and solid outputs from the composting toilet will be managed, and to ensure that output from the composting toilet is not used on any land used for the production of food where there is a risk of contaminants being taken up by the produce being grown.

With the appropriate condition in place, the proposal would comply with Local Plan Policies EN14, EN19 and EN22.

Other matters

There are no listed buildings near the site therefore the proposal would not lead to any harm to the setting of any listed buildings. There are no trees on the application

site that could be impacted by the proposal. The site lies within Flood zone 1 therefore is at low risk of flooding.

The Ward Councillor's comments about the location are noted in that it would appear be against climate change policy to require workers to live further from the farm. However, in the absence of evidence that there is a need for a worker to be housed permanently on the farm, the proposal would not comply with any Local Plan Policy and would represent unjustified development in the countryside. Guidance within the NPPF also seeks to avoid the development of isolated homes in the countryside, stating instead that housing should be located where it will enhance or maintain the vitality of rural communities.

It is also considered that living at the farm does not necessarily result in less vehicle movements. People tend to travel to their work place once a day, but may make multiple trips a day to access services such as schools, leisure facilities, shops, pubs etc.

Conclusion

Insufficient evidence has been provided to demonstrate that the proposed dwelling would meet the essential functional need to provide accommodation at the holding.

The proposal, which stands at some distance from the farmhouse and rest of the farm buildings, would appear as a highly incongruous structure which would be highly visible from the adjacent public footpath and would not be well integrated with the surrounding rural landscape.

The proposal therefore represents an unjustified form of development amounting to the provision of a dwelling in a non-sustainable open countryside location remote from an adequate range of services and facilities.

The dwelling fails to meet Nationally Described Space Standards and so fails to provide an adequate standard of living accommodation, contrary to Policy D1 of the East Devon Local Plan and the provisions of the NPPF.

It is therefore recommended that permission for the retention of the dwelling be refused. It is further recommended that the appropriate planning enforcement action be authorised to secure its removal, it being expedient to do so in the interests of upholding national and local planning policies that seek to restrict new dwellings in the open countryside unless robustly justified in terms of satisfying the requisite functional and financial tests alongside other contextual considerations.

RECOMMENDATION

REFUSE for the following reasons:

1. The site occupies a location within the open countryside outside of the Built-up Area Boundary of any established settlement or site-specific allocation set out in the adopted East Devon Local Plan 2013-2031. Within such areas, there is a presumption against new build residential development unless there is a proven and essential functional requirement for a rural worker to live permanently at or near their place of work in the countryside. On the basis of the information submitted, the Local Planning Authority is not satisfied that it has been adequately demonstrated that there exists an essential need for the proposed dwelling to facilitate the functional requirements of the holding. Accordingly, the proposal would be contrary to the provisions of Strategy 7 (Development in the Countryside), Policy H4 (Dwellings for Persons Employed in Rural Businesses), and Policy TC2 (Accessibility of New Development) of the adopted East Devon Local Plan 2013 to 2031, and the guidance set out in paragraph 84 of the National Planning Policy Framework (2024).
2. The proposal would appear as a highly incongruous structure which would represent unnecessary built form in the countryside which would be easily viewable from the public realm. As such the proposed dwelling represents an unjustified and harmful development in the countryside that is not sympathetic to the rural setting and fails to reflect the established landscape character of the area. Accordingly, the proposal would be contrary to the provisions of Strategy 7 (Development in the Countryside) and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013 to 2031, Policy D1 of the Broadclyst Neighbourhood Plan 2022-2031.
3. The proposed floor area of the proposed dwelling is substantially below Nationally Described Space Standards and would result in a poor standard of residential amenity for future users. The proposal would therefore be contrary to Local Plan Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013 to 2031 and Para. 135 of the National Planning Policy Framework, December 2024.

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 seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

Location Plan	26.03.25
Proposed Block Plan	26.03.25

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 Sidmouth Town

Reference 25/0724/LBC

Applicant Cllr Mike Goodman

Location Church Cottage Church Lane Sidmouth EX10 8LG

Proposal Retention of various works to include: lathe and plaster ceilings re-plastered; insulate ceilings; strip back partition walls to stud work and re-instate; install new partition walls; replace fireplace surround with lintel and fire in living room; re-plaster walls and ceilings; new vent in bathroom and install new cowl



RECOMMENDATION: Approval with time condition and informative.

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		Committee Date: 15.07.2025
Sidmouth Town (Sidmouth)	25/0724/LBC	Target Date: 18.07.2025
Applicant:	Mike Goodman	
Location:	Church Cottage, Church Lane, Sidmouth, EX10 8LG	
Proposal:	Retention of various works to include lathe and plaster ceilings re-plastered; insulate ceilings; strip back partition walls to stud work and re-instate; install new partition walls; replace fireplace surround with lintel and fire in living room; re-plaster walls and ceilings; new vent in bathroom and install new cowl.	

RECOMMENDATION: Approval with time condition and informative.

EXECUTIVE SUMMARY

The application is before members of the planning committee as the applicant is a Councillor for East Devon District Council.

The application site comprises the existing, detached two-storey dwelling: Church Cottage, Sidmouth a curtilage listed building to St Giles and St Nicholas Church and Cemetery, Church Street, Sidmouth, a Grade II* listed building. The site is located to the northeast and within the immediate setting of the church.

Footpaths surround the church and run along both the south (front) and the east side of the cottage. Along the Church Lane footpath, towards the east and the north, is a row of cottages which have a view of the churchyard and cottage. Towards the south, this footpath runs past the east side of the church and leads to the nearby cafes and shops in Church Street

The site is located near / opposite the following listed buildings / heritage assets:

- St Giles and St Nicholas Church and Cemetery – Grade II* Listed Building.
- War Memorial, St Giles and St Nicholas Church – Grade II Listed Building.
- Amyatts Terrace – Grade II Listed Building.
- War Memorial Club – Grade II Listed Building.
- Woodforde's Perfumery – Grade II Listed Building.

The site is located within Sidmouth (Town Centre) Conservation Area.

The application seeks listed building consent for the retention of retrospective works, which include lathe and plaster ceilings re-plastered; insulate ceilings; strip back partition walls to stud work and re-instate; install new partition walls; replace fireplace surround with lintel and fire in living room; re-plaster walls and ceilings; new vent in bathroom and install new cowl.

The site lies within the main, Built-up Area Boundary of Sidmouth.

Given Church Cottage is a curtilage listed building, all works that impact on the character and appearance of the heritage asset require listed building consent,

The proposal is recommended for approval and is deemed in accordance with the relevant policies listed below. There are no other material considerations to indicate or suggest that the proposal is unacceptable.

CONSULTATIONS

Local Consultations

Ward Member(s) – No comments received.

Parish/Town Council

No objection

Other Representations

Thank you for your letter of 3 April 2025 regarding the above application for listed building consent.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers.

See conservation officers report and recommendation

PLANNING HISTORY

From records it appears that for many years the issue of whether Church Cottage was a listed building has been raised several times both with local authorities and with the Diocese with a continuing lack of clarity. It was in November 2024 that confirmation was received from both the Diocese of Exeter and East Devon District Council that the Cottage is a curtilage listed property through its historic association with St Giles and St Nicholas Church and Cemetery, and that East Devon District

Council are the controlling authority for issues relating to planning and listed building consent.

It is from that background that this application for retrospective works carried out in 2013, 2016 and 2024, listed building consent is submitted for consideration.'

POLICIES

National Planning Policy Framework

National Planning Policy Guidance

Local Plan 2013-2031

Strategy 49: The Historic Environment

Draft East Devon Local Plan (2020 – 2042) - Emerging

Policy HE01: Historic Environment

Policy HE02: Listed buildings.

Sidmouth Neighborhood Plan:

Sid Valley (Sidmouth, Sidford and Sidbury) Neighbourhood Plan

- Policy No. 7 Local Distinctiveness

Site Location and Description

The application site comprises the existing, detached two-storey dwelling: Church Cottage, Sidmouth a curtilage listed building to St Giles and St Nicholas Church and Cemetery, Church Street, Sidmouth, a Grade II* listed building. The site is located to the northeast and with the immediate setting of the St Giles and St Nicholas Church.

Footpaths surround the church and run along both the south (front) and the east side of the cottage. Along the Church Lane footpath, towards the east and the north, is a row of cottages which have a view of the churchyard and cottage. Towards the south, this footpath runs past the east side of the church and leads to the nearby cafes and shops in Church Street

The site is located near / opposite the following listed buildings / heritage assets:

- St Giles and St Nicholas Church and Cemetery – Grade II* Listed Building.
- War Memorial, St Giles and St Nicholas Church – Grade II Listed Building.
- Amyatts Terrace – Grade II Listed Building.
- War Memorial Club – Grade II Listed Building.
- Woodforde's Perfumery – Grade II Listed Building.

The site is located within Sidmouth (Town Centre) Conservation Area.

The application seeks retrospective listed building consent for the retention of various works to include lathe and plaster ceilings re-plastered; insulate ceilings; strip back partition walls to stud work and re-instate; install new partition walls;

replace fireplace surround with lintel and fire in living room; re-plaster walls and ceilings; new vent in bathroom and install new cowl.

ANALYSIS

Significance

The cottage is built in stone, rendered with plaster and painted white, with a slate roof and a brick-built extension on the eastern end. The front (southerly) aspect has characteristic Regency gothic revival style windows and door, the pointed shape perhaps imitating the gothic windows of the church (the church itself has since been rebuilt in Victorian gothic style).

It is believed that the cottage was originally built in the 17th Century, just outside the churchyard, to house the sexton of the church. An inscription on a stone within the cottage gives a date of 1631, suggesting that it was originally built during the reign of King Charles 1. However, 19th Century records indicate that it was rebuilt in 1802. During the 19th Century, the churchyard was extended several times and the cottage was incorporated into the consecrated area. In 1863 the thatched roof was replaced with slate.

The cottage was altered and extended during the 1950s to provide a bathroom and kitchen. No plans or pictures can be found for the new extension and therefore, the particulars of features, such as windows and doors, cannot be verified.

Intermittent records show maintenance work on the cottage was concentrated in periods when a new sexton, or latterly a new verger, was being appointed. The cottage is well hidden behind the church and its northerly and westerly aspects are mostly screened by shrubs and trees. Apart from nearby residents, it is therefore, only seen by those who use the footpaths around the north and east sides of the church.

Whilst for many years the cottage was used as accommodation for the Sexton or Verger of the church in more recent years the cottage has been let commercially as a home.

In setting, the building now known as Church Cottage sits in a corner of the churchyard of Sidmouth Parish Church, St Giles and St Nicholas, which is listed grade II*, within the Sidmouth Conservation Area. Footpaths surround the church and run along both the south (front) and the east side of the cottage. Along the Church Lane footpath, towards the east and the north, is a row of cottages which have a view of the churchyard and cottage. Towards the south, this footpath runs past the east side of the church and leads to the nearby cafes and shops in Church Street.

Proposed works

The main heritage issues to be considered through this application is the effect the development works have had on the significance of Church Cottage, as a Curtilage Listed heritage asset located in Sidmouth (Town Centre) Conservation Area.

Impact of proposed works

This application is for the retention of works undertaken in 2013, 2016 and 2024 at Church Cottage. For ease of reference the works undertaken have been addressed in chronological order, in accordance with those set out on the annotated floor plans provided.

The key works undertaken in 2013, that would have impacted on the setting and significance of Church Cottage, included replacement windows with hardwood frames and window repair, works that are acceptable to the conservation of the heritage asset.

However further works undertaken in 2013, included the insertion of uPVC windows and door to the rear elevation of the single storey extension, an approach which is contrary to the conservation of the heritage asset. These works however are justified through a letter sent to the Church Warden of St Giles & St Nicholas dated 20.09.1999 from East Devon District Council, confirming the building was not subject to listed building legislation.

In this respect these windows are accepted through this application, as being inserted in good faith with an understanding, as agreed by the owner, that when the windows are replaced, this is to be in traditional timber casements to match the existing windows within the wider property.

Turning to the works undertaken in 2024, that included repair to the ceilings, strengthening of internal walls and repairs to internal plaster work, due to the failing chemical damp proof course inserted in 2016. Additional works included the removal of the modern fireplace and back boiler in the living room and its replacement with a new electric heater, blocking up a window and the fitting of a c-cap to the existing chimney cowl, works that are acceptable to the conservation of the heritage asset.

In summary the works undertaken in 2013, 2016 and 2024, were primarily repair works to the fabric of the building, including the insertion of a chemical damp proof course which has been addressed through the 2024 application and removal of a modern fireplace. In context of the setting and significance of the heritage asset these works are considered acceptable to the conservation of the heritage asset as a curtilage listed building.

Conclusion

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant consent for any works to have special regard to the desirability of preserving and or enhancing the historic and architectural interest of Church Cottage, as a Curtilage Listed heritage asset.

Paragraph 212 of the National Planning Policy Framework [NPPF] explains that great weight should be given to the conservation of designated heritage assets. Paragraph 219 advises new development within the setting of heritage assets, should look for opportunities to enhance or better reveal their significance. In addition, Paragraph 215 states that any less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal.

The development works undertaken at Church Cottage have continued to preserve the setting and significance of this curtilage listed building whilst ensuring its long-term repair and maintenance.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The works hereby approved shall be in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning 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 in the following ways to ensure that all relevant listed building concerns have been appropriately resolved:

The hereby approved uPVC windows, shall at their time of renewal, be removed and replaced with traditionally constructed timber casement windows, details of which shall be submitted to and approved in writing by the Local Planning Authority.

Plans relating to this application:

Location Plan	26.03.25
Floor Plans	02.04.25

List of Background Papers

Application file, Design and Access Statement, 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:

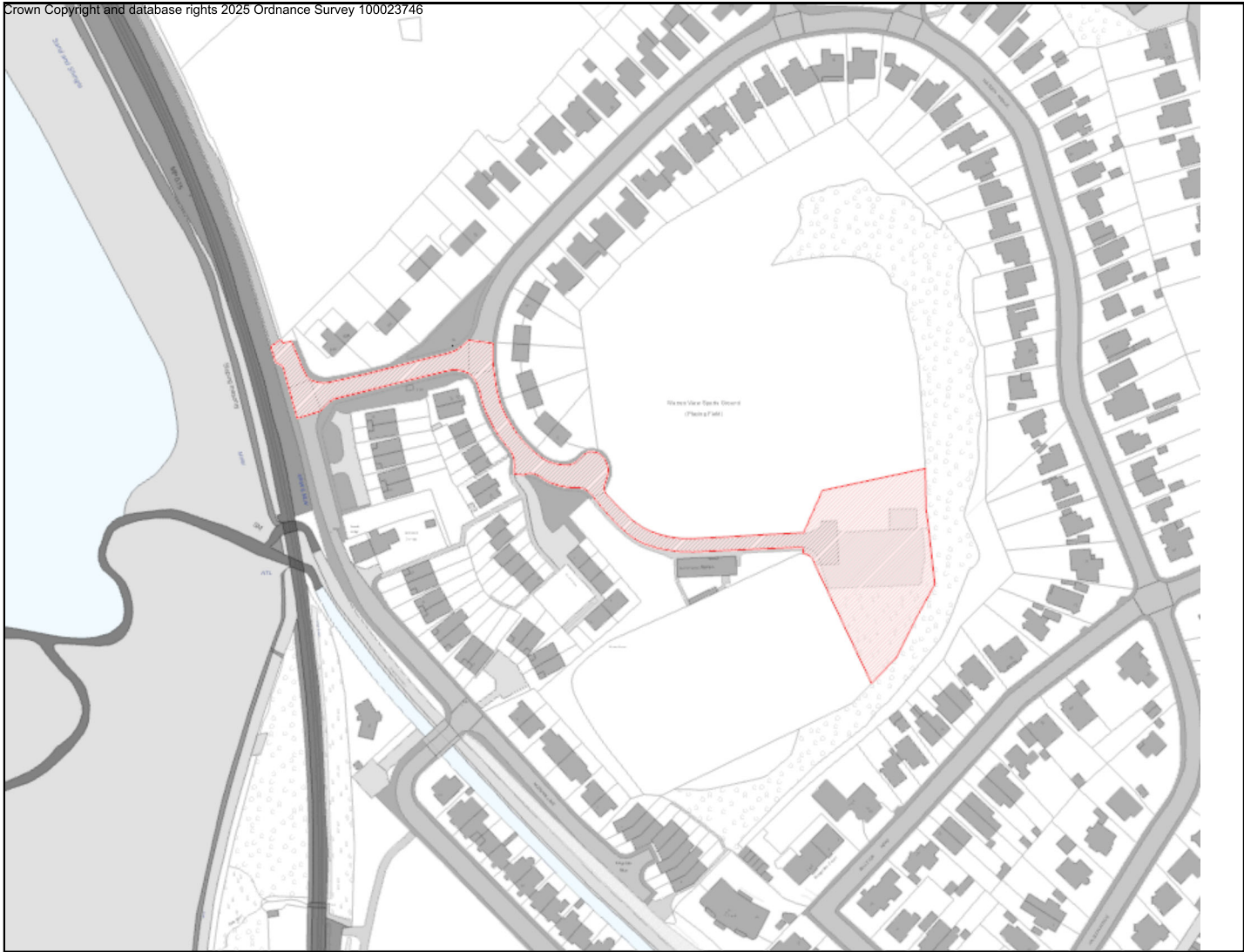
In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity 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
Reference
Applicant
Location
Proposal

Exmouth Halsdon
23/1480/MFUL
Mr Brendan Lee
Warren View Sports Ground Halsdon Avenue Exmouth EX8 3DH
Construction of new boxing gym and community sport building with associated parking and landscaping



RECOMMENDATION: Approval with conditions



		Committee Date: 15.07.2025
Exmouth Halsdon (Exmouth)	23/1480/MFUL	Target Date: 13.10.2023
Applicant:	Mr Brendan Lee	
Location:	Warren View Sports Ground, Halsdon Avenue, Exmouth	
Proposal:	Construction of new boxing club/ gym building with associated parking and landscaping	

RECOMMENDATION: APPROVE subject to conditions.

EXECUTIVE SUMMARY

This application is before members of the Planning Committee because the officer recommendation differs from that of two ward councillors.

This application seeks full planning permission for the construction of a 550 sqm boxing club/ gym building within the sports grounds. The building would be sited on the eastern side of the sports ground on an area of existing hard standing. The building would be single storey with a mono pitched design and would contain two boxing rings, a boxing gym and an area of functional gym space with male and female changing rooms and toilets provided at ground floor level only.

The building would be of contemporary design with a mono pitched roof form reaching a total height of 6.3 metres at the front with the height reducing down to 3.7 metres at the rear. The building would measure 32 metres in length and 20 metres in depth

The proposal would see the introduction of a new sports building on the existing and well established Warren View sports ground which has an existing sports and recreational use.

The proposal is for a new sports facility which is located within the BUAB of Exmouth and which is considered to be a sustainable development that enhances local sports infrastructure, supports community wellbeing, and aligns with local and national planning policy which as matter of principle supports the provision of new sports facilities within urban areas (policy RC2 and CF3 of the East Devon Local Plan and Exmouth Neighbourhood Plan refers).

Whilst the proposal would introduce a new sports use onto the site and see an intensification of its use, it is not considered that it would give rise to any

significant harm to the character and appearance of the area, ecological or arboricultural impacts. Impacts in relation to ecology and trees, contaminated land, surface water and drainage can be controlled through appropriately worded conditions. The proposals would not result in the loss of any of the playing pitches on the site and would not undermine the future development of football pitches on the sports ground site.

The proposal has been carefully assessed in respect of its impacts on residential amenity and whilst it is acknowledged that the character of this part of the sports ground would change as a result of the introduction of a new building and use, an intensification of the use of the site and a noticeable change to the outlook of a number of residential properties which back onto the site, it isn't considered that harm to residential amenity would be significant that would justify refusal of planning permission or that would outweigh the wider social and health benefits that would be derived from the scheme. The applicants have reduced the size and scale of the proposal whose impacts can be appropriately managed through the imposition of conditions which control the hours of use of the site, restrict any large-scale events, requires the submission and implementation of a noise management scheme and mitigation for external plant and equipment and a lighting scheme.

The highway and parking impacts have been carefully considered by officers and the County Highway Authority. Whilst it is acknowledged that existing use of the site by various football club's results in the overspill of parking outside of the site onto residential roads which causes inconvenience and congestion, it isn't considered that this proposal would give rise to any significantly greater highway or parking issues that would justify refusal of the development.

This proposal would introduce 31 car parking spaces onto the site which would be shared between the boxing club and gym and those using the site for football. Whilst the proposal would displace an area of land within the ground upon which vehicles park informally, the proposal car park, formally laid out to maximise usage, would help to alleviate some of the existing parking issues arising from the use of the site. In the event that the football clubs and gym is at capacity at the same time, then it is accepted that vehicles are likely to spill out onto the public highway. However this is an existing situation that is unlikely worsened by this proposal on the basis that the parking area would be shared and visiting parties, such as that associated to football matches can be informed in advance that a formal parking area is accessible which can be promoted through the Travel Plan.

Furthermore, the site's sustainable location and close proximity to cycle path links into the town and surrounding residential areas along with cycle storage provision, the submission of a travel plan and the boxing clubs recent acquisition of a club mini bus (the use of which cannot be controlled through the planning system or conditions) provides opportunities for alternative modes of travel which is likely to minimise the use of the car parking spaces by the boxing club.

On balance, having regard for all of the above, the proposal is considered to

represent a sustainable form of development which complies with the Development Plan when read as a whole and the wider sustainability objectives set out within the NPPF. The proposal would provide an asset to the town of Exmouth, in a sustainable location which would enhance community sports provision and be of significant social benefit with positive impacts on community, health and well being which are considered to outweigh the limited harms that have been identified within this report.

The application is therefore recommended for approval.

CONSULTATIONS

Local Consultations

Exmouth Halsdon - Cllr Tim Dumper 22/05/2025

I wish to register an objection to the latest amendment to this application, on similar grounds to previous objections by Exmouth Town Council. This latest submission by the applicant, sends a letter and technical note, stressing the previously amended removal of the upper floor, and stating that it wasn't the intention to run events / shows there. The single storey version was objected to by Exmouth TC on the last iteration, and I have seen no evidence that the proposal now eliminates either the community use aspect which could be very disturbing to a residential area, especially with the likely lengthy opening hours, or to local wildlife, eg the badgers, living very close on the bank.

I don't believe previous Exmouth TC objections have ever mentioned the shows specifically, but both large scale training and competition events, mentioned in the recent Exmouth Journal article , and apparently still in the revised proposal, would still generate traffic and associated noise.

I can see that ideas to reduce the overall number of cars visiting are welcome, but at this stage, I fear theoretical rather than representative of likely reality. Use of a local minibus May assist with local members, but is unlikely to affect traffic coming from further afield.

At our recent Town Council Planning meeting I suggested that the Boxing Club representatives should meet local residents again on an informal basis, emphasising changes from the original. The representatives rejected that proposal, increasing my doubts.

Exmouth Halsdon - Cllr Tim Dumper 08/08/2023

These are my comments on this application as a District Councillor for Halsdon Ward. Please note that as a Town Councillor in Exmouth and Vice Chair of Planning, I have already made comment and voted to send an objection to EDDC. I have also attended a public meeting organised by the applicant and listened to the presentation by the applicant's architects and the many comments and questions from many nearby residents.

Clearly, I will still be listening and reading carefully all representations and any amendments which may be made to the application and will let you know my views when and if things change.

At present, I have concerns in the following areas:

Noise, both from equipment and from large numbers of people attending what is planned to be a major national boxing venue. This is not just "normal " noise, but also echo amphitheatre style noise, given the profile and topography of the old quarry. I am told that a normal speaking voice carries across the playing fields, and up to the houses in Halsdon Avenue very easily. I was pleased to see Environmental Health's request for further noise assessment, and I hope the amphitheatre effect will also be assessed.

Light pollution, including, its effects late at night on vulnerable elderly people, and on the bird life in the area, as well as bats and badgers living there. Again, I welcome EH's comments.

The overall scale of the proposed development and ambition of its use, in what is a mainly residential, local sporting (football) and green area. I recognise this is technically a "brownfield site " but a distinct ecology seems to have developed over the years since that area had serious industrial use, and given current issues with massive reductions in biodiversity, it would not seem sensible to allow large scale development here.

Contaminated land. As is known, this area was used as a local authority landfill site, with all that implies for methane and other dangerous organic and inorganic chemicals. No development should be allowed until a full and thorough assessment of this, possible effects, and any necessary remedial action taken. Such chemicals are not only injurious, but potentially carcinogenic, and when disturbed could have serious detrimental effects to nearby plant and animal life.

Access, Parking and Vehicle movements. Many comments have been made about the inadequate access and parking, again considering the scale of the development and its stated ambitions for use. Many residents believe that the existing football club uses, on a mainly amateur basis, overstretch parking provision, leading to overcrowded local roads all around the area. How much more would this be stretched by a regional / national venue of the proposed scale. The access has also been pointed to, that it is narrow in from Halsdon Avenue.

I am less than satisfied by the list of consultees you have circulated. In my view, these should also include: Contaminated Land Officer, EDDC Ecologist, South West Water. and EDDC Sports (especially bearing in mind that EDDC has a playing pitch strategy which I am told is currently being "tweaked ") It has often been commented that Highways do not often comment on applications, despite sometimes having major Road concerns. I hope this is one which you will encourage their comments!

Exmouth Halsdon - Cllr Daniel Wilson 23/05/2025

I commend the forensic detail, eloquence and accuracy in the huge number of objections to this proposal.

This proposal is not for a boxing club, it is a proposal for an events venue to hire out, that will also have a small amount of boxing training. This proposal is a wolf in sheep's clothing.

The money raised from boxing memberships will barely cover the costs to run this building, yet alone cover the several million it would cost to build it or turn any kind of profit. The only way this venture turns a profit or receives funding to be built, is by hosting large scale events. The technical notes specifically say the venue is to be used for events but by reducing the size of the building, some people and organisations have been fooled in to believing this venue no longer be for events. This is an enormous mistake.

This is EDDC land and the area around Warren View hosts a lot of EDDC homes, that are occupied by elderly, disabled and vulnerable people. For EDDC to approve this application and expose residents we are responsible for, to huge amounts of light, noise and traffic would be wilful negligence.

This application has been amended relentlessly over the years in order to find some way of getting an events venue approved. If the boxing club really needed to move to bigger premises, they would not be waiting these past three years, they would have moved already. Why haven't they? Because there is no requirement for a boxing club of this size. This is an events venue proposed in entirely the wrong setting.

The proposal of this venue is ridiculous and the justifications for it are a joke but for the residents, this venue is no joke. It represents a damaging, life altering change, with enormous negative impacts on their physical and mental wellbeing, if it is approved.

Noise, light, wildlife, traffic, take your pick on why this application should be refused. I object to this proposal entirely and I object to the torment residents have had with years of understandable stress, worrying about this application. It is time to end this application and allow residents to live in peace.

Exmouth Halsdon- Cllr Andrew Toye 10/08/2023

I have received over 50 objections from residents mainly relating to traffic and noise.

The current use is for football training with some noise that residents are used to on a Saturday afternoon. The applicants propose the venue to open until 10 pm on weekdays. As this is a large venue (900 sq.m.) with up to 200 attendees,, there would be an inevitable noise nuisance in pre- and post-match celebrations which cannot be confined to the inside of the building. This is a quiet residential area and the site is a disused quarry with a steep bank, where sound is projected around the basin and up the surrounding bank. Many residents refer to an "amphitheatre" effect.

There is already a large volume of traffic when sports events are held; this will vastly increase with the increase in capacity.

With increased traffic comes more demand for parking - some residents report driveways being blocked. Proposed new provision is inadequate for the demand.

The nearest bus stop is on the corner of Exeter Road/Crossingfields Drive, so not so convenient.

Although there are opportunities to walk/cycle, in reality most journeys will be by car as is currently the case.

There is also potential for disruption to wildlife in the area - I hope this can be assessed by the relevant dept.

Despite my objection, would like to wish the Boxing Club luck in their search for a suitable venue which is much needed.

Exmouth Town Council

12.05.25

No objection subject to approval from Devon County Highways, satisfactory ecological mitigation and consideration by the Club of the scope for further public consultation. (slightly amended 20/05/2025)

Exmouth Town Council

Meeting 31.07.23

Objection; it was acknowledged that policy CF3 of the Exmouth Neighbourhood Plan supports development of sport and leisure facilities, however members were concerned regarding a number of issues surrounding the application being an appropriate location. It was noted that the Contaminated Land Officer had not been consulted. Members were very concerned as it was understood that previous investigations for previous unrelated development had revealed that contaminations levels were high. It was also noted that the EDDC Ecologist had also not been consulted and concern was raised regarding the impact of noise to the wildlife. Members queried if the application had been considered by East Devon District Council in the context of the new playing pitch strategy being prepared for the emerging Local Plan. Concern was raised regarding noise and light and it was noted that Environmental Health had requested additional information. It was hoped that this assessment would take into account the amphitheatre effect of noise in the area. Comments were still pending from DCC Highways, DCC Flood Risk, EDDC Trees, which were areas of concern to members. Sport England also had not yet commented on the application.

Clerk To Exmouth Town Council

Objection was upheld. While members supported Exmouth Boxing Club's need for new premises, concerns about access, parking, traffic, and the potential ecological impact remained. The proposed location was still considered unsuitable. It was noted that DCC Highways had yet to respond to the additional information submitted. The application still did not meet the policy requirements of CF3 in the Exmouth Neighbourhood Plan or RC2.4 in the East Devon Local Plan.

Exmouth Town Council

Objection sustained. Construction of low retaining wall does not mitigate previous concerns and address substantive issue relating to concerns about traffic, noise and ecological impact of the proposed development.

Meeting 03.06.24

Objection sustained; the additional information submitted did not satisfactorily address the concerns previously raised. Members questioned the data in the reports from the consultants employed by the applicant. The Sound Impact assessment does not account for the amphitheatre location. The bird survey was scant in detail, noise and disturbance to badgers would undoubtedly result, both during construction and operation. Members support the Boxing Club and

understand their need for a premises, however the proposed location is not 'appropriate' next to the Exe Estuary, a protected area and in a residential area with existing issues regarding parking and traffic. The proposal is still therefore considered to be contrary to policy CF3 of the Exmouth Neighbourhood Plan.

Technical Consultations

County Highway Authority

Addendum 20/06/2025

A Technical Note was submitted by the applicant, in response to a number of queries raised to allow DCC a better understanding of the operation of the development proposed, and its impact on existing activities.

The Gross Floor Area (GFA) of the community building has since been reduced, the initial mezzanine floor initially proposed as part of the development has been removed, with the GFA of the building now being 550sqm and therefore provides more limited spaces for classes and lessons to be practised. The applicant has also confirmed that no major events will take place at the venue – this can be suitably conditioned.

It has been clarified that the parking area that forms part of the proposal will be accessible to all visiting parties including visitors associated to football activities on the respective adjacent pitches. Consideration has to be given of the existing circumstance, where currently there are no recognised formal parking areas for people attending for football or such purposes. DCC are aware and acknowledge that the approach roads as a result sees informal on street parking which has led to parking issues during these times.

However, given what has since been confirmed, whilst the proposal would bring about additional vehicle movements to and from the site, it will also now provide a formal and recognised parking area for all users to have access to. Furthermore, there is an opportunity to make, for example visiting football teams aware that formal parking is available during match days that could be promoted and advertised out through a Travel Plan as part of a condition which will give parties an incentive to park in the designated area.

Some visiting parties to the gym also have the opportunity to travel by sustainable means. The proposal would see the delivery of a cycle parking area, which for clarity would need to be secure and sheltered to further promote this mode of travel. It has

also come to our attention that the club has acquired a minibus that could also help alleviate the parking demand associated to this proposal especially when days where anticipated larger crowds may be expected. The proximity of the site can be considered as sustainable, with options for people to travel by other modes, in particular on foot or through cycling.

DCC do accept that there are likely to be times during peak visiting to the area when the designated parking area will be at capacity and as a consequence parties visiting by vehicle would subsequently park on the immediate private road and public highway, but notwithstanding, this is already an existing situation where a view must be taken whether the development proposed would materially exacerbate the issue. On balance, and with the revised submission of detail and supporting information in mind, it is the view of DCC that there is now no overriding evidence to suggest that the proposal would be in conflict of the relevant policies that would warrant a recommendation to refuse the application.

There is already a constrained informal parking situation that is brought about by parties parking informally on the highway and private approach roads, sometimes inconsiderately, yet saliently there is no designated parking area to accommodate these visitors where parties have become accustomed to looking for an on-street parking area. The provision of a new formal parking area for all parties however, as well as sustainable travel modes as mentioned above is likely to bring about people intending to park in the formal parking area instead and, with the opportunity to promote and encourage people to park at this location as an alternative is likely to see less frequent on street parking. However, it would be a matter for EDDC to determine how, the future ability for the parking area to be for dual use is secured, either through condition or a suitable legal agreement.

Recommendation:

With the above in mind and taking into account relevant policies, based on the revised information produced. our previous stance of a recommendation for refusal can be withdrawn. Should members be minded approving the development proposed the following conditions are recommended:

Prior to the development hereby permitted first being brought into use, access to covered cycle parking, numbers, and spaces to be fully in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Prior to first occupation of the development hereby permitted, access to appropriate electric vehicle charging points will be committed to being available to all residents. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Prior to the first occupation of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and

safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Prior to commencement of any part of the site the Planning Authority shall have received and 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; 22/1532/MOUT (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.

Officer authorised to 20 June 2025
sign on behalf of the County Council

County Highway Authority
Addendum 26/06/2024

Whilst the updated Transport Statement information is appreciated, there still appears to be some level of un-clarity upon the potential trip generation impact from this development.

One of the issues is the use of Class K - private gym club for TRICS data, whereas the Transport Plan states that for viability a range of community uses for the site will be considered such as training events, local sports teams, clubs and other leisure groups (including classroom hire).

Futhermore, the existing trip generation needs to consider weekend surveys.

TRICS data references used to calculate future trip generation is from 2021 the covid years only, which somewhat alters the likely trip generation from this site, there also appears to lack weekend trip generation surveys.

County Highway Authority

Addendum 21/11/2024

The further produced Highways Technical Note shows that the cumulative trip generation (Table 3.3) from this application and the existing trip generation from Warren View Leisure Centre would be up to 141 in the pm peak period, this would be more than 2 vehicles passing every minute, and whilst I appreciate the majority of these trips are from the existing development, I believe it shows that this residential Cul-de-Sac of Halsdon Avenue is already stretched and unable to accommodate additional trip generation.

County Highway Authority

I have visited the site and reviewed the planning application documents.

The application includes the provision of a Travel Plan with a Travel Plan Coordinator with measures promoting sustainable travel, encouraging public transport, car shoring and EV use. Facilitated by 29 parking spaces, including 3 disability spaces, 3 EV charging spaces and secure cycle storage. The Travel Plan and measures are appreciated by the County

Highway Authority (CHA) and is seen as a positive inclusion, though parking numbers is an objective for the LPA. The CHA also accepts that sufficient space is retained on site to avoid on-carriageway turning.

The CHA is however concerned that the Travel Plan only outlines employee trip generation with the predicted baseline modal choice for visitors / patrons to the application site being described as difficult to ascertain. However I believe that an approximate baseline and future projection can be gauged from;

- TRICS data upon (Class E) gym use to account from the multi-function gym space on the first floor.

- Existing Trip generation of both existing football/sports pitches which in accordance with the Travel Plan, will be retained and remain unaffected by the proposed building. This will allow for cumulative trip generation to be evaluated.

- Attendance figures/trip generation from previous with large championship events. The Travel Plan also states that the proposed use of the building is as a gym and community sports use and that no other provisions are provided for, other than those which are ancillary

to the specified use. However the Transport Plan later states that for viability other community and sport uses, training events, local sports teams, clubs and other leisure groups (including classroom hire) would be welcomed. This higher range of uses could vary the trip generation

greatly and so, the merits of these additional uses needs to be considered, with TRICS data available for such uses.

Without clear transparency of the potential uses of this site and further information on potential trip generation, it is difficult to ascertain the impact upon the local highway network,

Therefore it is difficult to judge whether National Guidance NPPF 2018 109 clause, 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe' would be triggered or not. Not so much upon the highway safety grounds, as our highway collision record currently running from 2018-2022 shows no collisions within the vicinity but more so the residual cumulative impact on the road network.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION

Environment Agency

Environment Agency position

We have no objection to the proposed development as submitted.

Reason - The site is located on an area which is identified to be a historic landfill site. The applicant has recognised this and submitted a Preliminary Risk Assessment & Ground Investigation Report. This report (by Horizon Consulting Engineers dated October 2022) includes an adequate assessment of the site and its history, and makes appropriate recommendations for the management of the contaminated land for the protection of human health and groundwater. We would recommend that you include this report in the list of approved documents on any decision notice so that the recommendations are followed.

Sports England

Thank you for consulting Sport England on the above application with additional information in support of the application.

We have reviewed the various documents and have no further comments to make.

Therefore, our position has not changed since last response to the application on the 22nd of May 2024.

For Clarity Sport England's Position

Given the above, Sport England raises no objection to the application because it is considered to accord with exception 3 of our Playing Fields Policy and paragraph 99 of the NPPF.

The absence of an objection is subject to the following condition being imposed should the local planning authority (LPA) resolve to approve the application:

The of new boxing gym and community sport building with associated parking and landscaping hereby permitted shall be constructed in accordance with: the design and layout details set out in the planning application and Drawing No's 22.013.04PL rev C, 22.013.05PL

Reason: To ensure the development is fit for purpose, subject to high quality design standards and sustainable and to accord with RSS/UDP/LP/LDF Policy **

If the LPA is minded to approve the application without imposing the above condition then Sport England objects to the application as it is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 103 of the NPPF.

If you wish to amend the wording of the condition or use another mechanism in lieu of the condition, please contact us to discuss. Sport England does not object to amendments to conditions, provided they achieve the same outcome, and we are involved in any amendments.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agenda(s), report(s) and committee date(s). Please notify Sport England of the outcome of the planning application.

EDDC Trees

No objection is raised to the proposed development on arboricultural grounds.

Any planning approval should be subject to a pre-commencement condition for the submission of a landscaping plan detailing the planting of and establishment of new trees and shrubs on the site and compliance with the submitted Arboricultural Method Statement and Tree Protection Plan.

Environmental Health 02/07/2025

I am satisfied that the NIA (Ref:AS13190.230815.NIA)used the correct guidance documents (BS4142:2014+A1:2019 & ProPG: Gym Acoustics Guidance 2023) to assess the potential noise impact of the development.

The National Planning Policy Framework (2024) [NPPF] outlines the requirements for the planning system in reducing the impact from noise pollution from new developments and therefore, when considering the application, the guidance forms a material consideration when making any decisions. Within Paragraph 187 e) of the NPPF, it's clear that in the granting of any permissions, we should aim to prevent noise sensitive receptors (NSRs) from being adversely affected by unacceptable levels of noise.

Paragraph 191 of the NPPF details that, 'planning decisions should ensure that new developments are appropriate for their location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to any negative impacts that could arise from the development. Forming part of the NIA an Environmental Sound Survey was carried out which established the current

soundscape for the area. I am satisfied that the soundscape identified local noise sources.

The Noise Policy Statement for England (NPSE) provides further clarity regarding current policies and practices as well as introducing the concept of 'effect levels' that relate to the impact of noise. The aims of these effect levels are to avoid significant adverse impacts and mitigate and minimise any adverse impacts on health and quality of life.

The Planning Practice Guidance on Noise (PPGN) is the current UK government guidance that supports the National Planning Policy Framework in helping local planning authorities consider noise in the planning process. It goes further than the Noise Policy Statement for England which provided clarity regarding current policies and practices as well as introducing the concept of 'effect levels' that relate to the impact of noise.

The classifications of effect levels are:

- No Observed Effect Level (NOEL)
- No Observed Adverse Effect Level (NOAEL)
- Lowest Observed Adverse Effect Level (LOAEL)
- Significant Observed Adverse Effect Level (SOAEL)

Through the analysis of the applicants NIA the typical background sound level for the area is 33 dB (LA90) during the daytime and 26 dB (LA90) during the night. Environmental Health recommendations aim to mitigate and reduce to a minimum any potential adverse impacts resulting from development noise and avoid any noise giving rise to significant adverse impacts on health and the quality of life.

e and avoid any noise giving rise to significant adverse impacts on health and the quality of life.

Therefore, noise emissions from any fixed plant can be controlled by a planning condition as follows:

- The specific noise level of any fixed plant or equipment installed and operated on the site must not exceed 26dB (LAeq 15min) when measured or predicted at the boundary of any noise sensitive property between the hours of 23:00 until 07:00 and must not exceed 33dB (LAeq 60min) when measured or predicted at the boundary of any noise sensitive property between the hours of; 07:00 until 23:00. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

This will offer sufficient control over any fixed plant noise ensuring that the effect level NOAEL is met.

To ensure that the impact of any noise breakout is minimised the applicants NIA has detailed the required level of sound insulation to the buildings fabric. In considering this, I am satisfied that the buildings fabric will offer sufficient control over any noise breakout ensuring that the effect level NOAEL is met.

In meeting the classification 'No Observed Adverse Effect Level' in relation to noise it is unlikely that residents are likely to be adversely affected by noise from the introduction of the boxing gym and community sport building.

The proposed operating times for the development are during the daytime only; Monday to Saturday 08:00 – 22:00 hrs and 09:00 – 20:00 hrs on Sundays and Bank Holidays and therefore, night-time noise levels have not been considered (for noise breakout).

Environmental Health 20/05/2024

I have reviewed the applicants' noise assessment (which I am satisfied with) and I recommend approval with conditions:

The specific noise level of any fixed plant or equipment installed and operated on the site must be designed as part of a sound mitigation scheme to operate at a level of 28 dB LAeq 1hr (5dB below daytime background level 33 dB (LA90T) 07:00 - 23:00) when measured or predicted at the boundary of any noise sensitive property and a night-time level of 21 dB LAeq 15min (5 dB below night-time background level 26 dB (LA90T) 23:00 - 07:00) when measured or predicted at 3m from the facade of any noise sensitive property. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

Prior to the first use of the boxing gym, a Noise Management Plan (NMP) will be submitted for approval by the Local Planning Authority. On written approval of the NMP by the Local Planning Authority, the NMP will be implemented and operated during the hours of operation on the premises. The NMP must detail the methods by which the gyms management will systematically assess, reduce and prevent any excessive noise emissions from the premises, through operational managerial techniques and abatement technologies. The NMP will identify and employ appropriate measures to minimise the generation of noise from the premises and will additionally include:

- o The control noise from the use of audio equipment at source by good operational practices through staff training.
- o All external doors must be kept shut at all times when the premises is being used. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.
- o Clear and legible notices must be prominently displayed in the car park area requesting customers to respect the needs of local residents and enter and leave the area quietly.

Environmental Health 25/07/2023

I have considered the application and I do have Environmental Health concerns in relation to noise and light.

This application involves the introduction of new commercial activity (new boxing gym and community sport building) in close proximity to existing noise sensitive dwellings and their amenity space. I am concerned that the noise impact from the

introduction of this new building has not been fully assessed. This information is required before I can make a recommendation.

I recommend that the applicant undertakes a noise assessment.

A BS4142:2014+A1:2019, assessment should be undertaken in order to determine the likely noise impact from the development on nearby noise sensitive dwellings including external amenity areas when measured against the current background sound levels. The assessment must have regard to ProPG: Gym Acoustics Guidance 2023

The purpose of the noise assessment is to determine whether or not residents are likely to be adversely affected by noise from the introduction of the new boxing gym and community sport building. This information will help the decision making process for the proposed development. If the noise assessment highlights noise as an issue, further mitigation will need to be considered and assessed in order to determine if it is at an appropriate level to achieve both satisfactory internal and external (amenity areas) noise levels.

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

Reason: To comply with Policy EN15 for the avoidance of light pollution and to avoid light pollution being detrimental to the amenity of local residents

DCC Flood Risk SuDS Consultation DO NOT USE

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

Following my previous consultation response (FRM/ED/1480/2023, dated 2nd August 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.

The applicant has confirmed that the proposed point of connection to the existing private surface water drainage network will be accordance with Foul and Surface Drainage Strategy (Drawing No.1010.100, Rev.A, Oct 2022). The applicant has also acknowledged that they have the right to connect into the private drainage.

The applicant has proposed to discharge the surface water runoff from the site freely into Withycombe Brook. However, the applicant shall demonstrate that the proposed surface water drainage system has sufficient capacity to store the volume of surface water generated during tide locked situation. Model output results shall be submitted for review.

The applicant should provide the details to demonstrate the surface water from the car park tanked paving is connected into the surface water system.

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

(a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy (Report Ref.1010.FRA, Rev. - , dated 18th Oct. 2022).

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

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system. No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (b) above.

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

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

Observations:

The applicant has stated that due to the elevation of the site (11m AOD) allowing for a sufficient hydraulic head, the flap valve will be forced open, ensuring that the drainage system won't be tide-locked.

The applicant has submitted the Tanked Permeable Paving Construction Detail.

However, the applicant should indicate how the tanked permeable paving connects to the surface water drain in the Drainage Strategy.

Police Architectural Liaison

I have nothing to add to my previous comments which include the consideration of the following conditions:

1. Condition: CCTV with a clear Passport for Compliance Document, including an Operation Requirement to be distributed throughout the development.

Reason: In order to help prevent/detect crime, disorder and anti-social behaviour.

2. Condition: A management plan to be in place that includes due consideration for security and safety.

Reason: In order to reduce the likelihood of crime, conflict, disorder and anti-social behaviour and to enhance the safety of residents of the scheme.

Further informative points as previously stated:

- o I appreciate that a reception has been added. Ideally a reception space would be positioned within the 'airlock' to have supervision of the entrance and approach to the building and control access beyond into the main facility.

- o As mentioned in previous responses, it is recommended that access to the space running to the rear of the building is restricted. The space lacks surveillance opportunities and could attract misuse.

- o Waste and recycling bins must be secured to prevent them being used misused.

Royal Society For The Protection Of Birds

The RSPB has concerns in relation to potential adverse impacts on wintering bird species that are designated features of the Exe Estuary Exe Estuary Special Protection Area (SPA). The application site lies c230m east of the SPA and is on sports fields that provide habitat used by some waterbird species at times over winter. In our view this ecological value of the site has not been properly assessed and so it is not possible to determine if the sports ground is significant as an area of undesignated habitat such that it that fulfils a role as functionally linked habitat for the SPA. Birds that are designated features of the Exe Estuary (which include oystercatcher) use open areas of grassland around the estuary as high tide refuges, some of these sites can be regularly used by numbers of the designated species such that those areas can be regarded as functionally linked, ie, they provide essential habitat for significant numbers of SPA birds. Given that climate change threatens the loss of intertidal habitat in the Exe Estuary and development proposals around the estuary can reduce or remove the value of undesignated sites as functionally linked habitat, it is important to identify and safeguard a network of functionally linked habitats so there is always going to be suitable high tide roosting/feeding habitat that the SPA birds can use.

The Ecology Report (South West Ecology, 9 February 2023) reports from its survey on 24 January 2023 that oystercatchers (numbers not cited) were using the sports ground to the NW of the application site. This report stated there would be no adverse impact because the birds were not present on the application site itself. However, it did not investigate the existing usage of the whole of the sports ground to quantify the extent that it may be currently suitable as an undisturbed area for birds. The RSPB notes that the proposed building will have extensive glazing and that there are 30 proposed car parking spaces. It is therefore reasonable to assume that noise and artificial light (which can be very disturbing to birds) will accompany operation of the proposed development and those impacts will affect wider than the footprint of the proposed development. No information was given on potential for

disturbance to birds or mitigation should construction occur over winter. It is in our view likely that the proposed development will reduce the existing value of the sports ground for waterbirds that are designated features of the Exe Estuary SPA.

The RSPB recommends that, prior to deciding this application, your authority seeks more information to determine the value of the sports ground for waterbirds (Assessment of Likely Significant Effect as required under the Habitats Regulations). If this concludes the sports ground is a functionally linked habitat, then a Habitats Regulations Assessment will be needed.

The RSPB considers these comments align with the National Planning Policy Framework (July 2021) which requires in para 174 (a) that sites of biodiversity value should be protected, in para 179 (b) that ecological networks should be conserved and in para 180 (a) that "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused." Para 182 states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Strategy 147 Nature Conservation and Geology of the East Devon Local Plan 2013-2031 states that all developments need to conserve the biodiversity value of land. On other matters, the RSPB recommends that any new buildings provide nest sites for birds via integral nestboxes ('swift bricks') that are built into the exterior walls of a building at least 5m above ground level. These are much longer lasting, maintenance-free and less obtrusive than externally fixed boxes. The Environment Act requires that all new development provide a minimum of 10% biodiversity net gain - this is in addition to measures required to mitigate or compensate for adverse impacts on existing biodiversity.

Other Representations

263 letters of representation have been received at the time of writing this report.

181 objections have been received raising concerns which can be summarised as:

Noise Pollution

- The site's natural amphitheatre shape amplifies sound, making even normal conversations audible across the area.
- Concerns about noise from:
 - Events and training sessions.
 - Car doors, engines, and people arriving/leaving.
 - Mechanical systems like air conditioning and ventilation.
- The proposed long opening hours (8am–10pm) would lead to continuous disturbance.

Traffic and Parking

- Local roads (Halsdon Avenue, Carter Avenue, Belle Vue Road) are already congested, especially during football matches.
- The proposed 29 parking spaces are deemed insufficient.
- Increased traffic poses risks to:
 - Elderly and disabled residents.
 - Children and cyclists using nearby paths.
- Emergency vehicle access could be compromised.

Light Pollution

- Light from the building, car park, and vehicles would disturb residents and wildlife.
- No formal light impact assessment has been provided.

Wildlife and Environmental Impact

- The site is home to badgers, foxes, bats, and protected bird species.
- Proximity to the Exe Estuary (SSSI, SPA, Ramsar site) raises ecological concerns.
- The site is a former landfill with potential contamination and drainage issues.

Residential Amenity and Community Impact

- The development is seen as incompatible with the quiet, elderly residential character of the area.
- Concerns about:
 - Visual impact of the large, industrial-style building.
 - Loss of green space.
 - Potential for anti-social behaviour and late-night disturbances.

Planning Process and Policy Compliance

- The development is viewed as contrary to:
 - The Exmouth Neighbourhood Plan.
 - Local Plan Policy RC2 (impact on character and amenity).
- Sport England and the boxing club itself acknowledge no strategic need for the facility.
- Residents feel their objections have been ignored and consultation has been inadequate.

Design, Scale, and Purpose

- The building is considered oversized for the club's current needs (30–40 members, 5–8 hours/week).
- Suspicions that the facility will be used for large-scale commercial events.
- Lack of clarity about future use, funding, and management.

Alternative Locations Suggested

- Liverton Business Park.
- Imperial Ground (Rugby Club).
- Cranford Gardens or other council-owned sports sites with better infrastructure.

81 letters of support for the application been received:

Youth Development & Community Impact

- Widespread support for providing a safe, structured environment for young people.
- Seen as a positive alternative to anti-social behaviour, offering discipline, focus, and mentorship.
- Many supporters highlight the lack of youth facilities in Exmouth and the need for inclusive, affordable spaces.

Mental & Physical Health Benefits

- Strong emphasis on the gym's potential to improve mental health, reduce isolation, and promote well-being.
- Boxing and fitness are praised for building confidence, resilience, and life skills.
- Some mention potential for rehabilitation, Parkinson's support, and inclusive fitness for all ages and abilities.

Appropriateness of Location

- Many note that Warren View is already a longstanding sports ground, making it a logical site for expansion.
- Supporters argue that the impact on traffic, noise, and wildlife is minimal, especially compared to the benefits.
- Several comments dismiss objections as NIMBYism or exaggerated concerns.

Community Hub & Multi-Use Potential

- The facility is seen not just as a boxing gym but as a multi-sport, community hub.
- Suggestions include:
 - Hosting fitness classes, dance, Zumba, and rehabilitation sessions.
 - Providing space for meetings, social events, and disability-inclusive activities.
 - Supporting local schools and clubs with additional training space.

Endorsements & Testimonials

- Letters of support from:
 - England Boxing (official governing body).
 - Former members who credit the club with changing their lives.
 - Parents, coaches, and residents who see the club as a vital community asset.
- Many describe the club as welcoming, inclusive, and well-run.

Economic & Social Value

- Seen as a long-term investment in Exmouth's future.
- Potential to attract visitors, support local businesses, and revitalise underused land.

Offers job opportunities and boosts the town's profile as a sporting destination.

PLANNING HISTORY

Reference	Description	Decision	Date
22/2669/MFUL	Engineering operations for playing pitch improvement works including raising and levelling of surface	Approval with conditions	06.11.2023

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)
Strategy 5B (Sustainable Transport)
Strategy 38 (Sustainable Design and Construction)
Strategy 46 (Landscape Conservation and Enhancement and AONBs)
Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
D3 (Trees and Development Sites)
EN5 (Wildlife Habitats and Features)
EN14 (Control of Pollution)
EN16 (Contaminated Land)
EN21 (River and Coastal Flooding)
EN22 (Surface Run-Off Implications of New Development)

RC1 (Retention of Land for Sport and Recreation)
RC2 (New Open Space, Sports Facilities and Parks)

TC2 (Accessibility of New Development)
TC4 (Footpaths, Bridleways and Cycleways)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Exmouth Neighbourhood Plan (made)

CF3- Sport and Leisure Facilities
EB2- Design

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP05- Development inside Settlement Boundaries Draft
Strategic Policy DS01 - Design and Local Distinctiveness Draft
Strategic Policy TR01 - Prioritising Walking, Wheeling, Cycling and Public Transport Draft

Strategic Policy TR03- Travel Plans, Transport Statements and Transport Assessments Draft
Policy TR04 - Parking Standards Draft
Strategic Policy OL01 - Landscape Features Draft
Policy OL09 (Control of pollution) Draft
Strategic Policy PB01 - Protection of Internationally and Nationally Important Wildlife Sites Draft
Policy PB07 - Ecological Enhancement and Biodiversity in the Built Environment Draft
Policy PB08 - Trees, Hedges and Woodland on Development Sites Draft
Strategic Policy OS01 - Access to Open Space and Recreation Facilities Draft
Policy OS02 - Sport, recreation and open space provision in association with development Draft

Government Planning Documents

NPPF (National Planning Policy Framework 2024)
National Planning Practice Guidance

Site Location and Description

The site refers to Warren View, an EDDC owned sports ground containing two full sized football pitches and an associated club house building which is understood to be currently used by Exmouth United, Exmouth Amateurs and Exmouth Town Football Club.

The application site itself refers to approximately 0.1 hectares of land within the sports ground, primarily comprised of an area of hardstanding (compacted gravel) used as an informal car park and an area of overgrown vegetation (grass and scrubland). The site comprises an area of flat ground between the existing vehicular turning head, the southern football pitch and the embankment which runs around the eastern boundary of the site.

The site is generally flat with a slight slope from east to west. The surrounding land is also broadly flat and is used as playing fields. Land rises sharply around the perimeter of the site in the north, east and south.

The site is located along Halsdon Avenue to the western part of Exmouth town. It benefits from an existing vehicular access off the adopted highway to the southwest of sports field.

The playing fields are surrounded by residential properties on Halsdon Avenue and Belle Vue Road which occupy elevated positions with rear outlooks over the sports ground.

The site lies within the built-up area boundary (BUAB) of Exmouth and is designated as recreational open space under Policy RC1 of the East Devon Local Plan. The site is not subject of any landscape, or heritage constraints.

