

**Agenda for Planning Committee
Tuesday, 7th July, 2026, 10.00 am**



Members of Planning Committee

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

East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ
DX 48808 Honiton
Tel: 01404 515616

www.eastdevon.gov.uk

Venue: Council Chamber, Blackdown House, Honiton

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

(or group number 01395 517546)

Issued: Friday, 26 June 2026; Reissued: Friday, 3 July 2026

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, 30 June 2026 up until 12 noon on Friday, 3 July 2026 by leaving a message on 01395 517542 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 517542. A member of the Democratic Services Team will contact you if your request to speak has been successful.

1 **Speakers' list for the applications** (Pages 5 - 6)

The speakers' list will be available on Friday 3 July 2026.

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

Minutes of the Planning Committee meeting held on 9 June 2026.

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 - 28)

Update from the Development Manager

Applications for Determination

8 **24/0841/MFUL (Major) HONITON ST PAULS** (Pages 29 - 140)

Land west of Tower Road and east of Cuckoo Down Lane, Honiton.

9 **26/0478/FUL (Minor) EXMOUTH LITTLEHAM** (Pages 141 - 160)

42 Salterton Road, Exmouth, EX8 2EQ.

10 **25/1518/OUT (Minor) EXMOUTH LITTLEHAM** (Pages 161 - 187)

Cranford Sports Club, 42 Salterton Road, Exmouth, EX8 2EQ.

The following applications will not be considered before 1.30pm

11 **25/2397/MFUL (Major) & 25/2398/LBC EXMOUTH TOWN** (Pages 188 - 262)
The Royal Beacon, The Beacon, Exmouth, EX8 2AF.

12 **26/0812/FUL (Minor) EXMOUTH TOWN** (Pages 263 - 275)
Strand Gardens, The Strand, Exmouth.

13 **25/0717/VAR (Minor) OTTERY ST MARY** (Pages 276 - 289)
Longview House, Ottery St Mary, EX11 1PJ.

14 **25/0007/MOUT (Major) WOODBURY & LYMPSTONE (Addendum Report)
APPLICATION DEFERRED** (Pages 290 - 361)

THIS APPLICATION HAS BEEN DEFERRED TO A FUTURE MEETING

Land north-east of Kings Garden and Leisure, Exmouth.

Addendum report to consider planning conditions and obligations following the previous resolution to approve. The principle of the development is not being reconsidered; only matters relating to conditions and planning obligations, as set out in the addendum report, will be addressed.

15 **26/1047/FUL (Minor) HONITON ST MICHAELS** (Pages 362 - 370)
7 Rowcroft Close, Honiton.

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 registered for the planning applications

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|---|--|
| <p>Agenda item 8 Application number: 24/0841/MFUL (Major) Pages 29 - 140 Ward: Honiton St Pauls Address: Land west of Tower Road and east of Cuckoo Down Lane Ward Members: Councillor Tony McCollum / Councillor John O’Leary</p> | |
| Objectors | <p>Jim Faverty Stephen Guilbert Sam Tuke</p> |
| Supporter | <p>Rachel Payne Jon Milsom Tel: 07773 324 592 Christopher Legg Tel: 07553 145 834 Chris Delarge Tel: 07794 409 718 Alison Fone</p> |
| Honiton Town Council Offwell Parish Council (adjoining) | <p>Councillor Robert Fowles Councillor Tony Norris</p> |
| Applicant | <p>Jon Leisk, Honiton Town Youth Football Club Tel: 07825 356 575</p> |
| Adjoining Ward Member | <p>Councillor Roy Collins</p> |

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|---|---|
| <p>Agenda item 9 Application number: 26/0478/FUL (Minor) Pages 141 - 160 Ward: Exmouth Littleham Address: 42 Salterton Road, Exmouth Ward Members: Councillor Anne Hall / Councillor Nick Hookway Committee Ward Member: Councillor Brian Bailey</p> | |
| Applicant | <p>Olly Swayne, representative of the applicant</p> |
| Ward Member | <p>Councillor Nick Hookway</p> |

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| <p>Agenda item 10 Application number: 25/1518/OUT (Minor) Pages 161 - 187 Ward: Exmouth Littleham Address: Cranford Sports Club, 42 Salterton Road, Exmouth Ward Members: Councillor Anne Hall / Councillor Nick Hookway Committee Ward Member: Councillor Brian Bailey</p> | |
| Objectors | <p>John Jacobs</p> |
| Agent | <p>Craig Worden ARA Architecture</p> |
| Ward Member | <p>Councillor Nick Hookway</p> |

The following applications will not be considered before 1.30pm

Agenda item 11

Application number: 25/2397/MFUL & 25/2398/LBC (Major) Pages 188 - 262

Ward: Exmouth Town

Address: The Royal Beacon, The Beacon, Exmouth

Ward Member: Councillor Joe Whibley

Committee Ward Members: Councillor Olly Davey / Councillor Eileen Wragg

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| Objectors | Anne Killoran |
| Exmouth Town Council | Councillor Graham Deasy |

Agenda item 13

Application number: 25/0717/VAR (Minor) Pages 276 - 289

Ward: Ottery St Mary

Address: Longview House, Ottery St Mary

Ward Members: Councillor Peter Faithfull / Councillor Vicky Johns

Committee Ward Member: Councillor Bethany Collins

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| Agent | Tim Whipps Tel: 01392 690 060 |
| Ward Member | Councillor Peter Faithfull |

Agenda item 15

Application number: 26/1047/FUL (Minor) Pages 362 - 370

Ward: Honiton St Michaels

Address: 7 Rowcroft Close, Honiton

Ward Members: Councillor Jenny Brown / Councillor Roy Collins

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|--------------------|--------------------------------|
| Agent | Mitchel Cooper MC Architecture |
| Ward Member | Councillor Roy Collins |

Agenda item 12

Application number: 26/0812/FUL (Minor) Pages 263 - 275

Ward: Exmouth Town

Address: Strand Gardens, The Strand. Exmouth

Ward Member: Councillor Joe Whibley

Committee Ward Members: Councillor Olly Davey / Councillor Eileen Wragg

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| No Speakers | |
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Agenda item 14 APPLICATION DEFERRED TO A FUTURE MEETING

Application number: 25/0007/MOUT (Major) Pages 290 - 361

Ward: Woodbury & Lypstone

Address: Land north-east of Kings Garden and Leisure, Exmouth

Ward Members: Councillor Ben Ingham / Councillor Geoff Jung

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Planning Committee held at Council Chamber,
Blackdown House, Honiton on 9 June 2026****Attendance list at end of document**

The meeting started at 10.05 am and ended at 1.35 pm

1 Minutes of the previous meeting

The minutes of the previous meeting held on 12 May 2026 were agreed as a true record.

2 Declarations of interest

125. 25/1259/MFUL (Major) HONITON ST MICHAELS.

In accordance with the Code of Good Practice for Councillors and Officers dealing with planning matters as set out in the Constitution, the Chair, Councillor Eileen Wragg, on behalf of the Committee advised lobbying in respect of this application.

Non-Committee Member

125. 25/1259/MFUL (Major) HONITON ST MICHAELS.

In accordance with the Code of Good Practice for Councillors and Officers dealing with planning matters as set out in the Constitution, Councillor Roy Collins advised lobbying in respect of this application.

3 Matters of urgency

There were none.

4 Confidential/exempt item(s)

There were none.

5 Planning appeal statistics

The Committee noted the planning appeals statistics report and received updates on five determined appeals.

Four appeals were allowed:

25/0180/OUT – land south of Knights Lane, All Saints. Outline application for a self-build dwelling and associated works. While some landscape harm was identified, greater weight was given to the lack of a five-year housing land supply.

25/0057/OUT – land adjoining West Hayes, Eastfield, West Hill. Outline application for nine dwellings, including four affordable and associated parking. The appeal arose due to non-determination within the required timeframe. Although there were identified impacts on trees and biodiversity, the Inspector considered the site sustainably located despite being outside the built-up area boundary. An application for full award of costs against the Council was refused.

25/1588/FUL – Coombe Dairy Annexe, Exe View Road, Lypstone. Use as an unrestricted dwelling. Despite concerns about the location, significant weight was given to the to the lack of a five-year housing land supply.

25/0649/CPL – Bridewell Cottage, Hawkchurch. Certificate of lawfulness for proposed repairs. The Inspector found that, based on the evidence and specific circumstances, planning permission was not required.

One appeal was dismissed:

25/0509/MOUT – land at Ottery Road, Feniton. Application for 85 dwellings, a community eco-hut and associated infrastructure with vehicular access. The Inspector concluded the proposal would result in significant landscape harm and gave weight to the Council's strategic approach to the scale of development in Feniton.

In response to a question regarding the status of the adopted Local Plan compared to the emerging Local Plan, the Planning Solicitor advised that increasing weight would be given to the emerging Local Plan as it progresses through its stages; however, at present, it carried little or no weight.

6 **25/2502/FUL (Minor) BUDLEIGH & RALEIGH**

Councillors Brian Bailey, Kim Bloxham, Colin Brown, Steve Gazzard, Simon Smith did not attend the site visit and did not participate in discussions or vote for this application.

Applicant:

Clinton Devon Estates.

Location:

Redundant barn adjacent to Burnthouse Cottage, Northmostown, Sidmouth.

Proposal:

Conversion of existing barn to create new dwelling including rear single storey extension.

A recorded vote was taken.

Councillors Wragg, Hunt and Davey voted in favour.

Councillors Barlow and Hughes voted against.

No abstentions.

RESOLVED:

Refused in accordance with officer recommendation, subject to the removal of Reason 4 (ecology) from the reasons for refusal, as set out in the amended recommendation.

7 **25/1259/MFUL (Major) HONITON ST MICHAELS**

Applicant:

Frontier Estates (Mal Care) Limited.

Location:

Former Mill Water School, Honiton Bottom Road, Honiton.

Proposal:

Construction of a care home (within Class C2) with access, car parking, cycle parking, refuse storage, landscaping, boundary treatments, tree works including works to T15 (pedunculate oak) protected by a Tree Preservation Order (19/0073/TPO G1) and other associated works.

RESOLVED:

Approved with conditions in accordance with officer recommendation, subject to completion of the Section 106 Agreement and subject to the following additional/amended conditions:

- CEMP condition to be amended to require details of timings for construction traffic moving to and from the site to take place outside of Littleton Primary School drop off and pick up times, to be agreed and adhered to.
- Prior to installation of any air source heat pumps within the site a technical statement shall be submitted to the Local Planning Authority to demonstrate whether noise mitigation measures are required. If required, the noise mitigation measures shall be provided prior to the air source heat pumps being brought into use and the measures shall be retained and maintained for the lifetime of the development

Reason: In the interest of amenity in accordance with Policy D1 of the East Devon Local plan, 2013 to 2031

8 **25/2444/FUL (Minor) COLY VALLEY**

Applicant:

Mr J Reed.

Location:

Land south-east of Townsend Plantation, Southleigh, Colyton.

Proposal:

Retrospective application for an earth lined slurry lagoon.

RESOLVED:

Approved with conditions in accordance with officer recommendation.

Attendance List

Councillors present:

E Wragg (Chair)

S Hunt (Vice-Chair)

B Bailey

I Barlow

K Bloxham

C Brown

O Davey

S Gazzard

S Hughes

S Smith

Councillors also present (for some or all the meeting)

P Arnott
R Collins

Officers in attendance:

Wendy Harris, Democratic Services Officer
Andrew Digby, Senior Planning Officer
Damian Hunter, Planning Solicitor
Wendy Ormsby, Development Manager
Jack Richards, Planning Assistant
Sarah Leete-Groves, Conservation Officer

Councillor apologies:

S Chamberlain
M Chapman
B Collins
M Howe
Y Levine

Chairman

Date:

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

Agenda Item 7

Ref: 26/0091/FUL **Date Received** 03.06.2026
Appellant: Mr Steven Williams
Appeal Site: Stamps Building King Street Honiton EX14 1AF
Proposal: Conversion of former funeral directors to 3no dwellings (flats)
with associated works
Planning 6010705
Inspectorate Ref:

Ref: 26/0156/LBC **Date Received** 05.06.2026
Appellant: Mr Oliver Paget
Appeal Site: 2 Riverside Cottages Gittisham Honiton EX14 3AE
Proposal: Single storey rear extension with rooflight interlinking with
existing small rear extension and existing wraparound
side/rear extension; replace corrugated sheeting on existing
small rear projection to match existing; block up window on
original rear wall; block up external door into utility;
reconfigure shower and create new door opening from
bedroom into shower
Planning 6010879
Inspectorate Ref:

Ref: 25/2097/OUT **Date Received** 05.06.2026
Appellant: Mr Cyril Emmett
Appeal Site: Land south of Lees Farm Talaton
Proposal: Outline application (with all matters reserved except for
access) for the construction of up to 4 dwellings and creation
of new access
Planning 6010892
Inspectorate Ref:

Ref: 26/0190/FUL **Date Received** 14.06.2026
Appellant: Mr Julian Hofmann
Appeal Site: 98 Woolbrook Road Sidmouth EX10 9XD
Proposal: Retrospective planning permission for 30m of timber
boundary raised fencing to the north and south elevation.
Planning 6011265
Inspectorate Ref:

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

Ref: 23/F0111 **Appeal Ref:** 25/00012/ENFAPP

Appellant: Mr Robert Hobson
Appeal Site: Wiscombe Linhay Farm Southleigh Colyton EX24 6JF
Proposal: Appeal against an enforcement notice served in respect of the 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.

Decision: **Appeal Dismissed** **Date:** 28.05.2026
Procedure: Written representations
Remarks: Enforcement notice, corrected, varied and upheld.
BVPI 204: **No**
Planning APP/U1105/C/25/3361991
Inspectorate Ref:

Ref: 25/0106/FUL **Appeal Ref:** 26/00004/HH

Appellant: Mrs Kelly Potter
Appeal Site: 87 Peaslands Road Sidmouth Devon EX10 8XD
Proposal: Construction of Shed in front garden (retrospective).
Decision: **Appeal Dismissed** **Date:** 01.06.2026
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policy D1, NP Policies 1 & 7).
BVPI 204: **Yes**
Planning 6003757
Inspectorate Ref:

Ref: 25/1284/PIP **Appeal Ref:** 26/00002/REF

Appellant: A F Freemantle & Son
Appeal Site: Land At Oil Mill Cross Oil Mill Lane Clyst St Mary
Proposal: Permission in principle for the construction of 9 no. new dwellings

Decision: **Appeal Dismissed** **Date:** 17.06.2026
Procedure: Written representations
Remarks: Delegated refusal, countryside protection and amenity reasons upheld (EDLP Strategy 7, Policy D1, NP Policy BisC04).
BVPI 204: **Yes**
Planning 6003514
Inspectorate Ref:

Ref: 25/0731/MOUT **Appeal Ref:** 26/00008/REF
Appellant: Mr P Aubery (Tavistock Green Ltd)
Appeal Site: Land at Abbey Road Dunkeswell
Proposal: Outline application for residential development for up to 65 dwellings (all matters reserved except for access)
Decision: **Appeal Dismissed** **Date:** 17.06.2026
Procedure: Hearing
Remarks: Delegated refusal, accessibility, landscape, conservation and best and most versatile agricultural land reasons upheld (EDLP Strategies 5B, 7, 46, Policies D1, EN10, EN14, TC2).
BVPI 204: **Yes**
Planning APP/U1105/W/26/3377572
Inspectorate Ref:

Ref: 25/1794/VAR **Appeal Ref:** 26/00011/HH
Appellant: Leonard Taylor
Appeal Site: 7 Woodlands Drive Exmouth Devon EX8 4QP
Proposal: Variation of condition 2 (approved plans) of planning permission Ref: 22/1375/FUL (Single storey side extension, removal of chimney stack, conversion of roof space to habitable use to include a front and rear dormer, 2 roof lights, extension to vehicular hardstanding to front, installation of vehicular hardstanding to side, installation of boundary wall to rear, porch to front with alteration to fenestration) to allow for ridge height and pitch alterations and changes to fenestration.
Decision: **Appeal Allowed** **Date:** 19.06.2026
(with conditions)
Procedure: Householder
Remarks: Delegated refusal, amenity reasons overruled (EDLP Policy D1, NP Policy EB2).

The Council were concerned that the submitted plans did not accurately represent the existing, approved and proposed situations and could not therefore be satisfied that the proposal would not have an adverse impact on the character of the street scene and the amenity of neighbouring occupiers.

The Inspector considered that the drawings submitted with the application give clear indication of the heights that would result from the change in the roof pitch and whilst the Council may consider that there have been differences in the consistency of drawn information, the submitted drawings give definitive dimensions via a datum from top of wall plate, which would provide certainty in the height of the amended roof pitch being proposed, which could be enforced if required.

The Inspector concluded that the visual effect of the change in the roof pitch would be small within the context of the street scene and would be acceptable due to the retention of the hipped roof to the principal street facing elevation. Whilst the roof dormers would be more prominent, they are a common feature within the area, including within Woodlands Drive, and would therefore be acceptable.

The Inspector imposed a condition controlling the installation of obscure glazing and restricting the height of opening lights for the dormer window in the interest of protecting the amenity of neighbouring residents.

BVPI 204:

Planning

Inspectorate Ref:

Yes

6004829

East Devon District Council List of Appeals in Progress

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: 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: 24/0096/MFUL
Appeal Ref: APP/U1105/W/25/3369854
Appellant: Clearstone Energy
Address: Land south of Hazelhurst Raymonds Hill Axminster
Proposal; Proposed construction, operation and maintenance of a Battery Energy Storage System (BESS) with associated infrastructure and works including highway access, landscaping and biodiversity enhancements.
Start Date: 25 July 2025
Procedure:
Inquiry
Questionnaire Due Date: 1 August 2025
Statement Due Date: 29 August 2025
Inquiry Date: 10 March 2026

App.No: 25/0468/FUL
Appeal Ref: APP/U1105/W/25/3372790
Appellant: Christine And David Joyce
Address: Woodhouse Farm Stables Hawkchurch EX13 5UF
Proposal; Construction of new dwelling to replace mobile home granted under certificate of lawfulness ref. LP5/179/GCG/AL (02/Y0002)
Start Date: 17 September 2025
Procedure:
Written reps.
Questionnaire Due Date: 24 September 2025
Statement Due Date: 22 October 2025

App.No: 25/1228/PIP
Appeal Ref: 6001310
Appellant: Mr S Wright
Address: Cherrytrees 25 Village Way Aylesbeare Exeter EX5 2FD
Proposal; Permission in principle for the erection of 2no. self-build dwellings and associated works
Start Date: 28 October 2025
Procedure:
Written reps.
Questionnaire Due Date: 4 November 2025
Statement Due Date: 2 December 2025

App.No: 25/1187/CPL
Appeal Ref: APP/U1105/X/25/3375504
Appellant: David Hawes
Address: 6 Bakers Cottages Longmeadow Road Lymptone EX8 5LP
Proposal; Certificate of Proposed Lawful Use for an outbuilding to be used for storing garden equipment, tools and as a log store.
Start Date: 1 December 2025
Procedure:
Written reps.
Questionnaire Due Date: 8 December 2025
Statement Due Date: 12 January 2026

App.No: 25/1198/LBC
Appeal Ref: 6002257
Appellant: Mr And Mrs Walker
Address: 1 Ivy Cottages Talaton Exeter EX5 2SD
Proposal; Proposed open fronted porch on front north elevation.
Start Date: 6 January 2026
Procedure:
Written reps.
Questionnaire Due Date: 13 January 2026
Statement Due Date: 10 February 2026

App.No: 24/2650/MFUL
Appeal Ref: 6003095
Appellant: Sky UK Development Ltd
Address: Land At Newlands Farm Crewkerne Road Axminster EX13 5SF
Proposal; Construction and operation of up to an 80MW Battery Energy Storage System (BESS), comprising battery container units; inverter-transformer skid units, electrical substation buildings; substation compound; access roads; water storage tanks; fencing; CCTV; landscaping, and all ancillary grid infrastructure and associated works
Start Date: 21 January 2026
Procedure:
Inquiry
Questionnaire Due Date: 28 January 2026
Statement Due Date: 25 February 2026
Inquiry Date: 12 May 2026

App.No: 25/1477/FUL
Appeal Ref: 6004123
Appellant: Mr Stephen Luderman
Address: Land formerly Devonshire Inn Cottage Upottery Devon EX14 9NE
Proposal; Change of use of agricultural land and siting of mobile home for holiday accommodation purpose
Start Date: 27 January 2026
Procedure:
Written reps.
Questionnaire Due Date: 3 February 2026
Statement Due Date: 3 March 2026

App.No: 25/1349/PDQ
Appeal Ref: 6003914
Appellant: Mr P Moore
Address: Four Elms Farm Alfington Road Ottery St Mary EX11 1NY
Proposal; Prior approval (Class Q) for the change of use of an agricultural building to 2 no. dwelling (Class C3)
Start Date: 3 February 2026
Procedure:
Written reps.
Questionnaire Due Date: 10 February 2026
Statement Due Date: 10 March 2026

App.No: 25/1856/FUL
Appeal Ref: 6004696
Appellant: Dr Hugh McCormick
Address: 10 Marine Parade Budleigh Salterton Devon EX9 6NS
Proposal; Redevelopment of the site to provide 4no. maisonette dwellings, with associated parking and landscaping (revised scheme to planning application ref. 24/1832/FUL)
Start Date: 10 February 2026
Procedure:
Written reps.
Questionnaire Due Date: 17 February 2026
Statement Due Date: 17 March 2026

App.No: 25/1302/FUL
Appeal Ref: 6004880
Appellant: Sarah Birnie
Address: Northay Lodge Trinity Hill Road Axminster EX13 5SS
Proposal; Change of use of existing dwelling house (restricted to use for holiday accommodation purposes) to permit unrestricted residential occupation.
Start Date: 12 February 2026
Procedure:
Written reps.
Questionnaire Due Date: 19 February 2026
Statement Due Date: 19 March 2026

App.No: 25/2025/PIP
Appeal Ref: 6004981
Appellant: Mrs E Hunt
Address: Land Adjoining Hawthorn House Back Lane Newton Poppleford
Proposal; Permission in Principle application for up to 9no. dwellings
Start Date: 17 February 2026
Procedure:
Written reps.
Questionnaire Due Date: 24 February 2026
Statement Due Date: 24 March 2026

App.No: 25/0800/FUL
Appeal Ref: 6005430
Appellant: Mr Thomas Rogers
Address: 6 Jesu Street Ottery St Mary EX11 1EU
Proposal; Redevelopment from commercial to residential of shop front, 1 two-bed cottage, 1 two-bedroom flat and a three-bed duplex apartment.
Start Date: 24 February 2026
Procedure:
Written reps.
Questionnaire Due Date: 3 March 2026
Statement Due Date: 31 March 2026

App.No: 25/2309/FUL
Appeal Ref: 6005489
Appellant: David Mulvihill
Address: Meadow Cottage Frogmore Road East Budleigh Devon EX9 7BB
Proposal; Demolish existing dwelling. Construction of 1no. new dwelling with detached garage and other associated works
Start Date: 2 March 2026
Procedure:
Written reps.
Questionnaire Due Date: 9 March 2026
Statement Due Date: 8 April 2026

App.No: 25/2209/FUL
Appeal Ref: 6006098
Appellant: Mr Andrew and Paul Lightfoot
Address: Land adjoining White Farm Lane West Hill Ottery St Mary
Proposal; Construction of 1no. dwelling
Start Date: 10 March 2026
Procedure:
Written reps.
Questionnaire Due Date: 17 March 2026
Statement Due Date: 16 April 2026

App.No: 25/2102/LBC
Appeal Ref: 6006240
Appellant: Mr Graham Tucker
Address: The Old House Sheldon Honiton EX14 4QR
Proposal; Install 8no. panels and 5no. panels on south east elevation
Start Date: 16 March 2026
Procedure:
Written reps.
Questionnaire Due Date: 23 March 2026
Statement Due Date: 22 April 2026

App.No: 24/1761/MFUL
Appeal Ref: 6005405
Appellant: Mr N Taylor
Address: Land At Higher Metcombe Higher Metcombe EX11 1SL
Proposal; Proposed erection of 3no detached dwellings, stable block and paddock with associated hard and soft landscaping/access
Start Date: 17 March 2026
Procedure:
Written reps.
Questionnaire Due Date: 24 March 2026
Statement Due Date: 23 April 2026

App.No: 23/2627/MFUL
Appeal Ref: 6005764
Appellant: Goosemoor Ltd
Address: Land north east of Parkfield Cottages Pink House Corner Lympstone
Proposal; Construction of proposed 'Educatering' facility (use class E(g) and B8) including parking, access, area for growing crops and landscaping
Start Date: 17 March 2026
Procedure:
Hearing
Questionnaire Due Date: 24 March 2026
Statement Due Date: 27 April 2026
Hearing Date: 23 June 2026

App.No: 25/0711/FUL
Appeal Ref: 6003339
Appellant: Mr Henry Gent (Mosshayne Farm Partnership)
Address: Mosshayne Farm West Clyst Devon EX1 3TR
Proposal; Siting of temporary rural workers dwelling (retrospective)
Start Date: 18 March 2026
Procedure:
Hearing
Questionnaire Due Date: 25 March 2026
Statement Due Date: 24 April 2026
Hearing Date: 9 June 2026

App.No: 25/1433/CPE
Appeal Ref: APP/U1105/X/26/3378245
Appellant: Daren Richards
Address: Valley View Paddock Church Hill Pinhoe Exeter Devon
Proposal; Lawful development certificate for the continued use of a converted stable as a dwelling
Start Date: 31 March 2026
Procedure:
Written reps.
Questionnaire Due Date: 14 April 2026
Statement Due Date: 12 May 2026

App.No: 25/2568/ADV
Appeal Ref: 6007241
Appellant: Mr Ashwin Eapen
Address: Country House Estate Whimble Devon EX5 2NL
Proposal; Three non-illuminated free standing totem signs located in the vicinity of InstaVolt's EV charging site (retrospective)
Start Date: 1 April 2026
Procedure:
Written reps.
Questionnaire Due Date: 10 April 2026

App.No: 25/1015/FUL
Appeal Ref: 6007522
Appellant: Mr and Mrs Freemantle
Address: 2 Hunt Cottages Sidmouth Road Clyst St Mary Exeter EX5 1DN
Proposal; New detached dwelling
Start Date: 2 April 2026
Procedure:
Written reps.
Questionnaire Due Date: 13 April 2026
Statement Due Date: 12 May 2026

App.No: 25/0830/AGR
Appeal Ref: 6006539
Appellant: M G Bull
Address: Land north of Sand Farm Sidbury Hill Sidbury
Proposal; A portal framed agricultural building.
Start Date: 7 April 2026

Procedure:
Written reps.

Questionnaire Due Date: 14 April 2026
Statement Due Date: 13 May 2026

App.No: 25/0786/CPE
Appeal Ref: 6006470
Appellant: Mr M Babakarkhil
Address: A303 Services Yarcombe EX14 9ND
Proposal; Certificate of lawful existing use or development. Signage and associated infrastructure in, on or under the ground/land located at A303 Services EX14 9ND

Start Date: 17 April 2026
Procedure:
Written reps.

Questionnaire Due Date: 1 May 2026
Statement Due Date: 2 June 2026

App.No: 25/1601/OUT
Appeal Ref: 6007931
Appellant: Mr Anthony
Address: Car Park Land South of Underhill Close Lympstone
Proposal; Outline application for the erection of three detached dwellings (All matters reserved)

Start Date: 28 April 2026
Procedure:
Written reps.

Questionnaire Due Date: 6 May 2026
Statement Due Date: 4 June 2026

App.No: 24/0985/FUL
Appeal Ref: 6008158
Appellant: Mr & Mrs Pratt
Address: Bowling Green Plymtree Devon EX15 2LF
Proposal; Construction of new dwelling.
Start Date: 28 April 2026
Procedure:
Written reps.

Questionnaire Due Date: 6 May 2026
Statement Due Date: 4 June 2026

App.No: 25/1342/MFUL
Appeal Ref: 6007622
Appellant: Mr Samuel Finlay (LNT Construction)
Address: 1 Jennings Gardens Tithebarn Exeter Devon EX1 4BL
Proposal; Full planning permission for the construction of a 66no. bed care home for older people with parking, access, landscaping and associated ground works
Start Date: 29 April 2026
Procedure:
Hearing

Questionnaire Due Date: 7 May 2026
Statement Due Date: 5 June 2026
Hearing Date: 29 July 2026

App.No: 25/1799/FUL
Appeal Ref: 6008725
Appellant: Mr Aaren Carpenter
Address: 15 Bhutan Close Honiton Devon EX14 2UP
Proposal; Proposed rear balcony with 1.8m privacy screen
Start Date: 29 April 2026
Procedure:
Householder

Questionnaire Due Date: 7 May 2026

App.No: 25/2244/FUL
Appeal Ref: 6008283
Appellant: Mr Mark Whitcombe
Address: 149 High Street Honiton Devon EX14 1LJ
Proposal; Change of use from its current use as retail to the ground and first floor, with residential above, to 1 no full residential dwelling
Start Date: 6 May 2026
Procedure:
Written reps.
Questionnaire Due Date: 13 May 2026
Statement Due Date: 11 June 2026

App.No: 25/1448/TEC
Appeal Ref: 6008369
Appellant: Mr Jason Drane
Address: Blackmore Health Centre Blackmore Drive Sidmouth EX10 8ET
Proposal; Technical details consent for PIP application 24/0125/PIP approved on 21/03/24 for 'Permission in principle for change of use of the former Sidmouth Health Centre to provide up to 9 no. residential units (Use Class C3) and other associated works
Start Date: 12 May 2026
Procedure:
Written reps.
Questionnaire Due Date: 19 May 2026
Statement Due Date: 17 June 2026

App.No: 25/1296/TRE
Appeal Ref: APP/TPO/U1105/10824
Appellant: Mrs Catherine Kent
Address: 1 Drakes Cottages Castle Lane Woodbury Exeter EX5 1NA
Proposal; Silver Birch: fell.
Start Date: 20 May 2026
Procedure:
Written reps.
Questionnaire Due Date: 3 June 2026

App.No: 25/0999/FUL
Appeal Ref: 6010068
Appellant: Joy Gardiner
Address: Coly House Swan Hill Road Colyford EX24 6HE
Proposal; Demolition of existing steel frame building, shed, driveway, driveway facing timber fence and highway facing timber face; Removal of Trees T8, A1, H1 and partial removal of A2; Relocation of the highway access and installation of new no-dig driveway; improvements to the highway boundary with erection of estate railings and extensive planting improvements; erection of detached dwelling.

Start Date: 26 May 2026
Procedure: Written reps.

Questionnaire Due Date: 2 June 2026
Statement Due Date: 30 June 2026

App.No: 25/1000/LBC
Appeal Ref: 6010071
Appellant: Mrs Joy Gardiner
Address: Coly House Swan Hill Road Colyford EX24 6HE
Proposal; Alterations to highway boundary wall to facilitate relocation of vehicular access

Start Date: 26 May 2026
Procedure: Written reps.

Questionnaire Due Date: 2 June 2026
Statement Due Date: 30 June 2026

App.No: 25/1721/FUL
Appeal Ref: 6009619
Appellant: Mark Scorer
Address: Cosy Cow Shed Dalwood Devon EX13 7EB
Proposal; Change of use of existing dwellinghouse (restricted to use for holiday accommodation purposes) to permit unrestricted residential occupation

Start Date: 2 June 2026
Procedure: Written reps.

Questionnaire Due Date: 9 June 2026
Statement Due Date: 7 July 2026

App.No: 26/0091/FUL
Appeal Ref: 6010705
Appellant: Mr Steven Williams
Address: Stamps Building King Street Honiton EX14 1AF
Proposal; Conversion of former funeral directors to 3no dwellings (flats) with associated works
Start Date: 8 June 2026
Procedure:
Written reps.
Questionnaire Due Date: 15 June 2026
Statement Due Date: 13 July 2026

App.No: 26/0156/LBC
Appeal Ref: 6010879
Appellant: Mr Oliver Paget
Address: 2 Riverside Cottages Gittisham Honiton EX14 3AE
Proposal; Single storey rear extension with rooflight interlinking with existing small rear extension and existing wraparound side/rear extension; replace corrugated sheeting on existing small rear projection to match existing; block up window on original rear wall; block up external door into utility; reconfigure shower and create new door opening from bedroom into shower
Start Date: 10 June 2026
Procedure:
Written reps.
Questionnaire Due Date: 17 June 2026
Statement Due Date: 15 July 2026

App.No: 25/2097/OUT
Appeal Ref: 6010892
Appellant: Mr Cyril Emmett
Address: Land South of Lees Farm Talaton
Proposal; Outline application (with all matters reserved except for access) for the construction of up to 4 dwellings and creation of new access
Start Date: 17 June 2026
Procedure:
Written reps.
Questionnaire Due Date: 24 June 2026
Statement Due Date: 22 July 2026

App.No: 26/0190/FUL
Appeal Ref: 6011265
Appellant: Mr Julian Hofmann
Address: 98 Woolbrook Road Sidmouth EX10 9XD
Proposal; Retrospective planning permission for 30m of timber
boundary raised fencing to the north and south elevation.
Start Date: 17 June 2026
Procedure:
Householder
Questionnaire Due Date: 24 June 2026

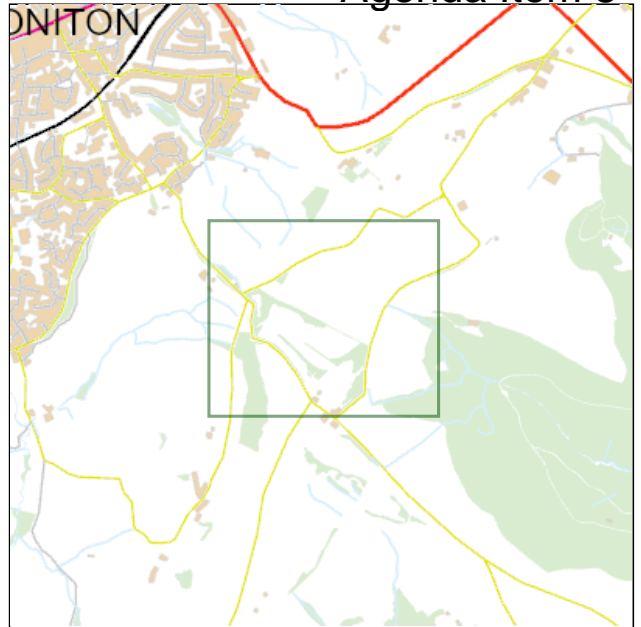
Ward Honiton St Pauls

Reference 24/0841/MFUL

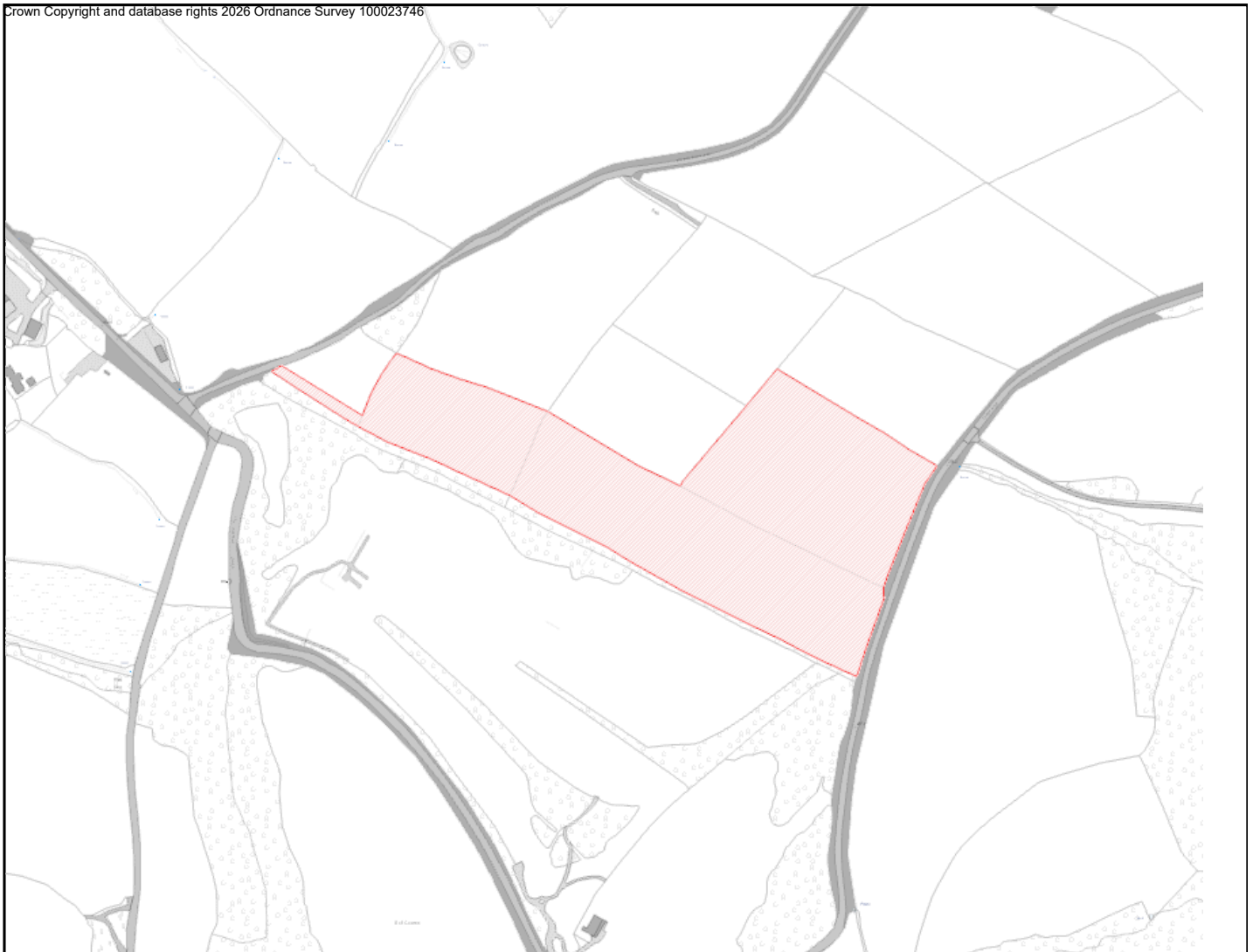
Applicant Honiton Town Community Football & Sports Association

Location Land West Of Tower Road And East Of Cuckoo Down Lane Honiton

Proposal Detailed planning application for the change of use of land to football pitches, erection of clubhouse, new access and parking, landscaping, engineering and ancillary works.



RECOMMENDATION: Refusal



| | | |
|-----------------------------------|--|-----------------------------------|
| | | Committee Date: 07.07.2026 |
| Honiton St Pauls (Honiton) | 24/0841/MFUL | Target Date: 25.07.2024 |
| Applicant: | Honiton Town Community Football & Sports Association | |
| Location: | Land West Of Tower Road And East Of Cuckoo Down Lane | |
| Proposal: | Detailed planning application for the change of use of land to football pitches, erection of clubhouse, new access and parking, landscaping, engineering and ancillary works. | |

RECOMMENDATION: REFUSE

EXECUTIVE SUMMARY

The application is referred to Planning Committee as the application is considered to be a departure from the development plan and where the recommendation differs to that of the town council and one of the ward members.

Permission is sought for the change of use of agricultural land to football pitches together with associated engineering works to provide level and suitably surfaced and drained pitches. In addition, the proposal would include drainage works and landscaping as well as the construction of a clubhouse and car park. Vehicular access would be from Tower Road, to the southeast of the site, with a separate pedestrian access proposed from Cuckoo Down Lane to the northwest.

The site is located to on higher land to the southeast of Honiton and some 640 metres outside of the built-up area boundary, as currently defined. It lies in open countryside on the edge of an inland plateau within the designated East Devon National Landscape (NL) and close to the boundary with the Blackdown Hills NL.

The proposal has been brought forward by the applicants to seek to address the club's needs for additional pitch provision and improved facilities. The Club (Honiton Town Youth Football Club) provide coaching, competitive football and associated activities for ages 5 -18 and are currently based at St. Rita's Fields close to the west of the town centre. The club consider the continued use of this site to be untenable in the longer term as; it lacks space for adequate pitch provision; has no toilets/changing rooms or other basic facilities (and no potential for the provision of these); has poor access for emergency vehicles and a lack of parking provision. The lease on the use of the site has also expired.

Policies in the adopted Local Plan that address sport and recreation facilities (RC2 and RC4) require provision to be made within/adjoining built-up area boundaries and, amongst other criteria, to be accessible by sustainable modes of transport. Policy OS03 of the emerging Local Plan has similar requirements. The proposal would not meet these criteria and therefore fails to find the explicit policy support required by Stgy. 7 of the current Local Plan or SP06 of the emerging plan, for development in the countryside.

However, evidence in the form of the East Devon Playing Pitch Strategy, 2015 (PPS) identified a significant need for additional youth pitch provision and the Honiton Sports Pitch Strategy, 2017 (SPS) considered how such need might be met. At the time a site at Tower Hill (which included the current application site) was dismissed on sustainability and costs to develop grounds, and expansion at St Rita's was identified as the preferred option. There has been no subsequent pitch development at the existing site since that time, and the identified need remains unmet. A new Playing Pitch Strategy has been carried out and initial findings indicate that the demand for youth pitches remains and will increase moving forwards. It is also noted that there is considerable additional housing development proposed for Honiton in the emerging LP with no specific provision for new sports pitch provision.

The applicant has explored alternative locations, including others identified in the Honiton SPS to meet their needs but consider there are no other suitable or available sites, officer view concurs with the conclusion and that if provision is not made at this site it is likely to remain unmet.

Whilst the proposal would provide a strong benefit in looking to meet an unmet and growing demand for youth pitch provision, with associated well-being and community benefits and has received a strong level of community support, it would also have impacts that need to be weighed against these.

Firstly, the site is not considered to be sustainably located, and most journeys are likely to be undertaken by car. Secondly, there would be some landscape and visual impact on the National Landscape and change to its character as a result of the built form of the car park and clubhouse, the removal of existing landscape features (hedgerow), the land raising and engineered form of the pitches and the use of the site. Although such harm would be localised and control over lighting and requirements for landscaping would help to mitigate this over time, some harm would still arise. Similarly, the initial construction works to form the pitches would result in the loss of a significant extent of native hedgerow which would need to be compensated for with replacement habitat. Further harmful impacts could arise from any requirement to provide mitigation measures to address any safety risk associated with the site's position adjacent to a golf course.

In other regards, there is a lack of information in relation to the means of surface and foul drainage and the safety risk arising from the relationship with the golf course. With regards to drainage details, the applicant has indicated that they are not in a position to fund this at this stage and requested further information to be conditioned in the event of an approval. Devon County Council as the Lead Local

Flood Authority and the Environment Agency have confirmed that outstanding information could be secured by means of Grampian style conditions. However, in relation to safety risk it is not considered that additional information or mitigation measures could be reasonably conditioned.

Para. 200 of the NPPF seeks to ensure that new development can be effectively integrated with existing businesses or community facilities, without such existing uses having unreasonable restrictions placed on them. Where the operation of such existing uses could have a significant adverse effect on the proposed development it requires the applicant, as the agent of change, to provide suitable mitigation. In this case, the close relationship with the golf course could give rise to a significant adverse effect from wayward golf balls entering the site were these to hit someone. To assess the degree of risk and determine any mitigation requirements the applicant has been requested to provide a ball-strike assessment but has declined to do, considering the agent of change principle not to apply in this case and for the responsibility for the provision of any risk assessment and mitigation measures to lie with the golf course. This view is not shared by officers and without an assessment of risk it is not possible to determine whether a safe relationship can be achieved and what mitigation measures may be required to do so. Furthermore, it is not clear that where mitigation measures are required that they could be satisfactorily accommodated on the site, given how tight the pitches are to the boundary and the presence of a mature treeline along the shared boundary. This being the case it would not be appropriate to seek to condition an assessment and any mitigation measures this may identify.

The proposal would not result in the loss of Best and Most Versatile (BMV) agricultural land and in all other regards including highway safety, arboricultural and amenity impacts is considered to be acceptable, or can be made so by condition.

The provision of additional youth football pitches to serve the town against a longstanding and ongoing need, as well as providing associated facilities not currently available, is a recognised benefit. On the other hand, the location is not considered to be sustainably located, and the proposal would result in a change to the character of the site and some localised landscape harm and ecological impact. Were it not for the safety risk issue, and the unknown associated impacts of any mitigation requirements, a very balanced recommendation of approval could be supported, however without information to understand the level of safety risk and the implications of this in terms of mitigation measures it is not possible to draw such a conclusion and the application is therefore recommended for refusal for the reasons set out at the end of the report.

CONSULTATIONS

Local Consultations

Honiton Town Council
Support

Should planning consent be granted would wish to see a planning condition attached requiring the applicant to carry out the development in accordance with the recommendations and mitigation measures in the Ecological appraisal provided.

Members would then wish to be provided with the evidence submitted by the applicant to show compliance with the recommendations of the Ecological appraisal.

Offwell Parish Council (Adjoining Parish Council)

Offwell Parish Council object to the application, their grounds of objection are summarised as follows:

- Lack of consultation of parish council or nearby residents on proposals by applicant
- Proposal contrary to conclusions of Honiton Playing Pitch Strategy
- Lack of information on proposed water supply and potential impact of use of existing aquifer on other users that rely on this
- The Transport Statement contains inaccuracies in relation to the nature of approach roads; parking requirements and pedestrian accessibility
- Wildlife surveys don't include consideration of netting to protect from golf balls or from noise associated with use
- Opening hours of clubhouse excessive
- Drainage proposals suitability and ground conditions
- Wildlife Impact and BNG requirements
- Lack of archaeological information
- Inconsistencies with submitted statements
- Weather conditions at the site make it less than ideal for intended use
- No details on site security
- Concerns over future proposals for pitch lighting
- Unsustainable location
- Impact on undeveloped and tranquil part of the AONB
- EDDC should work with the applicants to find a more suitable site

The parish council has also provided a detailed critique of the submitted Transport Statement with points raised summarised as:

- Development contrary to a number of paragraphs in the NPPF relating to transport/accessibility
- Significant hedge removal will be required to provide access visibility
- Narrowness of and lack of passing provision on approach roads
- Traffic associated with the site could lead to tailback on the A35 and resulting increased highway safety danger
- Inadequate/unsuitable access by alternative modes of transport
- Lack of public transport provision

- Inadequate parking provision

Honiton St Pauls - Cllr Tony McCullom

As a ward member for St Pauls Ward Honiton, I am in full support of this application for Honiton Youth Football.