Whilst not a material planning consideration, the sports ground is owned by East Devon District Council and let to Exmouth Town Football Club and Exmouth Youth Football Club who have a long lease on the site. It is understood that the football club intended to sublet the application site to the Boxing Club which has been agreed in principle by EDDC.

Proposed Development:

This application seeks full planning permission for the construction of a 550 sqm boxing club/ gym building within the sports grounds. The building would be sited on the eastern side of the sports ground on an area of existing hard standing.

The building would be single storey with a mono pitched design and would contain two boxing rings, a boxing gym and an area of functional gym space with male and female changing rooms and toilets provided at ground floor level only.

The building would be of contemporary design with a mono pitched roof form reaching a total height of 6.3 metres at the front with the height reducing down to 3.7 metres at the rear. The building would measure 32 metres in length and 20 metres in depth.

The proposed building would have a vertical profiled metal clad finish and would contain a number of glazed openings on the front and side elevations.

The proposal includes the provision of a car park for the boxing club providing 31 car parking spaces (including 3 disabled spaces), 12 no external cycle racks and 3 no EV charging points. The car park would be shared and open for use for the use of the football clubs.

The building would be accessed via the existing vehicular entrance into the sports ground from Halsdon Avenue.

From the information submitted by the applicant, the boxing gym would be run by Exmouth Amateur Boxing Club and would be used as a boxing training facility only with functional space that could be rented out to local groups. The EABC are currently based in New Road in Exmouth and have approximately 20 current members including junior and senior boxers. It is understood that boxing club training nights are currently Monday (18:30-20:00), Wednesday (18:30-20:00), Thursdays (18:00-20:00) with between 10-30 members training.

If granted planning permission the current facility would close and the EABC would relocate to the Warren View site. No maximum capacity for the boxing gym has been provided by the applicant but it is understood that average capacity is not expected to exceed 20-30 users at a time.

The applicant proposes the following hours of use 8 am- 10 pm Monday- Friday and Saturday and 9 am- 8pm Sundays and Bank Holidays.

Outside of the boxing club use, we are told that the building, site and car park would be made available for uses for training and classes for Yoga and Zumba etc.

ANALYSIS

The main issues to be considered in the determination of this application relate to:

- Policy Context and the principle of development
- Design and Landscape and Visual Impact
- Residential Amenity
- Highways Impact and Parking
- Impact on Sports Pitches
- Arboricultural Impact
- Ecological Impact
- Drainage and Flood Risk
- Contaminated Land
- Planning Balance and Conclusions

Policy Context:

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 28th January 2016 and the policies contained within it are those against which applications are being determined and carry full weight. The Exmouth Neighbourhood Plan (NP) has been 'made' and also carries full weight.

Principle of Development:

NPPF:

Section 8 of the NPPF supports the promotion of healthy and safe communities and supports the provision of sports facilities to enable and support healthy lives (para 96c refers).

Para 98 of the NPPF states to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings,

public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

Para 103 of the NPPF states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.

East Devon Local Plan (Adopted)

The site is located within the BUAB of Exmouth in a sustainable location within the town. The principle of a new sports building is supported by policy RC2- New Open Space, Sports Facilities and Parks of the East Devon Local Plan which states:

Within or adjoining urban or built-up areas, permission will be granted for new open space areas, allotments, sports facilities and parks, the accommodation of the visual and performing arts, and the upgrading or enhancement of existing facilities provided the following criteria are met:

- 1. They do not unduly affect the character and appearance of the area and the visual and physical amenities enjoyed by adjoining residential areas.*
- 2. They are accessible by public transport, bicycle and on foot.*
- 3. Appropriate car and cycle parking is provided.*
- 4. The proposed road access to the site provides for safe exit and entry and the local road network can safely accommodate the extra traffic the proposal would generate.*
- 5. The facilities are located without detriment to the best and most versatile agricultural land, nature conservation interest and the conservation of areas of landscape, scientific, archaeological or historic interest.*

Each of these criteria will be assessed within the various sections of this report as important material planning considerations.

Exmouth Neighbourhood Plan (made)

Policy support for the principle of development is also found within the Exmouth Neighbourhood Plan in policy CF3. This policy states:

‘Opportunities to further develop sport and leisure facilities to meet demand will be supported in appropriate locations’.

Emerging East Devon Local Plan (Reg 19 Consultation Draft)

A new East Devon Local Plan is under preparation and a Draft Local Plan has been produced and has been consulted upon. The Emerging Plan has reached Regulation 19 stage, with the consultation period on the draft plan having closed on 31 March 2025.

Policy OS03- Location of Facilities for Sport and Recreation and Open Space states:

Within or adjoining urban or built-up areas, planning permission will be granted for new open space areas, sports facilities and parks and gardens or for the upgrading or enhancement of existing facilities provided that unacceptable adverse amenity or environmental impacts do not arise from development. Any new or enhanced provision should be readily accessible to all people with a particular emphasis attached to ensuring safe pedestrian and cycle accessibility. Any built development associated with new facilities should be proportionate in scale or kind to the facilities that exist or are to be provided and where possible close by to existing built development.

However, given that the plan is at Regulation 19 stage, only very limited weight can be afforded to this draft plan and its emerging policies at present.

Design and Landscape and Visual Impact:

Section 12 of the NPPF, 2024 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Good design is a key aspect of sustainable development (para 131). In addition, development should function well and add to the overall quality of the area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and be sympathetic to local character and history, including the surrounding built environment and landscape setting (para 135). Development that is not well designed should be refused (para 139)

Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the Local Plan requires 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 (now known as National Landscapes (NLs)).

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that development proposals should not adversely affect important landscape characteristics or prominent topographical features.

Policy RC2 (New Open Space, Sports Facilities and Parks) requires that proposals do not unduly affect the character and appearance of the area.

The existing site has a clear sports and recreation character being comprised of football pitches and a small sports pavilion building which contains a number of changing rooms and a store. The site is relatively enclosed owing to its position at the end of Halsdon Avenue and therefore it is not prominent in public views from outside of the site (notwithstanding the outlook from properties on Halsdon Avenue and Bell View Road who overlook the site).

The proposed building would have a contemporary appearance owing to its mono-pitch form and metal clad finish and would introduce this modern building into part of the site that is currently undeveloped in nature. Whilst this would be the case, the

building would be sited within the easterly side of the site and be set well back from the road and the entrance into the site. It would be positioned at a lower gradient in front of an existing vegetated bank which rises up significantly above the proposal and which would ensure minimal visual intrusion as demonstrated by the cross-section drawing submitted with the application.

Whilst the building would be sizable, its bulk and massing would be reduced by its mono-pitched design where the building would reduce in height with its roof sloping down towards the boundary.

It is considered that the proposal would be visually self-contained within the sports ground site, resulting in no significant harm to the wider landscape or visual amenity of the character and appearance of the area which is primarily residential in character. The sports ground benefits from being relatively secluded with public views from outside of the site limited to the entrance into the sports ground from Halsdon Avenue, such that it is considered that the site would be able to accommodate a building of this size, design and form without significantly impacting on the visual amenity of the area.

The proposed development is in accordance with the development plan with regard to design, landscape and visual impact.

Transport and Access:

Strategy 5B (Sustainable Transport) of the EDLP (2016) 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 EDLP (2016) 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.

Policy TC4 (Footpaths, Bridleways and Cycleways) of the EDLP (2016) states that development proposals will be required to include measures to provide, improve and extend facilities for pedestrians and cyclists commensurate with the scale of the proposal. Policy TC7 (Adequacy of Road Network and Site Access) of the EDLP (2016) states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy TC9 (Parking Provision in New Development) of the EDLP (2016) states that spaces will need to be provided for parking of cars and bicycles in new developments. All small scale and large scale major developments should include charging points for electric cars.

Policy RC2 (New Open Space, Sports Facilities and Parks) of the EDLP states that proposals will be permitted where the proposed road access to the site provides for safe exit and entry and the local road network can safely accommodate the extra traffic the proposal would generate.

Para 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Owing to its location with the BUAB of Exmouth, the site is considered to be located in a sustainable location where users of the facility will be able to travel via a variety of sustainable modes of transport including walking and cycling, noting the site's proximity to residential areas of Exmouth, links to the town centre and the nearby Exe Estuary cycle path to the west. The development makes provision for external cycle storage which would encourage this mode of transport to access the venue. The requirement to provide and retain cycle storage facilities will be the subject of a condition.

The County Highway Authority have given this application careful consideration noting the significant concerns that have been raised by the local community in respect of traffic and parking. This included the submission of a Technical Note, in response to a number of queries raised to allow the County Council to have a better understanding of the operation of the development proposed, and its impact on existing activities.

The Gross Floor Area (GFA) of the building has since been reduced, the initial mezzanine floor initially proposed as part of the development has been removed, with the GFA of the building now being 550sqm and therefore provides more limited spaces for classes and lessons to be practised. The applicant has also confirmed that no major events will take place at the venue – this can be suitably conditioned.

It has been clarified that the parking area that forms part of the proposal will be accessible to all visiting parties including visitors associated to football activities on the respective adjacent pitches. Consideration has to be given of the existing circumstance, where currently there are no recognised formal parking areas for people attending for football or such purposes. DCC are aware and acknowledge that the approach roads as a result sees informal on street parking which has led to parking issues during these times.

However, given what has since been confirmed, whilst the proposal would bring about additional vehicle movements to and from the site, it will also now provide a formal and recognised parking area for all users to have access to. Furthermore, there is an opportunity to make, for example visiting football teams aware that formal parking is available during match days that could be promoted and advertised out through a Travel Plan as part of a condition which will give parties an incentive to park in the designated area.

Some visiting parties to the gym also have the opportunity to travel by sustainable means. The proposal would see the delivery of a cycle parking area, which for clarity

would need to be secure and sheltered to further promote this mode of travel. It has also come to our attention that the club has acquired a minibus that could also help alleviate the parking demand associated to this proposal especially when days where anticipated larger visitor numbers may be expected. The proximity of the site can be considered as sustainable, with options for people to travel by other modes, in particular on foot or through cycling.

DCC do accept that there are likely to be times during peak visiting to the area when the designated parking area will be at capacity and as a consequence parties visiting by vehicle would subsequently park on the immediate private road and public highway, but notwithstanding, this is already an existing situation where a view must be taken whether the development proposed would materially exacerbate the issue. On balance, and with the revised submission of detail and supporting information in mind, it is the view of DCC that there is now no overriding evidence to suggest that the proposal would be in conflict of the relevant policies that would warrant a recommendation to refuse the application.

There is already a constrained informal parking situation that is brought about by parties parking informally on the highway and private approach roads, sometimes inconsiderately, yet saliently there is no designated parking area to accommodate these visitors where parties have become accustomed to looking for an on-street parking area. The provision of a new formal parking area for all parties however, as well as sustainable travel modes as mentioned above is likely to bring about people intending to park in the formal parking area instead and, with the opportunity to promote and encourage people to park at this location as an alternative is likely to see less frequent on street parking. However, it would be a matter for EDDC to determine how, the future ability for the parking area to be for dual use is secured, through planning condition,

With the above in mind and taking into account relevant policies, based on the revised information produced. The County Council's previous stance of a recommendation for refusal has been withdrawn subject to a number of conditions that require the submission of a Travel Plan that includes provisions to ensure that on site vehicle parking facilities are made available for shared use by the football club, the provision of cycle storage, EV charging points a Construction Traffic Management Plan and the applicant entering into a Unilateral Undertaking to confirm that the car parking would be shared by all users of the site at all times.

In the absence of an objection from the County Highway Authority to the application and subject to conditions, it is considered that the proposal complies with the provisions of policies TC7- Adequacy of Road Network and Site Access and policy RC2 (New Open Space, Sports Facilities and Parks) of the East Devon Local Plan 2013-2031).

Residential Amenity:

Section 12 (Achieving Well-Designed Places) of the NPPF (202) outlines that planning policies and decisions should ensure that development create places with a high standard of amenity for existing users.

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that development should 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 results in unacceptable levels of pollution including smell, fumes and dust; pollution of surface or underground waters; noise; vibration; light intrusion and fly nuisance

Policy RC2 (New Open Space, Sports Facilities and Parks) states that proposals will be permitted where they do not unduly affect the visual and physical amenities enjoyed by adjoining residential areas.

A significant amount of local objection and concern has been raised to this proposal on the grounds of noise and disturbance and lack of parking and the impacts on residential amenity arising from introducing a new leisure use onto the sports ground site.

It is recognised that the introduction of a new boxing gym facility on this site would result in a degree of additional impact and harm to the residential amenities of the occupiers of the properties along Halsdon Avenue and Belle Vue Road who occupy an elevated position over the sports ground with a rear outlook from properties and gardens over the site. The introduction of a new facility with car parking would increase the levels of activity on the site, increase the number of comings and goings and introduce a formalised parking area within the site. The intensification of the site's use combined with its use by local football teams and the introduction of a new leisure use on the site does have the potential to impact on the residential amenities of the occupiers of surrounding properties and Council officers have been working with the applicants to reduce the impacts of the scheme to an acceptable level in planning terms.

It should be noted that the applicants have significantly reduced the scale of this proposal since the original submission by removing a first floor and limiting the gym to single storey only. The reduced capacity of the building limits the space to a boxing training facility only with some functional space rented out to local groups. The original submission also suggested that the proposal would provide a venue with the potential to host large championship events with a national draw in attracting high level amateur boxing competitions. The original design of the building reflected this through its two-storey design (with a mezzanine floor) to allow birds eye view of the rings below. Understandably this raised significant local concern in respect of a significant intensification in the use of the site, traffic and parking and noise and disturbance from the comings and goings of spectators, most likely in the evening when such events are commonly held.

Amendments to the proposal have significantly reduced the size and scale of the building and the floor space provided for boxing and gym related activities and a letter has been received from the boxing club which confirms that there would be no boxing shows at the site, that the club already has a venue for its shows and has no intention to use the proposed facility for that purpose.

It is accepted that the amended design and reduced floor space limits the capacity of the building to a boxing training facility only with functional gym space to rented out to local groups which does limit the amount of activity that would take place on the site and within the building. Notwithstanding the amendments to the scheme, it is still necessary to assess the impacts of the proposal on the residential amenities of the occupiers of surrounding residential properties, noting the existing relationship between the sports ground and the residential properties on Halsdon Avenue and Belle Vue Road which have rear outlooks across the site and the residential properties on Halsdon Avenue who share a close relationship with the vehicular access into the site.

Physical Impact:

It is accepted that the proposed building and car park on this site would be visible from a number of residential properties and gardens who have a rear outlook onto this site. These properties are located at the top of a steep embankment and occupy a significantly elevated level above the application site and the site of the boxing club building.

The character of the site would change through the introduction of a new building and the car parking area however given the distance between the neighbouring properties and the site, it isn't considered that the building would result in any significant harm in terms of its physical impact. The cross section drawings provided demonstrate that the building would be significantly lower than the embankment against which it would be positioned which would seek to reduce any physical impact arising to an acceptable level. Residential properties most affected by the development would be to the east and south east however given the difference in levels, the mono pitched roof design whereby the building would reduce in height towards the boundary, it isn't considered that an objection could be sustained on the grounds of the building being unduly overbearing or over dominant. It would not result in any overlooking or loss of privacy or any loss of light.

Outlook from the rear of residential properties to the north and south would change where the building would present its side elevation which would reach a maximum height of 6.3 metres however given the distance of over 25 metres between the rear of the building and the rear the boundaries of the gardens on Belle Vue Road and Halsdon Avenue, the difference in levels and the intervening embankment which is higher than the proposed building, it isn't considered that this would result in any significant harmful impact .

Traffic and Parking:

The impacts arising from increased traffic and parking on the site have been comprehensively addressed in the highways section above.

Noise:

The Council's Environmental Health Officer originally raised concerns regarding the close proximity of the development to existing noise sensitive dwellings and their amenity space and that the noise impacts from the introduction of the new building has not been assessed.

The EHO recommended that the applicant undertakes a BS4142:2014+A1:2019 noise assessment be undertaken in order to determine the likely noise impact from the development on nearby noise sensitive dwellings including external amenity areas when measured against the current background sound levels. It was advised that the assessment must have regard to Pro PG: Gym Acoustics Guidance 2023 and that the purpose of the noise assessment is to determine whether or not residents are likely to be adversely affected by noise from the introduction of the new building.

The applicants commissioned a noise assessment which has been considered by the EHO who has raised no objections to the findings of the report. The EHO's comments on the NIA are as follows:

I am satisfied that the NIA (Ref:AS13190.230815.NIA) used the correct guidance documents (BS4142:2014+A1:2019 & ProPG: Gym Acoustics Guidance 2023) to assess the potential noise impact of the development.

The National Planning Policy Framework (2024) [NPPF] outlines the requirements for the planning system in reducing the impact from noise pollution from new developments and therefore, when considering the application, the guidance forms a material consideration when making any decisions. Within Paragraph 187 e) of the NPPF, it's clear that in the granting of any permissions, we should aim to prevent noise sensitive receptors (NSRs) from being adversely affected by unacceptable levels of noise.

Paragraph 191 of the NPPF details that, 'planning decisions should ensure that new developments are appropriate for their location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to any negative impacts that could arise from the development. Forming part of the NIA an Environmental Sound Survey was carried out which established the current soundscape for the area. I am satisfied that the soundscape identified local noise sources.

The Noise Policy Statement for England (NPSE) provides further clarity regarding current policies and practices as well as introducing the concept of 'effect levels' that relate to the impact of noise. The aims of these effect levels are to avoid significant adverse impacts and mitigate and minimise any adverse impacts on health and quality of life.

The Planning Practice Guidance on Noise (PPGN) is the current UK government guidance that supports the National Planning Policy Framework in helping local planning authorities consider noise in the planning process. It goes further than the

Noise Policy Statement for England which provided clarity regarding current policies and practices as well as introducing the concept of 'effect levels' that relate to the impact of noise.

The classifications of effect levels are:

- No Observed Effect Level (NOEL)
- No Observed Adverse Effect Level (NOAEL)
- Lowest Observed Adverse Effect Level (LOAEL)
- Significant Observed Adverse Effect Level (SOAEL)

Through the analysis of the applicants NIA the typical background sound level for the area is 33 dB (LA90) during the daytime and 26 dB (LA90) during the night. Environmental Health recommendations aim to mitigate and reduce to a minimum any potential adverse impacts resulting from development noise and avoid any noise giving rise to significant adverse impacts on health and the quality of life.

e and avoid any noise giving rise to significant adverse impacts on health and the quality of life.

Therefore, noise emissions from any fixed plant can be controlled by a planning condition as follows:

- The specific noise level of any fixed plant or equipment installed and operated on the site must not exceed 26dB (LAeq 15min) when measured or predicted at the boundary of any noise sensitive property between the hours of 23:00 until 07:00 and must not exceed 33dB (LAeq 60min) when measured or predicted at the boundary of any noise sensitive property between the hours of; 07:00 until 23:00. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

This will offer sufficient control over any fixed plant noise ensuring that the effect level NOAEL is met.

To ensure that the impact of any noise breakout is minimised the applicants NIA has detailed the required level of sound insulation to the buildings fabric. In considering this, I am satisfied that the buildings fabric will offer sufficient control over any noise breakout ensuring that the effect level NOAEL is met.

In meeting the classification 'No Observed Adverse Effect Level' in relation to noise it is unlikely that residents are likely to be adversely affected by noise from the introduction of the boxing gym and community sport building.

The proposed operating times for the development are during the daytime only; Monday to Saturday 08:00 – 22:00 hrs and 09:00 – 20:00 hrs on Sundays and Bank Holidays and therefore, night-time noise levels have not been considered (for noise breakout).

The report identifies that the proposal includes the installation of an air handling, heating and ventilation plant which would be positioned externally at the rear of the

building. The EHO has advised that a condition that controls the noise of any fixed plant or equipment along with the submission of a sound mitigation scheme would be required to ensure that low frequency noise does not impact on the amenity of surrounding residents.

To address additional impacts arising from intensification of the use of the site and the introduction of a new boxing club facility and parking, the EHO has also recommended a condition that requires the submission of a Noise Management Plan (NMP) to be implemented and operated during the hours of operation on the premises.

The NMP is essentially required to detail the methods by which the gyms management will systematically assess, reduce and prevent any excessive noise emissions from the premises, through operational managerial techniques and abatement technologies. It is suggested that the NMP would identify and employ appropriate measures to minimise the generation of noise from the premises and will additionally include:

- The control of noise from the use of audio equipment at source by good operational practices through staff training.
- Ensuring that all external doors are kept shut at all times when the premises is being used. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.
- Clear and legible notices must be prominently displayed in the car park area requesting customers to respect the needs of local residents and enter and leave the area quietly.

On balance, whilst it is accepted that the introduction of a new boxing club facility on this site would result in additional impact to residential amenity beyond that of its existing use for football, having regard for the significant reduction in the size and scale of the building, confirmation that it would not be used for large scale events (which will be the subject of a condition) and the conditions recommended by the Council's EHO in respect of the noise mitigation for external plant and machinery, a noise management plan and a lighting scheme, it isn't considered that the proposed development would result in significant harm to residential amenity to sustain an objection. Further conditions will be imposed which controls the hours of use of the facility to between the hours of 08:00-22:00 hours Monday to Friday and 09:00-20:00 hours Sundays and Bank Holidays. A further condition will be imposed requiring the submission of a lighting scheme.

In the absence of an objection from the EHO and subject to the above conditions, it is considered that the proposals comply with policies D1, EN14 and RC2 of the Local Plan.

Impact on Sports Pitches:

Para 104 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;
- b) or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;
- c) or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Policy RC1 - Retention of Land for Sport and Recreation of the Local Plan states that proposals that would result in the loss of open space currently or previously used for recreation and/or sports uses, play areas or playing fields will not be permitted unless:

- 1. Alternative provision of equivalent community benefit is made available and will be appropriately laid out by the applicant as a replacement.
- 2. Or 2. Sports and recreational facilities can best be retained and enhanced through the redevelopment of a small part of the site.
- 3. Or 3. Locally there is an excess of public open space, children's play areas or sports pitch provision in the area as the case may be.

As the site is considered to constitute a playing field, or land last used as playing field, the proposal requires statutory consultation, under the terms of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Sports England originally objected to the application due to the red line shown on the location plan including part of the playing field and as plans were submitted which showed a soil bund being created in the playing field.

Amended plans were received clarifying these points and the views of Sports England and Devon County Football Association/Football Foundation were sought. They have advised that there will be no negative impact on the playing field/existing or proposed football pitch layouts.

Given the above, Sport England raises no objection to the application because it is considered to accord with exception 3 of their Playing Fields Policy and paragraph 104 of the NPPF.

Arboricultural Impact:

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that development should not adversely affect trees worthy of retention.

Policy D3 (Trees and Development Sites) states that 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.

The application is accompanied by a tree report which has been considered by the Council's tree officer who raises no objections to the proposal.

The report identifies that the proposed new boxing club is located on the eastern side of the sports ground. It comprises an area of flat ground between the existing vehicular turning head, the southern football pitch, and the embankment which runs around the eastern boundary of the site.

The main section of the area demarcated for the facility features no trees however, the embankment is well vegetated. The report identifies the majority of the trees comprise area A1 which consist of middle aged stems include Elm, Goat Willow, Elder, Sycamore and Buddleia, most or all of which are likely to be naturally regenerated. The condition of these trees is variable, and whilst there are few, if any, trees which are of individual merit, collectively they form a reasonable landscape feature with habitat potential; on this basis, the area is considered to be a British Standard 5837:2012 category B feature.

The report concludes that the proposals remain entirely outside of the identified rooting constraints and whilst minor lateral reduction of the trees towards the foot of the bank is recommended, this will not have any significant detrimental impact on the trees' collective condition or visual amenity value.

The Council's tree officer has considered the proposals and raises no arboricultural concerns as the proposals allow for the retention of all trees with a negligible risk of any harm as a consequence of construction activities. The site layout is therefore considered to be sustainable from an arboricultural perspective. It is suggested that any planning approval should be subject to a pre-commencement condition for the submission of a landscaping plan detailing the planting of and establishment of new trees and shrubs on the site and compliance with the submitted Arboricultural Method Statement and Tree Protection Plan.

The development would comply with Policy D3 (Trees and Development Sites) of the Local Plan.

Drainage and Flood Risk

Policy EN21 (River and Coastal Flooding) of the EDLP (2016) states that a sequential approach will be taken to considering whether new developments excluding minor developments and changes of use will be permitted in areas subject

to river and coastal flooding. Wherever possible, developments should be sited in Flood Zone 1.

Policy EN22 (Surface Run-Off Implications of New Development) of the adopted Local Plan (2016) 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.

The NPPF (2023) states at Paragraph 168 that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

The entire of the site is within Flood Zone 1 and is therefore at very low risk of flooding. All new development will be sited within Flood Zone 1.
The application is accompanied by a surface water and foul drainage scheme.

The report identifies that following inspection of the drainage system, it was established that a surface water drainage system currently discharges surface water from the access road to Withycombe Brook.

The ground investigation works have established that the Site is underlain by a layer of made ground comprises of compacted clay and mudstone which has been proven and recorded as a landfill. Officers accept that it is therefore inappropriate to utilise infiltration techniques in this instance.

In accordance with the drainage hierarchy the surface water drainage strategy therefore comprises of the installation of a new surface water drainage system that disposes of surface water to the Withycombe Brook via the existing private surface water drain serving the site. As Withycombe Brook is tidally influenced at the point of discharge there are no requirements to restrict the surface water flows or volumes discharged from the site. The surface water drainage system would include tanked permeable paving for the area of proposed car parking to provide water quality improvements.

The drainage strategy has been considered by the County Council's Lead Local Flood Authority who have advised that the applicant would need to demonstrate that the proposed surface water drainage system has sufficient capacity to store the volume of surface water generated during tide locked situation. Model output results would need to be submitted for review. The applicant would also need to provide the details to demonstrate the surface water from the car park tanked paving is connected into the surface water system. No objections to the principle of the drainage scheme have been raised by the LLFA but is considered necessary to impose a condition that requires the submission of a detailed drainage design which covers proposals for the management of surface water and silt runoff during construction, proposals for the adoption and maintenance of the permanent surface water system.

In respect of foul drainage, it is reported that the site does not currently benefit from a foul water drainage system and therefore it is proposed to construct a new foul water drainage system with foul flows discharge to an existing South West Water foul sewer located within Halsdon Avenue.

The applicant has advised that they have the right to connect into the private drainage and it is noted that South West Water have not commented on the proposal. In principle it is considered that the proposed foul drainage scheme is acceptable.

Subject to conditions that require the submission of a detailed surface water and foul drainage scheme, it is considered that the proposals comply with the provisions of policy EN22 and EN19 of the Local Plan.

Contaminated Land:

Policy EN16 – Contaminated Land of the Local Plan states where it is anticipated that contamination may be present on or near to a development site, a contaminated land assessment will be required. The assessment must be agreed with the Council and must:

- a) Identify and characterise the contamination;
- b) Identify the risks; and
- c) Identify remediation and/or mitigation measures. Where identified as necessary, the agreed measures must be taken to remediate the site prior to or during the development.

Development on or in close proximity to active or former waste sites will only be permitted where it can be demonstrated that there will be no harm to future occupiers of the site from leachate or landfill gas or other waste arising.

The Environment Agency have advised that the site is located on an area which is identified to be a historic landfill site. It is understood that the site is located in an area where clay workings were carried out extensively and subsequently infilled. The applicant has recognised this and submitted a Preliminary Risk Assessment & Ground Investigation Report.

Both the EA and the Council's Contaminated Land Officer have considered the report (by Horizon Consulting Engineers dated October 2022) and advise that it includes an adequate assessment of the site and its history and makes appropriate recommendations for the management of the contaminated land for the protection of human health and groundwater.

The report concludes that through ground investigation that made ground was encountered from ground level with landfill material encountered comprising of locally imported soil and stones with frequent evidence of brick, tile, plastic and wood. The fill material was placed directly onto the mudstone bedrock which would have been the base of the clay pit.

The report concludes that based on the results of the ground investigation and laboratory testing to date no specific remedial measures are recommended other than the incorporation of the following into the development:

- Installation of hardstanding as per the development design to reduce risks to human health from direct contact pathways.
- Installation and verification of ground gas protection measures within the new building;
- Installation of barrier water supply pipe; and
- Following the unexpected finds protocol in the event contamination is identified during groundworks.

The report notes that the design of the foundations and sub-structure will have an effect on the risk from ground gas. It advises that the Made Ground (i.e., landfill waste) is not considered to be a suitable-bearing strata in its current condition for piled foundations. If the building is to be piled, these would need to be extended through the Made Ground into the underlying natural ground.

Suspended floor slabs are recommended given the thickness of Made Ground and soft nature of surface soils. The floor slab design should take into account recommendations in relation to ground gas.

The report sets out recommended ground gas protection measures to mitigate against ground gas ingress are installed within the building comprising of the following components:

- Structural barrier of the floor slab;
- A pressure relief pathway formed of low fines gravel terminating in a gravel trench external to the building; and
- A membrane resistant to carbon dioxide and methane.

The floor slab as designed is considered to achieve the required performance of a structural barrier and is to comprise a cast in-situ suspended floor slab with minimal penetrations or equivalent. Where practical, utilities should enter the building above floor level with any conduit or meter housing being properly vented outside of the building.

Both the EA and the Contaminated Land Officer recommend that the Geoenvironmental recommendations detailed within the sites Preliminary Risk Assessment & Ground Investigation report are implemented with this development which can be the subject of an appropriately worded condition considered to be

necessary and reasonable given the findings of the ground investigation and to reduce risks to human health.

In the absence of an objection from the EA or Contaminated Land Officer, it is considered that the proposal complies with the provisions of policy EN16 of the Local Plan.

Ecology:

Strategy 47 (Nature Conservation and Geology) of the Local Plan states that all development proposals will need to conserve the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats; maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features. The aims of this Strategy are reinforced in paras 187 to 188 of the NPPF, 2024.

Policy EN5 (Wildlife Habitats and Features) of the adopted Local Plan (2016) 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. Where potential arises positive opportunities for habitat creation will be encouraged through the development process. Where development is permitted on such sites mitigation will be required to reduce the negative impacts and where this is not possible adequate compensatory habitat enhancement or creation schemes will be required and/or measures required to be taken to ensure that the impacts of the development on valued natural features and wildlife have been mitigated to their fullest practical extent.

Policy PB07 (Ecological enhancement and biodiversity in the built environment) of the Emerging East Devon Local Plan 2020 to 2024 (Regulation 19 Plan February 2025) states that in addition to features required as part of biodiversity net gain, mitigation or compensation, all proposals are required to incorporate features of biodiversity value tailored to the specific proposals, relevant local receptors and in accordance with best practice to maximise potential benefits.. This emerging policy carries limited weight at the time of determination.

Concerns have been raised by the RSPB in relation to potential adverse impacts on wintering bird species that are designated features of the Exe Estuary Exe Estuary Special Protection Area (SPA). The RSPB suggested that the ecological value of the site has not been properly assessed to determine if the sports ground is significant as an area of undesignated habitat such that it that fulfils a role as functionally linked habitat for the SPA.

The applicants commissioned a wintering bird survey a wintering bird survey (South West Ecology, March 2024) which spanned several months, times and various states of high tide which has been considered by the Councils Ecologist. The report concludes that two oystercatchers, wintering birds associated with the River Exe Special Protection Area (SPA)/Ramsar site were recorded on the site in January

2024. These were also noted on the site in January 2023. A single curlew, a notable wetland birds, was also recorded in December 2023.

Officers agree with the conclusions of the report that given the low number of wintering birds present, the site is unlikely to provide a significant resource for overwintering birds associated with the nearby designated sites, e.g., such as functionally linked land. As such, it considered there would be no likely significant impacts on the designated sites arising from the proposed building and parking from noise and artificial light from the boxing club proposal.

Concerns were also raised by third parties regarding the potential impacts on badger sets. The applicant has commissioned an updated badger survey (South West Ecology, May 2024) which identified the locations of two sett entrances located 16 metres east and 31 metres north east from the edge of the proposed development. The report concludes that sett entrances are likely to lead to a tunnel system that runs into the bank rather than down to the location of the proposed development such that physical disturbance to the setts is considered unlikely during the proposed works.

The report concludes that no closure or destruction of the badger setts would be required but that the proposals could result in the disturbance of active badger setts during construction, and that a badger licence from Natural England will be required. Other mitigation measures during construction are also required. The site is considered unlikely to provide a significant foraging resource for badgers, with setts likely to extend into the banked area, rather than below the sports ground.

Licences can only permit someone to 'interfere' with a badger sett for the purpose of development. A licence cannot permit the removal, translocation or killing of badgers for the purpose of development. Interference primarily means anything that might:

- disturb any badger in a sett
- damage or block the tunnels that radiate from a sett's entrances

In this instance there will be noise and vibration disturbance to badgers caused by light machinery to the nearest sett entrance to the east and pile driving to all sett entrances. Therefore, a licence from Natural England to interfere with setts for development purposes.

In these circumstances the Local Planning Authority has a statutory duty under Regulation 3(4) to have regards to the requirements of the Habitats Directive in the exercise of its functions when dealing with cases where a European Protected Species maybe affected.

The species protection provisions of the Habitats Directive, as implemented by the Habitats Regulations, contain three 'derogation tests' which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would otherwise lead to an offence under provisions protecting species in the Habitats Regulations: The Woolley court judgment makes it clear that the Local Planning Authority must apply these same three tests when determining a planning application and that failing to do so will be in breach of the Habitats Regulations.

The three tests are:

1. the activity must be for imperative reasons of overriding public interest or for public health and safety;

In this case it is considered that the imperative reasons of overriding public interest are that the proposal would deliver a new sports facility on an existing recreation ground which would be of significant social, community benefit and which would benefit health and well being.

2. there must be no satisfactory alternative;

The proposal is on an existing sports and recreation site within the BUAB of Exmouth where the provision of new sports facilities is supported in principle by local and national planning policy. No alternative sites have been identified.

3. favourable conservation status of the species must be maintained.

The report concludes that no closure or destruction of the badger setts would be required but that the proposals could result in the disturbance of active badger setts during construction. The Licence is required due to potential disturbance to badgers by work near a sett even if there is no direct interference or damage to the sett. It is noise and vibration disturbance to badgers caused by light machinery to the nearest sett entrance to the east and pile driving to all sett entrances that requires the licence.

Having regard for the above assessment, it is considered that the three tests can be met and that Natural England are likely to grant an EPS licence.

The application is also supported by an Ecology Report (South West Ecology, February 2023) which has been considered by the Council's ecologist who has raised no concerns in respect of impacts on protected species and on the basis that the various recommendations for ecological enhancement which include installation of reptile fencing, the provision of external mounted bat (1) and bird boxes (4) are provided as part of the development.

Subject to a condition that requires the development to be carried out in accordance with Section 5.2 and 5.3 of the Ecology Report (South West Ecology, February 2023) and recommendations within the badger survey report (South West Ecology, May 2024), it is not considered that the proposed development would result in any significant ecological impacts. The proposal would comply with the provisions of Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031.

Planning Balance and Conclusions:

It is a requirement of planning law that planning decisions are determined in accordance with the Development Plan unless material planning considerations indicate otherwise.

The proposal is for a new sports facility which is located within the BUAB of Exmouth and which is considered to be a sustainable development that enhances local sports infrastructure, supports community wellbeing, and aligns with local and national planning policy which as matter of principle supports the provision of new sports facilities within urban areas (policy RC2 and CF3 of the East Devon Local Plan and Exmouth Neighbourhood Plan refers).

The proposal would see the introduction of a new sports building on the existing and well-established Warren View sports ground which has an existing sports and recreational use.

The site is located well within the BUAB of Exmouth and the proposal would be within walking and cycling distance and opportunities for sustainable modes of travel have been fully explored as part of this application which includes the provision of external cycle stores along with the requirement for the submission of a travel plan. The proposal would therefore have support from Strategy 3 of the adopted Local Plan and the NPPF which supports sustainable development, and the development would appear to accord with the overarching principles of delivering sustainable development.

The proposals would also align with the social objective of the NPPF by providing a new sports facility which would increase the opportunities for sport and physical activity which is important for the health and well-being of communities.

Economic benefits would be derived from the proposal during construction, through new job creation for the running of the gym and through income generated through use of the building as a gym outside of boxing club use.

Whilst the proposal would introduce a new sports use onto the site and see an intensification of its use, it is not considered that it would give rise to any significant harm to the character and appearance of the area, ecological or arboricultural impacts. Impacts in relation to ecology and trees, contaminated land, surface water and drainage can be controlled through appropriately worded conditions. The proposals would not result in the loss of any of the playing pitches on the site and would not undermine the future development of football pitches on the sports ground site.

The proposal has been carefully assessed in respect of its impacts on residential amenity and whilst it is acknowledged that the character of this part of the sports ground would change as a result of the introduction of a new building and use, an intensification of the use of the site and a noticeable change to the outlook of a number of residential properties which back onto the site, it isn't considered that harm to residential amenity would be significant that would justify refusal of planning permission or that would outweigh the wider social and health benefits that would be derived from the scheme. The applicants have reduced the size and scale of the proposal whose impacts can be appropriately managed through the imposition of

conditions which control the hours of use of the site, restrict any large scale events, requires the submission and implementation of a noise management scheme and mitigation for external plant and equipment and a lighting scheme.

The highway and parking impacts have been carefully considered by officer and the County Highway Authority. Whilst it is acknowledged that existing use of the site by various football clubs has resulted in the overspill of parking outside of the site onto residential roads which has caused inconvenience and congestion, it isn't considered that this proposal would give rise to any significant highway or parking issues that would justify refusal of the development. The existing site does not have any dedicated or formal parking arrangements and therefore the parking of vehicles on the residential roads surrounding the site which do not have any parking restrictions during training and match days currently falls outside of the control of the LPA and the CHA. It is accepted that there is a pinch point between the access into the site and the spur of the cul-de-sac where Halsdon Avenue ends and that this is where vehicles tend to park so that they are closest to the sports ground which causes congestion through inconsiderate parking and parking across residents' driveways.

This proposal would however introduce 31 car parking spaces onto the site which would be shared between the boxing club and gym and those using the site for football. Whilst the proposal would displace an area of land within the ground upon which vehicles park, the proposal car park would help to alleviate some of the existing parking issues arising from the use of the site. In the event that the football clubs and gym is at capacity at the same time, then it is accepted that vehicles are likely to spill out onto the public highway.

However this is an existing situation that is unlikely worsened by this proposal on the basis that the parking area would be shared and visiting parties, such as that associated to football matches can be informed in advance that a formal parking area is accessible which can be promoted through the Travel Plan.

Furthermore, the site's sustainable location and close proximity to cycle path links into the town and surrounding residential areas along with cycle storage provision, the submission of a travel plan and the boxing clubs recent acquisition of a club mini bus (the use of which cannot be controlled through the planning system or conditions) provides opportunities for alternative modes of travel which is likely to result in less take up of all of the car parking spaces by the boxing club.

On balance, having regard for all of the above, the proposal is considered to represent a sustainable form of development which complies with the Development Plan when read as a whole and the wider sustainability objectives set out within the NPPF. The proposal would provide an asset to the town of Exmouth, in a sustainable location which would enhance community sports provision and be of significant social benefit with positive impacts on community, health and well being which are considered to outweigh the limited harms that have been identified within this report.

The application is therefore recommended for approval subject to the conditions below.

RECOMMENDATION

Approval subject to the following conditions:

1. Time Limit

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. Approved Plans

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. Materials

No development above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the building 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.)

4. Construction Environment Management Plan

Prior to commencement of development a Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority and shall be implemented and remain in place throughout the development.

The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. The plan shall also consider construction vehicle routing and delivery arrangements.

Construction working hours and all site deliveries 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.

The development shall thereafter be carried out in accordance with the approved details.

(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution from the outset (required to be pre-commencement) in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan.)

The conditions should be pre-commencement since it is essential that the proposed details are provided before any construction impacts on the environment commence.

5. Construction Management Plan

Prior to commencement of any part of the site the Planning Authority shall have received and 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; 22/1532/MOUT
- (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 thereafter be carried out in accordance with the approved details.

(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution from the outset (required to be

pre-commencement) in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan.)

The condition should be pre-commencement since it is essential that the proposed details are provided before any construction impacts on the environment commence.

6. Landscaping

Prior to the commencement of development (including demolition and ground works); a detailed landscaping scheme to include all parts of the site not covered by buildings, shall be submitted to and approved in writing by the Local Planning Authority based on the recommendations in Section 5.2 of the Ecology report (South West Ecology, February 2023) Such a scheme shall include the planting of trees, hedges, infill planting, and wildflower planting. The landscaping scheme shall include:

- a) A scaled plan showing the vegetation to be retained, and all new tree and shrub planting
- b) A schedule detailing species, sizes and numbers of all proposed trees and shrubs
- c) Sufficient specification to ensure successful establishment and survival of new planting

The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority. The landscaping shall be maintained for a period of 30 years. Any trees or other plants which die within the first five years shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

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

The condition should be pre-commencement to ensure that the development integrates well with the surrounding environment and maintains the area's character and biodiversity.

Prior to the commencement of any above-ground works, a detailed Landscaping Scheme for Hard Surfacing shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- The layout, materials, colours, and finishes of all hard surfacing areas, including the car park, footpaths, and communal spaces.

- Permeable surfacing solutions where appropriate, to support sustainable drainage.
- Details of any boundary treatments, kerbing, and edge restraints.
- A timetable for implementation and arrangements for maintenance.

The development shall be carried out in full accordance with the approved scheme and maintained thereafter.

(Reason: To ensure a high standard of design, visual amenity, and sustainable surface water management, in accordance with Policy D1 (Design and Local Distinctiveness) and Strategy 5 (Environment) of the East Devon Local Plan 2013-2031).

7. Ecology

The development hereby approved shall proceed strictly in accordance with Section 5.2 and 5.3 of the Ecology Report (South West Ecology, February 2023) and recommendations within the badger survey report (South West Ecology, May 2024). Prior to first use of the building a written record shall be submitted to and approved by the Local Planning Authority to include records of pre-construction badger survey, badger class licence report of action, details regarding the ecological supervised habitat removal and installation of reptile fencing, and photographs of the installed external bat box (Beaumaris Woodstone Bat Box (or similar) and four external mounted bird boxes (Vivara Pro Woodstone House Sparrow Nest Box (double chamber) or equivalent).

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

8. Trees

Prior to the commencement of the development hereby approved (including demolition and all preparatory work), the following tree protection measures as identified in the submitted Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) prepared by Advanced Arboriculture dated 2nd August 2022 ref TH/B391/0722 will have been completed:

- a) The tree protection fencing and / or ground protection shall be in place and in accordance with the agreed specification.
- b) The installed tree protection will have been inspected by an appropriately experience and qualified Arboricultural Consultant, commissioned to act as the project Arboricultural Supervisor.
- c) The findings of the Arboricultural Supervisor's initial site inspection shall be forwarded to the Local Planning Authority prior to the commencement of works on site.

During the development hereby approved, the following tree protection measures identified in the above AMS and TPP will be undertaken:

- d) The AMS and TPP shall be strictly followed.
- e) Ad-hock monthly site inspections shall be undertaken by the project's Arboricultural Supervisor and the finding recorded in the site monitoring log.
- f) Any departures from the approved TPP and AMS 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:

- g) A completed site monitoring log shall be submitted to the Local Planning Authority for 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 2016 and pursuant to section 197 of the Town and Country Planning Act 1990

The condition should be pre-commencement since it is essential that the retained trees are protected before works begin to avoid damage to them.

9. Noise

Prior to the first use of the boxing gym/ gym for training and fitness purposes, a Noise Management Plan (NMP) shall be submitted to and approved in writing by the Local Planning Authority. On written approval of the NMP by the Local Planning Authority, the NMP will be implemented and operated during the hours of operation on the premises. The NMP must detail the methods by which the gyms management will systematically assess, reduce and prevent any excessive noise emissions from the premises, through operational managerial techniques and abatement technologies. The NMP will identify and employ appropriate measures to minimise the generation of noise from the premises and will additionally include:

- The control noise from the use of audio equipment at source by good operational practices through staff training.
- All external doors must be kept shut at all times when the premises is being used. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.
- Clear and legible notices must be prominently displayed in the car park area requesting customers to respect the needs of local residents and enter and leave the area quietly.

(Reason: - To protect the amenity of the residents in relation to noise and disturbance in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan).

The specific noise level of any fixed plant or equipment installed and operated on the site must be designed as part of a sound mitigation scheme to operate at a level of 28 dB LAeq 1hr (5dB below daytime background level 33 dB (LA90T)

07:00 - 23:00) when measured or predicted at the boundary of any noise sensitive property and a night-time level of 21 dB LAeq 15min (5 dB below night-time background level 26 dB (LA90T) 23:00 - 07:00) when measured or predicted at 3m from the facade of any noise sensitive property. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

(Reason: - To protect the amenity of the residents in relation to noise and disturbance in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan).

10. Hours of Use

The use of the boxing gym/ gym for training and fitness purposes hereby approved shall only take place between the hours of 08:00 and 22:00 Monday to Saturday and 09:00 to 20:00 on Sundays and Bank Holidays.

(Reason - To protect the amenity of the area in relation to noise and in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan).

11. Use

The building shall only be used as a boxing gym/ gym for training and fitness purposes and for no other purpose (including any other purpose in Class E of the Schedule to The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

(Reason – To define the permission and to ensure that future use of the building is controlled where other uses within Class E would be inappropriate due to impacts from traffic generation and on residential amenity and to ensure that the social benefits from the proposal are realised in accordance with policies RC2 (New Open Space, Sports Facilities and Parks), TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the Adopted East Devon Local Plan 2013-2031.)

12. Parking and cycle parking

Prior to the first use of the development hereby permitted, details of the provision of covered and secure cycle parking facilities, including the number, type, and location of spaces, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the development being brought into operation and shall thereafter be retained and maintained for that purpose.

(Reason: To ensure that adequate cycle parking is provided to promote sustainable modes of transport and reduce reliance on private vehicles, in

accordance with Policies TC2 (Accessibility of New Development) and TC4 (Footpaths, Bridleways and Cycleways) of the East Devon Local Plan 2013–2031.

Prior to the first use of the development hereby permitted, details of the provision of electric vehicle (EV) charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the number, type, and location of EV charging points, and shall demonstrate that users will have access to appropriate charging facilities. The approved scheme shall be fully implemented prior to first use and retained in perpetuity throughout the lifetime of the development.

(Reason: To promote sustainable modes of transport and reduce carbon emissions, in accordance with Strategy 5B (Sustainable Transport) of the East Devon Local Plan 2013-2031).

Prior to the first use of the development hereby permitted, the car park shall be laid out and made available for use for the parking of cars, in accordance with the details hereby approved. The car park shall thereafter be retained and maintained for that purpose.

(Reason: To ensure that adequate car parking is provided to minimise on street parking in the interest of the safety and convenience of users of the highway in accordance with Policies TC9) (parking provision in new development) and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013–2031.

13. Lighting

Prior its installation, a lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme must comply with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The scheme must cover the impact of the lighting both internal (due to the glazing) and external on the nearest sensitive receptors including the provision of any mitigation (shielding) measures. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No lighting shall be provided within the site that does not accord with the approved scheme.

(Reason: To avoid light pollution and to avoid light pollution being detrimental to the amenity of local residents in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan.

14. Surface Water Drainage

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

(a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy (Report Ref.1010.FRA, Rev. - , dated 18th Oct. 2022) prepared by Horizon Consulting Engineers.

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

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

The development shall thereafter be carried out in accordance with the details under (a) - (c) above and shall be fully implemented prior to occupation of the building hereby approved.

(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 and policy EN22 (Surface Water Implications of New Development) of the East Devon Local Plan 2013-2031).

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

15. Foul Drainage

No development shall commence until a detailed Foul Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the method of disposal of foul water and demonstrate that the proposed system is adequate to accommodate the development without causing pollution or flooding. The strategy shall include evidence from South West Water confirming that there is adequate capacity within the existing network to accommodate the development and a timetable for implementation and arrangements for future maintenance. The approved scheme shall be implemented in full prior to the occupation of any part of the development and shall be retained and maintained thereafter.

Reason: To ensure that adequate foul drainage infrastructure is provided to serve the development and to prevent pollution of the environment, in accordance with Policy EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) of the East Devon Local Plan 2013–2031.

16. Contaminated Land

The development hereby approved shall be carried out in accordance with the Geoenvironmental recommendations and mitigation measures contained within the Preliminary Risk Assessment and Ground Investigation report prepared by Horizon Consulting Engineers dated October 2022 ref HCE1010.

If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until a remediation strategy for the unexpected contamination has been submitted to and approved in writing by the Local Planning Authority.

(Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, residents and other offsite receptors, in accordance with Policy EN16 (Contaminated Land) of the East Devon Local Plan 2013–2031).

17. Travel Plan

Prior to the first occupation of the development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include both hard and soft measures to promote sustainable modes of transport, including walking, cycling, and public transport, as well as targets, monitoring arrangements, and safeguards to assess and ensure its effectiveness. The Travel Plan shall also include a timetable for implementation and ongoing monitoring of travel habits.

The development shall not be brought into use unless the approved measures are being implemented in accordance with the agreed timetable, and the measures shall continue to be implemented for as long as any part of the development is used.

The Travel Plan shall also include provisions to ensure that on-site vehicle parking facilities are made available for shared use by football clubs or other community sports organisations that regularly use the site and adjoining recreational land, in order to maximise efficient use of land and support community access and detail how it will be advertised/promoted to parties so they understand facilities are for shared use.

(Reason: To promote sustainable travel choices, reduce reliance on the private car, and ensure efficient use of shared community infrastructure, in accordance with Policies Strategy 5B (Sustainable Transport), TC2 (Accessibility of New Development), and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013–2031).

18. Large Scale Events

The premises shall be used solely as a boxing club/gym for training and fitness purposes and shall not be used for the hosting of public events, or any other activities involving spectators who are not members of the facility.

‘Member’ is defined as individuals who have completed a membership application and paid the required membership fee. The boxing club/gym for training and

fitness purposes, shall maintain an up-to-date register of all members which shall be made available for inspection by the local planning authority upon request.

(Reason: To ensure the use remains compatible with the surrounding area, to protect the amenity of nearby residents, and to avoid adverse impacts on local infrastructure, in accordance with Strategy 6 (Development within Built-up Area Boundaries), EN14 (Control of Pollution), and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013–2031).

19. Anti Social Behaviour

Prior to first use of the boxing club/ gym for training and fitness purposes, a comprehensive Security and Surveillance Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include:

- A CCTV scheme with a clear Passport for Compliance Document, including an Operational Requirement (OR) assessment, detailing the location, specification, management, and maintenance of all surveillance equipment across the development.
- A Security and Safety Management Plan addressing the management of public and private spaces, access control, lighting, community safety measures, and ongoing site management responsibilities.

The approved strategy shall be implemented in full prior to first use and maintained thereafter for the lifetime of the development.

(Reason: To help prevent and detect crime, disorder, and anti-social behaviour, and to promote a safe and secure environment for all users, in accordance with Strategy 4 (Balanced Communities) and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031).

NOTE FOR APPLICANT

Informative:

Confirmation - No CIL Liability. This Informative confirms that this development is not liable to a CIL charge.

Biodiversity Net Gain Informative:

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 exemptions 1 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.

Plans relating to this application:

ECOLOGY Ecological Assessment 07.07.23

REPORT

TREE SURVEY	Other Plans	07.07.23
22.013.04PL E & Site Plan	Location Plan	17.05.24
13190.230817.NI A	Noise Impact Assessment	17.05.24
Badger Sett Assessment	General Correspondence	17.05.24
Wintering Birds Survey	Protected Species Report	17.05.24
22.013.04PL.M	Proposed Site Plan	30.04.25
22.013.05PL E	Proposed Combined Plans	09.12.24

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:

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

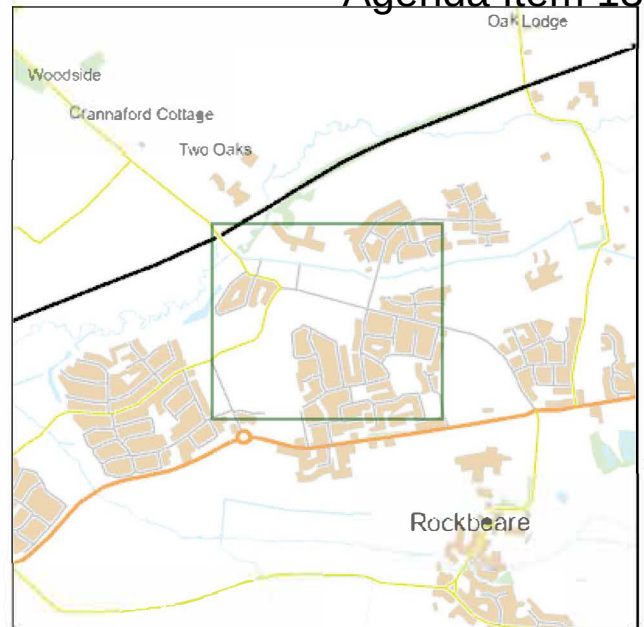
Ward Cranbrook

Reference 23/0511/MFUL

Applicant Halland Land Management Ltd

Location Land To The South Of Tillhouse Road
Cranbrook

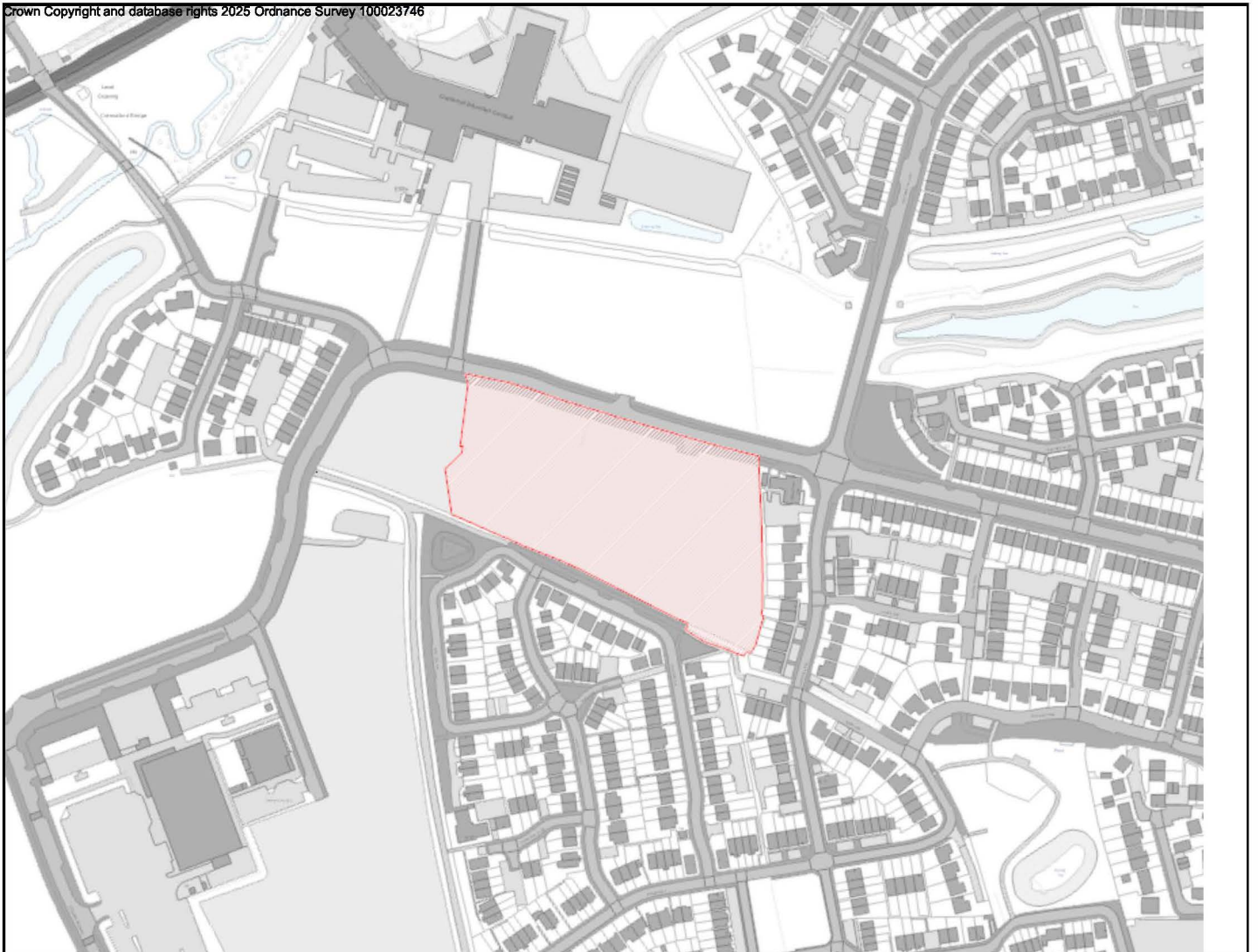
Proposal Full planning permission for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities)



RECOMMENDATION:

- a) **ADOPT** the Appropriate Assessment (as set out in Appendix 1).
- b) **APPROVE** the application subject to a S106 Legal Agreement and Conditions (final wording delegated to the Development Manager).

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		Committee Date: 15.07.2025
Cranbrook (Cranbrook)	23/0511/MFUL	Target Date: 13.07.2023
Applicant:	Hallam Land Management Ltd	
Location:	Land To the South Of Tillhouse Road Cranbrook	
Proposal:	Full planning permission for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities)	

RECOMMENDATION:

- a) **ADOPT** the Appropriate Assessment (as set out in Appendix 1).
- b) **APPROVE** the application subject to a S106 Legal Agreement and Conditions (final wording delegated to the Development Manager).

EXECUTIVE SUMMARY

This application is before members as the recommendation to approve would be a departure from Adopted Policies in relation to planning obligations.

The application site is located to the south of Tillhouse Road within the Town Centre of Cranbrook. The site, known as TC7B, comprises of a 1.63ha broadly rectangular parcel of land and bounded by trees and vegetation along the southern and eastern boundaries.

The application seeks full planning permission for the construction of 65 residential dwellings including 4 affordable dwellings, three access points onto Tillhouse Road, pedestrian and cyclist connections to Luccombe Oak, car parking, landscaping and associated infrastructure.

The application site is located within the Built-Up Area and Town Centre of Cranbrook whereby residential development is supported. The site was identified for additional residential development as part of the Memorandum of Understanding (MOU) agreed between the Council and the East Devon New Community Partners (EDNCp) (comprised of Taylor Wimpey Developments Limited, Persimmon Homes Limited and Hallam Land Management Limited) in May 2022 to bring forward the delivery of the town centre. The principle of residential development within the Town Centre is also supported by Policy CB8 and Policy CB22 of the Cranbrook Plan (2022).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the presumption in favour of sustainable development as set out in Paragraph 11d) of the National Planning Policy Framework is triggered as the council is unable to demonstrate that it has a 5-year supply of deliverable housing land.

Among the material considerations relevant to this application is the signed Memorandum of Understanding (MOU) dated 11 May 2022, which set out that the East Devon New Community Partners (EDNCp) shall be free to develop parcels TC3, TC5a, TC5b, TC6, TC7a, TC7b (The

Application Site) and TC8b for residential development and only the following additional contributions shall be paid in respect of the Additional Residential Dwellings:

- **£2,551 per Additional Residential Dwelling towards Habitat Mitigation**
- **£1,742 per Additional Residential Dwelling towards additional primary school places**
- **£1,045 per Additional Residential Dwelling towards sustainable travel**
- **£72 per Additional Residential Dwelling towards car sharing schemes and e-bikes.**

The MOU also set out the principle of amending several S106 planning obligations in relation to the transfer of land within the Town Centre, and the payment of financial contributions of more than £3 million for the Town Council Offices, Children's Centre and Youth Centre in lieu of direct delivery by the EDNCp. These financial contributions would at least in part be payable on the grant of planning permission for an 'additional residential permission'. Additionally, the MOU gave the council the option to purchase land within the Town Centre, an option which was exercised with just under 4 acres of land purchased in November 2022. The precise wording of the revised S106 obligations to capture the thrust of the MoU is still under negotiation and delegated authority is sought to finalise these clauses to the Development Manager.

The proposal would result in 65 residential dwellings in a sustainable location. Whilst the overall layout and design of the scheme could have been more distinctive to reflect the town centre location, the proposal would result in a higher density development compared to the rest of Cranbrook, which is supported. As a consequence, the proposed landscaping scheme is more limited than has been achieved on other schemes within the town however new trees, hedgerows and planting are proposed to help soften the overall scheme.

The proposed dwellings would meet the Nationally Described Space Standards. Each dwelling would include private amenity space, and the site is near the Country Park, open and play spaces. The proposal is not considered to result in harm to neighbouring properties and the proposed dwellings would offer good levels of sunlight and daylight for future residents.

The proposal has been assessed in relation to Drainage and Flood Risk, Highways, Land Contamination, Archaeology and Sustainability and is acceptable. Subject to the provisions of a S106 legal agreement, the scheme would connect to the existing district heating network. The proposal would retain existing trees and hedgerows and would include ecological mitigation measures. The proposal would result in a 5.41% increase in habitat units and a 32.46% increase in hedgerow units.

The development would fail to fully comply with several adopted policies such as Cranbrook Plan DPD Policy CB22 in relation to density, adaptable ground floors and contributions required, Policy CB10 in relation to affordable housing, Policy CB20 in relation to unallocated car parking, and East Devon Local Plan Strategy 43 in relation to Open Space Provision. These policy conflicts weigh negatively within the planning balance of the application however the affordable housing and open space requirements and financial contributions were agreed as part of the MOU to unlock the delivery of the town centre. The conflict in relation to density (lower than required by policy), adaptable ground floors, unallocated car parking albeit minor in harm shall form part of the overall planning balance.

The proposed development would result in several public benefits including the delivery of housing including 4 affordable homes which will support the town centre. The consenting of the 'additional residential development' in the town centre also secures the transfer of land in excess of the current requirement for town centre land transfer and for the town council offices, the offer to transfer will be earlier than is currently required. Indeed, if the two outstanding applications pursuant to the original outline planning application for Cranbrook are approved without a deed of variation, the trigger for the delivery of the town council offices

will not be reached. In addition to the offer for land transfer, the granting of 'additional residential development' ensures that financial contributions toward the construction of the Town Council Offices, Children's Centre, Youth Centre and Library are provided by the EDNCp. These facilities will be of great importance to the long-term success of the town and the health and wellbeing of its residents. The proposal would include economic benefits from construction to operation and benefits to local businesses and services by increasing footfall in the Town Centre.

There is clearly a need to balance development which is not fully in accordance with the adopted Local Plan and Cranbrook Plan but still delivering an acceptable form of development, against the need for housing within the district and material considerations which are relevant in the determination of this application.

In this instance and having regard to all planning matters, given the need to bolster housing supply for the longer term, the sustainable location of the site and the wider benefits for the existing and future residents of Cranbrook and surrounding villages as a result of unlocking the town centre for essential commercial, retail and community uses, officers consider that the material considerations in this case would on balance justify a recommendation for approval. Officers acknowledge that there are conflicts with adopted policies, however these conflicts do not result in a development whereby the harm would significantly and demonstrably outweigh the benefits and officers consider that the proposed development would overall align with the principles of sustainable development.

It is recommended that the appropriate assessment is adopted, and that the application be approved subject to a S106 Legal Agreement and Conditions.

CONSULTATIONS

Local Consultations

Cranbrook - Cllr Kim Bloxham – 27 April 2023

I raise concerns about the lack of highway adoption and other items.

Proposed public open space for adoption by the Town Council appears to be inaccessible unless accessed over private land.

Lessons should be learned from previous parcels in Cranbrook regarding refuse and recycling collection arrangements. I am concerned that these plans will lead to future problems with messy areas.

Limited highway adoption isn't acceptable which I believe creates the issues raised above.

Parking restrictions need to be provided on the MLR as we know from experience that rear parking spaces are mostly unused as most people park their cars at the front of properties. This will lead to problems on the MLR.

I would like to see a more imaginative colour palette being used on exterior finishes.

These are my initial concerns and I reserve the right to change my mind should this application come to the planning committee for consideration.

Kim Bloxham

District Councillor
Cranbrook Ward

Clerk To Cranbrook Town Council – 6 June 2025

The Town Council raises No objection to the principle of development but has concerns about the following;

There should be a clear adoption plan indicating agree public open space adoption by Cranbrook Town Council.

The Town Council would suggest that Bin collection points adjacent to plots 109 and 51 and 52 and 63 be removed as the waste team will be collecting from the opposite side for example, plots 104 - 108 and 92 – 97.

The Committee wishes to point out the shortcomings of bin collection points and the experience in the Town to date where badly used BCPs have become unkempt, dirty and verminous. Should this arise in the parcels under consideration the District Council will need to review its policy of refusing to carry out kerbside collections in roads that are not intended for adoption.

The Committee acknowledges that the Local Planning Authority will not permit driveway and garage access from the main Local Route. Whilst the rear parking arrangements brought forward are not ideal the parking spaces do benefit from observation from the rear of the dwellings. However, unless parking restrictions are brought forward along town centre MLRs residents will routinely park along the MLR in front of their homes.

The Town Council would urge the Local Planning Authority to consider parking restrictions such as a Controlled Parking Zone on all town centre applications along the MLR to avoid highway obstruction. It would be more practical if this were to be implemented ahead of occupation of the site.

The Committee is aware that works are due to commence to deliver the previously consented expansion of Basin 2C, the creation of an additional basin in TC7 and the reintroduction of the open drainage ditch that is between TC7 and the existing parcel at Luccombe Oak. These works are not only crucial to Town Centre development but also are extremely important to prevent flooding to existing properties in Luccombe Oak which currently has no drainage protection from surface water from parcels to the east and north. It is hoped that the works proceed as outlined and are not subject to further delay.

Clerk To Cranbrook Town Council – 19 March 2025

The Town Council raised no objection to the principle of the development. The residential and visitor parking is improved as is the parking along the MLR.

There remain concerns about how the bin collection points (BCPs) will work given the experience in the town with BCPs previously that quickly became unkempt and eventually verminous. The limited highway adoption proposed presents conflicts with the ability to offer kerbside collection and therefore consideration might be given to the provision of larger communal bins rather than multiple individual household bins which consist of recycling boxes, gull sacks, food waste bins, garden waste and residual bins.

Consideration should be given towards bringing forward a Controlled Parking Zone (CPZ) to prevent the difficulties with school drop off and pick up encountered nearby in Stone Barton. Work is

underway to bring forward a CPZ at Stone Barton and if successful this will undoubtedly displace school parking to other nearby parcels.

There is a conflict between the two Detailed landscaping Plans which appear to offer different land to the Town Council. This needs to be resolved. A detailed adoptions plan would be helpful and provide clarity.

There needs to be certainty that the approved expansion of basin 2C, the creation of the new basin in TC7 and the reinstatement of the drainage along Luccombe Oak will take place ahead of housing development.

Clerk To Cranbrook Town Council – 31 July 2024

The Town Council Planning Committee is generally content with the proposed revised plans and withdraws its previous formal objection.

The Committee is content with the proposals surrounding future adoption of public open space by the Town Council.

The Committee acknowledges the constraints on kerbside collection of refuse and recycling placed upon it by the limitations of available adoptable highway and acknowledges that the developer has made the best arrangements that it can. Whilst not formally objecting, the Committee wishes to point out the shortcomings of bin collection points and the experience in the Town to date where badly used BCPs have become unkempt, dirty and verminous. Should this arise in the parcels under consideration the District Council will need to review its policy of refusing to carry out kerbside collections in roads that are not intended for adoption.

The Committee acknowledges that the Local Planning Authority will not permit driveway and garage accesses from the main Local Route. Whilst the rear parking arrangements brought forward are not ideal the parking spaces do benefit from observation from the rear of the dwellings. However unless parking restrictions are brought forward along town centre MLRs residents will routinely park along the MLR in front of their homes. Whilst not a part of this application the LPA is urged to consider the inclusion of parking restrictions along the MLR frontages to avoid highway obstruction. (Yonder Acre Way is an example of where these concerns are evidenced).

Whilst not directly related to these applications the Committee is very concerned about the failure to deliver the previously consented expansion of basin 2C, the creation of an additional basin in TC7 and the reintroduction of the open drainage ditch that is between TC7 and the existing parcel at Luccombe Oak. These works are not only crucial to Town Centre development but also are extremely important to prevent flooding to existing properties in Luccombe Oak which currently has no drainage protection from surface water from parcels to the east and south

Clerk To Cranbrook Town Council – 25 April 2023

The Committee resolved to accept the proposed development, general layout and design but to Object to the following key elements:

1. Public open space that is designated on the Landscape Adoption Plan for adoption by the Town Council is mostly inaccessible unless by access over private land. This needs to be resolved either by a redesign or by transferring the proposed POS to the householders.
2. Refuse and recycling collection arrangements are unacceptable and will undoubtedly lead to the creation of unsightly and unclean bin collection areas as has been the experience in the town to date where similar arrangements were put in place.

3. The limited highway adoption proposals are not acceptable and directly lead to the two issues described at points 1 and 2 above.

4. Rear parking arrangements for properties along the Main Local Route will lead to on-street parking obstructing the MLR unless parking restrictions are put in place.

5. House types provide limited variation in design and colour palette

Summary of Technical Consultations (Full Responses in Appendix 2)

DCC County Highways	No objection - DCC recommends that the LPA implement a condition to ensure highway mitigation on the MLR at access points to promote speed reduction, as there are no material changes in the additional information submitted, and internal matters like crossing points and lighting can be agreed at the detailed design stage.
DCC Historic Environment Officer	No objections and no further mitigation required.
DCC Flood Risk	No objection - A condition should be included to prevent development until Pond 2C is fully confirmed and a condition is required for a detailed design of the surface water drainage system, tree pits, permeable paving, maintenance details, exceedance routes, and construction stage drainage.
DCC Education	No Objection - Requested contributions of £1,742 per Additional Residential Dwelling to be paid towards provision of additional primary school places.
EDDC Housing Enabling	The amended plans now allocated plots 56 – 59 as the affordable units. These are now 3-bedroom, 5 person houses which is an improvement on space standards.
EDDC Landscaping	Concerns about overdevelopment, poor residential amenity, inadequate tree and planting provisions, and insufficient pedestrian access, recommend a redesign to address these issues and ensure compliance with landscape design standards. Recommended conditions should a satisfactory layout be submitted.
EDDC Trees	There are no discernible changes from previous plans, and previous comments still apply regarding the southern boundary and landscape plans, including shading issues and inadequate soil volume.
EDDC Waste and Recycling	Bins can be collected from the rear lanes if they're placed accessibly, the lanes are wide enough for lorries, and the surface is suitable for heavy vehicles.
Environmental Health	No objection.
Contaminated Land Officer	No objection - Recommended a Remediation Strategy Condition.
EDDC District Ecologist	No objection - Private on-plot grassland habitats cannot be included in BNG calculations due to legal constraints, while private gardens, considered low distinctiveness habitats, can contribute to BNG scores without needing legal security, though trees in private gardens are excluded from BNG but may serve other purposes.
Police Architectural Liaison Officer	Concerns with the excessive accessible space to the rear boundaries of plots (49-63 and 109-113).
Exeter & Devon Airport	No safeguarding objections.
Devon & Somerset Fire Rescue Service	No observations.
Natural England	No objection subject to securing appropriate mitigation.
National Highways	No objection as the traffic impact on M5 J29 is deemed acceptable. National Highways initially recommended non-determination to assess traffic impact, but

	later accepted that the current application would not severely impact M5 J29, considering cumulative impacts of wider Cranbrook development.
Network Rail	Network Rail continues to have concerns regarding development around Crannaford level crossing and the significant increase in its usage that developments will generate.
National Grid	No objection - There are no National Grid Electricity Transmission assets affected in this area.
Environment Agency	No objection - We were consulted by the Health and Safety Executive business support team on this application. However, we have no objection to the proposal.

POLICIES

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Government has issued the National Planning Policy Framework (NPPF) (updated February 2025) which sets out the Government's planning policies for England and how these should be applied and is a material consideration in the determination of this application.

The Cranbrook Plan Development Plan Document was adopted in October 2022 and for sites within the Cranbrook Plan Area, supersedes a number of Local Plan Policies in part and/or in full. Strategy 12 of the East Devon Local Plan 2013-2031 has been superseded in full and is no longer relevant to development at Cranbrook.

Cranbrook Plan DPD

CB1 (Cranbrook Health and Wellbeing)
CB6 (Cranbrook Infrastructure Delivery)
CB8 (Cranbrook and Broadclyst Station Built Up Area Boundaries)
CB10 (Cranbrook Affordable Housing)
CB12 (Delivering Zero Carbon)
CB14 (Delivery of Suitable Alternative Natural Green Space)
CB16 (Amenity of Future Occupiers)
CB19 (Plug-In and ultra-low Emission vehicle charging)
CB20 (Parking at Cranbrook)
CB22 (Residential Development in the Town Centre and Neighbourhood Centres)
CB26 (Landscape, Biodiversity and Drainage)

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)
Strategy 3 (Sustainable Development)
Strategy 37 (Community Safety)
Strategy 43 (Open Space Standards)
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)
EN5 (Wildlife Habitats and Features)
EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)

EN14 (Control of Pollution)
EN16 (Contaminated Land)
EN22 (Surface Run-Off Implications of New Development)
TC2 (Accessibility of New Development)
TC4 (Footpaths, Bridleways and Cycleways)
TC7 (Adequacy of Road Network and Site Access)

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP01 (Spatial strategy) Draft
Strategic Policy DS01 (Design and local distinctiveness) Draft
Strategic Policy PB01 (Protection of internationally and nationally important wildlife sites) Draft
Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport) Draft
Strategic Policy AR01 (Flooding) Draft
Strategic Policy CC02 (Moving toward net-zero carbon development) Draft
Strategic Policy SP07 (Delivery of infrastructure) Draft
Policy OL07 (Contaminated land) Draft
Policy OL09 (Control of pollution) Draft
Policy OS02 (Sport, recreation and open space provision in association with development) Draft
Policy PB07 (Ecological enhancement and biodiversity in the built environment) Draft
Policy PB08 (Tree, hedges and woodland on development sites) Draft
Policy HE04 (Archaeology and Scheduled Monuments) Draft

Government Planning Documents

National Planning Policy Framework 2024 (as amended)
National Planning Practice Guidance

OFFICER REPORT

SITE LOCATION

The application site is located to the south of Tillhouse Road within the Town Centre of Cranbrook, East Devon. The site, known as TC7B, comprises of a 1.63ha broadly rectangular parcel of land and is currently used for a mixture of uses including as storage, construction compound and parts of the site are unused. The site is bounded by trees and hedgerows along the southern and eastern boundaries. The site is located approximately 45m from the junction between Tillhouse Road, Rush Meadow Road, Yonder Acre Way and Kingfisher Rise and is to the north of Luccombe Oak.

The application site is not located within a Conservation Area and there are no Listed Buildings on or adjacent to the site. There are 5 TPO protected trees around the perimeter of the site.

The site is located to the north east of the central part of the town centre where the shops, supermarket and nursery are located. The wider area includes the additional parcels of town centre land as well as the Cranbrook Education Campus, future open and play spaces and existing residential dwellings.

PLANNING HISTORY

The site has the following relevant planning history:

- 03/P1900 | A new community comprising up to 2,900 residential dwellings; a town centre and a local centre including retail, residential and employment; assembly and leisure uses;

non-residential institutions (including two primary schools and one secondary school); sports and recreation facilities; a country park; a railway station; landscaping; engineering works; associated infrastructure; and car parking for all uses | APPROVAL (29 October 2010)

The following applications are relevant to this application:

- 23/0554/MFUL | Full planning permission for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities) | Parcels TC3 And TC8b Land Off Court Royal And Badger Way Cranbrook | PENDING CONSIDERATION
- 22/2354/MFUL | Development of residential dwellings and associated car parking, roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities) | Parcels Tc5a, Tc6 & Tc7a Tillhouse Road Cranbrook Town Centre | PENDING CONSIDERATION
- 22/2306/MRES | Application seeking approval of the reserved matters (access, appearance, landscaping, layout and scale) for the construction of 31 dwellings including affordable housing, parking, roads, footpaths, landscaping, open space, associated site infrastructure, and all other associated works (including ground modelling and utilities). This is a subsequent application in respect of outline permission 03/P1900 which was accompanied by an Environmental Statement and seeks the discharge of the relevant conditions of the outline permission (6, 11, 14, 17, 20, 21, 22, 23, 24, 28, 36 and 37). | Land To The North Of Tillhouse Road Cranbrook Town Centre Devon | PENDING CONSIDERATION

BACKGROUND TO CRANBROOK'S TOWN CENTRE

The original application for Cranbrook (ref. 03/P1900) was granted in October 2010 for the new community of Cranbrook comprising up to 2,900 residential dwellings and including a town centre. The location of the town centre was identified within the Development Framework Plan and the Section 106 Legal Agreement (known as the S106 agreement) defined the Town Centre and required the Town Centre Land to be identified and marketed. The S106 agreement also required the construction of 5 High Street Units as well as other community and Town Council facilities within the Town Centre.

Application 13/1752/MFUL was approved in November 2014 for an additional 587 dwellings bringing the total number of dwellings to just under 3500 dwellings. This application resulted in an amendment to the Town Centre Land identified within the Development Framework Plan to reflect the updated town centre boundary, moving it to its currently identified position.

Within the Town Centre, the Cranberry Farm pub opened in early summer 2017 and in late summer 2022, construction started on the Morrisons Supermarket, Children's Nursery, Town Square and Phase 1 of the High Street retail/commercial units with residential apartments above. At present, five high street units are occupied and open with the other units in the process of being let and/or fitted out, 17 residential apartments are now occupied, and the Morrisons Supermarket opened in December 2024. An opening date for the nursery is not yet known, although the building is externally complete.

The need to deliver the town centre of Cranbrook is of ever-increasing importance to ensure that existing and future residents have access to the facilities, services and jobs needed to support it as the town continues to grow. In late 2018/early 2019 discussions took place with the East Devon New Community partners (EDNCp), Cranbrook Town Council and Devon County Council on how to approach the delivery of the town centre, which led to the EDNCp making it known that they had

interest from a developer to bring forward a scheme for a supermarket, shops and nursery. These discussions progressed but alongside, concerns were raised by the EDNCp around viability and their wish to retain town centre parcels for housing delivery. This led to protracted debate and negotiation which was reported to several council meetings, as detailed in the following paragraphs.

Strategic Planning Committee - 22nd October 2020

At the Strategic Planning Committee meeting of 22nd October 2020, Members considered two options for the delivery of Cranbrook Town Centre. The first was to agree in principle to proposals brought forward by the East Devon New Community Partners (EDNCp) by signing a Memorandum of Understanding (MOU) to give the EDNCp comfort to invest in bringing their proposals through the formal planning process. The alternative was to move forward with the production of a Supplementary Planning Document (SPD) detailing proposals for the town centre based on the requirements of the Local Plan and emerging Cranbrook Plan. The committee resolved that the proposals had been considered and that the council was not minded to enter into a MOU based on the terms tabled at that time but were open to further negotiation. This further negotiation duly took place between October and the subsequent Strategic Planning Committee on 15th December.

Strategic Planning Committee - 15th December 2020

At this meeting, Members considered an updated offer for town centre development from the EDNCp alongside a draft of a Supplementary Planning Document. Members sought to defer a decision for further negotiations to take place and for these to be reported to Cabinet.

Cabinet - 6 January 2021

On 6 January 2021, a report to Cabinet provided an update on progress with negotiations with the EDNCp over the delivery of Cranbrook Town Centre. Cabinet agreed the updated offer from the EDNCp and agreed in principle to the MOU. At that time, the fundamental principles to be set out in the MOU were as follows:

- The EDNCp able to bring forward housing on a number of identified parcels in the town centre, with nil affordable housing on housing numbers over and above the existing outline planning permission. The additional housing to pay a reduced S106 contribution of £5,370 per dwelling.
- District heating connections to all residential properties provided a connection charge of not in excess of £5,000/dwelling.
- Offer to transfer all existing S106 town centre land obligations upon the MoU being signed (earlier than some of the current S106 triggers).
- Agreeing a financial contribution to be paid toward the construction of the Town Council Offices, Children's Centre, Youth Centre and Library in lieu of direct provision by the EDNCp.
- Give EDDC the option to purchase one or more of parcels TC3, TC4d & TC4e at a market residential value.

Cabinet - 5 January 2022

A report to Cabinet on 5 January 2022 set out that negotiations have been under way in respect of the precise wording of the MOU and that the EDNCp have been working toward the submission of applications for planning permission for residential development on parcels TC3, TC4d&e, TC5a&b, TC6, TC7a&b and TC8b totalling circa 341 dwellings.

Signing of MOU

On 11 May 2022, the MOU was signed between East Devon District Council, Devon County Council, Cranbrook Town Council, HDD Cranbrook Limited, Persimmon Homes, Hallam Land Management and Taylor Wimpey and set out that the EDNCp shall be free to develop parcels TC3, TC5a, TC5b, TC6, TC7a, TC7b (the application site) and TC8b for residential development and the following additional contributions shall be paid in respect of the Additional Residential Dwellings to be constructed:

- £2,551 per Additional Residential Dwelling towards Habitat Mitigation
- £1,742 per Additional Residential Dwelling towards the provision of additional primary school places
- £1,045 per Additional Residential Dwelling towards sustainable travel
- £72 per Additional Residential Dwelling towards car sharing schemes and e-bikes.

The MOU also set out under Paragraph 11.1 that 'no further obligations or requirements are envisaged under s106 or otherwise in addition to those obligations and requirement set out in this Memorandum'. This means that the LPA shall not seek to secure any additional contributions or obligations as part of the Town Centre Residential Applications. It is also noted that the MOU was stated not to fetter the discretion of the Local Planning Authority in considering any planning application for the development of the town centre land.

The MOU also includes agreement to a Statement of Design Principles for the Town Centre setting out the principles for each parcel, density requirements and design appearances. This document was intended to discharge the existing S106 obligation for a design code for the town centre.

The tables below compare the relevant land/building and financial S106 obligations at the time the MOU was signed with the provisions agreed in principle in the MOU, or in the case of the DCC facilities, as subsequently legally secured through a deed of variation to the S106 agreement.

In addition to the details as set out in the table overleaf, it is important to note in making provision for the offer to transfer the whole of parcel TC2, the MOU would also result in 0.64ha more land in the town centre to be transferred than the current S106 obligations provide for. In making the offer to transfer TC2, it brings forward the transfer of land for the town council offices/facility. At present the Town Council facilities are a requirement for a building to be constructed and transferred. However, this is only due for delivery and transfer prior to the occupation of 3450 homes. To-date 3,420 dwellings have been built or received reserved matters approval. There is one outstanding reserved matters application (ref. 22/2306/MRES) (part of TC5a&b), that would take the number of dwellings to 3,451 however there is also a live S73 application (ref. 25/0087/VAR) to reduce the number of dwellings from a previous reserved matters approval. If both of these live applications are approved without a variation to the original S106 agreement then only 3,447 dwellings may be built, below the trigger for the delivery of the Town Council facilities.

Summary table of MOU against S106 obligations in place at the time the MOU was finalised					
Use/Item	Area of land required (ha)	Delivery of building	Final trigger	Requirement comprises	Included in MOU
Class A uses (now included in Class E)	5 High street units	500 sq. m	2000 homes	Land and building	To be built by HDD on TC4a
Youth facilities	0.2	480 sq. m	3450 homes	Land and building	NOTE: This text is a summary of the land and financial obligations in the DCC Deed of Variation (DOV) from
Library	0.1	450 sq. m	3450	Land and	

			homes	building	December 2023 rather than what had been included in the MOU.
Children's Centre	0.1	250 sq. m (£432,000 Index linked)	2500 homes	Land and building	TC4b (0.4ha) to be offered for transfer to DCC for £1 within 14 days of the DOV being completed. £3m financial contribution for Youth, Library & Children's Centre or other social and community facilities: • £742k (index linked from Q4 2023) to be paid within 14 days of the completion of the DCC DOV • £1.548m (index linked from Q4 2023) 14 days after the commencement of development of an Additional Planning Permission (being a permission or permissions which results in planning permission for more than 200 additional dwellings on the land*) or prior to the occupation of the 3450th dwelling, whichever is the earlier. • The balance of £3m, less the two payments already paid shall be payable upon the commencement of the first Additional Planning Permission *Note – The current live full planning applications that would fall within the definition of Additional Planning Permission total 232 dwellings.
Police and ambulance	0.25 Police + Parking for 2x Ambulances		2500 homes	Serviced land	TC2 to be offered for transfer to the council for £1 within 7 days of the completion of the MOU. TC4c to be offered for transfer for £1 upon the first outline or full planning permission for dwellings on any of Tc3, Tc5a&b, TC6, TC7a&b and TC8b becoming challenge free.
Health and well being	0.7		2500 homes	Serviced land	
Town Council Facility	0.05	237 sq. m	3450 homes	Land and building	Pay Cranbrook Town Council the following sums towards the cost of construction of the Town Council Facility: • £250,000 upon the transfer of parcel TC2 • £342,500 within 18 months following the grant of the first outline or full planning

					permission for dwellings on any of Tc3, Tc5a&b, TC6, TC7a&b and TC8b becoming challenge free. Parcels TC2, TC4b and TC4c to be transferred allowing EDDC, DCC and/or CTC (as appropriate) to be free to use the land as it sees fit (provided no bad neighbourly uses) Note – Cranbrook Town Council are concerned that the financial contribution agreed in 2022 is no longer adequate for their needs and discussions are presently ongoing to resolve this issue. Because the Town Council Facility is presently an obligation on the EDNCp to deliver a building, the transfer of TC2 has been held up as this is the land on which the facility is to be sited. The current draft of the DOV deviates from the MOU in that it links the trigger to offer to transfer TC2 to the granting of additional residential permissions in order to protect the EDNCp's ability to deliver upon their existing obligation.
Public Convenience	N/A	Only if not within a commercial building	2000 homes	Land and building or commuted sum of £200k (if not within a commercial building)	To be provided within a public building. No commuted sum or capital contribution for construction.

S106 obligations for additional housing on TC3, TC5a&b, TC6, TC7a&b, TC8b set out in MOU		
Item	EDDC/DCC request (per dwelling unless stated) during MOU negotiation	Finalised in MOU
Hab Regs Mitigation	Payment of £499 per dwelling for non-infrastructure mitigation Payment of £2,052 per dwelling for costs associated with delivery and maintenance of SANGS, including estimated land purchase costs. Total per dwelling: £2,551	No direct SANG provision Financial contribution of £2,551 per dwelling
Formal play	£107,366 in total	Nil – monies used to increase

Allotments	£50,930 in total	contribution toward Town Council Office delivery
Bowling Green Provision (off-site)	£3,441 in total	
Primary Education	£3,449	£1,742 per dwelling for Primary Education £1,045 per dwelling for Sustainable Travel £72 per dwelling for shared cars & e-bikes
Sustainable Transport	£2,219	
Shared Cars & E Bikes	£71.94	
Affordable Housing	15% based on Cranbrook Plan	Nil
Formal Open Space	£423	Nil
Amenity Open Space	£122.30 (note officers indicated that could likely nil rate due to existing provision)	Nil
Natural/semi natural open space	£333.30 (note officers indicated that could likely nil rate due to existing provision)	Nil
Sports pitches	£841.32	Nil
Leisure Centre	£942.45	Nil
Cricket (off-site)	£74.33	Nil
Health & Wellbeing Hub	£2102.97	Nil
Off-site walking & cycling infrastructure	£606.71	Nil
AGP contribution (off-site in Broadclyst)	£67.14	Nil

Following the signing of the MOU three planning applications were submitted for the supermarket, shops with homes above, town square and nursery. In addition, the offer to transfer TC2 to the council was made and the council also exercised its option to purchase land parcels TC4d&e, which was completed in November 2022.

The signing of the MOU also led to the EDNCp working up its proposals for the residential parcels. The three residential applications that are pending consideration as detailed under the planning history section of this report are those that cover the other town centre parcels intended for retention by the EDNCp. This planning application is the first of those parcels to reach a recommendation.

The 'Town Centre (DCC) Provisions' S106 deed of variation

As detailed in the preceding table, in December 2023 Devon County Council entered into a deed of variation to the principal S106 agreement with the EDNCp. The variation dealt with the County Council specific MOU provisions for the children's centre, library and youth provision, seeking to see them addressed in advance of the 'additional residential developments' in the town centre being consented. The Deed of Variation (DOV) secured the offer for land transfer and commuted some of the previous obligations for facility delivery into a financial payment. This was considered beneficial by the county council; however this is only the case should the triggers be reached for the majority of the financial payments, which are linked to permission for additional town centre housing being granted. Essentially, the DOV was completed on the basis that the MOU would be honoured.

Plan of the Town Centre Parcels (note, there have been some minor changes to the boundaries between TC1 and TC2 and TC4b and TC4c since this plan was produced)



The Cranbrook Plan Development Plan Document (The Cranbrook Plan) was adopted in October 2022 and includes policies for the town centre of Cranbrook and indicates where applications/changes to what is already permitted or existing may be positively encouraged and supported to assist delivery of a healthy and sustainable new town. Policy CB21 specifically addresses the development of the town centre and sets out a holistic vision for it: "An enterprising, vibrant, innovative, exciting, and sustainable town centre that develops a strong economic and cultural identity that comes from, brings together and supports the community of Cranbrook."

On 29 October 2024, EDDC's Strategic Planning Committee endorsed the Cranbrook Town Centre Masterplan as an evidence document for use by project teams looking to develop facilities on the town centre land and by the local planning authority as a material consideration of planning applications. The Masterplan sets out that housing in the town centre will increase activity and surveillance and support the creation of a vibrant, busy place. It follows the MOU by recognising that parcels TC3, TC5a&b, TC6, TC7a&b and TC8b will be purely residential in nature. The Masterplan identifies land on TC4e for a health and wellbeing hub to be constructed in a campus together with a leisure centre; this is a land parcel owned by the council already (purchased in 2022 following the signing of the MOU). The decision to site the health and wellbeing hub on TC4e was capable of being made as the MOU states that the transfer of TC2 as a whole, together with TC4b and c will represent the honouring of the EDNCp obligations for town centre facilities and the local

authority is free to use the parcels as they see fit. The current S106 does not include such provisions and therefore should the 0.7ha land required for the health and wellbeing uses be transferred under the existing legal provisions there is potential for the EDNCp to seek to restrict the use of the land for this use. This would be problematic as a project has been established for the health and wellbeing hub, working to locate it on TC4e. Identified uses for TC2 are presently the Town Council facility and Cranbox (planning application pending consideration and to be delivered using devolution grant funding).

THE APPLICATION

The application seeks full planning permission for the construction of 65 residential dwellings including 4 affordable dwellings, three access points onto Tillhouse Road, car parking, landscaping and associated infrastructure.

The proposal would include a mix of 2 and 3 storey dwellings including 16 x 2-bedroom dwellings, 48 x 3-bedroom dwellings and 1 x 4-bedroom dwelling. The proposal would include a mix of terrace, semi-detached and detached dwellings. The dwellings would be finished in red or buff brick with a mix of brick banding and brick detailing and would include grey or brown roof tiles. The proposal would include private rear gardens, 119 car parking spaces and bin and bike storage. The proposal also includes two pedestrian and cycle connections to Luccombe Oak to the south.

The application has been revised during the planning process resulting in an increase in dwelling numbers as well as amendments to storey heights, the site layout, elevational treatments, landscaping and materials proposed.

NEIGHBOUR CONSULTATION

The application has received 7 letters of objection. These are summarised below:

- o Impact on traffic and road closures
- o Impact on highway safety
- o Impact on pollution and noise
- o Increased landscaping required to benefit wildlife
- o Area originally for the Town Hall/Community
- o Area should be used as open space or local authority housing
- o Overcrowding in the town centre
- o Lack of facilities in the town
- o Lack of affordable housing despite the demand for affordable housing
- o Impact of construction traffic on the school
- o Lack of car parking in development
- o No visitor spaces provided
- o Expectations of town centre development

The application has received 1 letter of support. This is summarised below:

- o Site is unsightly wasteland
- o Look forward to welcoming new residents
- o The town centre will need a reliable and growing customer base
- o Building on vacant plots will help achieve customer base
- o Cranbrook's population needs to grow and be supportive of businesses

ASSESSMENT

A) THE PRINCIPLE OF DEVELOPMENT

At this time, the Local Planning Authority (LPA) is unable to demonstrate a 5 Year Land Supply meaning that paragraph 11(d) of the NPPF (2024) is engaged and currently applicable to planning decision making within East Devon. For applications relating to housing development, this means that the presumption in favour of sustainable development applies, and permission should be granted for sustainable development unless:

- i. the application of policies in this Framework [NPPF] that protect areas or assets of particular importance provides a strong 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 [NPPF] taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Strategy 1 (Spatial Strategy for Development in East Devon) of the adopted Local Plan (2016) sets out the planned provision (including existing commitments) will be made in East Devon for: 1. A minimum of 17,100 new homes in the 2013 to 2031 period; and 2. Development on around 150 hectares of land for employment purposes.

Strategy 3 (Sustainable Development) of the adopted Local Plan (2016) states that sustainable development is central to our thinking. We interpret sustainable development in East Devon to mean that the following issues and their inter-relationships are taken fully into account when considering development: conserving and enhancing the environment; prudent natural resource use; promoting social wellbeing; encouraging sustainable economic development; and taking a long term view of our actions.

Policy CB1 (Health and Wellbeing at Cranbrook) of the Cranbrook Plan (2022) sets out that the Council will require all developers and applicants to demonstrate how proposals meet the objectives of this policy to embed positive health and wellbeing outcomes in the planning process.

Policy CB8 (Cranbrook and Broadclyst Station Built-up Area Boundaries) of the Cranbrook Plan (2022) sets out that the Cranbrook and Broadclyst Station Built-up Area Boundaries are defined on the Cranbrook policies map. Within the built-up area boundaries, development will be permitted if:

1. It would be compatible with the character of the site and its surroundings;
2. It would not lead to unacceptable pressure on infrastructure or services;
3. It would not adversely affect the risk of flooding on or off-site;
4. It would not damage, and where practical, it will support promotion of wildlife, landscape, townscape or significant heritage assets;
5. It would not involve the loss of land of local amenity importance or of recreational value;
6. It would not impair highway safety or traffic flows;
7. It would not prejudice the development potential of an adjacent site.

Policy CB22 (Residential Development in the Town Centre and Neighbourhood Centres) of the Cranbrook Plan (2022) sets out that residential development will be expected within the town centre and neighbourhood developments in Cranbrook and planning applications for development in such centres will be required to demonstrate:

1. That they deliver residential development and achieve the highest appropriate density, which will be not less than 55-60 dwellings per hectare;
2. Residential development that shall be so designed and located as to ensure that it does not prejudice the vitality and viability of the respective centre;

3. Good levels of amenity for each unit of residential accommodation incorporating naturally lit rooms with views out to the streets, and access to shared and private outdoor space;
4. Proposals which are of high quality design for the character of the area and designed to ensure that future residents are not adversely affected by other uses and activities.

Policy CB22 (Residential Development in the Town Centre and Neighbourhood Centres) of the Cranbrook Plan (2022) sets out that where it can be demonstrated that land in the town centre area is not required for, commercial or community uses, some high density residential accommodation may be permitted at ground floor level provided that such uses demonstrate adaptability of the ground floor of dwellings to allow conversion to units that could be used for business activities in the future if required. The policy also sets out that new proposals for residential development in the Town Centre will be required to make contributions to on and/or off-site infrastructure in and around the town to mitigate for the likely additional pressure that would result from the increased occupation associated with the development.

Strategic Policy SP01 (Spatial strategy) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that new development will be directed towards the most sustainable locations in East Devon, by: A. Focusing new development at the West End of the district, including a further new community, on-going development of Cranbrook and other major strategic developments close to Exeter. This emerging policy carries limited weight at the time of determination.

The application site is located within the Built-Up Area and Town Centre of Cranbrook whereby residential development is supported and expected within the emerging town centre. The application site is not allocated within the adopted Local Plan or Cranbrook Plan for residential uses; however, the site (known as TC7B) was identified for residential development as part of the MOU agreed between the council and EDNCp to bring forward the delivery of the town centre. The time limit for the submission of reserved matters applications under the outline application for Cranbrook lapsed in October 2022 and, in any case, the proposal would result in additional housing over and above the permitted housing numbers necessitating the need for a stand-alone full planning application. The principle of residential development within the Town Centre is also supported by Policy CB8 and Policy CB22 subject to the development meeting the identified criteria.

The proposal would be compatible with the character of the site and area and the impact on infrastructure, flood risk, ecology, heritage assets and highways will be assessed later in this report however the proposal is considered to comply with the identified criteria in Policy CB8.

In relation to Policy CB22, the development would result in 65 additional dwellings at a density of 44.22 dwellings per hectare. This would be a conflict with Policy CB22 as the density is below the required 55-60 dwellings per hectare as set out in Policy CB22 (1). However, this is higher than the average density of the town and this is the most appropriate density when balancing land constraints, existing vegetation, car parking, proposed house types design and amenity together with having regard to the location, with lower density housing to the south and east and further lower density housing fronting Tillhouse Road to the west. The conflict with Policy CB22 (1) would be minor and conflict with adopted policies will be addressed as part of the overall planning balance.

In relation to Policy CB22 (2), the site was identified as part of the MOU for residential development which was agreed by the council and whilst it would have been preferable for a larger town centre, the proposal would increase housing numbers and residents within the town centre and therefore would not prejudice the vitality and viability of the emerging town centre. In relation to Policy CB22 (3) and (4), this report will discuss amenity, outlook, access to amenity space and the design of the development in more detail however the proposal would accord with the requirements of the policy.

Following on, Policy CB22 also sets out that residential accommodation may be permitted at ground floor level but any proposals for such uses demonstrate adaptability of the ground floor of dwellings to allow conversion. The proposed dwellings as part of this application would all fail to include adaptable uses at ground floor. As part of the application process, it was considered that the proposed dwellings as part of this scheme would not need to demonstrate that the ground floor can be adaptable or convertible as adaptable ground floors would be more suitable within other parcels of the Town Centre which are closer and better related to the existing town centre uses. The design principals document that is appended to the MOU and was produced to discharge an existing S106 requirement for a town centre Design Code identifies parcels for adaptable ground floor uses and does not include Parcel TC7b (The Site). The conflict with this policy would also be minor and will be addressed as part of the overall planning balance.

Policy CB22 sets out that new proposals for residential development in the Town Centre will be required to make contributions to mitigate for the likely additional pressure that would result from the increased occupation associated with the development. The Cranbrook Plan (2022) seeks to provide around 4,170 new dwellings within the identified expansion areas to meet the growing population and to assist the delivery of a healthy and sustainable new town. Whilst residential development is expected within the town centre, the proposed development would be excess housing within Cranbrook as the town centre is not part of an overt residential allocation. It is acknowledged that excess housing can put pressure on some of the planned services and infrastructure especially the local and strategic road network which must be weighed up in the planning balance.

Policy CB6 of the Cranbrook Plan sets out that residential development on non-allocated sites within the Cranbrook Plan Area which seek to deliver excess housing numbers shall make proportionate contributions to on and/or off-site infrastructure in and around the town to mitigate for the increased occupation associated with the development.

The expected contributions set out in the MOU are as follows:

- Affordable Housing to meet expectations of the existing s106 (including making up a shortfall from the high street shops residential provision)
- Connection To the District Heat Network subject to connection charge costs
- £2,551 Per Dwelling for Appropriate Habitat Mitigation
- £1,742 Per Dwelling for Primary School Places
- £1,045 Per Dwelling for Sustainable Travel
- £72 Per Dwelling for Car Sharing/E-Bikes

The proposed contributions based on the above would fall short of the contributions required by the Cranbrook Plan and adopted Local Plan especially in relation to Affordable Housing Provision (15% at Cranbrook) and Open Space Provision as well as meeting the excess housing infrastructure requirements of Policy CB6. Officers acknowledge that the contributions would fail to comply with adopted policies, and this was the subject of significant debate both with the council's Strategic Planning Committee and Cabinet during 2020 to 2022. Cabinet ultimately resolved that the benefits of the MOU when taken as a whole outweighed the harm arising from this and the other parcels becoming purely residential and making only limited infrastructure contributions. Of course, neither the Strategic Planning Committee nor the Cabinet were discharging the council's obligations as Local Planning Authority in the respect of determining planning applications.

The application site being located within the Town Centre of Cranbrook, located on a bus route with bus frequencies throughout the day of c.1 every 15 minutes in each direction and within walking and cycling distance of a wide range of services, is given weight as the proposal would align with the overarching principles of delivering sustainable development. The proposal therefore has support from Strategy 3 of the adopted Local Plan and the NPPF which supports sustainable development. Furthermore, the adopted Local Plan seeks to direct housing delivery towards the West End and

major towns of East Devon meaning that the proposal whilst not allocated for development would have support from Strategy 1 and 2 of the East Devon Local Plan (2016). The site is also supported by emerging Strategic Policy SP01 which seeks direct new development towards the most sustainable locations including Cranbrook.

A material consideration in the determination of this application is the current inability of the council to demonstrate a 5-year land supply for housing. There is therefore a presumption in favour of sustainable development and the need to boost the supply of housing is given significant weight in the balance. The site is in a sustainable location and the proposal has policy support from Policy CB8 and Policy CB22 in land use terms.

In summary, the proposed development in principle would comply with Policy CB22 which supports residential development in the town centre however the proposed development would fail to meet several of the criteria of Policy CB22 such as density, adaptable ground floors and the infrastructure contributions required. The proposed density and lack of adaptable ground floors would be a minor conflict, and the contributions required were agreed as part of the MOU to help progress the delivery of the town centre. The proposed development would be in a sustainable location and would provide much needed residential accommodation in a suitable location.

B) AFFORDABLE HOUSING PROVISION

Policy CB10 (Cranbrook Affordable Housing) of the Cranbrook Plan (2022) sets out that affordable housing will be required on residential developments within the built-up area boundaries of Cranbrook at a rate of not less than 15% of total dwelling numbers. Affordable housing must be visually indistinguishable from open market housing and must be 'pepper-potted' or dispersed throughout residential developments.

Following lengthy negotiations and viability concerns raised by the EDNCp, the MOU set out that the requirement for Affordable Housing within the additional residential land applications would be removed and that the three application(s) for additional residential dwellings would make up the shortfall of the affordable housing requirement permitted by the reserved matters application in Parcel TC4a (Ref. 21/2020/MRES) which granted permission for 26 dwellings and southern high street shops. This application had a DOV with it that allowed it to be developed without a S106 affordable housing obligation as this then enabled LiveWest to use grant funding to deliver the housing as a 100% affordable housing scheme. To-date 17 homes have been built and occupied on a rent-to-buy tenure. It was also agreed between EDDC and the EDNCp that the affordable housing dwellings required by 21/2020/MRES and 22/2306/MRES (the latter is still pending consideration) would be distributed across the different town centre applications parcels such as this one.

The overall affordable housing requirement under the outline application for this part of Cranbrook was 28.675% meaning that for application 21/2020/MRES, 8 dwellings were required. Furthermore, the reserved matters application 22/2306/MRES for 31 dwellings requires 9 dwellings. This results in a total requirement of 17 affordable housing dwellings to be distributed across parcels TC3, TC5a, TC5b, TC6, TC7a, TC7b and TC8b.

This application includes 4 of the 17 affordable dwellings located in the centre of the site fronting Tillhouse Road. The proposal would include 4 x 3-bedroom 5 person dwellings, and all would include a car parking space and suitably sized private rear gardens. In terms of design and materials the house types proposed would match open market equivalent dwellings, they would be appropriately located within the layout of the development and would be well integrated with other dwellings.

The application has been reviewed by the council's Housing Enabling Officer who originally requested that the dwellings proposed were increased 3-bedroom 5 person houses and raised concerns with the proposed tandem car parking spaces. During the application process, the type

and location of affordable dwellings have been amended from a mixture of 2- and 3-bedroom dwellings to only 3-bedroom 5 person dwellings. The Housing Enabling Officer stated that the amended plans now allocated plots 56 – 59 as the affordable units which are now 3-bedroom, 5 person houses which is an improvement on space standards. The Housing Enabling Officer also requested that the tenure of the 4 affordable dwellings within the scheme was to be proposed as Affordable Rent to meet housing needs.

The tenure mix of the affordable housing within the Town Centre would be reviewed via a S106 legal agreement. The applicants have also confirmed that the affordable housing will meet part M4(2) of the Building Regulations.

Whilst the proposed level of affordable housing is not in accordance with the Cranbrook Plan DPD, the level of affordable housing would be in accordance with the agreed MOU to bring forward the town centre at Cranbrook. Furthermore, the proposals would comply with Policy CB10 in relation to design and location of dwellings.

C) DESIGN, SCALE AND LAYOUT

Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) (2024) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Development should establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and development that is not well designed should be refused.

Strategy 48 (Local Distinctiveness in the Built Environment) of the adopted Local Plan (2016) states that local distinctiveness and the importance of local design standards in the development process will be of critical importance to ensure that East Devon's towns and villages retain their intrinsic physical built qualities. Use of local materials and local forms and styles will be essential to this distinctiveness.

Policy D1 (Design and Local Distinctiveness) of the adopted Local Plan (2016) states that in order to ensure that new development, including the refurbishment of existing buildings to include renewable energy, is of a high-quality design and locally distinctive, a formal Design and Access Statement should accompany applications setting out the design principles to be adopted should accompany proposals for new development.

Policy CB22 (Residential Development in the Town Centre and Neighbourhood Centres) of the Cranbrook Plan (2022) sets out that planning applications for development in such centres will be required to demonstrate:

- o That they deliver residential development and achieve the highest appropriate density, which will be not less than 55-60 dwellings per hectare;
- o Residential development that shall be so designed and located as to ensure that it does not prejudice the vitality and viability of the respective centre;
- o Proposals which are of high quality design for the character of the area and designed to ensure that future residents are not adversely affected by other uses and activities.

Policy CB22 (Residential Development in the Town Centre and Neighbourhood Centres) of the Cranbrook Plan (2022) sets out that where it can be demonstrated that land in the town centre area is not required for, commercial or community uses, some high density residential accommodation may be permitted at ground floor level provided that in a similar way to those in mixed use areas, any proposals for such uses demonstrate adaptability of the ground floor of dwellings to allow conversion to units that could be used for business activities in the future if required.

Strategic Policy DS01 (Design and local distinctiveness) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that new development, including the refurbishment of existing buildings should be of a high-quality design and locally distinctive. The layout and design of building curtilages, roads, parking, paving, open space, site furniture footpaths and boundary treatments should make a positive contribution to the street scene / public realm and the integration of the development with its surroundings and setting. This emerging policy carries limited weight at the time of determination.

LAYOUT AND DENSITY

The proposed development would include 65 residential dwellings to the south of Tillhouse Road, Cranbrook. The proposal would include three access points from Tillhouse Road and would include a central 'loop road' connecting to two of the access points together. The third access point would be within the northwest corner of the site and serves this application site as well as Parcel TC7a. The proposal would include two shared surface roads located to the rear of dwellings fronting Tillhouse Road which are mews style streets and includes car parking, two storey dwellings and tree planting/soft landscaping. The layout also includes two private drives along the southern boundary serving Plots 98, 99, 100 and 101 to the south west and Plots 74, 75, 76 and 77 to the south east. The proposal would also include two pedestrian and cycle connections on the southern boundary to Luccombe Oak.

The central loop road would vary in width between 5 and 5.5m and along the western and eastern sections would include 2m wide pavements on either side. The southern section of the loop road from Plots 85 to 90 would be a shared surface at 5m in width. The proposed shared surface roads to the rear of dwellings fronting Tillhouse Road would be between 5m and 6m in width.

The proposed dwellings from Plots 109 to 113 and Plots 49 to 63 would front Tillhouse Road in terraces of 4 dwellings with private gardens and car parking to the rear of the dwellings. Plot 64 also fronts Tillhouse Road and would be attached to Plot 65 which fronts an internal road. The proposed dwellings within the site would generally front the highway or shared surface and/or be dual aspect with car parking either located to the front of the dwelling or alongside the dwelling. The building line along Tillhouse Road seeks to create a strong higher density street scene which draws people into the town centre. The building lines elsewhere within the parcel are slightly more relaxed but generally front the streets.

The proposal does not include any specific public amenity space, and this is partly due to the higher site density. The existing vegetation along the southern and eastern boundaries would be retained with a knee-rail proposed along the southern boundary although it is noted that vegetation on the eastern boundary would be to the rear of Plots 64 to 73 with a wire mesh/chain link fence proposed to protect the existing hedgerow and TPO tree.

The overall layout is generally suburban in style but with a row of taller, terrace properties on Tillhouse Road. The design approach in the southern portion of the site reflects the layout of surrounding parcels rather than that of a town centre where the overall scale, form and design is traditionally higher and tighter. This results in the density of the site being 44.22 dwellings per hectare. Whilst this is below the 55 to 60 dwelling per hectare requirement of Policy CB22, it is noted that this is higher than towns average density having regard to the sites layout, amenity and car parking. As part of the application, an additional dwelling was included and the storey heights of dwellings increased along Tillhouse Road from 2/2.5 storeys to 3 storeys to increase height and density. The Cranbrook Town Centre Masterplan (2024) supports higher densities within the town centre as well as terraced dwellings which are included as part of this application.

It is also to be noted that as a result of the in-principle agreement to releasing parcels TC5a&b, TC6 and TC7a&b for wholly residential development, the commercial and community heart of the town centre is contracted such that it is focussed on the parcels immediately surrounding the existing

shops, supermarket and nursery. The rationale for this had already been set when in 2014 permission was granted for 587 homes, including a suburban parcel that lies adjacent to Tillhouse Road to the west of the application site. The location of this existing residential parcel, which has a terrace of two-storey dwellings on its Tillhouse Road frontage, with three-storey dwellings either side of this terrace, serves to change the character as one leaves the central town centre area.

SCALE

In terms of scale, adjacent dwellings along Tillhouse Road and Yonder Acre Way are a mix of 2, 2.5 and 3 storeys and would help to create a transition into the Town Centre. The proposed dwellings on Tillhouse Road at three storeys in height would be a more consistent height and help to define the Town Centre where higher buildings are traditionally found.

Within the parcel itself, the remaining dwellings would be two storeys in height which is acceptable and is consistent with surrounding dwellings to the south and east.

DESIGN OF DWELLINGS AND MATERIALS

The proposal would include 7 different house types with a mix of terrace, semi-detached and detached dwellings. The design of the parcel was intended to have a distinct character to ensure that when entering the town centre along Tillhouse Road, the character and design was reflected its town centre location and that there was differentiation between the more urban town centre and residential parcels. The design of the dwellings proposed is intended to be reflected on dwellings fronting the northern side of Tillhouse Road as well, which are the subject of separate applications that are still pending consideration.

The proposed dwellings fronting Tillhouse Road would be three storeys in height and finished in red or buff brick with grey roof tiles. These dwellings would include projecting blue brick bands, front canopies and end of terrace properties would include a gable front. During the application process, significant amounts of feedback has been provided to the applicants relating to the design of these dwellings including the design of eaves, materials, detailing, window proportions and alignment. The revised designs include projecting eaves and projecting brick detailing, and a red and buff brick are now proposed to address officer comments.