Honiton is in need of more youth sport services, this when approved will fulfill one of the needs for increased sports facilities in the town.

If my opinion differs from that of the planning officers then I would like this to go before committee where it can be debated in a frank and open manner.

Honiton St Michaels (Adjoining Ward) - Cllr Jenny Brown

Good morning

I am in favour of this application for the youth football pitches and ancillary buildings.

If the officers opinion is different to mine then I would like it to go to committee where I will keep an open mind until I have heard all the information both for and against.

Honiton St Michaels (Adjoining Ward) - Cllr Violet Bonetta

I support this application. It is important to keep Youth Football in Honiton for the various physical and mental health benefits this provides to our community.

I have interacted with the organisation involved and know how much they are struggling at the moment in their not fit-for-purpose site, and this proposal will provide the much needed space and facilities for this to continue well into the future.

Honiton St Michaels (Adjoining Ward) - Cllr Roy Collins

Roy Collins supports objectors for this application.

Application to be rejected.

Technical Consultations

County Highway Authority

Though there are currently two accesses for the current site as an agricultural field, it is agreed that the most suitable, is a single two-way suitable access point to the west of the two existing access points, due to this point having sufficient visibility both ways of Tower Cross Road, with the visibility splay shown Figure 3 (north-east view) and Figure 4 (south-west view) of the Transport Assessment being acceptable.

Tower Road being the preferred routing option for vehicles has a number of passing places, though typical two-way traffic frequently passes simultaneous.

A second footway access leads to the Cuckoo down Lane/Lower Marlpits Hill cross-road, with this short stretch of lane facilitating a shared space road to Honiton itself.

The proposed development will mostly be utilised outside of daily peak travelling hours, therefore I do not believe trip generation intensification will be a problem.

The site layout allows for 52 suitable parking spaces and 4 suitable disabled spaces, should the application be approved, I recommend secure cycle storage to encourage sustainable travel and a Construction and Environment Management Plan, (CEMP), to help mitigate the effects of construction.

No objection raised but conditions may be required.

Devon County Archaeologist

No objection but the site is considered to have archaeological potential which could be exposed or destroyed by the works, therefore conditions to secure a Written Scheme of Investigation and Post-investigation Assessment are required.

DCC Flood Risk SuDS Consultation

Concerns raised with the lack of a detailed drainage strategy and the methodology used for that provided. However have advised that in the event that other matters are resolved and the LPA are keen for the development to be approved have suggested conditions that could be imposed to secure the necessary detail.

Have also advised that the applicant would need to secure the in-principle agreement of DCC as the County Highway Authority to allow discharge of surface water from the site to the roadside ditches.

Environmental Health

No objection subject to conditions to control hours of construction and to prevent burning on site and request for the development to proceed in accordance with the Council's Construction Sites Code of Practice.

EDDC Trees

No objections subject to condition to protect trees/hedges show for retention being protected during construction and replacement of any same where damage occurs

EDDC Ecologist

While there have been some concerns with ecological submission for this application, e.g., bat survey effort, and the development would result in the loss of historic hedgerows in a protected landscape with limited buffer zones, it is recognised that the applicant has positively engaged with the ecological assessment process, and the development would provide a much-needed community asset.

Should the application be minded for approval some key ecological requirements need to be embedded and secured including:

- No external floodlighting.
- Limited external lighting around the club house and a detailed lighting plan to

- demonstrate no lighting impact on nocturnal wildlife.
- Adequate compensatory habitat for hazel dormouse and European protected species licence.
 - Appropriately detailed landscape and methodology design with mixture of trees, scrub, and translocated hedgerows maintaining and providing landscape connectivity.
 - Appropriately detailed and secured ecological enhancement measures, such as bird/bat/insect bricks and reptile hibernacula.
 - Suitable Biodiversity Net Gain (BNG) requirements including legally secured establishment and maintenance of BNG proposals.

A number of conditions are suggested to secure the above and a s.106 agreement would also be required to secure the details of the BNG provision and measures for its ongoing maintenance.

EDDC Landscape Architect

A number of issues identified with the proposed layout including: the site access arrangements; need for more structural planting and general planting to the Tower Road frontage and materials for use in construction of clubhouse. Lack of information on service provision and ability for off-grid solution here to work. Further information/amendments required to demonstrate how duty to further the special qualities of protected landscapes as required by Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 (LURA) would be met. In the event that satisfactory amendments are provided a number of conditions are recommended.

EDDC Senior Leisure Officer

Supports. The new provision would provide a high-quality fit for purpose facility for young footballers within Honiton and surrounding area and address some of the current challenges that users face with existing provision.

Also advises that A new Playing Pitch Strategy is in preparation and will be consulted on in early 2026 and the initial findings from which indicate that there remains latent demand for youth grass pitch provision at Honiton and in the wider East sub-district area and this is increased due to the uncertainty over the future availability of St Rita's Centre pitches for community football teams.

Environment Agency

No in-principle objection in terms of using a non-mains foul drainage system, but consider that there is a lack of detail on the management of non-mains drainage and whether the drainage features would be fit for purpose, these details should usually be provided prior to determination but accept a Grampian condition could be used.

An environmental permit would be required and an abstraction licence would also be required if water demand is over 20m³ per day.

Applicant encouraged to provide a clear and detailed statement on the management of the foul drainage from the site and appropriate mitigation measures and to provide details on the proposed borehole.

Health and Safety Executive

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of East Devon District.

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Advised to consult National Gas to consider any easements/wayleaves and operational impacts.

National Gas Transmission

No Objection. An internal risk assessment has been carried out to demonstrate the risk to population. The results of this risk assessment falls within acceptable criteria and NGT will not object to this planning permission.

Please note that any further introduction of population to this area may lead to unacceptable risk and as such NGT may object to further planning applications in the future.

National Highways

No objection.

Sports England

By providing new pitches that could help address established playing pitch deficiencies (East Devon Playing Pitch Strategy) Sport England supports this application. The need for the facility is demonstrated in the application and policy allows for the development of ancillary facilities for sport where there is a clear demand and where they do not compromise the reason for the AONB designation. The site adjoins another sporting use, a Golf Course.

Other Representations

200 no. representations have been received of which 185 are in support and 15 raise objections to the proposed scheme, these comments are summarised as follows:

Reasons for support

- The proposals would benefit both the mental and physical health and well-being of the town's youth.
- The proposals would provide state of the art facilities and foster community engagement, benefitting both players and the community at large
- The club's existing football facilities are embarrassing compared with provision in other similar sized towns
- The Local Plan clearly states that the Council recognizes that these kind of recreation and sports facilities are an important community resource that the Local Plan seeks to safeguard, and that an emphasis in provision will be sought in locations where a clear deficiency in facilities currently exists.
- The club provides an important role in allowing children to socialise in a team context
- The proposals would provide a local facility negating the need for players to travel to other towns for better facilities
- Proposals would aid player retention at the club feeding into the senior team as they progress or other local senior teams
- Honiton lacks appropriate sports/football facilities for its size compared with other towns and amount of housing development
- The existing facilities are inadequate and lack basic provision such as toilets, changing space and running water
- There is a lack of parking at the existing site and has poor access for emergency vehicles
- The new site is well located close to the town with the option to walk, cycle to it
- The lack of pitch provision and facilities means that girls teams cannot currently be run
- The proposal gives the opportunities to provide for modern changing and clubhouse facilities and the ability to sell refreshments to help finance the club
- Decent sports provision for children/youth in the town is long overdue
- Were this application to be refused there is a strong possibility that there would be increased pressure on the NHS and criminal justice systems.
- Refusing the application and the closure of the youth club would result in an increase in traffic with children travelling to other towns to play/train.

Reasons for objection/concerns

- The proposal would have a harmful environmental impact, disrupting local wildlife, harming local wildlife and resulting in the loss of green space/harm to the AONB.
- The site is poorly located at the top of a steep hill meaning all users will need to travel by car and where car sharing can not be guaranteed.
- The proposal does not consider impacts and additional strain on existing infrastructure including water, sewage and electricity provision
- The proposed pedestrian access route is steep, unlit and without pavements and where traffic speeds are too high for the road conditions, making it unsafe
- The proposal has not fully considered the space requirements to protect the users of the facilities from stray golf balls on the adjoining site. It is suggested that moving the facility further to the north (next field over) would address this concerns.

- There parking requirements appear to be underestimated and under provided for
- Noise from players and participants would have a harmful impact on the tranquillity of the area and local wildlife
- The roads passed the site are unsafe due to nature and speed of vehicles the proposal will exacerbate this.
- The Transport Statement provided contains inaccuracies in relation to road widths of approach roads.
- Negative impact on AONB
- Noise and light pollution will negatively impact local residents, wildlife and birds.
- Impact of necessary golf ball netting has not been fully considered
- Concerns over whether sufficient funding is in place to complete the project and that public funds may be needed to underwrite the proposal
- The proposed location is elevated and exposed to the elements bringing into question its suitability for youth sport
- There are a number of alternative sites that don't appear to have been fully considered including: Offwell football club, which is nearby is underused and could be used as an alternative facility; Honiton Show Ground and the Old Honiton Show Ground
- Lack of archaeological investigation
- The proposed opening hours for the clubhouse are questionable as these extend beyond the times of day/year when football would be taking place on site
- The site is poorly draining and as such proposed soakaways are unlikely to be effective
- There are question marks over the funding of the proposal
- The proposal will draw public funding away from other more viable sports projects in the town.
- **Devon Wildlife Trust (DWT)** have provided a detailed objection to the proposal on the grounds of: Not clear that the surveys undertaken have been carried out by suitably qualified persons; inadequacy of survey work undertaken and information submitted.

PLANNING HISTORY

| Reference | Description | Decision | Date |
|------------------|---|-----------------|-------------|
| 23/0735/MFUL | The construction of a youth football facility, including clubhouse, parking, storage and football pitches to suit all age groups. | Withdrawn | 07.05.24 |

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5 (Environment)

Strategy 7 (Development in the Countryside)

Strategy 5B (Sustainable Transport)

Strategy 23 (Development at Honiton)

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)

D6 (Locations without Access to Natural Gas)

EN5 (Wildlife Habitats and Features)

EN6 (Nationally and Locally Important Archaeological Sites)

EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)

EN13 (Development on High Quality Agricultural Land)

EN22 (Surface Run-Off Implications of New Development)

RC4 (Recreation Facilities in the Countryside and on the Coast)

RC6 (Local Community Facilities)

RC7 (Shared Community Facilities)

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)

Honiton Sports Pitch Strategy – Adopted February 2017

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP01 (Spatial strategy) Draft

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 DS01 (Design and local distinctiveness) Draft

Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport) 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 OL10 (Development on high quality agricultural land) Draft

Strategic Policy PB01 (Protection of internationally and nationally important wildlife sites) Draft

Policy PB03 (Protection of irreplaceable habitats and important features) 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

Strategic Policy OS01 (Access to open space and recreation facilities) Draft

Policy OS03 (Location of facilities for sport and recreation and open) Draft

Policy OS05 (Leisure and recreation developments in the countryside) Draft

Policy CF01 (New or extended community facilities) Draft

Government Planning Documents

NPPF (National Planning Policy Framework 2024)

National Planning Practice Guidance

Site Location and Description

The application site relates to 2 no. adjoining agricultural fields and part of a third extending to approximately 4.3 hectares. The fields are in arable use and are separated and largely surrounded by native hedgerows with a belt of mature trees along the southwestern boundary with the adjoining golf course.

The land on site slopes up gently from the road at the southeastern boundary to a high point in the centre of the site before falling again toward the northwestern boundary. The surrounding landscape is relatively level, forming part of an inland plateau, but slopes steeply away beyond the northwestern boundary of the site. There are currently two accesses from Tower road, a field access serving each field.

The surrounding landscape is open countryside largely characterised by medium sized fields separated by hedgerows and with some hedgerow trees, it is sparsely populated. The Honiton Golf Course to the south of the site represent an existing recreational use but is largely screened by surrounding tree belts.

The site occupies an elevated position approximately 1 mile to the southeast of Honiton town centre. It lies within the East Devon National Landscape (formerly AONB) and within 100 metres of the Blackdown Hills National Landscape the boundary of which is Cuckoo Down Lane just to the north of the site.

Proposed development

The application seeks to construct a new Youth Football Facility at the site comprising of:

- Playing pitches (pitches are proposed to cover youth age groups and an indicative layout shows 7 no. pitches of varying sizes)
- A clubhouse building – consisting of 2 no. changing rooms, separate official and accessible changing provision, clubhouse and kitchen, toilets, plant room and secure storage
- Parking – 48 no. standard and 4 no. accessible parking spaces
- Associated landscaping and drainage works, to include: site levelling works and drainage including 2 no. attenuation swales, and; additional native tree planting

- Access improvements – Upgrading of existing field access to provide vehicular access to proposed parking area in southeast corner of the site and provision of pedestrian footpath link from southwest corner of site to Cuckoo Down Lane.

ANALYSIS

The main issues in the determination of the application area as follows:

- Principle and policy compliance
- Identified need and ability to meet this
- Impact on the character and appearance of the area/National Landscape Impact
- Relationship with adjoining land uses
- Highways and Access Issues
- Drainage Issues
- Ecological Impact
- Arboricultural Impact
- Amenity Impact
- Heritage Impact
- Economic benefits
- Health and Well-being/Community Benefits
- Other Issues

Principle and policy compliance

National Planning Policy Framework (NPPF)

Chapter 8 of the NPPF covers the promotion of healthy and safe communities. Paras. 96 a) requires, amongst other things, that planning policies and decisions should promote social interaction and support healthy lifestyles including through the provision of sports facilities and para. 98a) requires positive planning for the provision of community facilities, including sports venues.

Para. 103 requires planning policies for open space, sport and recreation facilities to be based on robust and up-to-date assessments of need which plans should then seek to accommodate.

Para. 189 covers how development in AONBs (now National Landscapes) should be assessed. In relation to development which is considered 'major' para. 190 states this should be refused other than in exceptional circumstances.

East Devon Local Plan 2013 – 2031

The development plan for the area comprises the East Devon Local Plan 2013-2031 (EDLP). Whilst Honiton has been designated as a Neighbourhood Area no draft plan has been produced to date.

Strategies 3 and 4 of the EDLP look to secure sustainable development and balanced communities which includes promoting and securing community facilities.

Strategy 23 deals specifically with development at Honiton and seeks to support local aspirations for new social and community facilities.

The application site though is located in open countryside outside of the settlement boundary of Honiton and therefore falls to be considered as development in the open countryside under Strategy 7 of the East Devon Local Plan (EDLP).

Strategy 7 is quite specific by stating,

‘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 goes on to say

‘and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located’.

Recreation and Community Policies are set out in Chapter 25 of the Local Plan. They include Policies RC2, RC4 and RC6 which relate to proposals for ‘New Open Space, Sports Facilities and Parks’, ‘Recreation Facilities in the Countryside and on the Coast’ and ‘Local Community Facilities’ respectively and offer support for such subject to meeting the specific criteria of those policies.

Of the aforementioned policies RC2 is considered to be most relevant to the application scheme as this directly relates to ‘sports facilities’, however all of the policies are considered below.

In the case of policies RC2 and RC6 sites are required to be within or adjoining built-up areas/boundaries to find support. In this regard, what is considered to constitute a site adjoining an urban or built-up area is not defined. However the application site is located over 600 meters from the nearest part of the built-up area boundary of Honiton and at a significantly higher elevation (over 80 metres), as such the site is physically and visually set apart from the town.

Policy RC2 also requires the following criteria to be 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.

Policy RC6 contains similar criteria to be met but also for a need to be demonstrated and for the proposal to be well related to the built form of the settlement.

These criteria are considered in detail under the sub-headings below.

With regards to policy RC4 this states that proposals for 'outdoor recreation facilities' in the countryside will be permitted where such a location is required and subject to listed criteria relating to the scale and character of the development in relation to its setting, that it does not conflict with countryside, nature or landscape policies, nor detract from the amenities of the area; that safe parking and access can be provided and that suitable links are provided to adjacent footpaths and bridleways. Where indoor facilities are proposed and require new buildings, these should be in close proximity to existing groups of buildings or an existing settlement.

Policy RC4 does not further define what is considered to constitute 'outdoor recreation facilities and the only recreational use referenced in the preamble to the policy is horse riding. The applicant has made a case that policy RC4 is relevant but has not met the requirements of policy RC2 which relates specifically to provision of sports facilities. It is though acknowledged that the Honiton SPS (Sports Pitch Strategy) does specifically address policies RC2 and RC4 stating:

"Policy RC2 allows for the provision of new or enhancing of existing recreation facilities including playing pitches where certain criteria are met. Compliance with this policy will be key for delivery of new sports pitch sites at Honiton." (para. I.17)

And at para. I.18,

"Policy RC4 allows for the provision of new recreation facilities in the countryside and on the coast where certain criteria are met. This policy may apply where sites are more remote from the main urban area of Honiton."

Although policy RC4 of the Local Plan may be relevant to the determination of the application, it needs to be determined first whether 'the space requirements of the proposal require a countryside location.' It also needs to be considered whether the proposal meets the accessibility requirements of other policies of the plan. As such compliance is not clear and requires further assessment the proposal has therefore been advertised as a departure from the development plan.

East Devon Local Plan 2020-2042 (Regulation 19 Consultation Draft)

The emerging East Devon Local plan covers the period 2020-2042 (DEDLP) and is currently at Reg. 19 consultation stage and therefore could be subject to further change and refinement as the plan advances, as such policies of the plan can only be given limited weight at this stage.

Strategic Policy SP06 reflects Strategy 7 of the EDLP in that it requires support of another specific Local or Neighbourhood plan policy in order to support development beyond settlement boundaries.

Strategic Policy SD03 details strategic land allocations for Honiton, most of these relate to housing or employment allocations. There are none that make specific recreation or sport provision, although 'Land west of Hayne Lane' includes 14.6 hectares for employment and community uses.

Open Space and Recreation policies are set out in Chapter 14 of the plan. Policy OS01 states support will be given for the provision of new and enhanced high quality open

spaces and to sports and recreation facilities. Key considerations in the policy include accessibility by all members of the community and provision of supporting infrastructure as well as assessment of qualitative and quantitative need.

Policy OS02 deals with how new housing development will be required to help deliver open space and sports provision and is not directly applicable to the current proposal.

Policy OS03 relates to the location of facilities for sport, recreation and open space. For new facilities the focus is within or adjoining built-up area boundaries and where such facilities are readily accessible to all, with particular emphasis on accessibility by pedestrians and cyclists. In addition, associated built development should be proportionate in scale and close by to existing built development. Para.14.8 in explaining the justification for the policy states that,

“While new facilities are generally expected to be close to built-up areas, less formal open spaces can be more flexibly located with minimal adverse impacts.”

Policy OS05, to an extent, reflects policy RC4 of the current plan in supporting outdoor recreation facilities in the countryside/coast where their nature requires such a location and where four tests are met. Like RC4 it does not define what is considered to constitute ‘outdoor recreation facilities’ but does state that,

“The clear policy expectation is that low impact uses only will be accommodated and such uses should be for countryside related activities.”

The policy tests to be met are: that any development is in scale and character with its surroundings and does not conflict with countryside, nature or landscape policies or detract from the amenity of the area; safe and convenient pedestrian and cycling access can be provided; on site facilities are provided to meet the needs of the proposal and link with nearby footpaths and bridleways, and; development should not result in net adverse natural environmental impacts.

As with the policies of the current Local Plan, the emerging plan policies similarly seek to focus new sports development at locations close to or within the existing built-up area boundaries and where they can be safely and conveniently accessed by all and particularly by sustainable modes of transport. The proposal is not considered to find clear support from the emerging plan policies due to its location in relation to the built-up area boundary of the town and accessibility issues.

Identified need and ability to meet this

Honiton Town Youth Football Club (HTYFC) provides coaching, competitive football and associated activities for ages 5 -18. The club is currently based at St. Rita’s Fields close to the base of the adult teams at Mountbatten Playing Fields to the west of the town centre. The club has operated from this site for over 20 years

The current base is considered, by the applicant, to be untenable in the longer term as, amongst other things: it lacks space for adequate pitch provision; is leased (current lease has expired); lacks toilets/changing rooms and other basic facilities; has poor access for emergency vehicles and a lack of parking provision.

It is further advised that alternative locations have been explored, including others identified in the Honiton SPS. The Club consider alternative sites to be extremely limited, with none available outside the AONB (National Landscape) designation. The proposed location is brought forward as the club consider this to be the best option to meet their identified needs.

East Devon Playing Pitch Strategy (2015)

This is an evidence-based document prepared to assess existing provision, identify need and guide development to address this. It includes specific assessments of Honiton's needs and includes an action plan for resolving key issues in the Honiton sub-area.

The Playing Pitch Strategy (PPS) identified a need for 9 youth pitches to meet the combined existing and future needs to 2024 for youth football in Honiton. The PPS also identified a number of action points to address the need which included looking to extend the lease at St. Rita's and exploring the possibility for providing additional facilities at that site including improved access, drainage and changing facilities

The Action Plan also considered the wider 'Tower Hill' site (of which the current application site forms part) and states at Action point HO.18,

"Explore the possibility of addressing all Honiton pitch issues on alternative sites better related to the existing town and outside of the AONB first but if there are no realistic alternatives then some pitches may need to be delivered on Tower Hill."

It should be noted though that para. D.67 of the PPS confirms that,

"...action plans are not guaranteed to be delivered against but they do suggest the best ways of potentially resolving the listed issues. Identification of action plans is not a guarantee that such solutions would gain planning permission. All planning applications are considered on their own merits."

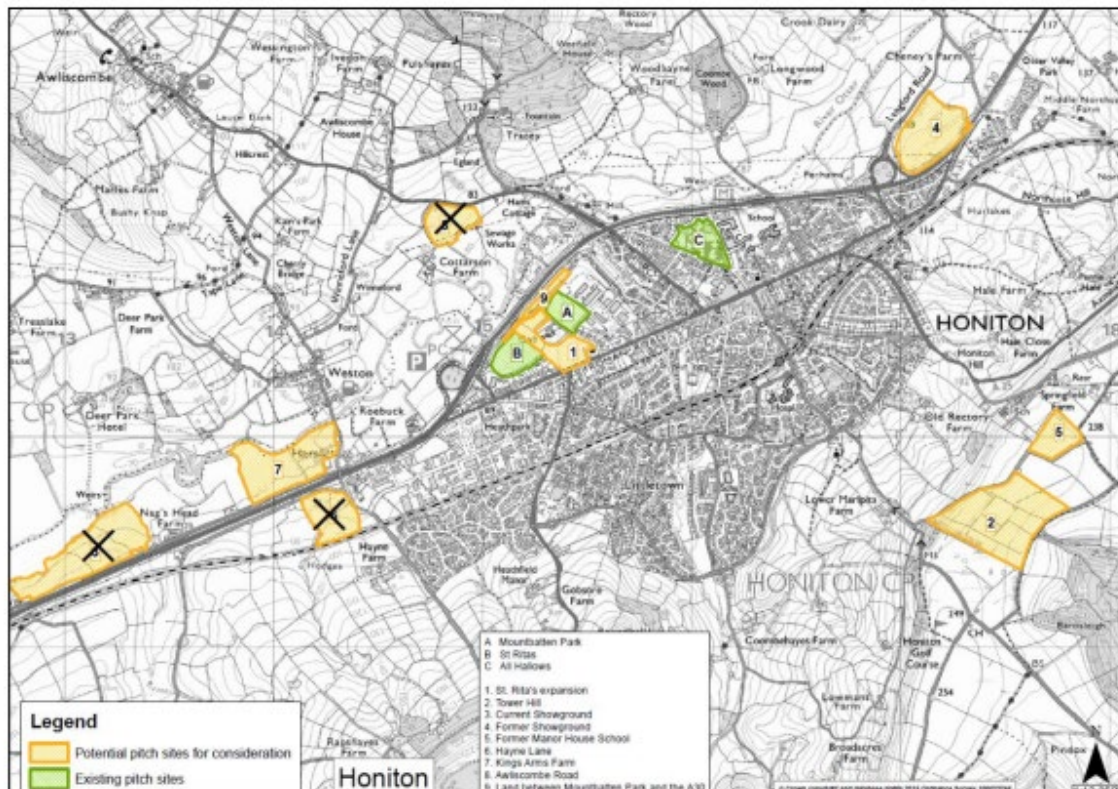
Honiton Sports Pitch Strategy (2017)

The Honiton Sports Pitch Strategy (2017), which has been adopted for use by the Council, sets out the options and makes draft recommendations on how to deliver on the sports pitch needs for Honiton to 2024. These needs having been identified in the East Devon Playing Pitch Strategy 2015 (PPS).

The 2017 Honiton Sports Pitch Strategy (SPS), looked to provide further guidance on delivering on the identified sports pitch needs for the town. The SPS sought to identify potential sites for sports pitch development and this included land at 'Tower Hill' of which the current application site forms part, as well as a number of other sites in and around the town.

Each site identified was then subject to site specific assessment considering key aspects of the site location, access, general topography, current vegetation, soil type and drainage characteristics, size of the site and other mitigating risks or factors that would make the site difficult to potentially develop. Each site was given a weighting with only those with some potential proceeding to the next stage. Tower Hill (Site 2 on the plan below) was taken forward for further consideration at stage 2, this site together

with other sites identified in the strategy are shown on the plan below reproduced from the SPS:



The further site assessment considered the technical ability of each potential site to deliver the required pitches and also the suitability and sustainability of each site. At the time the Tower Hill site was identified as requiring significant expenditure to provide suitable drained and levelled pitches a pavilion and changing facilities (although it should be noted that the proposal at that time covered a wider area and greater pitch provision). In terms of suitability and sustainability the following comments were made in relation to the Tower Hill site,

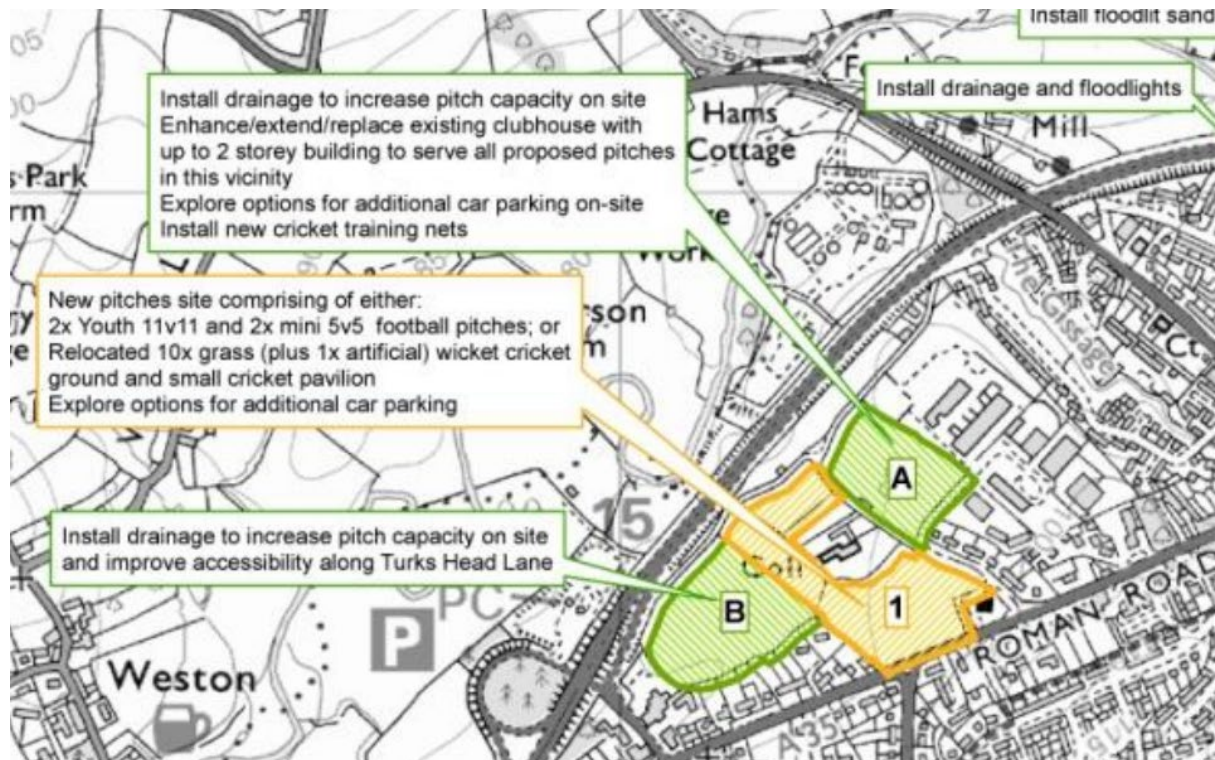
“The above assessment clearly shows how development of sports facilities at Tower Hill would be contrary to multiple policies of the Local Plan. The lack of accessibility by sustainable means, potential impact on the local road networks and significant anticipated impact on the landscape and AONB make the site wholly inappropriate for sports pitch delivery. Considering the alternative options that are assessed in this report it is therefore not an appropriate site to take sports pitch development.” (para. 2E.15)

and,

“No sports pitches should be delivered on this site.” (para. 2E.16)

The SPS went on to make recommendations as to how need could be met at other new and existing sites. These recommendations included exploring options for extending the lease, or purchasing land at St. Rita's to improve and increase capacity and to improve site access and drainage, as well as exploring the potential to extend

the clubhouse and car parking on the adjoining Mountbatten Park site. However, the SPS recognised that land identified for potential expansion at the St.Rita's site was in private ownership and potential deliverability issues associated with these proposals. The plan below shows an extract showing pitch recommendations for Honiton and recommendations at the existing St.Rita's site:



The submitted Planning Statement explains that there is currently no negotiated lease extension at St. Rita's (this expired in 2021). It goes on to state that whilst the club has sought to maximise the use of the existing site and have managed to expand pitch provision that this has required over-marking of pitches resulting in pitch damage from over-use. It is advised that a covenant exists on the St.Rita's site which prevents construction of additional facilities (such as changing rooms), this covenant is advised to be non-negotiable. Finally, the club also raise concerns with the access to the existing site which is narrow and which they state, '*becomes unpassable during the football season*' resulting in occasions where emergency vehicles have been unable to attend incidents at the site.

There is no evidence of other improvements having been secured or pitch provision made against the need identified in the SPS. As such, the identified needs set out in the SPS remain unmet. The SPS states (para. 41.3) that it will be kept under review and after five years if progress has not been made on certain projects consideration will need to be given as to whether alternative sites should be progressed or not.

An updated Playing Pitch Strategy is currently being undertaken and has been subject to public consultation, it is due to be considered by cabinet and then full council shortly. At this stage, the findings indicate that there remains latent demand for youth grass pitch provision at Honiton and in the wider East sub-district area and this is increased

due to the uncertainty over the future availability of St Rita's Centre pitches for community football teams.

Alternative Site Search

The PPS for Honiton considered a number of options for pitch provision and for various sports, the applicant has reviewed these and also considered the potential for other sites to meet the club's needs/aspirations. The alternative sites considered recognise the size requirements to meet the club's identified needs; the costs to develop land; that much of the land surrounding the town is subject to National landscape (AONB) designation and that some of this is steeply sloping. The search also excludes land within Flood Zones 2 and 3, due to the need to apply a sequential test for site selection in such locations.

St Ritas (including expansion) – The existing set up is considered not to fulfil the club's needs and the applicant advises that the club has approached the owners of the existing site regarding land identified in the SPS for expansion and they are unwilling to sell or lease the land to facilitate pitch expansion.

Other sites – A number of other sites have been identified and assessed in the submitted 'Pitch Options Assessment' these are located at both the eastern and western sides of the town as well as the proposed site at Tower Hill and a site at the former Manor House School. None of the sites are considered, by the applicant, to present viable alternatives for reasons including: size constraints; proximity to A30; development costs and engineering drainage requirements; availability and allocation for alternative uses; distance to town centre; flood risk; lack of safe access by alternative modes of transport or a combination of these reasons.

In addition, the applicant has considered other sites that have been brought forward as part of the Housing and Employment Land Availability Assessment (HELAA). However, they have dismissed these on the basis that they are promoted for housing and employment land use and whether allocated, or not, are unlikely to be available for the proposed sports pitch use.

Proposed site - the Honiton SPS advises strongly against the suitability of the application site for sports pitch provision, however, it is recognised that there has been a lack of progress in bringing forward other preferred sites identified in the SPS and that as such the identified need at the time has remained unmet and potentially increased.

Sport England has confirmed that the proposals would provide a suitable mix and configuration of pitch sizes to cater for all football demand from U7 to U18; that all pitches meet FA requirements in terms of size, drainage and pitch quality; and that the changing pavilion plans are deemed suitable.

A number of local objectors including the adjoining parish council (Offwell) have highlighted the recent approval of a 3G artificial pitch at Honiton Community College as helping to provide a facility for youth football in Honiton. This pitch would provide flood lit facilities which would be suitable to training purposes for a number of local

sports clubs, including youth football. However, it would not make provision against the identified need for grass pitches for youth football.

In conclusion on this matter, it is acknowledged that there is an unmet strategic need for sports pitch provision to serve Honiton, including for additional youth football pitches to serve the town. This need has remained unmet for some time and is likely to increase with additional housing allocations for over 800 new dwellings in the emerging local plan. It is further recognised that the applicant has sought to identify alternative sites that might otherwise meet their identified requirements and that there is a lack of suitable sites. It is also clear that the site benefits from a strong level of community support as well as from Sport England, whose aims include helping people to enjoy and access sport. This lack of provision against identified need weighs strongly in favour of the scheme.

Impact on the character and appearance of the area/National Landscape

The site is undeveloped agricultural land comprising of arable fields separated by native hedgerow with some hedgerow trees. It falls within the East Devon National Landscape Area and despite its relative proximity to Honiton and to an adjoining recreational land use (Honiton Golf Course) the site and surrounding landscape maintains a feeling of remoteness.

The site falls within the Landscape Character Type 1A (Open Inland Plateaux) as defined in the East Devon and Blackdown Hill Landscape Character Assessment (2019). It is located on elevated land above Honiton and in line with the identified key characteristics of the landscape type the local area is predominantly agricultural in character with limited development. The landscape guidelines for this landscape character type include: protecting archaeological sites, skylines and the relatively simple, regular landscape patterns. It also recommends managing hedgerow and 'gapping up' where necessary to retain the landscape pattern.

The proposed site layout provides for raising and levelling of the land and pitch provision which is extremely tight to the existing field boundaries and leaves little room around the site margins. The land would be raised by over 2 metres in height at the north-eastern corner of the site.

The proposals would introduce built form, car parking and associated infrastructure into the site and associated intensive activities, the scale of which could have an urbanising effect that would be at odds with its remote rural setting and which could also affect the character of Tower Road along the site frontage and for some distance to either side.

In addition, the development would require the clearance of two hedges and the widening of the existing field access off Tower Road representing an overall loss of about 280m of hedgerow. Potential views into the site from the wider landscape are generally well screened by intervening vegetation and due to distance, and location of the most intrusive elements of the development at the southern end of the site, it is unlikely that there would be noticeable effects on visual receptors on higher land to the north of the site. Consequently, the main visual receptors are likely to be limited to walkers, cyclists and motorists travelling along Tower Hill Road

past the southern site boundary and users of the golf club in the vicinity of the western site boundary. The proposed widening of the site access would open up views into the site from Tower Road in which the proposed car park, pavilion and pitches would be clearly visible. Any increase in traffic related to the site, which is to be anticipated, could also give rise to an impact on other users of the road i.e. walkers and cyclists and impact on their enjoyment of its character, tranquillity and perceived safety.

The application is supported by a Landscape and Visual Appraisal that has sought to assess the impacts of the development and to quantify the degree of harm that would arise during construction; on completion of the development, and; in the longer term (15 years post completion) once any landscape mitigation measures have established. In terms of landscape effects these are adjudged to be Major/Moderate Adverse during construction, reducing to Moderate Adverse on completion and Moderate/Minor Adverse post 15 years. In relation to visual effects, these are adjudged to be Major/Moderate Adverse during construction, reducing to Moderate/Minor Adverse on completion and Minor Adverse post 15 years. The Appraisal provides a landscape strategy setting out areas where new hedgerow, native tree planting and wildflower seeding could be provided to provide mitigation.

The Council's Landscape Architect has reviewed the proposals and has advised that they would be more suited to an urban edge site where they could be more easily and sustainably accessed by their intended users, rather than in a relatively isolated and elevated location in the countryside within a nationally designated landscape. He has also notes the impacts of the loss of native hedge and the introduction of the clubhouse and car parking as urbanising effects, which would be evident through the widening of the site access. As such and without appropriate mitigation he concludes that the proposal could not be said to conserve natural beauty in accordance with NPPF para. 189 or the duty to further the special qualities of protected landscapes as required by Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 (LURA).

In order to seek to meet the duty under Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 (LURA) a number of recommendations are made including removal of the access to the south side of the site entrance; provision of additional planting/translocation of existing hedgerow; additional structural plating (including native tree planting); changes to materials proposed to the clubhouse and further details on utilities connections. Subject to such these amendments and on the basis that parking provision proposed is adequate, planting mitigation is provided and that there is no floodlighting of the site The Landscape Architect concludes that the impacts of the development could be considered to be localised and give rise to moderate-low adverse landscape and visual effects. A number of conditions are proposed to secure further details of:

- Hard landscaping
- External lighting
- Site levels
- Soil resources
- Planting plans and specifications
- Tree protection and planting details

- A Landscape and Ecological Management Plan

The applicant has been given the opportunity to amend the application scheme to address the comments raised and whilst some further details have been provided not all of the matters have been addressed. Nonetheless, it is considered that the outstanding matters could be addressed by condition should the application otherwise be considered acceptable.

It should be noted though that above assessment does not take into account to the impact of any mitigation measures which may be required on the site to address the risk of wayward ball strikes from the adjoining golf course. At this stage, there is insufficient information to determine what mitigation may be required and whether this in itself would have an acceptable landscape and visual impact. For example, if ball netting is required this is likely to require significant tree works/pruning which is likely to adversely impact on the visual amenity of trees and could undermine their long term health, resulting in adverse impact on the National Landscape.

Major development in the National Landscape (AONB)?

The National Planning Policy Framework (para. 189) requires great weight to be given to conserving and enhancing Areas of Outstanding Natural Beauty (National Landscapes) and states that the scale and extent of development within such areas should be limited. Para. 190 of the NPPF goes on to state that permission for major development should be refused other than in exceptional circumstances and where it can be demonstrated that development is in the public interest. Where a proposal is adjudged to represent major development an assessment of the following is required:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Footnote 67 of the NPPF states that,

‘For the purposes of paragraphs 190 and 191, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.’

In relation to the current application whilst it meets the definition of ‘major’ development as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015 that does not necessarily equate to it being major development for the purposes of para. 190 of the NPPF. In terms of its nature the proposal represents a sports use which requires a large open area and where impacts resulting from use are not likely to be unusual or unknown. Although its nature differs to the current use of the site it would largely retain the open, undeveloped and ‘green’ nature

of the site. In relation to scale the application site covers a large area but, aside from site levelling works, the main operational development is restricted to the southwestern end of the site in the form of the clubhouse and car parking areas, particularly as no lighting of the pitches is proposed. With regards to setting, the location is outside of and divorced from the built form of Honiton, or any other settlement although it does sit alongside an existing recreational use. Taking these matters into account the proposal is not considered to represent major development for the purposes of para. 190.

Notwithstanding the view that the proposal is not considered to represent 'major' development, if a contrary view is taken on this point, there would be a need to demonstrate exceptional circumstances are met and that the development would be in the public interest.

In relation to criteria a) of para. 190 the supporting information sets out a case for the need for the development (assessed above), such need is however local only and there is no evidence presented of the proposal being likely to have any significant impact on the local economy whether refused or permitted. However, the proposal would be likely to give rise to some economic benefits during the construction phase of development. In relation to criteria b) information has been presented in relation to the scope for providing the development outside the designated area and where costs of development are cited, amongst other reasons, for alternative sites being dismissed, no detailed analysis of development cost comparisons of the application site or alternative sites is made but the lack of alternative sites is noted. In relation to criteria c) the application is supported by some information relating to the landscape and environmental effects of the proposal and how these could be moderated. These conclude that, in time (post 15 years) the landscape effects of the development would reduce to moderate/minor adverse and visual effects minor adverse as landscape planting takes effect. The site is not considered to impact on any existing recreational opportunities (see comments on golf course netting).

The applicant acknowledges at para. 7.9 of their Planning Statement that, '*The proposed development will result in some change in landscape character and adverse landscape and visual effects*' and that even after landscape mitigation measures, the development would, in the longer term, still give rise to '*Minor Adverse visual effects and Moderate / Minor landscape effects*'. The Council's landscape architect has also advised that the proposal would give rise to some harm, albeit relatively localised in its extent, and where mitigation could be secured to reduce this to moderate-low adverse landscape and visual effects.

Overall, in terms of landscape impact whilst landscaping mitigation could help to reduce the impacts of the development the proposal would still result in some landscape and visual harm and as such could not be considered to conserve and enhance the landscape character of the area, which is required to be given great weight, such harm weighs against the proposal.

Relationship with adjoining land uses

The site lies adjacent to Honiton golf course and the 6th fairway in particular which runs parallel to the site's southern boundary. The boundary is defined by a line of mature

trees (Oak, Ash, Beech and Holly) that have grown up from an historic hedge bank. Whilst the tree line provides an effective visual screen there are gaps between trees and foliage and this is more evident in autumn/winter.

Health and safety concerns have been raised on behalf of the golf course and others in relation to the potential danger arising from siting of the facility immediately adjacent to the course. This concern relates to the potential impact of stray golf balls from the course entering the site.

The application site plan includes annotation on the golf course side of the shared boundary stating, '*Golf ball netting protection TBC with golf club*'. However, no further details of who would provide this, what form it would take and how it might be maintained has been provided. In response to a request for further information in this regard the applicant has previously stated that,

"Regarding Golf Ball Netting, the landowner and his legal representative has written to the golf course advising them that it is not his/our responsibility to prevent the Golf Course members hitting golf balls into his land and potentially endangering his tenants. He has told them that they are not permitted to hit golf balls onto his land and need to take appropriate actions to prevent this happening. If the golf club determine that this requires netting, it will be supplied and fitted by the Golf Club. Since the Golf Club raised this issue (via their objection) the landowner has instructed the Golf Course to cease this activity of hitting golf balls onto his land immediately regardless of whether the football club move up there (as it is a potential risk to current tenants)."

They go on to advise that neither the landowner or the Football Club assumes any responsibility for any negligence of members of the golf club in this regard.

At the time of writing of the original committee report, for consideration at January's planning committee meeting, officer view was that whilst there was clearly an issue to be addressed here, the responsibility for addressing that issue fell to the golf course. However prior to the committee meeting and after the publication of the report it was brought to officer's attention that para. 200 of the NPPF could be relevant to the determination and as such the decision was taken to withdraw the application from committee to allow time to give consideration to the implications of para. 200.

Para 200 of the NPPF states,

"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

Para. 200 therefore introduces the 'agent of change' principle, whereby the responsibility for mitigating any impacts which, '*...could have a significant adverse*

effect on new development. falls to the applicant or 'agent of change', rather than the existing business or facility giving rise to the effect.

The agent of change principle ('the principle') often arises in relation to noise impacts, for example where new residential development is proposed in close proximity to an existing 'noise generating' use i.e. a music venue and where the juxtaposition of such uses could have a significant adverse effect on future occupiers. In such circumstances, 'the principle' puts the responsibility for mitigating such effects onto the applicant, as they are the agent of change, in other words the party giving rise to the issue through their proposed development. The purpose of the policy is to protect existing businesses and facilities from having to deal with the effects of new developments being introduced in close proximity to them and instead places the responsibility for addressing such impacts onto the applicant or 'agent of change'.

Whilst the 'agent of change principle' is perhaps most commonly applied in relation to scenarios involving existing noise generating uses and residential development. It can be equally relevant in other situations where the introduction of a new use could affect the operation of an existing use.

In the case of the current application, the principle can be considered to apply if the operation of the golf course could give rise to a significant adverse effect on the use of the application site for its intended purpose for youth football pitches and associated clubhouse. Having reviewed the proposal in relation to para. 200, officers consider that the application of the agent of change principle is relevant in this case having considered the following questions:

- 1. Is the golf club an existing lawful use?** Yes, the golf course is an established use that has been operational at the site for a good number of years. The applicant has suggested that the striking of golf balls from the course onto the application site is trespass and therefore unlawful and as such suggest that para 200 should not apply, as to do so would be to legitimise this unlawful activity. EDDC's own legal advice is that a distinction is drawn between civil liability and lawful planning use. The golf course constitutes an established and lawful planning use. Whether individual golf balls have crossed the boundary does not alter this position and any such incidents fall within civil, not planning, jurisdiction. Nevertheless, the potential for miss-struck or wayward balls to leave the golf club site is inherent to the nature of the use, even if infrequent, and is a legitimate and necessary planning consideration.
- 2. Could the proposed development give rise to a significant adverse effect on the proposed new development?** Potentially, the proposal would introduce a new and crucially more sensitive use onto the site. At present, the site is in agricultural use and there is nothing to indicate that there is any significant agricultural worker, or other presence on the site. The change of use and development of the site as youth football pitches would result in a significant increase in the number of people present on the site at certain times, including

players, coaches and spectators. The applicant has advised that the maximum number of people that could be on site at any one time is 160 (120 players and 40 adults). It would appear that there is potential for a higher number of spectators to be present than this but even taking the applicant's own figures and accepting that some players/adults would be on parts of the site where struck golf balls are less likely to reach, there would nevertheless be a significant increase in the number of people on site, whilst matches are being played or training taking place. It is further acknowledged that the site would not be in use all the time but periods when it is in use would coincide with when the golf course would also be open.

The significant adverse effect that could arise would be the potential for wayward balls struck from the golf course to hit a player/spectator or other person present on the application site. The layout of the pitches as proposed and the tightness of these to the shared boundary with the golf course means spectators could be standing close to the boundary with their backs to the course and attention focussed on the pitches, this would also be the case for players and where the nature of the activity is likely to mean that even if a call of 'Fore' is made from the golf course, after a wayward ball has been struck, this may not gain attention of players/spectators and of itself would not prevent ball strike.

In response, the applicant has contested that there is no evidential basis for the engagement of para. 200, that they have not been provided with any evidence demonstrating that the lawful operation of Honiton Golf Club has resulted in golf balls being struck onto the application site, nor that such events are a regular or inherent consequence of the permitted use of the land. They also point to a lack of objection from EDDC's Environmental Health team on public safety grounds. They go on to argue that reliance on unsubstantiated assertions would be inconsistent with proper decision-making principles and would risk the Council taking into account immaterial or irrelevant considerations.

Honiton Golf Course originally raised health and safety concerns over the proximity of the use to the shared boundary and potential impact on the proposed development from 'flying golf balls' some time ago and officers have requested that the applicant respond to these concerns and demonstrate how this matter was to be addressed. In response, as set out above, the applicant served notice on the golf course to cease the hitting of golf balls onto the site. It is therefore considered that there is general acknowledgement by all parties of the potential for stray golf balls struck from the golf course to enter the site. The disagreement lies in how significant an issue this is and where the responsibility lies to deal with it. Applying the 'agent of change' principle, officers consider that the responsibility for mitigating any impacts, where these are required, lies with the applicant. The applicant considers the responsibility lie with the golf course.

- 3. If a significant adverse effect could occur can it be appropriately mitigated?** Unclear. Taking the position that a significant adverse effect could arise, in that the health and safety of individuals could be compromised by the

relationship between the proposed development and the existing golf course, It is important to try to understand the extent of such risk and whether it can be mitigated. To this end, the applicant, as the agent of change, has been invited to submit a 'ball strike assessment' to enable a better understanding of the level of risk that arises from potential golf ball strikes onto the application site (frequency, velocity, trajectory etc.) how any existing boundary planting might affect this, whether this can be relied upon to provide mitigation and if not what other mitigation might be required. Such an assessment would provide a greater understanding of the level of risk and what mitigation might be required to satisfactorily address this. In turn, once the nature of any required mitigation is understood the impact of the mitigation itself could then also be considered in relation to matters such as arboricultural, ecological and landscape impacts.

The applicant maintains that the agent of change principle should not apply in this case, for the reasons outlined above, and that this being the case has declined to provide the requested assessment.

Officers have also given consideration as to whether it would be appropriate to condition the provision of a ball-strike assessment and any required mitigation measures. However, there is too much uncertainty with regards to what the findings of such an assessment might be, what mitigation could be required and whether the impact of this would, in and of itself be acceptable. Such a condition would not therefore meet the conditions tests set out at para. 57 of the NPPF.

Having considered the proposal in relation to para. 200 of the NPPF officer view is that it is a relevant consideration in the determination of this application and that without further information to understand the nature and extent of the risks it is not possible to conclude that a significant adverse effect can be ruled out, or that such an effect could be mitigated in an appropriate manner. Para. 102 of the NPPF requires that planning policies and decisions should, amongst other things, '*promote public safety*' and that, '*The safety of children and other vulnerable users in proximity to open water, railways and other potential hazards should be considered in planning and assessing proposals for development...*'

Taking into account para. 200 of the NPPF and where the application is considered to represent the agent of change, without a ball strike assessment and consideration of any required mitigation it is not possible to conclude that the development could be made safe without requiring restrictions to be placed on the operation of the existing golf course in terms of installation of mitigation measures, or changes to course layout etc. On this basis, it is considered that there is insufficient information to determine that the proposal would not give rise to a significant adverse effect resulting from the juxtaposition of the proposed use in relation to the established golf course use, or that appropriate mitigation could be provided within the application site to address the impact of the development. Consequently it is not possible to confirm that the proposal would not expose future users to safety risks or place the established golf course under pressure to alter or curtail its lawful operation.

It is regrettable that the relevance of para. 200 to this case was not picked up earlier in the process but the need to address any safety risk between the existing and proposed uses was; para. 200 just changes where the responsibility to address this lies.

Highways and Access Issues

Accessibility of the site

Chapter 9 of the NPPF covers the promotion of sustainable transport with paras. 115 and 117 seeking to ensure that sustainable transport modes are prioritised and safe and suitable access to the site can be achieved for all users. Para. 118 also requires provision of suitable supporting information (transport assessment etc.) where significant amounts of movement are likely to be generated.

These requirements are reflected in Stgy 5B and policy TC2 of the EDLP, which respectively seek to ensure development is located where it will encourage and allow for efficient safe and accessible means of transport by pedestrians, cyclists and public transport (among other modes) and is also well related to compatible land uses so as minimise the need to travel by car.

Draft policy TR01 similarly seeks to prioritise walking and cycling and to ensure new development is located where access to high quality public transport can be facilitated. Policy TR03 of the DEDLP seeks, where significant amounts of vehicle movements would be generated to ensure that development proposal are supported by a transport assessment and travel plan to secure sustainable travel arrangements.

The site is located to the southeast of the town centre on elevated land forming part of an inland plateau. The site is approximately 1 ½ miles from the town centre by car. The indicated pedestrian route via Church Hill, Lower Marlpits Lane and Cuckoo Down Lane is less than a mile and less than 800 metres from the built-up area boundary. There is no public transport serving the site, the nearest bus stops being in the town or on the A35 to the north of the site.

The applicant has prepared a Transport Statement that considers means of access to the site by alternative modes. A new pedestrian access to the site onto Cuckoo Down Lane is proposed providing a pedestrian route (as above) to the town centre, It is suggested that the majority of Honiton is within a 30-minute walk of the site and that the suggested route represents a viable alternative. Whilst recognising the relatively close proximity to the edge of the town 'as the crow flies' the pedestrian access route from the edge of the town is, for the most part via roads which are unlit, narrow and steep in places and without dedicated footway provision, the new proposed path from Cuckoo Down Lane to the main part of the site is very steep. Although some users who live closest to the site may, on occasion, choose to walk or cycle, the distance, lack of footway provision and in particular the steepness of the route leads to the consideration that this is not considered to be a realistic prospect for most users for most journeys. It is anticipated that most users would arrive and leave by car, although there is likely to be some potential for car sharing.

It is considered that the site would fare poorly in accessibility terms. The applicant has sought to demonstrate how accessibility by alternative modes of transport could be improved but the location in relation to the town and in particular its siting on higher land means that access via alternative means to the private car are limited and would not meet the requirements of strategy 5B and policies TC2, RC2 and RC6 of the EDLP and OS03, TR01 and TR03 of the DEDLP in this respect.

Suitability of approach roads and traffic generation

The site is accessed via Tower Road which connects to the town via Lower Marl pits Hill to the south, or the A35 to the north. Tower road itself is of varying width and has limited passing provision. Concerns have been raised by local residents and Offwell Parish Council that these approach roads are unsuitable to cater for the extent and nature of traffic likely to be generated by the development. In particular concerns are raised regarding the narrow nature of the approach roads, lack of passing provision and the nature and extent of traffic likely to be generated being underestimated. It has been suggested that traffic approaching the site from the town via the A35 will result in queuing on the trunk road and cause a highway safety issue. Whilst these concerns are noted the proposals have been reviewed by both National Highways in relation to impacts on the trunk road network and by Devon County Council.

National Highways has raised no objection and consider that the proposal would represent a relocation of an existing facility and therefore a displacement of journeys from one site to another. In addition, given the nature of the use the majority of the traffic associated with it is considered to arise outside of the weekday and weekend network peak hours. On this basis, National Highways considers the proposal unlikely to result in an adverse impact on the safe operation of the strategic road network.

Devon County Council as the County Highway Authority has commented that Tower Road has a number of passing places (whether these be formal or informal) and that typical two-way traffic can pass simultaneously. They also note that site would largely generate traffic outside of daily peak travelling hours and do not consider trip generation intensification to be a problem.

Site access and parking provision

There are currently two field accesses that serve the site, each serving one of the fields that adjoins Tower Road. The applicant has carried out pre-application enquiries with the County Highway Authority (CHA) and the proposal seeks to provide a single two-way access point in a similar position to the more southerly of the existing access points access has been brought forward as the most appropriate to serve the development. The CHA has reviewed the access details and considers that this would provide suitable visibility in both directions. In relation to parking provision questions have been raised by the local residents and adjoining parish council in relation to the adequacy of the proposed parking provision, given the likely high reliance on private transport to access the site, and where any under-provision is likely to give rise to unregulated parking on the road and verges in the vicinity of the site. Policy TC9 of the EDLP and TR04 of the DEDLP deal with parking provision in new development but neither specify minimum standards for provision in relation to uses of this nature.

The applicant has within their transport statement assessed the likely parking requirements based on the number of pitches and players and on likely travel to game modes, which includes an allowance for car sharing. On this basis the parking requirements are assessed to be 46 spaces, on average for a typical match day. The application seeks to provide 52 spaces (including 4 accessible parking bays). Offwell parish council and local residents have questioned the adequacy of the proposed provision and over-reliance on car sharing taking place, which they point out cannot be guaranteed. If every child was driven to a game independently by a parent or carer and that vehicle was then parked at the site, then clearly during periods where all of the pitches are in use simultaneously there would be insufficient provision. However, it is accepted that the nature of such uses is that parents/carers share lifts and often take it in turns to provide these and as such this reduces the parking requirement from any theoretical maximum. In general, the proposed provision is considered to be appropriate but the potential impact of pick-up/drop-off traffic is acknowledged, the county highway authority have not however required such specific provision and it is not considered that this could be insisted upon. In relation to major developments, policy TC9 requires provision of EV charging points to be made, none such is indicated on the submitted site plans and it is recognised that the nature of the use is likely to attract only local traffic where EV users are in many circumstances likely to have access to charging provision at home, or elsewhere. Given that it is not clear that the site would be served by mains electricity it is not clear that there would be sufficient on-site renewable energy generation to make such provision in any case.

In relation to alternative modes of transport pedestrian access is indicatively shown from Cuckoo Down Lane to the northwest of the site. No details of the access junction with the road are provided but some hedge bank removal would be required. The route of the path would follow the southern site boundary and is shown to utilise a proprietary grid system (Aco Groundguard) to provide a suitable surfacing to retain the ground and any surfacing. There is a lack of detail in relation to this aspect of the proposal and it is not clear that the proposed system would work on the very steep nature of this part of the site, or whether this would in fact need to be stepped. In either case this section would not be conducive to cycle access with cyclists needing to dismount and push their bikes up a steep section of slope. The Transport Statement acknowledges the need to provide cycle parking and indicates this could be provided close to the clubhouse entrance, further details of which could be secured by condition.

Drainage Issues

Surface Water Drainage

The application site lies wholly within land defined as Flood Zone 1 and is not identified to be in an area at risk of flooding from any source. However, the submitted Flood Risk Assessment (FRA) does indicate that the soil types found on site makes infiltration slow and that there are pockets within the site prone to localised surface water flooding.

Given the soil permeability, infiltration is suggested to be unsuitable, and it is therefore proposed to direct surface water to existing surface water bodies (drainage ditches) attenuated via on-site swales and hydro brakes to reduce the flow rate. The submitted

drainage report indicates that this would result in an overall betterment on the existing run-off rates from the site.

For the clubhouse and parking area however it is proposed to install a rainwater harvesting system to capture some of the rainwater for re-use with overflow going via soakaway crates positioned below the car parking area to the detention basin north of the clubhouse.

Devon County Council in their role as the Lead Local Flood Authority (LLFA) objected to the original proposals on the basis that sufficient information had not been provided to demonstrate that infiltration is not viable. They also highlighted the need for the applicant to use up to date information to calculate the required size/capacity of surface water drainage features and to provide additional information in relation to exceedance pathways and overland flow routes in the event of rainfall in excess of the design standard. In the absence of such information, they advised that the proposals did not adequately demonstrate that the requirements of policy EN22 of the EDLP have been met.

Policy EN22 requires that the surface water run-off implications of any new development have been fully considered and found to be acceptable. The policy also requires any remedial measures to be secured using sustainable drainage principles and for there to be clear arrangements in place for the ongoing maintenance of these. Policy AR01 of the eLP seeks to ensure that on all developments space is provided for the inclusion of SuDS designed to reduce the volume and rate of runoff to less than greenfield rates, and that surface water run-off is managed as close to the source as possible.

In response the applicants have provided some updated drainage information in the form of revised plans for clubhouse and wider site drainage and a revised Preliminary FRA and drainage strategy. The LLFA has reviewed the additional information and confirmed that this still lacks details to demonstrate conformity with the requirements of policy EN22, in particular how the greenfield run-off rates and storage calculations have been derived and the ownership of the ditches to which the attenuated flows would be discharged. The applicant has subsequently confirmed that the ditches to which the drainage flow would discharge are in the ownership of the highways authority. The ditch on the west side of Tower Road (adjacent to the site) connecting to a larger ditch on the east side of the road by existing pipework under the road. Consent to discharge to these ditches would be required but there is no evidence that this consent has been sought or granted.

Foul Drainage

Policy EN18 of the EDLP requires a suitable foul drainage system of adequate capacity to be in place to serve new development and that where non-mains drainage is proposed this will not be permitted unless they can be appropriately drained. Policy EN14 seeks to control pollution from all sources and policy OL09 of the eLP has similar aims.

It is proposed to connect the foul drainage from the clubhouse to a new package treatment plant (PTP), positioned to the southwest corner of the clubhouse. The

application is supported by a completed Foul Drainage Assessment form which includes information to demonstrate that a mains connection is not available in the vicinity of the site. The Environment Agency (EA) has reviewed the submitted proposal and whilst raising no objection in principle has recommended that clarity is sought on the discharge proposals for the PTP, as no details of where any discharge from the PTP would flow to were originally provided.

The applicant has now indicated where the discharge from the STP would go to – the attenuation basin to the north of the car park and from here via existing pipework under the adjacent road, and in a south easterly direction – the same as for the attenuated surface water flows.

The EA has advised that the ditch does not appear to flow all year around and that the plans also indicate that an environmental reed bed may be required, but that this detail is to be confirmed. The EA have therefore expressed concern that there is no clear approach to the management of non-mains drainage and that with the lack of proposed flows and loads estimations there can be no certainty that the drainage basin features would be fit for purpose, to take both surface water and foul flows. Such information should normally be provided up front for a full application so that a fully informed decision can be made on whether it is an appropriate way to manage the foul flows.

In response the applicant has advised that there is no funding left to provide additional technical reports/responses at this stage but that in the event of an approval further funding would become available to allow these matters to be addressed and have requested that any further details are secured by condition, including the use of Grampian style conditions, this they consider would represent a proportionate approach.

Planning Practice Guidance (Paragraph: 009 Reference ID: 21a-009-20140306) advises that,

“Conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability.”

However, it goes on to confirm that

“It may be possible to achieve a similar result using a condition worded in a negative form (a Grampian condition) – ie prohibiting development authorised by the planning permission or other aspects linked to the planning permission (eg occupation of premises) until a specified action has been taken (such as the provision of supporting infrastructure). Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.”

In terms of the outfall to the roadside ditches, which the drainage strategy information provided to date indicates would take the outfall from both the foul and surface water drainage related to the site, the LLFA have, in their most recent correspondence, indicated that they would accept conditioning of a detailed drainage design. This

indicates that they consider that a suitable drainage design could be achieved. Likewise, the EA has confirmed that similarly they consider that there is likely to be some solution to the foul drainage and that if the LPA are similarly content that a solution can be found then they would not object to such matters being controlled by condition. They have however reiterated the need for the applicant to separately seek the consent of the EA for an environmental permit and where there is no guarantee that such would be permitted – this though is a separate permitting regime that sits outside the planning system.

The applicant, in support of their view that further drainage details could be secured by condition, has referenced an appeal decision elsewhere in the district, at Land east of Colestocks Road, Sherwood Cross, Feniton (APP/U1105/W/24/3357849). In that case the Inspector in allowing the appeal included a Grampian style condition relating to surface water drainage where there was no agreement for point of discharge to existing off-site drainage infrastructure in place and where there was some uncertainty over the ownership of sections of the drainage to which the site would connect. The Inspector took on board the LLFA's lack of in principle objection and that the information provided at the time indicated that a betterment in greenfield run-off rates could be achieved. Similarly, the drainage information submitted to date indicates that a betterment in greenfield run-off rates could be achieved and the LLFA has advised that further drainage details could, in their view, be conditioned.

Subject to the use of Grampian style conditions as discussed above it is considered that surface and foul drainage could be managed in accordance with development plan policy.

Ecological Impact

The application site comprises of arable fields surrounded by native hedgerows and with a belt of mature tree planting to the southern boundary and other hedgerow trees within some of the other hedgerows.

The site does not lie within any area specifically designated for ecology/wildlife purposes but does fall within the defined landscape connectivity zone for Horseshoe Bats and close to the sustenance zone for Bechstein's bats which are both notifiable species associated with the Beer Quarry and Caves Special Area of Conservation.

The application is supported by an Ecological Impact Assessment which has built upon earlier ecological work including: Ecological Appraisal informed by a biological records centre data search and separate Bat Activity Survey and Dormouse Survey reports. A Biodiversity Net Gain (BNG) Design Stage report is also provided.

The survey reports indicate the site is used by foraging and commuting bats including Annex II greater horseshoe, barbastelle and lesser horseshoe bats, and nesting dormice. It also considers the site has high potential to support nesting birds but low habitat suitability for common reptiles, common amphibians and badgers.

The Council's Ecologist has reviewed the submitted survey report and whilst noting the recommendations made within these and that the fields that form the majority of

the site are themselves of low ecological value highlights that the hedgerow boundaries are a habitat of principal importance under section 41 of the Natural Environment and Rural Communities Act (2006), a Devon Biodiversity Action Plan (DBAP) habitat, and considered 'Important' under the Hedgerow Regulations 1997. The proposal would require the removal of approximately 220 metres of such habitat as well as reduction of other sections to afford visibility at the site access.

In relation to bats the survey work carried out identifies that the site, in particular hedgerows, provides suitable foraging and commuting habitats for bats and that it supports at least 11 species of bat (including Annex II species). The EclA report makes recommendations in relation to the retention of hedgerows on the site's outer boundaries; the timing of works, and; provision of an area of rough grassland to assist with foraging and connectivity.

In relation to impact on species associated with the Beer Quarry and Caves SAC, the site lies within the landscape connectivity consultation zone and the potential impact of the development has therefore been considered and screened under the Habitat Regulations. On the basis that the proposal would maintain the hedges around the periphery of the site and would not include significant lighting impacts i.e. no external floodlighting is proposed, it is considered that the proposal can be screened out from requiring Appropriate Assessment and a Stage 1 screening report is appended to this report.

With regards to dormice, survey work identified this species to be present within the southern hedgerow but they are assumed to be in all suitable habitats including all hedges and the area of woodland within and surrounding the site. The removal of the extent of hedgerow proposed (circa 220m) would require a European protected species licence (EPSL) from Natural England.

Before granting planning permission a Local Planning Authority must consider the 'three tests' under the Conservation and Habitats Regulations 2017 and whether the proposals are likely to be acceptable to 'derogate' from the legal protection afforded to the affected species. If these are not satisfied, a licence cannot be issued, and the developer may not be able to implement a grant of planning permission.

The proposals are assessed against the three tests as follows:

1. The activity is for a certain purpose

The activities are required to allow the development of the site for the purpose of the football pitch provision and in order to meet an identified need for the same. The extent of the site and the pitch requirements are such that without the proposed hedgerow removal it would not be possible to fit all the development on the site. There are recognised community benefits that would arise from the scheme and the proposals are of public rather than merely private interest.

2. There is no satisfactory alternative to the activity that will cause less harm to the species

As the extent of land forming the site is limited there is no alternative layout of the proposed pitches which would result in the removal of less habitat, or as a consequence result in less harm to the relevant species. The applicant has sought to demonstrate that there are no alternative sites available that could provide for the same extent of development.

3. *The development does not harm the long-term conservation status of the species*

In respect of the final consideration, recommendations are made for mitigation and compensation which includes enhancing existing hedges through infill planting, provision of new hedges, and scrub planting and provision of 15 dormouse nest boxes. Additionally, a new species rich hedge is also proposed along the western boundary. However, the dormouse survey report also notes scope to provide additional hedgerows along the northern sections of the site, and to create a small, wooded area beyond the western boundary, but limited details of such have been provided as part of the submitted proposals. Natural England's dormouse mitigation requires that dormouse compensation measures are "expected to result in *no net loss of dormouse habitat*" and, where no net loss is not demonstrated, robust justification provided on how the favourable conservation status will be maintained.

EDDC's ecologist has reviewed the details submitted and based on these considers that mitigation measures for protected species including bats and dormice could be provided and that those proposed are broadly acceptable, provided that outstanding concerns are addressed. Those concerns relate to the need for clarification with respect to the methodology for hedge translocation, the precise location and specification of new hedgerows, and the alignment of compensatory planting with Biodiversity Net Gain (BNG) proposals. However, it is advised that were the application otherwise considered to be acceptable that such matters could be addressed by condition and conditions to secure the following are suggested:

- A Construction and Ecological Management Plan (CECoMP);
- Provision of a lighting scheme
- No development prior to securing an Natural England licence
- A Habitat Management and Monitoring Plan (HMMP)

Overall, in terms of ecology impacts, there remains a need for further detail on aspects of the mitigation and enhancement measures. Setting aside any additional impact and assessment that may be required in relation to mitigation measures that might be required to address the issue of wayward ball-strikes, sufficient information has been provided to demonstrate that an acceptable scheme can be achieved which would mitigate the ecological impacts of the development as currently proposed and provide suitable compensation and enhancement.

Similarly, it is considered that the proposals can be screened out from giving rise to likely significant effect on the Beer Quarry and Caves SAC. On this basis the development can be considered to accord with Stgy 47 and policy EN5 of the EDLP, Policies PB01, PB03, PB04 and PB07 of the eLP and para. 193 of the NPPF.

In relation to any additional ecological impacts that may arise from the need to provide ball-strike mitigation this would need to be separately considered once the nature of any such mitigation is understood. At this stage, there is insufficient information to determine what additional ecological impact this might have.

Biodiversity Net Gain (BNG)

Biodiversity Net Gain (BNG), requirements brought forward under the Environment Act 2021 and amendments to the Town and Country Planning Act 1990, mean that, subject to some exemptions, all planning permissions will be subject to a conditional requirement to provide a minimum 10% increase in biodiversity value. The Biodiversity Net Gain (BNG) can be delivered on site, or where this cannot be achieved off-site through a registered credit scheme.

In this case, the application has been submitted with the biodiversity metric completed using the standard metric and a BNG Design Stage Report. The Council's ecologist reviewed the submitted information and identified some discrepancies and amendments have been made in response to these. It is advised that whilst a final Biodiversity Gain Plan needs to be drawn up this would need to take into account detailed landscaping proposals which are not available at this stage and further clarification would be needed to demonstrate that the 10% BNG is in addition to any separately required protected species compensation i.e. measures already required to compensate for impact on existing bat/dormouse habitat. If this shows that the BNG provision would fall short of the minimum 10% net gain for area and hedgerow habitats it would be feasible to make up any shortfall through the purchase of off-site credits – although the applicant is advised to consider the potential costs of this in drawing up any detailed landscaping plan.

In accordance with Schedule 7A of the Town and Country Planning Act 1990, development may not commence until a Biodiversity Gain Plan (BGP) has been submitted to and approved in writing by the Local Planning Authority. That plan would need to align with any final BNG documentation which takes on board the landscaping details/requirements and demonstrates how a minimum 10% net gain would be achieved and maintained for 30 years. Given that the proposal would deliver significant on-site gains this would need to be secured by means of a legal agreement this would also need to secure a BNG monitoring contribution. The contribution amount is determined on the size of the site as well as whether provision is made on-site, off-site or a combination of the two. A Habitat Management and Monitoring Plan (HMMP) would also need to be secured by condition.

Arboricultural Impact

The southern boundary of the site is formed by a belt of mature trees that provide a prominent and positive landscape feature, elsewhere other field boundaries are formed by mature hedge planting with further group of trees or individual specimens growing with the hedgerows, particularly those bounding the northeastern field.

A tree survey, Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement has been prepared and

submitted as part of the application. In terms of below ground constraints, it is considered that the rooting environment of trees has been restricted due to historical ploughing of the fields and as such the Root Protection Areas of trees is likely to be offset. This being the case the proposed groundworks and level changes within the site are considered unlikely to compromise the rooting environment of the trees. On this basis it is considered that subject to conditions to secure tree protection measures that the proposal as submitted would comply with the requirements of policy D3 of the Local Plan and the relevant parts of PB08 of the eLP.

As with other issues addressed above, it is not possible at this stage to determine what impact and ball-strike mitigation might have, as there is insufficient information to determine whether ball-strike risk requires additional mitigation, what form this might taken and what impact it might have.

Amenity Impact

The site occupies a location where it is generally set away from residential development. There are though some isolated residential properties in the wider vicinity of the site including: Lower Marl pits Farm (250m to west) Colwell (350m to east), Cuckoo Down House (420m north) and Highlands (530m to northeast). In addition, there are other properties located along Tower Road route between the site and the A35 and where this would serve as the principal access route to the site. Honiton Golf Course immediately adjoins the site to the south.

Given the separation distance from the site to the nearest residential properties any impacts arising from the use of the site are likely to be from noise and increased activity/traffic. In relation to noise there would be an increase on the background noise level at the site both during the construction phase and when the pitches have been formed and are in use. In the first instance such noise impact could be intrusive but would be time limited and could be controlled by a suitable Construction and Environmental Management Plan (CEMP). In relation to noise for pitch use this again would be intrusive and its impact on the National Landscape character is discussed above but given that the periods of use would be limited and the distance to residential properties any harm arising is unlikely to result in significant amenity harm.

The increase in traffic will be notable when the pitches are in use but will not significantly impact on residential amenity.

Impacts on residential amenity are considered to be acceptable.

Heritage Impact

There are no listed buildings or Scheduled Ancient Monuments on or in the immediate vicinity of the site. The nearest listed buildings are: St. Michael and All Angels Church (grade II*) located approximately 600m to the northwest of the site and on a much lower contour, and; Old rectory Farm (grade II) located over 550 metres to the north of the site and again on a lower contour. Given the separation distance, difference in elevation and that the development proposed is relatively low lying it is not considered that the setting of these designated heritage assets would be harmed.

Devon County Council's Historic Environment Service has advised that the proposed development lies in an area of known archaeological potential, in a landscape where prehistoric cremations have been discovered and on the plateau where evidence for iron ore extraction may have taken place from the Roman through to the medieval period and may survive. This being the case, groundworks have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. It is therefore recommended that a programme of archaeological work to investigate, record and analyse any archaeological evidence that would otherwise be destroyed by the proposed development is secured. Such mitigation should take the form of a Written Scheme of Investigation (WSI) and as this has not been provided up front this would need to be secured by means of a pre-commencement condition so as to accord with policy EN6 of the EDLP and paragraph 211 of the NPPF. An additional condition requiring the post-excavation works to be undertaken and completed to an agreed timeframe is also required.

Subject to conditions as mentioned above, impacts on heritage assets are considered to be acceptable.

Economic benefits

Honiton Youth Football club operates as a registered charity and is therefore reliant on grants, sponsorship and donations for funding and on volunteers to run it. Whilst this clearly has positive benefits for the local community, in terms of economic benefits it does mean that the proposal would not result in any direct job creation.

Additionally, as a replacement facility, unlike say a residential proposal, it would not result in additional households in the locality who might support other local businesses or services. However, it is recognised that there would be economic benefits arising from the construction phase of the development through support of construction and associated jobs. Such benefits though would be modest in scale and time limited and as a result overall economic benefits would be of limited weight.

Health and Well-being/Community Benefits

The need for additional youth pitch provision has been set out above and it is acknowledged that the existing set-up at St. Rita's fails to meet the club's needs and aspirations and further that these needs have been identified for some time but remain unmet.

The NPPF places a strong emphasis on promoting healthy and safe communities, including the provision of and access to '*...a network of high-quality open spaces and opportunities for sport and physical activity*' (para. 102). This paragraph also goes on to state that,

"...Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate."

In terms of the EDLP, the relevant policies are discussed in the policy compliance section above but again there is in principle support for delivery of sport and recreational development to meet identified need and community aspirations.

The East Devon Playing Pitch Strategy 2015 (PPS) and following on from this the Honiton Sports Pitch Strategy 2017 (SPS) respectively assessed need and makes recommendations for delivery against this need. These policy documents are discussed in detail above, however, there is acknowledgement that the need identified for youth football pitches in the PPS has not been met and that the options for delivery as outlined in the SPS have not come forward. It is further accepted that an update to the PPS is overdue.

Sport England have provided comments in support of the proposal and have highlighted the lack of security of tenure at the club's current site and need for additional pitch provision, they have also highlighted health and safety concerns relating to the use of the current site and lack of welfare facilities.

The provision of this facility would undoubtedly give rise to potential health and wellbeing benefits by improving the quality of the existing youth football facilities; improving the related welfare facilities and increasing opportunities for participation in the sport. Whilst there are some potential safety benefits related to improved access these are likely to be offset by similar issues for pedestrians seeking to access the proposed site.

The proposal has elicited significant support, albeit this appears to be primarily from those with an active interest in the club (parents, carer's etc.), as opposed to more widespread community support. Nevertheless, this doesn't diminish the strength of support expressed.

The applicant has intimated that failure to find appropriate alternative facilities would threaten the ongoing operations of the club and it is noted that the lease has expired on their current site. However, it is understood that there is an offer of a new lease from the Landlord for the St Rita's site (to EDDC) and that in turn a sub lease to the club has been offered for the continued use of the St. Rita's site. This being the case were the current application not to be successful it would appear that the club could continue to operate from the current site, albeit the deficiencies with this would not have been addressed.

It is considered that the proposal, by providing improved quality and quantity of provision would give increase opportunities for participation in youth football and as a result health and wellbeing benefits which weight in favour of the scheme. However, as there appears to be no barrier to the continued operation of the club from their current site this reduces the weight that can be afforded to this benefit.

Other Issues

Sustainable construction/Renewables

Stgy 38 of the EDLP follows guidance in National Planning Policy that seeks to support the transition to a low carbon future including through the design of new buildings and

the use of renewables. Policy CC02, amongst other policies of the eLP, also seeks to minimise the carbon footprint of the development and requires applications to demonstrate how relevant standards would be met to achieve this requirement.

The proposal includes the provision of solar panels on the south facing roof slope of the clubhouse building to meet its energy generation needs. The applicant has been asked to confirm how any additional energy demand, over and above that provided by the proposed solar PVs, would be met. In response, they have suggested that the energy requirements of the building would be minimal and could be met by the proposed PVs and associated battery storage.

Water supply

In relation to water supply the application indicates this would be supplied primarily through the use of a rainwater harvesting system. This is detailed on the drainage plans for the clubhouse and would be capable of use for non-potable water needs i.e. toilet flushing, laundry, watering etc.

No details of the means of meeting the potable water requirements of the site have been provided and where it is understood that no mains supply is available. It is possible that a borehole supply could be sought but no details of a borehole location, depth or extraction rate have been provided. In addition, the proposal would need an abstraction licence from the Environment Agency if it was proposing to withdraw more than 20m³ a day.

The applicant has been asked to explain how it is proposed to meet the potable water requirements of the development and whether there has been any initial testing in relation to the feasibility of water extraction, the following comments have been provided:

“At this stage no direct samples have been taken from the proposed borehole, as the borehole has not been commissioned due to lack of current lease on the land. However the borehole will draw from the same groundwater table that is already in use by a number of other nearby properties, which have historically demonstrated reliable and potable water quality without indication of contamination.

The proposed borehole is on elevated ground where the superficial geology comprises predominately clay with flint. The clay layers are of low permeability and provide a natural barrier, limiting direct surface infiltration and reducing risk to the underlying water table. The site is located within a rural impact area and there is no known agricultural, industrial, chemical or waste handling activity within the groundwater catchment that would be reasonably expected to compromise water safety.

We intend to commission a borehole and test for water quality as part of the initial, post planning activities. Should any treatment be required to ensure compliance, filtration or disinfection equipment will be installed and monitored to ensure continued water safety.

Alternatively given the very limited need for drinking water, this could be provided via bottled water. However, we believe that treatment or transported water will not be required for the reasons previously stated.”

At this stage, how the potable water needs of the development would be met remain unclear. However, as there is a reasonable likelihood that a solution can be found it is considered that the matter could be controlled by a Grampian style condition requiring a scheme for the provision of potable water to be agreed prior to the initial beneficial use of the clubhouse.

BMV land

The NPPF at para. 180 states that planning policies and decisions should contribute to and enhance the natural and local environment, including by ‘...*recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.*’ Furthermore, ‘... *where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality*’ and ‘*the availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.*’

Policy EN13 of the EDLP states that BMV land will be protected from development not associated with agriculture or forestry and that planning permission for such development will only be granted exceptionally if there is an overriding need for the development and either sufficient land of lower grade is unavailable or such land has other environmental value that outweighs agricultural consideration or the benefits of the development justify the loss of high quality agricultural land. Policy OL10 of the emerging Local Plan has similar requirements.

The application relates to land classified as undifferentiated grade 3 land and as such requires further assessment, to determine whether or not it represents BMV (Best and Most Versatile) agricultural land. BMV land being defined in the NPPF as land in grades 1, 2 and 3a of the Agricultural Land Classification.

The applicant has provided an Agricultural Land Classification report, which included desktop and site review. The report concludes that the site should be classified as Grade 4 agricultural land. This is based on the wetness of the soil and the soil texture (Silty Clay and Clay soils). On this basis the proposal would not result in the loss of BMV land.

Other uses of the clubhouse/site

The submitted Design and Access Statement refers to discussions with other local community groups ‘...*with an aim to share the facilities and clubhouse across multiple organisations*’. In principle, making efficient and effective use of buildings is encouraged and support for such is found in policy RC7 of the Local Plan and CF01 of the eLP. However, the appropriateness of encouraging alternative/additional uses needs to be considered in light of the sustainability of the building’s location and accessibility to it by alternative modes of transport. As set out above, users of the

building/site would be highly reliant on the use of private transport to access it and expanding the use for other purposes, where the transport and sustainability implications of such have not been assessed, is not considered to be appropriate. In the event that the proposal was found to be acceptable in other regards it would be necessary to restrict the use of the site only for use as a clubhouse in association with the football club use rather than an open Local Community (F2) use.

Gas Pipeline

A major Hazard gas pipeline runs on land on the opposite side of Tower Road to the east of the application site. The eastern part of the site falls within the Health And Safety Executives (HSE) outer consultation zone for the pipeline. The HSE's web based app service has been completed and does not advise against the granting of permission based on the use of the site and number of people likely to be present at any one time.

In addition National Gas as the operator of the pipeline has been consulted and has confirmed that they wish to raise no objection to the proposal but

S.106 issues

As the application includes the provision of significant on-site Biodiversity gains, as well as the potential for off-site provision, in the event of an approval these would need to be secured by means of a legal agreement which would also need to secure a BNG monitoring contribution. The amount of the monitoring contribution will depend on whether any off-site provision is required but the monitoring fees would be based on those set out in the report to EDDC cabinet dated 5th March 2025 and which is available to view on the BNG section of the EDDC website.

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 application proposes development in open countryside outside of any built-up area boundary as defined in the adopted or emerging East Devon Local Plans. The site is not allocated for development and whilst the development is considered to derive some limited support from certain policies of the Adopted Plan namely RC4 and RC6 its location set apart from the built-up area of the town, and where opportunities to safely access the site by sustainable means are limited, means that the proposal would be contrary to Strategies 5B and 7 of the adopted Local Plan, which seek to restrict development in the countryside, unless explicitly supported by other local or neighbourhood plan policies, and ensure development takes place where it can be safely accessed by sustainable transport.

In terms of the environmental impacts, the location of the site and lack of safe alternative means of access means that users of the site are most likely to arrive by car. The application does include some provision to improve pedestrian access to the site but due to the steepness of the route, lack of footways and lighting this is unlikely to be favoured. The location therefore weighs against the proposal. If approved a

condition could be imposed to secure an active travel plan to promote opportunities for car sharing and to minimise trip generation.

In addition to the accessibility issues relating to the location of the site, the development is proposed within a designated National Landscape and so is afforded the highest status of protection and where Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 (LURA) places a duty on authorities to “*seek to further*” the purposes for which the landscape is designated, in this instance to conserve and enhance its natural beauty. The development would involve the removal of significant extent of established hedgerow within the site and raising of levels, particularly towards the eastern end of the site. However, whilst the pitches would be tight to the site boundaries the development would otherwise be relatively well contained by boundary planting where the outer hedgerows would be retained and where additional planting, particularly at the southeastern end of the pitches and along the Tower Road frontage could be secured by condition. In looking to meet the statutory duty consideration has also been given to the potential for delivering the development on alternative sites outside the NL designation but where no suitable alternatives have been identified. Whilst the proposal could not be said to enhance the landscape, with suitable landscaping and control over external lighting the level of harm could be reduced to a localised and moderate to moderate-low adverse landscape effect so as to conserve the natural beauty of the wider landscape.

The proposal would also give rise to ecological impacts through the removal of habitat, particularly the loss of hedgerow, which is likely to impact dormice and bats and where a protected species licence would be required. Given the identified need for the pitch provision, the lack of suitable alternatives and that compensation and mitigation measures could be secured by condition the derogation test is capable of being met.

Whilst overall, it is considered the submitted proposals would result in some environmental harm this could be reduced and mitigated through the imposition of suitable conditions and a legal agreement to secure the required BNG provision. However the assessment of harm in relation to environmental impact has only been able to consider the impact of the ‘as submitted’ details, it has not considered any additional impacts that might arise as a result of provision of additional mitigation measures that may be required to address the impact of ball strikes from the adjoining golf course. Where mitigation measures are identified as necessary these could include requirements for measures such as netting along sections of the boundary and where the implication of this in terms of ecological, arboricultural and visual impact would need to be given further consideration and where there is no guarantee that this would of itself have an acceptable impact.

With regards to social impacts the current facilities used by the club are limiting the opportunities for engagement in youth football and where there is an acknowledged under-supply of pitch provision. This under-supply has been present for a number of years and where no alternative means of meeting the demand has been brought forward. The provision of additional pitches and a clubhouse to serve the club would expand opportunities for engagement in youth football in the town which would help to deliver both community and health and well-being benefits and therefore in turn provide positive social benefits. The proposal benefits from a strong level of community support (although objections are also noted) as well as from Sport

England, whose aims include helping people to enjoy and access sport. The proposed provision against an identified need weighs strongly in favour of the scheme.

The proposal would deliver some limited economic benefits during the construction phase of the development and deriving from construction-based employment. In the longer-term economic benefits would be limited as the club is run as a charity.

Considering all the likely impacts and benefits of the proposal this is a carefully balanced decision. The location of the site in open countryside, within a National Landscape and where users are likely to rely on private transport to access the facilities clearly weighs against the proposal. On the other hand, there is a clear, long standing and unmet demand for additional youth pitch provision to serve the town and where the options for expansion at the club's current site, or alternative provision elsewhere are extremely limited by land availability and by other matters such as topography and flood risk.

It is unfortunate that the applicant has been unable to provide additional details relating to drainage and landscaping at this stage, but it is recognised that there are financial costs in doing so without any guarantee of permission being granted. This is also the case in relation to the request for a ball-strike assessment. However, whilst in terms of drainage, ecology and landscaping it is considered that sufficient information has been provided to allow determination of the application and where the relevant technical consultees have confirmed that, in the event of a positive recommendation, that any outstanding matters could be addressed by suitably worded conditions and a legal agreement, this is not the case in relation to the ball-strike assessment.

It is regrettable that the application of para. 200 of the NPPF to the proposal was not considered earlier in the determination of the application but officers have now considered its relevance and implications and consider that it does apply. This being the case, the responsibility for provision of mitigation measures to prevent wayward ball-strikes from the golf course is considered to lie with the applicant, not the operators of the golf course, as was originally considered to be the case. On this basis, the applicant has been requested and has been given time to provide further information, in the form of a ball-strike assessment to determine what the level of safety risk is and whether this could be appropriately mitigated. However, the applicant disagrees on the issue of the application of para 200 to the proposal and as such has chosen not to provide the requested ball-strike assessment.

As the responsibility for the provision of any mitigation measures, that may be required, falls to the applicant, as the agent of change, any such measures would also need to be provided on the application site. Without information to inform mitigation requirements (a ball-strike assessment) it is not possible to conclude that a) any risk arising could be suitably mitigated within the application site and b) that any mitigation measures would in themselves be acceptable and would not give rise to other unacceptable impacts. Regrettably therefore, officers are unable to conclude that the development would be acceptable, as there is insufficient information available to reach such a conclusion, the application is therefore recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. Insufficient information has been submitted to enable the Local Planning Authority to properly assess the potential public safety risks arising from the proximity of the proposed development to the adjoining golf course. In the absence of a robust risk assessment, including details of the likely trajectory and frequency of golf balls and an evaluation of appropriate mitigation measures, it has not been demonstrated that the proposal would provide a safe environment for future users of the site. Furthermore, without a full understanding of the safety risk it is not possible to determine what mitigation measures might be necessary and whether these could be effectively and acceptably accommodated within the application site without resulting in harm to the visual amenity or landscape character of the area, or to arboricultural or ecological interests on, adjoining or using the site. As such, the proposal fails to demonstrate that it would safeguard public safety and not give rise to harm to the character and appearance of the area, or arboricultural or ecological interests and is therefore contrary to Strategies 7 (Development in the Countryside), 46 (Landscape Conservation and Enhancement and AONBs) and policies D1 (Design and Local Distinctiveness), D3 (Trees on Development Sites) and EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031 and the objectives of the National Planning Policy Framework, in particular paras. 102 and 135, which seek to ensure developments provide a safe and suitable environment for all users.
2. In the absence of a legal mechanism to secure its provision, the proposal fails to demonstrate how the statutory requirement to deliver 10% Biodiversity Net Gain would be secured, delivered, managed and monitored for the required 30-year period. As such, the Local Planning Authority cannot be satisfied that the development would result in measurable and secured biodiversity improvements or that these would be maintained in the long term. The proposal is therefore contrary to the requirements of Schedule 7A of the Town and Country Planning Act 1990 (as amended), the Environment Act 2021, and the objectives of the National Planning Policy Framework which seeks to minimise impacts on and secure net gains for biodiversity.

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:

| | | |
|---|--------------------|----------|
| 067/001 A | Location Plan | 22.04.24 |
| 067/013 B | Combined Plans | 22.04.24 |
| 067/012.1 A : pedestrian access as proposed | Other Plans | 20.02.25 |
| 067/012 A | Proposed Site Plan | 20.02.25 |
| 067/003 A: existing and proposed site sections | Combined Plans | 17.09.25 |
| 067/014 F: club house drainage plan | Other Plans | 17.09.25 |
| GMA0930.33-2 rev 3: Drainage design | Other Plans | 17.09.25 |

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 - Consultation comments in full

LOCAL CONSULTATIONS

Honiton Town Council

26.03.25

Cllr R Collins spoke against the proposal.
Members RESOLVED to maintain their SUPPORT for the application.
For 3; Against 0; Abstentions 2

17.05.24

Support

Note: Members noted the Ecological appraisal provided by Quantock Ecology. Should planning consent be granted Members would wish to see a planning condition attached requiring the applicant to carry out the development in accordance with the recommendations and mitigation measures in the Ecological appraisal provided. Members would then wish to be provided with the evidence submitted by the applicant to show compliance with the recommendations of the Ecological appraisal.

For 5; Against 0; Abstentions 1

Honiton St Pauls - Cllr Tony McCullom

As a ward member for St Pauls Ward Honiton, I am in full support of this application for Honiton Youth Football.

Honiton is in need of more youth sport services, this when approved will fulfill one of the needs for increased sports facilities in the town.

If my opinion differs from that of the planning officers then I would like this to go before committee where it can be debated in a frank and open manner.

(Adjoining Ward) Honiton St Michaels - Cllr Violet Bonetta

I support this application. It is important to keep Youth Football in Honiton for the various physical and mental health benefits this provides to our community.

I have interacted with the organisation involved and know how much they are struggling at the moment in their not fit-for-purpose site, and this proposal will provide the much needed space and facilities for this to continue well into the future.

(Adjoining Ward) Honiton St Michaels - Cllr Jenny Brown

Good morning

I am in favour of this application for the youth football pitches and ancillary buildings.

If the officers opinion is different to mine then I would like it to go to committee where I will keep an open mind until I have heard all the information both for and against.

(Adjoining Ward) Honiton St Michaels - Cllr Roy Collins

Roy Collins supports objectors for this application.

Application to be rejected.

(Adjoining Parish) Clerk To Offwell Parish Council

22.03.2025

Offwell Parish Council notes the 14 new documents supplied in relation to Planning Application 24/0841/MFUL

Having reviewed all the documents, the Parish Council resolved on the 19th March 2025 that it sees no reason to change our objection submitted on 23 May 2024 including the Detailed Critique of the Transport Statement.