Some amendments to the scheme have been made in response to Officer's concerns that the frontage along Tillhouse Road would be 'flat-fronted' and that little relief was proposed. These changes include projecting brick banding; canopies above front doors and front gables to add some interest. In addition, stepping down in height provides variations to the roof line. It is recommended to attach a condition relating to further details for the canopies and windows and doors to ensure they are acceptable. In relation to the windows, the depth of windows will be reviewed via sectional drawings to ensure that some relief can be included on the front elevations.

The overall design of dwellings along Tillhouse Road is considered to be acceptable.

In terms of the dwellings within the parcel, these are proposed to be a mix of red and buff brick with grey or brown tiles. The proposals have been revised to include blue brick detailing and brick projecting bricks to align the dwellings with those fronting Tillhouse Road to create a more distinctive character for this parcel. The designs are considered to be acceptable.

It is recommended that material samples of the proposed materials and roof tiles should be secured via a condition to ensure they are acceptable.

BOUNDARY TREATMENTS

In relation to boundary treatments, the majority of rear and side boundaries within the public realm and at key areas of the development are screen walls. The boundaries within rear gardens and between dwellings is predominately timber fencing. Details of the screen walls have been provided and would be 1.8m in height and include intermediate piers and a tile creasing course. Whilst it would have been preferable to include brick/screen walls in all areas visible from the public realm, this has not been proposed. Where timber fencing is visible within the public realm such as to the rear of car parking spaces within plots, it is considered necessary that the fencing is painted or stained dark grey to improve the overall design. This could be secured via condition.

Alongside Tillhouse Road and the front elevations of Plots 109, 51, 52, 63 and 64/65, the proposal includes estate railings which aligns with other phases of Cranbrook immediately to the east and helps to define public and private spaces along this section of Tillhouse Road.

Several other properties, including those on key corners and along shared roads would include estate fencing and/or boundary hedgerows to help delineate private and public spaces.

The proposal would also include a knee-rail proposed along the southern boundary and private drives to protect the existing vegetation from informal car parking.

Overall, the boundary treatments are considered to be acceptable.

HARD SURFACING

In terms of hard surfacing materials, the eastern and western sections of the central loop road and the section of highway adjacent to Plots 109 and 104 would be black asphalt which would be appropriate here as higher traffic areas of the development. The proposed shared surface routes to the rear of dwellings fronting Tillhouse Road as well as the southern section of the centre loop road would be quartz coloured asphalt to vary surface materials and reduce the level of black asphalt. The proposal also includes rumble strips along the southern section of the loop road when transitioning between black and coloured asphalt. The proposed private drives and car parking spaces would be coloured block paving (impermeable) which would also help to reduce the level of black surfacing. The proposal would include paving slabs for private paths. The details of the hard surface materials proposed (Coloured Asphalt, Block Paving, Rumble Strips, Paving Slabs) would be secured via a condition to ensure the proposals are acceptable.

CAR PARKING

The proposed layout of the development includes 119 car parking spaces. Of these spaces 22 (18.5%) are unallocated and 97 are allocated to dwellings. The unallocated spaces can be used by residents or visitors and provide flexibility in parking numbers. The spaces also allow for deviation in the vehicle numbers per dwelling and ensure that parking levels are appropriate for the development.

The car parking for plots fronting the central loop road would be a mixture of tandem car parking adjacent to the dwelling or off-road parking in front of the dwelling. The off-road or on-plot car parking spaces are in groups with a tree and/or landscaping proposed in between groups. The car parking along the private drives are tandem spaces alongside the dwellings.

The car parking for plots fronting Tillhouse Road are to the rear in two relatively long sections of car parking comprising of an area of 16 car parking spaces and area of 24 car parking spaces. These are each broken up into blocks of 4 spaces each, with trees and planting beds separating. This arrangement would generally be sought with overall lower numbers of parking spaces per area as it risks creating a car dominated layout. The principle of properties on the main local route (including Tillhouse Road) through Cranbrook having a continuous frontage and not having parking directly off the road is a long-held principle in the overarching Strategic Design Guide for the town. Much of the

parking for these frontage properties, particularly in the earlier phases of the town, has been in poorly lit and poorly overlooked rear parking courts and these themselves have received legitimate criticism from the police and residents alike. It has therefore sought to move away enclosed from rear parking courts, and this is reflected in the Cranbrook Plan parking policy. In this case, the provision of parking as part of a street, overlooked by homes is considered an overall betterment to the alternative of multiple smaller, less overlooked and privately managed parking courts. A total of 12 dwellings are proposed to front onto or overlook the two streets with the parking for Tillhouse Road properties, thereby providing some interest and natural surveillance. The construction of a shared space or Mews Style Street as proposed could allow for the area to be offered up for adoption to the Highway Authority to avoid ownership issues and maintenance costs and to allow waste lorries to enter and collect waste from these dwellings.

Overall, parking provision is considered to be acceptable.

COMPLIANCE WITH TOWN CENTRE DESIGN PRINCIPLES

The MOU included a Statement of Design Principles for the Town Centre intended to discharge the S106 requirement for a town centre design code. The document included guidance on the road layout, density, building heights, frontages, car parking and materials. The road layout and design of 'Connector Streets' is considered to comply with the Design Principles. The density and building heights are acceptable and continuous frontage along Tillhouse Road is proposed and supported. The proposal includes dual frontage dwellings on corners and car parking to the rear of Tillhouse Road is proposed.

The materials and design of dwellings is broadly reflective of the text within the document, and overall, the proposal represents a consistent design approach which is supported by the Statement of Design Principles.

WIDER IMPACT

The proposal in terms of its impact on the surrounding area would be acceptable. The site would be visible within the local area however this site is within Cranbrook in an area where development is overtly supported by planning policy. The proposal would be visible in the surrounding area and glimpses of the development could be viewed from the Killerton Estate, Ashclyst Forest and other viewpoints. However, the proposal would be read in context with surrounding development at Cranbrook and it is not considered to harm the character and appearance of the landscape.

Overall, the proposal is considered to be acceptable. Conditions are recommended for imposition in the event that the application is approved and subject to these, the scheme is in accordance with adopted Policy D1 and Policy CB22 as well as the NPPF and emerging Strategic Policy DS01.

D) AMENITY OF NEIGHBOURING PROPERTIES/USERS

Section 12 (Achieving Well-Designed Places) of the NPPF (2024) outlines that planning policies and decisions should ensure that development create places with a high standard of amenity for existing users.

Policy D1 (Design and Local Distinctiveness) of the adopted Local Plan (2016) states that proposals will only be permitted where they do not adversely affect the amenity of occupiers of adjoining residential properties.

Strategic Policy DS01 (Design and local distinctiveness) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that new developments will only be permitted where they do not adversely affect the amenity of occupiers of adjoining residential properties. This emerging policy carries limited weight at the time of determination.

The application proposes residential dwellings within the town centre at Cranbrook and the proposed development as noted above is acceptable in land use terms and would be compatible with neighbouring and nearby uses.

The proposed development would be located between 20.8m and 30m from existing dwellings on Westland Way and Luccombe Oak. There is also an existing row of trees and landscaping along the southern boundary of the site. All the dwellings along the southern edge would be two storey dwellings which would match dwellings on Westland Way and Luccombe Oak. The proposed location, orientation, separation distance and overall scale of the development is not considered to result in significant harm to these existing neighbouring properties in terms of overbearing or overshadowing impacts.

In relation to existing properties to the east, Plots 64 to 74 along the eastern edge of the development would be located between 17m and 22m from Osprey House (a three-storey apartment block, and properties in Kingfisher Rise. Plots 64 and 65 would be three storey dwellings with the remaining dwellings along the eastern edge being two storeys. The proposed back-to-back distances from Plots 64 to 73 would be between 21m and 23m with a line of trees and hedgerows located between the dwellings. The distance is slightly shorter at 19m between Plots 64/65 and Osprey House but the only windows on the western elevation of the apartment block serve the internal hallways.

The distance between Plot 74 and Nos. 14, 16 and 18 Kingfisher Rise would be around 17m however this would be from the side elevation of Plot 74, the side facing window serves the bathroom and there is existing trees and landscaping between the existing neighbours and proposed development.

The proposed location, orientation, separation distance and overall scale of the development is not considered to result in significant harm to these existing neighbouring properties in terms of overbearing or overshadowing impacts. The proposed outlook from the proposed dwellings along the southern edge of the site would be screened by boundary trees and hedging and therefore would not result in any harmful increases in overlooking or loss of privacy.

In terms of Environmental Health, the proposal was supported by a Noise Assessment and CEMP and the application was reviewed by the District Council's Environmental Health Team who raised no concerns.

The proposal is therefore considered to comply with adopted Policies D1 and EN14 as well as emerging Policies DS01 and OL09 and is acceptable subject to conditions.

E) AMENITY OF FUTURE OCCUPIERS/USERS

Section 12 (Achieving Well-Designed Places) of the NPPF (2024) outlines that planning policies and decisions should ensure that development create places with a high standard of amenity for future users.

Strategy 37 (Community Safety) of the adopted Local Plan (2016) states that through the East and Mid Devon Community Safety Partnership the Council will work to reduce crime and the fear of crime in the District. The Council will encourage new development that has been designed to minimise potential for criminal activity and incorporates the principles of 'Secured by Design' and will support development proposals aimed specifically at improving community safety.

Policy D1 (Design and Local Distinctiveness) of the adopted Local Plan (2016) states that proposals will only be permitted where they do not adversely affect the amenity of occupants of proposed future residential properties, with respect to access to open space, storage space for bins and

bicycles and prams and other uses; these considerations can be especially important in respect of proposals for conversions into flats.

Policy CB16 (Amenity of future Occupiers) of the Cranbrook Plan (2022) sets out that development will only be permitted where:

1. New dwellings provide accommodation that meets with the Nationally Described Space Standards. The layout of new dwellings should be designed to meet the needs of occupants by ensuring circulation routes are legible and storage is provided on all floors of accommodation;
2. It provides for a high standard of amenity, satisfactory living and working conditions, adequate protection from noise and pollution and adequate levels of light and outlook for future occupiers, including having taken account of solar gain;
3. It makes provision for external private or communal amenity space which is appropriate and integral to the dwelling/s it serves having regard to the size of the property and its orientation;
4. Such standards as above can be achieved and maintained without preventing or unreasonably restricting the continued operation of established authorised uses and activities on adjacent sites.

Policy CB22 (Residential Development in the Town Centre and Neighbourhood Centres) of the Cranbrook Plan (2022) sets out that planning applications for development in such centres will be required to demonstrate:

- o Good levels of amenity for each unit of residential accommodation incorporating naturally lit rooms with views out to the streets, and access to shared and private outdoor space;
- o Proposals which are of high quality design for the character of the area and designed to ensure that future residents are not adversely affected by other uses and activities.

Strategic Policy DS01 (Design and local distinctiveness) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that new developments will only be permitted where they do not adversely affect the future amenity of occupants of proposed residential properties, with respect to access to open space; protection from noise and pollution; provision of adequate internal light; storage space for bins, bicycles, prams, and other uses; and meet nationally and locally described space standards. This emerging policy carries limited weight at the time of determination.

The proposed development must comply with Nationally Described Space Standards in relation to internal space and storage. The table below sets out the proposed house types, internal floor area and whether the proposal complies with the standards. The floor plans for each dwelling type indicate the bedroom sizes and storage. In this case, all dwellings would comply with the standards and therefore would comply with Policy CB16 (1) and emerging Strategic Policy DS01.

House Type	GIA (m2)	Occupancy	Storeys	NDSS size (m2)	NDSS Compliance?
Beaford	73.5	2B3P	2	70	Y
Eynsford	90.3	3B4P	2	84	Y
Aynesdale	99.6	3B5P	2	93	Y
Altbury	118.5	3B5P	3	99	Y
Cardale	99.6	3B5P	2	93	Y
Plumdale	116.3	4B6P	2	106	Y
Elterdale	127.5	3B5P	3	99	Y

In relation to layouts, light, outlook, the proposed dwellings are considered to have a suitable internal layout with windows on numerous elevations to provide sunlight and daylight throughout the day. The outlook of dwellings would face towards the street and/or private amenity space with

dwelling along the southern and eastern boundary having views to the existing trees and landscaping. The front elevations of Plots 74, 75 and 76 would be around 4.5m from existing trees which could shade the front rooms of these properties however for Plots 74 and 75 only Bedroom 2 is on the front elevation as there is a W/C on the ground floor. For Plot 76, the Living Room and Bedroom 1 would face the front however the overall dwelling would achieve suitable light levels.

The proposed development especially Plots 102 and 103 would be located approximately 43m from the Skate Park on Tillhouse Road (ref. 23/0540/FUL) of which concerns were raised relating to the impact on existing and proposed residents. The skate park is screened along the northern and eastern boundaries by landscaping and additional planting was secured as part of the application. The proposal was approved and constructed with noise and disturbance concerns acknowledged but the overall harm failed to outweigh the health and wellbeing benefits. The increase in background noises within the Town Centre would also reduce the impact of the skate park.

In relation to private amenity space, every dwelling would benefit from private amenity space of varying sizes and orientations. The majority are adequate, however, several of the plots would have rather small gardens. The size of rear gardens for Plots 110, 111, 49, 50, 62, 63 would be around 29m² to 30m² which is smaller than normally sought, especially as a number of these plots are three storey dwellings. This would result in some conflict with Policy CB16 (3) which seeks to ensure private amenity spaces are appropriate to the dwelling and the size of the property. However, minimum garden sizes have not been adopted by the council and these dwellings would all include private amenity spaces which is a requirement of Policy CB22. Of these plots, the private amenity spaces would not be highly overlooked by neighbouring properties and many of them are south facing ensuring sunlight/daylight to them.

In relation to the separation distances, the majority of back-to-back distances and side to back distances would be acceptable. The separation distance between Plot 100 with Plot 107 would be approximately 17.6m which is below the standard rule of thumb minimum distance however the rear elevations would be slightly off set from each other and tree planting has been proposed in the rear gardens of Plot 107 to mitigate this further.

In terms of safety, it is noted that the Designing Out Crime Officer has raised concerns with the plots fronting Tillhouse Road having publicly accessible rear garden gates, although they recognise that these are overlooked by several proposed dwellings. As set out earlier in this report the necessity for rear parking stems from the principle of properties on the main local route (including Tillhouse Road) through Cranbrook having a continuous frontage and not having parking directly off the road. The provision of parking as part of a street, overlooked by homes is considered an overall betterment. In addition to having housing fronting the parking, boundary treatments have been amended to brick/screen walls and the overall design and character has been improved through street trees, boundary railings and surface materials. The scheme has been designed so that the road can be offered up for adoption by the Highway Authority to avoid ownership issues and maintenance costs and to allow waste and recycling lorries to pass through. The unallocated car parking spaces would include identification to establish ownership and reduce conflict which would be secured via a condition. In addition, along the south of the development a knee rail has been included to reduce conflict and front gardens along Tillhouse Road have boundary features which are Secured by Design Measures.

Where parking is proposed at the rear, access to the houses is likely to often be via the back garden. As such it is necessary for the garden gates to be lockable from both sides and this will be secured by condition, in accordance with the Designing Out Crime officer's comments.

Overall, in terms of the amenity of future occupiers, the proposed dwellings would meet Nationally Described Spaces Standards and would have access to private amenity spaces. It is acknowledged that the size of gardens does vary and concerns have been raised from the Designing Out Crime Officer regarding the shared space to the rear of dwellings on Tillhouse Road. Having regard to all

the above, the development would provide appropriate levels of amenity for future occupiers and meet the requirements of Policy CB16 and Policy CB22 of the Cranbrook Plan.

F) OPEN SPACE PROVISION

Strategy 43 (Open Space Standards) of the adopted Local Plan (2016) states that developments proposing net new dwellings will be expected to provide for open space on-site where there is a demonstrable need for such open space in the vicinity. Developments will be expected to provide open space on-site through a Section 106 Agreement in line with the following thresholds:

- o 9 dwellings or less will not be required to provide any specific open space typologies onsite, however developers may choose to make such provision.
- o 10 - 49 dwellings will be required to provide amenity open space on-site.
- o 50 - 199 dwellings will be required to provide amenity open space, and children's and youth play space on-site.
- o 200+ dwellings will be required to provide for all open space typologies on-site.

Policy OS02 (Sport, recreation and open space provision in association with development) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that between 21 and 100 homes should provide on-site Local Areas of Play (LAPs) and amenity green space. This emerging policy carries limited weight at the time of determination.

The application seeks approval for 65 residential dwellings which requires the application in accordance with Strategy 43 to include approximately 534 sq. m amenity open space, and approximately 152 sq. m of children's and youth play space on-site. In accordance with emerging Policy OS02, the development should include a LAP and 880 sq. m of amenity open space.

As part of the MOU, it was agreed that the applications would not include additional open space in accordance with Strategy 43 and that the applications would not be required to provide financial contributions to address the shortfall of on-site open space as a result of the development. This is set against the backdrop of the Cranbrook Country Park, which at just under 30ha in size, provides for significant over-provision of some open space typologies. In addition to the Country Park, there are other areas of formal and informal open space throughout the town, including the ecology park, play areas for children, the nearby skatepark and a pump track. These facilities are within a 5 to 10-minute walk of the application site and a LEAP is due for provision outside the Cranbrook Education Campus, which is on the opposite side of Tillhouse Road.

As part of the application, no formal open space or play space is therefore proposed. There are areas of amenity planting and landscaping however these areas would not be areas of significant open space. The maintenance and management arrangements for areas of open space/vegetation was included as part of a Landscape Management Plan submitted with the application and further details of adoption will be secured via a condition.

G) TRANSPORT, ACCESS, MOVEMENT AND WASTE

Policy TC2 (Accessibility of New Development) of the adopted Local Plan (2016) 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.

Policy TC4 (Footpaths, Bridleways and Cycleways) of the adopted Local Plan (2016) states that development proposals will be required to include measures to provide, improve and extend facilities for pedestrians and cyclists commensurate with the scale of the proposal.

Policy TC7 (Adequacy of Road Network and Site Access) of the adopted Local Plan (2016) states that planning permission for new development will not be granted if the proposed access, or the

traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy CB19 (Plug-In and ultra-low Emission vehicle charging) of the Cranbrook Plan (2022) sets out that to help reduce the carbon levels associated with transportation, it is important that the role of plug in and ultra-low emission vehicle charging is further expanded. To achieve this within the Cranbrook plan, focus is given to the development of an Electric Vehicle (EV) charging network.

Policy CB20 (Parking at Cranbrook) of the Cranbrook Plan (2022) sets out that new residential developments at Cranbrook will be required to provide parking provision to an average of not less than 1.7 car parking spaces per dwelling (rounded up to the nearest whole number in individual applications). Within the overall requirement of 1.7 parking spaces per dwelling, not less than 30% of parking spaces in a residential development parcel shall be provided in parking bays adjacent to adoptable streets as unallocated parking.

Policy CB20 (Parking at Cranbrook) of the Cranbrook Plan (2022) sets out bicycle parking must be provided in all future developments at Cranbrook and all new residential dwellings at Cranbrook will need to include safe, secure and undercover space specifically designed, or readily useable, for bicycle storage at a ratio of 1 bicycle storage space per bedroom.

Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that walking, wheeling, cycling and public transport should be the natural first choice for short local journeys, or as part of a longer journey. This emerging policy carries limited weight at the time of determination.

PUBLIC AND ACTIVE TRANSPORT

The proposed dwellings are provided with external cycle stores in accordance with Policy CB20 however details of the cycle stores including the ratio of cycle storage per bedroom would need to be secured via a condition.

Furthermore, the development would contribute via a legal agreement £1,045 Per Dwelling for Sustainable Travel and £72 Per Dwelling for Car Sharing/E-Bikes to ensure opportunities for active travel are encouraged in accordance with Policy CB18.

CAR PARKING

The proposed development would include an average of 1.8 car parking spaces per dwelling which aligns with Policy CB20. The proposed layout of the development includes 119 car parking spaces. Of these spaces 22 are unallocated and 97 are allocated to dwelling. This results in 18% of spaces being unallocated visitor spaces against the policy requirement of 30% to be unallocated. This conflict would weigh negatively in the planning balance however due to the overall site layout and location of car parking it would be challenging to increase the level of unallocated spaces to 30%. For them to remain unallocated spaces, they are best located in blocks of 4. At present many of the spaces are in pairs which is not ideal therefore it is necessary to attach a condition requiring a revised layout of the unallocated spaces to enable them to be offered for adoption in the future. In any case there are unallocated car parking spaces along Tillhouse Road. In terms of EV, every dwelling would include an EV charging point to be secured as part of Building Regulations compliance.

The car parking spaces are of a suitable size and where these are located adjacent to walls or adjacent to other car parking space, a buffer area is provided to allow for movement between parked cars.

The overall layout of the car parking has previously been discussed in this report, and it is not further discussed here.

ROAD LAYOUT AND IMPACT ON ROAD NETWORK

In relation to road widths, the central loop road would vary in width between 5 and 5.5m and along the western and eastern sections would include 2m wide pavements on either side. The southern section of the loop road from Plots 83 to 91 would be a shared surface at 5m in width. The proposed shared surface routes to the rear of dwellings fronting Tillhouse Road would be between 5m and 6m in width. These widths are considered suitable, provide adequate space for large vehicles (e.g. refuse lorries) and no objections have been raised by Devon County Council (DCC) Highways.

The proposed development would include three access points from Tillhouse Road. These access points align with access points within the approved application 21/2509/MRES which permitted uplift works to the main local route through the town centre. As part of this applications, no concerns were raised in relation to the number of access points however application 21/2509/MRES approved the junction radii, visibility splays, pedestrian crossings, and parking bays along this stretch of Tillhouse Road.

In relation to the visibility splays, DCC Highways stated that the visibility splays from all three of the proposed access points would be restricted when vehicles are in the sightline of parties emerging from the site and this would be true should vehicles be parked within the approved bays along Tillhouse Road. DCC Highways have requested that mitigation is provided along Tillhouse Road to aid speed reduction along the site's frontage around these access points which could include the use of an alternative surface material on the highway. As part of this application these details have not been submitted however a condition requesting details of highway mitigation along Tillhouse Road to be agreed in consultation with DCC Highways can be secured. In addition to this condition, further conditions are also requested by DCC Highways in respect of the provision of cycle parking and the consolidation of roads and footways.

In relation to the impact on the road network, the submitted Transport Assessment sets out that as a result of additional residential dwellings within the town centre, the baseline traffic impact scenario will result in the order of an additional 20 vehicle movements through the M5 J29 at peak times and the 'Vision' traffic impact scenario (taking account of planned modal shift) will result in an impact in the order of an additional 15 vehicle movements through the M5 J29 at peak times.

DCC Highways concluded that the development is unlikely to have an impact on the local highway network that can be considered as severe.

National Highways initially raised concerns that the proposed uplift in development across the Cranbrook Plan expansion zones in addition to the further dwellings in the town centre proposed by current applications (23/0554/MFUL, 23/0511/MFUL, and 23/2354/MFUL) could result in some 500 dwellings in excess of the quantum previously assessed and accepted through the production of the Cranbrook Plan.

To address the concerns raised by National Highways, a Transport Assessment Addendum (TAA) has been submitted to address the concerns regarding the impact of the housing on the Strategic Road Network (SRN). This follows a Vision and Validate and demonstrates that the impact of the sites on the SRN, when all factors are considered, is likely to be minimal and included in the background traffic growth assumptions included in previous capacity assessments.

After reviewing this additional information, National Highways have concluded that have no objections to the application. Emerging findings from modelling work carried out by National Highways provide sufficient comfort to suggest that a small increase over the currently accepted

limit of 7,750 dwellings can be accommodated without unacceptable safety impact or severe residual cumulative impacts for the Strategic Road Network.

National Highways have also recognised that further works are planned and required at Cranbrook including bus improvements and pedestrian and cycling infrastructure. The emerging town centre would also increase the level of services and therefore would reduce the number of trips outside of Cranbrook for leisure, shopping and employment.

It is acknowledged that the Town Council have stated that consideration should be given towards bringing forward a Controlled Parking Zone (CPZ) and that progressing a scheme during, or post adoption is challenging. Whilst it is the view of DCC Highways that it would be sensible to review requirements for a CPZ following the adoption of roads and following the completion of the MLR uplift works, it would be in the best interests to secure a scheme for the CPZ via a condition as part of this application to facilitate the bringing forward of a CPZ.

Therefore, the proposed development would not result in harm to the local or strategic road network and complies with Policy TC7 (Adequacy of Road Network and Site Access) of the adopted Local Plan (2016).

RAIL NETWORK

Network Rail have raised concerns regarding development around the Crannaford Level Crossing and impact on the crossing. While highway and rail safety must be an absolute priority, there is no evidence that trips from the development would make a material difference in the number of vehicle and pedestrian movements over the crossing as services and facilities would be within Cranbrook itself or to the south of the railway line. As such while the concern from Network Rail is acknowledged, amendments or improvements to the crossing is not something that should be sought or attempted to be secured through this application and Network Rail should be directed to Devon County Council who can consider the request through due process.

CONSTRUCTION IMPACTS

In terms of construction impacts, a Construction and Environment Management Plan has been submitted as part of the application and no concerns have been raised by the County Highway Authority or National Highways regarding the CEMP.

WASTE

Each dwelling would be provided with a refuse storage area and two bin collection points have been provided on private drives to ease collection. Both Cllr Bloxham and the Town Council have raised concerns in relation to the refuse strategy and bin collection points which resulted in the removal of communal bin storage areas in favour of individual collection points. The application has been reviewed by EDDC Waste and Recycling who raised no concerns with the proposals and stated that bins can be collected from the news streets.

SUMMARY

In relation to transport, access, movement and parking, the development is acceptable and would not result in significant harm to public or highway safety. The site would be accessible by public and active transport and subject to conditions the proposal would accord with adopted policies.

H) TREES, GREEN INFRASTRUCTURE AND LANDSCAPING

Policy D2 (Landscape Requirement) of the adopted Local Plan (2016) states that landscape schemes should meet all of the following criteria:

- a) Existing landscape features should be recorded in a detailed site survey, in accordance with the principles of BS 5837:2012 'Trees in Relation to Construction' (or current version)
- b) Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. This should be in addition to the requirement for new landscaping proposals. Where appropriate, existing habitat should be improved and where possible new areas of nature conservation value should be created.
- c) Measures to ensure safe and convenient public access for all should be incorporated.
- d) Measures to ensure routine maintenance and long term management should be included.
- e) Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping.
- f) The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

Policy D3 (Trees and Development Sites) of the adopted Local Plan (2016) states that 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.

Policy CB26 (Landscape, Biodiversity and Drainage) of the Cranbrook Plan (2022) states that development will only be permitted where it is in accordance with an up to date Landscape, Biodiversity and Drainage Strategy (LBDS), and illustrated LBDS Framework plan, which has been agreed in writing by the Local Planning Authority.

Policy PB08 (Tree, hedges and woodland on development sites) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that where trees are present on a development site, proposals will need to be designed, and schemes implemented, in a manner that retain good quality and healthy woodland, trees and hedgerows. This emerging policy carries limited weight at the time of determination.

The application was accompanied by landscaping plans which show the retention of the majority of existing trees and hedgerows along the southern and eastern boundaries. A small section of hedgerow would be removed to facilitate pedestrian and cycling access points to Luccombe Oak to the south. The proposed development would include on-plot landscaping and hedgerows within front gardens and in-between car parking spaces as well as new tree planting and small areas of amenity grass. In relation to hard landscaping the proposed would include a mixture of black asphalt, coloured asphalt and block paving to provide variation within the development. In relation to TPO protected trees, these are to be retained as part of the development. Protective fencing would be installed around the TPO trees and retained vegetation, and no construction is proposed within the RPAs of TPO trees T14, T15 and T36. A limited amount of construction is proposed in the RPA of T16 (TPO) to facilitate the pedestrian link to Luccombe Oak as well within the RPA of T108 and shall be hand dig only with ground protective measures in place.

The application has received comments from the council's Tree and Landscape Officers and revisions to the plans submitted as a result to address concerns raised.

The proposed development is located within the town centre where higher densities are encouraged and in acknowledging comments from the Tree Officer, whilst it would have been preferable to include additional space for tree planting and landscaping, this may have resulted in a reduction in

residential dwellings and therefore a reduction in density and development as noted above is outside of RPAs.

The Landscape Architect initially reviewed the application and had concerns that there was an inadequate provision of trees and planting. The Landscape Architect has also made comments in relation to the layout, boundary materials, surface materials, soft landscaping plans and soil volumes during the application.

In response, revised plans have been submitted with amendments to the layout, plant specifications and hard materials and the Landscape Architect has provided further comments on tree designs and details, the soft landscaping specification, the design of car parking courts and boundaries and location of front and rear pathways. The applicant subsequently submitted revised plans which included additional tree planting, amendments to the soft landscaping specification and several minor layout tweaks and as a result the Landscape Architect's follow up comments relate only to proposed conditions.

It is acknowledged that the overall provision of soft landscaping scheme is minimal but amendments to materials, boundary treatments, tree planting, plant specifications, surface materials and the site layout help to soften the overall development. This is also partly a consequence of the higher density layout.

In relation to Policy CB26, a standalone Landscape, Biodiversity and Drainage strategy has not been provided as part of this application however the application includes information in relation to the policy criteria across several documents which satisfies the overall policy requirements.

Overall, the scheme would retain existing trees and hedgerows, and the planting scheme proposed, with street tree planting and landscaped areas visible in the public realm is acceptable, subject to conditions to secure delivery and supplemental details. The scheme is commensurate with the location and the landscaping of surrounding developed parcels of land. As such, the application accords with Policy D2 and Policy D3 of the adopted Local Plan.

I) SUSTAINABILITY AND CLIMATE CHANGE

Policy CB12 (Delivering Zero Carbon) of the Cranbrook Plan (2022) states that all development at Cranbrook will be designed, constructed and perform to the highest practicable and viable whole life sustainability standards possible. Detailed development proposals will be required to submit for approval a Carbon Plan that sets out how the development will deliver carbon savings contributing towards the overall plan vision to "deliver a truly zero carbon new town" in line with the Energy Hierarchy. Unless specified by policy elsewhere, all developments which propose the construction of new homes or non-residential floorspace must demonstrate that they:

1. Minimise the need to travel and where necessary enable travel by low carbon means:
2. Minimise energy demand and carbon emissions:
3. Maximise the proportion of energy from renewable or low carbon sources:
4. Ensure in-use performance of buildings is as close as possible to designed intent.

Strategic Policy CC02 (Net-zero carbon development) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that all developments will be required to demonstrate at the application stage that the relevant standards will be achieved and that minimising the carbon footprint of the proposed development has informed the design and layout of the development. This emerging policy carries limited weight at the time of determination.

The application was supported by a Sustainability and Energy Statement which sets out how the development would comply with Policy CB12.

In relation to Policy CB12 (1), the site would be located within the town centre of Cranbrook with public and active travel opportunities. The site would include links to adjacent parcels and the level of car parking amended to ensure sustainable modes of travel are more attractive. In relation to Policy CB12 (2), the development would apply the energy hierarchy and would result in a reduction in energy demand through low energy lighting, appliances, and fabric first measures. Around two thirds of the proposed dwellings would include a south facing orientation to maximise solar gain. In relation to Policy CB12 (3), the proposal would connect to the District Heat Network which is a lower carbon form of heating and hot water. To comply with building regulations, dwellings would also include PV panels. In relation Policy CB12 (4), compliance with the Sustainability and Energy Statement and the measures outlined within it would ensure that the development is built in accordance with this Policy.

In relation to bin and bike storage, the proposal would include space for both with further details of bike storage to be conditioned. EV charging is included and would be required under Building Regulations and contributions towards Sustainable Travel and Car Sharing/E-Bikes would be secured via a legal agreement.

In relation to sustainability and climate change, the proposed development is considered to comply with Policy CB12.

J) LAND CONTAMINATION

Policy EN16 (Contaminated Land) of the adopted Local Plan (2016) states that where it is anticipated that contamination may be present on or near to a development site, a contaminated land assessment will be required. The assessment must be agreed with the Council and must: a) Identify and characterise the contamination; b) Identify the risks; and c) Identify remediation and/or mitigation measures. Where identified as necessary, the agreed measures must be taken to remediate the site prior to or during the development. Development on or in close proximity to active or former waste sites will only be permitted where it can be demonstrated that there will be no harm to future occupiers of the site from leachate or landfill gas or other waste arisings.

Policy OL07 (Contaminated land) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that where it is anticipated that contamination may be present on or near to a development site, planning applications should be supported by a proportionate contaminated land assessment. The assessment must: A. Identify and characterise the contamination; B. Identify the risks; and C. Identify remediation and/or mitigation measures if required. Where identified as necessary, agreed measures must be taken to remediate the site prior to or during development. Ongoing monitoring may also be required. This emerging policy carries limited weight at the time of determination.

The proposed development is sensitive to contamination and following a request from the council's Land Contamination Officer a Geotechnical and Geoenvironmental Interpretive Report has been submitted. Subject to a condition relating to a Remediation Strategy the proposal would meet with the relevant policies discussed above.

K) DRAINAGE AND FLOOD RISK

Policy EN22 (Surface Run-Off Implications of New Development) of the adopted Local Plan (2016) 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.

Policy CB26 (Landscape, Biodiversity and Drainage) of the Cranbrook Plan (2022) states that development will only be permitted where it is in accordance with an up to date Landscape, Biodiversity and Drainage Strategy (LBDS), and illustrated LBDS Framework plan, which has been agreed in writing by the Local Planning Authority. In addition, the LBDS will need to be periodically reviewed so that it remains in line with new legislation, guidance and best practice with a formal review at least every 5 years.

Strategic Policy AR01 (Flooding) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that all development should minimise the impact and mitigate the likely effects of climate change on existing and future occupants, together with the wider community and environment, through the delivery of developments and communities which are resistant and resilient to future floods. This emerging policy carries limited weight at the time of determination.

The application is supported by a Flood Risk Assessment and Drainage Strategy as well as several supplementary technical notes. The site is currently a mix of undeveloped land, storage and compound and includes a small ditch on the southern boundary used to convey water from existing residential development in Cranbrook to existing surface water basins. The entire site is within in Flood Zone 1 however it is noted that a thin linear portion of the site along the southern boundary was located within Flood Zone 2 however this was removed from the flood zone following updates to flood zone maps in March 2025. The Flood Maps do indicate that the section along the southern boundary is at risk of flooding from surface water however there is no development proposed along this section. The Environment Agency (EA) were consulted on the application and raised no concerns to the proposed development.

In relation to surface water run-off, an additional allowance of 45% is required within East Devon. For this application, a 50% allowance has been used which is supported.

Surface water from the southern portion of the site would be conveyed by a below ground drainage network to a point of discharge into a new attenuation basin to the west of the site approved under application 22/2307/MRES which has an approximate volume of 155m³. Surface water on the northern portion would be conveyed and connected to existing surface water drains under Tillhouse Road. The proposal would not include any above ground drainage infrastructure.

DCC Flood Risk do not object to the proposed development and recommend conditions should an approval be forthcoming.

Therefore, the application would be acceptable in relation to flood risk and drainage meaning that the proposal would comply with Policy EN22 of the adopted Local Plan.

L) ARCHAEOLOGY

Strategy 49 (The Historic Environment) of the adopted Local Plan (2016) states that the physical and cultural heritage of the district, including archaeological assets and historic landscape character, will be conserved and enhanced and the contribution that historic places make to the economic and social well-being of the population will be recognised, evaluated and promoted. We will work with our partners and local communities to produce or update conservation area appraisals and conservation area management plans.

Policy EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance) of the adopted Local Plan (2016) states that when considering development proposals which affect sites that are considered to potentially have remains of archaeological importance, the District Council

will not grant planning permission until an appropriate desk based assessment and, where necessary, a field assessment has been undertaken.

Policy HE04 (Archaeology and Scheduled Monuments) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that development must protect the site and setting of Scheduled Monuments, designated or undesignated archaeological remains, including ancient routeways and milestones. Applicants will be expected to undertake an assessment of appropriate detail to determine whether the development site is likely to contain archaeological remains. Proposals must show how the development proposals have had regard to any such remains. This emerging policy carries limited weight at the time of determination.

This site in terms of archaeology was reviewed as part of the allocation of Cranbrook originally as well as the outline planning permission. Various reports on archaeological survey, evaluation, and excavation in and around the proposal area have been published and are publicly available. As part of this application, no archaeological assessment and evaluation was submitted however previous assessment have indicated a low level of archaeological potential at this site. DCC Archaeology has reviewed the application and did not recommend any further archaeological evaluation or mitigation work. Therefore, the proposal is acceptable in terms of archaeology.

M) NATURE CONSERVATION AND BIODIVERSITY

Strategy 47 (Nature Conservation and Geology) of the adopted Local Plan (2016) 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.

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.

All residential development schemes within a straight line 10 kilometres distance of any part of the SAC and/or SAC designated areas of the Exe Estuary or Pebblebed Heaths will be required to provide mitigation.

Policy EN5 (Wildlife Habitats and Features) of the adopted Local Plan (2016) 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. Where potential arises positive opportunities for habitat creation will be encouraged through the development process. Where development is permitted on such sites mitigation will be required to reduce the negative impacts and where this is not possible adequate compensatory habitat enhancement or creation schemes will be required and/or measures required to be taken to ensure that the impacts of the development on valued natural features and wildlife have been mitigated to their fullest practical extent.

Policy CB14 (Habitat Mitigation and Delivery of Suitable Alternative Natural Green Space (SANGS)) of the Cranbrook Plan (2022) states that residential development shall only be brought forward where they can demonstrate that suitable mitigation is being made available to ensure that there is no likely significant effect on the Pebblebed Heaths and Exe Estuary. These environments are

designated as Sites of Special Scientific interest, (SSSI); Special Area of Conservation (SAC); Special Protection Area (SPA); and in the case of the Exe Estuary, RAMSAR. Only where it is wholly impractical to meet the definitions, should off-site delivery or an off-site financial contribution be required.

Strategic Policy PB01 (Protection of internationally and nationally important wildlife sites) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that international followed by nationally designated wildlife sites are of greatest importance and must be given upper most protection. This emerging policy carries limited weight at the time of determination.

Policy PB07 (Ecological enhancement and biodiversity in the built environment) of the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that in addition to features required as part of biodiversity net gain, mitigation or compensation, all proposals are required to incorporate features of biodiversity value tailored to the specific proposals, relevant local receptors and in accordance with best practice to maximise potential benefits. This emerging policy carries limited weight at the time of determination.

The application is supported by an Ecology Assessment and Briefing Note which set out that the site was a mixture of grassland, bare ground and vegetation. Since the submission of the application, the site has been partially used for storage and a construction compound. There are no statutory designated sites within or adjacent to the site however the site is located within the zone of influence for the East Devon Pebblebed Heaths SAC and SPA together with the Exe Estuary SPA and Ramsar sites. There are no non-statutory designated sites of nature conservation interest within or adjacent to the site. The nearest non-statutory designated site is Hellings Park Fen County Wildlife Site (CWS), which is located approximately 1.6km west of the site. The nearest Other Site of Wildlife Interest (OSWI) is Exeter Airport OSWI, which lies approximately 1.61km south of the site.

Surveys for this site were undertaken in 2011, 2012, 2015, 2016, 2017, 2018, 2019, 2021 and 2022. Additional walkovers were undertaken in 2024 as part of BNG calculations. The findings are summarised by species below:

- Badgers - The grassland and hedgerow habitats within the site offer some suitable foraging opportunities for Badgers, while the hedgerows offer some suitable shelter opportunities for this species.
- Bats - The site has generally moderate usage by bats with Soprano Pipistrelle being the most commonly recorded species. There is also slightly lesser usage by Common Pipistrelle and Noctule. Bat activity was present throughout the site and generally associated with boundary features and is considered that the site provides some foraging and navigational resources for bats. The planting and retention of native hedgerows and trees as part of the development proposals would provide new and continued foraging and navigational opportunities for bats. The development also proposed 5 new Bat Boxes north of the existing vegetation.
- Birds - It is considered that the hedgerows and trees within the site offer some suitable foraging opportunities for House Sparrow and Cuckoo and some limited suitable nesting opportunities for House Sparrow. It is also considered that the hedgerows and trees offer some limited suitable foraging opportunities for Barn Owl. The grasslands are considered to provide suitable foraging habitat for House Sparrow and Barn Owl and suitable foraging and nesting opportunities for Skylark. Any clearance must be undertaken outside the bird nesting season. The planting of any new, native trees and shrubs would provide new nesting and

foraging opportunities for a range of bird species. The proposal also includes 65 new Bird Boxes across the development site.

- Dormice - Dormice have been recorded in the wider area and two Dormouse nests have been found to the north of the site. Given these results, it is considered that two hedgerows within the site would lie within the Dormouse 'core habitat' range, and the removal of any sections will require a Natural England Mitigation Licence and detailed mitigation would be contained within the method statement of such a licence application. Any new hedgerows will be managed specifically for the benefit of Dormice.
- Otters - No evidence of Otter was recorded within the site or wider area.
- Great Crested Newts - It is not considered that Great Crested Newts are present within the site.
- Reptiles - It is considered that the rough grassland within the site offers suitable habitat for reptiles. A watching brief is to be implemented together with a capture/rescue and relocation exercise as required
- Mammals - No evidence of any other mammals was recorded within the site; however, it is considered that the grassland and hedgerows offer some suitable opportunities for a range of small mammals.
- Invertebrates - Due to the habitats present it is likely an assemblage of common invertebrate species would be present within the site. The creation of any new areas of species rich grassland, and the planting of any new native trees within the site, will provide suitable opportunities for a range of invertebrates.

Overall, several mitigation and enhancement measures are proposed:

- Bee Bricks on southeastern facing walls.
- 13cm x 13cm Hedgehog Holes between garden boundaries, open space and areas of vegetation.
- 5 Bat Boxes north of the existing vegetation.
- 65 Bird Boxes on north, west, east and southern elevations.
- Grassland areas to be a native seed mix to be secured through the landscaping scheme.
- New tree and hedgerow planting across the site and appropriate management.
- Grass cuttings and brash shall be left in piles beneath the vegetation.
- Watching brief is to be implemented.

These mitigation measures shall be secured via a condition.

The application has been reviewed by the council's Ecologist who recommends conditions in relation to a revised Landscape and Ecological Management Plan (LEMP) to include a number of missing elements typically found within a LEMP and compliance with Ecological Mitigation Measures.

It is recognised that for Dormice, the proposed works would require a European Protected Species Licence from Natural England. In these circumstances the Local Planning Authority (LPA) has a statutory duty under Regulation 3(4) to have regard to the requirements of the Habitats Directive in the exercise of its functions when dealing with cases where a European Protected Species (EPS) may be affected. The species protection provisions of the Habitats Directive, as implemented by the Habitats Regulations, contain three 'derogation tests' which must be applied by Natural England

when deciding whether to grant a licence to a person carrying out an activity which would otherwise lead to an offence under provisions protecting species in the Habitats Regulations. The Woolley court judgment makes it clear that the Local Planning Authority must apply these same three tests when determining a planning application.

The three tests are:

- i. the activity must be for imperative reasons of overriding public interest or for public health and safety;
- ii. there must be no satisfactory alternative
- iii. favourable conservation status of the species must be maintained

In this case it is considered that there is public interest as the proposal would bolster housing and affordable housing, unlock development in the town centre and there are social, economic and environmental benefits of the development.

In considering whether there is a satisfactory alternative, it is noted that the section of the hedgerow providing the dormice habitat is required to be removed to facilitate an access point to existing residential development within Cranbrook. Other locations in the hedge could be used to provide access, but these would also require the removal of hedgerows. In any case the level of hedgerow removal is relatively minor in comparison to the length of the existing hedge and there are public benefits in connecting the development to existing dwellings.

To mitigate for the loss of habitats, additional habitat is being created across the site to provide new and enhanced foraging opportunities. The full suite of mitigation measures to would be secured as part of the licence.

With appropriate conditions to secure details of the mitigation, it is considered that the ecological status of the protected species can be maintained in a favourable condition and having regard to the above assessment, Officers consider that the three tests would be met, and that Natural England are likely to grant an EPS licence.

HABITAT MITIGATION

The site is located within 10km of the East Devon Pebblebed Heaths SAC and SPA together with the Exe Estuary SPA and Ramsar sites. During the operational phase, the development is likely to increase recreational pressures on these European sites which will likely have both direct and indirect significant effects when considered alone or in combination. This therefore requires the authority to undertake an Appropriate Assessment (AA) in accordance with the Conservation of Habitats and Species Regulations 2017. This has been undertaken which also concludes that the proposed development, as it is within 10km, is likely to have significant effects on the interest features of these European sites. The joint approach for mitigation by the relevant local authorities relies on a mechanism by which developers can make contributions to mitigation measures delivered by the South East Devon Habitat Regulations Partnership. The mitigation measures are set out in the Cranbrook Plan IDP and MOU which includes the following:

- Payment of £499 per dwelling for non-infrastructure mitigation
- Payment of £2,052 per dwelling for costs associated with delivery and maintenance of SANGS, including estimated land purchase costs.

Under this application, no direct SANG provision is provided.

Natural England were consulted on the AA and have advised that on the basis of the appropriate financial contributions being secured to the South-East Devon European Sites Mitigation Strategy, they would concur with this authority's conclusion in the AA that the proposed development will not

have an adverse effect on the integrity of the European Sites. It is for the LPA to adopt the AA and accordingly there is a further recommendation on this at the end of the report.

BIODIVERSITY NET GAIN (BNG)

As this application was submitted in March 2023, the legal requirements under the Environment Act 2021 do not apply to this application.

Policy CB26 (Landscape, Biodiversity and Drainage Strategy) sets out that Landscape, Biodiversity and Drainage Strategy (LBDS) should be prepared in conformity with landscape character, biodiversity and sustainable drainage guidance and deliver at least 10% biodiversity net gain.

As part of this planning application, a High-Level Biodiversity Net Gain Calculation Summary was submitted in April and June 2025 and concluded that the proposal could result in an overall net gain. The proposal could result in a 5.41% increase in habitat units and a 32.46% increase in hedgerow units using the Statutory Biodiversity Metric.

In relation to Habitat Units, it is acknowledged that the proposal would result in a gain of 5.41%. In isolation this would be a relatively minor conflict with Policy CB26 of the Cranbrook Plan as this fails to meet the 10% increase requirement in respect of this element of BNG. In cases like this where that statutory obligation is relevant and it is not possible to achieve a 10% net gain on site, it would be expected that either mitigation is provided off site or units/credits are purchased. However, the requirement in this instance is a policy consideration and therefore the conflict with policy is to be considered in the wider planning balance. It is noted that the MOU did not include expectations/provisions for any specific obligations in respect of BNG.

The assessment provided was a guide and further information would be required should an approval be forthcoming. This information including management of the biodiversity gains would be secured via a Biodiversity Management Plan Condition.

N) PLANNING OBLIGATIONS

Strategy 50 (Infrastructure Delivery) of the adopted Local Plan (2016) states that the Council produced and consulted (in June/July 2013) on an Infrastructure Delivery Plan to set out how the implementation of Local Plan policies and proposals will be supported through the timely delivery of infrastructure improvements. It identifies schemes, sets out how much they will cost, indicates potential funding sources and establishes a funding gap. Developer contributions will be sought to ensure that the necessary infrastructure improvements are secured to support the delivery of development and mitigate any adverse impacts.

Policy CB6 (Cranbrook Infrastructure Delivery) of the Cranbrook Plan (2022) sets out that development that is proposed within the Cranbrook Plan Area must demonstrate that it will meet the likely demands of future occupiers/users by delivering, either in full or where necessary in part, the identified infrastructure from the 4 categories identified. This infrastructure is necessary to achieve a healthy, active, integrated and friendly self-reliant community.

Policy CB22 (Residential Development in the Town Centre and Neighbourhood Centres) of the Cranbrook Plan (2022) sets out that new proposals for residential development in the Town Centre will be required to make contributions to on and/or off-site infrastructure in and around the town to mitigate for the likely additional pressure that would result from the increased occupation associated with the development.

Strategic Policy SP07 (Delivery of infrastructure) the Emerging East Devon Local Plan 2020 to 2042 (Regulation 19 Plan February 2025) states that new development proposals must be supported by appropriate infrastructure, delivered in a timely manner to support the needs of the development

and the wider community. Where appropriate, the Council will use planning conditions or planning obligations to secure the provision of infrastructure and its ongoing maintenance. This emerging policy carries limited weight at the time of determination.

As set out within the MOU agreed between EDDC and the EDNCp, the development is subject to the following obligations (to be index linked from Q2 2022):

- o Delivery of 4 affordable dwellings comprising of Affordable Rented Dwellings. All of the affordable housing units will meet part M4(2).
- o Connection to the District Heat Network
- o £2,551 per dwelling for appropriate habitat mitigation
- o £1,742 per dwelling for primary school places
- o £1,045 per dwelling for sustainable travel
- o £72 per dwelling for car sharing/e-bikes
- o Monitoring Fees

Draft legal agreements under S106 provisions have been submitted as part of the application and make provisions intended to be in line with the MOU. A Deed of Variation to the original Cranbrook S106 is also required to release the obligations in relation to the Additional Dwellings Sites. It is noted that DCC Education commented on the application requesting a contribution of £1,742 per Additional Residential Dwelling which aligns with the MOU.

It is acknowledged that the proposals would include contributions to mitigate the likely additional pressure on services, but that these fall short of the full infrastructure requirements of the Cranbrook Plan. However as detailed earlier in this report, these land and financial contributions were the subject of protracted negotiations aimed at ensuring that the town and its residents are served by the services and facilities in the town centre necessary to support their needs. Ultimately it was the decision of the council's Cabinet that the benefits secured in principle through the signing of the MOU outweigh any harm caused as a result of the limited package of infrastructure delivery and off-site financial contribution. It is for the Planning Committee to decide if they concur with this conclusion and the provisions of the MOU but the fact that it was made by the Cabinet in full awareness of the short- and long-term implications, is deemed to be a consideration material to the determination of this planning application.

CONCLUSION AND PLANNING BALANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan relevant to this application site is the East Devon Local Plan 2013-2031, The Cranbrook Plan DPD and Devon Waste Plan, with the relevant policies of each having been discussed throughout this report.

The council is unable to demonstrate a 5-year supply of deliverable housing land and therefore the presumption in favour of sustainable development as set out in Paragraph 11d of the National Planning Policy Framework is engaged. For this application it means that permission should be granted unless policies in the NPPF relating to habitat sites (including the Pebblebed Heaths and Exe Estuary), archaeological interest or areas at risk of flooding provide a strong reason for refusal or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. This second element of the presumption requires an assessment against the policies in the NPPF taken as a whole, having regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

The application site is located within the Town Centre of Cranbrook and has in principle policy support from Policy CB22 which supports residential development in the town centre of Cranbrook. The site is in a highly sustainable location with access to public and active transport, the Country Park, Education Campus and the emerging Town Centre of Cranbrook and therefore is supported by Strategy 1 and Strategy 3 of the East Devon Local Plan as well as the National Planning Policy Framework.

The proposal would result in 65 residential dwellings including 4 affordable dwellings and the overall scale and density, while not as high as is required by the Cranbrook Plan, is appropriate when considered in the wider context of surrounding developments and its location, away from the central area of the town centre. The appearance and materials are acceptable and are in keeping with the overall design principles seen in the town, and with the town centre design principles document which is appended to the signed MOU. The proposed landscaping scheme is reflective of the higher density form of development; however new trees, hedgerows and planting are proposed within the development to help soften the overall scheme.

The proposed dwellings would meet the Nationally Described Space Standards, and each dwelling would include private amenity spaces. The proposal is not considered to result in harm to neighbouring properties and the proposed dwellings would offer good levels of sunlight and daylight for future residents.

The proposal has been assessed from a Drainage and Flood Risk, Transport, Land Contamination, Archaeology and Sustainability perspective and is acceptable. The proposal would retain existing trees and hedgerows and would include ecological mitigation measures. As noted above the proposal would result in an overall biodiversity net gain.

The development is acceptable in many regards but would conflict with several adopted policies. Conflict with Policy CB22 in relation to density, adaptable ground floors and infrastructure contributions required, Policy CB10 in relation to affordable housing, and Strategy 43 in relation to Open Space Provision all stem from the in-principle agreement set out between the EDNCp and the council within the MOU and town centre design principles document. Conflict with Policy CB20 in relation to unallocated car parking being lower than required is a result of form of development proposed but is far higher than has been seen elsewhere within Cranbrook to-date.

The proposed development would result in a number of public benefits including the delivery of much needed housing including affordable homes within the district (albeit at a rate lower than policy requirement) as well as helping to unlock the development of the Town Centre of Cranbrook. The site has been vacant for several years and the proposal would help to deliver the town centre and land around Tillhouse Road in accordance with the MOU. The proposal, alongside the other residential parcels within the Town Centre as set out within the MOU would ensure that financial contributions toward the construction of the Town Council Offices, Children's Centre, Youth Centre and Library are provided by the EDNCp. These contributions would help to fund and bring forward these facilities within the Town Centre which would provide much needed services to residents. The proposal would include economic benefits from construction to operation and benefits to local businesses and services by increasing footfall in the Town Centre.

There is clearly a need to balance development which is in accordance with the adopted Local Plan and Cranbrook Plan against the need for housing within the district and material considerations which are relevant in the determination of this application.

In this case, the need to bolster housing within East Devon is a material consideration and the NPPF supports the delivery of sustainable development in principle. The need to bolster housing supply is given significant weight in the decision. In addition, the signing of the Memorandum of Understanding (MOU) is also given significant weight which set out that the application site could be

brought forward for residential development and financial contributions were agreed for the Additional Residential Dwellings in the town centre.

In this instance and having regard to all planning matters, given the need to increase housing supply for the longer term, the sustainable location of the site and signing of the MOU which agreed the open space and affordable housing requirements and financial contributions, officers consider that the material considerations in this case would justify a recommendation for approval. Officers acknowledge that there are conflicts with adopted policies, however these alone or in combination would not result in a development whereby the harm would significantly and demonstrably outweigh the benefits and officers consider that the proposed development would overall align with the principles of sustainable development.

It is recommended that the appropriate assessment is adopted, and that the application be approved subject to a S106 Legal Agreement and Conditions.

The recommendation does not set a precedent for the approval of development which fails to fully comply with the development plan and in any case the precise context and material considerations for each site differs and each planning application must be determined on its own merits.

RECOMMENDATION

- a) ADOPT the Appropriate Assessment (as set out in Appendix 1).
- b) APPROVE the application subject to a S106 Legal Agreement and Conditions (final wording delegated to the Development Manager):
 - 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. Sustainable Drainage System

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

- (a) A detailed surface water drainage system design based upon the Flood Risk and Drainage Strategy including details of Tree Pits (with surface water connections in and out) and Permeable Paving.
- (b) Detailed proposals for the management of surface water and silt runoff 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 approved works to Basin 2C and construction of a new surface water feature (ref. 22/2307/MRES) have been completed and approved details have been implemented in accordance with the details under (a) - (d) above.

(Reason - The above conditions are pre-commencement 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.)

4. Tree Protection Measures

I. Prior to the commencement of the development hereby approved (including any demolition and all preparatory work), the tree protection measures as identified in the submitted Arboricultural Assessment & Method Statement and Tree Protection Plans (TPPs) (March 2025) prepared by FPCR shall have been completed:

- (a) The tree protection fencing and / or ground protection shall be in place and in accordance with the agreed specification and retained intact for the full duration of the development.
- (b) The installed tree protection shall have been inspected by an appropriately experienced and qualified Arboricultural Consultant and the initial site inspection findings shall be submitted to and approved in writing by the Local planning Authority.