The Parish Council would also like to add the following additional comments;

1. We note that DCC Flood Risk SuDS Consultation still objects
2. We disagree with the statement in Honiton YFC ALC Report Executive Summary that the site is not prone to flooding as water regularly flows off the fields and onto Tower Road.
3. The Ecological Impact Statement does not answer all the concerns raised by both the Devon Wildlife Trust and the EDDC District Ecologist. A more detailed and sustained Bat Survey and Nesting Bird Survey has not been supplied. In addition, no mention is made of the proposed Golf Ball Netting Protection and its affect on wildlife and no mention is made of the noise generated at the site by both players and supporters and its affects on the local wildlife. They also have not submitted a completed Beer Quarry and Caves SAC Shadow HRA document.
4. We caution against making outstanding documents as conditions after granting of Planning Permission due to the current resources in EDDC Planning Department.
5. There is still no indication of drainage provision from the Car Park areas.
6. There has been no study submitted as required by the Devon County Archaeologist.
7. The proposed Pedestrian Access is totally unsuitable for Disabled Access due to steepness of Cuckoo Down Lane.

Finally, we note that Honiton Community College has submitted a planning application for 3G artificial pitches, 24/2662/FUL.

We fully support this application as it provides a facility for Honiton Youth FC to use and will be an asset for all the community. It satisfies most requirements of the East Devon Local Plan. It is easily accessible, children will easily be able to walk or cycle to the College and is served by Public Transport, satisfying Strategy 5B. It will be available to use all year round including evenings in the autumn and winter because the proposal includes floodlighting and the application states it will also be available for Community organisations to use. It is also not in an AONB and is also within the Built Up Area of Honiton.

None of this is true for Honiton Youth FC's application.

23.05.24

Offwell Parish Council resolved at a meeting on the 22nd May 2024 to object to Planning Application 24/0841/MFUL on the following grounds: _

Offwell Parish Council notes that while this is in the Honiton area, it is on the border of Offwell Parish Council and residents affected by this proposed development are mainly in Offwell Parish Council, not Honiton. In addition Offwell Parish Council was not consulted or invited to the meetings mentioned in Section 6, Statement of Community Involvement, of the Detailed Planning Application, nor was it aware of these meetings.

Para 7.25 of the Detailed Planning Application makes no mention of the closest properties by road, namely Colwell House, whose entrance is opposite the site, Highlands which is a short way along Tower Road or Cuckoo Down House located on Cuckoo Down Lane and is The School of Art and Well Being. These properties are the most severely affected by this proposal as well as the other residents of Tower Road. None have been consulted by Honiton Youth FC about this proposal.

EDDC Honiton Pitch Strategy 2017

This 46 page comprehensive document plus 8 appendices and 6 other documents has been adopted by EDDC after recommendation by the Strategic Planning Committee.

It looked at various locations within the boundaries of Honiton and examines each in turn against a strict methodology and reaches a conclusion for each location.

The documents entitled "Planning Statement and Statement of Community Involvement", Para 1.5, prepared by Grassroots Planning, the "Design and Access Statement" prepared by MCA Architecture and the Transport Statement, Para 3.4, selectively quote from the Honiton Sports Pitch Strategy. They neglect to state the conclusion reached for the site called Tower Hill.

The conclusions were;

Paragraph 2E.15

The above assessment clearly shows how development of sports facilities at Tower Hill would be contrary to multiple policies of the Local Plan. The lack of accessibility by sustainable means, potential impact on the local road networks and significant anticipated impact on the landscape and AONB make the site wholly inappropriate for sports pitch delivery. Considering the alternative options that are assessed in this report it is therefore not an appropriate site to take sports pitch development.

Recommendation

Paragraph 2E.16 No sports pitches should be delivered on this site.

Paragraph 2E.71 The owners of Tower Hill (H2) have stated that they would be willing to sell their land, however the above assessment clearly shows that delivering sports pitches in this location would be unsuitable and unsustainable.

Having reviewed the East Devon Local Plan 2013 to 2031, we believe the following policies and strategies are contravened;

Policy RC2 - New Open Space, Sports Facilities and Parks

Policy RC4 - Recreation Facilities in the Countryside and on the Coast

Policy RC5 - Community Buildings

Policy RC6 - Local Community Facilities

Strategy 3 - Sustainable Development

Strategy 5 - Environment. We note that the applicant claims a Biodiversity Net Gain, however other elements of this strategy are not complied with.

Strategy 5B - Sustainable Transport

Strategy 7 - Development in the Countryside

Strategy 46 - Landscape Conservation and Enhancement and AONBs

Policy D3 - Trees and Development Sites. We note the applicant claims compliance but it certainly does not improve the existing habitat.

Policy EN7 - Proposals Affecting Sites which may potentially be of Archaeological

Importance. Please see the Devon County Archaeologist's comment.

Policy EN14 - Control of Pollution Policy EN18 - Maintenance of Water Quality and Quantity

Policy TC2 - Accessibility of New Development

Policy TC9 - Parking Provision in New Development

Water Supply

The Design and Access Statement says that the proposed development will be "off-grid" and proposes a bore hole water supply.

The closest neighbour to the proposed site draws its water from a spring on their land which is directly opposite the site. They are concerned that drilling a bore hole could adversely affect their water supply. They also supply the Honiton Golf course with water, used to irrigate their greens.

There has been no calculation provided to show how much water would be used.

The Aquifer that is going to be tapped into might supply the farms on both sides of the ridge too.

What is the impact on them? The spring they use is the source of the River Coly via Offwell Brook. They have noticed over the years that the flow rate has changed dramatically.

No geological/ecological/environmental survey has been supplied as to the feasibility of tapping into this aquifer.

As a note, the Animal Collection Centre tried to drill a bore hole which failed and it had to be connected to the local reservoir. Local residents are concerned that if connection to the local reservoir was required that water pressure, which is already low, would be adversely affected.

Comments on Transport Statement

The Transport Statement says that Tower Road has a variable width of between 4.4 - 5.3m and has a number of formal and informal passing places.

This is incorrect.

Offwell Parish Council has previously conducted a road width survey in response to Planning Application 21/1798/FUL which was conducted by a retired Highways Engineer. This survey found that the road width varied between 3.8 - 5.8m, 6.5m in one location, and had 4 pinch points where 2 cars would have problems passing. There is a further pinch point near where Tower Road meets Northleigh Hill Road. In addition, there are three 90 degree bends.

The Transport Statement also says that *'Tower Road carries low volumes of vehicle traffic and is predominately used by locals travelling to the villages of Northleigh and Farway via unclassified roads'*.

It provides no evidence for this statement. In fact it is used by many large agricultural vehicles in addition to vehicles travelling to Seaton and Sidmouth areas via Farway Common Road and vehicles travelling to Honiton Golf Club.

Offwell Parish Council has previously conducted a vehicle traffic survey in response to Planning Application Number 21/1798FUL. This was conducted by local residents and during weekdays.

This survey found that there was an average of 53 vehicle movements per hour during weekdays. Though it was not conducted at weekends or evenings, weekend traffic would be approximately the same and possibly more.

The table supplied for Trip Generation at weekends show that between 9:30 and 10:00 there would be an additional 52 vehicle movements. However, this is based on the assumption that car sharing takes place. Car sharing cannot be imposed and the worst case scenario, where no car sharing occurs, must be considered. Based on the numbers given in Figure 11 this would mean there would be 100 children at the site. This would mean an additional 200 vehicle movements assuming all parents stayed for the games. If all children were dropped off then that number would double to 400 vehicle movements.

The Transport Statement also states that it will instruct visiting teams to access the site via the A35 and Tower Road. We would suggest that visiting teams will just enter the postcode into SatNav which would potential direct them via Lower Marl pits Hill being the shorter route.

In order to try and comply with EDLP Strategy 5B, the Transport Statement has a section on Walking and Cycling Provision. It indicates a cycle path via the church yard of St Michaels Church, then up Lower Marl pits Hill and then onto Cuckoo Down Lane.

We contend that this is a dangerous route. The exit from St Michaels Church churchyard has poor visibility being very close to the bends at the bottom of Lower Marl pits Hill. The exit from Cuckoo Down Lane also has poor visibility turning back on to Lower Marl pits Hill.

A more detailed critique of the Transport Statement is attached as an addendum.

Bat Activity Survey and Dormouse Survey

We welcome the fact that a Bat Survey has been conducted, but this has issues of concern. For example, the largest number of detections were for the common pipistrelle at locations Static 3 and Static 1. These are located at the boundary with Honiton Golf Club.

The Drawing titled "Proposed Site Plan" shows a "Golf Ball Netting Protection TBC with Golf Club".

This is understandable as they don't want Golf Balls flying over and hitting the children.

However, this is exactly where the highest number of Bats were detected.

Surely, there is a high probability of bats becoming entangled in this netting.

In addition, the same would apply to birds.

We also note that no nesting bird survey has been conducted.

We also welcome the fact that a Dormouse Survey has been conducted.

The conclusion is very clear; *"Taking into consideration the desk study and sight survey findings, this report concludes that the proposed development will result in impacts on dormice"*.

In addition, no Owl Survey has been undertaken. Local residents can testify to the large number of owls in the area and we believe this should also be undertaken.

A final point is that both during the construction phase and when the proposed pitches are being used due to the noise generated during the games and training sessions, all wildlife will be displaced from the area.

All these points contravene Strategy 5 of the EDLP. Also the proposed removal of Hedgerows labelled H2 and H6 contravenes Policy D3 and Strategies 3, 5 and 6 of the EDLP, although some mitigation measures are proposed.

Opening Hours

Para 3.6 of the Planning Statement and Statement of Community Involvement states Monday to Sunday 8am to 8pm.

Why?

During school term time, it will only be necessary to open in the evenings. The documents including the Transport Statement only provide details for evenings and Saturdays during the football season, August to May. No mention is made of usage during school holidays or use during the summer holidays when we understand 'Football Festivals' take place.

Clubhouse Drainage, Sewage Treatment, Rainwater Harvesting, Foul Drainage

Offwell Parish Council has grave concerns over these proposals that could affect the roadside ditches, local aquifers and various drawings, eg Drawing 067/012 A, indicate 'Issues' which will feed into the Coly Valley and River Coly.

DCC Flood Risk SuDS Consultation also has concerns and currently objects.

Devon Wildlife Trust

They objected to the previously withdrawn application and we note that they have not been consulted this time. The applicant has supplied a BIODIVERSITY NET GAIN DESIGN STAGE REPORT. We are not qualified to comment on this however we cannot see any reference to compliance with paragraphs 174d and 180d of the National Planning Policy Framework or the requirements of paragraph 99 of the ODPM Circular 06/2005 Biodiversity and Geological Conservation. Devon Wildlife Trust needs to be consulted.

Devon County Archaeologist

He recommends a "Written Scheme of Investigation (WSI)" due to the potential to expose and destroy archaeological and artifactual deposits due to evidence of prehistoric cremations and iron ore extraction from Roman to Medieval times. In addition the Ecological Appraisal states there is a Bronze Age burial field adjacent to the site (in the golf course woods).

Policy EN7 clearly states **"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"**

No such document has been supplied.

Inconsistencies in Statements in Documents

1. Para 7.30 of the "Planning Statement and Statement of Community Involvement" states *"The new facility will provide greater opportunities not just for the club for the wider community who will be able to use the facility all-year around, for longer periods of time, without the usual wear and tear that is associated with the current overused grass pitches."*

The "Design and Access Statement" prepared by MCA Architecture makes a similar statement. However, Para 11.6 of the Transport Statement states *"There is no current intention for the clubhouse facilities to be used for community use, or anything other than intended use."* **Which is it?**

2. The "Design and Access Statement" prepared by MCA Architecture states "would be suitable for 8 pitches". However, other documents and drawings state 6 pitches. **Which is it?**

3. The “Design and Access Statement” prepared by MCA Architecture talks about a phased approach to the development with the pitches being constructed first and the rest to be constructed as additional funding is achieved. We can’t find further reference to this.

If this is true where do all the cars park while sufficient funding is achieved? There wouldn’t be any changing rooms or toilet facilities.

4. Para 11.4 of the Transport Statement states “it is likely that some players will be dropped off by parents who then do not stay for the game.”. However, Para 11.8 states “*The Charity is hoping to build a suitable clubhouse for the facility which would offer refreshments and create a social environment. This may result in players and visitors remaining on the site to make use of the facilities.....*”. Figures 11 and 12 show there are minimal numbers of spectators, but the number of parking spaces would be 46 on a Saturday morning.

The two statements are not consistent.

Supporting Comments

None of the Supporting Comments by members of the public address the fact of Tower Road being a suitable location. We suspect that any application, no matter its location, would receive the same support as there is a need for Honiton Youth FC to have a better home.

However, the issue is the site suitable or not?

Other Concerns

The sub-soil of the proposed site is heavy clay and there is a lot of run-off from the fields which can become waterlogged. Cuckoo Down Lane and Marl pits Hill are awash in heavy rain, with a strong enough flow to open up potholes and wash stones and debris down the hill.

There would have to be extensive earth removal to create the proposed pitches. Where would this be removed to? While this was being done, soil and clay would be brought onto Tower Road causing it to be dangerous and eventually washing off into the road side ditches.

We are also concerned that the additional drainage required to create the pitches would result in these road side ditches being overwhelmed.

In the winter months, even up to May and beyond, the area can be shrouded in thick cloud while Honiton town is clear. This would prevent any play as visibility would be less than a length of a football pitch.

Security. There seems to be no indication of how the site will be secured when not in use. What measures are there to prevent anybody using the pitches for a “kickaround” at any time when not being used?

Lighting. Although the application says “No lighting will be placed on the proposed football pitches” (Para 7.20 of Planning Statement and Statement of Community Involvement), this would make the pitches unusable for evening practice sessions

during the winter months from late October to March. Therefore why the need to stay open to 8pm? One of the primary aims of an AONB is the conservation and enhancement of the natural beauty incorporating matters of tranquillity, dark skies, wildlife impact and landscape character. Any future application to provide football pitch lighting should be refused.

Conclusion

While the Parish Council recognise the need for the provision of facilities for youth football, the Tower Road location is totally unsuitable and inappropriate for the location of sports pitches. In addition, it is unsustainable and does not comply with many policies and strategies of the East Devon Local Plan.

The proposed development is located in the open countryside designated as an Area of Outstanding Natural Beauty and would represent an alien intrusion into the countryside to the detriment of the natural beauty of this underdeveloped part of the AONB.

Local residents have indicated to the Parish Council that they would consider legal action should EDDC Planning approve this application as so many Policies and Strategies of the EDLP are not complied with.

We would also like to state that we consider this matter to be a failure by EDDC to work with Honiton Town Youth FC to find a suitable location or locations within the Built Up Area of Honiton rather than let them try and find a location which in this case we consider to be wholly unsuitable. EDDC needs to be proactive in working with community groups rather than have them waste a lot of time and money on abortive planning applications.

We urge that this application be refused.

The separate detailed critique of the Transport Statement is attached as an addendum to this objection.

Detailed Critique of the Transport Statement

The following is a critique of the Transport Statement (TS) which the applicants submitted in support of the planning application 24/0841/MFUL. This critique document is an addendum to and forms part of Offwell Parish Council's objection to Planning application 24//0841/MFUL.

The paragraph numbers referred to are to be found in the TS unless otherwise noted.

3 POLICY CONTEXT

To begin with Para. 3.2 of the TS refers to the National Policy Framework (NPPF), the paragraph quoted is not 115 but 111.

There are other paragraphs in the NPPF which are salient to this application but not referred to in the TS, the following are extracts from the NPPF should also have been considered and satisfied.

NPPF 109 “..... significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes”

NPPF 110 “Planning policies should.....d) provide an attractive and well-designed walking and cycling network.....”

NPPF 114 b) “safe and suitable access to the site can be achieved by all users.....”

NPPF 115 “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”.

NPPF 116 a) “... give priority first to the pedestrians and cycle movements both within the scheme and the neighbouring areas and second, so far as reasonably possible, to facilitate access to high quality public transport”.

Para 3.3 refers to Policy 98 of the EDDC Emerging Local Plan which also puts “a particular emphasis attached to ensuring safe pedestrian and bicycle accessibility.”

None of the above requirements have been addressed or satisfied in the TS.

The only consideration to a safe route for pedestrians is within the site and the St Michaels church yard. There are no proposals to construct improvements to the public highway to facilitate safe passage.

Para 3.5 The alternative access route runs through the St Michaels church yard and directs pedestrians or cyclists back to the public highway on a double bend with high hedges, no refuge for pedestrians and insufficient visibility on a 60mph road.

5. MEANS OF ACCESS

Para 5.3 Figures 3 and 4 are photographs taken from the edge of the road, which is misleading, the accepted point from which visibility is determined is 2.4m back from the edge of the carriageway or 2m in lightly trafficked areas.

Para 5.4 suggests minimal adjustment will need to be made to ensure visibility and Fig 2 includes visibility sight lines for the entrance. The southwest visibility line runs to the channel on the far side of the road whereas visibility has to be provided to the nearside channel. To provide sufficient visibility a considerable length of Devon hedge bank will need to be reduced in height to 600mm above road level in order to comply with modern requirements. The sight line to the northeast extends to the pinch point at the entrance to Colwell House a blind spot on this approach in Tower Road.

Para 5.5 Cuckoo Down Lane is a narrow single-track road with no verges between Lower Marl pits Hill and the proposed entrance to the site. There is no room for the creation of a drop off point and only one passing place above the pedestrian entrance to the site. One end of Cuckoo Down Lane leads onto Tower Road and the other to Lower

Marlpits Hill both at blind bends with negligible visibility. Not an ideal route to encourage more vehicles to emerge from what is little more than an agricultural track with a width restriction.

6 VEHICLE ACCESS ARRANGEMENTS

Para 6.1 Tower Road is a local distributor road with a national speed limit, traffic includes a good proportion of large agricultural vehicles, bulk tankers and HGV's gaining access to the coast from the A35 trunk road.

Para 6.3 The road varies in width from 3.8m to a maximum of 6.5m in one location, from the A35 to the proposed site there are four pinch points, at the garden centre 4.0m, at the Old Coach House 4.4m, at Holmelea House 4.3m, at Spring Field Farm 3.9m and at the entrance to Colwell House 3.6m. There are 20 entrances to fields and private properties 15 of which have insufficient visibility. It does not accommodate two-way traffic in both directions.

Para 6.4 There are only two formal passing bays in the 2km long Tower Road and the informal passing bays referred to are private driveways.

Para 6.5 If it is to be believed that Tower Road carries low volumes of traffic then the effect of 52 vehicles in a half hour period every weekend would be significant.

Para 6.6 The proposal that local and visiting teams would be directed off the A35 at Tower Cross is at odds with the response from National Highways dated February 2024 which states that *"it is considered that the majority of associated traffic.....will remain largely contained to the local highway network."*

Para 6.7 Is at odds with 6.6, will local teams gain access by the A35 or not?

Para 6.8 The submitted planning application form states that the facility will be open from 8am to 8pm every day of the week including bank holidays and other subject matter indicates that the organisation wish to encourage the use of the club house to other associations in the area, therefore it is impossible to state that travel *"will be outside the normal highway peaks"*

7 ACCIDENT DATA

This Chapter makes no reference to accident statistics on the A35. Para 11.19 states that both teams will arrive from the A35, the predicted car use in Fig 11 shows 52 vehicle movements in a half hour period. This will inevitably lead to tail backs on the trunk road in all probability back to the sharp bend, known as Devils Elbow, immediately before Tower Cross. An accident waiting to happen.

8 WALKING AND CYCLING PROVISION

Comments on the use of St Michaels church yard have already been discussed in this document see Para's 3.3 and 3.5 above although it is unclear how the Sports Association will ensure that children use this route. Beyond the exit ramp from the graveyard Lower Marl pits Hill rises at a gradient of 14% up to the junction of Cuckoo Down Lane. There are no footways on this section of road with a national speed limit, a rough verge exists adjacent to the farm access, but children will need to cross Lower Marl pits Hill to Cuckoo Down Lane at a point near the blind double bend above Stoney Lane. To reiterate, Cuckoo Down Lane also has no verges on which to walk.

The corollary of the foregoing is that, for reasons of safety, parents will surely deliver their children to the site by private transport as no public transport exists. This, of course is contrary to the Standing advice to the local planning authority, an excerpt of this can be found in the response from National Highways response, which reads. *"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, 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.”

EDDC planners must take note of this National requirement.

9 PUBLIC TRANSPORT PROVISION

None exists or will ever likely to be in the future.

10 PARKING PROVISION

Given the foregoing comments and the experience of the local inhabitants of Ottery Moor Lane, the current site, it is debatable whether parking for 52 vehicles will be adequate and there are no parking places for mini buses or coaches, where will the latter park after the drop off? Additionally there is no allowance for segregation of delivery lorries or refuse vehicles from the private parking spaces.

There is no provision for a drop off point but more importantly a collection point, unlike the wide Ottery Moor Lane, Tower Road will become blocked with vehicles left parked whilst parents look for their children.

11 HIGHWAY IMPACT

Para 11.2 No opportunities exist for sustainable transport.

The impact of traffic through matches will “*only occur*” on Saturdays from August to May ie 10 months of the year and in evenings from April to October ie 7 months of the year. This impact is in addition to the training events, as previously stated the planning form notes 8am to 8pm every day of the year.

Para 11.3 It is questionable whether one parent will generally transport two to three additional players to each event ie four children in total, but this assumption is used in Figs 11 and 12 and used to determine the parking requirement.

Fig 12 shows hours of use which are incorrect. The final two columns should be headed 7.30pm and 8.00pm. Has the same care been taken in generating the figures in the table?

Para 11.16 Whilst the current intention is to limit the use of the club house to the football players other documents indicate that this may not be the final plan, if the proposal is passed by the planners this could be any day of the year.

12 CONCLUSIONS

Para 12.1 The need to find a suitable youth football facility in Honiton is not in dispute. Traffic chaos is witnessed weekly by residents in Ottery Moor Lane despite the road being 7.3 to 8.5m wide with a footway and close connection to a bus service. Transferring this volume of traffic to a rural road would be catastrophic.

Para 12.2 The foregoing has demonstrated that walking and cycling is not an option. The proposal does not remove the need to walk or cycle on Lower Marl pits Hill.

Para 12.3 The planning application notes that the development will be open 8am to 8pm everyday including bank holidays.

Para 12.4 How will the club intend to place limits on the arrival times of vehicles?

Para 12.5 There is enough evidence to show that if the guidelines of the NPPF are followed the application should be refused both on the grounds of safety, sustainability and the impact on the road network.

Parish Council Conclusion

In conclusion it is the firm belief of the Parish Council that this application should fail on the following points:-

On the grounds of safety, the presence of unsupervised school children on a 60mph road with inadequate visibility, no footways and a 17% (1 in 6) gradient.

On the grounds of sustainability, there is no public transport in the vicinity of the proposed site.

On the grounds of impact on the road network, if passed, the facility will open 8am until 8pm every day of the year with no clear plan to control the passage of vehicles to and from the site.

TECHNICAL CONSULTATIONS

DCC Flood Risk SuDS Consultation

09.10.25

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 has submitted the following additional information:

- (a) Clubhouse Drainage (Drawing No. 067 / 014F, Rev. -, dated May 2023),
- (b) Drainage Design (Drawing No. GMA0930.33-2, Rev. 3, dated 09th June 2025).

However, the applicant has not submitted any supporting greenfield runoff calculations or model output results to demonstrate how the attenuation storage is derived. We therefore are unable to carry out further review to the proposed drainage strategy.

The applicant shall also address the previous comments raised in the previous consultation response FRM/ED/0841/2024, dated 15th May 2024.

15.05.24

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 has submitted Preliminary Flood Risk Assessment and proposed drainage strategy (dated March. 2023) to demonstrate the surface water management for the development site.

The applicant has proposed managing surface water from the clubhouse and parking area using a soakaway and rainwater harvester. Additionally, they proposed to manage surface water from the football pitches using filter drains before draining it into swales (detention basins), and then conveying it by field ditches.

In accordance with the hierarchy of drainage solutions, infiltration must first be explored as a means of surface water drainage management. Discharging the surface water runoff from this site to a watercourse will only be permitted once the applicant has submitted evidence which adequately demonstrates that infiltration is not a viable means of surface water management on this site (e.g. results of percolation testing conducted in accordance with BRE Digest 365 Soakaway Design (2016)).

Following the update of the Flood Risk Assessments: Climate Change Allowances document in May 2022 by central government, the applicant will be required to use the new climate change uplift value when sizing the proposed surface water drainage management system for this development.

We only accept FEH rainfall for new applications in line with best practice. The FSR is based on a dataset from 1970s and is out-of-date.

The applicant should provide evidence to clarify why the football pitch's impermeability is 10%.

A maintenance schedule has been submitted. However, the applicant must also confirm who shall be responsible for maintaining the entire surface water drainage system.

The applicant must submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.

Devon County Archaeologist

07.05.24

Application No. 24/0841/MFUL

Land West Of Tower Road And East Of Cuckoo Down Lane Honiton - Detailed planning application for the change of use of land to football pitches, erection of clubhouse, new access and parking, landscaping, engineering and ancillary works: Historic Environment

My ref: ARCH/DM/ED/39530a

I refer to the above application and your recent consultation. The proposed development lies in an area of known archaeological potential in a landscape where prehistoric cremations have been discovered and on the plateau where evidence for iron ore extraction may have taken place from the Roman through to the medieval period and may survive. As such, groundworks for the construction of the proposed pitches, drainage and clubhouse have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. 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.

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 211 of the National Planning Policy Framework (2023) 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 211 of the National Planning Policy Framework (2023), 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 211 of the NPPF (2023), 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 (i) an archaeological geophysical survey followed by (ii) the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest 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 in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. 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/>.

Yours faithfully,

Stephen Reed
Senior Historic Environment Officer

DCC - County Highway Authority

19.05.24

Observations:

I have visited the site and reviewed the planning documents.

This application was put forward to the County Highway Authority (CHA) initially as a pre-application enquiry, with our feedback the application is now put forward as a full application.

Though there are currently two accesses for the current site as an agricultural field, it is agreed that the most suitable, to need and visibility is a single two-way suitable access point to the west of the two existing access points, due to this point having sufficient visibility both ways of Tower Cross Road, with the visibility splay shown Figure 3 (north-east view) and Figure 4 (south-west view) of the Transport Assessment being acceptable.

Tower Road being the preferred routing option for vehicles has a number of passing places, though typical two-way traffic frequently passes simultaneous.

A second footway access leads to the Cuckoo down Lane/Lower Marl pits Hill cross-road, with this short stretch of lane facilitating a shared space road to Honiton itself.

The proposed development will mostly be utilised outside of daily peak travelling hours, therefore I do not believe trip generation intensification will be a problem.

The site layout allows for 52 suitable parking spaces and 4 suitable disabled spaces, should the application be approved, I recommend secure cycle storage to encourage sustainable travel and a Construction and Environment Management Plan, (CEMP), to help mitigate the effects of construction.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

EDDC District Ecologist

14.11.25

1 Review of submitted details

Review of submitted details

This report forms the EDDC Ecology response to the above application. It should be read in conjunction with the previous responses dated 07/06/2024, and 25/04/2025.

An updated Ecological Impact Appraisal (Quantock Ecology, September 2025), Biodiversity Net Gain Report (Quantock Ecology, September 2025) and an amended Statutory Biodiversity Metric (Quantock Ecology, September 2025) have been provided.

Beer Quarry and Caves Special Area of Conservation (BQ&C SAC)

The site is located within a Landscape Connectivity Zone for lesser horseshoe bats associated with Beer Quarry and Caves Special Area of Conservation (BQ&C SAC). Lesser horseshoe bats were recorded using the site and the development would result in the loss of hedgerow habitat.

The proposals do not include the provision of floodlighting and despite the proposed

hedgerow removal there is still potential landscape connectivity over the site for commuting lesser horseshoe bats. Despite potential lighting impacts from the proposed club house and habitat loss via hedgerow removal, this is considered unlikely to affect the favourable conservation status of lesser horseshoe bats associated with BQ&C SAC and as such the development has been screened out of an appropriate assessment. However, this decision would need to be reconsidered if any flood lighting is proposed in the future.

Protected species

Based on the submitted details, it is considered that mitigation measures for protected species including bats and dormice could be provided and are considered broadly acceptable, provided that outstanding concerns are addressed.

The updated ecological reports demonstrates efforts to compensate for habitat loss and enhance connectivity, with additional planting and hedgerow creation proposed. However, further clarification is required regarding the methodology for hedge translocation, the precise location and specification of new hedgerows, and the alignment of compensatory planting with Biodiversity Net Gain (BNG) proposals.

The development will require a European protected species licence for the proposed hedgerow removal and the habitat design will need to be improved in line with recommendations made by the landscape officer, given the site is located within a National Landscape.

Some additional measures to consider would be to create an area of mixed woody/scrub planting in the north-west part of the site and translocating the north-western hedge to the boundary of the pitch. Ideally, landscape connectivity should be maintained with the offsite hedgerows.

Biodiversity Net Gain

Several amendments to the metric and the Biodiversity Net Gain Report have been provided in response to previous EDDC comments. The final metric (including calculated values) and biodiversity gain plan will be dependent on a detailed landscaping plan and could not be finalised until such an approved plan was in place.

Some additional commentary in relation to post development BNG proposals is provided to assist the applicant. Should the application be minded for approval, the following matters will need to be addressed with the submission of the biodiversity gain plan.

1. Area habitat parcels shown in the post development plan(s) should be clearly identified with a reference number that is cross referenced with the habitat reference number column in the metric. This ensures accurate cross-referencing between the plans and the biodiversity metric.
2. The Proposed BNG Habitats (full site) Plan (Quantock Ecology, Sept 2025) includes an arable field which is not included in the metric; clarity is requested
3. Clarity and further details have not been provided regarding the creation/enhancement of hedgerows and how this contributes to additionality clearing showing the 10% BNG is above protected species compensation, i.e., in addition to bat and dormice compensation

It should be noted the submitted metric indicates the development would deliver just over 10% net gain for area and hedgerow habitats. Therefore, it is possible the final design may deliver less than this, e.g., once accounting for protected species compensation has been clarified, if additional woodland planting lowers the predicted BNG outcome. Any shortfall in BNG units could be purchased offsite, and the applicant should consider the potential costs of this if/when a detailed landscaping plan has been developed.

Applicants are reminded that, in accordance with Schedule 7A of the Town and Country Planning Act 1990, development **may not commence** until a Biodiversity Gain Plan (BGP) has been submitted to and approved in writing by the Local Planning Authority. The plan should align with the final BNG documentation, e.g., taking on board any required amendments to landscaping based on an approved plan, and demonstrate how a minimum 10% net gain will be achieved and maintained for 30 years, e.g., suitable legal agreements and control measures in place. As the proposed development would deliver significant onsite gains, the development would also be subject to a BNG monitoring contribution, which should also be considered .

Conclusion and Recommendations

While there have been some concerns with ecological submission for this application, e.g., bat survey effort, and the development would result in the loss of historic hedgerows in a protected landscape with limited buffer zones, it is recognised that the applicant has positively engaged with the ecological assessment process, and the development would provide a much-needed community asset.

Should the application be minded for approval some key ecological requirements need to be embedded and secured including:

- No external floodlighting.
- Limited external lighting around the club house and a detailed lighting plan to demonstrate no lighting impact on nocturnal wildlife.
- Adequate compensatory habitat for hazel dormouse and European protected species licence.
- Appropriately detailed landscape and methodology design with mixture of trees, scrub, and translocated hedgerows maintaining and providing landscape connectivity.
- Appropriately detailed and secured ecological enhancement measures, such as bird/bat/insect bricks and reptile hibernacula.
- Suitable Biodiversity Net Gain (BNG) requirements including legally secured establishment and maintenance of BNG proposals.

The following conditions are recommended:

- 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.

- No lighting shall be installed on the site unless a detailed lighting scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate, through appropriate Lux modelling and specification, that the proposed lighting will not result in adverse impacts on nocturnal wildlife, particularly bats and dormice, and shall be fully compliant with the most recent guidance from the Institution of Lighting Professionals (currently GN08/23: Bats and Artificial Lighting at Night).

Once approved, the lighting shall be installed and maintained strictly in accordance with the approved scheme. No variation shall take place without prior written consent from the Local Planning Authority.

- No hedgerow, tree, or scrub removal shall commence, until the Local Planning Authority has been provided with a copy of the dormouse mitigation licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead. Any mitigation and compensation measures should be included within an agreed Landscape and Ecological Management Plan (LEMP) and Habitat Management and Monitoring Plan (HMMP), unless otherwise amended by Natural England.
- A Habitat Management and Monitoring Plan (HMMP) for a minimum 30-year period following completion of the development shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The Plan shall be prepared in accordance with the submitted BNG report (Quantock Ecology Ltd, September 2025), the approved Biodiversity Gain Plan, the approved

Landscape and Ecological Management Plan (LEMP), and approved hard and soft landscape plans and shall include the following:

- a) Details of the body or organization responsible for implementation of the plan accompanied by a site plan showing areas to be adopted; maintained by management company or other defined body; and areas to be privately owned/ maintained.
- b) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ bodies responsible for its delivery.
- c) A 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.
- d) The planned habitat creation works to create and/or enhance habitat to achieve the biodiversity gain in accordance with the approved Biodiversity Gain Plan.
- e) The management measures to maintain created, enhanced, and retained habitats in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development.
- f) Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period). in relation to:
 - i. Existing trees and hedgerows/banks.
 - ii. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
- g) The location and design of biodiversity features including integrated bird boxes, integrated bat boxes, insect bricks, dormouse nest boxes and other features, e.g., reptile hibernacula, to be shown clearly on accompanying plans.
- h) Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- i) The monitoring methodology and frequency in respect of the created or enhanced habitat in accordance with EDDC guidance to be submitted to the local planning authority.
- j) 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.
- k) 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.

- 1.1. Notice in writing shall be given to the Council when the HMMP works have started.
- 1.2. No first use of the site shall take place until:
 - a) the habitat creation and enhancement works set out in the approved HMMP have been completed; and
 - b) 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.
- 1.3. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.
- 1.4. 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 in accordance with
with
Schedule 7A of the Town and Country Planning Act 1990 and is in accordance with
Strategy
46 (Landscape Conservation and Enhancement and AONBs), 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 and National Planning Policy Framework (December 2024) paragraphs 187, 189, 190, 193, 195, and 198.

25.04.25

1 Review of submitted details

An updated Ecological Impact Appraisal (Quantock Ecology, February 2025) and an amended Statutory Biodiversity Metric (Quantock Ecology, January 2025) have been submitted in response to EDDC ecology comments (June 2024).

The updated documents partially address some of the consultee comments. However, the following matters raised still require addressing.

Beer Quarry and Caves Special Area of Conservation (BQ&C SAC)

The site is within a Landscape Connectivity Zone for lesser horseshoe bats and is near a Sustenance Zone for Bechstein's bats. Bat activity surveys have confirmed the presence of BQ&C qualifying bat species on the site.

A completed Beer Quarry and Caves SAC Shadow HRA document should be provided to give confidence in screening opinion and/or detail mitigation measures if a Stage 2/Appropriate Assessment is considered necessary.

Dormice

Previous recommendations requested by EDDC include: "Quantification of proposed dormouse compensation, to include length of hedge created, use of hedge translocation methodology, and consideration of additional planting, as recommended in the former correspondence".

This information has not been provided in the updated EclA and is required to determine whether the proposals are likely to provide adequate compensatory habitat for the loss of hedgerows on the site. There does not appear to be any additional scrub/woodland planting for dormice included and the EclA refers to a 'double hedgerow'. It is unclear whether this includes a new adjacent hedgerow with a bank or infill planting of the existing hedgerow.

Design and location of proposed hedgerows

The proposed species-rich hedgerows on the BNG proposed habitat plans do not correspond to the proposed site plan. The location of the proposed hedges appears to be bunded/graded areas/likely location of spectators.

The exact location and design specification of proposed newly created hedgerows are required to provide clarity on their position relative to the football pitches, including their design specification, e.g., construction of bank, plant species, size of buffer strips relative to the football pitches and runoff areas.

Bats Further expansion on the result and the limitations of the bat survey were requested, in particular how the modified survey was in accordance with Bat Survey Guideline and details of why the previous consultee recommendations were not followed. The updated EclA provides details of the bat survey undertaken in 2023 as previously provided in the Bat Activity Survey Report (January 2024) with no additional information provided. Survey limitations have been identified to include, 'this is due to the plans showing that most of the development would be some distance from most boundary hedgerows, where impacts from lighting can be mitigated easily'.

It also states: 'Current national guidance recommends seasonal survey efforts (Spring/Summer and Autumn) for any site providing a moderate or high habitat value

for bat activity. In this instance, surveys to date covered the periods July to September only'.

It should be noted that spring/summer/autumn static activity surveys are required for habitats of low suitability, with those considered of moderate to high suitability requiring monthly surveys (April - October).

In my view, there still lacks sufficient data to confidently assess and compare the importance or otherwise of the hedgerows used by commuting and foraging bats, given the survey effort undertaken. However, the bat survey results do indicate the site supports at least 11 species of bat, including Annex II greater horseshoe, barbastelle and lesser horseshoe bats. In this case, it must be assumed (in the absence of further detailed survey effort - see July 2024 response) that a precautionary impact assessment should be considered.

Biodiversity Net Gain

Further information/amendments are required to address the following concerns:

- o Small woodland copse at the western end of hedgerow H2 separating it from H5 has not been recorded in the On-Site Habitat Baseline tab of the Metric, with no justification provided for its absence
- o Hedgerows - Baseline
 - o Several hedgerows are associated with a bank, in particular H2 and H8; they have not been categorised as such in the Metric
 - o Hedgerow H3 and H9 are associated with a ditch (adjacent to Tower Road and noted in section 3.1.2 of the EclA); they have not been categorised as such in the Metric
 - o Hedgerows - Post Development
 - o The removal of H2 - native species-rich hedgerow associated with a bank - will require the creation of a 'like for like or better' habitat. The current Metric, therefore, does not meet the trading rules (i.e. Rule 1 of the Statutory Metric User Guide)
 - o Clarity and further details have not been provided regarding the creation/enhancement of hedgerows and how this contributes to additionality clearing showing the 10% BNG is above protected species compensation, i.e., in addition to bat and dormice compensation
 - o It is unclear how the newly created species-rich hedgerows, proposed to be in 'good' condition can be achieved given their proximity to football fields and the associated human disturbance; native hedgerow in 'poor' condition would be more realistic.
 - o Other:
 - o Pedestrian/cycle access path/track through the proposed 'other neutral grassland' in the north-western field (indicated in Drg No 067/012.1A) has not been accounted for in the Metric nor in the BNG report.

2 Recommendations

I would maintain a holding objection to the application until the above information has been addressed.

Key points to address

- o New and enhanced hedgerow habitat provision quantified and shown clearly on plans, including new hedgerow construction details.
- o Quantification of proposed dormouse compensation, to include length of hedge created, use of hedge translocation methodology, and consideration of additional planting, as recommend in the former correspondence.
- o Addressing the Biodiversity Net Gain (BNG) comments.
- o The EclA should provide specific measures to provide mitigation, compensation, and enhancement. For example, Section 6 still makes generic recommendations rather than what measures will be provided.

Reason:

In absence of the necessary information identified above, it has not been demonstrated that the proposals would not result in an adverse impact on the integrity of Beer Quarry and Caves SAC or result in no adverse effect on protected and priority species and priority habitats and whether the biodiversity gain condition would be capable of being discharged. In absence of this information, the proposal is not in accordance with Policies EN5, and Strategy 47 of the East Devon Local Plan 2013 to 2031.

18.06.24

1 Introduction

This report forms the EDDC's Ecology response to the full application for the above site.

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

Ecological Survey Reports

The application is supported by an Ecological Appraisal (Quantock Ecology, April 2023) informed by a biological records centre data search, and separate Bat Activity Survey report, Dormouse Survey report, and Biodiversity Net Gain (BNG) Design Stage report. The BNG assessment was undertaken using the Statutory Metric.

The survey reports indicate the site is used by foraging and commuting bats including Annex II greater horseshoe, barbastelle and lesser horseshoe bats, and nesting dormice. The EA report considers the site has high potential to support nesting birds with low habitat suitability for common reptiles, common amphibians and badgers.

The submitted reports make various recommendations but lack clarity in terms of consideration of the ecological impacts, and proposed mitigation, compensation, and enhancement measures. For example, the ecological appraisal lists several broad

recommendations stating these should be developed further and incorporated into the proposals; however, this has not been provided. The bat and dormouse reports make similar recommendations for mitigation but these lack sufficient details in terms of quantifying hedge loss in length or detailing habitat enhancement and creation.

Habitats

The extended Phase 1 habitat survey was undertaken outside the optimal survey period in March 2023. A follow-up walkover survey to inform the BNG baseline condition of the site was undertaken in August 2023 which would cover the botanical survey period. However, there are discrepancies within these assessments. The ecological appraisal considers the lost habitats would be of a low impact. The site is predominantly arable cropland bounded by historic native banked hedgerows on all sides, with improved grassland. Arable crops are considered of local/low ecological value. However, the proposals include the removal of approximately 220 m of hedgerow (~ 160 m of H2 and ~ 60 m of H6 with a reduction of H3 and H9 to allow for visibility splay).

Banked native species-rich hedgerows are a habitat of principal importance under section 41 of the Natural Environment and Rural Communities Act (2006), a Devon Biodiversity Action Plan (DBAP) habitat, and considered 'Important' under the Hedgerow Regulations 1997. Hedges are considered of at least of County ecological value and the loss of approximately 220 m would result in a moderate adverse ecological impact.

The ecological appraisal report notes there is a small, semi-natural broadleaved woodland in the southwest corner of Field 2, however this was not taken into consideration within the BNG calculations (see below).

Bats

The bat survey report states that the survey followed best practice guidance and provides a robust data set. It also notes that the site is in proximity to a Bechstein's bat sustenance zone associated with Beer Quarry and Caves (BQ&C) Special Area of Conservation (SAC).

The ecological appraisal report notes that the site, especially the hedgerows and considering the surrounding favourable bat habitat including large areas of woodland, offer suitable foraging and commuting habitat for bats. This report also recommends that some form of modified bat survey method be used given the lower value of arable habitat for bats, including the deployment of three bat detectors over the site which are moved around and no manual activity surveys.

The bat survey report considers that the site supports at least 11 species of bat, including Annex II greater horseshoe, barbastelle and lesser horseshoe bats. The methodology within the bat survey report differs to the proposed methodology in the ecological appraisal, only relying on two static detectors. The impact assessment considers that the site is not important for foraging and commuting bats and identified that the only significant commuting route identified was hedgerow 8 (H8).

Recommendations are made regarding proposed mitigation measures including provision of new hedgerows, creating a double hedgerow, infill planting, buffer strips, and recommended lighting measures, including the provision of a lighting plan in accordance with BCT/ILP (2023) Guidance Note 8.

From the bat survey report it is hard to determine how the methodology has followed best practice guidelines (Collins, 2016) and how meaningful quantified and qualitative assessments are made. No reference to the site being located within a lesser horseshoe bat landscape connectivity zone (LCZ) associated with BQ&C SAC is made, although it is noted in the ecological appraisal that the bat survey would also consider movements of horseshoe bat species.

The static bat detectors have moved around in each deployment phase with both hedgerows subject to removal (hedgerows H2 and H6) only being surveyed on one occasion each, one in early-September (H2) and one in late-October (H6). Therefore, no seasonal assessment of their use by foraging and commuting bats can be understood, i.e., there is no spring or summer data to compare. Without the support of manual bat activity surveys, consideration of bat activity indices, times of calls, and fixed static bat locations, the bat survey results do indicate the site is used by a high assemblage of bat species, including those associated with BQ&C SAC. However, in my view, there lacks sufficient data to confidently assess and compare the importance or otherwise of the hedgerows used by commuting and foraging bats.

Reference to the proposed bat survey methodology was raised in the consultee response to the previous submitted application (ref: 23/0735/MFUL) which stated: "Given the amount of proposed hedgerow removal and rural nature of the site I would recommend that the static bat activity survey should be supported by manual bat activity surveys to observe bats over the site to record commuting and foraging locations. The static bat detector locations should be fixed to compare bat activity over the site, including the two hedges proposed for removal."... "As the site is located within a lesser horseshoe bat landscape connectivity zone it is also recommended that the Beer Quarry and Caves SAC Shadow HRA document be submitted with the application."

These recommendations have not been followed nor recognised in this new planning submission.

Dormice

Dormice were confirmed as nesting on site (utilising footprint tunnels) on the southern hedgerow with trees (H8), which borders Honiton Golf Club. They are assumed to be in all suitable habitats including all hedges and the area of woodland within and surrounding the site.

The removal of approximately 220 m of hedgerows H2 and H6 will result in the direct habitat loss of dormouse foraging, nesting and hibernation habitat and could result in the killing or injury of dormice at the time of works. Their removal will require a European protected species licence (EPSL) from Natural England.

Mitigation and compensation proposed includes enhancing existing hedges through infill planting, provision of new hedges, and provision of 15 dormouse nest boxes. A new species-rich hedge is also proposed along the western boundary. The dormouse survey report notes there is scope to provide additional hedgerows along the northern sections of the site, and create a small, wooded area beyond the western boundary, but these measures are not included. Correspondence from the project ecologist notes:

"Based on a very rough calculation, it looks like you are removing approximately 220m of hedgerow and if we can replant as much as this as possible, it would be very beneficial..."

Another thing to consider is if we plant trees within the new hedgerows, this may help in terms of BNG and trying to show a net gain of 10%. However, removal of this much hedgerow will need some robust replacement habitat to achieve this."

As stated in the Natural England dormouse mitigation licence method statement (section E3.3) dormouse compensation measures are "expected to result in no net loss of dormouse habitat" and where no net loss is not proposed robust justification is required on how the favourable conservation status will be maintained.

.GOV guidance states the local planning authorities must be confident in determining whether Natural England will issue a licence before granting planning permission.

From the provided detailed, it is hard to determine whether sufficient mitigation in terms of habitat provision and management, e.g., as amount, type, and length of hedges created and enhanced are not detailed. Other best practice, such as hedgerow translocation, e.g., H6, planting on banks, and consideration of temporal establishment time of functional habitat are not provided. New hedges can take in excess of 10-years to become functional habitat, especially in consideration of replacing historic hedge banks.

Biodiversity Net Gain

The submitted metric calculations quantify the proposal would result in an increase of 0.99 habitat units (10.47%) and an increase of 1.67 hedgerow units (11.19%) with trading rules satisfied.