II. During the development hereby approved, the following tree protections measures will be undertaken:

- (c) The Arboricultural Assessment & Method Statement and TPPs shall be strictly followed.
- (d) Any departures from the approved TPP and Arboricultural Assessment & Method Statement shall be reported to the Local Planning Authority in writing within five working days of the site inspection.

III. On completion of the development hereby approved:

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

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) except for the two footpath/cycle connections to Luccombe Oak 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.

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 unless agreed in writing by the Local Planning Authority.

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.

(Reason - This is pre-commencement as 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.)

5. Remediation Strategy

Prior to the commencement of the development, a remediation strategy to deal with the identified risks associated with contamination of the site in respect of the development hereby

permitted, shall be submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. An options appraisal and remediation strategy based on the recommendations detailed within Geotechnical and Geoenvironmental Consultancy's site investigation report (Report Ref. CGL/16816A) giving full details of the remediation measures required and how they are to be undertaken.
2. A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy are complete.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken and where remediation is necessary a new remediation scheme must be prepared. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency Land Contamination Risk Management (LCRM) guidance.

(Reason - This is pre-commencement to ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EN16 of the East Devon Local Plan.)

6. Conveyance and Adoption Plan

Prior to the commencement of development above slab level, a Conveyance and Adoption Plan depicting to whom the following assets are proposed for transfer of ownership and/or maintenance shall be submitted to and approved in writing by the Local Planning Authority. Conveyance and Adoption shall take place in accordance with the agreed plans unless otherwise agreed in writing by the Local Planning Authority:

- o Highways and Private Drives
- o Car Parking Spaces (Private and Unallocated)
- o Pedestrian and Cycle Paths
- o Existing Trees and Hedgerows
- o Public Open Spaces (Hard and Soft Landscaped)
- o Private Dwellings
- o Affordable Housing

(Reason - This is pre-commencement and is needed to ensure that there is clarity at all stages of place making as to which organisation or Local Authority is likely to take on which asset and to help minimise the risk of the inappropriate disposal of key assets and connecting routes.)

7. Landscape and Ecological Management Plan

Notwithstanding the submitted plan, prior to the commencement of the development, a revised Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority, based on the submitted Ecological Assessment by Ecology Solutions (September 2022) and Briefing Note: Information for Ecological Enhancements by Ecology Solutions (June 2025).

The content of the revised LEMP shall also include the following.

- a) Updated description and specifications of the landscape and ecological features to be created and/or managed to include H28b.
- b) Preparation of a detailed work schedule (including an annual work plan capable of being rolled forward over a minimum 30-year period).
- c) Details of the body or organization responsible for implementation of the plan.
- d) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. 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 approved plan will be implemented in accordance with the approved details.

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

8. Biodiversity Management Plan

Prior to the commencement of the development, a Biodiversity Management Plan shall be submitted to and approved in writing by, the Local Planning Authority.

The 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. Detailed proposals for on-site biodiversity net gain.
2. A management and monitoring plan for any on-site biodiversity net gain including management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports from commencement of development, demonstrating how the biodiversity net gain is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures required.

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 - This is prior to development commencing to ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Policy CB26 (LBDS) of the Cranbrook Plan DPD, 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.)

9. Details of External Materials

No development above slab level for any dwelling shall begin until details of the following materials have been submitted to and approved in writing by the Local Planning Authority:

- o Red Brick
- o Buff Brick
- o Blue Projecting Brick
- o Brown Tile
- o Grey Tile
- o Block Paving
- o Coloured Tarmac
- o Rumble Strips
- o Paving Slabs

The development shall be built in the materials approved and retained for the lifetime of the development.

(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.)

10. Further Detail Drawings

Notwithstanding the submitted details and prior to the installation or construction of the relevant element, detailed plans, elevations and sectional drawings at an appropriate scale of the following items shall be submitted to and approved in writing by the Local Planning Authority:

- o Front Canopies
- o Windows and Doors (including brick detailing)
- o Boundary Treatments

The development shall be carried out in accordance with the approved details.

(Reason - This is prior to the relevant element as insufficient information has been submitted to satisfy the Local Planning Authority regarding the above to ensure that the development is acceptable in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)

11. Tillhouse Road Highway Mitigation

No development shall commence until detailed plans at an appropriate scale of the proposed highway mitigation measures on Tillhouse Road to reduce vehicular speeds at and around the proposed access points have been submitted to and approved in writing by the Local Planning Authority in consultation with DCC Highway Authority. The approved mitigation measures shall be installed prior to the first occupation of any dwelling or in accordance with a programme agreed in writing with the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

(Reason - This is pre-commencement as insufficient information has been submitted to satisfy the Local Planning Authority regarding the above to ensure that the development is acceptable in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)

12. Estate Road, Cycleways, Footways

The proposed estate road, cycleways, footways, crossing points, footpaths, verges, junctions, street lighting, street name plates, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. 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 prior to their construction begins.

Development shall take place in accordance with the approved details.

(Reason - This is prior to their construction as insufficient information has been submitted to satisfy the Local Planning Authority regarding the above to ensure that the development is acceptable in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)

13. Further Details - Tree Pits

Notwithstanding the submitted details, no development above slab level for any dwelling shall begin until tree pit details have been submitted to and approved in writing by the Local Planning Authority.

For every tree proposed within or adjacent to hard paved areas or small planting beds, calculations of the required soil volumes appropriate for the species/cultivar shall be provided together with the actual volume to be provided on site. Where necessary this shall include for use of suitable proprietary soil crates extending under areas of paving in accordance with best practice guidance. The extent of any soil crating required shall be indicated on both hard and soft landscape plans.

Tree pits shall be constructed, and trees installed in accordance with approved details.

(Reason - To ensure the soil areas are adequate to allow the proposed trees to properly survive and prosper, in the interests of the visual amenity of the development and to accord 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.)

14. Lighting Scheme

No development above ground floor slab level for any dwelling shall begin until a Lighting Scheme for the site including the locations, heights and specifications of proposed free standing and any wall mounted external lighting including the location of trees, means of control and intended hours of operation has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme must comply with the requirements of the Institute of Light Professionals guidance (ILP), including ILP Guidance Note 08/23, on the avoidance of light pollution and on nocturnal wildlife. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused.

Development shall take place in accordance with the approved details.

(Reason - Details are required to ensure that adequate measures are in place to comply with Policy EN5 and Policy EN14 for the avoidance of light pollution, the avoidance of impacts on

protected species, and to avoid light pollution being detrimental to the amenity of local residents.)

15. Ecological Mitigation

The development shall be carried out in strict accordance with Section 5 of the Ecological Assessment by Ecology Solutions (September 2022) and Briefing Note: Information for Ecological Enhancements by Ecology Solutions (June 2025).

The final dwelling of the development shall not be occupied until a written record has been submitted and approved by the Local Planning Authority to include photographs of the installed ecological mitigation, compensation, and enhancement measures for bats and nesting birds as detailed within the reports unless otherwise agreed by the Local Planning Authority.

The development shall include bee bricks on south and south-eastern facing walls at a rate of at least 1 per dwelling.

(Reason - To ensure that ecological measures provided as part of the proposal are fully delivered and managed in accordance with the agreed details, in accordance with Policy EN5 (Wildlife habitats and features) of the adopted East Devon Local Plan 2013 - 2031.)

16. Cycle Storage

Prior to the occupation of any dwelling hereby permitted, details of secure cycle storage facilities for each property shall be submitted to, and approved in writing by, the Local Planning Authority. Cycle storage provision shall be a rate of one space per bedroom in each property and no dwelling hereby permitted shall be occupied until the cycle parking provision for such dwelling shown on the approved plans has been completed, and which thereafter, shall be kept free of obstruction and available for the parking of cycles only.

(Reason - To ensure the provision and availability of adequate cycle parking in accordance with Policy CB20 (Parking at Cranbrook) of the Cranbrook Plan (2022).)

17. Unallocated Spaces

Notwithstanding the submitted layout, prior to the first occupation any dwelling within the development, a revised layout to identify the location of unallocated spaces (as indicated by 'vp' on the plans hereby approved) and a scheme to identify unallocated car parking spaces within the development shall be submitted to and be approved in writing by the Local Planning Authority. The unallocated spaces shall be provided in blocks of 4 unless otherwise agreed by the Local Planning Authority. The method of identification for each space must be installed prior to first use of each unallocated car parking space and must be retained for the lifetime of the development.

The development shall be carried out in accordance with the approved details.

(Reason - To ensure unallocated spaces are suitably located and to reduce conflict between private and visitor car parking spaces in accordance with Strategy 37 and Policy D1 of the adopted Local Plan and Policy CB20 of the Cranbrook Plan DPD.)

18. Close Boarded Fencing and Gates

All close boarded fencing and gates fronting the public realm, roads or vehicular parking spaces shall be painted or stained dark grey or another colour if previously agreed in writing by the Local Planning Authority.

(Reason - In the interests of visual amenity in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

19. Meter Boxes

All meter boxes shall be sited and treated/coloured to match the proposed immediately surrounding wall colour to minimise visibility from the public realm.

(Reason - In the interests of visual amenity in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

20. Landscaping

The landscaping proposals hereby approved shall be carried out no later than during the first planting season following the date when the development hereby permitted is first ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for at least five years and any trees, hedgerows or plants removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with others of similar size and species to those originally required to be planted unless otherwise agreed by the Local Planning Authority.

Vehicle parking within the development site shall not encroach onto areas shown as soft landscaping unless otherwise agreed in writing with the Local Planning Authority.

(Reason - In the interests of enhancing and preserving the amenity of the area in accordance with Policy D2 (Landscape requirements) of the East Devon Local Plan.)

21. Removal of Permitted Development - Boundary Treatments

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 boundary treatments including walls, fences, railings or other means of enclosure shall be erected, altered or removed without the prior written approval of the Local Planning Authority.

(Reason - In the interests of preserving and enhancing the character and appearance of the area and/or protecting the privacy of local residents in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

22. Highway Works

The roads, footpaths and turning spaces shown on the plans hereby approved, shall be constructed in such a manner as to ensure that, before it is occupied, each dwelling before is served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway. Furthermore, the parking space/s for each dwelling shall be constructed and available for use prior to first occupation of the units to which it is associated. The gradient of the proposed drives shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

(Reason - To ensure that each property has adequate and suitable access and parking available prior to occupation, in accordance with the provisions of Policy CB23 (Parking at Cranbrook) of the Cranbrook Plan 2013 - 2031, and Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 - 2031).

23. Compliance with Construction and Environment Management Plan (CEMP)

The development shall be carried out in strict accordance with the Construction and Environment Management Plan (CEMP) (10822/CEMPTC01 Rv4) by Brookbanks (dated 26.08.23).

Construction working shall not take place outside the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

(Reason - To protect the amenities of existing and future residents in the vicinity of the site in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan).

24. Garden Gates

All garden gates shall be fitted with a method of locking them from both sides, prior to the first occupation of the property which they provide access to.

(Reason - To ensure that the garden areas are capable of being secured, in accordance with the provisions of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013- 2031).

25. Controlled Parking Zone

Prior to the first occupation of the development hereby permitted, details of a scheme to facilitate the control of parking on the highways within this development shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of all relevant steps necessary for its implementation, clearly setting out which organisation is responsible for each step together with a proposed timetable for the implementation of the relevant steps. The implementation of the agreed scheme shall be carried out in accordance with the approved proposed timetable unless otherwise agreed in writing by the Local Planning Authority.

(Reason – To ensure that adequate parking provision is provided and to reduce inappropriate parking in accordance with Strategy 37 of the Adopted Local Plan and Policy CB20 of the Cranbrook Plan (2022).)

NOTE FOR APPLICANT

Biodiversity Net Gain

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

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

The BG conditions states that development may not begin unless:

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

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

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

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

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

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
 - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - (i) the application for planning permission was made before 2 April 2024;
 - (ii) planning permission is granted which has effect before 2 April 2024; or
 - (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

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

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

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

(i) consists of no more than 9 dwellings;

(ii) is carried out on a site which has an area no larger than 0.5 hectares; and

(iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Irreplaceable habitat

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

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

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

Informative:

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

Informative:

The Local Planning Authority (LPA) has a statutory duty under Regulation 3(4) to have regard to the requirements of the Habitats Directive in the exercise of its functions when dealing with cases where a European Protected Species (EPS) may be affected. The species protection provisions of the Habitats Directive, as implemented by the Habitats Regulations, contain three 'derogation tests' which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would otherwise lead to an offence under provisions protecting species in the Habitats Regulations. Having regard to the three tests, the LPA considers that the three tests would not be met and that Natural England are unlikely to grant an EPS licence.

Informative:

This planning permission is accompanied by a S106 Legal Agreement which must be read in conjunction with this decision notice

Plans relating to this application:

DR-L-0008 P01 : tree pit details	Other Plans	15.07.24
10947-508-002 A : manhole schedule	Other Plans	15.07.24
10947-115-004 A : : standard details	Other Plans	15.07.24
10947-115-003 A : drainage standard details	Other Plans	15.07.24
10947-115-002 A : Highways Standard Details Sheet 2	Other Plans	15.07.24
10947-115-001 A : Highways standard details Sheet 1	Other Plans	15.07.24
DP-A-1200 H : Beaford EMA 22 V1	Proposed Combined Plans	02.06.25
4671-T-57 B	Tree Protection Plan	12.03.25
4671-T-56 B	Tree Retention Plan	12.03.25
10947-100-027K: Vehicle Tracking Refuse Sheet 4	Other Plans	02.06.25
10947-100-024K: Vehicle Tracking Fire Tender Sheet 1	Other Plans	02.06.25

10947-100-025K: Vehicle Tracking Fire Tender Sheet 2	Other Plans	02.06.25
10947-100-026K: Vehicle Tracking Refuse Sheet 3	Other Plans	02.06.25
10947-100-030E: Vehicle Tracking Fire Tender Sheet 5	Other Plans	02.06.25
10947-100-031E: Vehicle Tracking Refuse Sheet 4	Other Plans	02.06.25
10947-104-003D: Fire Tender Coverage Sheet 1	Other Plans	02.06.25
10947-104-004D: Fire Tender Coverage Sheet 2	Other Plans	02.06.25
10947-106-003J: S38 ADOPTION PLAN TC7B SHEET 1	Other Plans	02.06.25
10947-106-004J: S38 ADOPTION PLAN TC7B SHEET 2	Other Plans	02.06.25
10947-107-003K: S104 ADOPTION PLAN TC7B SHEET 1	Other Plans	02.06.25
10947-107-004J: S104	Other Plans	02.06.25

ADOPTION
PLAN TC7B
SHEET 2

10947-1100-003H: PAVING AND KERBING PLAN TC7B SHEET 3	Other Plans	02.06.25
10947-1100-004J: PAVING AND KERBING PLAN TC7B SHEET 4	Other Plans	02.06.25
10947-111-002H: GENERAL ARRANGEM ENT TC7B	Other Plans	02.06.25
10947-112-003H: VISIBILITY TC7B SHEET 1	Other Plans	02.06.25
10947-112-004H: VISIBILITY TC7B SHEET 2	Other Plans	02.06.25
10947-120-003J: FINISHED FLOOR LEVELS TC7B SHEET 1	Other Plans	02.06.25
10947-120-004J: FINISHED FLOOR LEVELS TC7B SHEET 2	Other Plans	02.06.25
10947-503-003H: GULLY CATCHMEN T PLAN TC7B SHEET 1	Other Plans	02.06.25
10947-503-004H:	Other Plans	02.06.25

GULLY
CATCHMEN
T PLAN
TC7B
SHEET 2

10947-506-003G: ADOPTABLE DRAINAGE LAYOUT TC7B SHEET 1	Other Plans	02.06.25
10947-506-004G: ADOPTABLE DRAINAGE LAYOUT TC7B SHEET 2	Other Plans	02.06.25
10947-515-002H: IMPERMEAB LE AREA PLAN TC7B	Other Plans	02.06.25
10947-520-002J: EXCEEDAN CE PLAN TC7B	Other Plans	02.06.25
10947-700-003H: CHAINAGE & CONTOUR PLAN TC7B SHEET 1	Other Plans	02.06.25
10947-700-004H: CHAINAGE & CONTOUR PLAN TC7B SHEET 2	Other Plans	02.06.25
DR-L-0001 Rev P17 : Landscaping General Arrangement	Other Plans	10.06.25
DR-L-0002 Rev P17 : On Plot Landscaping 1 of 2	Landscaping	10.06.25
DR-L-0003 Rev P17 : On Plot	Landscaping	10.06.25

Landscaping
2 of 2

3150.PLAN1: Technical Enhancements Rev D	Additional Information	10.06.25
TN11 Rev 8: Drainage Strategy	Drainage report	26.03.25
DR-A-0111 F : Dwelling Materials	Layout	09.06.25
DR-A-0110 K : Proposed Site Layout	Layout	09.06.25
DR-A-0114 E : Tenure Layout	Layout	09.06.25
DR-A-0116 E : Storey Heights	Layout	09.06.25
DR-A-113 G : Refuse Plan	Layout	09.06.25
DR-A-0112 F : Boundary Materials	Layout	09.06.25
DR-A-0210 F	Street Scene	09.06.25
DP-A-1205 J : Cardale EMT32 V1	Proposed Combined Plans	03.06.25
DP-A-1207 G : Altbury EMC31 V1	Proposed Combined Plans	02.06.25
DP-A-1208 C : Altbury EMC31 V2	Proposed Combined Plans	02.06.25
DP-A-1206 C : Cardale EMT32 V2	Proposed Combined Plans	03.06.25
DP-A-1209 F : Elterdale	Proposed Combined Plans	02.06.25

EMT34 V1

DP-A-1211 G : Plumdale EMT41	Proposed Combined Plans	03.06.25
DP-A-1210 B : Elterdale EMT34 V2	Proposed Combined Plans	02.06.25
DP-A-1203 F : Eynesford EMA33 V2	Proposed Combined Plans	02.06.25
DP-A-1204 G : Aynesdale EMT31	Proposed Combined Plans	03.06.25
DP-A-1201 G : Beaford EMA22 V2	Proposed Combined Plans	02.06.25
DP-A-1202 G : Eynesford EMA 33 V1	Proposed Combined Plans	02.06.25
10947-507-002 A DRAINAGE LONGITUDI NAL SECTIONS PARCEL TC7B	Other Plans	07.03.23
10947-702-002 A : CROSS SECTIONS PARCEL TC7B ROAD 1	Sections	07.03.23
10947-702-003 A : CROSS SECTIONS PARCEL TC7B ROADS 2+4	Sections	07.03.23
10947-702-004 A : CROSS SECTIONS ROAD 3	Sections	07.03.23
4671-T-44 A	Tree Survey	07.03.23

DR-A-0016 P05 : TC7B	Location Plan	29.03.23
10947-701-002 A : Longitudinal Sections	Sections	12.06.25

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.

Appendix 1: Appropriate Assessment

Appropriate Assessment	
The Conservation of Habitats and Species Regulations 2017, Section (63)	
Application Reference, Brief description of proposal and Location	23/0554/MFUL Full planning permission for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities) Parcels TC3 And TC8b Land Off Court Royal And Badger Way Cranbrook
Application Reference, Brief description of proposal and Location	23/0511/MFUL Full planning permission for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities) Land To The South Of Tillhouse Road Cranbrook
Application Reference, Brief description of proposal and Location	22/2354/MFUL Development of residential dwellings and associated car parking, roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities) Parcels Tc5a, Tc6 & Tc7a Tillhouse Road Cranbrook Town Centre
Site is:	<i>Within 10km of the Exe Estuary SPA site alone (UK9010081)</i> Within 10km of the East Devon Heaths SPA (UK9010121) Within 10km of the East Devon Pebblebed Heaths SAC (UK0012602) Within 10km of the Exe Estuary Ramsar (UK 542) (See Appendix 1 for list of interest features of the SPA/SAC)
Step 1 Screening for Likely Significant Effect on the proposed development on Land Adjacent Old Tithebarn Lane, Clyst Honiton	
Risk Assessment	
Could the Qualifying Features of the European site be affected by the proposal? Consider both construction and operational stages.	Yes - additional housing within 10km of the SPA/SAC will increase recreation impacts on the interest features. The dwellings proposed under these applications are 'extra over' housing in Cranbrook and were agreed via a Memorandum of Understanding (MOU) on 11 May 2022 between the Council and East Devon New Community partners.
Conclusion of Screening	

Is the proposal likely to have a significant effect, either 'alone' or 'in combination' on a European site?	East Devon District Council concludes that there would be Likely Significant Effects 'alone' and/or 'in-combination' on features associated with the Exe Estuary SPA, Exe Estuary Ramsar Site, East Devon Pebblebed Heaths SAC and the East Devon Heaths SPA. See evidence documents on impact of development on SPA/SAC at: East Devon District Council - http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf An Appropriate Assessment of the plan or proposal is necessary.	
Local Authority Officer	Liam Fisher	Date: 30 October 2024
Step 2 Appropriate Assessment NB: In undertaking the appropriate assessment, the LPA must ascertain whether the project would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain the authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects.		
In-combination Effects		
Plans or projects with potential cumulative in-combination impacts. How impacts of current proposal combine with other plans or projects individually or severally.	Additional housing or tourist accommodation within 10km of the SPA/SAC will add to the existing issues of damage and disturbance arising from recreational use. East Devon has an emerging New Local Plan to 2040 which is currently in preparation. This has been out to consultation under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 and while further housing is proposed across the District, it is considered too early to understand the final distribution of the housing and it's relatively proximity and therefore access to the environments. The Teignbridge emerging Local Plan 2040 completed three Reg. 18 consultations between 2018 and 2021 and undertook Regulation 19 consultation in January 2023. At present, the Local Plan has been submitted for examination. This Plan proposes to deliver approximately 12,489 houses in the plan period 2020 - 2040. The Exeter Plan looks to deliver to 14,300 homes over the 20 year period to 2040. This Plan completed a Regulation 18 consultation in December 2022. At present, Exeter is consulted on a full draft plan in January 2024.	
Mitigation of in-combination effects.	The Joint Approach sets out a mechanism by which developers can make a standard contribution to mitigation measures delivered by the South East Devon Habitat Regulations Partnership. A Suitable Alternative Natural Green Space (SANGS) has been delivered at Dawlish and a second at South West Exeter has been partially opened to attract recreational use away from the Exe Estuary and Dawlish Warren and Pebblebed Heaths. EDDC have submitted a planning application for 10.24 ha of SANGS at Clyst Meadows, Station Road, Broadclyst however this is still pending consideration.	

Assessment of Impacts with Mitigation Measures		
Mitigation measures included in the proposal.	The mitigation measures are set out in the Cranbrook Plan IPD and MOU which includes the following: • Payment of £499 per dwelling for non-infrastructure mitigation • Payment of £2,052 per dwelling for costs associated with delivery and maintenance of SANGS, including estimated land purchase costs. 23/0554/MFUL: £2,551 x 83 dwellings = £211,733 23/0511/MFUL: £2,551 x 65 dwellings = £165,815 22/2354/MFUL: £2,551 x 84 dwellings = £214,284 No direct SANG provision is provided under these applications.	
Are the proposed mitigation measures sufficient to overcome the likely significant effects?	Yes - the contribution offered is considered to be sufficient. Cranbrook is nil rated for CIL so no additional contributions are to be secured via CIL hence why the contributions within the Cranbrook Plan IPD are higher than the Joint Approach.	
Conclusion		
List of mitigation measures and safeguards	Total contribution of £591,832 will be secured through the legal agreement for these sites.	
The Integrity Test	Adverse impacts on features necessary to maintain the integrity of the Exe Estuary SPA, Exe Estuary Ramsar Site, East Devon Pebblebed Heaths SAC and the East Devon Heaths SPA can be ruled out.	
Conclusion of Appropriate Assessment	East Devon District Council concludes that there would be NO adverse effect on the integrity of the Exe Estuary SPA/Ramsar site and the East Devon Pebblebed Heaths SPA and SAC provided the mitigation measures are secured as above.	
Local Authority Officer	Liam Fisher	Date: 30 October 2024
21 day consultation to be sent to Natural England Hub on completion of this form.		

Appendix 1. List of interest features:

Exe Estuary SPA

Annex 1 Species that are a primary reason for selection of this site (under the Birds Directive):

Aggregation of non-breeding birds: Avocet *Recurvirostra avosetta*

Aggregation of non-breeding birds: Grey Plover *Pluvialis squatarola*

Migratory species that are a primary reason for selection of this site

Aggregation of non-breeding birds: Dunlin *Calidris alpina alpina*

Aggregation of non-breeding birds: Black-tailed Godwit *Limosa limosa islandica*

Aggregation of non-breeding birds: Brent Goose (dark-bellied) *Branta bernicla bernicla*

Wintering populations of Slavonian Grebe *Podiceps auritus*

Wintering populations of Oystercatcher *Haematopus ostralegus*

Waterfowl Assemblage

>20,000 waterfowl over winter

Habitats which are not notified for their specific habitat interest (under the relevant designation), but because they support notified species.

Sheltered muddy shores (including estuarine muds; intertidal boulder and cobble scars; and seagrass beds)

Saltmarsh NVC communities: SM6 *Spartina anglica* saltmarsh

SPA Conservation Objectives

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- ☐ ☐ **The extent and distribution of the habitats of the qualifying features**
- ☐ ☐ **The structure and function of the habitats of the qualifying features**
- ☐ ☐ **The supporting processes on which the habitats of the qualifying features rely**
- ☐ ☐ **The population of each of the qualifying features, and,**
- ☐ ☐ **The distribution of the qualifying features within the site.**

Dawlish Warren SAC

Annex I habitats that are a primary reason for selection of this site (under the Habitats Directive):

Annex I habitat: Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes'). (Strandline, embryo and mobile dunes.)

SD1 *Rumex crispus*-*Glaucium flavum* shingle community

SD2 *Cakile maritima*-*Honkenya peploides* strandline community

SD6 *Ammophila arenaria* mobile dune community

SD7 *Ammophila arenaria*-*Festuca rubra* semi-fixed dune community

Annex I habitat: Fixed dunes with herbaceous vegetation ('grey dunes').

SD8 *Festuca rubra*-*Galium verum* fixed dune grassland

SD12 *Carex arenaria*-*Festuca ovina*-*Agrostis capillaris* dune grassland

SD19 *Phleum arenarium*-*Arenaria serpyllifolia* dune annual community

Annex I habitat: Humid dune slacks.

SD15 *Salix repens*-*Calliergon cuspidatum* dune-slack community

SD16 *Salix repens*-*Holcus lanatus* dune slack community

SD17 *Potentilla anserina*-*Carex nigra* dune-slack community

Habitats Directive Annex II species that are a primary reason for selection of this site:

Petalwort (*Petalophyllum ralfsii*)

SAC Conservation Objectives

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

List of interest features:

East Devon Heaths SPA:

A224 *Caprimulgus europaeus*; European nightjar (Breeding) 83 pairs (2.4% of GB population 1992)

A302 *Sylvia undata*; Dartford warbler (Breeding) 128 pairs (6.8% of GB Population in 1994)

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

East Devon Pebblebed Heaths SAC:

This is the largest block of lowland heathland in Devon. The site includes extensive areas of dry heath and wet heath associated with various other mire communities. The wet element occupies the lower-lying areas and includes good examples of cross-leaved heath – bog-moss (*Erica tetralix* – *Sphagnum compactum*) wet heath. The dry heaths are characterised by the presence of heather *Calluna vulgaris*, bell heather *Erica cinerea*, western gorse *Ulex gallii*, bristle bent *Agrostis curtisii*, purple moor-grass *Molinia caerulea*, cross-leaved heath *E. tetralix* and tormentil *Potentilla erecta*. The presence of plants such as cross-leaved heath illustrates the more oceanic nature of these heathlands, as this species is typical of wet heath in the more continental parts of the UK. Populations of southern damselfly *Coenagrion mercuriale* occur in wet flushes within the site.

Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:

H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath
H4030. European dry heaths

Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:

S1044. *Coenagrion mercuriale*; Southern damselfly

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

Exe Estuary SPA

Qualifying Features:

A007 *Podiceps auritus*; Slavonian grebe (Non-breeding)

A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)
A130 *Haematopus ostralegus*; Eurasian oystercatcher (Non-breeding)
A132 *Recurvirostra avosetta*; Pied avocet (Non-breeding)
A141 *Pluvialis squatarola*; Grey plover (Non-breeding)
A149 *Calidris alpina alpina*; Dunlin (Non-breeding)
A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)
Waterbird assemblage

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

Exe Estuary Ramsar

Principal Features (updated 1999)

The estuary includes shallow offshore waters, extensive mud and sand flats, and limited areas of saltmarsh. The site boundary also embraces part of Exeter Canal; Exminster Marshes – a complex of marshes and damp pasture towards the head of the estuary; and Dawlish Warren - an extensive recurved sand-dune system which has developed across the mouth of the estuary.

Average peak counts of wintering water birds regularly exceed 20,000 individuals (23,268*), including internationally important numbers* of *Branta bernicla bernicla* (2,343). Species wintering in nationally important numbers* include *Podiceps auritus*, *Haematopus ostralegus*, *Recurvirostra avosetta* (311), *Pluvialis squatarola*, *Calidris alpina* and *Limosa limosa* (594).

Because of its relatively mild climate and sheltered location, the site assumes even greater importance as a refuge during spells of severe weather. Nationally important numbers of *Charadrius hiaticula* and *Tringa nebularia* occur on passage. Parts of the site are managed as nature reserves by the Royal Society for the Protection of Birds and by the local authority. (1a,3a,3b,3c).

Appendix 2: Technical Consultations

Police Architectural Liaison Officer - Kris Calderhead – 17 March 2025

Thank you for consulting with me on the revised drawings of this planning application.

The issues that I raised previously from a designing out crime perspective, namely the excessive accessible space to the rear boundaries of plots (49-63 and 109-113), are still evident, therefore I submit my previous comments again for consideration.

Police Architectural Liaison Officer - Kris Calderhead – 22 July 2024

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on the revised plans of this application.

I appreciate the comments within the covering letter stating that 'the series of comments on permeability and secured by design recommendations have been considered and taken on board or resolved where possible and appropriate in the revised plans'.

However, there still remains excessive accessible space to the rear boundaries of plots (49-63 and 109-113) which as alluded to previously, leaves them vulnerable in terms of offences such as burglary, theft and trespassing and Secured by Design recommends that 'the security of the development is not compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings'.

Additionally, as per my initial response, such design features also conflict with National Planning Policy Framework guidance and strategies (Strategy 37 - Community Safety) within the East Devon Local Plan.

I appreciate that the plots opposite will provide some good surveillance opportunities of this space however, it still seems excessive to allow legitimate access to the rear boundaries of this number of plots.

Police Architectural Liaison Officer - Kris Calderhead – 19 April 2023

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application. There are aspects of the scheme that I cannot support as they are proven to increase the opportunity for crime and anti-social behaviour (ASB) as well as the fear of crime and ASB. Such design features also conflict with National Planning Policy Framework guidance and strategies (Strategy 37 - Community Safety) within the East Devon Local Plan.

It is disappointing that designing out crime, crime prevention, safety and security etc. has not been referenced within the Design and Access Statement. It is therefore difficult to ascertain whether such aspects have been considered in the design of the scheme.

My main concern from a designing out crime perspective is the amount of accessible space to the rear boundaries of plots. The rear garden boundaries of plots 49-50 and 107-112 all back on to public space. The rears of plots are the most vulnerable in terms of offences such as burglary, theft and trespassing and Secured by Design recommends that 'the security of the development is not compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings¹'. (1 Secured by Design Homes 2023 p18)

I appreciate that the plots opposite will provide some good surveillance opportunities of this space however, it seems excessive to allow legitimate access to the rear boundaries of this number of plots.

Further Recommendations

- o Gates providing access to rear gardens should be capable of being locked (operable by key from both sides of the gate).
- o Please ensure the rear access path between plots 78 & 79 is gated.

Contaminated Land Officer – 27 November 2024

No development approved by this planning permission shall commence until a remediation strategy to deal with the identified risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. An options appraisal and remediation strategy based on the recommendations detailed within Geotechnical and Geoenvironmental Consultancy's site investigation report (Report Ref. CGL/16816A) giving full details of the remediation measures required and how they are to be undertaken.
2. A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy are complete.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

3. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken and where remediation is necessary a new remediation scheme must be prepared. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency Land Contamination Risk Management (LCRM) guidance.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN16.

Contaminated Land Officer – 26 July 2024

As per my previous comments

Contaminated Land Officer – 21 April 2023

I can find no information attached to the application in relation to any previous Contaminated Land assessments and therefore, I recommend the following:

No development approved by this planning permission shall commence until a remediation strategy to deal with any identified risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - I. all previous uses
 - II. potential contaminants associated with those uses
 - III. a conceptual model of the site indicating sources, pathways and receptors
 - IV. potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

5. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 & 2 and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of condition 3. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4.

6. Where long term monitoring and maintenance has been identified as necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of plans on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency Land Contamination Risk Management (LCRM).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN16.

Exeter & Devon Airport - Airfield Operations+Safeguarding – 16 July 2024

Our Ref: 16/23/AK

I acknowledge receipt of the above planning application for the proposed development at the above location.

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

In terms of the Air Navigation Order, it is an offence to endanger an aircraft or its occupants by any means. In view of this I have included, as attachments, some safeguarding notes which all developers and contractors must abide by during construction and commissioning.

These include: Airport Operators Association (AOA) Advice notes:
Cranes and other Construction Issues.

Accordingly, Exeter Airport have no safeguarding objections to this development provided that all safeguarding criteria are met, as stipulated in the AOA Advice Notes, and there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport.

Regards

Aaron Kitcherside
Airfield Operations Duty Manager
Exeter Airport

Exeter & Devon Airport - Airfield Operations+Safeguarding – 25 April 2023

16/23/AK

I acknowledge receipt of the above planning application for the proposed development at the above location.

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

In terms of the Air Navigation Order, it is an offence to endanger an aircraft or its occupants by any means. In view of this I have included, as attachments, some safeguarding notes which all developers and contractors must abide by during construction and commissioning.

These include: Airport Operators Association (AOA) Advice notes:

Cranes and other Construction Issues.

Accordingly, Exeter Airport have no safeguarding objections to this development provided that all safeguarding criteria are met, as stipulated in the AOA Advice Notes, and there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport.

EDDC District Ecologist – 25 October 2024

Para 1.5 states that “all habitats created within ‘private on-plot grassland’ are not permitted to be considered within BNG calculations as these gains cannot be legally secured. This includes proposed tree and hedgerow planting.”

Private gardens can be considered within BNG calculations and are considered a low distinctiveness habitat. 1 ha of private garden = 2 biodiversity units. This means that there is no requirement to secure private gardens either by condition or planning obligation for BNG purposes,

but they will contribute some value to the overall BNG score. Trees within private gardens do not count for BNG but may want to be considered for other purposes, e.g., placemaking.

In all scenarios to achieve 10% BNG it proposes a reduction in residential areas and the provision of or increased provision of species-rich grassland. Without seeing the metrics for each case, it is hard to determine whether these predictions are considered realistic. For example, do these calculations rely on a predicted 'Good' condition. The sites in question are within the centre of Cranbrook and any open-space habitats associated with these developments will likely be subject to recreational pressures and Good condition species-rich grassland is likely to be unachievable.

Other measures which don't appear to be explored is the planting of street trees which can help deliver BNG. Cranbrook Policy CB15 states: "7. Creating well defined streets and spaces – developments shall ensure that buildings are designed and positioned with landscaping to define and enhance streets and spaces. This shall include an expectation for the provision of tree lined streets with appropriate soil volumes available to ensure that the trees thrive;"

There is also the consideration of the required density of housing, e.g., it may be preferable to have a higher density of housing within the town centre and could be more ecologically sensible to have offset residual impacts contributing to a wider nature recovery area. Although, there is also the consideration if offsite units are the option proposed, where are these coming from, e.g., out of district. In accordance with BNG principles the compensation for the impacts of a development should ideally be as close as possible. With the large amounts of SANG required to be delivered in Cranbrook, these would seem like an ideal place to enhance to offset the impacts.

The use of statutory credits should only be considered as a last resort where the required number of biodiversity units are extremely small or where certain rare habitat types are not easy to come by, e.g. open mosaic habitats.

DCC Historic Environment Officer – 25 April 2023

I refer to the recent application for the above development. This is in an area that has previously been the subject of archaeological assessment and evaluation. The results indicate a low level of archaeological potential and I am not recommending further mitigation.

I will be happy to discuss this further if needed.

Devon & Somerset Fire And Rescue Service – 19 March 2025

Thank-you for the notification of the amendments to the above planning application.

I have looked through these and have no further observations currently.

We will be happy consult on the Building regulations when the application(s) are received.

Devon & Somerset Fire And Rescue Service – 2 May 2023

I have looked at the above planning application and the Fire Authority have no objections to the proposal.

I do have a few observations at this stage of the development.

- o We need further information/drawings to establish if Approved Document B-B5: Access and facilities for the fire service has been met.

In particular Plots 73, 86, 100-103 and those houses that are 2.5/3 storeys (EMB 31-Harrton), due to the distance from where a fire appliance will park, including turning facilities and the entrance to the house and/or the number of storeys.

- o Provision of fire hydrant's

Please send any further information/drawings to exeterfiresafety@dsfire.gov.uk where we will be happy to consult and/or assist with solutions to the above observations.

Natural England – 12 Nov 2024

Thank you for your consultation on the above dated 30 October 2024.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

DESIGNATED SITES [EUROPEAN] - NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as East Devon Pebblebed Heaths SAC. It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

Natural England advises that the specific measures (including financial contributions) identified in the strategic solution can prevent harmful effects from increased recreational pressure on those European Site within the ZOI.

Natural England is of the view that if these measures are implemented, they will be effective and sufficiently certain to prevent an adverse impact on the integrity of those European Site(s) within the ZOI for the duration of the proposed development.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites as highlighted above (in view of its conservation objectives) with regards to recreational disturbance, on the basis that the strategic solution will be implemented by way of mitigation.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects likely to occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure.

If the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant, it is your responsibility (as the competent authority) to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Natural England should continue to be consulted on all proposals where provision of site specific SANGS (Suitable Alternative Natural Green Space) or other bespoke mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal. We would also strongly recommend that applicants proposing site specific infrastructure including SANGs seek pre application advice from Natural England through its Discretionary Advice Service. If your consultation is regarding bespoke site-specific mitigation, please reconsult Natural England putting 'Bespoke Mitigation' in the email header.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the Strategic Solution, should also be subject to the requirements of the Habitats Regulations and our advice above applies.

Other advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Natural England – 30 July 2024

Natural England has previously commented on this proposal and made comments to the authority in our response dated 03 May 2024 reference number 429931 (attached).

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.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Natural England – 4 May 2023

Thank you for your consultation on the above dated 14 April 2023 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on East Devon Pebblebed Heaths SAC & East Devon Heaths SPA and Exe Estuary SPA, and has no objection.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Protected Species

Natural England has produced standing advice⁽¹⁾ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me via neil.sherwood@naturalengland.org.uk.

(1) <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

DCC Flood Risk SuDS Consultation – 27 March 2025

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

- (a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.
- (b) Details of tree pits (with surface water connections in and out) as well as permeable paving.
- (b) Detailed proposals for the management of surface water and silt runoff 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.

DCC Flood Risk SuDS Consultation – 9 May 2023

Recommendation:

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.

Observations:

The applicant has proposed more impermeable area than accounted for within Basin 2C. Therefore, the applicant has proposed an above-ground feature to manage this additional area.

The above-ground feature is outside of the application red line boundary. The applicant should confirm that they have permission to construct the feature.

If possible, exceedance flows should be kept within the access road within the southwest of the site.

Who will be responsible for maintaining the proposed above-ground feature?

Can the applicant please resubmit the Technical Note No.11 Rv3 please as it will not load for me. Perhaps the document could be split into 2 documents.

The applicant should confirm when they will complete the works to provide the realigned watercourse along the southern boundary of the site.

Environmental Health – 26 July 2024

I have considered the application and do not anticipate any environmental health concerns.

Environmental Health – 10 May 2023

I have considered the application and do not anticipate any environmental health concerns.

Devon County Council Education Dept – 16 May 2023

Regarding the above planning application, Devon County Council has identified that a proposed increase of family type dwellings in Cranbrook would have a direct impact on the schools within Cranbrook.

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:

Our contribution request is based upon the 'Town Centre Memorandum of Understanding' which was signed on 11.5.22, which specifies that contributions of £1,742 per Additional Residential Dwelling will be paid towards provision of additional primary school places.

The documentation associated with this application indicates this application would see an increase of 64 dwellings which would equate to an education contribution to the sum of £111,488.

All contributions will be subject to indexation using BCIS and any indexation applied to the contributions requested should be applied from 11.5.22, the date the 'Town Centre Memorandum of Understanding' was signed.

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.

Devon County Council Education Dept – 11 May 2023

Dear Planning,

Regarding the above planning application, Devon County Council has identified that a proposed increase of family type dwellings in Cranbrook would have a direct impact on the schools within Cranbrook.

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:

Our contribution request is based upon the 'Town Centre Memorandum of Understanding' which was signed on 11.5.22, which specifies that contributions of £1,742 per Additional Residential Dwelling will be paid towards provision of additional primary school places.

The documentation associated with this application indicates this application would see an increase of 69 dwellings which would equate to an education contribution to the sum of £120,198.

All contributions will be subject to indexation using BCIS and any indexation applied to the contributions requested should be applied from 11.5.22, the date the 'Town Centre Memorandum of Understanding' was signed.

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.

Kind regards,

Amber

Amber Dopson
Senior School Infrastructure and Place Planning Officer

EDDC Landscape Architect – 26 March 2025

As discussed, attached my overmarked review of changes.

Regards condition for trees I would suggest following wording

No development work shall commence on site until tree pit and tree staking/ guying details have been submitted and approved in writing. For proposed trees within hard paved areas or small planting beds, calculations of required soil volume appropriate for the species/cultivar shall be provided together with the actual volume to be provided on site. Where necessary this shall include for use of suitable proprietary soil crates extending under areas of paving in accordance with best practice guidance. The extent of any soil crating required shall be indicated on both hard and soft landscape plans. Tree pits shall be constructed, and trees installed in accordance with approved details.

EDDC Landscape Architect – 18 March 2025

Layout

Generally

More trees

Planting areas between footways and rear garden boundaries to be communal for adoption with planting designed accordingly

Bin stores to be provided with quality enclosure eg low brick walls or railings - details to be provided by condition.

Trees in island beds in parking courts to be centred within planting beds

Set back leading edge of planting beds in parking courts by 300mm as indicated in plan extract below to facilitate vehicle turning.

Cycle stores to be provided to all plots (min. 3 cycles) details to be provided by condition.

How are parking spaces in parking courts denoted, particularly visitor spaces?

Parking court to rear plots 51, 109 etc.

Provide rear access path as indicated

Relocate bin collection point as indicated

Parking court to rear plots 52-63

Adjust position of planting bed to rear plot 62 as indicated to create wider bed.

Provide small ornamental trees to front plots 94/95 and 96/97
Adjust parking bays and planting beds to front plots 78/79 as indicated.

Plots 68-77

Adjust parking bays as indicated to provide direct access paths between front entrances and footway.

EDDC Landscape Architect – 5 June 2023

1 INTRODUCTION

This report forms the EDDC's landscape response to the full application for the above site. The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 REVIEW OF SUBMITTED INFORMATION

2.1 Cranbrook Town Centre Parcel TC7B

Layout

- The proposed layout represents an overdevelopment of the site resulting in poor residential amenity, domination of car parking, inadequate provision of trees and planting and poor pedestrian access arrangements.
- A clearer indication is needed of how the layout integrates with adjoining development parcels particularly TC7a.

Boundaries

- Rear garden boundaries fronting on to public/ communal space including parking courts should be brick, not close board fencing.
- Where garden boundaries abut existing hedgerow they should comprise 1.5m high post and wire mesh/ chain-link offset by at least 1m from the face of the hedge. Hedges themselves should be retained in communal/ management company ownership and not conveyed to individual plots.

Materials

- The manoeuvring areas to the two parking courts should be block paved.

Soft landscape plans

- Planting consists entirely of 5 mixes of shrub each with a limited pallet of four different shrub species which is monotonous and dull particularly as some species appear in more than one mix. In some instances proposed species are used in inappropriate locations such as shade loving skimmia on south facing elevations. Planting should be amended to provide greater visual interest and biodiversity value using different pallets of ground cover with appropriate accent planting according to aspect etc. Proposed trees should generally be medium/ large canopy species.
- More variation in planting mixes is also required to the frontages of individual plots to provide greater interest and individual identity.
- Soil volume calculations should be provided for trees in/ adjacent hard paving. The extent of any soil cells required should be indicated on the soft and hard works plans.

2.2 General

Layout

- Further detail is required in respect of bin storage areas. Collection areas should be discretely sited and hard paved avoiding locations where they will block footways particularly where these are to be adopted.

Screen wall and fence details

- The proposed side access gate detail is shown as ledged and braced feather board. This is an inherently weak construction method and for durability, the gate should be drawn and specified as framed, braced and ledged.
- Railings should be specified as galvanised and painted.
- Hedgehog holes, minimum 130 x 130mm, should be provided to allow passage between gardens. Locations should be indicated on the boundaries plans and a note included on the c/b fence detail.

Landscape specification

Generally

- Add parcel references to title page
- Omit irrelevant sections eg. Attenuation basins, marginal planting etc.
- Given that most of the soft landscape comprises ornamental planting the aims and objectives need to be reconsidered.
- Species selection for ornamental planting areas should favour invertebrate value.
- Maintenance of ornamental planting should seek to allow natural growth habits to prevail
- Cross reference hedgerow management plan

Section 3

- Specify 300mm min depth of topsoil to rear gardens
- Confirm settled soil levels in relation to adjoining surfaces.

Section 4

- Para. 4.5 Omit. Add - All tree planting to be as approved plans unless otherwise agreed in writing with the LPA.
- Para. 4.14 Specify 75mm depth bark mulch to base of trees.
- Provide details of tree pits and staking/ guying.

Section 5

- Extend tree maintenance to 5 years
- Ornamental planting
- Pruning only as necessary to maintain natural form and flowering and to control spread over areas of paving and lawn.
- Early flowering shrubs should be pruned in mid-summer, not winter, in order to promote flowering in following season.
- Include site specific maintenance prescriptions for existing retained hedges to include initial works and subsequent maintenance.
- Maintenance of biodiversity enhancement measures should be included. A plan showing locations of proposed biodiversity enhancement features eg bird/ bird boxes and hibernaculae should be provided.

Hedgerow management plan

- The submitted plan should be updated to reflect the current composition and condition of the hedge to the eastern and southern site boundaries (H428 and 34).

2.3 Additional information required

- A plan should be provided showing the areas to be adopted by DCC Highways, the Town Council, management company and private plot owners. Existing hedgerows should not be conveyed to individual plots.
- Details of cycle storage arrangements should be confirmed.
- Rear gardens should be provided with water butts to collect roof water for garden watering. Details of this should be confirmed.

3 RECOMMENDATIONS

Fundamental redesign is required to provide a satisfactory layout entailing a significant reduction in the number of units, before the submitted details can be considered acceptable in terms of landscape design.

Should satisfactory amended and additional information be provided and the application is approved the following conditions should be attached:

- a) Tree pit and staking/ guying details
- b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.
External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 - Guidance notes for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK.
- c) Site plans at 1:500 scale or greater showing the locations and depths of all underground services and clearly showing the locations of proposed trees and existing tree and hedgerow RPAs in order to avoid conflicts between tree and hedge locations.
- d) Site levels plans showing existing and proposed levels at 1:250 scale or greater and supported by at least one east west section and two north-south sections through the site.
- e) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.
- f) Any new planting or grass areas which fail to make satisfactory growth or dies within ten years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

Chris Hariades CMLI
EDDC Landscape Architect & Green Infrastructure Officer

EDDC Trees – 21 March 2025

There appears to be no discernible change from previous plans. Previous comments still apply in relation to the southern boundary and landscape plans.

It is noted that the shade patterns have now been added to the tree plans showing presumably current and future shade at maturity. It can be seen that already for plots 88 and 89, the front of the property will be in shade for part of the day. Shading issues will only increase as the tree matures especially as the trees are located to the south of the dwellings; the Oak's along the southern boundary are in their early life stages, up to 10m in height with a crown radius of up to 6m; mature Oak's in urban environments can easily grow to heights of 22m with crown radius of 10 to 12m; Oak's tend to cast a relatively dense shade and therefore increased growing space between the trees and dwellings is therefore considered necessary. Leaf density only increases if the trees are pruned. Design of the dwellings also needs to be considered to ensure that sufficient natural

light reaches the dwellings. Complaints are often received regarding trees causing shading issues whereas the main issue is often the poor design and layout of dwellings in reference to small windows and making the most of natural light. As per previous comments, the RPA is the minimum area in which a tree is considered to be able to survive. The trees along the southern boundary were until recently field boundary specimens with good growing conditions all round. The growing environment has been significantly changed to the south in recent years following development and therefore greater space to grow to the north is considered appropriate to ensure the trees thrive.

The landscape plan has been updated showing required soil volume and provided soil volume. However the soil volume is still inadequate. The pallet of trees is still considered poor with little variety and dominated by a few small sized species (*Liquidambar styraciflua* 'Gum Ball'). As per previous comments, appropriate soil volume needs to be provided. This could easily be achieved via the use of planting pits / crates within the parking areas for example for plots 52 to 63, 109, 49 . This would also allow large canopy sized trees to be planted; tall fastigate varieties are recommended. As per previous comments, there is a complete lack of medium to large size trees reflecting a lack of available space and overdevelopment of site. With the creation of larger gap between the hedgerow and dwellings along the southern boundary, it is considered that large canopy trees could be introduced amongst the southern hedgerow which should be left to grow into individual trees. 2 trees could be planted between T107 & T108 and 1 between T109 & T110.

EDDC Trees – 5 August 2024

Only very minor changes appear to have taken place following receipt of amended plans. It is noted that the layout of plot closest to T91 has been amended so there is greater separation between the tree and nearest plot. However, along the remainder of the southern boundary, there appears to be minimal change. As previously stated ' Even better, would be increasing the entire space between the trees and hedges on the southern boundary and the access road to the north. It should be noted that the RPA is the minimum area in which a tree is considered to be able to survive. These trees until recently were field boundary specimens with good growing conditions all round. The growing environment has been significantly changed to the south in recent years following development and therefore greater space to grow to the north is considered appropriate to ensure the trees thrive.'

Furthermore as previously stated ' It is not clear if the indicative shade pattern is based on the current tree size or ultimate size. Ultimate tree size should be used. An average Oak would be expected to reach at least 20m'. This needs to be confirmed.

The landscape planting is consider poor with few trees that will grow to any size. There are no medium to large size trees as previously recommended it part probably due to the lack of any available space. The planting volume for a number of the trees / shrubs is also inadequate in a number of cases. For example, the required soil volume for *Parrotia persica* Venessa is 11.8m³; the provided is just 2.2m³ meaning that the small trees will not even reach there mature small height.

The site is considered an overdevelopment reflecting in a lack of space for any meaningful tree planting.

EDDC Trees – 5 July 2023

The trees are currently relatively small (7 to 11m in height) with the potential for significant growth. It is not clear if the indicative shade pattern is based on the current tree size or ultimate size. Ultimate tree size should be used. An average Oak would be expected to reach at least 20m . Therefore with the trees to the south of proposed dwellings, as the trees grow issues of shading, debris fall and proximity is increasingly likely to result in pressures to prune or remove the trees. The crown of T91 currently appears to be less than 4m distance from the nearby dwelling. This is not considered a sustainable. It is recommended that the proposed plots nearest to the trees are moved to give a better long-term juxtaposition between trees and buildings. Even better, would be increasing the

entire space between the trees and hedges on the southern boundary and the access road to the north. It should be noted that the RPA is the minimum area in which a tree is considered to be able to survive. These trees until recently were field boundary specimens with good growing conditions all round. The growing environment has been significantly changed to the south in recent years following development and therefore greater space to grow to the north is considered appropriate to ensure the trees thrive.

Landscape plans appear to be limited with no detailed plans provided of specimens etc. There is room for large specimen trees along the southern boundary and medium to large trees should be planted within the development.

County Highway Authority – 27 March 2025

I refer to the above-mentioned planning application and additional information submitted and have the following observations for the highway and transportation aspects of this proposal. DCC previously recommended a number of alterations to the development proposed, with particular regard to mitigation on the MLR at the access intersections, for the reasons set out previously. Having assessed the additional supporting information there does not appear to be any material change to that previously proposed.

However, in the interest of moving the application forwards to determination, DCC recommend that the LPA implement a suitably worded condition to ensure highway mitigation on the MLR is delivered by the applicant/future developer at/around all access points to aid and promote speed reduction along this point of the MLR. To reiterate from before, internal matters such as crossing points and lighting can be established and agreed at detailed design stage.

The following conditions are also recommended to be annexed into any favourable decision notice:

- 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
- To be approved by the Local Planning Authority in writing before their construction begins, 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.
- The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.
- Any tandem parking spaces must be a combined minimum of 11.5 metres in length (as measured from the nearside edge of the highway to the edge of the building/garage door where the doors are of an up-and-over type.).
- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be made before commencement and maintained thereafter at all times.

- Prior to first occupation of the development hereby permitted, access to covered cycle and motorcycle parking, numbers, and spaces to be fully in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.
- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any existing garage, or garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.
- Prior to first occupation of the development hereby permitted, access to appropriate

electric vehicle charging points will be committed to being available to all dwellings. This is to be provided within the garages or through shared charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

The applicant may be required to secure a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary associated to this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development. The Highway observations and comments are based on the information provided by/on behalf of the applicant as verified by the Local Planning Authority, and such information is deemed true and accurate at the time of assessment. Should any element of the supporting detail, including red and blue line landownership or control details, subsequently prove to be inaccurate, this may partially or wholly change the view of the Highway Authority for this (or any associated) application. As such the Highway Authority reserves the right to revisit our previously submitted comments and readdress where deemed necessary. Where planning permission has already been granted, any inaccuracies which become known may seriously affect the deliverability

County Highway Authority – 6 August 2024

I refer to the above-mentioned planning application received by the Highway Authority in April 2023 and have the following observations for the highway and transportation aspects of this proposal. I apologise for the delay in our response.

The application is for full planning consent for 64 dwellings on the application site which has been labelled as TC7b as part of the previous town centre allocation.

Being mindful of consent already granted for application 03/P1900 that formed Phase 1 of the Cranbrook development (that includes the site in question) and the associated vehicle movements that would be generated from this, it is the view of the Highway Authority that the development proposed, taking into account its proximity to local amenities and public transport is unlikely to have an impact on the local highway network that can be considered as severe.

Three vehicular access points have been proposed to serve the development proposed all off Tillhouse Road, which forms part of the Main Link Road (MLR) through Cranbrook.

The town centre of Cranbrook has recently had approved, uplift works in the vicinity of the application site that included vehicle parking bays off the MLR, which sit along both the northern and southern side, and as such the parcels frontage.

As a result, visibility splays from all three of the proposed access points onto the MLR would be restricted when vehicles are in the sightline of parties emerging from the site. Whilst parking bays

are common practice along the MLR, consideration has to be given that this stretch is along a long straight part of the network which naturally would see an increased likelihood of vehicles travelling at a higher speed along this stretch. Whilst this element isn't yet formally adopted public highway, its likely that it will be in time, once the S38 process has been completed to the satisfaction of DCC. The Highway Authority also query the need and necessity for three vehicular access points to accommodate this proposal. A revised supporting plan for two vehicular access points onto the MLR would, in principle be appropriate and also bring about opportunity for non-motorised user (NMU) permeability from the internal layout to the wider network. It would also help in reducing the safety matter raised above.