There are some discrepancies between the ecological appraisal report and BNG report and submitted metric. The appraisal notes that hedgerows on site are all associated with a bank, and one at least appears to be associated with a ditch (H9 - refer to photo 10 within the ecological appraisal). All habitats within the metric are classified as cropland, although the ecological appraisal notes the presence of improved grassland and woodland on the site.

The removal of native species-rich hedgerows associated with a bank will require the creation of a 'like for like or better' habitat according to Rule 1 of the Statutory Biodiversity Metric User Guide; therefore, the trading rules have not been met. This is also reiterated within the Devon Planning Guidance for Biodiversity Compensation and Net Gain (February, 2024).

From Drawing No 067/012A, the exact location of the newly created hedgerows is unclear. Further clarity on their position relative to the football pitches including size of buffer strips relative to the football pitches and runoff areas is required.

The creation of 0.35ha of other neutral grassland and species-rich native hedgerow with trees would constitute significant onsite gain and would need to be legally secured with a section 106 (s106) agreement. A Habitat Management and Monitoring Plan would also be required describing how the created, retained (including the small woodland and retained hedgerows) and enhanced habitats on site will be managed and monitored for 30+ years. From the design and access statement, it notes that a 25-year lease has been agreed so there is some lack of clarity on whether the general biodiversity condition could be discharged for onsite habitat creation.

The BNG reports considers the Good Practice Principles for Development and in regard to principle 7 (Additionality), it states "Without the development and BNG input the site would remain as arable cropland".

.GOV guidance indicates that protected species compensation can count towards biodiversity net gain up to no net loss and at least 10% of the developer's biodiversity units must come from additional activities other than mitigation and compensation. The proposed hedgerow habitat creation would provide compensatory habitat for dormice and foraging and commuting bats, including those associated with Beer Q&C SAC. Therefore, it is not clear how additionally has been considered for hedgerow creation.

3 Recommendations

I would currently submit a holding objection to the application until the following information has been provided:

- o An ecological impact assessment (EclA) report detailing the ecological impacts, mitigation, compensation, and enhancement measures relevant to the scheme, clearly identifying the following:
 - o Information provided to quantify compensation and enhancement measures, so it is clear what is being provided and easily identifiable.
 - o Further expansion on the result and limitations of the bat survey, and where it is considered these are in accordance with survey guidelines reference to the relevant extracts as well as providing details why previous consultee recommendations were not followed.
 - o Quantification of proposed dormouse compensation, to include length of hedge created, use of hedge translocation methodology, and consideration of additional planting, as recommend in the former correspondence.
- o A completed the Beer Quarry and Caves SAC Shadow HRA document.
- o An updated biodiversity metric and report with appropriate categories applied to existing on-site area habitats and hedge types and a clear distinction of additionality, i.e., to demonstrate what is being provided is capable of achieving 10% BNG above protected species compensation, i.e., outside of bat and dormouse compensation.

- o Clarity that 30-year maintenance can be achieved on site.
- o Additional habitat creation and enhancement measures (if required).

Reason:

In absence of the necessary information identified above, it has not been demonstrated that the proposals would not result in an adverse impact on the integrity of Beer Quarry and Caves SAC or result in no adverse effect on protected and priority species and priority habitats and whether the biodiversity gain condition would be capable of being discharged.

In absence of this information, the proposal is not in accordance with Policies EN5, and Strategy 47 of the East Devon Local Plan 2013 to 2031.

Environmental Health

I have considered the application and note that this 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. This is available on the council's website.

EDDC Landscape Architect

14.10.25

I have reviewed the latest amended details and additional details submitted with the above application against my previous comments dated 13 May 2025.

I note that location of the proposed package treatment plant and associated drainage runs are now included on the club house which appear to fit satisfactorily without adverse impact on existing trees, although no levels details are provided for it.

Other issues raised in my previous comments do not appear to have not been addressed. Should the application be approved these issues should be addressed by conditions as set out in my previous response notwithstanding the submitted details.

13.05.25

1 INTRODUCTION

This report forms the EDDC's landscape response to amended details submitted in respect of 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 and previous landscape response dated June 2024.

3 REVIEW OF SUBMITTED DETAILS

3.1 Amended site layout

There are a number of issues with the site layout which remain unsatisfactory, as follows:

- o The proposed footway to south side of the site entrance serves little purpose as there is no footway along Tower Lane for it to connect to and it would add an unnecessary urbanising element to the road frontage as well as creating a wider entrance. It should be omitted and the entrance width reduced accordingly.
- o Additional planting is required to help soften the graded embankments to the southeastern end of the pitches and along the Tower Road frontage.
- o The existing hedgebank that is to be removed, which runs across the proposed U15/U16 pitch, should be translocated to the northwestern end of the pitch.
- o Additional structure planting is required in accordance with the recommendations of the submitted LVIA. It is recommended that this should include native tree and scrub planting along the embankment to the southwest side of the mini soccer pitches and between the car park and proposed attenuation basin; to the northwest of the U17/18 pitch and northwest and southwest of the smaller attenuation basin to the northeast of the U15/16 pitch as well as the reinforcement of planting along the existing hedgebank to Tower Road.
- o The plan should indicate the location and extent of the proposed large sewage treatment plant, including route of outflow.
- o Due to a level difference of about 1.5-2m between the pitches and clubhouse a suitable ramp is required to provide access for wheelchair users between the two. Full details should be required by condition if the application is approved but, its location and connecting pavings should be added to the site layout.

3.2 Materials (dwg. no. 067/016)

Proposed River Blue stonework to the main building frontage is not locally distinctive and should be changed to a locally sourced chert stone.

3.3 Services

There are no convenient utilities connections in the vicinity of the site and the proposed scheme is based on an off-grid solution to services. It is not clear whether proposed p.v. arrays and borehole water supply can meet the requirements for power and water at the site and an assessment is required to demonstrate that proposed provision is adequate. A need for on-grid electricity or increased renewables provision could result in additional landscape and visual impact.

4 CONCLUSION AND RECOMMENDATIONS

4.1 Acceptability of proposals

The proposals by their nature are more suited to an urban edge situation where they could be easily and sustainably accessed by their intended users, rather than in a relatively isolated and elevated location in the countryside within a nationally designated landscape.

The proposals would result in a loss of 290 metres of native hedge and would introduce built form, car parking and associated infrastructure into the site and associated intensive activities, the scale of which would have a localised urbanising effect. The proposed widening of the site access will open up views into the site from Tower Road in which the proposed car park, pavilion and pitches would be clearly visible. Tower Road is currently used for recreational access by walkers and cyclists and the increase in vehicular usage and site activity could have an impact on their enjoyment of its character, tranquillity and perceived safety.

As such the proposals as submitted could not be said to conserve natural beauty in accordance with NPPF para. 189 or the duty to further the special qualities of protected landscapes as required by Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 (LURA). To address these shortcomings amendments and clarifications are required to the submitted details as noted at section 3 above prior to determination of the application.

Subject to receiving satisfactory amendments as noted in section 3 above, and on the assumption that parking provision and planting mitigation will be adequate and floodlighting will not be required, the development is likely to give rise to some localised moderate and moderate-low adverse landscape and visual effects as identified in the submitted LVIA, which could be considered acceptable.

4.2 Landscape conditions

Should acceptable amendments and clarifications be provided and the application be approved 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, ramps, steps, pavings, kerbs 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 steps, ramps and retaining walls.

d) 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:

- o a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
- o methods for stripping, stockpiling, re-spreading and ameliorating the soils.
- o location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
- o schedules of volumes for each material.
- o 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.
- o identification of person responsible for supervising soil management.

e) 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

f) 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.

2) No development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 30 years has been submitted to and approved in writing by the Local Planning Authority which should include the following details:

- o Extent, ownership and responsibilities for management and maintenance.
- o Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.

- o A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- o Landscape and ecological aims and objectives for the site.
- o 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.
- o Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
 - o 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.
 - o New trees, woodland areas, hedges and amenity planting areas.
 - o Grass and wildflower areas.
 - o Biodiversity features - hibernaculae, bat/ bird boxes etc.
 - o Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
 - o Arrangements for Inspection and monitoring of the site and maintenance practices.
 - o 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.

Management, maintenance and monitoring shall be carried out in accordance with the approved plan.

3) 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.

4) Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping

scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

05.07.24

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 SITE DESCRIPTION AND CONTEXT

The site is situated on a narrow elevated plateau and comprises an L-shaped arrangement of two rectangular arable fields and the southern portion of a third. The ground is generally level but falls gently away from the middle of the site to the northwest and southeast towards the plateau edges. The fields are bounded by Devon hedgebanks. There are generally few hedgebank trees with the notable exception of the southwestern boundary which abuts Honiton golf club and which comprises a densely treed hedgeline that provides effective screening from the golf course, at least when vegetation is in leaf. Aside from the golf course, surrounding land use is generally mixed agricultural. Tower Road is a typically quiet and narrow Devon lane with hedgebanks, ditches and frequent mature oaks along much of its length and affords views into the site from a field gateway with potential for winter views into the site over/ through the roadside hedgebank.

Notwithstanding the adjacent golf club, the site and surrounding landscape are in good condition with few modern influences present and contribute positively to local landscape character.

Potential views into the site from the wider landscape are generally well screened by intervening vegetation, although there are long distance views from the northwestern end of the site to St Cyres Hill, Dumpdon Hill and Hembury Fort in the Blackdown Hills National Landscape. Due to their distances from the site and location of the most intrusive elements of the development at its southeastern end it is unlikely that there will be noticeable effects on visual receptors at these locations. Consequently, visual receptors are likely to be limited to walkers, cyclists and motorists travelling along Tower Hill Road past the southeastern site boundary and users of the golf club in the vicinity of the southwestern boundary.

The site falls within the East Devon National Landscape where, in accordance with the NPPF para. 182, great weight should be given to conserving and enhancing landscape and scenic beauty. Cuckoo Down Lane 180m to the northwest forms the boundary with the Blackdown Hills National Landscape.

3 REVIEW OF SUBMITTED DETAILS

3.1 Landscape and Visual Appraisal (LVA)

The findings of the LVA that the scheme will give rise to moderate adverse landscape effects on completion reducing to moderate-minor adverse at year 15 and localised moderate to minor visual effects along the frontage of Tower Road on completion reducing to minor adverse at year 15 are generally accepted.

The LVA should have considered potential secondary effects arising from increased traffic on Tower Road and potential parking overspill both of which could result in damage to verges and hedgebanks and some loss of tranquillity.

It is noted in the LVA that the proposals do not include floodlighting. If floodlighting was required in the future, the effects in this sensitive, elevated location could be significant over a wide area.

The LVA makes recommendations for mitigation planting to compensate for hedgerow loss and improve screening of the development but there is no indication on the site plan or other supporting documents of the extent and nature of this and a landscape strategy plan should be provided prior to determination.

3.2 Tree survey

The tree survey findings indicate that impacts on tree root RPAs will be minimal due to the fact that past ploughing will have reduced the presence of surface roots within the field area.

3.3 Site layout

The layout of the pitches is heavily constrained by the existing field boundaries and there is little scope for alternative layout. The layout entails the removal of two sections of existing hedgebank totalling some 280m in length. The site layout plan should clearly indicate the extent of vegetation removals including to accommodate visibility splays.

The layout of the car park and hard pavings around the building and site entrance is considered unsatisfactory and there is opportunity for improvement particularly through the following measures:

- The proposed footway to south side of the site entrance serves little purpose as there is no footway along Tower Lane for it to connect to and would add an unnecessary urbanising element to the road frontage as well as creating a wider entrance. It should be omitted and the entrance width reduced accordingly.
- A direct pedestrian access route should be provided between the parking bays along the southeastern frontage of the proposed building to its main entrance.
- Additional planting is required to help soften the graded embankments to the southeastern end of the pitches and along the Tower Road frontage.
- The existing hedgebank that is to be removed, which runs across the proposed U15/U16 pitch, should be translocated to the northwestern end of the pitch.

The need for ball-stop fencing along the golf course boundary is questioned given the density of the existing boundary vegetation. However, if required, its proposed line should be clearly indicated on the site plan so that its potential impact on trees and bat foraging/ commuting can be assessed.

Amended details covering the above points should be provided prior to determination of the application.

3.4 Pedestrian access 067/012.1

In addition to the proposed path the drawing should be amended to show proposed planting in the area to the northwest of the U15/U16 pitch.

3.6 Materials (dwg. no. 067/016)

Proposed River Blue stonework to the main building frontage is not locally distinctive and should be changed to a locally sourced chert stone.

3.7 Services

There are no convenient utilities connections in the vicinity of the site and the proposed scheme is based on an off-grid solution to services. It is not clear whether proposed p.v. arrays and borehole water supply can meet the requirements for power and water at the site and an assessment is required to demonstrate that proposed provision is adequate. A need for on-grid electricity or increased renewables provision could result in additional landscape and visual impact.

4 CONCLUSION AND RECOMMENDATIONS

4.1 Acceptability of proposals

The proposals by their nature are more suited to an urban edge situation where they could be easily and sustainably accessed by their intended users rather than in a relatively isolated location in the countryside within a nationally designated landscape.

The proposals would introduce built form, car parking and associated infrastructure into the site and associated intensive activities, the scale of which would have a localised urbanising effect. The proposed widening of the site access will open up views into the site from Tower Road in which the proposed car park, pavilion and pitches would be visible. Tower Road is currently used for recreational access by walkers and cyclists and the increase in vehicular usage and site activity could have an impact on their enjoyment of its character, tranquillity and perceived safety. Amendments and clarifications are required to the submitted details as noted at section 3 above prior to determination of the application.

On the basis of the submitted details and assumption that parking provision and planting mitigation will be adequate and floodlighting will not be required, the development is likely to give rise to some localised moderate and moderate-low adverse landscape and visual effects as identified in the submitted LVIA, which could be considered acceptable.

4.2 Landscape conditions

Should acceptable amendments and clarifications be provided and the application be approved 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, kerbs 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 steps, ramps and retaining walls.

d) 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.*

e) 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

f) 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.

2) No development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 30 years has been submitted to and approved in writing by the Local Planning Authority which should include the following details:

- Extent, ownership and responsibilities for management and maintenance.

- Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
- A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- Landscape and ecological aims and objectives for the site.
- 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 in relation to:
 - Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
 - New trees, woodland areas, hedges and amenity planting areas.
 - Grass and wildflower areas.
 - Biodiversity features - hibernaculae, bat/ bird boxes etc.
 - Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- Arrangements for Inspection and monitoring of the site and maintenance practices.
- Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.

Management, maintenance and monitoring shall be carried out in accordance with the approved plan.

3) 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.

4) Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2

(Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before

development starts to ensure that it properly integrates into the development from an early stage.)

EDDC Trees

13.03.25

A comparison of the amended proposed site layout and original layout appears to show that that will be no further impacts on the retained trees and therefore are no arb concerns raised.

14.05.24

The proposal is supported by an Arb Report provided by Advanced Arb dated 12th May 2023. The report includes a tree survey, AIA, TCP, TPP and AMS. A pre app site visit was undertaken with the Arb consultant. As described within the report, the rooting environment is considered to be restricted due to historical ploughing of the fields. Therefore the RPA of the trees on site are likely to be offset, which in this case 'benefits' the proposal as the rooting environment of the trees are unlikely to be compromised by the proposal. Therefore there are no arb objection to the proposal. I recommend the following condition:

a) Prior to commencement of any works on site (including demolition), the Tree Protection measures shall be carried out as detailed within the Arboricultural Report and Arboricultural Method Statement submitted by Advanced Arboriculture on the 12th May 2023. All works shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed, no changes to be made without first gaining consent in writing from the Local Authority.

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

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

d) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

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

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

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

(Reason - To ensure retention and protection of trees on the site prior to and during construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031).

EDDC Senior Leisure Officer

19.09.25

Thank you Charlie for the opportunity to feedback on this application for grass pitches on the Tower Hill site outside the town of Honiton. As Leisure Manager for East Devon, I raise no objection to the application.

I support it for the following reasons

The summary for East Devon District as a whole shows the current supply and demand analysis for grass football pitches based on current projections across key themes of Quantity, Quality and Accessibility. This is across a large rural district so further insights are provided at Sub Area level and currently work is also being completed to update at Town level including Honiton.

| Facility Type | Quantity Assessment Current / Future | Quality Assessment Poor / Good / Excellent | Accessibility Assessment Poor / Good / Excellent | Provision Needs Short / Medium / Long term |
|--|---|---|---|--|
| Football - Grass Pitches There are 108 grass football pitches across 59 sites that | <ul style="list-style-type: none"> There is currently spare capacity on adult 11v11, 9v9, 7v7 and 5v5 pitches in East Devon. There is a large deficit of -9.5 MES on youth 11v11 pitches. | <ul style="list-style-type: none"> 57% of pitches rated good 20% standard | 89.5% of pitches available to the community have long term security of tenure (This analysis includes use of | Focus on increased access to all grass pitch types, with a focus on youth 11v11. Increased access to 3G pitches will also help ease capacity issues |

| | | | | |
|--|--|--|---|---|
| <p>are available for community use.</p> <p>292 teams from 46 clubs are identified as playing within East Devon across all age groups</p> | <p>Current:</p> <ul style="list-style-type: none"> • Adult – +7 MES • Youth 11v11 - - 9.5 MES • 9v9 - +2.5 MES • 7v7 - +7 MES • 5v5 - +1.5 MES <p>Future:</p> <ul style="list-style-type: none"> • Adult - - 1.5 MES • Youth 11v11 - - 20 MES • 9v9 - - 6.5 MES • 7v7 - - 2.5 MES • 5v5 - - 10 MES | <ul style="list-style-type: none"> • 23% poor quality • Quality issues spread across the study area. | <p>St Rita’s Playing Fields which do not at present have longer term security of tenure).</p> | <p>Explanation Note:</p> <p>MES = Match Equivalent Sessions Focus on space capacity at peak times</p> <p>Adult = 7 peak time slots available Youth = 9.5 lack of peak time slots available</p> |
|--|--|--|---|---|

Honiton also sites right on the border of the central sub area where grass pitch deficits are also present.

East Sub Region (including Honiton)

| Pitch Type | Current Capacity (MES) | Future Capacity (MES) |
|--------------------|------------------------|-----------------------|
| Adult 11v11 | +6 | +3.5 |
| Youth 11v11 | -2 | -5.5 |
| 9v9 | +1.5 | 0 |
| 7v7 | +0.5 | -1 |
| 5v5 | 0 | -2.5 |

* MES = Match Equivalent Sessions (Focus on space capacity at peak times)

The FF and Devon FA are actively engaged with the applicant and are fully supportive of the proposals and believe they are essential for the continuation, sustainability and growth of football in the Honiton area. This is referenced in the latest Football Facility Plan for East Devon that was completed in May 2025.

- [East Devon Executive summary](#)

I refer in particular to Page 6 of the Plan – No 8 Grass Pitches (Tower Road)

- [East Devon Local Football Facility Plan](#)

It does re-enforce the comments made by Sport England back in May 2024 and subsequent email 26 February 2025 which references the currently adopted Playing Pitch Strategy from 2015

[adopted-east-devon-pps-2015.pdf](#)

(See Pages 32 and Page 73)

“The PPS has specific action plans regarding Honiton Development Trust’s Tower Hill proposals. It explicitly states in HO.18: to “explore the possibility of addressing all Honiton pitch issues on alternative sites better related to the existing town and outside of the AONB first but if there are no realistic alternatives then **some pitches may need to be delivered on Tower Hill**”.

Honiton Playing Pitch Strategy

This also relates to the need for pitches at Tower Hill.

[Open Space - Honiton Sports Pitch Strategy - East Devon revised-draft-honiton-sports-pitch-strategy.pdf](#)

Conclusion

The new provision would provide a high-quality fit for purpose facility for young footballers within Honiton and surrounding area and address some of the current challenges that users face with existing provision.

Environment Agency

29.09.25

Thank you for re-consulting us on this application.

Environment Agency position

We maintain our position to this proposal based on the level of information submitted.

Reason

It is now apparent that the applicant proposes to connect the club house to a sewage treatment plant, which will then channel flows to a surface water detention basin. This detention basin appears to connect to a ditch which flows under the adjacent road, and in a south easterly direction. The applicant's 'Preliminary Flood Risk Assessment and proposed drainage strategy' provides details on this, but it does not appear to be a ditch which flows all year around. The plans also suggest that an environmental reed bed may be required, but that that detail is to be confirmed. We appreciate that this is not a sewered area but we have concerns that the applicant has not yet obtained a clear approach to the management of non-mains drainage, considering the lack of proposed flows and loads estimations, and that the drainage basin features may not be fit for purpose to take both surface water and foul flows. Usually, a full application should provide such details prior to a determination so that a fully informed decision can be made on whether it is an appropriate way to manage

the foul flows. The applicant must ensure that they obtain an environmental permit should the flows not comply with the general binding rules.

On a separate note, the applicant needs to obtain an abstraction license for the water supply if the demand is over 20m³ per day.

Way forward

We would encourage the applicant to provide a clear and detailed statement on the management of the foul drainage from the site, with appropriate mitigation measures to ensure no detrimental harm to water quality in this river catchment. Further details on the proposed borehole would also be useful.

Please contact us again if you require any further advice.

10.05.25

Environment Agency position:

Whilst we have no in-principle objection to the proposal in terms of using a non-mains foul drainage system, we would recommend that the application is not determined until some clarity is provided regarding the new package treatment plan discharging to a watercourse. The reason for this position is provided below.

Reason:

Government guidance within the National Planning Practice Guidance (paragraph 020 in the section on water supply, wastewater and water quality - Reference ID: 34-020-20140306) stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.

The applicant indicates on the submitted Foul Drainage Assessment form that the proposed system would discharge solely to watercourse. However, there are no plans which indicate where the watercourse is, and to where it flows, with clarity. Also, there doesn't appear to be any written justification including a map for why the applicant is opting for a non-main drainage solution however, from our records, it is apparent that there is not mains sewer network in the immediate vicinity of the application site.

Advice to applicant - Environmental Permitting:

Any non-mains foul drainage system associated with this development will require an Environmental Permit from the Environment Agency under the Environmental Permitting Regulations 2010, unless it satisfies the General Binding Rules for small sewage discharges in England. The General Binding Rules can be found online at <https://www.gov.uk/government/publications/small-sewage-discharges-in-england-general-binding-rules>.

If the proposed foul discharge will not satisfy the General Binding Rules the applicant is advised to contact our National Permitting Service on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted, particularly if the discharge is located within an area served by a mains sewer. Additional 'Environmental Permitting Guidance' can be accessed online at <https://www.gov.uk/permits-you-need-for-septic-tanks>.

Please contact us if you require any further advice.

21.02.25

Thank you for reconsulting us on this application. However, the information submitted does not change our previous response dated 10th May 2024. Please reconsult us with any additional information that may affect our position.

National Gas Transmission

National Gas Transmission has No Objection to the above proposal which is in close proximity to a High- Pressure Gas Pipeline – Feeder providing the below conditions are adhered to:

No Objection:

National Gas Transmission operates a high-pressure gas pipeline - FEEDER 14 - BARRINGTON TO KENN – in the vicinity of the proposed development.

The pipeline has an easement in operation. No development, construction or landscaping is permitted within the easement without formal written approval from National Gas Transmission.

The proposed dwelling* appears to fall outside the pipeline easement.

The pipeline has a 49m 'Building Proximity Distance' (BPD), which restricts development within this distance.

Further guidance for consultation zones around a Major Hazard Pipeline can be found at:

<https://www.hse.gov.uk/landuseplanning>

It is the Local Authority & Developer's responsibility to ensure that the requirements of LUP are adhered to. As the proposed development falls within the 4xBPD, an internal risk assessment has been carried out to demonstrate the risk to population. The results of this risk assessment falls within acceptable criteria and NGT will not object to this planning permission.

Please note that any further introduction of population to this area may lead to unacceptable risk and as such NGT may object to further planning applications in the future.

Land use planning (LUP) – public safety advice - HSE

***NOTE* - The response refers to a dwelling in error, this has been clarified with NGT and they have confirmed that their comments relate to the current application.**

National Highways

Referring to the notification of a Full planning application referenced above, for the change of use of land to football pitches, erection of clubhouse, new access and parking, landscaping, engineering and ancillary works, at Land West of Tower Road and East of Cuckoo Down Lane, Honiton, notice is hereby given that National Highways' formal recommendation is that we:

a) offer no objection (see reasons at Annex A);

Highways Act 1980 Section 175B is not relevant to this application.

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.

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 24/0841/MFUL.

Statement of Reasons

The application seeks full permission for the change of use of land to football pitches, erection of clubhouse, new access and parking, landscaping, engineering and ancillary works, at Land West of Tower Road and East of Cuckoo Down Lane, Honiton. The 4.6ha site which currently comprises agricultural land is located approximately 650m south of A35 trunk road and 1.4km south of the A30/A35 junction.

It is noted the application is being made to support the relocation of Honiton Town Youth FC to a larger dedicated site with improved facilities. Honiton Town Youth FC is currently based at St Rita's Fields which are located approximately 2km north west of the proposed site and immediately north and east of the A30 trunk road and A30 Turks Head junction.

Resubmission of application 23/0735/MFUL

The proposal is a resubmission of application 23/0735/MFUL on the same site which sought full permission for the construction of a Youth Football Facility, including clubhouse, parking, storage and football pitches to suit all age groups. Section 1.2 of the planning statement confirms the previous application was deemed invalid on the basis of the incorrect planning fee being paid.

National Highways offered no objections to application 23/0735/MFUL as set out in our formal response dated 9 May 2023.

Impact on Strategic Road Network

As the application comprises the relocation of an existing youth FC facility it is considered that the majority of associated traffic will be diverted as opposed to new trips and will remain largely contained to the local highway network. Given the proposed use of the site it is also accepted that the majority of associated vehicular trips will occur outside of the weekday and weekend network peak hours. On this basis, and in line with our response to previous application 23/0735/MFUL, National Highways considers the proposal unlikely to result in an adverse impact on the safe operation of the strategic road network.

Recommendation

National Highways has no objection to application 24/0841/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 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.

Sports England

26.02.25

Many thanks for re-consulting Sport England on this application.

Further to our detailed comments dated 9 May 2024 the Football Foundation (FF) and Devon FA have reviewed the new documents and are still fully supportive of the updated layout.

Sport England remain firmly in support of this application given the limited opportunities in the Honiton area to meet the needs of youth football. More pitch space is needed and the town is very constrained. The site adjoins an existing sporting use.

If granted permission we would seek a planning condition to ensure the pitches are constructed to meet performance quality standards (PQS) for football.

09.05.24

Thank you for consulting Sport England on the above application.

Summary

By providing new pitches that could help address established playing pitch deficiencies (East Devon Playing Pitch Strategy) Sport England **supports** this application. The need for the facility is demonstrated in the application and policy allows for the development of ancillary facilities for sport where there is a clear demand and where they do not compromise the reason for the AONB designation. The site adjoins another sporting use, a Golf Course.

Sport England role and policy

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications [link here](#). This application falls within the scope of the above guidance.

Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are **Protect** - To protect the right opportunities in the right places; **Enhance** - To enhance opportunities through better use of existing provision; **Provide** - To provide new opportunities to meet the needs of current and future generations. Further information on the objectives and Sport England's wider planning guidance can be found on its [website](#).

The Proposal and Assessment against Sport England's Objectives and the NPPF

We note the proposed youth football pitches – 2x 7v7, 9v9, youth u13/14, youth 15/16 and youth 17/18 and proposed ancillary provision adjacent an existing sporting use, a golf course. In the new building Sport England advise that some showers are in cubicles. Detailed guidance on the issues that require consideration for playing pitch construction is set out in Sport England’s guidance ‘Natural Turf for Sport’.

Honiton Youth FC no longer have security of tenure at an existing site. Therefore there’s an immediate need for the provision of additional playing field land to accommodate the current demand of Honiton Youth FC. And to meet future demand.

We are mindful of the justification for this site’s selection within the application to aid the development of sport for the local community now and in the future. Sport England is well aware of the football pitch issues in Honiton. Other pitch sports too have issues in the town. More pitch space is needed and the town is very constrained. The Council’s adopted Playing Pitch Strategy (PPS) notes the potential of a new sport pitch site at Tower Hill (original plans drawn 2009). The original plans were much larger in scale than currently seeking planning permission in this application.

The PPS has specific action plans regarding Honiton Development Trust’s Tower Hill proposals. It explicitly states in HO.18: to “explore the possibility of addressing all Honiton pitch issues on alternative sites better related to the existing town and outside of the AONB first but if there are no realistic alternatives then **some pitches may need to be delivered on Tower Hill**”.

Sport England does not support a ‘blanket ban’ on sport in an area like an AONB. Our Policy allows for the development of ancillary facilities for sport where there is a clear demand and where they do not compromise the reason for the designation. The proposed site is adjacent an existing golf course.

The need for the proposal has been justified and appears to meet para 183 of the NPPF by being an exceptional circumstance and the development is in the public interest.

From a sport perspective the proposal appears to be in line with Sport England and NPPF policy.

Sport England have sought views from the Football Foundation, with Devon FA, they advise that Devon FA 23/24 affiliation data confirms that Honiton Town Youth FC have 13 teams (U6 – U18) with over 240 registered players. The club have the aspiration and capabilities to grow provision further but are stunted by the lack of suitable football facilities in the town and the surrounding area. The club currently play at St Rita’s Centre Playing Fields (with limited security of tenure) which has two 11v11 pitches with formal no ancillary facilities, no bespoke car parking and toilet facilities over a 5-minute walk away at Mountbatten Park. A new East Devon District Council PPS is currently under development, with the existing PPS (2015) stating that St Rita’s Centre Playing Field is over capacity at peak times.

On matchdays participants, parents and spectators are encouraged to park in Otter Moor Lane, which simply cannot cope with the amount of footfall. This leads to individuals accessing the site through a slip way not far from the Turk’s Head A30 junction , which involves young children having to cross a busy main road to access

the site. A recent East Devon District Council Health and Safety Risk Assessment of the site highlighted accessibility and changing and welfare at the highest level of risk.

The FF and Devon FA believe there is a suitable mix and configuration of pitch sizes proposed and would cater for all football demand from U7 to U18. All pitches meet FA recommended sizes and include 3m safety run offs. The drainage strategy and construction plans have been designed and proposed by the GMA (Grounds Management Association) who are a partner of The Football Association and are leaders in the industry. All plans have been reviewed by FF technical colleagues and are deemed suitable to ensure the delivery of pitch quality grass pitches. The changing pavilion plans have been reviewed and are also deemed suitable to serve the site. The designs are compliant with guidance and have taken into account the FF changing pavilion design key considerations.

The applicant has completed a robust site viability assessment locally and have provided detailed evidence on the viability to deliver at the Land of East Tower Road. The FF and Devon FA are actively engaged with the applicant and are fully supportive of the proposals and believe they are essential for the continuation, sustainability and growth of football in the Honiton area.

Facility Design

Sport England seeks to ensure the new sports facilities are fit for purpose and the design of this facility meets Sport England/NGB technical guidance. We would draw your attention to comments above from the Football Foundation.

Sport England's Position

This being the case, Sport England **supports** the application. Sport England recommends the following planning condition should be imposed:

The playing field/s and pitch/es shall be constructed and laid out in accordance with the [planning application *, Section * and Drawing No. **] and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before [first use] [or occupation] [or other specified timeframe] of the development [or specified part of the development/] hereby permitted.

Reason: To ensure the quality of pitches is satisfactory and they are available for use before development (or agreed timescale) and to accord with Development Plan Policy

***.*

If you wish to amend the wording of the recommended condition(s), or use another mechanism in lieu of the condition(s), please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

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 agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

If you would like any further information or advice please contact me.

Appendix 2 – Habitat Regulations Assessment Stage 1 screening report

| | | |
|--|---|------------------------------------|
| The Conservation of Habitats and Species Regulations 2017 – Shadow HRA Template | | East Devon District Council |
| Regulation 63 – Habitats Regulations Assessment | | |
| Stage 1: Screening for Likely Significant Effect on the Beer Quarry and Caves SAC | | |
| Part A: The proposal | | |
| 1. Type of permission/activity: | Detailed planning application for the change of use of land to football pitches, erection of clubhouse, new access and parking, landscaping, engineering and ancillary works. | |
| 2. Application reference no: | 24/0841/MFUL | |
| 3. Site address: Grid reference: | Land West Of Tower Road And East Of Cuckoo Down Lane Honiton SY1750 9950 | |
| 4. Brief description of proposal: | <ul style="list-style-type: none"> • Type of development Sports/Recreation • Distance to the European site 10 km | |

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| | <ul style="list-style-type: none"> • Is the proposal site within a consultation zone (landscape connectivity, core sustenance, pinch point, hibernation sustenance zone) <p>Yes – Lesser Horseshoe Bat Landscape Connectivity Zone</p> <ul style="list-style-type: none"> • Size <p>4.3 hectares</p> <ul style="list-style-type: none"> • Current land use (habitat type and immediately adjacent habitat types) <p>Arable fields bounded by native hedgerow. Surrounding land in similar use apart from to the south which is in recreational use as a golf course. The shared boundary with the golf course includes mature line of trees.</p> <ul style="list-style-type: none"> • Timescale <p>Unknown – Likely within timescale of planning permission if granted (3 years)</p> <ul style="list-style-type: none"> • Working methods <p><i>Clearance of site and level changes/soil movement by excavators etc. followed by standard building methodology for clubhouse and car park area works.</i></p> |
| 5. European site name | Beer Quarry and Caves SAC (BQ&CSAC) – SAC EU Code UK0012585 |
| 6. Qualifying Features and Conservation Objectives: | <p>Annex II species that are a primary reason for selection of this site</p> <ul style="list-style-type: none"> • 1323 – Bechsteins bat (<i>Myotis bechsteinii</i>). This complex of abandoned mines in south-west England is regularly used as a hibernation site by small numbers of Bechstein's bat <i>Myotis bechsteinii</i> as well as an important assemblage of other bat species.) |

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| <p>Ecological characteristics associated with the features (including those associated with the site, and information on general trends, issues or sensitivities associated with the features if available).</p> | <p>Annex II species present as a qualifying feature, but not a primary reason for site selection</p> <ul style="list-style-type: none"> • 1303 – Lesser horseshoe bat (<i>Rhinolophus hipposideros</i>) • 1304 – Greater horseshoe bat (<i>Rhinolophus Ferrumequinum</i>) <p>Conservation Objectives (Natural England 27/11/2018): <i>“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;</i></p> <p><i>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;</i></p> <ul style="list-style-type: none"> • <i>The extent and distribution of qualifying natural habitats and habitats of qualifying species</i> • <i>The structure and function (including typical species) of qualifying natural habitats</i> • <i>The structure and function of the habitats of qualifying species</i> • <i>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely</i> • <i>The populations of qualifying species, and,</i> • <i>The distribution of qualifying species within the site.</i> <p><i>These Conservation Objectives should be read in conjunction with the accompanying Supplementary Advice document (where available), which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.”</i></p> <p>The designated area of the SAC is relatively small and comprises the quarry and caves and the immediately surrounding areas. However, the qualifying features (the bat populations) are dependent upon a much wider area outside the SAC boundary which provides foraging habitat and commuting routes and supports other critical</p> |
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| | <p>roosts. Protection of key areas of habitat in the area is therefore essential in order to maintain and enhance the favourable conservation status of the qualifying features.</p> |
| <p>7. Ecological survey Summary of effort and findings</p> | <p><i>Name of documents containing ecological survey information:</i></p> <p>Ecological Impact Assessment, prepared by Quantock Ecology Environmental Consulting and dated 18/02/2025</p> <p>Ecological Appraisal, prepared by Quantock Ecology Environmental Consulting and dated 03/04/2023</p> <p><i>Summary of survey effort (no. transects, static detector deployments and bat emergence surveys, if applicable):</i></p> <p><u>Ecological Appraisal</u></p> <ul style="list-style-type: none"> • Desk Study • Extended Phase 1 Survey Study • Phase 1 Habitat Survey <p><u>Ecological Impact Assessment</u></p> <ul style="list-style-type: none"> • Desk Study • Extended Phase 1 Survey Study • Phase 1 Habitat Survey • Phase 2 Surveys <ul style="list-style-type: none"> - Dormice survey - Bat activity survey <p>Bat activity survey details</p> |

A total of two static detectors were located on site for a week at a time, over a period of three months. The detectors were placed along the hedgerows on site. The location of the detectors was changed on each deployment to cover all relevant sections around the site.

The locations of the detector are detailed in figure 2 below.



The detectors were installed for a week at a time on the 13th July, 1st September and 5th October 2023. The detectors were set up to record 30 minutes prior to sunset and 30 minutes after sunrise each day.

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| | <p>Summary of relevant findings and Bat Activity Index (number of bat passes from greater and lesser horseshoe bats – note that Bechstein passes are unlikely due to low amplitude, flight patterns and cryptic call parameters):</p> <p>The survey concluded that at least eleven species of bats were recorded across the site.</p> <p>Very modest numbers of both horseshoe species were recorded at the site with lesser horseshoe recording 16 passes and greater horseshoe 11 passes in total. Statics 3 and 4 were the only detectors to record both lesser and greater horseshoe bats. Static 3 recorded a maximum of eight passes of lesser horseshoe and two passes of greater horseshoe and static 4 recorded three passes of lesser horseshoe and eight passes of greater horseshoe bats all in the September recording schedule.</p> <p>Relevant figure excerpts from document (maps, tables, if relevant/concise):</p> <p>See above</p> | |
| <p>Part B: Screening assessment for Likely Significant Effect – In absence of proposed mitigation</p> | | |
| <p>8. Is this application necessary to the management of the site for nature conservation?</p> | <p>No</p> | |
| <p>9. What BQ&CSAC</p> | <p>10 km GHB Landscape connectivity zone</p> | <p>No</p> |
| | <p>4 km GHB Sustenance zone</p> | <p>No</p> |

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| <p>consultation zones is the proposal within (insert "X")?</p> <p><i>Refer to the Beer Quarry and Caves SAC Habitats Regulations Assessment Guidance document and online mapping</i></p> | 2 km GHB Hibernation sustenance zone | No |
| | 11.2 km LHB Landscape connectivity zone | Yes |
| | 2.5 km LHB Sustenance zone | No |
| | 1.2 km LHB Hibernation sustenance zone | No |
| | 10.25 km Bechstein's Landscape connectivity zone | No |
| | 2.5 km Bechstein's sustenance zone | No |
| | Pinch point | No |
| <p>10. Summary assessment of potential impacts to Qualifying Features of the European site, in the <u>absence</u> of mitigation measures.</p> <p>Consider scale, extent, timing, duration, reversibility and likelihood of the potential effects.</p> | <p><i>A – Landscape (large) scale connectivity impacts</i></p> | <p>The proposal involves removal of some sections of existing hedgerow between the fields. However the survey work that has been undertaken concludes that 'no significant commuting routes were identified' and that impacts on commuting bats were deemed to be low.</p> <p>In addition, no floodlighting of the football pitches is proposed. The clubhouse building would be internally illuminated and is likely to have controlled external lighting around this and the car park area but this is not considered to lead to landscape scale impacts.</p> |

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| <p><i>Impacts of these types are considered to result in result in a Likely Significant Effect (LSE) on the SAC. Refer to the flow chart on page 19 of the Beer Quarry and Caves SAC Habitats Regulations Assessment Guidance document</i></p> <p>If the proposal is located in a Landscape Connectivity Zone (LCZ) ONLY, then the only impact to result in an LSE is “A – Landscape scale connectivity impacts”.</p> <p><i>Consider construction phase and operational phase. For some proposals, it may also be necessary to consider de-commissioning and after-use.</i></p> | <p><i>B - Direct impacts on the SAC roost or other key roost(s)</i></p> | N/A |
| | <p><i>C - Change in habitat quality and composition (loss or change in quality of foraging habitat)</i></p> | N/A |
| | <p><i>D - Severance or disturbance of linear features used for navigating or commuting</i></p> | N/A |
| | <p><i>E - Disturbance from new illumination causing bats to change their use of an area/habitat</i></p> | N/A |
| | <p><i>F - Disturbance to or loss of land or features secured as mitigation for BQ&CSAC bats from previous planning applications or projects</i></p> | N/A |
| | <p><i>G – Loss, damage, restriction or disturbance of a pinch point</i></p> | N/A |

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| | <i>E - Other impacts – e.g. physical injury by wind turbines or vehicles</i> | N/A |
| 11. Potential for in-combination effects (<i>other permissions granted and proposals in the area that could result in impacts when assessed in combination – review planning permissions in the vicinity with similar impacts</i>) | There are no current or pending applications in the immediate vicinity of the site that are likely to give rise to in-combination effects. | |
| 12. Natural England consultation comments (if available) | | |
| Part C: Conclusion of Screening | | |
| 13. Is the proposal likely to have a significant effect 'alone' or 'in combination' on a European site? | We conclude that, in the absence of mitigation measures, a Significant Effect on the Beer Quarry and Caves SAC is not likely , either 'alone' or 'in-combination' with other plans and projects. An Appropriate Assessment of the proposal is not therefore necessary. | |

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|---|--------------------------------|
| <i>Refer to the flow chart in the Beer Quarry and Caves SAC Habitats Regulations Assessment Guidance document</i> | |
| Name Date | Charlie McCullough 01.10.25 |

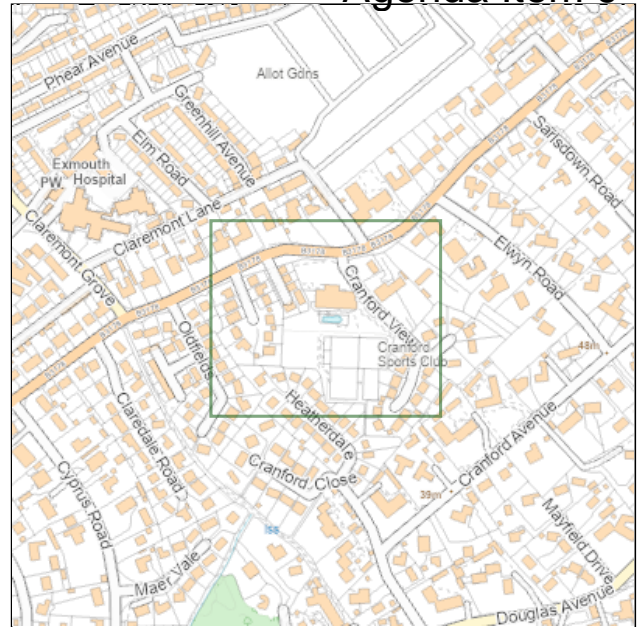
Ward Exmouth Littleham

Reference 26/0478/FUL

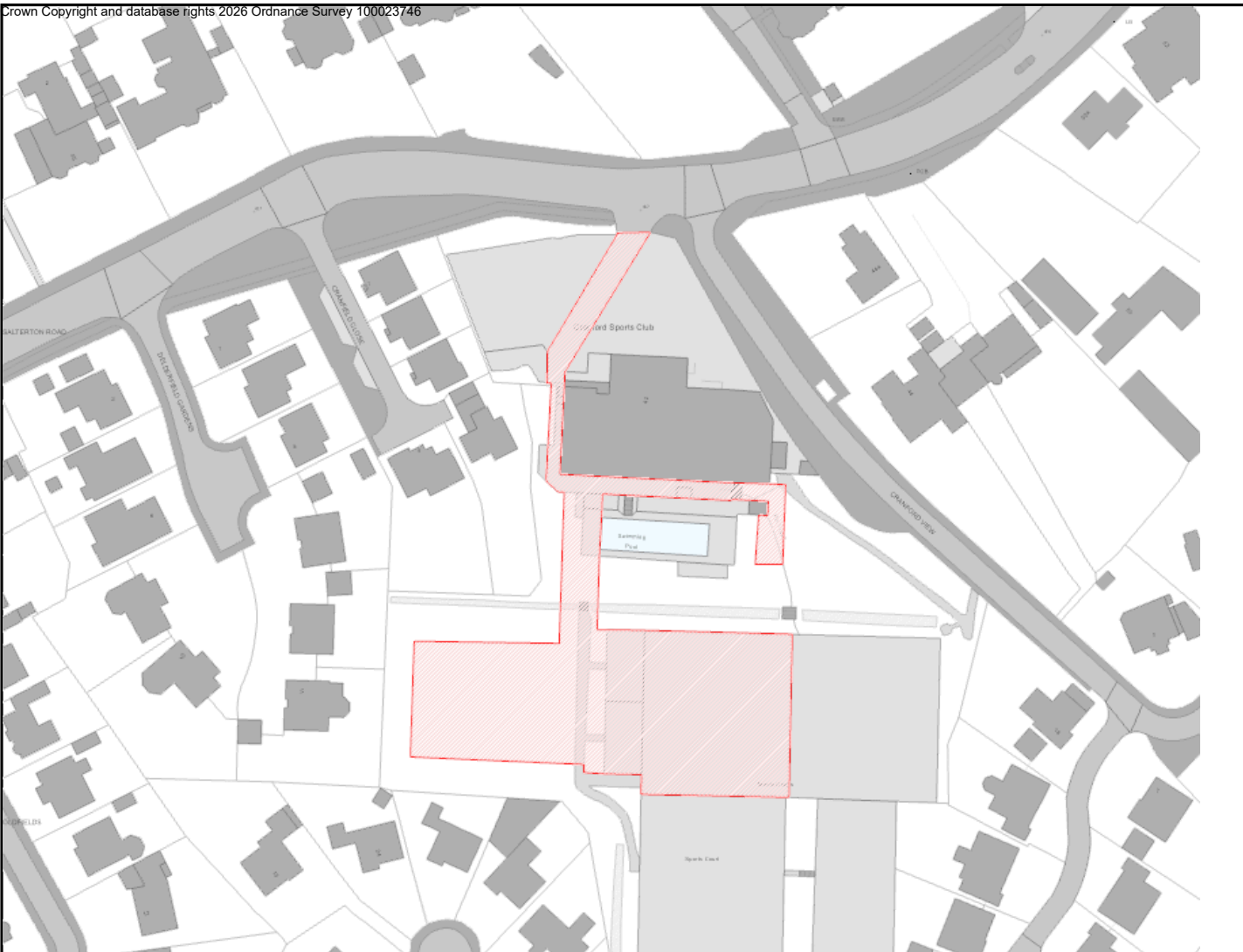
Applicant Ms Jill Anderson

Location 42 Salterton Road Exmouth EX8 2EQ

Proposal Construction of a new exercise studio and wet changing facilities, construction of new tennis court with floodlights, refurbishment of tennis courts with additional floodlights



RECOMMENDATION: Approval with conditions



| | | | |
|------------------------------------|---|-----------------------------------|--------------|
| | | Committee Date: 07.07.2026 | |
| Exmouth Littleham (Exmouth) | 26/0478/FUL | Target | Date: |
| | | 19.05.2026 | |
| Applicant: | Ms Jill Anderson | | |
| Location: | 42 Salterton Road Exmouth | | |
| Proposal: | Construction of a new exercise studio and wet changing facilities, construction of new tennis court with floodlights, refurbishment of tennis courts with additional floodlights | | |

RECOMMENDATION: Approval subject to conditions

EXECUTIVE SUMMARY

This application is being considered by Committee as it is related to a further application (25/1518/OUT) which is seeking planning permission for the development of eight dwellings on land currently within the ownership of the Club. Whilst the two applications remain separate for determination purposes, they are interrelated in that the application for housing is reliant on planning permission being approved for these enhanced and additional sporting facilities

The application is seeking approval for the provision of a yoga/exercise studio, replacement tennis court, upgrades to 2 existing court and changing rooms for the swimming pool which are to be funded by the sale of the proposed residential land, secured through a legal agreement to ensure that the enabling development is undertaken.