Notwithstanding, in the interest of safety and to help aid the S38 process and future discussion for its intended adoption (which may bring about new challenges as a result of the current proposals) the Highway Authority require that mitigation is provided, as part of this proposal to aid speed reduction along the site's frontage. Consideration also needs to be given regarding the MLR, which serves local bus services in Cranbrook regularly. The Highway Authority are willing to work with the applicant on this as the application evolves on a scheme that will promote traffic calming whilst also being mindful of the future intention of the MLRs adoption.

For plotting purposes, the applicant needs to provide a swept path analysis of a refuse vehicle a minimum of 10.4m in its length. The above will give a better understanding as to whether safe entering, manoeuvring within and egress back out onto the wider network can be achieved from all access points proposed. The applicant needs to be mindful, that future swept path supporting information should be demonstrated within the proposed S38 adoption extents. Should any future refuse servicing route proposed for an estate road include any area that would remain under private maintenance and responsibility, written confirmation from the local waste management company will be needed to confirm they are willing to serve through a privately maintained area in perpetuity prior to this applications determination should there be no appropriate alternative safe method which would allow all vehicles to egress onto the wider network in a forward gear.

There would appear to be speed bumps proposed along the southern section of road within the site, this would need appropriate signage at detailed design stage.

Two pedestrian access points have been proposed from the sites southern side with the intention to tie into the existing offsite NMU infrastructure to the south. However, the western NMU tie in, as currently proposed would not appear to fully connect with existing infrastructure. This, along presumably with the redline plan would need revising to ensure this is achievable or dialogue with the relevant landowner/developer needs to be held to ensure it can be lawfully delivered as part of this scheme.

The eastern NMU access point also needs to appropriately tie into the existing infrastructure. There appears to be conflicting drawings however, that indicates a staggered arrangement that, if built out, would create an unnecessary pinch point. This can easily be overcome through a modest amendment showing a consistent and appropriate connection on all relevant supporting drawings.

Summary

Going forward, the parcel will need to provide suitable pedestrian crossing points within the internal layout and at the sites primary access points. Street light design will also need be understood by DCC however, the detail of this can be agreed at detailed design stage. It must also be ensured that no private area will drain out onto the local highway network and appropriate systems are to be in place.

Whilst the level of vehicular parking put forward by the applicant would be a matter for the LPA to determine if suitable, all dwellings need to appropriately accommodate at least once cycle space

per bedroom, that are secure and sheltered. Electrical Vehicle Charging access should also made available to all dwellings.

Associated parties are also required to fulfil the relevant obligations set out in the signed s106 agreement. It needs to be ensured that appropriate amendments are made where necessary, and any additional dwellings consented are also legally bound to any contributions and/or commitments.

With the above in mind, the applicant will need to appropriately address the queries raised above, with particular regard to the mitigation requirements along the MLR to help alleviate the concerns raised. The Highway Authority also advise the scheme is revised and served off two vehicular access points instead of three, that in our view would in principle be of betterment for highway and NMU users.

County Highway Authority – 26 July 2023

I refer to the above-mentioned planning application received by the Highway Authority in April 2023 and have the following observations for the highway and transportation aspects of this proposal. I apologise for the delay in our response.

The application is for full planning consent for 64 dwellings on the application site which has been labelled as TC7b as part of the previous town centre allocation.

Being mindful of consent already granted for application 03/P1900 that formed Phase 1 of the Cranbrook development (that includes the site in question) and the associated vehicle movements that would be generated from this, it is the view of the Highway Authority that the development proposed, taking into account its proximity to local amenities and public transport is unlikely to have an impact on the local highway network that can be considered as severe.

Three vehicular access points have been proposed to serve the development proposed all off Tillhouse Road, which forms part of the Main Link Road (MLR) through Cranbrook. The town centre of Cranbrook has recently had approved, uplift works in the vicinity of the application site that included vehicle parking bays off the MLR, which sit along both the northern and southern side, and as such the parcels frontage. As a result, visibility splays from all three of the proposed access points onto the MLR would be restricted when vehicles are in the sightline of parties emerging from the site. Whilst parking bays are common practice along the MLR, consideration has to be given that this stretch is along a long straight part of the network which naturally would see an increased likelihood of vehicles travelling at a higher speed along this stretch. Whilst this element isn't yet formally adopted public highway, its likely that it will be in time, once the S38 process has been completed to the satisfaction of DCC. The Highway Authority also query the need and necessity for three vehicular access points to accommodate this proposal. A revised supporting plan for two vehicular access points onto the MLR would, in principle be appropriate and also bring about opportunity for non-motorised user (NMU) permeability from the internal layout to the wider network. It would also help in reducing the safety matter raised above.

Notwithstanding, in the interest of safety and to help aid the S38 process and future discussion for its intended adoption (which may bring about new challenges as a result of the current proposals) the Highway Authority require that mitigation is provided, as part of this proposal to aid speed reduction along the site's frontage. Consideration also needs to be given regarding the MLR, which serves local bus services in Cranbrook regularly. The Highway Authority are willing to work with the applicant on this as the application evolves on a scheme that will promote traffic calming whilst also being mindful of the future intention of the MLRs adoption.

For plotting purposes, the applicant needs to provide a swept path analysis of a refuse vehicle a minimum of 10.4m in its length. The above will give a better understanding as to whether safe entering, manoeuvring within and egress back out onto the wider network can be achieved from all access points proposed. The applicant needs to be mindful, that future swept path supporting information should be demonstrated within the proposed S38 adoption extents. Should any future refuse servicing route proposed for an estate road include any area that would remain under private maintenance and responsibility, written confirmation from the local waste management company will be needed to confirm they are willing to serve through a privately maintained area in perpetuity prior to this applications determination should there be no appropriate alternative safe method which would allow all vehicles to egress onto the wider network in a forward gear.

There would appear to be speed bumps proposed along the southern section of road within the site, this would need appropriate signage at detailed design stage.

Two pedestrian access points have been proposed from the sites southern side with the intention to tie into the existing offsite NMU infrastructure to the south. However, the western NMU tie in, as currently proposed would not appear to fully connect with existing infrastructure. This, along presumably with the redline plan would need revising to ensure this is achievable or dialogue with the relevant landowner/developer needs to be held to ensure it can be lawfully delivered as part of this scheme.

The eastern NMU access point also needs to appropriately tie into the existing infrastructure. There appears to be conflicting drawings however, that indicates a staggered arrangement that, if built out, would create an unnecessary pinch point. This can easily be overcome through a modest amendment showing a consistent and appropriate connection on all relevant supporting drawings.

Summary

Going forward, the parcel will need to provide suitable pedestrian crossing points within the internal layout and at the sites primary access points. Street light design will also need be understand by DCC however, the detail of this can be agreed at detailed design stage. It must also be ensured that no private area will drain out onto the local highway network and appropriate systems are to be in place.

Whilst the level of vehicular parking put forward by the applicant would be a matter for the LPA to determine if suitable, all dwellings need to appropriately accommodate at least once cycle space per bedroom, that are secure and sheltered. Electrical Vehicle Charging access should also made available to all dwellings.

Associated parties are also required to fulfil the relevant obligations set out in the signed s106 agreement. It needs to be ensured that appropriate amendments are made where necessary, and any additional dwellings consented are also legally bound to any contributions and/or commitments.

With the above in mind, the applicant will need to appropriately address the queries raised above, with particular regard to the mitigation requirements along the MLR to help alleviate the concerns raised. The Highway Authority also advise the scheme is revised, and served off two vehicular access points instead of three, that in our view would in principle be of betterment for highway and NMU users.

Housing Strategy/Enabling Officer - Cassandra Pressling – 5 June 2025

The amended plans now allocated plots 56 – 59 as the affordable units. These are now 3 bedroom, 5 person houses which is an improvement on space standards.

Housing Strategy/Enabling Officer - Cassandra Pressling – 18 July 2024

I note this application is providing 2 x 2-bedroom 3 person houses and 2 x 3 bedroom, 4 person houses, which are quite small units. From a housing need perspective our preference is for 2 x 2-bedroom 4 person houses and 2 x 3 bedroom 5 person houses. This enables families with more than one child to be housed.

I note the parking for plots 94 and 97 is tandem parking. This is not ideal as in reality only one parking space is used and the other car is parked on the road. This can lead to congestion and neighbour disputes.

We require the tenure of the 4 affordable units to be rented as this meets housing needs.

Network Rail – 24 July 2024

Thank you for your email dated 16 July 2024 together with the opportunity to comment on this proposal.

Network Rail continues to have concerns regarding development around Crannaford level crossing and the significant increase in its usage that developments will generate. These concerns have been highlighted within multiple policy document responses as well as objections to developments around the level crossing.

Consequently, it would not be reasonable for Network Rail to support the forthcoming development proposals as concerns remain around the safety of those using the railway.

Environment Agency – 7 January 2025

Thank you for re-consulting us on this application on the 6th January 2025. The new information submitted does not affect our position and therefore our previous comments (dated 30th July 2024) still stand. These are copied below for ease:

We were consulted by the Health and Safety Executive business support team on this application. However we have no objection to the proposal. The application site is not near to any COMAH (Control of Major Accident Hazards) sites or regulated installations and therefore we have no concerns with the proposal.

Please contact us again if you require any further advice.

Environment Agency – 30 July 2024

We were consulted by the Health and Safety Executive business support team on this application. However we have no objection to the proposal. The application site is not near to any COMAH (Control of Major Accident Hazards) sites or regulated installations and therefore we have no concerns with the proposal.

Please contact us again if you require any further advice.

The National Grid – 1 August 2024

Regarding planning application 23/0511/MFUL, there are no National Grid Electricity Transmission assets affected in this area.

If you would like to view if there are any other affected assets in this area, please raise an enquiry with www.lsbud.co.uk. Additionally, if the location or works type changes, please raise an enquiry.

Please note this response is only in reference to National Grid Electricity Transmission assets only. National Grid Electricity Distribution (formerly WPD) and National Gas Transmission (formerly National Grid Gas) should be consulted separately where required.

The National Grid – 16 July 2024

Regarding planning application 23/0511/MFUL at site location 'Land To The South Of Tillhouse Road Cranbrook' there are no National Gas assets affected in this area.

If you would like to view if there are any other affected assets in this area, please raise an enquiry with www.lsbud.co.uk. Additionally, if the location or works type changes, please raise an enquiry.

National Highways – 21 January 2025

Referring to the consultation on a planning application dated 14/04/2023 referenced above, in the vicinity of the A30 trunk road that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is as follows:

- a) No Objection: see reasons at Annex A.

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 01/2022 "The Strategic Road Network and the Delivery of Sustainable Development" and the National Planning Policy Framework (NPPF). This response represents our formal recommendations with regards to planning application reference 23/0511/MFUL.

Statement of Reasons

The application seeks full planning permission for 69 residential dwellings on land to the south of Tillhouse Road (parcel TC7b), Cranbrook. The site is located approximately 3.5km north-east of the A30/B3184 Exeter Airport junction and 5km north-east of M5 Junction 29, both of which form part of the SRN.

National Highways has also been consulted on a second full planning application (23/0554/MFUL) for 80 residential dwellings on nearby land off Court Royal and Badger Way (parcels TC3 and TC8b), Cranbrook. Both applications relate to land allocated for development within the Cranbrook New Community (CNC) and seek to provide residential development on Town Centre sites. Our principal interest is the impact of the continued expansion of Cranbrook on the safe operation of the SRN and its junctions.

Following consultation on the application in April 2023 National Highways issued a recommendation of non-determination on 3 May 2023 for a period of six months. This was to provide time for the applicant to demonstrate the traffic impact of the development on the safe operation of the SRN. Our recommendation of non-determination was subsequently extended, most recently in November 2024. This response should therefore be read in conjunction with our previous responses.

Following receipt of a Transport Assessment Addendum (dated July 2024), National Highways wrote to East Devon District Council (EDDC) on 27 July 2024 to set out our comments on the supplied assessment and to update our position.

In summary, National Highways accept that the impact of the current application in isolation would not have an unacceptable impact on highway safety or a severe impact on the operation of M5 Junction 29. Regardless of any debate over the scale of development trip generation, additional movements via M5 Junction 29 will not be material. Nevertheless, National Highways must consider the current application in the context of wider development proposed at Cranbrook.

Whilst Devon County Council (DCC) has undertaken strategic modelling work associated with the proposed expansion of Cranbrook, National Highways has requested an operational assessment of Junction 29 to understand the cumulative impacts on SRN performance. In lieu of this work being undertaken by DCC or applicants, National Highways has been progressing its own modelling work to enable us to provide informed advice to EDDC on the impact of proposed growth.

Position Update

On behalf of the applicants, WSP have submitted a letter to National Highways providing additional information in relation to both applications currently subject to recommendations of non-determination (23/0511/MFUL and 23/0554/MFUL). Alongside National Highways modelling work, the letter (dated 17 November 2024) has informed an update to our position on both applications.

National Highways has previously confirmed that up to 7,750 units can be accommodated across the CNC and Cranbrook Plan area, subject to agreed infrastructure improvements and the implementation of sustainable transport measures to support modal shift. The currently proposed uplift in development is understood to amount to some 500 dwellings over the quantum previously accepted.

We recognise that the Cranbrook development is at a relatively early stage of its delivery, with around 3,000 dwellings understood to be occupied to date. National Highways has previously expressed concern over delays in the delivery of supporting services and facilities, and the replacement of non-residential uses with additional residential dwellings. However, we appreciate that the development is evolving in response to changes in land use demand and welcome the recent opening of the new 15,600sqft Morrisson store.

The WSP letter of 17 November 2024 compares the targeted mode share for future journeys between Cranbrook and Exeter with the equivalent mode share for journeys between Exmouth and Exeter as evidenced by the 2011 Census. Should the targeted mode share for Cranbrook be achieved, then the share of trips into Exeter made by car would be consistent across the two towns. The targeted mode share reflects a vision-led approach, which is reliant on the continuation of existing trends and sustained investment in non-car travel opportunities. The adoption of a vision-led approach is now ingrained in national policy following the update of the National Planning Policy Framework (December 2024).

To support this vision for Cranbrook, we understand that £6.4million of funding is being provided towards bus improvements by the Cranbrook Expansion Areas, alongside ongoing investment in pedestrian and cycle infrastructure and DCC's own investment through the Bus Services Improvement Plan (BSIP). We expect EDDC and DCC to continue to coordinate the implementation of this vision for Cranbrook, to ensure that the targeted mode share is realistic. Similarly, in line with policy CB22 (Residential Development in the Town Centre and

Neighbourhood Centres) of the adopted Cranbrook Plan, it is expected that “New proposals for residential development in the Town Centre will be required to make contributions to on and/or off site infrastructure in and around the town to mitigate for the likely additional pressure that would result from the increased occupation associated with the development”.

The submitted WSP letter highlights that the application sites are allocated within the East Devon Local Plan for Town Centre uses. The Cranbrook Plan identifies residential use as a permissible Town Centre use. WSP therefore conclude that the proposals can be considered as windfall sites included within the provisions of the existing Local Plan. On this basis, and in line with footnote 21 of the DfT Circular 01/2022, WSP contend that any cumulative assessment need only account for consented or allocated development where this is a reasonable degree of certainty that it will proceed within the next three years. WSP consider that the overall scale of development under assessment would therefore fall within the 7,750 dwellings which National Highways has previously confirmed can be accommodated.

Notwithstanding this point, as a responsible highway authority, National Highways must consider the current applications in the context of wider development proposed at Cranbrook. National Highways has been progressing microsimulation modelling of M5 Junction 29 and National Highways Planning Response (NHPR 25-01) January 2025 the A30, to provide an operational assessment of projected traffic growth. The work has drawn on outputs from the DCC strategic modelling work, along with selected adjustments to assess the sensitivity of assessment findings.

The modelling work is currently being finalised, but emerging findings provide sufficient comfort to suggest that a small increase over the currently accepted limit of 7,750 dwellings can be accommodated without unacceptable safety impact or severe residual cumulative impacts for the SRN. It is therefore concluded that an increase of 149 residential dwellings as proposed by the current applications would not alter the previously accepted position.

In light of the emerging model findings and the continuing commitment of the Local Authorities to deliver the vision for sustainable development at Cranbrook, National Highways offer no objection to the proposed development. Our recommendation of non-determination dated 1 November 2024 is withdrawn.

Recommendation

National Highways has no objection to application reference 23/0511/MFUL.

Standing advice to the local planning authority

The Climate Change Committee’s 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 77 and 110 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 109 and 115 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up as part of a vision-led approach.

Moreover, the carbon reduction hierarchy (avoid-switch-improve) as set out in clause 4.3 of PAS2080:2023 promotes approaches and measures to minimise resource consumption and thereby reduce carbon emissions.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon

National Highways - 19 Dec 2024

Thank you for consulting National Highways on further information relating to the above application. We currently have the attached holding recommendation placed on the application which expires at the end of February.

As set out in this response National Highways is progressing a cumulative assessment in the absence of an assessment being undertaken by the applicant. This work is nearing completion and we hope to be able to report our findings early in the new year.

We will review the additional information now being consulted on but will be unable to offer a formal response prior to the conclusion of our modelling work, and by the requested deadline of 2 January. Our holding recommendation therefore remains in place at this time and we look forward to responding in due course.

National Highways Ref: NH/23/00658

Referring to the consultation on a planning application received 14/04/23 referenced above, in the vicinity of the A30 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);

Highways Act 1980 Section 175B is not relevant to this application. Where relevant, further information will be provided within Annex A.

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@ddt.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to planningsw@nationalhighways.co.uk

Annex A

National Highways' recommended Further information required

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 01/2022 "The Strategic Road Network and the Delivery of Sustainable Development" and the National Planning Policy Framework (NPPF). This response represents our formal recommendations with regards to planning application 23/0511/MFUL.

Statement of Reasons:

The application submitted by Halland Land Management seeks full planning permission for 69 residential dwellings on land to the south of Tillhouse Road (parcel TC7b), Cranbrook. The site is

located approximately 3.5km north-east of the A30/B3184 Exeter Airport junction and 5km north-east of M5 Junction 29, both of which form part of the SRN. National Highways has also been consulted on a second full planning application by Taylor Wimpey UK Ltd (23/0554/MFUL) for 80 residential dwellings on nearby land off Court Royal and Badger Way (parcels TC3 and TC8b), Cranbrook. Our principal interest is the impact of the continued expansion of Cranbrook on the safe operation of the SRN and its junctions.

Planning Context:

Outline permission for a new community at Cranbrook comprising up to 2,900 residential dwellings, a town centre and associated uses and infrastructure was granted in October 2010 under reference 03/P1900. A further 587 dwellings at the Cranbrook New Community (CNC) were consented under full permission 13/1752/MFUL.

The outline consent provides for up to 6,700sqm of retail uses in the town centre and neighbourhood centre. In May 2022, three reserved matters applications were approved to bring forward town centre uses; a supermarket, high street with residential uses, and a children's day nursery. However, other applications have sought to reallocate land parcels previously identified for town centre uses to residential development.

A full application (22/2354/MFUL) for 84 dwellings at parcels TC5a, TC6 and TC7a was submitted in November 2022 and is currently awaiting determination. This application was submitted alongside two reserved matters applications (22/2306/MRES and 22/2307/MRES) relating to the original outline permission, one of which would deliver 31 residential dwellings on town centre land. Following changes in the planned provision of town centre facilities, we understand that the total town centre retail provision is currently 3,129sqm, with an additional 986sqm in the neighbourhood centre - a reduction of around 2,500sqm from that envisaged as part of the outline consent.

Following consultation on application 22/2354/MFUL the Local Planning Authority advised National Highways that the development represented a net increase of only 48 dwellings at Cranbrook as a result of reduced housing level coming forward elsewhere across the CNC. Based on the likely traffic generation associated with 48 dwellings National Highways considered it would be unable to sustain an objection to the application on the grounds of an unacceptable impact on the safe operation of the strategic road network. Notwithstanding this we raised a number of concerns with the supporting Transport Assessment (TA) as detailed below, which has also been submitted in support of current application 23/0511/MFUL. The TA considers the transport impacts of proposed town centre development on parcels TC3, 8b, 7a, 7b and part of TC5a and TC6, assessing the traffic impact of 230 additional dwellings alongside the corresponding reduction in retail floor area compared to the outline consent.

Previous Response:

Following consultation on the application in April 2023 National Highways issued a holding recommendation on 3 May 2023 for a period of six months to provide time for further transport assessment to be undertaken to demonstrate the traffic impact of the development on the safe operation of the SRN. Our holding recommendation has subsequently been extended, most recently in May 2024. This response should therefore be read in conjunction with our previous responses.

Position Update:

National Highways was consulted on a TA Addendum document in July 2024 to which we formally responded to the Local Planning Authority in our letter dated 27 July 2024. Our response reconfirmed the requirement to undertake a cumulative assessment of the traffic impact of the development on the basis the current application together with wider additional development proposed at Cranbrook exceeds the currently assessed and accepted development quantum as allocated by the Cranbrook Plan.

In the absence of such assessment from the applicant National Highways has progressed an

assessment which is nearing completion. As set out in our letter dated 27 July this will inform our position on the current applications and further development proposed on the Cranbrook expansion areas, and we will report our findings to the relevant authorities. Should the applicant not wish to wait for the conclusion of our assessment they are welcome to undertake their own cumulative assessment as advised in our previous planning responses.

To enable the conclusion of the required cumulative assessment we are extending our current holding recommendation by an additional three months however we anticipate the above work being concluded in advance of the expiry of this latest recommendation, and being able to update our response accordingly.

Recommendation:

National Highways recommends that application reference 23/0511/MFUL not be approved a period of three months from the date of this recommendation. This to provide time for the applicant to undertake further work to enable National Highways to fully understand the impact of the development on the safe and efficient operation of the SRN and thereby provide the Local Planning Authority with fully informed advice.

Standing advice to the local planning authority:

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 74 and 109 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 108 and 114 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the Switch and Improve criteria as set out in clause 4.3 of PAS2080:23 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon

National Highways - 1 Nov 2024

Referring to the consultation on a planning application received 14/04/23 referenced above, in the vicinity of the A30 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

recommend that planning permission not be granted for a specified period (see reasons at Annex A);

Highways Act 1980 Section 175B is not relevant to this application.¹

¹ Where relevant, further information will be provided within Annex A.

National Highways Planning Response (NHPR 22-12) December 2022

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dtf.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to planningsw@nationalhighways.co.uk

Annex A National Highways' recommended Further information required

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 01/2022 "The Strategic Road Network and the Delivery of Sustainable Development" and the National Planning Policy Framework (NPPF). This response represents our formal recommendations with regards to planning application 23/0511/MFUL.

Statement of Reasons

The application submitted by Halland Land Management seeks full planning permission for 69 residential dwellings on land to the south of Tillhouse Road (parcel TC7b), Cranbrook. The site is located approximately 3.5km north-east of the A30/B3184 Exeter Airport junction and 5km north-east of M5 Junction 29, both of which form part of the SRN. National Highways has also been consulted on a second full planning application by Taylor Wimpey UK Ltd (23/0554/MFUL) for 80 residential dwellings on nearby land off Court Royal and Badger Way (parcels TC3 and TC8b), Cranbrook. Our principal interest is the impact of the continued expansion of Cranbrook on the safe operation of the SRN and its junctions.

Planning Context

Outline permission for a new community at Cranbrook comprising up to 2,900 residential dwellings, a town centre and associated uses and infrastructure was granted in October 2010 under reference 03/P1900. A further 587 dwellings at the Cranbrook New Community (CNC) were consented under full permission 13/1752/MFUL.

The outline consent provides for up to 6,700sqm of retail uses in the town centre and neighbourhood centre. In May 2022, three reserved matters applications were approved to bring forward town centre uses; a supermarket, high street with residential uses, and a children's day nursery. However, other applications have sought to reallocate land parcels previously identified for town centre uses to residential development.

A full application (22/2354/MFUL) for 84 dwellings at parcels TC5a, TC6 and TC7a was submitted in November 2022 and is currently awaiting determination. This application was submitted alongside two reserved matters applications (22/2306/MRES and 22/2307/MRES) relating to the original outline permission, one of which would deliver 31 residential dwellings on town centre land. Following changes in the planned provision of town centre facilities, we understand that the total town centre retail provision is currently 3,129sqm, with an additional 986sqm in the neighbourhood centre - a reduction of around 2,500sqm from that envisaged as part of the outline consent.

Following consultation on application 22/2354/MFUL the Local Planning Authority advised National Highways that the development represented a net increase of only 48 dwellings at Cranbrook as a result of reduced housing level coming forward elsewhere across the CNC. Based on the likely traffic generation associated with 48 dwellings National Highways considered it would be unable to sustain an objection to the application on the grounds of an unacceptable impact on the safe operation of the strategic road network. Notwithstanding this we raised a number of concerns with the supporting Transport Assessment (TA) as detailed below, which has also been submitted in support of current application 23/0511/MFUL. The TA considers the transport impacts of proposed town centre development on parcels TC3, 8b, 7a, 7b and part of TC5a and TC6, assessing the

traffic impact of 230 additional dwellings alongside the corresponding reduction in retail floor area compared to the outline consent.

Previous Response

Following consultation on the application in April 2023 National Highways issued a holding recommendation on 3 May 2023 for a period of six months to provide time for further transport assessment to be undertaken to demonstrate the traffic impact of the development on the safe operation of the SRN. Our holding recommendation has subsequently been extended, most recently in May 2024. This response should therefore be read in conjunction with our previous responses.

Position Update

National Highways was consulted on a TA Addendum document in July 2024 to which we formally responded to the Local Planning Authority in our letter dated 27 July 2024. Our response reconfirmed the requirement to undertake a cumulative assessment of the traffic impact of the development on the basis the current application together with wider additional development proposed at Cranbrook exceeds the currently assessed and accepted development quantum as allocated by the Cranbrook Plan.

In the absence of such assessment from the applicant National Highways has progressed an assessment which is nearing completion. As set out in our letter dated 27 July this will inform our position on the current applications and further development proposed on the Cranbrook expansion areas, and we will report our findings to the relevant authorities.

Should the applicant not wish to wait for the conclusion of our assessment they are welcome to undertake their own cumulative assessment as advised in our previous planning responses.

To enable the conclusion of the required cumulative assessment we are extending our current holding recommendation by an additional three months however we anticipate the above work being concluded in advance of the expiry of this latest recommendation, and being able to update our response accordingly.

Recommendation

National Highways recommends that application reference 23/0511/MFUL not be approved a period of three months from the date of this recommendation. This to provide time for the applicant to undertake further work to enable National Highways to fully understand the impact of the development on the safe and efficient operation of the SRN and thereby provide the Local Planning Authority with fully informed advice.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 74 and 109 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 108 and 114 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the Switch and Improve criteria as set out in clause 4.3 of PAS2080:23 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

National Highways Planning Response (NHPR 22-12) December 2022

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

National Highways - 26 July 2024

Thank you for consulting National Highways on additional information submitted in support of the above planning application for residential development at Land to the South of Tillhouse Road, Cranbrook. We note the same information has also been submitted in support of application 23/0554/MFUL for residential development and associated roads, access, landscaping, infrastructure and engineering works (including ground modelling and utilities), at Parcels TC3 and TC8b, Land off Court Royal And Badger Way, Cranbrook.

National Highways issued a holding recommendation to East Devon District Council in respect of both applications in May 2023. The recommendations set out a need for further assessment work to demonstrate that the applications would not result in an unacceptable safety impact at M5 Junction 29.

Specifically, the following issues were identified:

- Further assessment is required to provide confidence that development beyond that previously allocated by the Cranbrook Plan and Cranbrook New Community can be safely accommodated by existing infrastructure and M5 Junction 29 in particular.
- Request that additional traffic modelling be based on trip rates justified against a local data source. The request followed concern that changes in the delivery of community facilities at Cranbrook has resulted in lower levels of internalisation than originally assumed.
- Should reductions in traffic generation be required to avoid significant highway impacts, then an evidenced justification of assumed mode shift or internalisation is required, along with a comprehensive plan for how this will be achieved.

Our holding recommendations followed a review of a Transport Assessment (dated August 2022) prepared to consider the transport impacts of proposed town centre development. A Transport Assessment Addendum (dated July 2024) has now been submitted in support of both applications. This letter is prepared to document National Highways' position in light of this additional information.

Planning and Infrastructure Context

National Highways has previously confirmed that up to 7,750 units can be accommodated in the Cranbrook Plan area, inclusive of the Cranbrook New Community, subject to previously conditioned infrastructure improvements on the local highway network, completed improvements at M5 Junction 29, and the implementation of sustainable transport measures to support modal shift.

The currently proposed uplift in development across the Cranbrook Plan expansion zones and the Town Centre area is understood to amount to some 500 dwellings over the quantum previously assessed and accepted. Coupled with the delayed or reduced provision of on-site facilities, National Highways needs to understand the potential impact of this intensification of development on the safe operation of the SRN.

Whilst Devon County Council has undertaken strategic modelling to support an increase in the quantum of development across the four expansion areas, the modelling and associated impact assessment has not been agreed by National Highways. Due to the perceived limitations of the evidence base for further development at Cranbrook, National Highways has previously advised that any additional development needs to be supported by a detailed assessment addressing previous comments.

Transport Assessment Addendum

The Addendum document presents a range of trip generation scenarios, all based on trip rates derived from the TRICS database. No surveyed trip rate information is presented for the built Cranbrook development.

Trip rates are applied to a proposed uplift in housing numbers of 172 dwellings. The current applications (23/0511/MFUL and 23/0554/MFUL) are understood to contribute 148 dwellings. The difference is associated with application reference 23/2354/MFUL, for which National Highways has previously advised it would be unable to sustain an objection. Across each trip rate scenario, the combined 172 dwellings are forecast to generate 77 vehicle trips in the AM peak and 67 in the PM peak. No consideration is given to the proposed uplift in allocated development across the wider Cranbrook area, and this remains a fundamental concern for National Highways.

The distribution of commuting/business and holiday/day trips is based on 2011 Census data with adjustments to reflect the ongoing build-out of strategic employment sites to the east of M5 Junction 29. Other trip purposes (shopping, other escort/personal business and leisure/entertainment) are distributed according to a gravity model. A resultant 48% of commuting/business and holiday/day trips are understood to be assigned via M5 Junction 29, along with just 12% of personal trips. All escort education trips are assumed to be internal, and any education trips where the student is the driver are assumed to route via the Tithebarn Link to access the University of Exeter of Exeter College.

Following the application of trip distribution and assignment assumptions, the Transport Assessment Addendum estimates that the combined 172 dwellings could add in the order of 25 two-way trips to the junction of the A30 and the slip roads for the M5 southbound carriageway at Junction 29. The number of trips added to the junction with the slip roads for the northbound carriageway would be less than 20.

A 'Vision' scenario is also presented where mode share adjustments are applied to trips to Exeter and 'West End' employment locations, to reflect multi-modal interventions across the Cranbrook area. The adjustments are understood to be applied individually, resulting in a sizeable transfer of Exeter-bound work trips to rail (+10%), bus (+10%) and cycle (+5%), whereas we would question whether a realistic upper limit should be applied for non-car travel into Exeter.

On the basis of the assumed reductions, trip volumes impacting on the junction of the A30 and the slip roads for the M5 southbound carriageway are estimated to be around 17 vehicles in the AM and PM peak hours. The Addendum asserts that further reductions in traffic demand through M5 Junction 29 can also be assumed based on the net transfer of jobs at West End employment sites, and the net loss of trips generated by previously assumed town centre retail uses which may have passed through Junction 29. National Highways considers the level of such reductions unlikely to occur.

National Highways Position

National Highways does not agree with all analysis and assumptions set out within the Transport Assessment Addendum. The National Planning Policy Framework and DfT Circular 01/2022 require consideration of the residual cumulative impacts of development. Therefore, as a responsible highway authority, National Highways must consider the current applications in the context of wider development proposed at Cranbrook and the greater exceedance of the currently assessed and accepted development quantum.

National Highways has previously responded to strategic modelling work undertaken by Devon County Council to request operational assessment of Junction 29, considering projected growth at Cranbrook. This work has not been forthcoming. National Highways is now progressing this work, to enable us to provide informed advice to East Devon District Council on the impact of proposed growth. The work is drawing on outputs from the Devon County Council strategic modelling work

and utilises the National Highways Vissim model covering M5 Junctions 29 and 30. We expect the assessment work to be completed for early Autumn and will report findings to the relevant authorities. This will in turn inform our position on the current applications, and further development proposed on the Cranbrook expansion areas. As set out in our previous responses to the above applications the applicants are welcome to undertake their own cumulative assessment should the timeframes for our work not align with their own programme(s).

National Highways - 1 May 2024

Annex A

National Highways' recommended Further information required

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 01/2022 "The Strategic Road Network and the Delivery of Sustainable Development" and the National Planning Policy Framework (NPPF). This response represents our formal recommendations with regards to planning application 23/0511/MFUL.

Statement of Reasons

The application submitted by Halland Land Management seeks full planning permission for 69 residential dwellings on land to the south of Tillhouse Road (parcel TC7b), Cranbrook. The site is located approximately 3.5km north-east of the A30/B3184 Exeter Airport junction and 5km north-east of M5 Junction 29, both of which form part of the SRN. National Highways has also been consulted on a second full planning application by Taylor Wimpey UK Ltd (23/0554/MFUL) for 80 residential dwellings on nearby land off Court Royal and Badger Way (parcels TC3 and TC8b), Cranbrook. Our principal interest is the impact of the continued expansion of Cranbrook on the safe operation of the SRN and its junctions.

Planning Context

Outline permission for a new community at Cranbrook comprising up to 2,900 residential dwellings, a town centre and associated uses and infrastructure was granted in October 2010 under reference 03/P1900. A further 587 dwellings at the Cranbrook New Community (CNC) were consented under full permission 13/1752/MFUL.

The outline consent provides for up to 6,700sqm of retail uses in the town centre and neighbourhood centre. In May 2022, three reserved matters applications were approved to bring forward town centre uses; a supermarket, high street with residential uses, and a children's day nursery.

However, other applications have sought to reallocate land parcels previously identified for town centre uses to residential development.

A full application (22/2354/MFUL) for 84 dwellings at parcels TC5a, TC6 and TC7a was submitted in November 2022 and is currently awaiting determination. This application was submitted alongside two reserved matters applications (22/2306/MRES and 22/2307/MRES) relating to the original outline permission, one of which would deliver 31 residential dwellings on town centre land. Following changes in the planned provision of town centre facilities, we understand that the total

town centre retail provision is currently 3,129sqm, with an additional 986sqm in the neighbourhood centre - a reduction of around 2,500sqm from that envisaged as part of the outline consent.

Following consultation on application 22/2354/MFUL the Local Planning Authority advised National Highways that the development represented a net increase of only 48 dwellings at Cranbrook as a result of reduced housing level coming forward elsewhere across the CNC. Based on the likely traffic generation associated with 48 dwellings National Highways considered it would be unable to sustain an objection to the application on the grounds of an unacceptable impact on the safe operation of the strategic road network. Notwithstanding this we raised a number of concerns with the supporting Transport Assessment (TA) as detailed below, which has also been submitted in support of current application 23/0511/MFUL. The National Highways Planning Response (NHPR 22-12) December 2022 TA considers the transport impacts of proposed town centre development on parcels TC3, 8b, 7a, 7b and part of TC5a and TC6, assessing the traffic impact of 230 additional dwellings alongside the corresponding reduction in retail floor area compared to the outline consent.

Previous Response

Following consultation on the application in April 2023 National Highways issued a holding recommendation on 3 May 2023 for a period of six months to provide time for further transport assessment to be undertaken to demonstrate the traffic impact of the development on the safe operation of the SRN. Our holding recommendation was subsequently extended on 3 November 2023. This response should therefore be read in conjunction with our previous responses.

Position Update

Since the issue of our holding recommendation we have received no further information from the applicant. We are therefore extending our current holding recommendation by an additional six months to enable the conclusion of the required transport assessment. Should matters be concluded in advance of the expiry of our latest recommendation we will be able to update our response accordingly.

Recommendation

National Highways recommends that application reference 23/0511/MFUL not be approved a period of six months from the date of this recommendation. This to provide time for the applicant to undertake further work to enable National Highways to fully understand the impact of the development on the safe and efficient operation of the SRN and thereby provide the Local Planning Authority with fully informed advice.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

National Highways - 03 Nov 2023

National Highways Ref: NH/23/00658

Referring to the consultation on a planning application received 14/04/23 referenced above, in the vicinity of the A30 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

recommend that planning permission not be granted for a specified period (see reasons at Annex A);

Highways Act 1980 Section 175B is not relevant to this application.¹

¹ Where relevant, further information will be provided within Annex A.

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to planningsw@nationalhighways.co.uk.

Annex A National Highways' recommended Further information required

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 01/2022 "The Strategic Road Network and the Delivery of Sustainable Development" and the National Planning Policy Framework (NPPF). This response represents our formal recommendations with regards to planning application 23/0511/MFUL.

Statement of Reasons

The application submitted by Halland Land Management seeks full planning permission for 69 residential dwellings on land to the south of Tillhouse Road (parcel TC7b), Cranbrook. The site is located approximately 3.5km north-east of the A30/B3184 Exeter Airport junction and 5km north-east of M5 Junction 29, both of which form part of the SRN. National Highways has also been consulted on a second full planning application by Taylor Wimpey UK Ltd (23/0554/MFUL) for 80 residential dwellings on nearby land off Court Royal and Badger Way (parcels TC3 and TC8b), Cranbrook. Our principal interest is the impact of the continued expansion of Cranbrook on the safe operation of the SRN and its junctions.

Planning Context

Outline permission for a new community at Cranbrook comprising up to 2,900 residential dwellings, a town centre and associated uses and infrastructure was granted in October 2010 under reference 03/P1900. A further 587 dwellings at the Cranbrook New Community (CNC) were consented under full permission 13/1752/MFUL.

The outline consent provides for up to 6,700sqm of retail uses in the town centre and neighbourhood centre. In May 2022, three reserved matters applications were approved to bring forward town centre uses; a supermarket, high street with residential uses, and a children's day nursery. However, other applications have sought to reallocate land parcels previously identified for town centre uses to residential development.

A full application (22/2354/MFUL) for 84 dwellings at parcels TC5a, TC6 and TC7a was submitted in November 2022 and is currently awaiting determination. This application was submitted alongside two reserved matters applications (22/2306/MRES and 22/2307/MRES) relating to the original outline permission, one of which would deliver 31 residential dwellings on town centre land.

Following changes in the planned provision of town centre facilities, we understand that the total town centre retail provision is currently 3,129sqm, with an additional 986sqm in the neighbourhood centre - a reduction of around 2,500sqm from that envisaged as part of the outline consent.

Following consultation on application 22/2354/MFUL the Local Planning Authority advised National Highways that the development represented a net increase of only 48 dwellings at Cranbrook as a result of reduced housing level coming forward elsewhere across the CNC. Based on the likely traffic generation associated with 48 dwellings National Highways considered it would be unable to sustain an objection to the application on the grounds of an unacceptable impact on the safe operation of the strategic road network. Notwithstanding this we raised a number of concerns with the supporting Transport Assessment (TA) as detailed below, which has also been submitted in support of current application 23/0511/MFUL. The National Highways Planning Response (NHPR 22-12) December 2022 TA considers the transport impacts of proposed town centre development on parcels TC3, 8b, 7a, 7b and part of TC5a and TC6, assessing the traffic impact of 230 additional dwellings alongside the corresponding reduction in retail floor area compared to the outline consent.

Previous Response

Following consultation on the application in April 2023 National Highways issued a holding recommendation on 3 May 2023 for a period of six months to provide time for further transport assessment to be undertaken to demonstrate the traffic impact of the development on the safe operation of the SRN. This response should therefore be read in conjunction with our response dated 3 May 2023.

Position Update

Since the issue of our holding recommendation we have received no further information from the applicant. We are therefore extending our current holding recommendation by an additional six months to enable the conclusion of the required transport assessment. Should matters be concluded in advance of the expiry of our latest recommendation we will be able to update our response accordingly.

Recommendation

National Highways recommends that application reference 23/0511/MFUL not be approved a period of six months from the date of this recommendation. This to provide time for the applicant to undertake further work to enable National Highways to fully understand the impact of the development on the safe and efficient operation of the SRN and thereby provide the Local Planning Authority with fully informed advice.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that

appropriate opportunities to promote walking, cycling and public transport should be taken up. Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

National Highway - 3 May 2023

Referring to the consultation on a planning application received 14/04/23 referenced above, in the vicinity of the A30 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);

Highways Act 1980 Section 175B is not relevant to this application.¹

¹ Where relevant, further information will be provided within Annex A.

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to planningsw@nationalhighways.co.uk.

Annex A

National Highways' recommended Further information required

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 01/2022 "The Strategic Road Network and the Delivery of Sustainable Development" and the National Planning Policy Framework (NPPF). This response represents our formal recommendations with regards to planning application 22/0511/MFUL.

Statement of Reasons

The application submitted by Halland Land Management seeks full planning permission for 69 residential dwellings on land to the south of Tillhouse Road (parcel TC7b), Cranbrook. The site is located approximately 3.5km north-east of the A30/B3184 Exeter Airport junction and 5km north-east of M5 Junction 29, both of which form part of the SRN. National Highways has also been consulted on a second full planning application by Taylor Wimpey UK Ltd (23/0554/MFUL) for 80

residential dwellings on nearby land off Court Royal and Badger Way (parcels TC3 and TC8b), Cranbrook. Our principal interest is the impact of the continued expansion of Cranbrook on the safe operation of the SRN and its junctions.

Planning Context

Outline permission for a new community at Cranbrook comprising up to 2,900 residential dwellings, a town centre and associated uses and infrastructure was granted in October 2010 under reference 03/P1900. A further 587 dwellings at the Cranbrook New Community (CNC) were consented under full permission 13/1752/MFUL.

The outline consent provides for up to 6,700sqm of retail uses in the town centre and neighbourhood centre. In May 2022, three reserved matters applications were approved to bring forward town centre uses; a supermarket, high street with residential uses, and a children's day nursery. However, other applications have sought to reallocate land parcels previously identified for town centre uses to residential development.

A full application (22/2354/MFUL) for 84 dwellings at parcels TC5a, TC6 and TC7a was submitted in November 2022 and is currently awaiting determination. This application was submitted alongside two reserved matters applications (22/2306/MRES and 22/2307/MRES) relating to the original outline permission, one of which would deliver 31 residential dwellings on town centre land. Following changes in the planned provision of town centre facilities, we understand that the total town centre retail provision is currently 3,129sqm, with an additional 986sqm in the neighbourhood centre - a reduction of around 2,500sqm from that envisaged as part of the outline consent.

Following consultation on application 22/2354/MFUL the Local Planning Authority advised National Highways that the development represented a net increase of only 48 dwellings at Cranbrook as a result of reduced housing level coming forward elsewhere across the CNC. Based on the likely traffic generation associated with 48 dwellings National Highways considered it would be unable to sustain an objection to the application on the grounds of an unacceptable impact on the safe operation of the strategic road network. Notwithstanding this we raised a number of concerns with the supporting Transport Assessment (TA) as detailed below, which has also been submitted in support of current application 22/0511/MFUL.

TA considers the transport impacts of proposed town centre development on parcels TC3, 8b, 7a, 7b and part of TC5a and TC6, assessing the traffic impact of 230 additional dwellings alongside the corresponding reduction in retail floor area compared to the outline consent.

Additional Development at Cranbrook

The Cranbrook Plan adopted in October 2022 allocates a further 4,170 dwellings across four expansion zones in addition to the consented residential development within the CNC.

National Highways has been consulted on applications across each of the four expansion zones which, if consented, would exceed the 4,170 allocated by the Cranbrook Plan. In response these applications, which are currently awaiting determination, we confirmed that should the total number of dwellings proposed across these sites exceed the 4,170 allocated by the Cranbrook plan, the impact of any additional development on the safe operation of the SRN will need to be assessed through an updated TA. Furthermore, given the evidence base used to support the expansion site applications is now a decade old, National Highways has advised that any proposed uplift in the quantum of development either within the extant CNC permission areas or the expansion zones will require the submission of updated transport modelling supported by contemporary traffic surveys. National Highways has previously confirmed that up to 7,750 units can be accommodated in the Cranbrook Plan area, inclusive of the CNC, subject to previously conditioned infrastructure improvements on the local highway network, completed improvements at M5 Junction 29, and the

implementation of sustainable transport measures to support modal shift.

The proposed uplift in development across the Cranbrook Plan expansion zones in addition to the further 233 dwellings in the town centre proposed by current applications (22/0554/MFUL, 23/0511/MFUL, and 22/2354/MFUL) could result in some 500 dwellings in excess of the quantum previously assessed and accepted. Coupled with a reduction in on-site community and retail facilities, and the potential for further development across the expansion areas, National Highways needs to understand the potential impact of this intensification of development on the safe operation of the SRN.

SRN Impacts

National Highways has recently been consulted by Devon County Council on updated strategic traffic modelling to support an increase in the quantum of development across the four expansion areas beyond the 4,170 dwellings assessed and allocated by the Cranbrook Plan. A meeting was held to discuss the strategic modelling work on 20 January 2023. A number of requests were made for clarification and further evidence to substantiate adopted assumptions, and we confirmed that junction modelling would be required to determine the impact on the SRN. National Highways provided written comments to East Devon District Council and Devon County Council on 31 January 2023 and currently awaiting a response. As such, the modelling and associated impact assessment for additional Cranbrook development is not agreed at this stage.

In our response to previous application 22/2354/MFUL National Highways raised a number of concerns regarding the supporting TA relating to traffic generation estimates, associated levels of internalisation, and background traffic growth. In addition, whilst the TA refers to strategic traffic modelling of further development at Cranbrook, the model and associated reporting has not yet been agreed by National Highways. Instead, written comments issued on 31 January 2023 requested further evidence to substantiate adopted assumptions and recommended junction modelling for SRN junctions.

Due to the perceived limitations of the evidence base for further development at Cranbrook, National Highways has advised that any additional development needs to be supported by a detailed assessment addressing previous comments. Given the same TA has been submitted in support of the new applications, and strategic modelling work to support further development is not yet agreed, we do not consider that adequate evidence of the impact of the safe operation of the SRN has been provided.

Further Requirements

National Highways is supportive of the vision for Cranbrook as a sustainable and self sufficient town that provides high quality accessibility by non-car modes and reduces the need to travel. However, further assessment is required to provide confidence that the vision and associated trip making is realistic, and whether development beyond that previously allocated can be safely accommodated by existing infrastructure.

In our response to application 22/2354/MFUL for 84 dwellings we raised concern over the adopted trip rates and assumed internalisation. Due to changes in the delivery of community facilities at Cranbrook, National Highways has concern that originally forecast levels of internalisation are not being achieved, and a now established reliance on private vehicular travel is likely to impact future demands. We have therefore requested that additional traffic modelling work be based on trip rates justified against a local data source. It is currently unclear how adopted trip rates have been verified against local survey information, and this requires further justification if the adopted trip rates are to be accepted.

Previous transport assessment undertaken and submitted in support of the Cranbrook Plan has

indicated that M5 Junction 29 is likely to be operating over capacity by 2030 based on delivery of the Cranbrook Plan allocations. Further development over and above that allocated by the Cranbrook Plan and CNC is therefore likely to increase capacity constraints at this junction and as such assessment is required to confirm the impact can be safely accommodated by the existing highway network.

Should reductions in traffic generation be required to avoid significant highway impacts, then an evidenced justification of assumed mode shift or internalisation is required, along with a comprehensive plan for how this will be achieved and monitored.

Recommendation

National Highways recommends that application reference 22/0511/MFUL not be approved a period of six months from the date of this recommendation. This to provide time for the applicant to undertake further work to enable National Highways to fully understand the impact of the development on the safe and efficient operation of the SRN and thereby provide the Local Planning Authority with fully informed advice.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

EDDC Waste and Recycling – 13 May 2025

We will have to go down to the rear lanes behind 109-63 anyway to collect from properties opposite (105-97) at the back so bins can be collected from the back of individual properties as long as they are on the end of parking spaces on the lane edge for easy access.

Crews are used to collecting from rear access lanes in Cranbrook if residents place bins on the roadside of any parked cars or in parking spaces- as long as they aren't blocked in by cars.

The Rear Lane need to be wide enough for lorries to pass if cars are parked outside 105-97

Needs to be built to highways standard – block paving can cause issues due to weight so not ideal

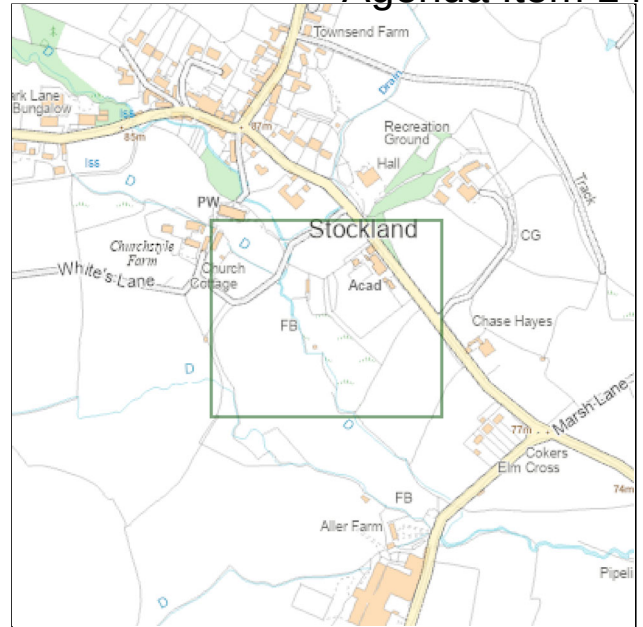
Ward Dunkeswell And Otterhead

Reference 25/0039/FUL

Applicant Mr and Mrs Emma and Nigel Parris

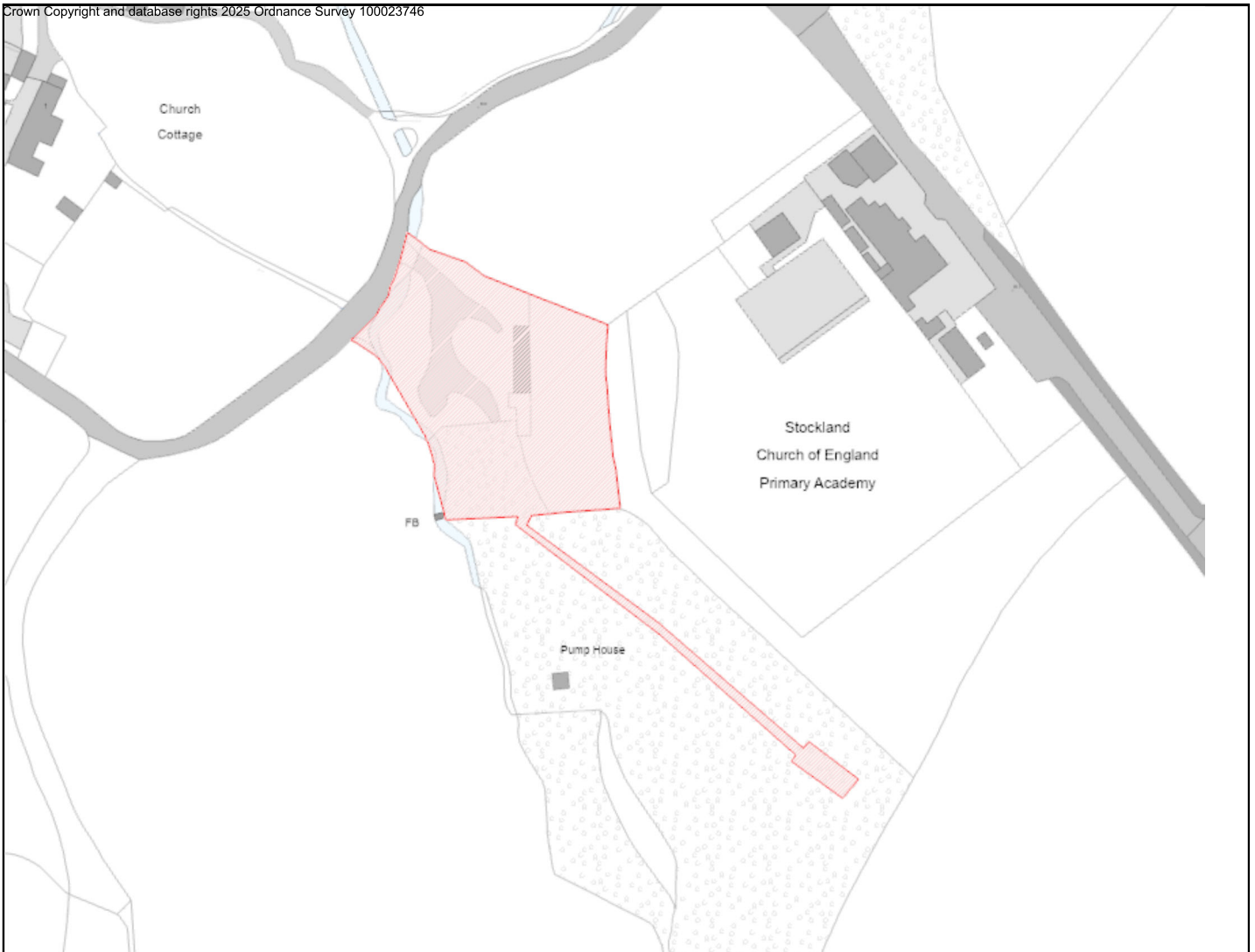
Location Land Adjoining Stockland C Of E Primary Academy Stockland EX14 9EF

Proposal Proposal to reinstate historic barn with extension to form 1no dwelling, with associated works



RECOMMENDATION: Refusal

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		Committee Date: 15.07.2025
Dunkeswell And Otterhead (Stockland)	25/0039/FUL	Target Date: 19.03.2025
Applicant:	Mr and Mrs Emma and Nigel Parris	
Location:	Land Adjoining Stockland C Of E Primary Academy Stockland	
Proposal:	Proposal to reinstate historic barn with extension to form 1no dwelling, with associated works	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Committee as the officer recommendation is for refusal, contrary to the views of the Ward Members.

The proposal is the re-building of a former building (used as a sawmill) and its use as a dwelling. The building would be constructed overlapping the footprint of a smaller barn, which is a remaining part of the original sawmill building (currently in agricultural use). It would be larger than the existing barn or the original sawmill building and partly subterranean, with the design of the non-subterranean part seeking to replicate the appearance of the original sawmill building. The proposed dwelling would be single storey and would have an associated garden, driveway and parking area.

In the absence of a structural survey indicating that the existing barn is capable of conversion or information suggesting that any part of the existing building would be incorporated within the re-instated building, the proposal does not represent a conversion, which might otherwise draw support from Local Plan Policy D8 (Re-use of Rural Buildings Outside of Settlements) in principle. The proposal is therefore considered to be a new building. The site is on the edge of the settlement of Stockland which does not have a Built Up Area Boundary and is thus in the open countryside. There is no specific policy support for the principle of the proposed dwelling, either through the Local or Neighbourhood plan.

It is acknowledged that the sawmill building existed but what remains of it is not a designated or non-designated heritage asset hence there is no heritage justification for the proposed re-instatement of that building.

The site is within the Blackdown Hills National Landscape, within the setting of the Grade 1 listed St Michaels and All Angels Church and visible from the conservation area. The existing barn is a simple small scale open sided building with an agricultural character. The proposed dwelling is larger than the existing barn in all dimensions and it would incorporate features which are not present within the existing barn, such as extensive glazing, a different roof material and shutters. The Parish Council object to the large windows on the western elevation of the dwelling, highlighting that these fail to adhere to the Blackdown Hills Design Guide for houses. Whilst it is understood that the window design seeks to reference the character of the existing barn, the result of this is an extensive area of glazing which, together with the building's increased scale, its driveway, garden and the introduction of domestic paraphernalia, will result in the building appearing prominent and both the building and its setting appearing domestic.