The proposed studio and new tennis court are situated on land which is currently unused, with the proposed wet changing facility being located adjacent to the swimming pool. The new studio building is sited adjacent to the western boundary of the site and comprises a single storey building with a shallow mono-pitched roof. It measures 26.4m x10m with a height of 3.3m at the front of the building (2.9m at the rear). It has vertical cladding to the walls of three sides, with the eastern elevation being glazed.

To the east of the studio a new floodlit and fenced tennis court is proposed.

This application is supported by local and national planning policies which seek to promote healthy and active lifestyles, by retaining the recreational use of the site and improving the quality and offer of existing facilities. Development plan policy strongly supports the retention and enhancement of community and sporting facilities, subject to impacts being acceptable.

Concerns have been raised in respect of floodlighting and residential amenity issues, and whilst these are appreciated, technical concerns have been overcome, such that subject to appropriate conditions relating to noise, lighting and hours of operation, the proposal is considered to be acceptable in terms of amenity impact.

Overall, the tangible benefits to the club arising from this development, seeking to ensure its continued operation, are significant in the planning balance and are considered to outweigh any identified harms, which can be mitigated by condition.

The application is therefore recommended for approval, subject to appropriate conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council

Meeting 13.04.26

No objection subject to Environmental Health being satisfied following their request for additional information.

Technical Consultations

Sports England 13.04.26

The proposed development does not fall within our statutory remit (Statutory Instrument 2015/595) and, therefore, Sport England has not provided a detailed response in this case, but recommends the LPA refer to its general guidance within its website.

Lawn Tennis Association 27.04.26

The LTA has supported Cranford Sports Club with a strategy for tennis to ensure future success. The strategy aims to increase court utilisation, improve financial sustainability and provide a broad tennis offer that meets the needs of the local community.

The emerging East Devon Playing Pitch Strategy (PPS) and LTA data and suggests that 3 floodlit tennis courts on this site is adequate provision, would meet local demand and compliment the availability of 25 LTA registered courts within a 20 minute drive time of Cranford. The PPS also highlights the need for improvements to be made to the surface of the two existing tennis courts which have been rated as 'poor'.

The LTA supports the application to improve two existing courts and add an additional court on this site. The LTA would advise the following to ensure the above outcomes are achieved:

- o A SAPCA registered contractor is appointed to carry out the required work. The LTA understand the applicant has been engaging with Courtstall who are listed on the SAPCA website.
- o The new tennis court meets minimum LTA recommended court dimensions.

- o SmartAccess gate technology is installed by CIA Fire & Security to improve customer journey to court and enable greater community access.
- o The club continue to engage with the local LTA Delivery Team to ensure the vision for tennis is realised by implementing relevant LTA products and programmes to support success.

As the governing body for tennis, we look forward to working with Cranford Sports Club to create a vibrant and sustainable tennis venue whilst supporting local health and wellbeing outcomes.

South West Water 10.04.26

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):

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.

EDDC Trees 27.03.26

No arb concerns.

Environmental Health 25.06.26

I'm mostly happy with the proposed noise mitigation strategy but I do concerns that the fixed plant serving the development will need to conditioned to ensure it doesn't become a problem noise source itself. I'd recommend the following conditions:

1. External doors and windows forming part of the buildings acoustic envelope shall be kept closed except for access and egress
2. The specific noise level of any fixed plant or equipment installed and operated on the development must be designed as part of a sound mitigation scheme to operate at a level of 5dB below the sites daytime background sound level (07:00 – 23:00) expressed as LA90 1hr when measured or predicted at the boundary of any noise sensitive property and night-time background sound level (23:00 – 07:00) expressed as LA90 15min, when measured or predicted at a distance of 1m from the façade 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 local residents from noise.

Environmental Health – 07.04.26

I have considered the application and I do have Environmental Health concerns in relation to missing information on noise and light impacts.

This application involves the introduction of a new exercise studio in close proximity to existing noise sensitive-receptors and their amenity space. I am concerned that the noise impact from the introduction of this new building has not been fully assessed.

I recommend that the applicant undertakes a noise impact 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 the details contained within ProPG: Gym Acoustics Guidance 2023.

A lighting scheme for any external lighting (including floodlights) complying with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution should be undertaken. The scheme must cover the impact of the lighting on sensitive-receptors including the provision of any mitigation (shielding) measures.

This information is required before any recommendation can be made.

EDDC District Ecologist 14.05.26

No objection subject to conditions to secure the recommendations in Sections 4.3.5-4.3.7 of the Ecological Impact Assessment to ensure lighting impacts on ecological receptors are suitably controlled.

DCC Flood Risk Management Team 14.05.26

Please note that we are not a statutory consultee for minor planning applications.

Other Representations

Five representations have been received, 4 raising objections and 1 in support. These are summarised below

Objections

- Additional noise and disturbance
- Light pollution
- Impact of lighting on ecology
- Additional flood risk from surface water
- Additional sewage flooding
- Inaccuracies and inconsistent information submitted

Support

- The drainage plan fails to indicate a surface water pipe crossing the site

PLANNING HISTORY

There have been several planning applications relating to the sports club over many years, however the following are of particular relevance to the current application

| Reference | Description | Decision | Date |
|--------------|--|------------------------------|-------------------------|
| 25/1518/OUT | Outline application for the erection of 8 dwellings. Approval sought for access, layout and scale, with landscaping and appearance reserved. The application relates to land presently occupied by surplus tennis courts and is linked to the current proposal because the improvement works at Cranford Sports Club are advanced as the replacement/enhancement package associated with the loss of those courts. | Pending / linked application | Validated 18.08.2025 |
| 24/0015/V106 | Application to vary S106 agreement ref no 000445/SS in respect of application numbers 21/2566/COU and 15/1679/OUT, and deed of variations dated 07/04/2016, 13/02/1996, and 13/01/2022 | Refused | 05.03.2024 |
| 21/2566/COU | Change of use of disused recreational land to garden use in association with 4 and 5 Cranfield Close | Approved | 24.01.2022 |
| 16/1155/RES | Construction of 5 no. dwellings, formation of access and parking areas | Approved | 06.07.2016 |
| 15/1679/OUT | Outline application for the erection of up to 10 no dwellings with all matters reserved | Approved | 10.11.2015 |

POLICIES

Adopted East Devon Local Plan 2013-2031

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 3 (Sustainable Development)

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 47 (Nature Conservation and Geology)
Strategy 48 (Local Distinctiveness in the Built Environment)
Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)

EN5 (Wildlife Habitats and Features)
EN14 (Control of Pollution)
EN21 (River and Coastal Flooding)
EN22 (Surface Run-Off Implications of New Development)

RC5 (Open Space in New Development)
RC6 (Local Community Facilities)

TC2 (Accessibility of New Development)
TC7 (Adequacy of Site Access and Local Highway Network)

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP01 - Spatial strategy Draft
Strategic Policy SP05 - Development Inside Settlement Boundaries Draft
Strategic Policy SP07 - Delivery of Infrastructure 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
Policy OS05 - Playing pitch strategy and outdoor sports provision Draft
Policy OS06 - Built sports and leisure facilities Draft

Policy COM02 - Community buildings and facilities Draft

Strategic Policy DS01 - Design and local distinctiveness Draft
Policy D02 - Landscape requirements Draft

Strategic Policy 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 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

Policy W02 - Surface water runoff Draft
Policy W06 - Polluting emissions and contamination Draft

Exmouth Neighbourhood Plan

Policy EB2 – Surrounding Development Styles
Policy H1 – Accessible and Adaptable Homes
Policy CF3 – Sport and Leisure Facilities

Government Planning Documents

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

Background to the Proposal

This proposal forms part of a wider strategy to secure the long-term viability of the club and is indirectly linked to outline application 25/1518/OUT, which proposes residential development on land presently occupied by surplus tennis courts. The sale of the land for the proposed housing is to enable investment into the Cranford Sports Club, including the development of the facilities proposed by this application, to ensure that the Club provides a viable, modernised community sports facility.

A Legal Agreement, linked to the housing application, is proposed to be entered into to ensure that funding from the sale of the land for housing is used for sporting improvements in the Club. A Heads of Terms document has been submitted in support of the housing application which would form the basis of the Section 106 Agreement to secure the Club improvements.

Notwithstanding the above, this a freestanding application that can be approved irrespective of the determination of the related housing application.

Site Location and Description

The application site comprises two areas of land that form part of the Cranford Sports Club in Salterton Road. The larger area relates to land to the south and west of the main complex, and west of the outdoor tennis and sports courts. It is a level site that is grassed and currently unused, with residential properties to the north, west and south and the outdoor sports area to the east.

The smaller site relates to a grassed area located to the east of the swimming pool.

Proposed Development

Planning permission is sought for the construction of a new exercise studio, new wet changing facilities, the construction of a new floodlit tennis court and refurbishment of a further two existing tennis courts.

The new studio building is sited adjacent to the western boundary of the site and comprises a single storey building with a shallow mono-pitched roof. It measures 26.4m x10m with a height of 3.3m at the front of the building (2.9m at the rear). It has vertical cladding to the walls of three sides, with the eastern, inward facing elevation being glazed. The studio is intended to be used for classes such as yoga and Pilates that benefit from a quieter location away from the main sporting provision.

To the east of the studio a new floodlit and fenced tennis court is proposed.

The new single storey flat-roof changing room is located adjacent to the eastern end of the swimming pool, and measures 10m x 4m with a height of 2.8m.

ANALYSIS

The main issues to be considered in the determination relate to

- Policy Position and The Principle of Development
- Impact on Sport/Recreational Land
- Traffic and Highway Safety
- Residential Amenity
- Arboricultural Impact
- Drainage and Flood Risk
- Ecology
- Biodiversity Net Gain
- Planning Obligations
- Planning Balance and Conclusions

Policy Position and Principle of Development

East Devon Local Plan 2013-2031 (EDLP)

The application site lies within the built-up area boundary identified for Exmouth and is therefore within an area considered to be sustainable for new development.

Emerging East Devon Local Plan (Consultation draft)

A new East Devon Local Plan is under preparation, and a Draft Local Plan has been produced with consultation of the 2nd Regulation 19 having been completed.

The site remains within the Exmouth built-up area boundary and is therefore considered to be a sustainable location for development.

National Planning Policy Framework (NPPF)

The provision of healthy and safe communities, including the provision of sports facilities is promoted throughout the National Planning Policy Framework 2024.

Impact on Sport/Recreational Land

The proposal is to improve and expand the sporting offer at Cranford Sports Club and to ensure the long term viability of the club. In land use terms, the development would retain the site in community sporting and recreational use and would upgrade the quality of the existing facilities.

Policy RC1 (Retention of Land for Sport and Recreation) is of particular relevance to this application.

This policy states

'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. Or*
- 2. Sports and recreational facilities can best be retained and enhanced through the redevelopment of a small part of the site. 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.'*

The proposal is seeking additional sporting facilities, in the form of the new studio building and swimming pool changing room, and the creation of a new tennis court. It is recognised that the tennis court is intended to provide some compensation for those lost should the housing development on the site go ahead, however the new facilities, and refurbishment will further widen the sporting and community benefits which the Club offers. The loss of tennis courts does not form part of this application,

The new court and refurbishment of two of the existing courts is supported by the Lawn Tennis Association who consider that the proposals would offer improvements above that currently existing on the site, notwithstanding the loss of courts proposed in the related housing application

It is considered that the delivery of the additional sporting facilities proposed within this application would accord with Policy RC1 (Retention of Land for Sport and Recreation) and result in an enhancement of the existing sporting provision in the area.

Traffic and Highway Safety

No alterations to the current parking and access arrangements are proposed within this application. There is a large carpark adjacent to Salterton Road which serves the Club and which is capable of accommodating any potential increase in vehicle movements arising from this proposal, although this is not considered to be material.

Residential Amenity

The application site is bounded to the north, south and west by the rear gardens of neighbouring properties. The key proposals that could impact on neighbour amenity are the siting of the new studio building and the new tennis court with floodlights. Given the scale, design and position of the studio, no overlooking or loss of privacy would arise from its siting.

The proposed building has been orientated such that only the east side will have windows and openings, with the submitted drawings indicating full height glazing, and two single opening doors on this elevation. No other openings are indicated on the plans. As such, and whilst concerns raised regarding the potential noise and disturbance arising from the use of the building are appreciated, the design and orientation of the building towards the existing sports area, together with the distances

from neighbouring properties, it is not considered that the use of the building would have a significant or unacceptably detrimental impact on the amenity presently enjoyed by neighbouring residents.

However, it is necessary to ensure that any permission is accompanied by robust controls. In this case, the nature of the use is not materially different from the established sporting and fitness character of the site, but the introduction of additional activity and lighting has the potential to affect nearby residents if left unrestricted.

Concerns raised regarding potential noise impact arising from the use of the studio are appreciated and planning conditions are needed to secure appropriate sound mitigation measures are implemented prior to first use of the exercise studio, together with restrictions on the hours of use to ensure that there is no material loss of amenity for neighbouring residents..

Floodlighting for the tennis courts can further be controlled by condition such that hours of operation and luminescence/light spill are not likely to have a material impact on neighbouring amenity. It is also noted that the relationship of the new tennis court with neighbouring houses is not materially different to the relationship of the existing courts with neighbours.

With such controls in place, it is considered that any potential amenity impacts can be mitigated and that the proposal would accord with Policy D1 (Design and Local Distinctiveness) of the local plan.

Arboricultural Impact

There are no significant trees on the site, and whilst there is fairly dense vegetation to the southern boundary of the site, the building and court are sited away from this such that no adverse arboricultural impact will arise from the proposed development.

Drainage and Flood Risk

The application site is located within an area identified as floodzone 1, the lowest level of risk. Surface water arising from the development, specifically the new tennis court and studio building, is proposed to be accommodated within the site via soakaway, following the SuDS hierarchy, with infiltration to ground identified as the preferred drainage solution.

South West Water confirms that the proposed infiltration-based approach is acceptable and accords with the drainage hierarchy. Subject to a condition requiring implementation of the approved drainage details, the proposal complies with Policy EN22.

The potential presence of a surface water drainage pipe across the site has been identified, and if appropriate, any measures for protection, diversion or alterations to this can further be conditioned to ensure suitable arrangements are undertaken.

Ecology

The application was accompanied by an Ecological Impact Assessment and Biodiversity Metric. The site is set within an urban context and is surrounded by vegetated gardens and dwellings. It comprises a field dominated by grassland which provides commuting/foraging habitat for badgers, bats and reptiles.

Subject to the implementation of ecological mitigation and enhancement measures, which can be conditioned, the proposal is considered to accord with Strategy 47, Policy EN5 and relevant sections of the NPPF.

Biodiversity Net Gain

The BNG assessment identified 1.08 habitat units prior to development, with 0.38 units following development, a loss of .70 units (64.97%). The on-site habitat retention and creation measures are not sufficient to ensure that the scheme will deliver a net gain in biodiversity units post-development, and as a result there will be an on-site habitat unit deficit in grassland habitats. It is not possible to deliver these units on site without significant amendments to the scheme design, and therefore it is proposed to deliver the required units through off-site compensation.

In order to achieve a net gain in habitat units, the Ecological Impact Assessment identifies a total of 0.81 units of medium distinctiveness would need to be delivered, should off-site compensation be sought within the LPA boundary. Should the off-site compensation be outside of the LPA boundary, a total of 1.62 units of medium distinctiveness will need to be delivered.

A Biodiversity Gain Plan should be submitted prior to the commencement of development. This plan must demonstrate how the required biodiversity units will be secured, including evidence of purchase from a suitable offsite habitat provider listed on the statutory Biodiversity Gain Site Register or evidence of statutory credit purchase.

Planning Obligations

The development will need to be party to the Section 106 agreement associated with application 25/1518/OUT to ensure that the residential scheme does not proceed in isolation from the mitigation measures suggested to justify the loss of sports land. The agreement should secure, as appropriate, the linkage between the housing development and the delivery of replacement/enhanced sports provision at Cranford Sports Club, together with any necessary habitat mitigation contributions arising from the development.

The Planning Obligation is not necessary however to make this application acceptable, which only proposes additional and enhanced sporting provision.

Planning Balance and Conclusions

The proposal is to improve and expand the sporting offer at Cranford Sports Club. In land use terms, the development would retain the site in community sporting and recreational use and would upgrade the quality of the existing facilities. Development plan policy strongly supports the retention and enhancement of community and sporting facilities, subject to impacts being acceptable. Policy RC1 (Retention of Land for Sport and Recreation) seeks to resist the loss of open space and sports uses unless certain criteria are met.

It is considered that there would be considerable social and wider health benefits arising from the proposal. The development would deliver a new exercise studio and improved changing accommodation, provide one new tennis court, refurbish two poor-quality existing courts, improve the quality of the tennis offer at the club, and help secure the continued operation and financial resilience of a longstanding recreational asset serving Exmouth and the surrounding area. These are significant material considerations that weigh heavily in favour of the development.

The Town Council supports the Club's long-term future, subject to environmental health being satisfied. The public representations raise concerns about drainage and residential amenity. However technical consultees, including Environmental Health and Ecology raise no objections, subject to appropriate conditions. It is considered that with appropriate conditions the concerns raised can be appropriately mitigated and do not weigh materially against the proposal.

Having regard to the development plan as a whole and the provisions of the NPPF the proposal represents an acceptable and beneficial form of development and is recommended for approval.

RECOMMENDATION

APPROVE subject to 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. CEMP

Prior to commencement of development the Local Planning Authority shall have received and approved a Construction and Environment Management Plan (CEMP) including:

(a) the timetable of the works;

(b) 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.

(c) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements and construction working hours being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 8.00am to 1.00pm Saturdays, with no such vehicular movements or construction work taking place on Sundays and Bank/Public Holidays;

(d) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits and details of any road closures;

(e) 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;

(f) 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;

(g) hours during which no construction traffic will be present at the site;

(h) the means of enclosure of the site during construction works; and

(i) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(j) details of wheel washing facilities and obligations

(k) The proposed route of all construction traffic exceeding 7.5 tonnes.

(l) Details of the amount and location of construction worker parking.

(m) There shall be no burning on site and no high frequency audible reversing alarms used on the site.

(n) 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

(Reason : To protect the amenities of existing and future residents in the vicinity of the site and to minimise the impact of the development on the highway network in accordance with policies TC7 (Adequacy of Road Network and Site Access), D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031 and national policies as set out in the National Planning Policy Framework and associated Planning Practice Guidance. A pre-commencement condition is required to ensure that the required works can be

considered and delivered in advance of any increased traffic impacts associated with the development).

4. Drainage Strategy

Surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100-year storm event plus 45% for climate change unless details of an alternative means of surface water drainage are submitted to and approved in writing by the Local Planning Authority prior to installation. To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations. The development hereby approved shall not be brought into use until the agreed drainage scheme has been provided and it shall thereafter be retained and maintained for the lifetime of the development.

(Reason - In the interests of adapting to climate change and managing flood risk, and in order to accord with Policy EN22 (Surface Run-Off Implications of New Development) of the adopted East Devon Local Plan 2013-2031.)

5. Sound Mitigation

The specific noise level of any fixed plant or equipment installed and operated on the development must be designed as part of a sound mitigation scheme to operate at a level of 5dB below the sites daytime background sound level (07:00 – 23:00) expressed as LA90 1hr when measured or predicted at the boundary of any noise sensitive property and night-time background sound level (23:00 – 07:00) expressed as LA90 15min, when measured or predicted at a distance of 1m from the façade 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 amenities of neighbouring residents from excessive noise in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 of the East Devon Local Plan 2013-2031).

6. Noise Mitigation

The development shall take place in accordance with the Noise Mitigation, Building Design and Operational Statement dated 4/6/26, including that external doors and windows forming part of the buildings acoustic envelope shall be kept closed except for access and egress.

(Reason - To protect the amenities of neighbouring residents from excessive noise in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 of the East Devon Local Plan 2013-2031).

7. Ecology

The works shall be carried out in strict accordance with Section 4.3 and 4.4 of the Ecological Impact Assessment (EclA) (Devon Wildlife Consultants, February 2026). Prior to first use of the new facilities, a written record shall be submitted to

the local planning authority detailing how works proceeded in accordance with the EclA report to include photographs of the installed ecological mitigation and enhancement measures, including no. 2 bat boxes and no. 2 bird boxes installed on the exercise studio, as detailed in the report. The works shall be undertaken prior to the occupation of the studio building hereby approved.

(Reason: To ensure 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)

8. Lighting

Lighting shall be installed in accordance with BCT/ILP Guidance Note GN08/23 Bats and artificial lighting at night and follow the recommendations within Section 4.3.7 of the Ecological Impact Assessment (Devon Wildlife Consultants, February 2026). Under no circumstances should any other external lighting be installed without prior consent from the local planning authority. The following measures shall be implemented:

- The colour temperature of floodlighting shall not exceed 4000K; all other external lighting shall consist of a warm light spectrum of <2700K;
- Only luminaires with a negligible or zero Upward Light Ratio, and with good optical control - See ILP GN01;
- All luminaires must be mounted horizontally, with no light output above 90° and/or no upward tilt;
- Manual control of floodlights with strict timing restrictions to ensure floodlights are turned off at 22:00 hours and when not required;
- Where appropriate, external security lighting to be set on motion-sensors and set to the shortest illumination period necessary for safety and security.

The approved lighting shall be installed prior to the use of the tennis court, or occupation of the studio building hereby approved and shall remain for the duration of the development.

(Reason: To ensure the development has no adverse effect on residential amenity and 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)

9. Hours of Operation

The exercise studio hereby approved shall not be used outside the hours of 07:00 to 21:00 on any day, and the floodlit tennis courts shall not be used outside the hours of 08:00 to 22:00 on any day unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To protect the amenities of neighbouring residents in accordance with Policy EN14 of the East Devon Local Plan 2013-2031.)

10. Materials

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 sympathetic to the character and appearance of the existing building in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

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 \(www.gov.uk\)](https://www.gov.uk)

Informative:

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

Plans relating to this application:

| | | | |
|--------------------------|--------------------|----------|----------|
| 8342-LP1 B | Location Plan | | 16.04.26 |
| 8342-103: Yoga Studio | Proposed Plans | Combined | 10.03.26 |
| 8342-104: Changing Rooms | Proposed Plans | Combined | 10.03.26 |
| 8342-105: Tennis Court | Proposed Elevation | | 10.03.26 |

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.

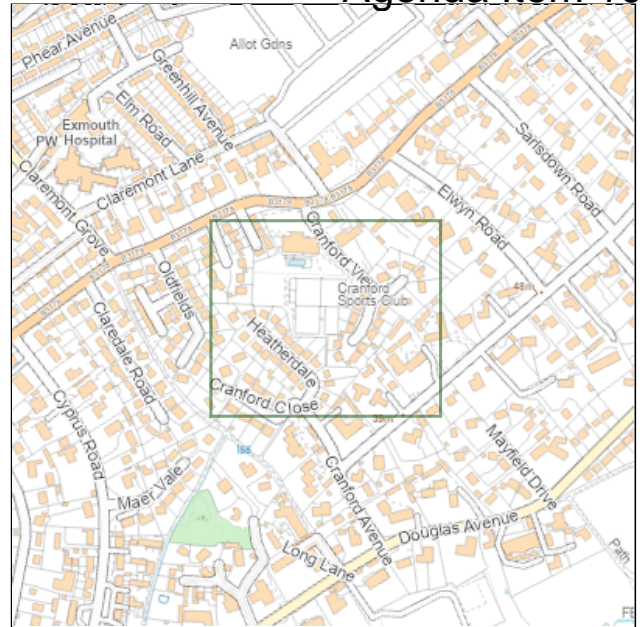
Ward Exmouth Littleham

Reference 25/1518/OUT

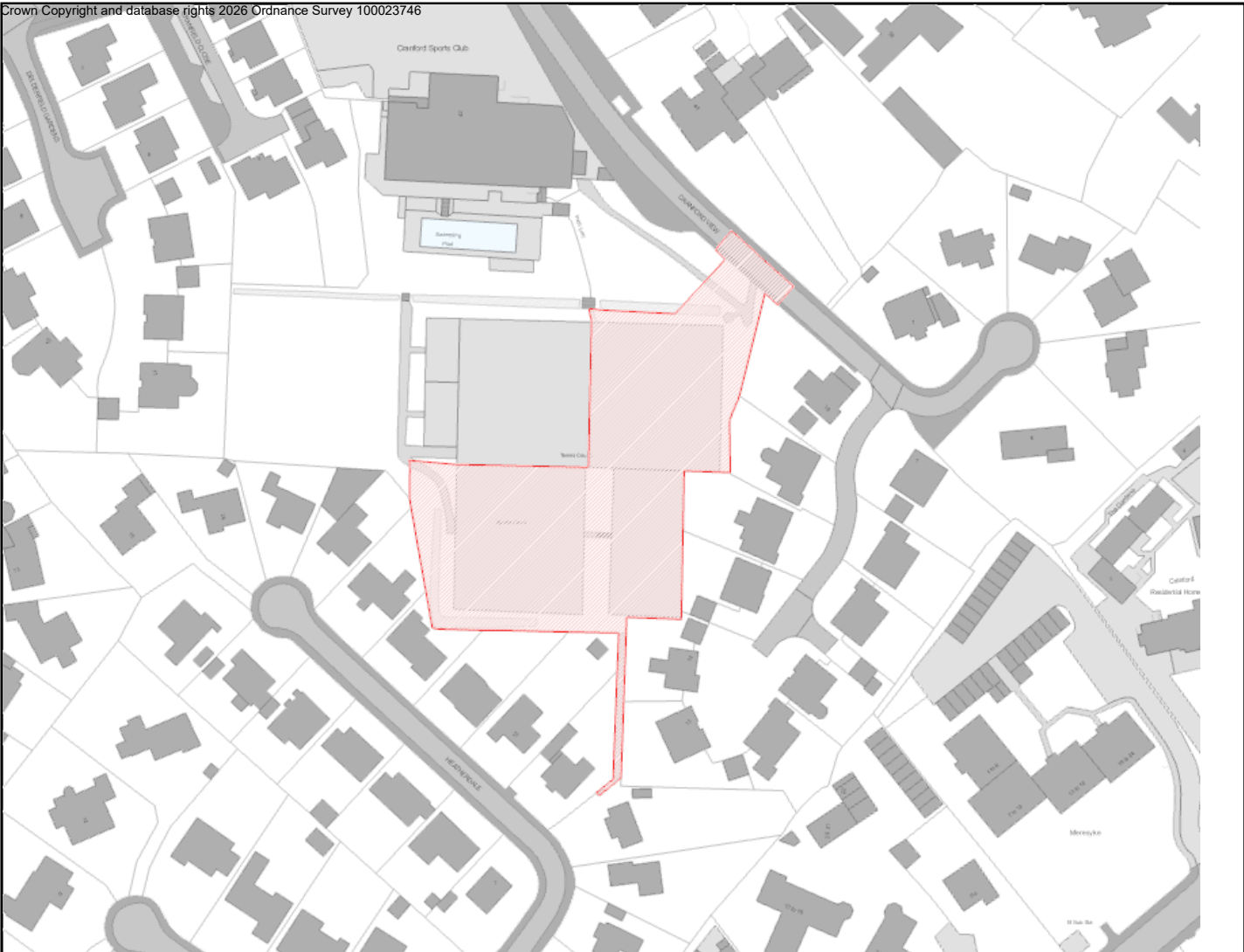
Applicant Cranford Sports Club

Location Cranford Sports Club 42 Salterton Road
Exmouth EX8 2EQ

Proposal Outline application for the erection of 8no dwellings. Seeking approval for access, layout and scale (Matters Reserved: landscaping and appearance)



RECOMMENDATION: APPROVE subject to the applicant entering into a S106 agreement to secure financial obligations towards sports provision and habitat mitigation and conditions.



| | | |
|------------------------------------|--|-----------------------------------|
| | | Committee Date: 07.07.2026 |
| Exmouth Littleham (Exmouth) | 25/1518/OUT | Target Date: 08.10.2025 |
| Applicant: | Cranford Sports Club | |
| Location: | Cranford Sports Club 42 Salterton Road | |
| Proposal: | Outline application for the erection of 8no dwellings. Seeking approval for access, layout and scale (Matters Reserved: landscaping and appearance) | |

1. RECOMMENDATION:

APPROVE subject to the applicant entering into a S106 agreement to secure financial obligations towards sports provision and habitat mitigation, and planning permission having been granted for the development proposed under reference 26/0478/FUL, and conditions.

EXECUTIVE SUMMARY

This application is before Members because a contrary view has been expressed by a Ward Member and the Town Council

The proposal seeks outline planning permission for the development of eight residential dwellings. Approval is sought for access, layout and scale with other matters reserved. The application therefore focuses on the principle of the development, whether the access proposals are acceptable in highway safety terms, and whether the layout and scale of the development is acceptable.

The site lies within the built-up area of Exmouth, which is considered a sustainable location for development, although as the site is within a sporting use, currently tennis courts, it is necessary to consider the impacts of the loss of recreational land.

To address the loss of recreational land, this application has been submitted concurrently with a further application for the construction of a new exercise studio and wet changing facilities, construction of new tennis court with floodlights, and refurbishment of tennis courts with additional floodlights (26/0478/FUL). It is proposed to link the applications through the submission of a legal agreement to ensure that funds arising from the sale of the site for housing

is used to support the refurbishment and improvements to the Club. A Heads of Terms document has been submitted which would form the basis of the Section 106 Agreement to secure the Club improvements.

The Town Council supports the Club's long-term future, but raise concerns regarding the proposed access, and proposed mitigation measures to compensate for the loss of the tennis courts. The Ward Member and public representations raise concerns about overdevelopment, parking, access, drainage and residential amenity. However technical consultees, including the Highway Authority, Environmental Health and Ecology raise no objections, subject to appropriate conditions.

Having regard to the application documents as a whole, the development plan and the National Planning Policy Framework, Officers consider that the proposal would deliver 8 dwellings in a sustainable built-up area location and would secure mitigation for the reconfiguration and enhancement of the sports club through a Section 106 agreement. Subject to the completion of that agreement and the imposition of planning conditions, the proposal is recommended for approval.

CONSULTATIONS

Local Consultations

Exmouth Littleham - Cllr Nick Hookway 28.10.25

I object to the above application for the following reasons.

1. Access; Cranford View has limited access, this application would exacerbate issues for nearby properties. There seems to be little consideration given for delivery vehicles, visitor parking and emergency vehicles.
2. Layout: The layout at the southern half of the site seems awkward and incoherent in design, especially with plots 6, 7 and 8. Indeed Plot 8 seems to be out of place and lacks adequate room, might it be overlooked by plot 7, that seems unclear to me.
3. Overlooking and loss of privacy; Nearby properties must not suffer from being overlooked by this development.

These are facts as I see them for the information currently presented. I reserve the right to amend my views if presented with additional information or explanation.

Parish/Town Council

Meeting 01.09.25

Objection: While members support the Club's long-term future, concerns were raised regarding access particularly via Cranford View, which is very narrow and highway safety, especially considering the nearby ballet school and the need to address visitor parking for the school. Members felt the plans should be thoroughly reviewed by Highways, who had yet to comment.

Members also queried the status of a previous application to vary the S106 Agreement (ref: 24/0015/V106), which was refused due to the absence of satisfactory mitigation

measures to compensate for the loss of the tennis courts. The current application does not indicate whether the S106 Officer has been consulted.

Technical Consultations

Environmental Health 27.08.25

An assessment shall be carried out of the potential impact of the floodlights on the remaining tennis courts on the proposed development. The assessment must comply with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. It must cover the impact of the lighting on the proposed development.

South West Water 27.08.25

Having reviewed the current information for the proposed surface water disposal for this development (domestic roof and driveway run off only) Please note that discharging to the public surface water sewerage network meets with the Run-off Destination Hierarchy. However before South West Water can approve this method of discharge we will require clear evidence to demonstrate why the other higher methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

County Highway Authority 09.09.26

I have visited the site and reviewed the planning application documents.

The 8 dwellings are proposed upon the old tennis courts, no longer used.

The access is proposed from Cranford View with acceptable visibility from both directions in accordance with our current best practice design guidance, Manual for Streets 1 and 2. Swept paths included within the application show sufficient space for refuse vehicles to turn and re-enter the carriageway in a forward facing motion.

The road is proposed as a shared space, due to the lower number of houses and the predicted speeds of this road, I am satisfied that this will be an acceptable arrangement.

No Travel Plan will be required due to the proposed dwellings being below the 40 threshold.

The vehicle trip generation from this development will be likely be minimal, Exmouth benefits from sustainable travel options such as the train, bus and Exe-estuary trail.

Housing Strategy/Enabling Officer 19.08.25

The adopted Local Plan, Strategy 34 states the threshold as to when affordable housing is required.

In Exmouth, residential developments of 6 - 9 dwellings are not required to make a financial contribution.

The Affordable Housing team have no comments to make on this application and we will not be seeking any affordable housing obligations.

Ecology 16.06.26

Conclusions

Clarity is sought regarding the date of the timber shed inspection. In addition, further clarity is requested regarding the proposed areas of open space to ensure that the habitats identified as contributing towards the development's Biodiversity Net Gain requirement are compliant with statutory guidance and can be appropriately secured and managed.

Subject to the above comments being addressed and subject to the following conditions, the proposal is generally considered acceptable.

Ecology 14.05.26

The application is supported by an Ecological Impact Assessment (EclA) (Richard Green Ecology, November 2024), pre and post development habitat plans, statutory biodiversity metric and habitat condition assessments.

The site was surveyed on 16th May 2024 and comprises three trees (2 medium size and 1 large), 0.11 ha of modified grassland in good condition and 0.32 ha of developed land with sealed surface (tennis courts and path).

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 Heaths Special Protection Area (SPA). Habitat Mitigation payment, as set out on the EDDC website, would be required to off-set potential impacts from the development on the designated sites.

Protected and Notable Species

Whilst the EclA concludes that the habitats on site are of generally low ecological value with limited potential to support protected or notable species, it also acknowledges the potential presence of common amphibians, reptiles, and hedgehogs. Appropriate precautionary working methods during the construction phase have been recommended. This overall assessment is broadly supported.

However, the proposed removal of the two timber sheds on site raises a few concerns as set out below.

Bats - roosting

Two timber-clad sheds located on site are proposed for removal. Both structures were previously assessed as having negligible potential to support roosting bats. However, the shed situated within the northern part of the site was not accessible at the time of survey and therefore did not receive an internal inspection.

Review of available photographic evidence suggests that both structures have potential to offer some suitability for roosting bats, notwithstanding the earlier assessment. In addition, the baseline surveys were undertaken approximately two years ago and are therefore no longer considered up to date in accordance with current best practice.

Given these limitations, i.e. the absence of an internal inspection for one structure and the elapsed time since the original survey, an updated Preliminary Roost Assessment (PRA) is required. This should include a walkover survey and internal inspection to confirm the current suitability of the sheds to support roosting bats and to inform any necessary mitigation or further survey requirements

Biodiversity Net Gain

Indictive BNG calculations considers the development would achieve a 15.49% onsite net gain of 0.19 area habitat units and a 274.69% onsite net gain of 0.22 hedgerow units.

The proposals include the following biodiversity measures:

- Retention of three existing trees currently assessed as being in moderate condition;
- Retention of approximately 0.02 ha of modified grassland in good condition;
- Creation of approximately 0.03 ha of lowland meadow habitat in moderate condition;
- Planting of six medium-sized trees;
- Establishment of 30 metres of species-rich native hedgerow.

Whilst the metric calculations have met the minimum net gain requirement and satisfied trading rules, there are several concerns with the proposals as noted below:

- **Retention of existing trees** The retention of the three existing trees is welcomed in principle. However, the submitted plans indicate that these trees would be located within the private curtilage of Plot 4. As such, their long-term management, protection, and retention cannot be guaranteed. Trees within private ownership are at greater risk of removal, inappropriate pruning, or decline due to a lack of enforceable management measures. On this basis, it is recommended that, for precautionary purposes, these trees are treated as lost within the metric calculations.
- **Retention of modified grassland** The proposal to retain the existing modified grassland is not considered viable. Given the nature of the development, it is highly likely that this habitat would be subject to damage, compaction, or total loss during the construction phase. It is therefore recommended that this habitat is instead recorded as lost and that any replacement grassland is appropriately accounted for as newly created habitat.
- **Creation of lowland meadow habitat** The proposed creation of lowland meadow, classified as a habitat of very high distinctiveness within the biodiversity metric, is not considered appropriate or justified in this context. The successful establishment of lowland meadow requires specific soil conditions, long-term management regimes, and low nutrient levels, which are unlikely to be achievable or sustainable within a residential development setting, particularly where ongoing management may be fragmented. Without clear evidence of site suitability and a clear and detailed management plan, there is a significant risk that the habitat will fail to establish as intended. A lower distinctiveness habitat with a higher likelihood of successful establishment and long-term management should therefore be considered.
- **Planting of medium-sized trees** The proposal to plant six medium-sized trees raises concerns regarding practical feasibility and deliverability. Sourcing trees of this size within the UK nursery supply chain can be challenging, and their transportation and installation typically require specialist equipment and expertise. Furthermore, larger specimens are more susceptible to transplant shock and require intensive aftercare to establish successfully. In the absence of a robust planting and maintenance strategy, there is an increased risk of failure. As a more realistic and sustainable alternative, it is recommended that smaller, native tree species of local provenance are planted, as these generally establish more successfully and contribute to long-term biodiversity value.

- **Creation of species-rich hedgerows** It is currently unclear whether the proposed species-rich native hedgerows would be located within private residential curtilage or within publicly accessible areas. This is an important distinction within the BNG framework as hedgerows within private curtilage are typically subject to less control and may be frequently cut or removed and therefore can only be recorded within the metric as 'native hedgerow in poor condition'. Clarification is required on their location, and where hedgerows fall within private gardens, the metric should be amended accordingly to reflect a more precautionary condition assessment.

3 Conclusions

Whilst Biodiversity Net Gain is secured as a post-permission requirement, it must be appropriately addressed at the outline application stage, as the approval of reserved matters is not subject to the biodiversity gain condition. At this stage, the Local Planning Authority must be satisfied that the development can realistically achieve the required biodiversity gain objective and that the condition can be successfully discharged. As such, additional information is required to demonstrate how post-development proposals will deliver measurable BNG and to address the concerns outlined above.

Given the mobile nature of bats and the time elapsed since the original survey, an updated Preliminary Roost Assessment (PRA) of the two sheds is required. This will ensure that any changes in building condition, structural features, or habitat suitability are fully considered, and that the current potential for bat roosting is accurately assessed.

In the absence of an updated bat survey (or supporting letter report) and revised post-development habitat proposals that satisfactorily address the issues raised above, I maintain a holding objection.

Reason:

It has not been demonstrated that the proposals would have no adverse effect on protected and notable species in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features).

Therese Goodwin

Lawn Tennis Association

LTA data suggests that 3 floodlit tennis courts on this site is adequate provision given the availability of 25 LTA registered courts within a 20 minute drive time of Cranford Sports Club.

The LTA has supported the Club with a strategy for tennis to ensure success of the proposed 3 courts. The strategy aims to increase court utilisation, improve financial sustainability and provide a broad tennis offer that meets the needs of the local community.

The LTA has no objection to this application and would advise the following to ensure the above outcomes are achieved:

Sports England

The proposed development does not fall within our statutory remit (Statutory Instrument 2015/595) and, therefore, Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of the application.

Loss of sports facilities

If the proposal involves the loss of any sports facility, then full consideration should be given to whether the proposal meets Paragraph 104 of the National Planning Policy Framework (NPPF), is in accordance with local plan policies to protect sport and recreation facilities, and whether it meets any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

Other Representations

A total of 19 representations have been received, 14 raising objections, 3 in support and 2 observations, summarised below

Objections

- Increased traffic on narrow highway
- Limited visibility at entrance to highway
- Additional danger to highway safety at junction with Salterton Road
- Loss of on street parking
- Loss of or threat to trees
- Increased noise and disturbance
- Overdevelopment of the site
- Difference in ground levels between site and adjacent development not addressed
- Additional demand on drainage system
- Increased risk of flooding of adjacent properties
- Potential impact on wildlife and ecology
- Loss of sports facilities
- Lack of construction management plan

Support

- Additional housing is required
- New housing will support the continued operation of the Cranford Sports Club
- Will make use of redundant facilities

Neutral

- What will happen to existing boundary planting

PLANNING HISTORY

There have been several planning applications relating to the sports club over many years, however the following are of particular relevance to the current application

| Reference | Description | Decision | Date |
|------------------|--------------------|-----------------|-------------|
|------------------|--------------------|-----------------|-------------|

| | | | |
|--------------|--|-----------------------|------------|
| 26/0478/FUL | Construction of a new exercise studio and wet changing facilities, construction of new tennis court with floodlights, refurbishment of tennis courts with additional floodlights | Pending consideration | |
| 24/0015/V106 | Application to vary S106 agreement ref no 000445/SS in respect of application numbers 21/2566/COU and 15/1679/OUT, and deed of variations dated 07/04/2016, 13/02/1996, and 13/01/2022 | Refused | 05.03.2024 |
| 21/2566/COU | Change of use of disused recreational land to garden use in association with 4 and 5 Cranfield Close | Approved | 24.01.2022 |
| 16/1155/RES | Construction of 5 no. dwellings, formation of access and parking areas | Approved | 06.07.2016 |
| 15/1679/OUT | Outline application for the erection of up to 10 no dwellings with all matters reserved | Approved | 10.11.2015 |

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 6 (Development within Built-up Area Boundaries)
Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)
Strategy 38 (Sustainable Design and Construction)
Strategy 47 (Nature Conservation and Geology)
Strategy 48 (Local Distinctiveness in the Built Environment)
Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)
EN14 (Control of Pollution)
EN21 (River and Coastal Flooding)
EN22 (Surface Run-Off Implications of New Development)

RC1 (Retention of Land for Sport and Recreation)

TC2 (Accessibility of New Development)
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 SP05 - Development Inside Settlement Boundaries
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
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 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

Exmouth Neighbourhood Plan

Policy EB2 – Surrounding Development Styles
Policy H1 – Accessible and Adaptable Homes
Policy CF3 – Sport and Leisure Facilities

Government Planning Documents

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

Background to the Proposal

This application is submitted in conjunction with a further planning application, reference 26/0478/FUL (Construction of a new exercise studio and wet changing facilities, construction of new tennis court with floodlights, refurbishment of tennis courts with additional floodlights) as an enabling development to support the continued success of the Cranford Club.

The sale of the land for the proposed housing is to enable investment into the Cranford Sports Club, including the development of the facilities proposed by the concurrent application, to ensure that the Club provides a viable, modernised community sports facility.

Site Location and Description

The application site comprises part of the Cranford Sports Club in Salterton Road, specifically an area of the site to the south of the main complex, currently comprising five tennis courts, of which three are presently unused.

The site is an irregularly shaped piece of land, extending to 0.44ha, bounded to the east, south and west by existing residential properties, and to the north by land associated with the sports club. It is generally level, reflecting the former sports use, rising slightly to the proposed access onto Cranford View.

It is located within the built-up area boundary of Exmouth and generally surrounded by residential development.

There are no local or national landscape designations pertaining to the site, which falls within an area designated as flood zone 1 (low risk of flooding).

Proposed Development

Outline planning permission is sought for the construction of 8 dwellings served by a new access road taken from Cranford View. Permission is sought for the approval of details of the access, layout and scale, with design and landscaping forming reserved matters.

The layout takes access from a new driveway off Cranford View in the north eastern corner of the site and seeks permission for 8 detached properties with associated parking. Three of the dwellings are sited on the western side of the driveway, with a further three to the south of the site and two in the south western area. A turning head is proposed at the end of the access road.

Whilst indicative house types plans have been submitted, these do not form part of the application although in terms of scale, 2 storey dwellings are suggested.

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)
- Loss of Sport/Recreational Land
- Traffic and Highway Safety
- Layout and Scale
- Residential Amenity
- Arboricultural Impact
- Drainage and Flood Risk
- Ecology
- Biodiversity Net Gain
- Planning Obligations
- Planning Balance and Conclusions

Policy Position and Principle of Development

East Devon Local Plan 2013-2031 (EDLP)

The application site lies within the built-up area boundary identified for Exmouth and is therefore within an area considered to be sustainable for residential development. The principle of new residential development within such areas is therefore considered to be acceptable.