As a result it is considered that the proposal fails to conserve the natural beauty of the National Landscape, contrary to the requirements of Strategy 46 (Landscape Conservation and Enhancement and AONBs). Historic England raise no objection to the proposal, however, the conservation officer raises several concerns, concluding that the proposal would harm the setting and thus the significance of heritage assets, contrary to the requirements of Local Plan Policy EN9 (Development Affecting a Designated Heritage Asset).

Whilst Stockland has some limited facilities and services to serve residents, occupants of the dwelling would be likely to heavily rely on car journeys to meet their everyday needs, contrary to the requirements of Local Plan Strategy 5B (Sustainable Transport) and Policy TC2 (Accessibility of New Development).

The dwelling is outside of high risk flood zones, however, the vehicular access to the site crosses flood zones 2 and 3. Whilst an alternative pedestrian access is available outside of these zones, no safe access to the site for emergency vehicles would be available during a flood event, contrary to the advice in planning practice guidance and the proposal fails the sequential test for flooding and conflicts with LP Policy EN21 (River and Coastal Flooding).

The dwelling is located within the catchment of the River Axe Special Area of Conservation where a proposal for a new dwelling must demonstrate nutrient neutrality. Although information has been provided in relation to this issue the Council's ecologist advises that it fails to demonstrate that nutrient neutrality would be achieved and as such the proposal conflicts with Local Plan Policy EN21 (River and Coastal Flooding).

Although the proposal would make a small contribution towards housing supply and would offer minor social and transient economic benefits through supporting local services and generating construction activity, as indicated above, permanent environmental and social harms would also arise from it. It is not considered that the public benefits outweigh the identified harms and as such it is recommended that the application be refused.

CONSULTATIONS

Local Consultations

Parish/Town Council 15/3/25

Stockland Parish Council have reviewed this application at our meeting on 25th February 2025. While there was not a complete consensus, we have made a number of positive observations, but also raise a few concerns:

1) We acknowledge the application's efforts to consult with Historic England at the pre-application stage and the consideration given to responding to their recommendations.

2) We acknowledge that the subterranean elements of the house that are outside of the existing footprint of the barn (such as the car port, lobby and bathroom) are a consolidated effort to minimise the visual impact of the new build, particularly when covered by the proposed grass meadow roof.

3) We acknowledge other efforts of the design to minimise the impact of the natural environment, which include the shape of floor plan allowing clearance from a neighbouring tree, and the intention to maintain hedgerows / Devon bank, by not altering the width of the driveway opening.

4) We have concerns about the design and extent of the floor-to-ceiling glazing on the west elevation of the proposed dwelling for two reasons. Firstly, the design of the windows is not in keeping with the Blackdown Hills AONB Design Guide For Houses, which is embraced by Stockland Neighbourhood Plan. This is particularly important since the proposed site is directly adjacent to the churchyard, which is a crucial element of Stockland's registered conservation area. Secondly the scale of the glazing facing the churchyard presents a privacy issue for any mourners attending the graveyard. Although we acknowledge that the overhanging flat roof is an effort to reduce the impact of the glazing, we recommend that the design and extent of the glazing be reviewed.

5) We do not consider the sliding louvres to be any mitigation to the concerns regarding the glazing, since these are not under the operation of the people who would be impacted. Furthermore, the louvres are not in keeping with the Blackdown Hills AONB Design Guide For Houses.

6) Although there were concerns about the pitch and height of the roof being higher than the current derelict barn, we acknowledge that the new design does match the roof of the historic saw mill it is trying to emulate.

7) Concerns were raised about congestion in the lane and the need for passing places. However, these concerns were not considered significant, with the entry ways to the property and the churchyard offering opportunities to passing.

8) Concerns were raised regarding the environmental impact and the method of removal for the large amounts of spoil removal, but a number of councillors did not feel this was a planning issue.

Dunkeswell And Otterhead

Cllr Yehudi Levine

14/4/25

I would only like to say that I am happy to consider arguments running counter to my stated opinion.

26/3/25

Update for my previous comments:

I would like to clarify that the comments about the vernacular and view from the church are superfluous in this case; just the caveats I usually make. And I would like you to disregard them. I have now visited the site and found these are not concerns as the design in my view is sympathetic and fits with the area.

I would therefore like to reiterate my support and ask for the application to go to committee in case of disagreements.

(additional comments reiterate comments made on 17/2/25)

17/2/25

This looks to me like a well thought out proposal with consideration for the historic aspects of the site. I can support the application if the buildings conform to the local vernacular and do not affect the general view of the nearby church.

Dunkeswell And Otterhead

Cllr Colin Brown

28/3/25

I fully appreciate this is a late comment.

Reference the above planning number, at the present time I am in support of the Application to restore a historical barn into a habitable dwelling, if the planning officer is of a different opinion I would like it to go to committee where I will keep an open mind until I have heard all of the comments both for and against.

Technical Consultations

Historic England

3/3/25

(Summary below, full responses are provided at Appendix 1.)

The site is in proximity to, and can be viewed from, the Grade I listed Church of St Michael which is of exceptional special interest. Historic England have provided pre application advice to the applicant and note that some of the advice they offered has been adhered to, e.g. the choice of roof covering, the inclusion of shutters, reduction to the subterranean element and extent of the driveway. The removal of the previously proposed timber posts from the exterior of the western elevation is considered regrettable, however, as these replicated the existing openings of the saw pit building. It is recommended these be reintroduced to minimise the impact and respond to the former building. The choice of materials should ensure the building will harmonise with the existing materials palette within the area and should be secured by condition.

17/04/25

The amended proposal is noted and the reinstatement of the timber posts is welcomed, which addresses our previous comments.

Historic England has no objection to the application on heritage grounds.

Conservation Officer

11/6/25

(Summary below, full response is provided at Appendix 2).

Site is directly outside the boundary of the Stockland Conservation Area. Directly to the north-west of the site boundary on the opposite side of a narrow lane is the Grade I listed St Michael's and All Angels Church which dates to the 13th century and is set within a churchyard with stone boundary walls. The existing structure is directly within the setting of the churchyard. In its current poor state it makes a negative contribution to this setting, while its function makes a neutral contribution.

In terms of design, the glazing of the proposed dwelling creates a domestic appearance which will appear quite prominent when viewed from the churchyard directly opposite the site. This has been addressed to some extent by recessing the windows and introducing timber posts in front of the glass to break up the elevation and broadly reflect the historic character of the existing open sided bays, although the original posts appear from archive images to have been more substantial masonry piers which would be more authentic. The proposed external timber sliding louvres will obscure the glazing when (and if) they are closed but I am unconvinced that they will sufficiently hide the domestic nature of the building. The standing seam sheet roof is quite industrial in nature and a corrugated sheet roof or natural slate covering would be more traditional in this context. The parking is at the rear of the building where vehicles will be hidden from view. The proposed driveway will also change the character of the site although it is quite a sensitive surface treatment.

In terms of the impact on setting, elements of the proposal are felt to be well-considered, with the rear of the building set into the hillside to minimise its impact and the main range following the line of the original building, however, I have concerns about the change in character of this site to residential, with the dwelling and particularly the west elevation prominent in context with both the churchyard and conservation area because of its proximity and hillside location. I do not consider that the proposal preserves or enhances the setting of these heritage assets, that it preserves views out of the conservation area or the submitted justification to be clear and convincing. The level of harm is less than substantial.

DCC Historic Environment Officer

17/2/25

(Summary below).

The proposed development impacts upon a building shown on the mid-19th century Tithe Map and is recorded as "Podgelake House and Garden" and the application area also lies in close proximity to scatters of worked prehistoric lithics, in proximity to the Grade I Listed 13th century Church of St Michael (List Entry No. 1098406) and close to the historic settlement core of Stockland. As such, groundworks have the potential to expose and destroy archaeological and artefactual deposits. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development. A Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest should be provided, based on national standards and guidance and approved by the Historic Environment Team. If this is not submitted prior to determination it should be secured by planning condition.

23/4/25

Following re-consultation, no additional comments offered to those already made.

Environment Agency
(Summary below)

9/4/25

No objection subject to the inclusion of a condition regarding the management of possible contamination at the site.

Prior to determination, your Authority will also need to be content that the flood risk Sequential Test has been satisfied unless (or until) a site-specific flood risk assessment demonstrates that no built development within the site boundary would be located on an area that would be at risk of flooding now and in the future, in accordance with paragraph 175 of the NPPF Dec 2024. Whilst the proposed building is located within flood zone 1 (low risk), the access and egress are within flood zone 2/3. The following is standard guidance regarding access and egress in flood zones:

Access and egress during a flood event :

Paragraph 7-038-20140306 of the Planning Practice Guidance and paragraph 167 of the NPPF are clear that access and egress needs to be part of the consideration of whether new development will be safe. Paragraph Reference ID: 7-039-20140306 provides further guidance. We advise that a flood plan is prepared which outlines how occupants will respond in a flood event. Where no safe access and egress route exists the LPA will need to consider the hazards and advice from their emergency planners and take a view on whether a safe refuge above the design flood level is a suitable alternative.

EDDC District Ecologist
(Summary below, full response at Appendix 3)

9/6/25

The proposed scheme is in the River Axe Special Area of Conservation (SAC) catchment and must demonstrate nutrient neutrality. The application proposes that a package treatment plant would be used and that would be classed as meeting the Interim Guidelines on Small Scale Thresholds. The stated reason for a package treatment plant being proposed is "The existing public sewer network is full, and unable to take any further capacity", however, this conflicts with national guidelines which indicate that a connection to the sewer network must be proposed where it is feasible to connect to mains sewerage. No map showing the local sewer network has been provided to demonstrate connection is not feasible. Other nutrient mitigation measures (i.e. to those proposed) will be required where a proposal connects to mains sewerage.

Notwithstanding the above, in considering compliance with the Interim Guidelines, the submitted report states " There are no known discharges to ground within 200 metres of the drainage field". Given that there are at least six other dwellings and a school within 200 m of the site, which presumably have non-mains discharges to

ground, this criterion cannot be claimed. Nutrient mitigation will be required to offset the development impacts.

In addition to the above points no nutrient budget calculator is provided.

Therefore, I would currently object to the proposal as there is insufficient information to rule out a Likely Significant Effect (LSE) on the River Axe Special Area of Conservation.

Environmental Health (Summary below)

12/2/25

The site is close to nearby residents who may be impacted during the construction process. 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. We would request the applicant to consult and follow the council's Construction Sites Code of Practice prepared by Environmental Health and adopted by the council in order to ensure that any impacts are kept to a minimum, as available on the council's website.

EDDC Trees (Summary below)

The submitted tree survey, TCP, AIA, TPP and AMS show that the proposals should have little impact on the retained trees and therefore no arboricultural concerns are raised subject to conditions as recommended.

Blackdown Hill National Landscapes (Summary below)

4/3/25

We do not wish to submit detailed comments but would note that matters such as materials, colour and lighting, as well as works to create a domestic curtilage, access and parking, are important considerations in how readily such proposals for redevelopment will be assimilated into the wider landscape and immediate setting.

Other Representations

4 representations in support of the proposal have been received making the following points

- The proposed dwelling, due to its design, materials and use of landscaping, would echo the barn which it replaces and blend with the landscape and improve the site;
- The proposed dwelling would not encroach upon the churchyard;
- The proposed garden will add to biodiversity.

PLANNING HISTORY

Reference	Description	Decision	Date

None available

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies (LP)

Strategy 5B (Sustainable Transport) Adopted

Strategy 7 (Development in the Countryside) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

D3 (Trees and Development Sites) Adopted

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

EN5 (Wildlife Habitats and Features) Adopted

EN9 (Development Affecting a Designated Heritage Asset) Adopted

EN10 (Conservation Areas) Adopted

EN13 (Development on High Quality Agricultural Land) Adopted

EN14 (Control of Pollution) Adopted

EN16 (Contaminated Land) Adopted

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

EN21 (River and Coastal Flooding) Adopted

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

TC2 (Accessibility of New Development) Adopted

TC7 (Adequacy of Road Network and Site Access) Adopted

TC9 (Parking Provision in New Development) Adopted

Draft East Devon Local Plan 2020-2042 Policies (eLP)

The following policies of the emerging local plan are relevant to the proposal but currently have limited weight in planning decision making:

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy OL01 (Landscape features) Draft

Strategic Policy OL02 (National Landscapes (Areas of Outstanding Natural Beauty) Draft

Strategic Policy OL07 (Contaminated Land) Draft

Strategy Policy OL09 (Control of Pollution) Draft

Strategic Policy OL10 (Development on high quality agricultural land) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Policy PB02 (Protection of regionally and locally important wildlife sites) Draft

Policy PB03 (Protection of irreplaceable habitats and important features) Draft

Strategic Policy PB04 (Habitats Regulations Assessment) Draft

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

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

Strategic Policy AR01 (Flooding) Draft

Policy HE02 (Listed buildings) Draft

Policy HE03 (Conservation Areas) Draft

Strategic Policy HE01 (Historic environment) Draft

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

Policy TR04 (Parking standards) Draft

Strategic Policy CC02 (Moving toward Net-zero carbon development) Draft

Strategic Policy CC06 (Embodied carbon) Draft

Policy HN06 (Sub-dividing or replacing existing buildings and dwellings) Draft

Stockland Neighbourhood Plan (NP)

Stockland Neighbourhood Plan 2014-2031 (SNP)

NE1 Retaining and Enhancing the Natural Beauty of our Parish

NE3 Preserving Tranquillity and Our Dark Skies

BHE1 Protecting Our Values Archaeological and Heritage Assets in Stockland Parish

BHE3 Maintaining the Built Character of Our Parish through High Quality Design

TRA1 Off-road Car Parking

TRA2 Vehicular Access and Egress Arrangement

EE3 Farming and other rural businesses

Government Planning Documents

National Planning Policy Framework 2024 (as amended) (NPPF)

National Planning Practice Guidance

Other documents

Blackdown Hills National Landscape Management Plan 2019-2024

Historic England Advisory Note on the Reconstruction of Heritage Assets, available here: <https://historicengland.org.uk/content/docs/guidance/draft-reconstruction-of-heritage-assets-apr16-pdf/>

Site Location and Description

The site is located to the south of the village of Stockland outside of any defined settlement boundary and is thus in the open countryside. It is within the Blackdown Hills National Landscape. The site is currently occupied by a single storey open fronted barn with a shallow, mono-pitch roof of corrugated sheeting, supported on a timber framework. The barn has rubble stone walls at both its northern and southern ends and on its eastern (rear) side. Its front elevation is open and divided into a number of bays by supporting timber struts. The barn is partially cut into sloping ground on its eastern side. It is currently used for log storage. The site also comprises adjoining agricultural land to the immediate east, west and south of the barn which is currently used for grazing. The site area is partially enclosed by native hedge with some mature trees within/adjacent to the hedgerow and watercourse bounding the site to the west. The land within the site slopes up from west to east, with the lowest part of the site falling within Flood Zones 2 and 3 and being susceptible to surface water flooding. There is an existing field gate in the northwest corner of the site which provides access onto an unclassified public highway. Traveling 122 m northeast on this highway leads to junction with a C-classified highway from which the centre of the village of Stockland can be reached, travelling approximately a further 200m northwest. To the northwest of the site, on the

opposite side of the unclassified highway, lies the grade I listed St Michaels and All Angels Church and its graveyard. Other listed buildings (all grade II) also lie within the vicinity of the site including The Old Vicarage to the north, and Churchstyle Farm and Church Cottage to the northwest. The site is outside of but close to the conservation area, which runs along the edge of the churchyard, which is closest to the site. The site lies with the catchment of the River Axe Special Area of Conservation (SAC), which is also designated as a Site of Special Scientific Interest (SSSI) and overlies land which is classified as Grade 3 agricultural land.

Proposal

It is proposed to erect a 2 bedroomed self-build dwelling partly on the footprint of the existing barn, which is the only building remaining of a former larger building known as 'Joyce Sawpit at Podgelake'. To the immediate south of the barn lie the remains of other walls of that original building. Information submitted with the application indicates that Joyce Sawpit was originally a sawmill, thought to be constructed in the mid to late 19th century. It is understood from the submitted information that the original sawpit building had a larger footprint than the current barn and that it had a pitched roof (which has been replaced at some point by the current mono-pitched roof). The supporting information also explains that the proposal seeks to replicate the mass and form of the original single storey Joyce Sawpit building.

The proposed dwelling would essentially comprise 2 elements: a barn-like building, erected on and beyond the footprint of the existing barn, which would have a duo pitched roof including a small projecting hipped roof element (this barn-like building being intended to replicate the original sawpit building) and a (partially) subterranean extension to the east of this, which would provide additional accommodation space and a car port. It is noted that the original sawpit building which the proposal seeks to replicate did not include the eastern extension element.

The proposed barn-like building would have stone and timber clad walls, a sheet metal roof, full height glazing on its western elevation (which appears to be intended to replicate the openings of the original barn), timber sliding louvres capable of covering some of those west facing windows and a small projecting flat roof above most of the west facing windows. The subterranean extension would have rooflights and a green roof. The proposed dwelling would be on one level to enable it to function as a 'lifetime home'. It is stated that the building is designed to be low energy, maximising solar gain, minimising overheating and enabling passive ventilation with heating being provided by a low energy system such as a ground source heat pump (although no details of the location/form any external structures required in connection with a ground source heat pump system have been provided).

In the north/northwest area of the site a surfaced access, parking and turning area would be provided, linking to the existed gated access to the northwest of the existing barn. Existing trees and hedgerows within the site would be largely retained, with a small section of hedge to the south of the site being removed to create an access gateway. A garden would be created around the dwelling which would include a patio on its western side and a retaining wall with planting beds on the northern side of the driveway/turning and parking area to the north. Landscaping would also include the creation of a green roof with adjacent wildflower area to the

subterranean part of the dwelling and the creation of a flowered lawn and low planting beds to the west of it.

Since the application was initially submitted revisions to the design have been made including the addition of vertical timber posts on the western elevation.

The application is supported by an ecological appraisal, phosphate reports, arboricultural report and a flood risk assessment

ANALYSIS

The main issues for consideration include the principle of the development, amenity impacts, visual impact and impact on heritage assets, archaeological impact, flooding and surface water drainage, ecological impact, impact on trees, travel, parking and highway safety.

Principle of Development

East Devon Local Plan (LP) Strategy 7 resists development in the countryside except where this is explicitly permitted by other LP or Neighbourhood Plan (NP) Policy although as the Council are currently unable to demonstrate a 5 year housing supply this strategy is considered to be 'out of date' in accordance with paragraph 11 of the NPPF, so carries less weight when sustainable development is proposed.

LP Policy D8 supports the re-use and conversion of rural buildings, including for use as dwellings, but only where certain provisos are met. No details have been provided to clearly demonstrate that the proposed dwelling is a conversion of the existing structure on site, rather, the evidence indicates that it is a new build and as such the development is not supported by Policy D8.

Para 84 of the NPPF states the following:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential building; or
- e) the design is of exceptional quality, in that it:
 - i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - ii. would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

The proposed development meets none of the NPPF criteria above and does not accord with the provisions of the development plan. The principle of the development is therefore contrary to local and national planning policy.

Amenity

There are no neighbouring dwellings close to the site and therefore no adverse impacts on residential amenity are likely to arise. Taking into account nationally described space standards the floorspace of the proposed dwelling is considered to be adequate and given that the dwelling would provide a large outdoor amenity space and sufficient space for storage of bins and bicycles it is considered that it would provide adequate amenity for future occupants and comply LP Policy D1 in this regard.

The Parish Council's concern regarding the potential for mourners in the graveyard to be overlooked from the dwelling is understood, however the graveyard is a space which can be used by different individuals or parties of visitors at the same time and it is therefore not considered that any visitor can reasonably expect privacy within that space.

The environmental health officer's recommended condition to control construction impacts is recommended to be imposed on any permission granted.

Issues regarding amenity are considered to be acceptable.

Heritage and Visual Impact

The site and existing barn is visible from the churchyard and the proposed dwelling would be similarly visible. Setting aside for one moment, the identified conflicts with proviso 2 of LP Policy D8, proviso 1 of that policy requires that a re-used or converted dwelling enhances the character of the building and its rural setting and the character of its surrounding area.

The open sided barn that remains of the original sawmill building has a simple, utilitarian, rustic, agricultural character. It is not prominent in public views and is largely surrounded by fields. When viewed from the churchyard to the northwest, which is only a few metres away from the edge of the site (although it is approximately 40 m away from the barn building itself), the existing barn appears to sit quietly within the surrounding agricultural landscape, the only built development visible near it being the top of Stockland school buildings, which appear slightly separate from the barn, which is also set at a lower level.

Supporting information submitted with the application indicates that the proposal seeks to reflect the design and mass of the previously existing sawpit building. It is not demonstrated however that the previous sawpit building was of any special architectural or historic merit. Whilst the proposed stone walls, timber posts and metal sheet roof broadly reflect the materials and design of the existing barn, the proposed dwelling would incorporate features and materials not used within the existing barn, including timber cladding, rooflights, extensive glazing and timber louvre panels.

The conservation officer points out that archive images of the original saw mill building suggest that dividing masonry piers were likely to have been present on the western elevation rather than the proposed timber posts and she also considers that

the standing seam metal roof (illustrated on the proposed elevations) does not appear to accurately replicate the original material of the barn roof, suggesting that “a corrugated sheet roof or natural slate covering would be more traditional within this context”. Taken together the above observations suggest that the proposed reconstructed barn is not an accurate replication of the original sawmill building.

Furthermore, no scaled drawings of the original building have been provided with the application so it is not possible for the Council to assess whether the scale of the proposed new barn element of the dwelling is the same as that of the original building. Even if it were demonstrated that this is the case, the original sawmill building is no longer present and historic photograph and map evidence suggests that it has not been present for many years (the original form was not present in 1999, although it appears to have been present in 1975) such that arguably, a building of the scale and form of the original building is no longer an established feature within the site or this part of the Blackdown Hills National Landscape.

The proposed re-instated barn element of the proposal alone would be much larger scale than the existing barn building, being just over 2 m taller to the ridge of its roof, over 9 m longer, and 1.9 m wider¹, such that it would appear more prominent than the existing barn building due to its scale. In conjunction with this, the introduction of the extensive area of glazing proposed on the building’s western elevation together with the creation of the domestic garden, the laying of new surfaced driveway, turning and parking area and introduction of domestic paraphernalia (including car parking, which it is not considered could be reasonably be restricted to take place solely within the car port), would alter the character of the building and its setting, making it appear more domestic.

Due to these factors, notwithstanding that the design and mass of the building may to some degree replicate that of a previously existing building, it is not considered that the proposal would enhance the building’s character or its rural setting. The Parish Council also raise a concern regarding the building’s design in relation to the large west facing windows and louvres, highlighting that these features do not adhere to the Blackdown Hills Design Guide for Houses (which makes no reference to the use of external shutters being locally distinctive and indicates that houses within the Blackdown Hills area tend to have small windows with multi-paned frames), however it is understood that when an agricultural building is converted, adherence to the scale and pattern of existing openings is usually necessary to help retain the character and appearance of the original building, and why the large windows have been proposed in this instance. Given that the windows are large, it is also understood why louvres are proposed to cover them, although the Parish Council’s point that these may not be routinely closed is considered to be a valid one. Notwithstanding that the reasons for the large windows and shutters are understood, concerns remain that the proposed building would not conserve the character of the existing building or the immediately surrounding area.

¹ The roof of the existing barn slopes down along the length of the building but has a maximum height of 84.6 m AOD whereas the ridge height of the re-instated barn would be approximately 86.7 m AOD (estimated from the terrace height and measurements from the proposed elevation). The length of the existing barn building, taking the building to be the part which has a roof, is 17.1 m whereas the length of the re-instated barn element would be 26.4 m. The width of the existing barn building is 4.6 m whereas the width of the re-instated barn element would be 6.5m. ,

Whilst it is proposed to retain existing trees, most of the existing hedge and a wildflower lawn and meadow areas would be created it is not considered that the new planting would mitigate the visual impact of the proposal as it would be low level and not visually screen the development. Overall, taking all the forgoing points into account, it is considered that the proposal would conflict with LP Policy D8 in relation to its visual impact and that it would fail to conserve and enhance the natural beauty of the National landscape, in conflict with the requirements of LP Strategy 46 and the Council's duty to further the statutory purposes of protected landscapes, which are reflected in LP Strategy 46.

With regard to impacts on heritage assets it is important to note that the remains of the sawmill building proposed to be rebuilt is not a designated or a non-designated heritage asset that is required to be safeguarded. Even if it were, Historic England advice (listed under 'Other Documents' above) indicates that reconstruction or a heritage asset will not always be appropriate. Whether or not it is depends on a number of specific circumstances, including whether a good record of the asset prior to damage is available to enable accurate reconstruction rather than speculative recreation. Whilst it is unclear whether a sufficient record to enable accurate reconstruction of the sawmill building is available in this case, given that the remaining barn is not a heritage asset there appears to be no justification for its replication anyway. It is also noted that Historic England advice indicates that in some circumstances, the fact of loss of damage of a heritage asset may itself be of high significance, for example where the primary value of a site comes from the potential to provide evidence about past human activity. Their advice goes on to suggest that in such circumstances it may not be appropriate to undertake reconstruction work, although as stated above, given that the remains of the original sawmill do not constitute a heritage asset its retention in its current form is not safeguarded.

Historic England have been consulted on the proposal with regard to impact on the setting of the adjacent Grade 1 listed church, including its revised design and raise no objection.

The Council's conservation officer advises that the existing building is within the setting of the churchyard of the nearby Grade I listed church and that it currently makes a negative contribution to its setting due to its poor state, although its function is considered to make a neutral contribution. She notes the extensive glazing proposed on the west elevation and provides the following comments on this: "The glazing creates a domestic appearance which will appear quite prominent when viewed from the churchyard which is directly opposite it. This has been addressed to some extent by recessing the windows and introducing timber posts in front of the glass to break up the elevation. These will broadly reflect the historic character of the existing open sided bays, although the original posts appear from archive images to have been more substantial masonry piers which would be a more authentic treatment for the elevation. External timber sliding louvres with horizontal slats are set in front of the masonry when open and will obscure the glazing when (and if) they are closed". Although these design features will go some way towards hiding the expanse of glazing, the officer is unconvinced that they will sufficiently hide the domestic nature of the building, which is predominantly a new construction, and does

not feel that it will preserve or enhance the setting of the listed church or preserve views out of the conservation area. With regard to the roof, the conservation officer advises as follows: “the roof is a standing seam sheet with a flat roofed overhang to the front” “This is quite industrial in nature and I feel that, if the application is supported, a corrugated sheet roof or natural slate covering would be more traditional in this context.” Whilst the conservation officer acknowledges that elements of the proposal are well considered she has concerns about the change in the character of the site to residential “with the proposed dwelling and particularly the west elevation prominent in context with both the churchyard and conservation area because of its proximity and hillside location”. Overall, the officer does not consider that the proposal preserves or enhances the setting of heritage assets or that the justification for it is clear and convincing and moreover, it is identified that the proposal would cause less than substantial harm.

Although Historic England offer no objection to the proposal neither do they express the view that the development of the site would enhance or better reveal the significance of nearby heritage assets. If it was considered that the proposal would achieve this, this would weigh in its favour, in accordance with LP Policy EN9.

It is the opinion of officers that the proposed development will result in harm to the setting of designated heritage assets and in accordance with LP Policy EN9, less than substantial harm to the significance of a heritage asset must be weighed against the public benefits of the proposal and this is addressed under ‘planning balance’ below.

In the case that the application is approved the conservation officer advises that conditions be imposed to control the materials used.

Archaeological Impact

Devon County Council’s Historic Environment Officer indicates that ground works for the development have the potential to expose and destroy deposits of archaeological interest. He therefore advises that a pre-commencement condition be imposed to require that archaeological evidence be investigated and recorded and that post investigation assessment also be carried out, in accordance with a written scheme of investigation, agreed with the Local Planning Authority in advance. It is recommended that in the case that permission is granted the officer’s recommended condition be imposed. With that condition in place the proposal would accord with the requirements of LP Policy EN6.

Flooding and Surface Water

The submitted flood risk assessment indicates that investigative work to assess whether infiltration would provide suitable surface water drainage has not yet been carried out but that this would need to be undertaken at a detailed design stage. Given that the site is currently occupied by a building with an impermeable roof, that the reinstated barn element would be partly on the footprint of the existing building, that the extended element would incorporate a green roof (which would reduce water run off rates) and that permeable gravel driveway and parking areas are proposed it is not considered that significant additional surface water drainage capacity would be

required for the development, nevertheless in the case that permission is granted it is recommended that a pre-commencement condition be imposed to require details of surface water drainage.

With regard to flood risk, the submitted flood risk assessment indicates that parts of the site would be at risk of flooding due to surface water and fluvial flooding. Although the dwelling itself would be outside of flood the high risk flood zones 2 and 3 and its floor level would be above the estimated flood level from any source, the vehicular access to the site crosses both those high risk flood zones and therefore, in accordance with paragraph 175 of the NPPF the sequential test needs to be applied. Given that it is not considered essential, in terms of heritage interests, that the pre-existing sawmill building be re-built (as indicated under the heading 'Visual Impact and Heritage' above) and that alternative locations for a new dwelling outside of flood zones 2 and 3 are reasonably available within the East Devon District area, it is not considered that there is overriding justification for the proposed dwelling and it is therefore not considered that the proposal passes the sequential test. Where the sequential test is not passed the exception test should not be applied.

Notwithstanding this, if the application of the exception test were to be considered, the guidance at paragraph 079 of Planning Practice Guidance (specifically Table 2) is relevant, as this sets out the circumstances where the exception test should be applied and the circumstances where development should not be permitted, taking into account both the flood risk vulnerability of a development and the flood zone in which it is located. The proposal is a dwelling which is classed as 'more vulnerable' to flooding and given that the Council's Strategic Flood Risk assessment indicates that the site falls within flood zone 3b, table 2 of paragraph 079 indicates that development should not be permitted.

The proposal is therefore considered to conflict with LP Policy EN21. In the case that permission were to be granted, however, it is recommended that a condition be imposed to ensure that certain recommendations of flood risk assessment be adhered to, namely that the site owners sign up to receive flood warnings and that a flood evacuation plan be submitted to and approved by the local planning authority, prior to the building being occupied.

Ecological Impacts

As a self build development the proposal is exempt from Biodiversity Net Gain requirements.

The site is within the catchment of the River Axe SAC and in March 2022, Natural England advised the Council that this SAC is in unfavourable condition due to phosphate pollution. Given that the proposed development is the erection of a dwelling, the proposal has the potential to have a harmful impact on the SAC and in accordance with advice from Natural England, in order to be considered acceptable, the proposal must demonstrate nutrient neutrality and be subject to a Habitats Regulations Assessment. The Council have published advice for applicants which indicates that where the criteria set out within Interim Advice on Small Scale Thresholds are met, then it is likely that a proposal within the catchment can be screened out of the need to carry out such an assessment. A report has been

provided with the application in relation to the Small Scale Thresholds and having assessed this, the Council's ecologist advises that some points have not been satisfactorily addressed, namely there is a lack of information to demonstrate why connection to mains sewerage is not feasible (which must be considered in the first instance in accordance with National Planning Practice guidance) and no nutrient budget calculator has been provided. In addition, where there are other non-mains discharges to ground within 200m of a proposed discharge then a proposal does not fall below the small scale threshold. The ecologist considers it doubtful that there are no other non-mains discharges to ground within 200m of this site, as is claimed, since other properties and a school lie within 200m of it, presumably with non-mains discharges to ground. The ecologist objects to the proposal on the basis that insufficient information has been provided to rule out a likely significant effect on the River Axe SAC. Given the identified potential impact, it is considered that on the basis of the information submitted, the proposal would potentially affect a habitats site, in conflict the requirements of LP Strategy 47.

The submitted ecological report includes measures to avoid and mitigate for impacts on wildlife/habitats and for wildlife enhancement and notwithstanding the identified conflict with LP Strategy 47, in the case that permission is to be granted the imposition of a condition is recommended to ensure that these measures are adhered to, which would ensure that the development accords with LP Policy EN5.

Impact on Hedges and Trees

It is noted that a small section of hedgerow (less than 5 m) is to be removed in the vicinity of a proposed new gateway to the south of the dwelling however as the extent of removal is small this is not considered to represent a significant landscape harm. The tree officer is satisfied that the proposal would have little impact on trees and has suggested a condition be imposed to ensure tree protection. It is recommended that in the case that permission is granted the recommended condition be imposed, to ensure the proposal accords with LP Policy D3.

Travel, Parking and Highway Safety

Although the site is within reasonable walking distance of some facilities within Stockland (e.g. a primary school, church, village hall and public house) the walking routes are unlit and do not have pedestrian footways. Stockland does not have the full range of services required to support the everyday needs of residents, hence the LP does not define a built-up area boundary for it and neither is Stockland served by public transport. Therefore future occupiers of the dwelling would be likely to be heavily reliant on private transport for their every day needs, which would conflict with the requirements of LP Strategy 5B and Policy TC2, which seek to locate development where it is well related to compatible land uses and promotes the use of sustainable transport modes, so as to minimise the need to travel by car. Overall therefore, the location of the proposed dwelling is not considered to be sustainable or to comply with the above referenced policies.

No comment has been received from the highway authority in relation to the proposed access to the dwelling or the impact the dwelling would have on the safe and satisfactory operation of highway network. Given that the lane serving the site is

a no through road it is likely to be lightly trafficked, such that the use of the proposed access point is considered unlikely to present a risk to highway safety. The additional traffic associated with the proposed dwelling is likely to be modest it is not considered that the proposal would be likely to adversely affect the highway network. Sufficient parking would be available within the site for parking for the scale of the dwelling proposed. The proposal is therefore considered to comply with LP Policies TC7 and 9.

Other issues

The site is on grade 3 agricultural land but it is not known whether or not the land is grade 3a (best and most versatile). If it is on grade 3a land, however, given that the proposal would only involve the sterilisation of a small area of agricultural land (discounting the area occupied by the existing barn building) it is considered that in the case that the proposed dwelling is considered acceptable in all other respects, the loss of this small amount of higher grade agricultural land would be outweighed by the benefit of the provision of a dwelling, such that the proposal would accord with the requirements of LP Policy EN13.

The Environment Agency advise that a condition be imposed to deal with any contamination identified. It is recommended that in the case that permission is granted, the recommended condition be imposed in order to comply with the Environment Agency advice and the requirements of LP Policy EN16.

Planning balance

Given that LP Strategy 7 is considered to be 'out of date' the proposal has been considered against the three overarching objectives which contribute to achieving sustainable development, as set out within the NPPF, i.e. the social, economic and environmental objectives. It is acknowledged that the provision of a dwelling at this site would make a minor contribution to housing supply, that it would make a temporary contribution to economic activity whilst it is being constructed and that it would make a minor contribution to the village vitality through occupants' support of local services and facilities, such that it would offer some degree of support to social and economic objectives. At the same time, however, the proposal would cause occupants to rely heavily on the use of a private car to meet their day to day needs (thus failing to help mitigate climate change), it would fail to conserve the natural beauty of the Blackdown Hills national landscape, it would harm the significance of a heritage asset and it would harm a habitat site, such that it would fail to support the environmental objective and also the social objective (noting that the latter incorporates the aim to foster beautiful places and support communities' 'cultural well-being'). It is not considered that the less than substantial harm to the heritage asset is outweighed by public benefits of the proposal in this case, given that these are very limited. On balance, therefore, the proposal is not considered to represent sustainable development.

Even if the proposal were considered to represent sustainable development, paragraph 11 of the NPPF indicates that where a proposal conflicts with the policies within the NPPF which protect areas or assets defined as of 'particular importance'

(which include National Landscapes, habitats sites or designated heritage assets and areas at risk of flooding), such that there is strong reason for refusing development, the presumption in favour of sustainable development does not apply.

With regard to policies protecting assets and areas of particular importance paragraph 189 of the NPPF indicates that great weight should be given to conservation and enhancing landscape and scenic beauty in National Landscapes and requires that adverse impacts be avoided or minimised, and the proposal is considered to conflict with that policy.

It is also considered that the proposal conflicts with NPPF policies set out in paragraphs 208 through to 215 which require that the impact of a proposal on the significance of a heritage asset be considered and that any conflict between a proposal and an asset's conservation should be avoided or minimised, with great weight being given to the asset's conservation.

The proposal is also considered to conflict with paragraphs 173 through to 175 of the NPPF, as it fails the sequential test for flooding, and paragraph 193 of the NPPF which indicates that development on land within or outside of an SSSI, which is likely to have an adverse effect on it (alone or in combination with other developments), should not normally be permitted.

Lastly the proposal is considered to conflict with policy contained within paragraph 195 of the NPPF which specifically indicates that unless an appropriate assessment concludes that a project will not affect the integrity of a habitats site, (alone or in combination with other projects) the presumption in favour of sustainable development does not apply. Given that the proposal conflicts with the NPPF policies referred to above it is not considered that the presumption in favour of sustainable development applies in this case.

Conclusion

The proposed dwelling offers minor benefits through contributing to housing supply, future occupants supporting the limited services within Stockland and by providing economic activity during its construction, however these minor benefits are outweighed by the harm to the significance of a heritage asset, the adverse impact on the Blackdown Hills National Landscape, the lack of support for sustainable modes of travel, conflict with the sequential approach to development within areas at risk of flood and harm to the River Axe SAC. Overall, therefore the proposal is considered to be contrary to local and national policy and it is recommended that the application be refused.

RECOMMENDATION

REFUSE for the following reasons:

1. The development is for the construction of a dwelling in the countryside partly on the site of an existing agricultural barn. On the basis of the information submitted, the extent of extension, alteration and reconstruction to create the dwelling is substantial, such that the development does not draw support from Local Plan Policy D8 (Re-use of Rural Buildings Outside

of Settlements) and there is no other Local or Neighbourhood Plan Policy that would support it. The development would result in a new dwelling in the Countryside remote from a range of services and facilities, with occupants being reliant upon the use of private motor vehicles to meet their day to day needs and as such the proposal represents environmentally unsustainable development contrary to Strategy 5B (Sustainable Transport) and Policy TC2 (Accessibility of New Development) of the East Devon Local Plan and paragraphs 115 to 117 of the National Planning Policy Framework.

2. In the absence of a safe vehicular access route outside of high risk flood zones 2 and 3 and outside of an area at risk of surface water flooding, the proposal fails the sequential test and is therefore contrary to the advice contained in paragraph 47 of Planning Practice Guidance, Policies D1 (Design and Local Distinctiveness) and EN21 (River and Coastal Flooding) of the East Devon Local Plan and paragraphs 173 through to 175 of the National Planning Policy Framework.
3. Due to its character and appearance it is considered that the proposed dwelling would be harmful to the setting and therefore the significance of the adjoining Grade I listed St Michael's and All Angels Church and whilst this harm would be less than substantial, the public benefits that would arise from providing a dwelling in this unsustainable location do not outweigh that harm. In addition, the site currently has an agricultural character and appearance and due to the domestic character and appearance of the dwelling and its garden and the likely introduction of domestic paraphrenia to the site in connection with the dwelling use, the proposal would fail to conserve and enhance the natural beauty of the Blackdown Hills National Landscape. Therefore the proposal conflicts with the requirements of Policy EN9 (Development Affecting a Designated Heritage Asset) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan, paragraphs 189 and 210 through to 215 of the National Planning Policy Framework and Policies BHE1 (Protecting Our Valued Archaeological and Heritage Assets in Stockland Parish), BHE3 (Maintaining the Built Character of Our Parish through High Quality Design) and NHE1(Retaining and Enhancing the Natural Beauty of our Parish) of the Stockland Neighbourhood Plan.
4. The site is within the catchment of the River Axe Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) which is in unfavourable condition and where development proposals must demonstrate nutrient neutrality and in the absence of information demonstrating otherwise, the proposed dwelling would have a harmful impact on that SSSI and SAC , in conflict with the requirements of Strategy 47 (Nature Conservation and Geology) of the East Devon Local Plan and paragraphs 193 and 195 of the National Planning Policy Framework.

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 proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

157/110 C	Proposed Floor Plans	17.03.25
157/120 B: North and West	Proposed Elevation	17.03.25
157/111	Proposed roof plans	09.01.25
157/121A: S/E	Proposed Elevation	09.01.25
157/130 B : proposed site	Sections	02.04.25
157/001 B	Location Plan	02.04.25
157/100 F	Proposed Site Plan	02.04.25
157/103 B : proposed site drainage	Other Plans	02.04.25

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.

APPENDIX 1

Full comments from Historic England

17/04/25

Thank you for your letter of 8 April 2025 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Historic England has provided several letters of pre-application advice, as well as a previous letter of advice in relation to this planning application. This letter should be read in conjunction with our previous advice.

The application site is located on sloping topography, adjacent to the village of Stockland, which is modest in size and has a distinctly rural character. The most significant building within the village is the Grade I listed parish Church of St Michael, the graveyard of which is separated from the application site by hedging.

In our most recent correspondence we recognised the positive steps that had been taken to minimising the visual impact of the proposals in the landscape and provide a character of development that responds to the building's historic function.

We did also express our regret regarding the removal of the timber posts on the western elevation, and recommended that your authority work with the applicant to explore the feasibility of their reintroduction into the scheme.

Since that time the proposals have been amended. We are pleased to see that the timber posts have been reinstated, which has addressed our previous comments.

The materiality of the stone walling and hardstanding has not been included within the latest submission, and we therefore recommend that your authority should secure these details via appropriate worded conditions attached to any consent.

Recommendation

Historic England has no objection to the application on heritage grounds.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess & section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

Yours sincerely
Harish Sharma
Assistant Inspector of Historic Buildings and Areas

3/3/25

Dear Sir/Madam

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990
LAND ADJOINING STOCKLAND C OF E PRIMARY ACADEMY STOCKLAND
EX14 9EF**

Application No. 25/0039/FUL

Thank you for your letter of 11 February 2025 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The significance of the Church of St Michael

The application site is located on sloping topography, adjacent to the village of Stockland, which is modest in size and has a distinctly rural character. The most significant building within the village is the parish Church of St Michael, the graveyard of which is separated from the application site by hedging.

The church dates substantially to the 13th century, with later additions including the 15th century tower, and sits comfortably in its rural setting. There are views from the graveyard in the direction of the application site to the south-east, as the landscape rises and becomes the rural hinterland of the village.

There was previously a sawmill at the site, known as Joyce Saw Pit. Map regression and historic images show a linear building with a pitched roof, terminating in a hipped feature at the southern end. To the north of the hipped feature the western elevation had a series of openings separated by timber posts that provided a regular bay rhythm and reflected the building's function.

The Church of St Michael [NHLE 1098406] is listed at Grade I which denotes its very high level of architectural and historic significance. Only 2.5% of listed building achieve this highest grade, which denotes the buildings exceptional special interest.

The impact of the proposals on the Church of St Michael

It is proposed to establish a dwelling on the site of Joyce Saw Pit. Part of the historic building would be re-constructed orientated north to south. Ancillary and circulation functions and a garage would be positioned to the east, in a subterranean addition, which would be covered in turf.

The principle of a dwelling at this site should be agreed with your authority, and we make these comments within our statutory remit regarding the potential impact of the proposals on the setting of the Grade I listed Church of St Michael.

Historic England has provided several letters of pre-application advice in relation to these proposals.

We are pleased to see that the points raised in our most recent letter have been addressed within the submission. The choice of roof covering, the inclusion of timber shutters on the western elevation, amendments to the subterranean element and to the extent of the driveway will all minimise the impact of the building in the landscape

and provide a character of development that responds to the building's historic function.

Since our last letter of advice, the proposals have also been amended to remove the timber posts that were proposed for the exterior of the western elevation. This is regrettable, as they served to replicate the existing openings on this elevation of the saw pit building, reflecting its regular bay rhythm and breaking up the elevation.

The precise materiality of the paving, gravel and stone walling will have a substantial impact on the presence of the building in the landscape. These choices will need to be made to allow the proposals to harmonise with the existing material palette within the settlement.

Policy context

National Planning Policy Framework (NPPF) paragraph 208 outlines that it is the duty of your authority to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a

heritage asset), and take this into account when considering the potential impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 210 (c) makes it the duty your authority to take account of the desirability of new development making a positive contribution to local character and distinctiveness.

Historic England's Position

Historic England welcomes the inclusion of our pre-application advice and recommendations within the proposals. These amendments have gone some way to minimising the impact of the proposals on the setting of the Church of St Michael. (NPPF 208).

In our view, the reintroduction of the timber posts on the western elevation would be beneficial in breaking up the elevation, further minimising the impact and responding to the historic openings of the former saw pit building. (NPPF 208).

The precise materiality of the hardstanding and stone walling should be selected to respond to the locality. These details could be clarified in a submission prior to the determination of the application or secured by an appropriately worded condition attached to any consent. (NPPF 210c).

Recommendation

We recommend that your authority seeks amendments to the western elevation in line with our advice above. Further information in respect of the materiality of the hardstanding and stone walling should be sought either before the determination of the application, or by appropriately conditions attached to any consent.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess & section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Yours sincerely

Harish Sharma
Assistant Inspector of Historic Buildings and Areas
E-mail: harish.sharma@historicengland.org.uk

APPENDIX 2

Full comments of the Council's Conservation Officer

Significance and background

The proposal site is on a small hillside on the edge of the rural settlement of Stockland and is directly outside the boundary of the Stockland Conservation Area. The existing building on the site is set into the hillside and is an open sided single-storey structure with a corrugated flat roof and some masonry walls which appears to be in a semi-derelict condition and is currently in use as a woodshed. The historic map of 1888-1890 shows a longer structure which extends further to the south, and archive images show a single storey barn with a pitched roof, although a large section of the original building is no longer extant.

Directly to the north-west of the site boundary on the opposite side of a narrow lane is the Grade I listed St Michael's and All Angels Church which dates to the 13th century and is set within a churchyard with stone boundary walls. Although hidden from view from the church to some extent by mature trees within the churchyard, the structure is directly within the setting of the churchyard. In its current poor state it makes a negative contribution to this setting, while the existing function is not unusual in this context and makes a neutral contribution.

Assessment

The application proposes to broadly replicate the historic barn in its previous form as evidenced in archive images, with the addition of a flat roof along the front elevation and a rear extension set into the hillside, along with external landscaping and a gravel driveway from the lane to the west.

In terms of design, the proposed dwelling is a linear single storey structure constructed in natural stone with extensive glazing on the west elevation and a rear extension set into the hillside. The glazing creates a domestic appearance which will appear quite prominent when viewed from the churchyard which is directly opposite the site. This has been addressed to some extent by recessing the windows and introducing timber posts in front of the glass to break up the elevation and broadly reflect the historic character of the existing open sided bays, although the original posts appear from archive images to have been more substantial masonry piers which would be a more authentic treatment for the elevation. External timber sliding louvres with horizontal slats are set in front of the masonry when open and will obscure the glazing when (and if) they are closed. Although these design features will go some way towards hiding the expanse of glazing, I am unconvinced that they will sufficiently hide the domestic nature of the building which is predominantly a new construction, and I do not feel that it will preserve or enhance the setting of the listed church or preserve views out of the conservation area.

In terms of other elements of the proposal, the roof is a standing seam sheet with a flat roofed overhang to the front is proposed. This is quite industrial in nature, and I feel that if the application is supported, a corrugated sheet roof or natural slate covering would be more traditional in this context.

Roof lights are located on the rear pitch where they are hidden from view from the conservation area and church, and the rear extension is set into the hillside and has a

green roof so that it blends into the landscape. A car port is incorporated into this rear structure and the parking is at the rear of the building where vehicles will be hidden from view. A driveway is proposed, leading from the lane to the west and running alongside the hedge on the northern boundary of the site. This will also change the character of the site by introducing a new surface, although it is quite a sensitive surface treatment in this context.

In terms of the impact on setting, elements of the proposal are felt to be well-considered, with the rear of the building set into the hillside to minimise its impact and the main range follows the line of the original building which was intact until the late 20th century. However, I have concerns about the change in character of this site to residential, with the dwelling and particularly the west elevation prominent in context with both the churchyard and conservation area because of its proximity and hillside location. On balance I do not consider that the proposal preserves or enhances the setting of these heritage assets or the submitted justification to be clear and convincing. The level of harm is less than substantial and there are clearly private benefits, however the public benefits are not considered to outweigh this harm.

The proposed development would directly impact on statutorily designated heritage assets (the Grade-I listed church and the conservation area), and has been assessed on heritage grounds, particularly with regards to our statutory duties under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies EN8 and EN9 of the East Devon Local Plan and paragraphs 213, 215 and 219 of the NPPF (December 2024 as amended). It has also been assessed in relation to emerging policies HE01 and HE02 of the East Devon Local Plan 2020-2042 Regulation 19 Publication Draft February 2025.

Recommendation: Concerns as harmful to the setting of the heritage assets -assess as part of the wider planning balance.

Recommended conditions

If the application is supported, the following conditions should be applied.

- o Roof covering to be corrugated sheeting, not standing seam.
- o External material samples to be submitted for approval, to include stonework and pointing, timber louvres, roof covering. These should include colour and finish.
- o Pointing shall be flush, sample panel to be submitted for approval.

Sue Brooks
Conservation Officer
11 June 2025

APPENDIX 3

Full comments of the Council's Ecologist

9/6/25

I have reviewed the application and further information is required.

The proposed scheme is in the River Axe Special Area of Conservation (SAC) catchment and must demonstrate nutrient neutrality. The application is supported by an Interim Guidelines on Small Scale Thresholds Report, which proposed that the site would classify for meeting the small-scale thresholds. However, the following points are not addressed satisfactory.

-Appendix F (FD1 Form) states "The existing public sewer network is full, and unable to take any further capacity" as to why a package treatment plant (PTP) is proposed. However, there is no map from South West Water to show the local sewer network or demonstrate why a connection to the mains sewer is not feasible. If there are mains sewers nearby and it is feasible to connect to it a connection must be proposed in accordance with national guidelines. If this is the case, other nutrient mitigation measures will be required.

-The report states " There are no known discharges to ground within 200 metres of the drainage field". However, there are at least six other dwellings and a school within 200 m of the site, presumably with non-mains discharges to ground. If so, then this criterion cannot be claimed, and nutrient mitigation will be required to offset the development impacts.

-No nutrient budget calculator is provided.

Therefore, I would currently object to the proposal as there is insufficient information to rule out a Likely Significant Effect (LSE) on the River Axe Special Area of Conservation.

Kind regards

William Dommett MSc MCIEEM
District Ecologist

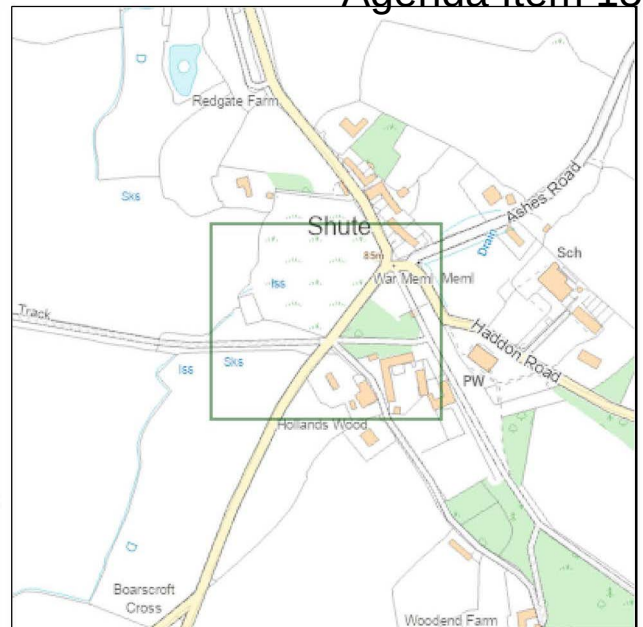
Ward Newbridges

Reference 24/2290/FUL

Applicant Will Hallett

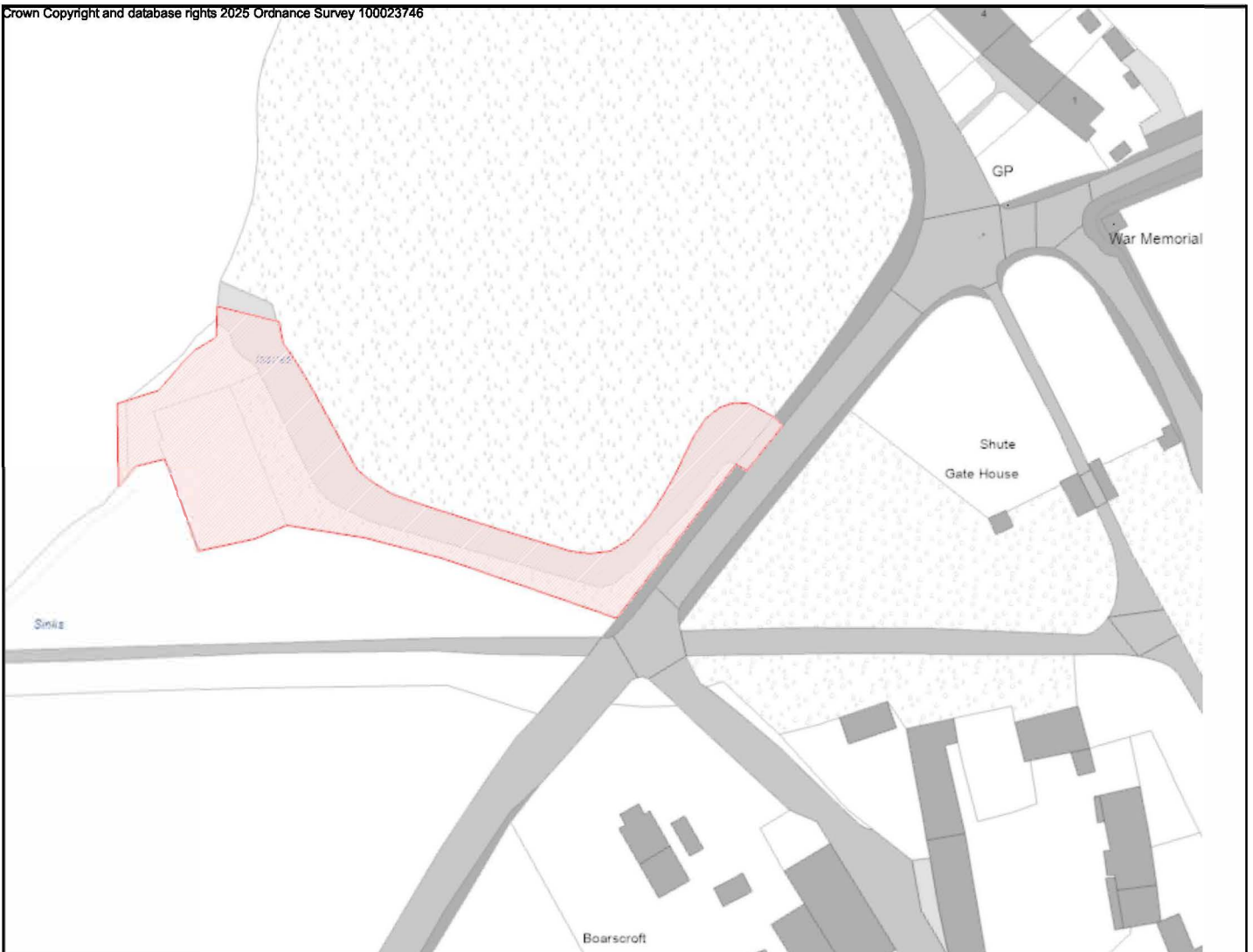
Location Land Adjacent Grove Cottage Shute

Proposal Full planning application for the construction of 1 no. dwelling, within existing walls, and means of access and associated works



RECOMMENDATION: ADOPT the Appropriate Assessment and REFUSE

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		Committee Date: 15.07.2025
Newbridges (Shute)	24/2290/FUL	Target Date: 25.12.2024
Applicant:	Will Hallett	
Location:	Land Adjacent Grove Cottage Shute	
Proposal:	Full planning application for the construction of 1 no. dwelling, within existing walls, and means of access and associated works	

RECOMMENDATION: ADOPT the Appropriate Assessment and REFUSE

EXECUTIVE SUMMARY

This application is presented to the Planning Committee as the officer recommendation of refusal is contrary to the view of the ward member.