Emerging East Devon Local Plan (Consultation draft)

A new East Devon Local Plan is under preparation, and a Draft Local Plan has been produced with consultation of the 2nd Regulation 19 having been completed.

The site remains within the Exmouth built-up area boundary.

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 3.5 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.

The Council considers 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.

Loss of Sport/Recreational Land

Notwithstanding that the site lies within the built-up area boundary, the existing use of the site is for sport and recreation purposes, and as such Policy RC1 (Retention of Land for Sport and Recreation) is of particular relevance.

This policy states

'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. Or*

2. *Sports and recreational facilities can best be retained and enhanced through the redevelopment of a small part of the site. 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.'*

The proposed development would result in the loss of 5 tennis courts which, although underused and in some disrepair at the present time, nevertheless make an important contribution to the sports provision in the locality.

Bearing this in mind, it is suggested that to compensate for this loss alternative new sports provision/facilities be provided within the sports centre complex to ameliorate any harm. There is no scope within the current application site to provide these facilities, and therefore a further planning application has been submitted on land within the ownership/control of the sports centre to provide improved facilities to retain and attract new members to the club.

Application 26/0478/FUL has been submitted which seeks to provide improved and upgraded facilities within other land owned by the Club. This application seeks permission for the construction of a new exercise studio and wet changing facilities, construction of new tennis court with floodlights, refurbishment of tennis courts with additional floodlights.

The difficulty is that unless there is some mechanism to require the alternative sports facilities to be provided, there is the possibility that the proposed residential development could be undertaken without any obligation to replace the existing facilities. With this in mind the applicants for the residential development have provided an undertaking to enter into a Section 106 Agreement, to ensure that the mitigating development is carried out such that there will be no loss to the sport/recreation facilities in the area, notwithstanding the loss of tennis courts

Subject to the concurrent application being considered to be acceptable and a suitable Section 106 Obligation being entered into, it is considered that there is no 'in principle' objection to the current planning application.

Traffic and Highway Safety

Concerns have been raised by the Ward Member, Town Council and residents regarding the narrow nature of Cranford View, visibility, visitor parking, servicing, and potential impacts at the junction with Salterton Road, including in the context of nearby uses such as the ballet school.

The County Highway Authority has visited the site and raises no objection, confirming that the proposed access achieves acceptable visibility in accordance with Manual for Streets guidance, and that swept-path analysis demonstrates refuse vehicles can enter, turn and leave in a forward gear. The internal road is proposed as a shared surface which, given the limited number of dwellings and likely low vehicle speeds, is considered acceptable in principle. Detailed matters of parking provision, visitor bays (if any), cycle storage, and on-site turning can be secured through conditions tied to the approved layout and any subsequent reserved matters. Having regard to the technical advice received, it is considered that the development would not result in an

unacceptable impact on highway safety, consistent with Local Plan transport strategies and NPPF Chapter 9.

Layout and Scale

The submitted layout indicates 8 dwellings arranged off a shared surface access from Cranford View. The key design considerations at outline stage are whether the scale and disposition of built form can achieve a high-quality relationship with surrounding residential properties, including an acceptable level of privacy, outlook and daylight, and whether the development can provide adequate on-plot parking, turning and refuse collection arrangements.

The submitted layout indicates relatively large, detached properties on reasonably large plots, which is commensurate with that of the surrounding residential development. The arrangement of the properties is such that regard has been had to the orientation of neighbouring development and whilst the application is not seeking detailed design arrangements, which will be subject of further consideration as part of a reserved matters application, the general form and position of the proposed dwellings is considered to be reasonable, having regard to the irregular shape of the site, topography of the land and boundaries of the site.

Floor and elevational plans have been submitted, although the design of the dwellings is not being considered at this stage, and do not form part of this application, nevertheless in terms of scale it is considered that 8 two storey dwellings could be accommodated within the site, in the layout indicated.

Detailed matters of architectural appearance, boundary treatments, tree retention, and final landscape scheme will be addressed at reserved matters stage and can be controlled through appropriately worded conditions requiring compliance with Local Plan Strategy 48 and Policies D1 and D2 (Landscape Requirements).

Residential Amenity

Concern has been raised regarding the potential overlooking and loss of privacy arising from the proposed dwellings, however the position of fenestration and internal layout of the proposed dwellings will be considered in detail at a reserved matters stage, and do not form part of the consideration of this application.

As stated above the submitted layout and position of the dwellings is considered to have sufficient regard to the orientation and location of existing neighbouring properties and demonstrates that a scheme of 8 dwellings can be accommodated with separation distances and orientations capable of avoiding unacceptable overlooking, visual intrusion or loss of privacy. Careful consideration regarding the positioning of first floor windows on certain plots will be needed, such as plot 5 and plot 6 ,

Environmental Health has requested a lighting impact assessment of the existing floodlights serving the retained tennis courts, to ensure that future occupiers would not be adversely affected; this can be secured by condition prior to occupation of the

dwellings (and/or as part of reserved matters), with any necessary mitigation measures to be implemented and retained.

The development would accord with Policy D1 of the Local Plan

Arboricultural Impact

There are a number of trees and established hedging to the boundaries of the site, which are proposed to be retained as part of the development. An arboricultural Impact Assessment, Tree Protection Plan, and Arboricultural Method Statement has been submitted which indicates appropriate protection measures, and it is considered the with additional planting, details of which will form part of any reserved matters application, the proposal is considered to be acceptable in terms of arboricultural impact.

Drainage and Flood Risk

The site is located within Flood Zone 1 and is therefore at the lowest probability of fluvial flooding. Objections have nevertheless been raised regarding local drainage capacity and the potential for increased run-off affecting neighbouring land. South West Water has advised that discharge to the public surface water sewer may be acceptable in principle but requires clear evidence demonstrating why higher order options in the drainage hierarchy are not feasible. The submitted drainage material indicates that a surface water strategy can be accommodated, but the final details of the drainage hierarchy, attenuation, discharge rates, exceedance routing and long-term maintenance are matters that should be secured by condition. Subject to those controls, and given the site's Flood Zone 1 location, the proposal is considered capable of complying with Policies EN21 and EN22 of the Local Plan and the drainage objectives of the NPPF.

Ecology

The application was accompanied by an Ecological Impact Assessment and Biodiversity Metric. The site is previously developed recreational land with limited ecological value within the developed footprint, but boundary vegetation and adjacent habitats have value for nesting birds, commuting bats and wider urban biodiversity.

Since the Council's ecologist first commented on this application an additional ecological report has been received in support of the application which confirms that two sheds that are proposed for removal have been inspected and have been assessed as having negligible potential to support roosting bats. Therefore it is accepted that the proposed removal of sheds to facilitate the development is unlikely to result in adverse impacts to bats or lead to the loss of roosting resource.

Subject to the implementation of ecological mitigation and enhancement measures, including timing restrictions on vegetation clearance, precautionary working methods, and habitat retention where practicable, which can be conditioned, the proposal is considered to accord with Strategy 47, Policy EN5 and relevant sections of the NPPF.

Biodiversity Net Gain

The Council's ecologist has raised concerns regarding the BNG proposals and regarding several proposed post-development habitats. A revised statutory biodiversity metric is to be submitted and it is acknowledged that meeting the required biodiversity net gain on-site may not be achievable and the purchase of off-site biodiversity units from a habitat bank may be necessary. This approach is considered acceptable in principle.

The ecologist has advised that should the application be recommended for approval, the applicant will be required to submit a Biodiversity Gain Plan prior to the commencement of development. This plan must clearly set out the quantum of onsite and offsite biodiversity units and demonstrate how these will be secured, including evidence of their purchase from a suitable off-site habitat provider listed on the statutory Biodiversity Gain Site Register, or alternatively, evidence of the purchase of statutory biodiversity credits.

Appropriate Assessment:

The nature of this application and its location close to the Pebblebed Heaths and Exe Estuary and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Pebblebed Heaths and Exe Estuary 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 will be secured through legal agreement addressed in further detail below. 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.

Planning Obligations

The development will need to be the subject of a Section 106 agreement to ensure that the residential scheme does not proceed in isolation from the mitigation measures suggested to justify the loss of sports land. The agreement should secure, as appropriate, the linkage between the housing development and the delivery of replacement/enhanced sports provision at Cranford Sports Club, together with any

necessary habitat mitigation, open space or other contributions arising from the development.

A detailed Heads of Terms has been submitted to provide the refurbishment of two tennis courts and the provision of one additional court, together with associate leisure infrastructure supporting the Club's continued recreational use.

A Section 106 contribution of £535,000 shall be paid to be used as follows:

A

- i) £260,000 shall be ring-fenced for two refurbished tennis courts and one additional court of a specification agreed with the Lawn Tennis Association.
- ii) The obligation shall be enforceable by East Devon District Council and the tennis court works completed within 18 months of commencement or before first occupation, if earlier. Any residual amount from this £260,000 not used in providing the tennis courts shall be paid into the fund (b) set out below
- iii) Any habitat mitigation contribution for the Exe Estuary and Pebblebed Heaths shall be paid before commencement (but not as part of the £535,000 fund)

B

- i) £275,000 shall be applied to associated leisure infrastructure supporting the Club's recreational use, but not including the tennis court works referenced in (a) above
- ii) The works shall be completed within five years of commencement.
- iii) The works may include a well-being space and pool enclosure and changing improvements.

C.

Holding and Release of Section 106 Funds

- a) The £535,000 Section 106 Contribution shall be paid before commencement and held by Exmouth Town Council (*or other appropriate body or legal mechanism) in a restricted account for the agreed purposes.
- b) Section 106 monies shall be released on a draw-down basis against agreed scope, budget and programme and written instruction from the Cranford Club, LED Community Leisure and Exmouth Town Council*.
- c) Any unspent or uncommitted Section 106 Contribution for Permitted Associated Infrastructure remaining five years after commencement shall be returned to Exmouth Town Council* and applied to alternative sport and recreational provision in Exmouth, in consultation with the Local Planning Authority.

6) Delivery and Phasing

- i) **On grant of outline permission:** deposit the Section 106 Contribution with Exmouth Town Council*.
- ii) **Within 18 months of commencement, or before first occupation, whichever is the sooner:** complete the tennis provision.

iii) **Within five years of commencement:** complete permitted leisure infrastructure.

*Or other appropriate body or legal mechanism

On the basis of the submitted information, and completion of the agreement, it is considered that appropriate measures will be in place to ensure that the improved sporting facilities are undertaken which will be beneficial to, and help to secure the financial future of the Club.

Planning Balance and Conclusions

The proposal would deliver 8 additional dwellings within the built-up area boundary of Exmouth in a sustainable location close to services, facilities and public transport. That is a material benefit to which significant weight is attached, particularly in the context of the Council's acknowledged housing land supply shortfall.

The development would also support the long-term retention and enhancement of an established community sports club through the reinvestment mechanism and linked mitigation package proposed by the applicant. These are important public benefits.

The adverse impacts identified relate principally to the loss of existing tennis courts, and concerns relating to traffic volumes and highway arrangements, drainage and potential impact on residential or other amenity.

Overall, having regard to the technical consultation responses, the submitted plans and supporting information, and the ability to secure mitigation by condition and legal agreement, the identified harms are not considered to significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the adopted local plan and the Framework when taken as a whole.

On balance, the proposal is considered acceptable and is recommended for approval, subject to the completion of a S106 Agreement, and also subject to the application submitted under reference 26/0478/FUL having first been approved.

RECOMMENDATION

- 1 Adopt Appropriate Assessment
2. APPROVE subject to the applicant entering into a S106 agreement to secure financial obligations towards sports provision and habitat mitigation, and planning permission having been granted for the development proposed under reference 26/0478/FUL, and the following conditions:
 1. Time Limit
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 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. CEMP

Prior to commencement of development the Local Planning Authority shall have received and approved a Construction and Environment Management Plan (CEMP) including:

(a) the timetable of the works;

(b) 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.

(c) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements and construction working hours being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 8.00am to 1.00pm Saturdays, with no such vehicular movements or construction work taking place on Sundays and Bank/Public Holidays;

(d) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits and details of any road closures;

(e) 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;

(f) 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;

(g) hours during which no construction traffic will be present at the site;

(h) the means of enclosure of the site during construction works; and

(i) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(j) details of wheel washing facilities and obligations

(k) The proposed route of all construction traffic exceeding 7.5 tonnes.

(l) Details of the amount and location of construction worker parking.

(m) There shall be no burning on site and no high frequency audible reversing alarms used on the site.

(n) 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

(Reason : To protect the amenities of existing and future residents in the vicinity of the site and to minimise the impact of the development on the highway network in accordance with policies TC7 (Adequacy of Road Network and Site Access), D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031 and national policies as set out in the National Planning Policy Framework and associated Planning Practice Guidance. A pre-commencement condition is required to ensure that the required works can be considered and delivered in advance of any increased traffic impacts associated with the development).

5. Secure Cycle Storage

No development shall continue above slab level until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to occupation of the dwelling(s) to which they relate

(Reason: To promote sustainable travel in accordance with Strategy 5B (Sustainable Transport) and Policy TC9 (Parking Provision in New Development) of the East Devon Local Plan 2013-2031 and national policies as set out in the National Planning Policy Framework 2024 and associated Planning Practice Guidance).

6. Surface Water Drainage

No development shall take place until a Surface Water Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details prior to the first occupation of any dwelling and shall be maintained for the lifetime of the development.

(Reason: A pre-commencement condition is required to avoid pollution of the environment and/or flooding during and after construction in accordance with Policies EN14 (Control of Pollution) and EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013 - 2031).

7. Ecology

The development hereby approved shall proceed in strict accordance with the Ecological Impact Assessment (Richard Green Ecology, November 2024), in particular the ecological mitigation and enhancement measures detailed in Section 4.4 to 4.9. 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, detailing that all ecological mitigation and enhancement features, including integral bat box and swift brick installed in each new dwelling and the provision of hedgehog holes in garden fencing (125mm square holes at ground level, at 5 m intervals).

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

8. Trees

The development shall be carried out in accordance with the Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement prepared by Advanced Arboriculture and dated 28 March 2025.

(Reason: To ensure retention and protection of trees on the site during and after construction. The condition is required in 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.)

9. External Lighting (Houses)

No external lighting shall be provided to the dwelling houses, other than the maximum of one external LED downlighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K. Every such light shall be directed downwards with a 0-degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of one minute. Lighting shall be maintained thereafter in accordance with these details.

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

10. Floodlighting

Prior to the installation of any new floodlighting a Lighting Impact Assessment shall be carried out of the potential impact of the floodlights on the remaining tennis courts on the proposed development. The assessment must comply with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The Assessment shall be submitted to and approved by the Local Planning Authority and any necessary mitigation measures to be implemented and retained prior to the occupation of any of the residential dwellings hereby approved.

(Reason: To control light pollution and to protect the amenity of nearby residents in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan (2013 - 2031).

11. BNG

No development above foundation level shall take place until a Biodiversity Net Gain Landscaping Scheme has been submitted to and approved in writing by the Local Planning Authority (LPA). The scheme shall be in accordance with the approved Biodiversity Gain Plan and the submitted ecological appraisal/metric and shall provide proportionate details of the habitat creation and enhancement measures required to achieve the onsite biodiversity net gain, to include:

1. Planting and Habitat Creation Details

- a) Location, species, size and number of all proposed native trees, hedgerow plants, scrub or shrub planting.
- b) Areas of grassland or marginal habitat enhancement, including soil preparation, seed mix, and establishment methods.
- c) Identification of existing trees, hedgerows or vegetation to be retained.

2. Establishment and Aftercare (5 Years) A light touch establishment and maintenance schedule proportionate to the scale of works, including watering (where necessary), weed control, protection measures (e.g., guards or fencing), and any formative pruning.
3. Monitoring (Photographic Compliance Check) A requirement for the developer to submit photographic evidence of the completed landscaping to the LPA:
 - at substantial completion (Year 0), and
 - at Year 5 following completion. Photographs shall clearly show the condition, survival and extent of the new planting and habitat areas.

The approved BNG Landscaping Scheme shall be implemented in the first planting season following commencement of the development unless a phased plan is otherwise approved in writing by the LPA. The landscaping shall be retained and maintained for a minimum of five years. Any plant or area of habitat that fails to establish, dies, or is removed within that period shall be replaced during the next available planting season with a specimen or mix of the same species, size and provenance, unless otherwise agreed in writing by the LPA.

(Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and 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).

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)

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.

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)

Having reviewed the current information for the proposed surface water disposal for this development (domestic roof and driveway run off only) Please note that discharging to the public surface water sewerage network meets with the Run-off Destination Hierarchy. However before South West Water can approve this method of discharge we will require clear evidence to demonstrate why the other higher methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

Plans relating to this application:

| | | |
|--|---------------------|----------|
| 8342-LP | Location Plan | 21.07.25 |
| Issue 02 | Transport Statement | 12.09.25 |
| 02.00 REV C: Highway and Site Levels | Other Plans | 12.09.25 |
| 08.00 REV C: | Other Plans | 12.09.25 |

Vehicle Tracking Plan

SK03.00 REV C: Drainage Strategy Plan 12.09.25

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.

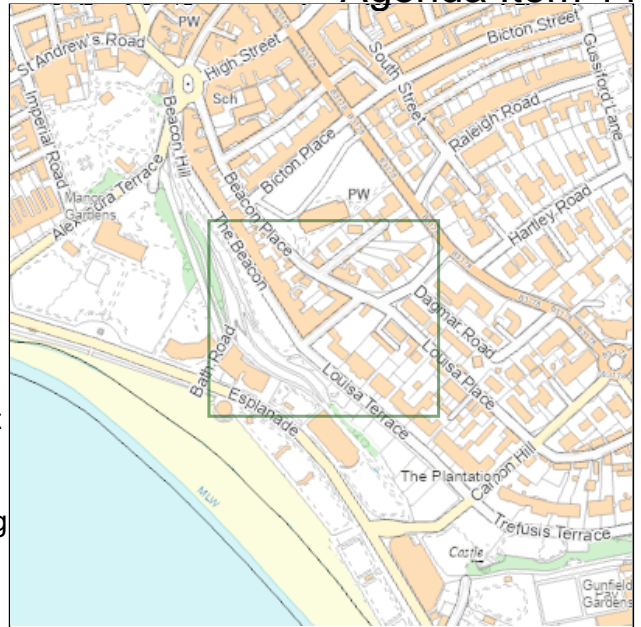
Ward Exmouth Town

Reference 25/2397/MFUL & 25/2398/LBC

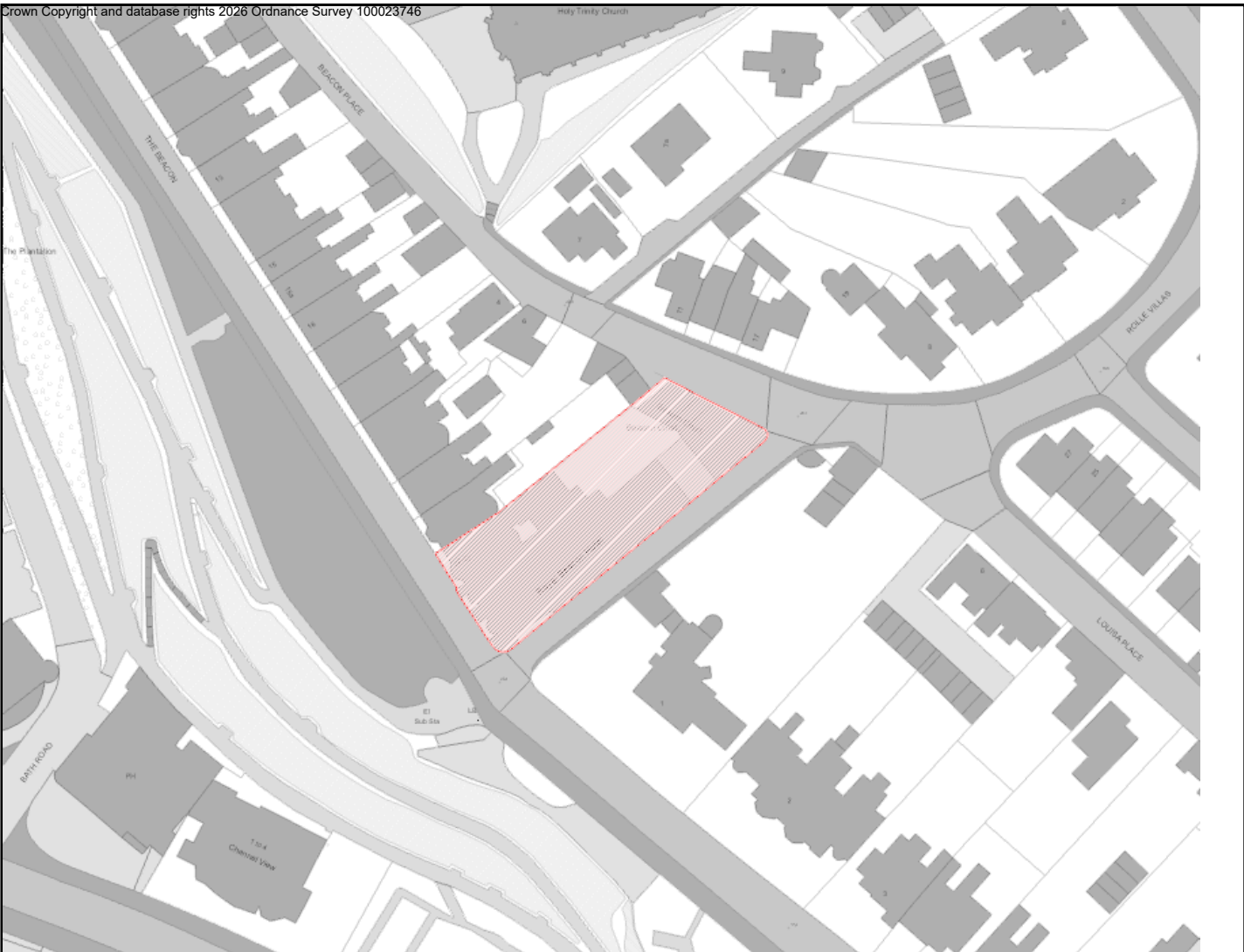
Applicant Mr Keith Richardson (Richardson Hotels Ltd)

Location The Royal Beacon The Beacon Exmouth EX8 2AF

Proposal Change of use, associated demolitions and proposed conversion of grade II listed hotel, to 19 no. 1,2 and 3 bed apartments with basement storage, associated parking and infrastructure; demolition of rear modern block to provide 2 newbuild semi-detached mews houses including integrated garages



RECOMMENDATION: Approval with conditions



| | | |
|-------------------------------|--|-----------------------------------|
| | | Committee Date: 07.07.2026 |
| Exmouth Town (Exmouth) | 25/2397/MFUL & 25/2398/LBC | Target Date: 12.03.2026 |
| Applicant: | Mr Keith Richardson (Richardson Hotels Ltd) | |
| Location: | The Royal Beacon, The Beacon | |
| Proposal: | Change of use, associated demolitions and proposed conversion of grade II listed hotel, to 19 no. 1,2 and 3 bed apartments with basement storage, associated parking and infrastructure; demolition of rear modern block to provide 2 newbuild semi-detached mews houses including integrated garages | |

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the Planning Committee owing to the officer recommendation of approval being contrary to comments received from the Town Council.

Approval is sought for the change of use of The Royal Beacon Hotel and the conversion and alterations of the building to form 19 apartments and 2 new build dwellings on the site. The building is Grade II listed and sits within the Exmouth Conservation Area. The hotel forms part of a terrace of 23 properties along The Beacon, built as high status houses when Exmouth became a fashionable seaside resort in the latter half of the 18th and 19th centuries.

The layout of the existing hotel would be reconfigured to form 19 apartments, and an existing utilitarian accommodation block to the rear would be demolished and replaced with two new build mews houses.

The application has demonstrated through evidence of marketing and viability evidence that the existing hotel use is no longer economically viable, therefore the principle of the change of use from hotel to residential accommodation is considered to be justified and would comply with Local Plan Policy E17 Principal Holiday Accommodation Areas.

The scheme has been designed to respect the architectural and historic significance of the building, with key elements of significance such as the principal elevation being retained and enhanced. The new build element to the rear is considered to represent an enhancement to the character and appearance

of the site and the wider conservation area. The proposal would allow for the repair and rehabilitation of the heritage asset and put the building into a viable use consistent with its conservation.

The proposal provides an acceptable standard of residential amenity for future occupants and to neighbouring properties. The existing hotel provides just six parking spaces for staff and visitors, and the proposed scheme would provide one space per dwelling, which represents a significant improvement over the existing situation.

Overall, the proposal represents a sustainable form of development that would secure the long-term future of a prominent heritage asset, and enhance the character of the conservation area. Subject to the imposition of appropriate planning conditions and obligations, the development is considered to comply with policies contained with the East Devon Local Plan and the Exmouth Neighbourhood Plan, and is therefore recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

Meeting 05.01.26

Objection: Members believed the number of proposed apartments constitutes overdevelopment of the site. Furthermore, there was concern regarding the absence of a thorough historic investigation, which risked erasing or damaging heritage assets without proper consideration.

Parish/Town Council

Meeting 13.04.26

Objection sustained, the proposal was still considered to be overdevelopment of the site.

Parish/Town Council

Meeting 26.05.26

Objection sustained: Members remained concerned that the scale of the proposed development would result in increased traffic movements and on-street parking within a highly constrained area, in close proximity to The Beacon Primary School. It was also not evident that all heritage-related concerns had been fully addressed.

Technical Consultations

County Highway Authority

09/02/2026 – Objection – concerns re visibility splays from Mews House garages

25/05/2026 – No Objection

Conservation

20.02.2026 - Principle of the conversion is accepted, but concerns raised regarding extent of internal demolition and subdivision, along with the design of the new buildings at the rear.

05/06/2026 – No objection, subject to conditions

DCC Historic Environment Officer

05.01.2026 – No objection subject to conditions

Devon County Council Education Dept

09.01.2026 - DCC has forecast that there is enough spare primary and secondary capacity to accommodate the number of pupils expected to be generated from this development.

DCC Flood Risk Management Team

22.01.2026 – Objection

24.04.2026 - Objection

28.05.2026 – No objection subject to condition

Economic Development Officer

11.05.2026 - No objection

EDDC District Ecologist

06.05.2026 - No objection subject to condition

EDDC Recycling & Waste Contract Manager

02.04.2026 - No objection subject to condition

Natural England

24.12.2025 –Further information required

13.04.2026 - Further information required

12.05.2026 - Further information required

27.05.2026 - No objection

Environmental Health

10.04.2026 - No objection subject to conditions

Historic England

19.12.2025 - No comment

NHS Local (Eastern Locality)

15.01.2026 The GP surgeries within the catchment area that this application would affect, currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate.

LPAE-Devon (Torbay+South Devon NHS Foundation Trust) Housing

06.01.2026 - Royal Devon University Healthcare NHS Foundation Trust seek a contribution of £ 5,361 towards healthcare services.

Police Architectural Liaison Officer - Kris Calderhead

07.01.2026 - Objection

08.04.2026 - No objection subject to conditions

South West Water

19.01.2026 – Objection re surface water disposal

Other Representations

12 third party representations have been received, in objection to the proposal.

A summary of ground for objection is as follows:

- The proposed number of dwellings would represent an overdevelopment of the site.
- The number of car parking spaces to serve the apartments is not sufficient, and additional cars seeking on street parking would negatively affect the safety, and overall amenity of existing residents.
- It is misleading to suggest that the normal parking ratios can be ignored because of the existence of car parks, on street parking and public transport.
- The proposed flats are very cramped with inadequately sized bedrooms.
- Access to the building is dangerous especially for those with limited mobility and the building would provide a poor standard of access for people with limited mobility.
- Concerns are raised about the veracity of the submitted ecological survey.
- The increase in height of the mews houses would reduce light levels to the houses along Beacon Place, and will affect the privacy of houses opposite.
- The proposed mews houses are inappropriate in scale and style in the Conservation Area.
- The access to the mews houses directly off Beacon Place could be dangerous for future residents and the proposed mews house garages do not meet minimum standards and would be unusable.
- Concerns are raised regarding the potential for increased noise levels as a result of the change in use of the site.
- The proposal would lead to disruption in a built-up residential area in the course of the conversion works.

PLANNING HISTORY

| Reference | Description | Decision | Date |
|------------------|--|-----------------|-------------|
| 74/C1053 | 2 service flats with garage space under | Approval | 04.03.1975 |
| 78/C0471 | 21 panel solar heating system to the hotel roof | Refusal | 23.05.1978 |
| 79/C2033 | New fire exit | Approval | 14.02.1980 |
| 81/P1862 | Erection Of Garage At Rear For Hotel Guests. | Approval | 16.02.1982 |
| 85/P0488 | Erection Of 2no Service Flats With Associated Garaging At Rear Of Hotel. | Approval | 21.05.1985 |
| 86/P2153 | Erection Of 2 Service Flats With Assoc Garaging (Amended Application.). | Approval | 06.01.1987 |
| 86/P2196 | Erection Of Two Service Flats And Garaging. (Amended Scheme). | Approval | 06.01.1987 |
| 87/P0616 | Conversion Of Storage Area Into Service Flat | Approval | 16.06.1987 |
| 89/P0309 | New Windows To Existing Lounge W.c. & Bathroom. | Approval | 19.05.1989 |
| 97/P1233 | Pitched Roof To Create Additional Flat | Refusal | 10.10.1997 |
| 97/P1760 | Provision Of Pitched Roof Forming Additional Flat: Amended Proposal | Refusal | 14.01.1998 |
| 98/P1392 | Internal Alterations & Formation Of Two Windows | Approval | 21.09.1998 |
| 98/P1478 | Two New Windows | Approval | 06.10.1998 |

| | | | |
|-------------|---|-----------|------------|
| 98/P1596 | New Fire Escape Stair | Approval | 28.10.1998 |
| 98/P1597 | Internal Alterations & Construct Fire Exit Staircase | Approval | 28.10.1998 |
| 98/P1834 | Alterations | Approval | 16.12.1998 |
| 98/P1835 | Alterations To Form New Bedrooms Etc | Approval | 16.12.1998 |
| 99/P0621 | Alterations To Improve Fire Escape | Approval | 17.05.1999 |
| 00/P0335 | Mount Plaque Giving Brief Details Of The Property's Historic Connection | Approval | 23.03.2000 |
| 03/P1347 | Flying Of European Union Flag | Approval | 30.06.2003 |
| 05/2452/TCA | Removal of five stumps. | Approval | 10.10.2005 |
| 06/1457/FUL | Change of use of flats to hotel bedrooms including alterations to roof. Alterations to existing hotel building including the rear roof, provision of lift and additional dining space. New car park to rear of Louisa Place | Withdrawn | 25.09.2006 |
| 06/1461/LBC | Change of use of flats to hotel bedrooms including alterations to roof. Alterations to existing hotel building including the rear roof, provision of lift and additional dining space. New car park to rear of Louisa Place | Withdrawn | 25.09.2006 |

| | | | |
|-------------|--|----------|------------|
| 06/2965/FUL | Change of use and alterations to flats to provide additional hotel rooms including alterations to roof of hotel to provide additional 17 hotel bedrooms, erection of lift extension and additional car parking | Approval | 13.12.2006 |
| 06/2973/CAC | Demolition of garages | Approval | 07.02.2007 |
| 06/2977/LBC | Alterations and extensions to provide additional hotel bedrooms, lift and internal alterations to reception and restaurant areas | Approval | 13.12.2006 |
| 07/2885/LBC | Replace double opening exit doors with aluminium glazed doors | Approval | 19.12.2007 |
| 15/0078/LBC | Replastering of internal walls | Approval | 04.03.2015 |
| 17/2037/LBC | Various works to lower ground floor basement to include: internal tanking; re-configure floor layout involving the removal of walls, construction of new walls, removal of piers, installation of new beams, creation of 3no. W.C. facilities and floor levels lowered | Approval | 20.11.2017 |

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development) Adopted

Strategy 5B (Sustainable Transport) Adopted

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

Strategy 22 (Development at Exmouth) Adopted

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) Adopted

Strategy 34 (District Wide Affordable Housing Provision Targets) Adopted

Strategy 38 (Sustainable Design and Construction) Adopted

Strategy 43 (Open Space Standards) Adopted

Strategy 48 (Local Distinctiveness in the Built Environment) Adopted

Strategy 49 (The Historic Environment) Adopted
D1 (Design and Local Distinctiveness) Adopted
D2 (Landscape Requirements) Adopted
EN5 (Wildlife Habitats and Features) Adopted
EN6 (Nationally and Locally Important Archaeological Sites) Adopted
EN8 (Significance of Heritage Assets and their setting) Adopted
EN9 (Development Affecting a Designated Heritage Asset) Adopted
EN10 (Conservation Areas) Adopted
EN14 (Control of Pollution) Adopted
EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)
Adopted
EN21 (River and Coastal Flooding) Adopted
EN22 (Surface Run-Off Implications of New Development) Adopted
E17 (Principal Holiday Accommodation Areas) Adopted
E18 (Loss of Holiday Accommodation) Adopted
TC2 (Accessibility of New Development) Adopted
TC7 (Adequacy of Road Network and Site Access) Adopted
TC9 (Parking Provision in New Development) Adopted

Exmouth Neighbourhood Plan (Made April 2019)

Policy EN1: Proposals for development within the Built-up Area Boundary (BUAB) will generally be supported.

Policy EN5: The impact from any additional surface water resulting from development should be controlled and satisfactorily mitigated.

Policy EN6: Development proposals must incorporate Sustainable Urban Drainage Systems (SuDS) and a management plan for future maintenance of the drainage system.

Policy EB1: Development proposals should seek to conserve heritage assets

Policy EB2: New development should be mindful of surrounding building styles and ensure a high level of design.

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP01 (Spatial strategy) Draft
Strategic Policy SP05 (Development inside Settlement Boundaries) Draft
Strategic Policy SD01 (Exmouth and its development allocations) Draft
Strategic Policy CC02 (Moving toward Net-zero carbon development) Draft
Strategic Policy AR01 (Flooding) Draft
Strategic Policy AR02 (Water efficiency) Draft
Strategic Policy HN01 (Housing to address needs) Draft
Strategic Policy HN02 (Affordable housing) Draft
Policy HN04 (Accessible and adaptable Housing) Draft
Strategic Policy SE04 (Resisting the loss of employment sites) 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
Strategic Policy OL01 (Landscape features) Draft
Policy OL09 (Control of pollution) Draft
Policy PB03 (Protection of irreplaceable habitats and important features) 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
Strategic Policy HE01 (Historic environment) Draft
Policy HE02 (Listed buildings) Draft
Policy HE03 (Conservation Areas) Draft
Policy HE04 (Archaeology and Scheduled Monuments) Draft

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

ANALYSIS

Site Location and Description

The application site is the Royal Beacon Hotel which lies on the south eastern end of The Beacon, in an elevated position close to Exmouth's seafront.

The hotel forms part of a terrace of 23 properties built as high status houses for the wealthy middle and upper classes when Exmouth became a popular and fashionable seaside resort in the latter half of the 18th and 19th centuries. The houses are all of a similar style but contain a variety of individual features and detailing. Nearly all of the terrace is Grade II listed.

The Royal Beacon Hotel at No. 22 and 23 The Beacon, forms the end of the terrace. The building is of three storeys with a basement and an attic and is rendered with a slate roof.

No. 23 has bracketed eaves, with canted bay windows to the basement, ground and first floors arranged symmetrically around the front door with its classical style porch. No. 22 has canted bay windows to basement, ground, first and second floors and has a moulded cornice over the doorway supported on enriched consoles. No. 23 likely changed to a hotel in the mid-nineteenth century and was significantly extended to the rear. It is not known when No. 22 was incorporated into the hotel, but historic mapping suggests this may have occurred during the 1960s. Both buildings have later dormer windows at roof level.

The hotel also has a three storey rear element which addresses Lousia Terrace, and a more modern flat roofed rear two storey building to the rear of the block which faces Beacon Place.

The site falls within the Exmouth Conservation Area, and is within the Principal Holiday Accommodation Areas as defined by the Local Plan but no formal landscape designations apply to the site.

Statutory Listed Building Descriptions

Heritage Category: Listed Building

Grade: II

List Entry Number: 1097900

Date first listed: 06-Dec-1949

List Entry Name: No 23 (Royal Beacon Hotel) And Area Railings
Statutory Address: NO 23 (ROYAL BEACON HOTEL) AND AREA RAILINGS, 23,
THE BEACON

THE BEACON 1. 5176 (North-East Side) 6.12.49. No 23 (Royal Beacon Hotel) - and area railings SY 0080 1/21 II GV 2. Facade rendered white. Slate roof with wide bracketed eaves and bands between floors. 3 storeys and basement, 3 windows, the top floor outer windows 3 light sashes, 3 storey bay windows below with balustraded parapets, no glazing bars. Centre round arched door with keystone. Porch with iron balustraded parapet and steps. Area railings. Rear elevation retains slate hung bow and round arched staircase window. Included for group value.

Heritage Category: Listed Building
Grade: II

List Entry Number: 1164336

Date first listed: 06-Dec-1949

List Entry Name: No 22, Handrail and Area Railings

Statutory Address: NO 22, HANDRAIL AND AREA RAILINGS, 22, THE BEACON

THE BEACON 1. 5176 (North-East Side) 6.12.49. No 22, handrail and - area railings SY 0080 1/21 II GV 2. Late C19. Painted brick facade, slate roof. 3 storeys and basement. 2 windows, east side has full height bay terminating in hipped gable, all windows unbarred sashes, bands below those of bays. Round arched door with panelled pilasters, impost band and plain fanlight. Label above on enriched consoles with low relief mouldings. Area railings and iron balustrade to steps. Rear elevation retains slate hung bow and round arched staircase window. Included for group value.

Proposed Development

Approval is sought for the change of use of the hotel and the conversion of the building to form 19 apartments and 2 new build dwellings on the site.

The proposal would involve the demolition of some of the later rear elements including the modern two storey flat roofed section facing Beacon Place. The principal hotel building would be reconfigured to provide two apartments within the basement level, four apartments at ground floor level, six apartments at first floor level which includes one large apartment within the former ballroom, four apartments at second floor level and three apartments at third floor / roof level. Few changes are proposed to the exterior of The Beacon and the Louisa Terrace facing elevations, with the exception of the removal of an existing access porch from the south east elevation, and its replacement with open steps and railings to match those at the front of the building.

To the rear of the site two three storey mews houses are proposed, with garages to the ground floor, living spaces to the first floor and bedrooms within the roof space at second floor level. The central area of the mews houses is set back from the rear of the pavement to provide relief and a small amount of defensible space in front of the entrance doors to the two units. The proposed mews houses would be finished in a mixture of render and brickwork with vertically proportioned windows, slate roofs and lead clad dormer windows to the second floor.

Access to the rear of the site would be as per the current arrangement, via an undercroft off Louisa Terrace. The site to the rear is to be reconfigured to provide 19 car parking spaces and a small amount of soft landscaping. Access to the rear of the site is proposed as being controlled via an electrically operated gate.

The proposal would also allow for secure and undercover bin and bicycle storage within the ground floor of the scheme.

Analysis

The principal issues for consideration are:

- Principle of Development
- Design impact on character of site including heritage impacts
- Residential / Neighbour Amenity
- Highways, access and parking
- Ecology / biodiversity
- Biodiversity Net Gain
- Appropriate Assessment
- Affordable Housing
- Drainage and Flood Risk

Principle of Development

The application site is located within the Built up Area Boundary (BuAB) of Exmouth as defined by the adopted Local Plan, with the site having good access to services and facilities as well as public transport. Strategy 6 'Development within Built-Up Area Boundaries' of the Local Plan sets out criteria against which development within built up area boundaries can be assessed. There is support for growth and development within BuABs subject to an assessment of the impacts of any proposal.

The site lies within a Principal Holiday Accommodation Area as defined by Local Plan Policy E17. EDDC are keen to ensure the continued vitality and viability of the tourism industry in the resorts, and the loss of hotels providing holiday accommodation within the Principal Holiday areas of Exmouth and Sidmouth will be resisted. Policy E17 states:

Within the Principal Holiday Accommodation Areas, as identified on the Proposals Map, the change of use or redevelopment of hotels and other forms of holiday accommodation to non tourism accommodation uses will not be permitted unless:

- 1. there is no physical or economic potential for continued tourist use. And/or*
- 2. refurbishment or redevelopment for holiday accommodation purposes is not financially viable. And/or*
- 3. development proposals would result in environmental and/or economic benefits to the area that would outweigh the loss of the tourist accommodation.*

Permission for change of use will not be permitted unless it can be clearly demonstrated that there is no longer a need for such uses and that the building or

site has been marketed for at least 12 months (and up to two years depending on market conditions) at a realistic price without interest.

East Devon District Council's website gives detailed requirements for the Marketing Strategy Statement required for all applications proposing the loss of commercial or community facilities. In summary the following information is required:

- A copy of the letter of instruction to the agent
- The methodology used by the surveyor in arriving at a valuation
- Estate agents verifiable record of all enquiries
- A copy of the sales particulars and adverts

The marketing strategy statement should also include evidence of steps undertaken to diversify income and prevent the decline of the business.

The hotel has been marketed since January 2024, with the valuation having been arrived at by comparison with other hotels within the region. The business has been loss making for an extended period and therefore a traditional profits method approach, whereby a multiple is applied to the trading profits of the business, was not appropriate to underwrite a value.

The applicant has provided a copy of the letter of instruction to the agent, and a copy of the sales particulars and adverts. The initial asking price was reduced in June 2024, and reduced again in September 2024 by a factor of 20% below the original valuation. The details were viewed 1,923 times on the agent's website, which led to 23 enquiries (up until mid February 2026), but to date no offers have been received.

The submitted application also considered the potential to convert the hotel into hotel apartments in order to retain a tourism use on the site. Two options were considered; either retaining the apartments as an apart-hotel business, or selling the units to investors.

Both of the apart-hotel schemes would generate a lower value per square foot in comparison with a residential conversion. Servicing costs for the apartments, such as sales and marketing expenses, maintenance expenses, utility costs, insurance and business rates, mean this is a more costly option than a traditional residential conversion.

Apart-hotel returns are seasonal, and combined with the additional costs, reduces the capital value in comparison with ordinary residential sales. The proposed conversion of the building to an apart-hotel scheme to retain a tourism use at the site would result in a large negative land value and would therefore not be viable. Selling the units to investors would result in a smaller negative value but this would still not be enough to offset the conversion costs.

EDDC commissioned an independent review of the viability information submitted with the application. The report agreed with the conclusions of the submitted report, that the hotel is not financially viable in its current use and would only become viable with very substantial investment and increased income. The hotel has been loss-making for most of the past 7-8 years and was only profitable during the post Covid

years owing to government financial support during the pandemic and unprecedented demand for hotels within the UK due to travel restrictions.

The report highlights significant pressures from wage increases, including National Insurance changes, energy and utility costs and inflation in supplies and services which have further eroded already weak margins. The building is in a poor condition and would require significant investment to maintain the viability of the hotel but there is no financial return to justify the investment. The report highlights that the current owner is a competent and experienced hotel operator and even with economies of scale and professional management has not been able to make the hotel profitable. The report agrees with the applicant's conclusion that the existing hotel use is not viable and would not support the level of investment required to refurbish the building.

EDDC's Economic Development team has reviewed both the viability report submitted by the applicant and the independent report commissioned by the Council. Given that the property has been actively marketed for an extended period, during which no credible interest has emerged that would be capable of delivering the level of investment required, the Economic Development team raise no objection to the proposed scheme.

A further material consideration is East Devon's housing land supply position which currently stands at 3.5 years, which engages the presumption in favour of sustainable development, as at NPPF Para 11d, whereby permission for development proposals should be granted unless the application of policies within the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development proposed; or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, and securing well-designed places.

Assets of particular importance as referred to within Footnote 7 of Paragraph 11d include designated heritage assets.

As such given that the criteria of Policy E17 have been met, the principle of the redevelopment of the hotel to a residential use is considered acceptable, subject to an assessment of other impacts of the proposal.

Design impact on character of site including heritage impacts

Local planning authorities have a statutory requirement to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 16 and 66). Applicants for consent that affects a heritage asset must be able to justify their proposals.

The NPPF says that the LPA should require an applicant to describe the significance of any heritage asset affected including any contribution made to their setting. This should be sufficient to understand the potential impact of the proposal on its significance. As a minimum the Heritage Environment Record should have been

consulted and the building assessed using appropriate expertise where necessary. When considering the impact of development, great weight should be given to the asset's conservation. Any harm or loss should require clear and convincing justification from the applicant. Any harm should be judged against the public benefit, including securing the optimum viable use.

The Royal Beacon Hotel, made up of Nos. 22 and 23 The Beacon, stands in a highly visible location within one of Exmouth's earliest and most notable terraces dating from the 18th and 19th centuries. Exmouth's Conservation Area Appraisal notes the fine examples of well preserved and maintained terraced period houses along The Beacon, with associated detail of high quality. The Beacon is referred to in Pevsner as 'a sea view terrace, the earliest houses built from 1792 onwards. Not a unified group just a pleasant mixture of red brick and stucco, late Georgian pedimented doorcases, porches with sturdy Ionic columns'. The Royal Beacon Hotel retains much of its original detailing to the front elevation, such as the bracketed eaves, banding between floors, the rounded arched door with keystone, front porch and the railings along the front of the property. Historic photographs show No. 22 originally had brickwork elevations but is now also rendered. No. 22 contains the same render banding across the front elevation, and railings to the street. The windows across the front elevations of both buildings are one over one timber sash windows.

Tithe apportionment records show No. 22 and 23 were still private houses in 1845. The building was likely converted to a hotel in 1852. The 1889 Ordnance Survey map shows a significant rear extension to the building, and to the rear stables /coach house. The extension to the rear facing Louisa Terrace is a substantial late C19 three-storey pitched roofed extension which incorporates the ballroom. To the rear of the site facing Beacon Place is a two storey flat roofed structure containing further hotel bedrooms that dates from the mid 1980s. Other post 1950s additions have been added to the courtyard side of the three storey extension, incorporating additional stairs, circulation spaces and bin stores. The statutory list description refers to slate hung bow and round arched staircase windows to the rear of the building. The bow window is still in situ (but no longer slate hung) but the staircase window has been subsumed by later additions to the rear of the hotel to provide en-suite bathrooms to the hotel rooms.