This application seeks full planning permission for a new three-bedroom dwelling to be constructed within the footprint of the remaining walls of a ruined mid-Victorian stone building. While the new structure would be built adjacent to and in some places abutting the existing walls, it would be entirely self-supporting and would not rely on the old walls for structural integrity.

The proposal conflicts with Policy D8 of the East Devon Local Plan, which requires rural buildings to be structurally sound and capable of conversion without substantial rebuilding. The extent of new construction does not amount to a conversion and exceeds what is permissible under this policy. It also fails to meet paragraph 84 of the National Planning Policy Framework (NPPF), as it does not represent the optimal viable use of a heritage asset or enhance its setting.

The site is in an unsustainable location with limited access to services and public transport, leading to a reliance on private vehicles. This contravenes local and national policies promoting sustainable development.

The development would harm the setting of the Grade I listed Shute Gatehouse, introducing residential activity into a historically sensitive rural landscape. It would also detract from the scenic qualities of the East Devon National Landscape (AONB).

Additionally, the site lies within the consultation zone of the Beer Quarry and Caves SAC, a protected bat habitat. In the absence of a sensitive lighting scheme, adverse effects on the SAC cannot be ruled out.

Given these significant policy conflicts and environmental impacts, the application does not benefit from the presumption in favour of sustainable development and is recommended for refusal.

CONSULTATIONS

Local Consultations

Newbridges - Cllr Iain Chubb

This application to reuse the old building is proposed in a way that is sympathetic within its surroundings. The change of use is required to ensure the structure's future sustainability, repair and protection. Whilst providing an essential home and workplace for a local resident.

Reuse and adapting the historic building for a more useful purpose will contribute positively to the building's history and benefit the local environment.

I feel this is a very creative use of the current structure that will just decay and collapse if not reused.

I therefore fully support this application.

Parish/Town Council

The Council had no objections to this application but wanted the following comments to be noted.

The members were concerned that the building works within them may affect the stability of the existing walls during excavations etc.

The Council also want to ensure the safeguarding of the Victorian soakaway from any effects of the construction works. This is in the paddock above the proposed building and serves the Beagles Row cottages in Shute,

The members noted that the works should be undertaken within the normal working hours regulations to prevent undue disturbance to local residents.

Some screening with trees/hedging to the north would further reduce the visual impact and provide additional habitat for wildlife.

Other Representations

The National Trust (owner of Shute Barton) and one other commenter object to the proposed development for several reasons:

- Heritage and Visual Impact: The site is within the East Devon National Landscape (AONB) and near the Grade I listed Shute Barton Gatehouse. The

proposal would harm the setting and significance of heritage assets and erode the scenic qualities of the area.

- Policy Non-Compliance: The proposal is contrary to the East Devon Local Plan and national planning policy. It is on a greenfield site and lacks a Landscape and Visual Impact Assessment.
- Inappropriate Location: The site is not well-related to Shute village, which lacks sufficient facilities and does not have a Built-up Area Boundary, making it unsuitable for additional residential development.
- Conflict with Strategy 7: The proposal does not align with Strategy 7 of the local plan, which restricts development in the countryside unless explicitly permitted by specific policies and without harming the landscape.
- Historical Context: The site no longer has permanent structures and cannot be considered previously-developed land. The remaining walls have low to negligible heritage significance.
- Sustainability: The site is remote, lacks facilities, and would rely on private cars, making it unsustainable and contrary to spatial policies.
- Design Quality: The proposed design is not outstanding or innovative as required by paragraph 139 of the NPPF. It is conventional and does not meet high standards.

Two neutral comments include requests for:

- minimizing construction-related eyesores,
- higher hedges and additional native trees for screening,
- maintaining only three skylights facing neighbouring properties,
- minimal exterior lighting,
- limiting construction to normal working hours,
- protecting the integrity of the original stone wall,
- removal of debris and an abandoned caravan, and
- the use of high-quality natural slate for the roof.

Technical Consultations

Natural England

26/11/2024 - No objection.

23/01/2025 - Natural England concurs with the assessment that the proposal may adversely affect the integrity of European sites. The proposal lacks sufficient information to rule out adverse effects.

EDDC Trees

21/11/2024 - I have reviewed the submitted plans for a new dwelling and access arrangements on the site. I note from our aerial images that it appears there is a group of trees that lines the southern boundary of the site, however no tree survey or arboricultural information has been submitted to support the application.

Can the applicant provide a tree survey and arboricultural impact assessment in accordance with BS5837, to ensure the trees on or near the boundary of the site are duly considered?

17/04/2025 - The revised tree protection details prepared by Swan Paul look to be acceptable.

If the application is approved I recommend a condition is applied that requires adherence to the submitted tree protection plan.

Historic England

23/01/2025 - Summary of advice:

Shute features a group of high-status historic buildings, including the grade I listed Old Shute House and Jacobean gatehouse, and the grade II* listed Shute House. The barn in question is a ruinous structure that contributes to the rural setting of the gatehouse.

The proposed development involves building within the historic barn walls. Concerns include the use of slate hanging and rooflights, which may introduce modern elements and light spill. Details on garden, drive, and entranceways are limited, potentially leading to conspicuous additions.

The residential development could impact the rural character and views from the grade I listed gatehouse. The council must ensure the development does not adversely affect the site's character or intensify its use.

Historic England has concerns about the heritage impact and advises addressing these issues to meet NPPF requirements. The council should consider amendments and further information to preserve the site's historic significance.

25/02/2025 – Summary of advice:

Historic England has reviewed the amended proposals. Their primary concern remains the potential impact of the proposed development on the setting of the Grade I listed Shute Gatehouse, a key heritage asset within the historic Shute estate.

In a previous letter dated 23 January 2025, Historic England expressed concerns about the introduction of a conspicuous and overly domestic structure within the Gatehouse's setting, and the potential adverse effects of residential use on the character and experience of the site.

The latest amendments to the application—such as the removal of roof lights and additional landscaping and driveway design details—are acknowledged as improvements that help reduce the visual impact of the development. However, Historic England maintains that the introduction of residential use would still result in a greater intensification of activity, which could negatively affect the rural and historic setting of the Gatehouse.

They advise that the local authority must be confident that such intensification can be managed without causing harm to the heritage asset's setting. The concerns raised relate specifically to the experience and appreciation of the Gatehouse within its landscape context.

Historic England concludes that the application raises heritage concerns, particularly in relation to the intensification of use. They recommend that the council ensure the proposal complies with paragraph 219 of the National Planning Policy Framework (NPPF) and the statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special regard to preserving the setting of listed buildings.

They encourage the council to seek further amendments, safeguards, or information as necessary, and invite further consultation should the proposals change materially.

Conservation

01/04/2025 - In summary, the proposed development albeit within an existing ruin of a former crib house or barn, would on account of the value now attributed to evolved character associated with the west of the village, fail to preserve the visual contribution this underdeveloped agricultural landscape makes to the setting of Grade I Shute Gatehouse and surrounding listed buildings, and to a lesser extent result in less than substantial harm to the significance of these heritage assets.

09/04/2025 - I am of the view that the existing built planform / ruin does hold historic value through its association with Shute estate, however the visual or aesthetic value is now limited to a scar on the landscape, with its former historic functional use interpreted though Tithe Map and OS Mapping. Whilst it is acknowledged the built planform / ruin does hold an element of heritage value, on balance this value is mostly found through its interpretation as a former crib house / barn, within the landscape formerly associated with Shute estate.

In context of the current planning application, the built planform / ruin in its current form is considered to enhance the experience of the wider setting of Shute village, which together with the open character of the existing landscape makes a valuable contribution to the setting of the surrounding listed buildings and in turn their significance. In this instance the remains of the building are not considered to have a degree of significance that would provide clear and convincing justification for a new building in a location, where this would not otherwise be supported.

PLANNING HISTORY

Reference	Description	Decision	Date
18/2361/FUL	Creation of agricultural access and track.	Refusal	31.01.2019
19/1425/FUL	Creation of agricultural access and track	Approval with conditions	23.08.2019

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5B (Sustainable Transport) Adopted

Strategy 7 (Development in the Countryside) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

D1 (Design and Local Distinctiveness) Adopted

D3 (Trees and Development Sites) Adopted

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

EN5 (Wildlife Habitats and Features) Adopted

EN8 (Significance of Heritage Assets and their setting) Adopted

EN9 (Development Affecting a Designated Heritage Asset) Adopted

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

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

TC2 (Accessibility of New Development) Adopted

TC7 (Adequacy of Road Network and Site Access) Adopted

TC9 (Parking Provision in New Development) Adopted

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy CC02 (Moving toward Net-zero carbon development) Draft

Strategic Policy CC06 (Embodied carbon) Draft

Strategic Policy AR01 (Flooding) Draft

Strategic Policy AR02 (Water efficiency) Draft

Policy HN04 (Accessible and adaptable Housing) Draft

Policy HN05 (Self-build and custom build housing) Draft

Policy HN06 (Sub-dividing or replacing existing buildings and dwellings) Draft

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

Policy TR04 (Parking standards) Draft

Strategic Policy OL01 (Landscape features) Draft

Strategic Policy OL02 (National Landscapes (Areas of Outstanding Natural Beauty))
Draft

Strategic Policy PB01 (Protection of internationally and nationally important wildlife
sites) Draft

Strategic Policy PB04 (Habitats Regulations Assessment) Draft

Strategic Policy PB05 (Biodiversity Net Gain) Draft

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

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

Strategic Policy HE01 (Historic environment) Draft

Policy HE02 (Listed buildings) Draft

Government Planning Documents

NPPF (National Planning Policy Framework 2024)

National Planning Practice Guidance

Site Location and Description

This application relates to the ruined remains of a mid-Victorian stone building sited in the lower southwest corner of an agricultural field which itself is located to the west of and opposite Shute Gate House. The ruined building had an L-shaped plan with an enclosed yard to the west. Architectural evidence shows it was open fronted onto the yard, or at least contained a series of openings that could be closed off with doors. All that now remains is the stone outer walls, with all structural timbers and the roof absent.

The building is divorced from other buildings but there are dwellings on the opposite side of the road to the northeast of the site. The local C-class road runs past the site along its northeast and southeast boundaries. The land extends to approximately 1.3 hectares and falls from northeast to southwest. The site boundaries are formed by native hedgerows. There is an existing vehicular entrance centrally located on the

southeast field boundary and a track leads from there to the remains of the stone building.

The site lies in open countryside, outside of any defined settlement boundary and within the East Devon National Landscape. There are a number of designated heritage assets in the vicinity of the site including the grade I listed Shute Gate House and Shute Barton and the grade II listed Forge and Beagles Row to the northeast.

ANALYSIS

This application seeks planning permission to construct a dwelling within the remaining walls of the ruined stone building. The new dwelling is proposed to be a detached, three-bedroom, one and a half storey house. The design intent is said to give it the appearance of a traditional barn from the visible elevations. To that end, no windows would be inserted into the walls or roof (following amendments to the original scheme). The other elevations would have a more contemporary domestic appearance and do not attempt to recreate any of the assumed character of the former building.

Principle

The site is in the countryside for planning purposes and therefore, in accordance with Strategy 7 of the Local Plan, if the proposal is to be supported, it needs to be in accordance with a specific Local Plan policy. No such policies have been identified in the statement submitted in support of this application, except Policy D8 which is concerned with the re-use of rural buildings.

Although the proposal incorporates the remaining structure of the ruined older building, it does not constitute a conversion. The new dwelling would be structurally independent and would not rely on the existing walls for support. As explained in the submitted opinion from a structural engineer “The existing walls are not proposed to be used for load transfer in the new arrangement so would essentially just act as rather thick cladding to the new building.” Accordingly, the proposal should be considered a new build rather than a re-use or conversion under Policy D8.

In view of the conflict with Policy D8, and in the absence of any other policy support, the proposal conflicts with Strategy 7 and the overall provisions of the development plan. In these circumstances, as indicated by paragraph 12 of the NPPF, permission should not usually be granted. This provision applies where the policies most relevant to the determination of the application are up-to-date.

The supporting statement for this application argues that Policy D8 is out of date because it requires development to be located close to a range of accessible services and facilities to meet the everyday needs of residents. This policy requirement is in direct conflict with paragraph 84 of the NPPF which permits development that would re-use redundant or disused buildings in isolated locations such as the application site.

In the recent appeal at Barn Close Kennels, Combe Raleigh (APP/U1105/W/23/3333745), which followed a decision at Greenhayes, Shute in 2022 (APP/U1105/W/22/3294599), the Inspector concluded that "Policy D8 is out of date by virtue of its inconsistency with the Framework". The Inspector went on to say "Given the pivotal role of Policy D8 in this case, I find that, taken together, the policies that are most important for determining the appeal are out of date. On that basis, Framework Paragraph 11d) indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole."

The same argument applies to this case and, as such, the proposal falls to be assessed against the provisions of the NPPF.

Paragraph 84 of the NPPF supports new dwellings in isolated locations where, among other things,

*"b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
c) the development would re-use redundant or disused buildings and enhance its immediate setting;"*

Both of these provisions are predicated on the existence and use of an existing building. In this case, while the proposal involves constructing a new dwelling within the footprint of a former structure, the existing stone walls are not structurally necessary and the new building would be entirely self-supporting. As such, the proposal does not constitute a re-use of a building and therefore falls outside the scope of paragraph 84(c), which requires the re-use of a redundant or disused building.

However, the proposal may still be considered under paragraph 84(b) if it can be demonstrated that the development represents the optimal viable use of a heritage asset. This would depend on whether the retention of the existing walls contributes meaningfully to the conservation or interpretation of the asset and whether the proposed use secures its future in a way that causes the least harm.

To address the heritage test in 84(b) the applicant has provided a heritage statement which concludes that the building has low to negligible significance. In this context, the Planning Practice Guidance advises that "A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets." (Paragraph: 039 Reference ID: 18a-039-20190723).

In this case, both the age and function of the building are uncertain. Based on historical maps, it can be dated to sometime between 1844 and 1889 but no documentary evidence about the timing or reason for its construction has been found. In terms of function, although it is likely to have been agricultural in form and open fronted or with a series of openings, it is not clear if it was used to house

livestock or possibly for some other purposes ancillary to the use of the deer park at Shute Barton. Notwithstanding these uncertainties, the ruined building is considered to be a non-designated heritage asset of low to negligible significance owing to its architectural and aesthetic value, which is still evident to a limited extent, and its, albeit very modest, historical value.

NPPF paragraph 84(b) only supports the re-use if it represents the optimal viable use or is appropriate enabling development. The optimal viable use is the one that is likely to cause the least harm to the heritage asset (see Paragraph: 015 Reference ID: 18a-015-20190723 of the Planning Practice Guidance). As the remains of the building have no existing use, it has very little economic value and therefore a continued non-use or an agricultural use would be viable options in this case. Moreover, they would be less harmful than the proposed works, which would obscure the interior wall surfaces and erase evidence of the original footprint, replacing it with a larger, contemporary residential structure that is likely to bear little resemblance to the former building. Consequently, the proposed development does not represent the optimal viable use of the asset. Furthermore, it is not 'enabling development' (which is new development on the site or nearby which can then finance the work necessary to conserve the heritage asset) and therefore paragraph 84(b) is not satisfied.

Whilst the new-build nature of the proposal places it outside the scope of paragraph 84(c), if it were within scope, the development would still need to enhance the immediate setting of the building. In this case the remains of the building sit quietly in the corner of a field, contributing to the tranquillity and beauty of the countryside, which is designated as part of the East Devon National Landscape. Constructing the dwelling would necessitate a parking area, a garden and associated domestic paraphernalia, along with activity associated with a dwelling. Furthermore, the new dwelling would have a larger footprint than the original building and, owing to the addition of a roof, would be more prominent than the existing structure. Historic England have also raised a concern about the choice of materials for the walls. Consequently, the proposals would not enhance the tranquil rural setting of the building.

In summary, the proposal does not gain support from paragraph 84 of the NPPF.

The agent has also drawn attention to paragraph 139, which says significant weight should be given to outstanding or innovative designs which promote high levels of sustainability or help to raise the standard of design more generally in the area. This proposal is neither outstanding nor innovative. Innovation in design typically involves introducing new methods, ideas, or products that significantly advance the field. Simply embedding a contemporary design within the walls of a remnant building does not inherently qualify as innovative. Consequently, support for the proposal cannot be drawn from paragraph 139 of the NPPF.

In conclusion on this issue, the proposal is unacceptable in principle because it conflicts with Policy D8 of the Local Plan, which applies to conversions of existing rural buildings. However, as this proposal is for a new dwelling that does not rely on the existing walls for structural support, it is not considered to be a conversion and therefore falls outside the scope of Policy D8. While recent appeal decisions suggest

Policy D8 is out of date, the proposal also fails to gain support from paragraph 84 of the NPPF, as it neither represents the optimal viable use of a heritage asset nor enhances its setting. The building's limited heritage significance, the intrusive nature of the development, and the lack of innovative or outstanding design further weaken the case. As such, the proposal conflicts with both local and national planning policy, and there are no overriding material considerations to justify approval.

Location

In the absence of support from paragraph 84 for a new isolated dwelling, the provisions of paragraphs 109, 110 and 115 of the NPPF, as well as Strategy 5b and Policy TC2 of the Local Plan are applicable. The local plan policies seek to locate development to minimise the need to travel by car. These policies are in accordance with the relevant paragraphs of the NPPF, which prioritise sustainable transport modes, such as walking, cycling and public transport use, recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

Shute has a school and a church but for most day-to-day needs, including shops, medical services and employment, occupiers of the proposed dwelling would need to travel to destinations such as Colyton (2.5 miles), Axminster (4.4 miles) or Seaton (5.2 miles). In the absence of footways or cycle paths, and given the distances to these settlements, walking and cycling are not realistic options.

There is a bus stop near Shute Gatehouse which is about 60 metres from the site entrance. This stop is served by the X30, which connects to Exeter, Honiton, Colyton and Seaton and stops three times a day Monday to Friday in each direction. It is also served by the 20 which connects to Seaton, Honiton and Taunton and stops four times a day Monday to Saturday in each direction. Neither service runs in the evenings or on Sundays and Bank Holidays.

Whilst there are seven buses a day serving Seaton and Honiton during the daytime Monday to Friday (only four buses on a Saturday, and none on a Sunday), this is not a sufficiently frequent service to be an attractive alternative to travel by car. In the absence of options to walk or cycle to these destinations, the site cannot be said to be in a sustainable location, having regard to paragraph 11d of the NPPF. This says that decisions should have particular regard to key policies for directing development to sustainable locations.

In conclusion on this issue, given the limited range of local services and the infrequent public transport options, the proposed development would be heavily reliant on private car use for most day-to-day needs. This conflicts with both Local Plan policies and national planning guidance, which seek to direct development to locations that minimise the need to travel and promote sustainable transport. As such, the site cannot be considered a sustainable location for new residential development.

Setting of listed buildings

Shute Gatehouse and Shute Barton are both Grade I listed buildings of exceptional national interest. The gatehouse dates from around 1570, possibly earlier, while Shute Barton (also known as Old Shute House) is the surviving part of a substantial medieval manor house, partly constructed circa 1380.

The heritage statement concludes that the proposal is unlikely to adversely affect the setting of Shute Barton due to the physical separation and screening that create a largely enclosed context. While Historic England has not disputed this directly, their primary concern lies with the potential impact on the setting of Shute Gatehouse. Specifically, they highlight the visibility of the proposed dwelling in views from the arched entrance of the gatehouse and the effect this would have on the experience of arrival and departure.

The applicant's heritage statement argues that the building is only peripheral to key views and, due to topography and orientation, would not intrude upon the principal viewpoints of the gatehouse. However, Historic England and the Council's Conservation Officer disagree, raising concerns that the introduction of a modern residential use, along with associated infrastructure and domestic features, would create a conspicuous and incongruous element within the rural landscape. This, they argue, would erode the character and setting that contribute to the gatehouse's significance.

It is therefore concluded that the proposal would result in harm to the setting of Shute Gatehouse. Although this harm is considered to be less than substantial, paragraph 215 of the National Planning Policy Framework requires that it be weighed against the public benefits of the scheme. In this case, those benefits are limited to the provision of a single dwelling, which makes only a modest contribution to housing supply and offers no wider community or heritage gains. Given the statutory duty to give great weight to the conservation of designated heritage assets, the limited public benefits do not outweigh the identified harm. The proposal therefore fails to satisfy the requirements of paragraph 215 of the NPPF.

In contrast, the Grade II listed Forge and Beagles Row, which overlook the site, derive their significance primarily from their construction, function, and immediate surroundings. Due to the separation between these buildings and the proposed development, no harm to their significance is identified.

In light of the identified harm to the setting of the Grade I listed Shute Gatehouse, and the absence of sufficient public benefits to outweigh that harm, the proposal is contrary to paragraph 215 of the National Planning Policy Framework. It also conflicts with Policy EN9 of the East Devon Local Plan, which seeks to ensure that development affecting designated heritage assets preserves or enhances their significance and setting.

East Devon National Landscape

The site is situated within the East Devon National Landscape, and the Local Planning Authority is under a statutory duty to seek to further the purposes for which the area was designated, namely the conservation and enhancement of its natural beauty.

The Landscape Character Assessment for East Devon characterises the immediate surroundings as Upper Farmed and Wooded Valley Slopes (LCT 3A). The buildings and settlements in LCT 3A are characterized by a dispersed pattern of isolated farms and small villages, often centred around a church. These structures are typically constructed from local stone (chert) and cob, reflecting traditional Devon architecture with thatched roofs and stone or cob walls. Some villages are estate villages, historically built to house workers on large estates. The area retains numerous medieval features, including churches, farms, and lanes. The winding, narrow lanes, often sunken with high banks and flower-rich verges, add to the rural charm and intimacy of the landscape, making it a distinctive and historic part of the Devon countryside.

Shute is a small settlement that, despite its size, retains the key characteristic of being nucleated around a historic church. The historic core has experienced minimal modern development, and the proposed dwelling would represent a visually prominent intrusion into a part of the landscape that remains largely undeveloped and contributes to the village's rural setting. While some mitigation measures have been proposed—such as the removal of masonry piers at the site entrance and the planting of a new hedgerow along the driveway—these are insufficient to offset the visual impact of the new building and the associated residential activity and infrastructure. As such, the proposal would fail to conserve or enhance the natural beauty of the area, resulting in conflict with Strategy 46 of the Local Plan and the provisions of the NPPF.

Other matters

Trees – There are trees and hedges close to the southern boundary of the site that could be affected by the construction works and may come under pressure for tree works once the building is occupied. An up-to-date survey has not been provided, but an old survey indicates that the nearest tree is a mature oak which is considered to be a category B tree. Indicative tree protection details have been provided and the Council's Arboricultural Officer is satisfied that subject to tree protection measures a harmonious relationship with the trees would be achieved. The proposal therefore complies with Policy D3 of the Local Plan.

Flood risk – Environment Agency mapping indicates that the northern and western edges of the site are at risk of surface water flooding. Works appear to have been carried out to the ditch/watercourse to help convey the water away from the building. Given that neither the access nor the building are shown to be in an area that is at risk of flooding, the proposal is compatible with the relevant local and national guidance on flood risk, including Local Plan Policy EN21.

Drainage – There are no main sewers in the vicinity of the site and therefore the proposal is to install a package treatment plant discharging to a soakaway. Although percolation tests have not been carried out, it is likely that the system could discharge to the ditch/watercourse if ground conditions are unsuitable for infiltration. The proposal therefore complies with Policy EN19 of the Local Plan.

BNG – The proposal is for a self-build dwelling which is exempt from the requirement to deliver a biodiversity net gain. It would be necessary to impose a condition or legal agreement on any permission to ensure that the terms of the exemption are satisfied by the developer.

Wildlife - Bat emergence surveys have identified that the ruined barn supports two day-roosts for soprano pipistrelle bats. The crevices within the stonework also provide potential sites for hibernation. The proposed works would damage or destroy the identified bat roosts and have the potential to cause disturbance and/or injury to any roosting bats present at the time. To mitigate for the loss of habitats, alternative roosting provision would be made elsewhere on the site and new roosting features would be created in the building. Sensitive lighting would also be proposed.

For the work to be allowed to proceed, a licence will be required from Natural England and the Local Planning Authority is obliged to consider whether such a licence is likely to be granted. This means considering the three derogation tests:

- the activity must be for a certain purpose - for example, for scientific research or in the public interest
- there must be no satisfactory alternative that will cause less harm to the species
- the activity must not harm the long-term conservation status of the species

The proposal is in the public interest because it would help to meet a pressing need for more housing. In this case, there would appear to be alternative options that would avoid disturbing the protected species, such as building elsewhere on the site, but realistically the proposed scheme represents the most feasible option in planning terms because it reuses the site and derelict walls of a former building. Natural England adopt a proportionate approach which is relative to the degree of impact and therefore it is considered reasonable to conclude that there is no satisfactory alternative to the proposal. Finally, the mitigation and compensation measures proposed would be sufficient to secure the long-term conservation status of the bats and therefore the three tests would be satisfied.

Subject to a condition securing the mitigation and compensation measures, the proposal would comply with Policy EN5 of the Local Plan.

Beer Quarry and Caves SAC – The site is within the consultation zone of this protected site for bats. Associated with the SAC there are three tree roosts for Bechstein's Bats within 1km of the site (the nearest being 150 metres to the north). The wildlife report concludes that a sensitive lighting scheme will be required and outlines the measures that should be incorporated but no such scheme has been provided. Consequently an Appropriate Assessment of the proposal has been unable to conclude that an adverse effect on the SAC would be prevented and Natural England have agreed with this conclusion. On the basis that an adverse effect cannot be ruled out, and in accordance with the Conservation of Habitats and Species Regulations 2017, the application must not be approved.

CONCLUSION

The proposed development conflicts with multiple policies of the Adopted East Devon Local Plan and national planning guidance. It fails to comply with Policy D8 due to the extent of new construction required, and does not meet the criteria of paragraph 84 of the NPPF, as it neither represents the optimal viable use of a heritage asset nor enhances its setting. The site's unsustainable location, with limited access to services and reliance on private car travel, breaches Strategy 5B and Policy TC2, as well as paragraphs 109, 110, and 115 of the NPPF. The development would also harm the setting of the Grade I listed Shute Gatehouse, contrary to Policy EN9, paragraph 215 of the NPPF, and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, it would introduce a conspicuous and domestic form into the East Devon National Landscape, conflicting with Strategy 46. Finally, the absence of a sensitive lighting scheme means that adverse effects on the Beer Quarry and Caves SAC cannot be ruled out, contrary to Strategy 47 and Policy EN5 of the Local Plan, and the Conservation of Habitats and Species Regulations 2017.

Turning to the presumption in favour of sustainable development in paragraph 11d of the NPPF, this says that permission should be granted unless the policies that protect areas or assets of particular importance (such as heritage assets, protected landscapes and protected wildlife sites) provide a strong reason for refusing the development proposed or any adverse impacts of approval would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In view of the negative conclusion of the Appropriate Assessment, as well as the adverse impact on the setting of a grade I listed building and the National Landscape, there are strong reasons to refuse the application. The presumption in favour of sustainable development therefore does not support approval in this case.

While the support of the ward member and the absence of objection from the parish council are acknowledged and appreciated, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. In this case, the proposal conflicts with several key policies of the Adopted East Devon Local Plan, as well as national planning guidance. The concerns raised by statutory consultees, including Historic England and Natural England, highlight significant heritage, landscape, and ecological impacts that cannot be mitigated through local support alone. Although the reuse of the structure is seen by some as a creative and beneficial solution, the scale of new construction, the unsustainable location, and the harm to designated heritage and landscape assets outweigh the benefits identified by local stakeholders. As such, the application cannot be supported on the basis of community support where it fails to meet the necessary planning policy tests.

Accordingly, the application is not considered to represent sustainable or policy-compliant development and is therefore recommended for refusal.

RECOMMENDATION

ADOPT the Appropriate Assessment

and

REFUSE for the following reasons:

1. The proposal does not comply with Policy D8 - Re-use of Rural Buildings Outside of Settlements of the Adopted East Devon Local Plan 2013-2031, which requires that the building be structurally sound and capable of conversion without substantial extension, alteration, or reconstruction and Policy HN06: Sub-dividing or replacing existing buildings and dwellings of the Draft East Devon Local Plan 2020-2042 which requires proposals to be in keeping with the character of the area and not increase the building's floorspace by more than 30%. The proposal is not a conversion but a new build within the footprint of a former structure. The existing walls are not structurally relied upon, and therefore the proposal falls outside the scope of these policies. In addition, the proposal fails to meet the criteria set out in paragraph 84 of the National Planning Policy Framework 2024 (as amended). The development does not represent the optimal viable use of a heritage asset, nor does it enhance the immediate setting of the building. As such the proposal would result in unjustified development in the countryside contrary to the spatial strategy of the development plan.
2. The site is located in open countryside with limited access to sustainable transport options. The proposal does not align with the principles of sustainable development as outlined in paragraphs 109, 110, and 115 of the National Planning Policy Framework 2024 (as amended), as well as Strategy 5B - Sustainable Transport and Policy TC2 - Accessibility of New Development of the Adopted East Devon Local Plan 2013-2031 and Strategic Policy TR01: Prioritising walking, wheeling, cycling, and public transport of the Draft East Devon Local Plan 2020-2042. The reliance on car travel due to the absence of footways, cycle paths, and frequent public transport services makes the location unsustainable.
3. The proposed development would result in harm to the setting of the Grade I listed Shute Gate House, a heritage asset of exceptional national importance. The introduction of a conspicuous and domestic residential use within the rural landscape that forms part of the Gate House's historic setting would erode its character and diminish the experience of the asset, particularly in views from and towards the Gate House. Despite amendments to the scheme, the intensification of use and associated infrastructure would adversely affect the appreciation of the Gate House within its landscape context. The proposal therefore fails to preserve the setting of a listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 219 of the National Planning Policy Framework 2024 (as amended), Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031 and Policy HE02: Listed buildings of the Draft East Devon Local Plan 2020-2042.

4. The site lies within the East Devon National Landscape, a protected area designated for its natural beauty. The proposed development would introduce a new dwelling, associated domestic activity, and infrastructure into an undeveloped and tranquil part of the landscape that contributes to the rural setting of Shute. The development would be visually conspicuous and would not conserve or enhance the natural beauty, character, or special qualities of the area. The proposal therefore conflicts with Strategy 46 - Landscape Conservation and Enhancement and AONBs of the Adopted East Devon Local Plan 2013-2031 and Strategic Policy OL02: National Landscapes (Areas of Outstanding Natural Beauty) of the Draft East Devon Local Plan 2020-2042, which seek to protect the landscape character and scenic beauty of nationally designated landscapes and the provisions of the National Planning Policy Framework 2024 (as amended).
5. The site is within the consultation zone of the Beer Quarry and Caves SAC, which is a protected site for bats. The application lacks a sensitive lighting scheme, and therefore, an Appropriate Assessment has concluded that the proposal would not prevent adverse effects on the SAC, contrary to the requirements of the National Planning Policy Framework 2024 (as amended), Strategy 47 - Nature Conservation and Geology and Policy EN5 - Wildlife Habitats and Features of the East Devon Local Plan 2013-2031 and Strategic Policy PB01: Protection of internationally and nationally important wildlife sites and Strategic Policy PB04: Habitats Regulations Assessment of the Draft East Devon Local Plan 2020-2042.

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 proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

HALLETTPRO rev 1.2	Proposed roof plans	10.02.25
HALLETTPRO2 rev 1.2	Proposed Elevation	10.02.25

HALLETTPRO3 rev 1.2	Sections	10.02.25
SP500 rev 1.4	Proposed Site Plan	10.02.25
3079.001 B	Tree Protection Plan	11.04.25
	Location Plan	30.10.24
HALLETTPRO4 Rev 1.1 Ground	Proposed Floor Plans	30.10.24
HALLETTPRO5 Rev 1.1 First	Proposed Floor Plans	30.10.24

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.

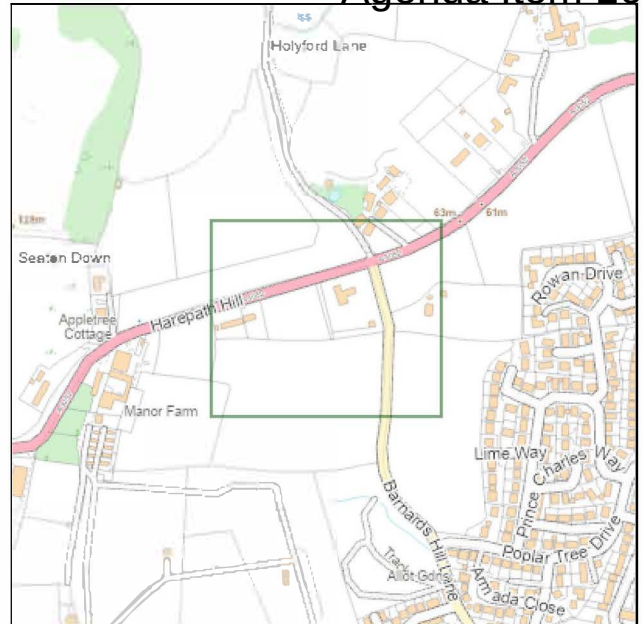
Ward Seaton

Reference 25/0750/FUL

Applicant Mr Justin Werb

Location Barnards Harepath Hill Seaton Devon EX12 2TF

Proposal Construction of 1 no. self build dwelling and associated works



RECOMMENDATION: ADOPT the Appropriate Assessment and APPROVE subject to conditions.

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		Committee Date: 15.07.2025
Seaton (Seaton)	25/0750/FUL	Target Date: 17.06.2025
Applicant:	Mr Justin Werb	
Location:	Barnards Harepath Hill	
Proposal:	Construction of 1 no. self build dwelling and associated works	

RECOMMENDATION: ADOPT the Appropriate Assessment and APPROVE subject to conditions

EXECUTIVE SUMMARY

This report is before the Planning Committee because it is a departure from the Local Plan.

The site lies outside the Built-up Area Boundary and is therefore designated as countryside under planning policy. Although the proposal represents a departure from the development plan, the Council's current housing land supply shortfall—standing at 2.97 years—invokes the "tilted balance" under paragraph 11 of the National Planning Policy Framework (NPPF). This requires that planning permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The site's location, while outside the settlement boundary, has been deemed accessible to local services and facilities by sustainable modes of transport, as confirmed by a recent appeal decision on the adjacent plot. This decision is a material consideration and supports the view that the development would not result in an undue reliance on private vehicles.

In terms of visual impact, the proposed dwelling would be seen as infill development within an existing cluster of properties. Although it would reduce the gap between neighbouring dwellings, the development would retain a sense of spaciousness and verdancy, consistent with the character of the area. Minor amendments to the design have been made to distinguish it from the adjacent approved dwelling, and the limited visibility from public viewpoints reduces any potential harm arising from a lack of architectural variety.

Access to the site is considered acceptable, with adequate visibility and capacity to accommodate the additional traffic without compromising highway safety.

Ecological impacts, particularly in relation to protected bat species associated with the Beer Quarry and Caves SAC, have been addressed through a sensitive lighting scheme and other mitigation measures. Other matters, including archaeology, drainage, ecology, and materials, are addressed through proposed conditions.

In conclusion, the proposal would make a modest but valuable contribution to local housing supply and economic activity, with no significant adverse impacts identified. The application is therefore recommended for approval, subject to conditions.

CONSULTATIONS

Technical Consultations

South West Water

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

Devon County Archaeologist

The county Historic Environment Record shows that there is a concentration of prehistoric activity across this landscape. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the known Romano-British and prehistoric activity in the vicinity of the application area. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

EDDC Trees

There are numerous trees growing around the boundary of the site that could be damaged during the construction phase of this project. If planning permission is to be granted it should be subject to a pre-commencement condition requiring the submission of an Arboricultural Method Statement and Tree Protection Plan, to ensure the trees on site are not damaged.

Local Consultations

Seaton- Cllr Derek Haggerty

In principle I support this application, however if it comes to committee I will have a neutral mind and hear all details before making any decision.

Parish/Town Council

Seaton Town Council have no objections to this application.

Other Representations

None received.

PLANNING HISTORY

Reference	Description	Decision	Date
22/2582/FUL	Erection of one dwelling and associated works.	Refusal	28.07.2023
		Appeal Allowed with Conditions	22.10.2024

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development) Adopted

Strategy 7 (Development in the Countryside) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

D3 (Trees and Development Sites) Adopted

EN5 (Wildlife Habitats and Features) Adopted

EN6 (Nationally and Locally Important Archaeological Sites) Adopted

EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance) Adopted

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

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

TC2 (Accessibility of New Development) Adopted

TC7 (Adequacy of Road Network and Site Access) Adopted

TC9 (Parking Provision in New Development) Adopted

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy CC02 (Moving toward Net-zero carbon development) Draft

Strategic Policy AR01 (Flooding) Draft

Strategic Policy AR02 (Water efficiency) Draft

Policy HN04 (Accessible and adaptable Housing) Draft

Policy HN05 (Self-build and custom build housing) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Strategic Policy PB01 (Protection of internationally and nationally important wildlife sites) Draft

Strategic Policy PB04 (Habitats Regulations Assessment) Draft

Strategic Policy PB05 (Biodiversity Net Gain) Draft

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

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

Policy PB09 (Monitoring requirements for new planting scheme) Draft

Policy HE04 (Archaeology and Scheduled Monuments) Draft

Government Planning Documents
National Planning Policy Framework 2024 (as amended)
National Planning Practice Guidance

Site Location and Description

The site is situated on the north-western outskirts of Seaton in a loosely developed area separated from Seaton by open fields. The land to the south forms a 'Green Wedge' which constrains the expansion of Seaton towards Colyford (and vice versa), but the application site is outside this designation. It is also outside the East Devon National Landscape. About 250 metres to the north west is a promontory fort which is designated as a scheduled monument and 530 metres to the south is the Honeyditches Roman settlement, which is also designated as a scheduled monument.

Although the site is located on the south side of Harepath Hill, it is accessed from Barnards Hill Lane via a driveway serving the host dwelling, Barnards. The site (excluding the access) consists of approximately 0.18 ha of neutral grassland, with an unmetalled dirt track in the south east corner. There is a low vegetated bank on the northern boundary with mature trees separating the site from Harepath Hill. The southern boundary is defined by an established hedgerow with some hedgerow trees and divides the site from the adjacent field. The west boundary joins a neighbouring residential property and is defined by a 1.8m high panel fence. The east boundary joins the plot of a dwelling approved at appeal in 2024 (referenced in the planning history above) which has yet to commence on site.

The site does not form part of the curtilage of Barnards and has not had a planning permission for a change of use away from agriculture despite apparently being used in association with the host dwelling.

ANALYSIS

Planning permission is sought for a detached self-build dwelling on the higher part of a plot of agricultural land adjacent to the site of a recently approved dwelling which in turn is adjacent to the curtilage of Barnards.

The main issues are:

- whether the proposal would provide a suitable location for the proposed development, having regard the provisions of the development plan and the accessibility of services and facilities;
- the impact on the character and appearance of the area;
- highway safety; and
- the effect on the Beer Quarry and Caves SAC.

Location

The site is located near to the main settlement at Seaton but it is about 200m outside the Built-up Area Boundary and therefore in the countryside for planning purposes.

Strategies 1 and 27 of the Local Plan set out the overall strategy for the distribution of housing within the district. This is to direct most housing to the West End and the Built-up Areas of the seven main towns and 15 small towns and larger villages. Strategy 7 of the Local Plan says that planning permission will only be granted in other locations, such as the application site, if the proposal is in accordance with a specific local or neighbourhood plan policy. In the absence of any policy supporting the provision of general market housing (including self-build housing) in this location, the proposal is a departure from the development plan and has been advertised as such. Furthermore, as the site is agricultural land (in the absence of evidence of any other lawful use) it does not benefit from support given in the NPPF for development of brownfield sites.

Notwithstanding the lack of policy support, the Council's 5-year housing supply is only 2.97 years. In accordance with paragraph 11 of the NPPF, this means that the housing supply policies in the local plan are out of date. Furthermore, a so-called 'tilted balance' should be applied and development approved unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Whilst the development plan is the starting point for decision making and indicates refusal, paragraph 11 of the NPPF dictates that an appraisal of the merits of this site should be undertaken.

The site is outside the settlement but has road access to the built-up area via Barnards Hill Lane. Within the settlement there is access to a health centre (800m away), car repair garage (850m), primary school (950m), business units at Fosseyway Park (950m), a hospital (1000m), Scout Hut, Martial Arts Centre and Day Nursery (1050m), and a local shop (1150m). Access to these amenities would mean travelling on a 285m long stretch of single track lane with no pavement or street lighting and few refuge places.

A further consideration is the distance and gradient. The journey from the site to the local amenities is downhill but the distance is likely to be a deterrent in some cases, particularly for those amenities more than 1km away, such as the shop. In addition, the return journey is uphill and more strenuous, particularly if carrying shopping or with young children.

Whilst there is a bus service around the town (Hatch Green 391), it only runs seven times a day with a reduced service at weekends. Furthermore, it can only be accessed via the Barnards Hill Lane which, as already noted, is lacking in pedestrian facilities. The same is true of buses to other towns and villages which can only be accessed via Barnards Hill Lane. Consequently, the bus is not considered to be a convenient or easy to access option.

Given these factors, when the application on the adjacent site was being considered in 2023, it was concluded that a car is likely to be used for most journeys, including to destinations within Seaton, and the application was refused.

However, that application was allowed at appeal and the views of the Inspector in that decision are a material planning consideration. He disagreed on all points and

was satisfied that future occupiers would be able to access a range of services and facilities by sustainable forms of transport, and therefore that there would not be a reliance on the private car. Whilst officers do not agree with this assessment it would be unreasonable to refuse the application on this basis given that an appeal would most likely be successful.

The proposal is therefore regarded as being in conformity with Local Plan Strategy 5B and Policy TC2, which in part seek to ensure that development is located in areas that promote the use of sustainable forms of transport.

Character and appearance

With regard to character and appearance, the Inspector in the appeal on the adjacent site said

“3. The appeal site is an area of open land, situated between existing dwellings alongside Harepath Hill. The area has a reasonably spacious and verdant feel which reflects the rural character of the immediate surroundings. The proposed development would involve the construction of a relatively large single dwelling.

4. At present, the openness of the site provides a gap between the existing homes and it is obvious that the proposed dwelling would reduce that gap to some extent. However, it is clear from the plans that the dwelling would still be situated a reasonable distance from the homes either side, thereby ensuring that the area would maintain its current feeling of spaciousness and verdancy. Furthermore, the new dwelling would represent infill development and would therefore be seen as a logical and coherent addition in the context of its neighbouring properties, rather than an extension of ribbon development into open countryside. In any event, given the natural screening that already exists along Harepath Hill and Barnards Hill Lane, it is likely the proposed dwelling would only be glimpsed from public roads.

5. The Council has set out that the actual design of the proposed dwelling would be acceptable. From the evidence before me I have no reason to disagree with that assessment. Site levels could be addressed via an appropriately worded condition to ensure that the proposed home would not appear to be significantly taller than the neighbouring home known as Barnards.

6. As a result, I therefore conclude that the proposed development would not result in harm to character and appearance. As such, it would conform with Strategy 7 and Policy D1 of the East Devon Local Plan 2016 (LP), the relevant aspects of which seek to ensure that development is well designed and that it preserves character and appearance. I also do not find conflict with LP Strategy 8 given that the site is situated outside of any designated green wedges.”

These comments are pertinent to the current proposal but given that this is a different proposal, some additional commentary is necessary.

The Inspector remarked that the appeal scheme would maintain the area's spaciousness and verdancy. Adding a second dwelling would reduce the gaps between dwellings but would still maintain a level of spaciousness that would be compatible with the character of the area. The retained boundary features would also maintain the verdancy of the area.

The Inspector also agreed with officers that the proposed design was acceptable. This assessment resulted in the same design being proposed for the second dwelling. However, it is undesirable for the dwellings to have the same design in an area characterised by the differences between neighbouring dwellings. In response to this, amended plans were submitted showing minor differences to some of the surface finishes. Although the proposed changes are relatively minor, the limited visibility of either dwelling from public viewpoints significantly mitigates any potential negative impact arising from a lack of architectural variety.

As such, the proposal would conform with Strategy 7 and Policy D1 of the Local Plan.

Highway safety

The site would share an access with Barnards, splitting within a few metres of the entrance. The shared entrance has a suitable gradient and visibility for day-to-day residential traffic. Within the site there would be adequate parking and turning space.

On exiting the site all traffic must turn right as the section of the road running north to Harepath Hill is one way to prevent traffic joining Harepath Hill at a substandard junction. The lane to the south of the site is narrow with limited opportunities to pass but traffic is light and the distance to a wider road is only about 285m. The additional traffic generated by the development could be accommodated on this road without detriment to highway safety.

With regard to the construction phase, there is nothing to suggest that access cannot be achieved safely or without damaging verges and hedgerows.

Beer Quarry and Caves SAC

The site is within the consultation area for the Beer Quarry and Caves SAC and this means that consideration needs to be given to the effects of the proposed development on the particular bat species associated with the protected site. The main effect to consider is the effect of lighting on commuting routes and foraging habitats used by bats. A screening assessment has been undertaken which concludes that owing to the current undeveloped nature of the site, its setting in a sparsely developed area and the large amount of glazing, a significant effect on the SAC cannot be ruled out.

To address this potential impact a sensitive lighting scheme has been produced which would secure the following measures:

- Recessed downlight luminaires to be provided to all rooms throughout the dwelling.
- External lighting limited to building mounted lighting and recessed downlighters only, as shown on the Mitigation Plan (The Lighting Bee, 2023).
- All external lighting will operate by PIR (movement) detectors on short timers (< 1 minute).
- All external building mounted luminaires and recessed luminaires will be downward directional. These luminaires will utilise LED lamps and will therefore emit no UV light, and will have a warm white colour temperature of 3000K.

The above would be secured through planning conditions, along with conditions to remove permitted development rights for new external lighting and new or enlarged windows.

These details have been sent to Natural England as part of an Appropriate Assessment. In response, Natural England have advised that they agree with the conclusion of the Appropriate Assessment which is that subject to the lighting details and removal of permitted development rights, the proposal would not affect the conservation status of the protected bats.

Other matters

Ecology - In addition to addressing the particular issues associated with the Beer Quarry and Caves SAC, the wildlife report covers the broader wildlife considerations. No protected habitats have been identified and no further surveys have been necessary. The main recommendations of the report are therefore to provide enhancements in the form of bat and bird boxes as well as new hedge planting. This can be secured by condition.

Foul drainage - In the absence of a main sewer nearby, foul drainage would be via a non-mains solution. The application form indicates that an existing septic tank would be used but the Foul Drainage Assessment indicates a package treatment plant. Whilst the applicant believes that the septic tank has enough capacity to serve another dwelling, a package treatment plant should be considered first, according to the drainage hierarchy. The agent has clarified that the existing septic tank could be changed to a package treatment plant but as that is outside the application site and the details of the system needed to serve three properties have not been considered as part of this application, such a solution would require a separate planning application (and could not be left to a condition on this application). Notwithstanding the lack of an appropriate foul drainage solution, there is believed to be sufficient space within the application site to deliver a package treatment plant serving the proposed dwelling. Although percolation tests have not been carried out, it is reasonable to conclude that soil conditions are suitable given that the septic tank serving Barnards and Downside drains to a drainage field. Further details of a foul drainage system within the application site can therefore be sought by condition.

Surface water drainage - The application form indicates that surface water would drain to a soakaway. Details of a SUDS solution can be secured by condition,

including measures to prevent run-off reaching the road and the dwelling opposite the driveway.

Privacy - The proposed dwelling would be elevated relative to the recently approved dwelling to the east and unless screening is provided there would be clear views from the proposed balcony into the some of that dwelling's windows and garden at close range. This would create unacceptable levels of intrusion and therefore a condition securing details of a screen on the eastern side of the balcony is necessary.

Scheduled monuments - The site is close to two scheduled monuments in a landscape where there is evidence of prehistoric and Roman settlement. The Historic Environment Service has recommended that a programme of archaeological investigation is undertaken and that details of any findings are recorded. These measures are necessary to comply with policies EN6 and EN7 and can be secured by conditions.

BNG - The proposal is exempt from statutory BNG because it is for a self-build dwelling. However, it would still deliver new hedgerows and habitats that meet the objective in Strategy 47 of the Local Plan to incorporate beneficial biodiversity conservation features.

Trees – There are a number of trees around the site but the proposal, both in terms of its construction and its later occupation, is compatible with the retention of these trees. To ensure that they are not harmed during the construction period, it is necessary to secure a tree protection plan and method statement by way of a suitable condition. Subject to this, the proposal is compatible with Policy D3 of the Local Plan.

CONCLUSION AND PLANNING BALANCE

On the first main issue it has been concluded that the proposal is compatible with Local Plan policies encouraging active travel. On the second main issue it has been concluded that the proposal would be compatible with the character and appearance of the area. In respect of the third and fourth main issues the proposal is satisfactory and in respect of other matters there are no concerns that cannot be addressed by way of conditions.

Returning to the 'tilted balance', paragraph 11 of the NPPF indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The proposal would deliver a small contribution towards the supply of homes and some economic benefits through the construction phase and longer term through additional spend generated by new residents, who would also help to sustain local services. While these benefits would be small as the proposal is only for one dwelling, in the absence of any adverse impacts, the balance is firmly in favour of granting permission. The application is therefore recommended for approval, subject to conditions.

RECOMMENDATION

ADOPT the Appropriate Assessment

and

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. Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

In any event, the following restrictions shall be strictly observed:

- (a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.
- (b) 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.
- (c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(The condition is required to be addressed prior to commencement to safeguard existing landscape features that may be harmed 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 East Devon Local Plan 2013–2031.)

4. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The scheme shall include details of the construction and surface finish for the driveway. Surface water drainage for the development shall be provided in accordance with the approved drainage scheme prior to first occupation of the dwelling and maintained thereafter.

(Reason - The details are required prior to commencement to ensure that they fit efficiently within the site layout, protect water quality and minimise flood risk in accordance with Policy EN22 - Surface Run-Off Implications of New Development of the Adopted East Devon Local Plan 2013-2031 and the guidance contained with the National Planning Policy Framework.)

5. Notwithstanding the submitted details, foul drainage shall be dealt with by a package sewage treatment plant and drainage field which shall be sited within the application site so as not to cause pollution of any watercourse or water sources. Details of this treatment plant, its siting and the drainage field shall be submitted to and approved in writing by the Local Planning Authority before development commences. The dwelling hereby permitted shall not be occupied until the foul drainage system has been provided in accordance with the approved details.

(Reason - The details are required prior to commencement to ensure that they fit efficiently within the site layout, avoid pollution of the environment and/or flooding in accordance with the requirements of Policies EN14 - Control of Pollution and EN19 - Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems of the Adopted East Devon Local Plan 2013-2031.)

6. Notwithstanding the approved drawings, before any development commences details of final finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - A pre-commencement condition is required to ensure that adequate details of levels are available and considered at an early stage in the interest of the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

7. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be

carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.

(A pre-commencement condition is required because construction or ground works could disturb or destroy archaeological evidence. This condition allows for appropriate investigation and mitigation in accordance with Policy EN6 - Nationally and Locally Important Archaeological Sites of the Adopted East Devon Local Plan 2013–2031 and paragraph 207 of the National Planning Policy Framework.)

8. The development shall not be occupied until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) the provision made for analysis, publication and dissemination of results, and archive deposition, has been implemented and confirmed in writing to, and approved by, the Local Planning Authority.

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

9. Notwithstanding the approved plans, no development above foundation level shall take place until a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development 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 approved prior to their use on the building and that they 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.)

10. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme shall include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatments. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local

Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

11. The dwelling hereby permitted shall not be occupied until a privacy screen at least 1.7 metres tall (measured from the floor of the balcony) has been provided on the eastern edge of the balcony in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter the privacy screen shall remain in place in perpetuity. The privacy screen shall be of sufficient grade to prevent overlooking of Barnards.

(Reason - In the interest of retaining privacy between properties in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

12. Development shall be carried out in accordance with the recommendations of the Ecological Impact Assessment prepared by Richard Green Ecology dated March 2025. In particular, the bat and bird boxes described therein shall be provided before the dwelling is first occupied.

(Reason - To improve habitats for wildlife in accordance with Policy EN5 - Wildlife Habitats and Features of the Adopted East Devon Local Plan 2013-2031.)

13. No internal or external lighting shall be installed at any time other than in strict accordance with the Lighting Impact Assessment prepared by The Lighting Bee (project no. 1552, dated 24 February 2025).

(Reason - To limit the illumination of commuting routes and foraging habitats used by bats associated with the Beer Quarry and Caves SAC in accordance with Strategy 47 - Nature Conservation and Geology of the Adopted East Devon Local Plan 2013-2031.)

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, doors, rooflights or other openings other than those shown on the plans hereby permitted shall be formed or enlarged in any elevation or roof slope of the dwelling and no enlargement of the dwelling shall be constructed containing any windows or glazed doors without the prior express consent of the Local Planning Authority.

(Reason - To limit the illumination of commuting routes and foraging habitats used by bats associated with the Beer Quarry and Caves SAC in accordance with Strategy 47 - Nature Conservation and Geology of the Adopted East Devon Local Plan 2013-2031.)

15. Notwithstanding the provisions of Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings shall be provided within the curtilage of the dwelling without the prior express consent of the Local Planning Authority.

(Reason - To limit the illumination of commuting routes and foraging habitats used by bats associated with the Beer Quarry and Caves SAC in accordance with Strategy 47 - Nature Conservation and Geology of the Adopted East Devon Local Plan 2013-2031.)

16. The dwelling hereby permitted shall be constructed as a self-build dwelling within the definition of self-build and custom housebuilding in the Self-build and Custom Housebuilding Act 2015 (as amended).

The first occupation of the dwelling hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling and who intends to occupy the dwelling as their principal residence for at least 3 years from completion.

The Local Planning Authority shall be notified of the persons who intend to take up first occupation of the dwelling hereby permitted at least two months prior to first occupation.

(Reason - To ensure the development is for a self-build dwelling and therefore exempt from providing biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Strategy 47 - Nature Conservation and Geology of the Adopted 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.

Biodiversity Net Gain Informative:

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 4.5 from the list below is considered to apply:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

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

Irreplaceable habitat

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

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

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

TREE SAFETY NOTE FOR LANDOWNER:

There are several large pine trees growing on the site's northern boundary. Two of these trees appear to be nearly dead and a third is in declining condition. Given the trees are growing adjacent to a busy main road, the landowner should commission a tree condition assessment of the roadside trees and undertake any necessary safety works.

Plans relating to this application:

BS2394/11.16/01 /JRR Rev B	Proposed Site Plan	22.04.25
	Location Plan	28.03.25
1907 Rev A	Proposed Combined Plans	11.06.25
1906 Rev A	Proposed Floor Plans	11.06.25
1905 Rev A	Proposed Elevation	11.06.25

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.