The front façade of the hotel has architectural significance through its elegant frontage and the contribution this makes to the architectural and historic character of The Beacon. The rendered façade, well-proportioned sash windows, and restrained classical detailing reflect the refined architectural character of late Georgian seaside development. Subsequent 19th-century alterations, such as the addition of bay windows, show efforts to adapt the building in line with evolving fashions. To the rear, the significance has been somewhat eroded by numerous phases of alterations and extensions of a rather utilitarian nature.

The building's historic significance also derives from the building's development as a high status private residence to its conversion to a hotel in the mid-19th century, and its associative value with Exmouth's evolution as a fashionable seaside resort. The building contains evidential value in the form of historic fabric and early plan form. Having operated on the site for over 170 years, The Royal Beacon Hotel also has

moderate communal value as one of Exmouth's most prominent and long-standing hotels.

The Beacon itself is one of Exmouth's most impressive and cohesive architectural groupings, designed to capitalise on sea views and the scenic outlook over the Exe Estuary. The hotel's principal elevation forms an integral part of this planned composition and enhances the broader townscape character and that of the Exmouth Conservation Area.

No changes are proposed to the principal elevation, other than repair of the built fabric and removal of hotel signage. Repairs to the facades are outlined within the Heritage Scope of Works, although no detailed condition survey has been provided with the application. A number of elements are proposed for demolition to the rear courtyard, to reveal the earlier plan form, create a more legible footprint to allow the conversion and to create additional external space to maximise parking.

The revised access to the basement facing towards Louisa Terrace would remove a modern addition of no significance, and is therefore supported. A three storey flat roofed later extension to the rear of the main hotel building is also proposed for removal, which will reveal the original rear elevation.

A three-storey pitched roof projection is attached to the side of the ballroom extension and may be contemporary with it, the north elevation of which contains historic windows. This is also proposed for demolition.

While this is not the earliest part of the building, it forms part of the building's evolution during its expansion as a hotel and therefore makes some contribution to the building's historic interest. The submitted Heritage Statement asserts that removing this protruding section will improve the outlook for most of the rooms along the rear elevation and allow more of the original rear elevation to be visible from the courtyard. The removal of this small section would lead to less than substantial harm, which would have to be weighed against the public benefits of providing a viable use for the building as a whole.

New windows on the newly revealed external walls would match the historic pattern of fenestration and a condition would be imposed regarding joinery details of the proposed new windows.

Within the oldest part of the hotel facing The Beacon, no original features such as doors, skirtings or cornices have been retained, other than the original windows to many of the rooms. Partition walls to en-suite bathrooms are also modern. The communal areas to the ground floor contain some later C19th details such as the cornices in reception and a fireplace to the right hand bar area.

The basement has been much altered in the past and contains few surviving features. This would be subdivided to form two apartments, retaining much of the original layout with additional partition walls added. There is a significant crack to one of the basement chimney breasts which requires investigation and repair, which would be addressed via condition. The design and access statement also refers to remedial treatment being required to address damp within the basement, and as

such further information would be required by way of condition in respect of this element of the works as well.

Few changes are proposed to the earliest part of the ground floor layout in the course of the conversion of this part of the building to form two apartments facing The Beacon. The layout to the rear of the ground floor has already been much altered. Amendments have been made to the layout in light of the conservation officer's comments that more of the surviving historic internal walls could be retained within the scheme.

The first floor ballroom contains original detailing such as dentilled cornices and panelled window surrounds. The scheme as originally submitted proposed the subdivision of the ballroom into two apartments, with the double entrance doors to the ballroom shown as being blocked up. In response to concerns regarding the loss of this historic and impressive space, the current proposal shows the ballroom being retained as one apartment, with access via the ballroom entrance doors. The living area is proposed as a double height space to allow the historic volume to retain its legibility. Bedrooms have been placed upon a mezzanine level.

At second and third floor level, minor alterations are proposed to the current internal layout in the reconfiguration of floor plan from hotel rooms to apartments.

In terms of the design and outward appearance of the building the most significant change is the proposed demolition and replacement of the current accommodation block facing Beacon Place. The proposed 1980s rear accommodation block is stark and utilitarian, and the replacement of this building provides an opportunity for a replacement building to make a positive contribution to local character and distinctiveness. Historic aerial photographs of the site show that the site was occupied at an earlier date by a pitched roof building of a significant height, orientated parallel to Lousia Terrace.

The proposed replacement building is on a similar footprint but with a small set back mid way along the Beacon Place elevation to allow defensible space in front of the entrance doors to the proposed mews houses. This would also allow for a small pocket of soft landscaping in this area to enhance the street scene. The eaves height is similar to that of the existing building, but a pitch roof with dormers is proposed in lieu of the existing flat roof. Along the majority of the Beacon Place elevation this is set back from the façade to reduce the impact of the additional height, effectively appearing as an additional 'half storey'. The building is curved on plan at the junction of Lousia Terrace and Beacon Place, with an inset balcony designed to look east along Rolle Villas road. This is discussed in more detail under residential amenity.

A contemporary aesthetic is proposed for the mews houses, with vertically proportioned windows and dormers reflecting the overriding proportions seen along the rear of The Beacon. The roof indicates crisply detailed leadwork dormers and a slate roof, again reflecting the local characteristics. The elevations indicate a mixture of white render and brickwork panels, reflecting the mixture of materials to the rear elevations of The Beacon. The proposed elevations would provide a higher level of articulation and interest than the current modern extension and would enhance the character of the conservation area. A condition would be imposed requiring further

information regarding the proposed materials and construction detailing to ensure the quality and finish of the building.

The proposal would retain a flat roofed link between the ballroom and the mews building. The position of the existing underpass off Lousia Terrace to the rear courtyard would be retained, but this would be closed off with a door / gate. Details of the door would be required by way of condition.

The existing courtyard space to the rear of the building is a relatively small, tarmacked courtyard providing parking. Following removal of many of the later rear extensions and external fire escape stairs, a larger rear courtyard would be created. The proposed plans show a small area of soft landscaping to the immediate rear of the building. Details of the proposed surfacing materials, planting and boundary treatments would be required by way of condition.

The proposal would require making good to a number of the elevations following removal of later extensions. A condition is proposed requiring a condition survey of the building, to include details of roof and rainwater good repairs, overhaul and repair or replacement of windows and doors and external masonry repairs where necessary.

Further detail would also be required by condition in respect of internal doors, including ironmongery and details of architraves. Information would be required regarding new timber joinery (skirtings / cornicing / picture rails etc) throughout the building, as well as acoustic and thermal upgrades to existing partition walls required in the course of the change of use of the building. It is not proposed to line the external walls. New services within the building would be expected to make use of existing hotel risers wherever possible. Further details would also be required in respect of replacement rainwater good, soil pipes, extract vent locations and details and utility metres.

The proposed changes to the internal layout of the hotel are seen as a relatively minor intervention given the already much altered layouts. The replacement of the current 1980s rear block is seen as an enhancement to the site, and the revised ballroom layout allows the volume of this space to be appreciated, retaining its historic and architectural significance. The most significant change is the removal of the mid C19th extension to the north of the ballroom, which would lead to some harm through the loss of historic fabric, although this harm is offset by the demolition revealing the historic bow window to the rear.

The NPPF requires that great weight be given to an asset's conservation. Given that the use of the building as a hotel has been shown not to be viable, the conversion of the building to residential accommodation would put the building into a viable use. In terms of the significance of the building, the frontage facing The Beacon is of the highest architectural significance, which would be enhanced through repairs as a result of the change of use. The ballroom is of medium significance, and the proposal would retain this through the sensitive conversion. The replacement building to the rear is seen as an enhancement to both the building and the conservation area.

Overall while the loss of one of the rear extensions is regrettable, overall the scheme would allow for the removal of a number of later utilitarian extensions which detract from the building. The proposal would allow for the repair and rehabilitation of the heritage asset, which would sustain and enhance its significance, and put the building into a viable use consistent with its conservation. The proposal would provide much needed housing, and would contribute to the economic vitality of the area through the works themselves and through social and economic contributions of future residents.

In terms of the impacts of the proposal on other listed buildings, the proposed repair of the building would enhance the overall terrace along The Beacon. Grade II listed No. 1 Louisa Terrace sits immediately to the south east of the site. The extent of built form facing the site would be relatively unchanged, with the exception of the additional roof height to the corner of the mews block. The proposed slate pitched roof would provide a more appropriate design response within the conservation area and would enhance the setting of this building.

The Devon Historic Environment Team has commented that as the proposal involves the conversion of a listed (and therefore nationally important) heritage building from hotel to residential use, plus the construction of two new dwellings, the works could affect both the historic building fabric and potential archaeological deposits associated with the late 18th and early 19th century expansion of Exmouth into this area.

To mitigate the impact upon the heritage asset, it is recommended that a Written Scheme of Investigation (WSI) is submitted setting out the scope of work for both Historic building recording before and during works, as well as an Archaeological investigation and recording of any remains affected. A WSI has not been submitted with the application therefore a condition would be imposed upon any approval requiring the submission of a WSI prior to the commencement of any works on site. A further condition would be imposed requiring the submission of a post investigation assessment prior to the occupation of the development.

With the appropriate conditions in place, the proposal would be in accordance with Local Plan Policies EN6, EN9 and EN10, Exmouth Neighbourhood Plan Policies EB1 and EB2, and NPPF Paragraphs 210, 215 and 219.

Residential / Neighbour Amenity

The scheme proposes the conversion of the existing hotel into 19 apartments, which comprise a mixture of 5 no. one bed apartments, 10 no. two bed apartments and 4 no. three bed apartments.

All of the apartments are above the minimum area required by the Nationally Described space standard, with the exception of 1 no. one bed apartment to the second floor which has a floor area of 48.6 square metres, against a minimum requirement of 50 square metres. Given that the EDDC Local Plan does not specifically request adherence to the Nationally Described minimum space standards and the proposal involves the reconfiguration of an existing listed building

which means relocating walls to fully comply could cause harm to the building, the small departure from the standard is considered acceptable.

The two mews houses are also above the minimum area required, excluding the areas of the garages to the ground floor.

Five of the double bedrooms across the development are slightly smaller than that required by the Nationally Described minimum space standard of 11.5 square metres (Lower Ground apartment 1 Bed 2 is 10.7sqm, Lower Ground Apartment 2 Bed 2 is 9.6sqm, Ground Floor Apartment 4 Bed 2 is 10.0sqm, Third Floor Unit 3 Bed 2 is 9.7 square metres and Mews House 2 Bed 3 is 10.8 square metres). With the exception of the mews houses the apartments have been planned around the existing layouts of the listed building therefore some again a slight deviation from the standard is considered acceptable. All of the rooms in question would be above the minimum area for a single bedroom at 7.5 square metres and all of the units have double bedrooms that comply with the minimum area of 11.5 square metres therefore the plans are considered acceptable.

The apartments are predominately arranged with open plan living areas facing outwards towards The Beacon, Louisa Terrace and Beacon Place. There are two apartments within the basement, but as the ground floor is raised above the pavement level these apartments are served by large bay windows to the south west elevation, albeit the lower portions of the windows would be below pavement level.

Concerns were raised by officers and by third parties regarding the potential for overlooking and loss of privacy for the houses opposite Beacon Place owing to the large extent of glazing originally proposed to the mews houses, particularly at first floor level. The scheme as submitted also had two large balconies facing the existing houses along Beacon Place which also gave rise to concerns regarding lack of privacy for existing residents. Revised proposals have been submitted which have significantly reduced the amount of glazing facing the existing dwellings along Beacon Place. The amount of glazing proposed at first floor level opposite the houses on Beacon Place is now less than the current amount of glazing within the existing building. One of the balconies has been relocated to the corner of the site which would look along Louisa Place rather than towards the existing houses. The second balcony has been relocated to the rear elevation of the Mews Houses and would overlook the courtyard instead. The balcony is set behind the rear walls of the mews houses to limit overlooking over neighbouring gardens. There are already hotel windows in this location therefore any overlooking would be similar to the current arrangement. A further small terrace has been created on the south east elevation, set behind the external elevations to minimise overlooking. The relationship to the surrounding development would be similar to other larger windows along the same elevation.

The proposed mews houses are of a similar eaves height to the existing hotel building facing Beacon Place to the rear of the site, but with a pitched roof as opposed to the current flat roof. There are other buildings further along Beacon Place to the rear of Beacon Terrace that are two storey with a pitched roof. The central section of the elevation has been stepped back to allow for defensible space in front of the front doors to both of the mews houses, and the pitched roof itself is

set back behind a parapet to reduce its physical impact. It is not considered that the small increase in height would result in a reduction in the level of daylight or sunlight to nearby dwellings.

The main hotel entrance is presently accessed via a set of steps directly from the road edge. There are no plans to change this entrance, but in terms of the provision of a more inclusive access, this has been considered at the rear entrance to the building. Level access is provided to the rear lift, providing access to first floor apartments 4 and 5. A wheelchair platform stair lift is provided at the principal rear entrance, giving access up to the main ground floor level, and to a second lift serving the apartments to the front of the building. Three apartments would have stepped entrances. Given the constraints of the existing building and the very limited space for circulation at the front of the building this is considered to provide an acceptable and reasonable standard of access to the proposed dwellings.

Devon and Cornwall Police raised concerns regarding the proposed open entrance to car park, and the potential risk for casual intrusion, especially given the lack of surveillance, and in comparison with the current semi-public nature of the rear hotel courtyard. The police highlighted the site's location close to the town centre where levels of crime and anti social behaviour are higher in comparison with other neighbourhoods nearby.

In response to the comments, the proposal would incorporate an automated security roller shutter at the vehicular entrance to the site. The police have also asked that consideration be given to the provision of CCTV to external areas and internal communal areas, but it is not considered that this would be reasonable or necessary. External lighting would be required to all external doors to lighting levels within the rear courtyard should meet the levels required by BS 5489-1:2020. Further information in this regard would be required by condition.

The police have also requested that consideration be given to the locking mechanism of any external doors, including the bin and bike store. The police have also expressed a preference for communal letter boxes and utility metres to be located externally on a street facing elevation, however given the architectural significance of the building it is not considered this would be appropriate.

Environmental Health have requested that a Construction and Environment Management Plan (CEMP) be submitted, covering both the demolition and construction phases, in respect of air quality, dust, water quality, lighting, noise and vibration, pollution prevention and control, and monitoring arrangements, to protect the residential amenity of existing and future residents near the site.

In terms of heating for the apartments and housing, the buildings are proposed as being heated by air source heat pumps located on the flat roofed area over the vehicular site entrance. It has also been recommended by Environmental Health that any plant proposed must be design as part of an overall sound mitigation scheme to operate at a level of 5dB below the site's daytime background sound level. Further details would also be required by condition in respect of the proposed plant equipment, and details of the proposed plant area screening to ensure that the visual impact of any plant is minimised.

The mews houses each have their own dedicated, secure bin store adjacent to their front doors. Bin storage for the apartments is provided at ground floor level within a secure store adjacent to the underpass. A condition would be imposed upon any approval requiring the bin store to be provided prior to the occupation of the development to ensure a satisfactory standard of residential amenity to future occupiers.

With the appropriate conditions in place the proposal would be acceptable and in line with Local Plan Policy D1 and EN14.

Highways, access and parking

Devon County Highways have confirmed that taking into account the current hotel use, the change of use to residential accommodation would not lead to trip intensification in comparison with the current hotel use of the site.

Local Plan Policy TC9 'Parking Provision in New Development' states:

Spaces will need to be provided for Parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home. In town centres where there is access to public car parks and/or on-street parking lower levels of parking and in exceptional cases where there are also very good public transport links, car parking spaces may not be deemed necessary. All small scale and large scale major developments should include charging points for electric cars.

The scheme proposes 19 car parking spaces within the courtyard of the hotel, and the mews houses both have a garage which would provide one car parking space and a cycle parking space for each dwelling. The mews house garages are sized to allow for car and bike parking. Therefore, the overall provision is less than that required by Policy TC9 given that only five of the apartments are one bedroom apartments. Presently the 52 bedroom hotel has just 6 parking spaces within the courtyard, therefore guests either arrive by public transport or park within the surrounding streets or public car parks. In comparison with the existing use of the site, the proposal would represent a significant improvement in the provision of off street parking. The site is well served by public transport therefore a lower level of parking of one space per dwelling is considered acceptable. The National Planning Policy Framework states that development should only be 'prevented or refused on highways grounds if there would be an unacceptable impact on highway safety' (paragraph 116). Given that the scheme would provide a significant increase in the number of spaces available, despite the number of third party objections received in this respect it is not considered that a refusal on the basis of highways impacts could be substantiated, especially given DCC Highway's support.

DCC Highways raised concerns regarding the lack of information regarding visibility splays from the proposed garages onto Beacon Place, which are in relatively close proximity to the junction with Lousia Terrace. The applicant has subsequently provided a Transport Statement Addendum showing visibility splays of 2 metres x

3.5 metres from the garage entrances, and junction visibility to the north from the Beacon Place / Louisa Terrace junction, demonstrating that drivers egressing the garages have sufficient visibility to see potential hazards on Beacon Place. On this basis DCC Highways have confirmed they no longer object to the proposal.

24 bicycle parking spaces are provided in a lockable store accessed from the courtyard. A further two Sheffield cycle stands are provided near the entrance to the store for visitors. This is in excess of the requirement of one space per dwelling referred to in Policy TC9 above.

Each dwelling with allocated parking will be provided with a 7kw fast charging point in line with Part S of the Building Regulations, which is also in excess of the requirements under LP Policy TC9.

Further conditions would be imposed requiring that the bicycle and car parking spaces are laid out prior to the occupation of the development to ensure adequate provision is in place for cars and bikes associated with the development.

With the appropriate condition in place the proposal would comply with TC7 and TC9 of the Local Plan.

Ecology / biodiversity

The application is supported by a Biodiversity Assessment Report which include the results of a site walkover and a preliminary roost assessment undertaken by a licensed bat ecologist. The buildings are assessed as having a low suitability for roosting bats, and are unlikely to support roosting bats. Large areas of the roof space have been converted into accommodation therefore only a few roof voids are retained, which are accessible via hatches. The basement contains a number of windows which admit light and thereby means the presence of roosting bats in the basement is unlikely.

Nevertheless, the report acknowledges that the proposed development has the potential to impact nesting birds and the report makes recommendations regarding the timing of the demolitions to reduce impacts to nesting birds.

A number of biodiversity enhancements are proposed, including the provision of bee bricks, two surface mounted and one integrated bat box, three surface mounted swift boxes, either on the existing building or integrated into the fabric of the new buildings.

The recommendations of the ecology report shall be conditioned as part of any approval, and in particular the enhancements detailed in section 3.1 of the report, to ensure that the works are carried out in accordance with the requirements of the report. With the required conditions in place the proposal would be in compliance with Local Plan Policy EN5.

Biodiversity Net Gain

The proposal is not subject to the mandatory Biodiversity Net Gain requirements. The existing site comprises buildings and hardstanding to the rear courtyard, all of which would be assigned a zero score under the biodiversity gain metric. As such it would not be possible for the application to achieve a 10% increase in biodiversity at the site.

Appropriate Assessment

The Conservation of Habitats and Species Regulations 2017, places a legal duty on local planning authorities to protect internationally important wildlife sites. The LPA must not grant planning permission for any development that would, either alone or in combination with other plans or projects, have a likely significant effect on a European wildlife site unless the impact can be fully mitigated.

The existing use of the site as a hotel already creates pressure on the Exe Estuary and Pebblebed Heaths SPAs. The LPA has undertaken an Appropriate Assessment in respect of the proposed change of use of the site.

Additional residential accommodation within 10km of the Pebblebed Heaths and Exe Estuary SPA/SAC will increase recreation impacts on the interest features.

The existing hotel contains 52 bedrooms and therefore can accommodate 104 people. Based on an average occupancy of 64%, the existing hotel would be occupied by an average of 67 people.

The proposed residential scheme includes 19 apartments and two mews houses, with a maximum occupancy of 77. Data from the Office for National Statistics on occupancy ratings, taken from the 2021 census, states that within the South West households are typically underoccupied (in terms of the number of unoccupied bedrooms) by 73.6%. This means on average 73.6% of properties have at least one spare bedroom. This would reduce the average occupancy of the scheme from a maximum occupancy of 77 people across 44 bedrooms to an average of 49 people across 26 bedrooms.

Therefore, based on average occupancy figures the hotel would on average be occupied by 67 people whereas the residential scheme would be occupied by 49 people.

As such the development would result in a reduction in impacts to the SPA's and therefore the standard mitigation contribution would not be required.

Affordable Housing

Local Plan Strategy 34 (District Wide Affordable Housing Provision Targets) requires that above a threshold of 10 dwellings, a percentage of dwellings are affordable. Within Exmouth Strategy 34 requires that 25% of dwellings are affordable. On the basis of the proposal being for 21 no. dwellings this equates to a requirement of 5.25 affordable units.

It is considered that taking on five units within a listed building would not be an attractive prospect for a Registered Provider (RP), and it would be unlikely that these units would be taken on. As such a commuted sum of £ 242,739 is therefore proposed in lieu of on-site provision, which would be secured by a Section 106 Obligation.

Drainage and Flood risk

Rainwater from the roof and car park of the hotel are currently disposed of via the 750mm diameter combined public sewer within Louisa Terrace.

Both SWW and DCC Flood Risk Management Team initially raised objections to the proposal on the grounds that the scheme should provide a betterment in terms of discharge of surface water from the site into the combined sewer.

The submitted Drainage Strategy outlines that the proposed redevelopment of the site would allow attenuation and SuDS features to be introduced to reduce the rate at which flows enter the combined sewer network, through the use of small garden area, an attenuation tank and potentially a permeable material within the car park area to the rear of the site. On the basis of this information DCC's objection to the scheme has subsequently been removed.

The detailed drainage design would be required via a pre-commencement condition, which would include a survey of the existing surface water drainage system, including gutters and rainwater downpipe, to ensure that it is within a suitable condition. The detailed drainage design should ensure that the system is suitably sized to allow for climate change allowances. The onsite drainage and SuDS devices will remain private and be the maintenance responsibility of a private management company as appointed by the developer.

SWW have confirmed they are able to supply clean potable water services to the site, and are also able to provide foul sewerage services from the existing public foul main within the vicinity of the site.

SWW have also encouraged maximising the use of water efficiency opportunities within the design of the proposal. The current average water use in the UK is approx. 142 litres/person/day [l/p/d] (Water UK, 2020), with the South West experiencing a higher-than-average consumption rate than the rest of England. With climate change progressing with trends set to add further stress upon available water resources, SWW have stated they would support the LPA imposing a condition requiring the optional Building Regulations requirement (G2) of 110 l/p/d for the proposed residential development. Such a condition has therefore been added should the application be recommended for approval.

With the appropriate conditions in place, the proposal would comply with Local Plan Policy EN19 and EN22.

Health contributions

The NHS Devon Integrated Care Board have stated that the GP surgeries within the catchment area of the scheme currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate.

Royal Devon University Healthcare NHS Foundation Trust has commented that they are currently operating at full capacity in the provision of acute, community and planned healthcare. The proposed development will create a potentially long-term impact on the Trust's ability to provide its services in a safe, accessible and sustainable manner to current and new residents. A contribution of £ 5,361 is sought to go towards the gap in the funding created by each potential patient from this development.

Infrastructure provision in EDDC is however provided for via CIL payments, so it is not possible to include this financial contribution as a S.106 obligation.

Other matters

No trees would be affected in the course of the development. Devon County Council Waste Planning Authority (WPA) have recommended the imposition of a pre-commencement condition requiring the submission of a waste audit statement prior to the commencement of development to minimise the amount of waste associated with the development.

Planning Balance

The application has demonstrated through evidence of marketing and viability evidence that the existing hotel use is no longer economically viable, therefore the principle of the change of use from hotel to residential accommodation is considered to be justified and would comply with Local Plan Policy E17 Principal Holiday Accommodation Areas.

The scheme has been designed to respect the significance of the building, with key elements of architectural significance such as the principal elevation being retained and enhanced. The new build element to the rear is considered to represent an enhancement to the character and appearance of the site and the wider conservation area. The proposal would allow for the repair and rehabilitation of the heritage asset and put the building into a viable use consistent with its conservation. Overall, the proposal would secure the long-term future of a prominent heritage asset, enhance the character of the conservation area, and deliver much needed housing. Subject to the imposition of appropriate planning conditions and affordable housing obligations, the development is considered to comply with policies contained within the East Devon Local Plan and the Exmouth Neighbourhood Plan, and approval is therefore recommended.

RECOMMENDATION

APPROVE subject to a Section 106 Obligation to secure off-site contribution towards affordable housing and the following conditions on 25/2397/MFUL:

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 development, a waste audit statement 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, demolition, construction and operation, 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).

4. Prior to the commencement of development, the developer shall have secured the implementation of a programme of (i) historic building recording and (ii)

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 that an appropriate record is made of the historic building fabric prior to the commencement of preparatory and/or construction works, 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).

5. The development shall not be occupied 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.)

6. Prior to the commencement of development including demolition, a Construction and Environment Management Plan (CEMP) covering both the demolition and construction phases must be submitted 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. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. 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 and 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 Policy D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the adopted East Devon Local Plan 2013-2031).

7. Prior to the commencement of development, the following information shall have been submitted to and approved in writing by the Local Planning Authority:
 - (a) A detailed drainage design based upon the Flood Risk Assessment and Drainage Strategy (Job No. 10946, Rev. 3, dated May 2026).
 - (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.

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

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

(Reason: A pre-commencement condition is required to demonstrate that the proposed surface water drainage system is shown to be feasible before works begin, and 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) .

8. Prior to the commencement of development, details of a water efficiency scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the development has been designed to achieve a maximum water consumption of no more than 110 litres per person per day.

The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

(Reason: A pre-commencement condition is required to ensure that the scheme is feasible before works begin to avoid redesign / unnecessary delays during construction, to ensure the efficient use of water resources and to accord with sustainable development objectives in accordance with Strategy 3 - Sustainable Development of the adopted East Devon Local Plan 2013-2031.)

9. Prior to the commencement of the specific work items listed below, the following details and specification in respect of the Mews Houses shall be submitted to and approved in writing by the Local Planning Authority:

- Locations of extract vent terminals including material, colour and finish
- Flue terminals including location and appearance (if applicable)
- Utility meter box details and locations
- Rainwater goods and soil pipes including profiles, materials and finishes
- Sections through new lead dormers at 1:20
- Natural slate to mews houses, including details of ridge and hip tiles and fixing details
- Sections / elevations of balcony balustrades to mews houses at 1:20
- Details of brickwork to mews houses and section details of interface between brickwork and render at 1:5
- Details of parapet capping to mews houses including sections through capping at 1:10
- Details of external windows and doors to mews houses including sections and elevations at 1:20

- Details of garage doors to mews houses including material, colour and finish

The works shall be carried out in accordance with the approved details and specification.

(Reason - In the interests of the architectural and historic character of the heritage asset, and the character and appearance on the Conservation Area and the visual in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset, Policy EN10 - Conservation Areas and D1- Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

10. Prior to the occupation of the development hereby permitted, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should give details of the proposed hard surfacing, parking layout, details of soft landscaped areas including planting specification, details of access gate including details of operation and details of boundary treatments. The landscaping scheme and parking areas shall be implemented prior to the occupation of the development 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. The parking spaces shall be provided in accordance with the submitted details prior to the occupation of the development and shall be maintained at all times thereafter for the lifetime of the development.

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity, to preserve and enhance the character and appearance of the area and to ensure adequate parking provision in accordance with Policies D1 - Design and Local Distinctiveness, D2 - Landscape Requirements, Policy EN10 - Conservation Areas, and Policy TC9 - Parking Provision in New Development of the adopted East Devon Local Plan 2013-2031).

11. Prior to the occupation of the development hereby permitted, details of lighting to external doors and to the rear car park shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme for the rear car park should be designed to comply with BS5489-1:2020.

The lighting shall be provided in accordance with the approved details prior to the occupation of the development.

(Reason: in the interest of safe access, to allow for a safe environment for residents and to reduce the potential for crime in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

12. Prior to the installation of any plant equipment to the second floor external plant area, full details of the external plant including layout and elevations shall be

submitted to and approved in writing by Local Planning Authority. Details of proposed screening to the external plant area shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.

The works shall be carried out in accordance with the approved details and specification.

(Reason - In the interests of the visual amenity of the area, the character and appearance of the Conservation Area and the significance of the heritage asset in accordance with Policy D1- Design and Local Distinctiveness, Policy EN9 - Development Affecting a Designated Heritage Asset and Policy EN10 - Conservation Areas of the adopted East Devon Local Plan 2013-2031.)

13. The specific noise level of any fixed plant or equipment installed and operated on the development must be designed as part of a sound mitigation scheme to operate at a level of 5dB below the sites daytime background sound level (07:00 - 23:00) expressed as LA90 1hr and night-time background sound level (23:00 - 07:00) expressed as LA90 15min, when measured or predicted at the boundary 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 local residents from noise in accordance with Policy D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the adopted East Devon Local Plan 2013-2031).

14. The works shall be carried out in strict accordance with the ecological mitigation, compensation and enhancement measures detailed in Section 3.1 of the Biodiversity Assessment Report undertaken by EAD Ecology, November 2025). A written record shall be submitted to the local planning authority prior to occupation to include photographs of the installed ecological mitigation, compensation, and enhancement measures for bats, bees and nesting birds.

(Reason: To ensure the development avoids adverse impacts on protected species and delivers ecological enhancement 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.)

15. Prior to the occupation of the development hereby approved the bicycle storage shall be provided in accordance with the submitted details. The bicycle storage shall be maintained at all times thereafter.

(Reason: To provide adequate parking for bicycles in accordance with Policy TC9 - Parking Provision in New Development of the adopted East Devon Local Plan 2013-2031).

16. Prior to the occupation of the development hereby approved the bin storage shall be provided in accordance with the submitted details. The bin storage shall be maintained at all times thereafter.

(Reason: To provide adequate facilities for refuse, recycling and household waste in accordance with Policy D1 - Design and Local Distinctiveness of the adopted East Devon Local Plan 2013-2031).

17. The development hereby permitted shall be carried out in full accordance with the details approved under the associated Listed Building Consent ref: 25/2398/LBC. All works affecting the fabric, appearance and detailing of the listed building shall be undertaken only in accordance with that consent.

Reason: To ensure that works affecting the significance of the designated heritage asset are controlled through the Listed Building Consent regime and to avoid duplication of conditions.

APPROVE subject to the following conditions on 25/2398/LBC:

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.
(Reason - To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
2. The works 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. No works of demolitions shall begin before evidence has been submitted to the Local Planning Authority of a binding contract for the full implementation of the comprehensive scheme of development

(Reason: To ensure that the partial loss of the listed building is justified by, and directly facilitates, the implementation of the approved scheme, and to safeguard the significance of the designated heritage asset in accordance with Paragraph 217 of the National Planning Policy Framework).

4. Before any work is undertaken to remove any part of the building, the applicant shall take such steps and carry out such works as shall, during the process of the works permitted by this consent, secure the safety and the stability of that part of the building which is to be retained. Such steps and works shall, where necessary, include, in relation to any part of the building to be retained, measures as follows:-
 - a) to strengthen any wall or vertical surface;
 - b) to support any wall, roof or horizontal surface;
 - c) to provide protection for the building against the weather during the progress of the works, and

d) in the case of cob buildings, the details of cob repairs.

Details of any additional necessary repairs required as a result of the works, including methodology, specification or schedule shall be submitted to and approved in writing by the Local Planning Authority before continuing with the works.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

5. Prior to the commencement of development, a full schedule of repairs to the external facades and roof of the building shall be submitted to and agreed in writing by the Local Planning Authority. The schedule shall cover the following details and specifications:

- Full details and findings of the investigations undertaken
- All necessary render repairs including making good following removal of signage.
- All necessary roofing repairs including repairs to pitched roofs, leaded dormer windows, timber fascia and bargeboards, chimney repairs.
- Details of any proposed replacement natural slates and ridge tiles, to include the method of fixing of the slates.
- Making good following removal of external fire escape stairs
- Making good following removal of extensions proposed for demolition, including details or repairs and proposed finishes.
- All necessary window repairs including details of proposed replacement timber, paint finish and colour
- A timetable for the repair works to be undertaken.

The works shall be carried out and completed in accordance with the approved details and specification within the agreed timeframe within the schedule.

(Reason - A pre-commencement condition is required to ensure that the repairs and restorations to The Royal Beacon are fully understood and considered at an early stage in the interests of the architectural and historic character of the heritage asset and to ensure that the repairs to The Royal Beacon are secured and heritage and public benefits are realised in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

6. Prior to the commencement of any demolition and creation of new openings, Structural Engineers Drawings, specification and schedule of works shall be submitted to and approved in writing by the Local Planning Authority.

The works shall be carried out and completed in accordance with the approved details and specification.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

7. Before the relevant parts of the works begin on the items specified below, the following details and specification for these items shall be submitted to and approved in writing by the Local Planning Authority:

- Details of roofing slate including, ridge tiles and method of fixing.
- New rainwater goods and soil pipes including profiles, materials and finishes.
- Lead work, including profiles and details of any ornamentation.
- Roof ventilation systems.
- New external windows and doors including sections, mouldings, profiles, details of reveals and paint colour. Sections through casements, frames and glazing bars should be at a scale of 1:2 or 1:5.
- Replacement external windows and doors including sections, mouldings, profiles, details of reveals and paint colour. Sections through casements, frames and glazing bars should be at a scale of 1:2 or 1:5.
- Eaves and verge details including construction and finishes.
- External vents, flues and meter boxes.
- Sample of new bricks including mortar colour and specification and bond type.
- Type of render including proportions of mix, method of application and finishes.
- Colour of limewash or suitable microporous paint for the new lime based render.

The works shall be carried out in accordance with the approved details and specification.

(Reason - In the interests of the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

8. The rooflight indicated on the approved plans shall be of a conservation design with integral bar and flush with the roof, the model specification of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of these works.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

9. Before the relevant parts of the works begin on the items specified below, the following details and specification for these items shall be submitted to and approved in writing by the Local Planning Authority:

- Masonry crack repairs to the basement chimney breast
- Damp proofing works to the basement

The works shall be carried out in accordance with the approved details and specification.

(Reason - In the interests of the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

10. Before the relevant parts of the works begin on the items specified below, the following details and specification for these items shall be submitted to and approved in writing by the Local Planning Authority:

- Details of mezzanine floor to ballroom including details of mezzanine structure and fixing details to existing masonry walls, details of proposed floor level, and details of making good
- Details of floor and ceiling finish
- Details of mezzanine balustrade and stair details including handrail

The works shall be carried out in accordance with the approved details and specification.

(Reason - In the interests of the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031).

11. Before the relevant parts of the works begin on the items specified below, the following details and specification for these items shall be submitted to and approved in writing by the Local Planning Authority:

- Internal door schedule with details of doors to be retained and details including elevations of replacement doors, and details of ironmongery and architraves.
- Details of new internal skirtings, cornicing, window surrounds and picture rails where applicable.
- Details of proposed acoustic and fire resistant linings to be applied to existing internal partitions
- Details of construction of new internal partitions
- Details of replacement plaster finishes including plaster specification and details of paint finish.
- Schedule and specification of proposed visible electrical fittings including switches and sockets.

All original internal doors are to be retained and re-used within the building unless otherwise approved. The works shall be carried out in accordance with the approved details and specification.

(Reason - In the interests of the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

12. Where panel doors, linings and architraves are to be removed they shall be carefully removed, stored under cover and re-used on site in accordance with the approved works, unless otherwise agreed in writing by the Local Planning Authority. Existing historic architraves are to be retained unless otherwise approved and details of any changes should be submitted for approval.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

13. The windows hereby permitted shall be recessed in the wall to match the existing windows.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 (Development Affecting a Designated Heritage Asset) of the Adopted Devon Local Plan 2013-2031.)

14. Where partitions are to be removed in accordance with the approved works, the work shall be made good to match the original.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

15. Where new partitions are constructed in accordance with the approved works they shall be scribed around (not cut into) existing cornices, skirtings or other features. Existing historic skirtings and cornices to be retained unless otherwise approved and details of any changes should be submitted for approval.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

16. Rooms with cornices, moulded skirtings or other features which are to be divided in accordance with the approved works, shall have new lengths of cornice, skirtings or other features to match existing unless otherwise agreed in writing by the Local Planning Authority. Existing historic joinery to be retained unless otherwise approved and details of any changes should be submitted for approval.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

17. The fire surround in the south eastern street facing ground floor room shall be retained in the original position and shall be protected during the whole period of alterations by a plywood box cover mounted on a timber frame.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

18. Any damage caused by or during the course of the carrying out of the works hereby permitted shall be made good in matching materials after the works are complete.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

19. There shall be no bell end render stops or metal beading to the proposed rendered areas.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

20. The internal face of existing external walls shall not be lined.

(Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset 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 4.2 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.

Bats

The applicant is advised that bats and their roosts are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). It is an offence to deliberately capture, injure, kill or disturb bats, or to damage or destroy a breeding site or resting place. Should bats or evidence of a roost be encountered during construction, all works must cease immediately, and a suitably licensed

ecologist must be consulted. Under no circumstances should contractors attempt to handle bats. Further guidance is available from GOV.UK and the Bat Conservation Trust (www.bats.org.uk).

Nesting Birds

All wild birds, their nests and eggs are protected under the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally damage or destroy an active nest or to disturb nesting birds. To avoid committing an offence, vegetation clearance, demolition and similar works should be undertaken outside the main nesting season (March to August inclusive). Where this is not possible, works should be preceded by a check for active nests by a suitably qualified ecologist. If any active nests are identified, works must cease in the immediate area until the young have fledged and the nest is no longer in use.

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 construct 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

Plans relating to this application:

| | | |
|------------------------------------|----------------------|----------|
| 01000 REV P1 | Location Plan | 21.11.25 |
| 21002 P2 : demolition ground | Proposed Floor Plans | 01.04.26 |
| 22012 S2 P08 | Proposed Floor Plans | 08.05.26 |

| | | |
|---|----------------------|----------|
| 32001 S2 P05 | Proposed Elevation | 08.05.26 |
| 21001 P2 : demolition lower ground | Proposed Floor Plans | 01.04.26 |
| 22011 P07 : ground | Proposed Floor Plans | 01.04.26 |
| 21003 P02 : demolition first | Proposed Floor Plans | 01.04.26 |
| 22013 P6 : second | Proposed Floor Plans | 01.04.26 |
| 21004 P2 : demolition 2nd/3rd floor | Proposed Floor Plans | 01.04.26 |
| 22014 P5 : third | Proposed Floor Plans | 01.04.26 |
| 22015 P2 | Proposed roof plans | 01.04.26 |
| 22010 P6 : lower ground | Proposed Floor Plans | 01.04.26 |
| 12001 P3 | Proposed Site Plan | 01.04.26 |
| 32002 P04 : car park view | Proposed Elevation | 01.04.26 |

List of Background Papers

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

Local Consultations

Parish/Town Council

Meeting 13.04.26

Objection sustained, the proposal was still considered to be overdevelopment of the site.

Parish/Town Council

Meeting 26.05.26

Objection sustained: Members remained concerned that the scale of the proposed development would result in increased traffic movements and on-street parking within a highly constrained area, in close proximity to The Beacon Primary School. It was also not evident that all heritage-related concerns had been fully addressed.

Parish/Town Council

Meeting 05.01.26

Objection: Members believed the number of proposed apartments constitutes overdevelopment of the site. Furthermore, there was concern regarding the absence of a thorough historic investigation, which risked erasing or damaging heritage assets without proper consideration.

Technical Consultations

County Highway Authority

09/02/2026

I have visited the site and reviewed the planning application documents.

Taking into account the former hotel use, I am satisfied that vehicle trip generation intensification will not be a problem, as a similar trip generation benchmark has been set a precedent.

The cycle storage will help encourage sustainable travel and though there are fewer parking spaces provided than proposed units, Exmouth holds many sustainable travel options such as the train, regular bus services, taxi services and the Ex-estuary cycle trail. Exmouth also benefits from an array of local services and facilities from Health, Leisure, Education and commercial.

However, the garage parking provided needs to be accessed safely and the visibility splay onto Beacon Close appears very close to the Louisa Terrace Junction, with no visibility splays provided. Therefore until this information is provided, I recommend refusal.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL WITHOUT FURTHER INFORMATION.

County Highway Authority

Addendum 25/05/2026

The County Highway Authority (CHA) has reviewed the additional information provided through the re-consultation, we are therefore happy to drop our stance of objection.

Conservation

20.02.2026

Significance and background

The Royal Beacon Hotel is a Grade II listed hotel incorporating numbers 22 and 23 The Beacon and is a substantial three-storey building with a basement and attic at the end of this prominent terrace. The original part of the building (number 23)

understood to have been constructed in c1810 as a private dwelling. The pitched roof is slated with wide bracketed eaves and later dormer windows. The façade is in white render with a range of three windows; the top floor outer windows are three-light one over one sashes and below these are later three-storey bays below balustraded parapets, each with three one over one sash windows. In the centre is a round arched door with a keystone and flat roofed porch with an iron balustraded parapet, this entrance is accessed via a short flight of steps from the road. On the front boundary are railings set into a retaining wall.

On the side elevation, the windows are multi-paned sashes within the original building and later extension, and on the rear elevation is a slate hung bow and a round arched staircase window. Extending from the rear of the building is a substantial late C19 three-storey pitched roofed extension which incorporates the ballroom and has been altered in recent years with a mansard roof constructed on the west pitch facing the courtyard, and to the rear of this is a flat roofed two-storey block which was constructed in the 1980's, with an archway leading into a courtyard where there is limited parking and rear access to the building.

Adjoining the original hotel within the same terrace is 22 The Beacon. This property dates to the late C19 and is a former dwelling that is understood to have been incorporated into the hotel in the 1950's. It is also three-storeys with a basement. This has bay windows on the front elevation and a pitched slate roof, with a painted brick façade. On the rear elevation is a slate hung bow and a round arched staircase window.

The building is situated on prominent elevated land overlooking the seafront at Exmouth, within the Exmouth 1 and 2 Conservation Area.

A heritage statement has been submitted with the application and includes a phasing plan. Areas of high, medium and low significance have been identified, along with negative contributors. The original building to the front is of the highest significance, with the ballroom extension behind of medium significance, and the 20th/21st century additions including the 1980's extension are low to negative. Internally, few historic features survive, and these include historic features within the ballroom and fireplaces.

Assessment

The application proposes the conversion of the hotel into residential apartments to secure a long-term viable use for the building. The application states that the hotel business has run at a loss for many years due in part to extremely limited parking provision in this location. As a result, ongoing maintenance is becoming an issue, and this is putting the listed building at potential risk. Both 22 and 23 The Beacon were originally dwellings, although 23 has been a hotel since the C19, with additions such as the rear wing incorporating the ballroom and later piecemeal additions. The principal of the conversion is likely to be acceptable in heritage terms, subject to a carefully considered design which preserves the character and significance of the building including internal features of significance.

The proposed works are assessed below.

Externals

The application states that repairs will be carried out to the building and these are outlined in the Heritage Scope of Works within the Design and Access Statement. There is limited detail of the proposed repairs within the application and assumptions have been made as no condition survey has been carried out. If the application is supported, we would require reassurance that the maintenance and repair of the building will be carried out as part of the proposal to address existing defects and prevent deterioration, and full details will need to be submitted for approval, either by condition or as a separate application where listed building consent is required. This would include roof and rainwater good repairs, overhaul and repair or replacement of windows, and external masonry repairs where necessary.

Front elevation

No external alterations are proposed to the front elevation other than the removal of signage and repairs where necessary. The general comments above apply here.

Side elevation

The demolition of the single storey basement access on the side of the building is proposed and as a modern addition of no significance this is accepted. Replacement steps to the basement are proposed in this location, with railings to match the existing. If the application is supported, details of the steps and railings, along with making good of the external walls, need to be submitted for approval.

Rear of the main building

There are several piecemeal extensions of varying ages at the rear of the hotel within the courtyard. These include several post-1950's additions which have no significance, and their demolition will reveal the historic building and provide useable space within the courtyard.

There is a three-storey flat roofed outshut at the rear of the original house between the bay of 22 The Beacon and the bay of the adjacent property. The phasing plan shows that this is partially mid-late C19 with the upper floor added in 1998. It has low significance, having been heavily altered over the years, and its removal will be an enhancement as it will reveal the historic rear elevation. Attached to this at ground floor level is a single storey extension extending alongside the boundary. This dates to the mid-late C19 and is of low significance, being utilitarian in character and heavily altered internally. Its demolition will provide space within the courtyard and improve the viability of the building and therefore its demolition is also accepted. New multi-paned windows are proposed on the rear of the main house following this demolition and as they reflect the design and character of the historic windows on the same elevation this will be an enhancement, subject to details of the joinery and masonry repairs being submitted for approval

A three-storey pitched roof projection is attached to the side of the ballroom extension and may be contemporary with it. On the north elevation are historic multi-paned sash windows on the upper floors which contribute to the historic interest, and this structure makes some contribution to the character and evolution of the building. Its demolition has been justified to some degree, although it could be incorporated into the conversion. A pre-1959 slate clad extension to this structure and adjacent fire escape makes a negative contribution to character and their demolition is

supported subject to details of making good the external walls being submitted for approval

New multi-paned windows are proposed on the courtyard elevation of the C19 range and the rear of the main house. Again, they reflect the design and character of the historic windows on these elevations, and where they reinstate historic openings, they are acceptable subject to joinery details being submitted for approval. Although the proposed windows on the NW elevation of the ballroom are accepted as a sensitive external intervention, I have concerns about the impact on the character of the ballroom itself.

Where replacement of new external doors is proposed on the same elevation, details will need to be submitted for approval.

Rear two-storey extension

A large 1980's flat roofed extension at the rear of the hotel wraps around the corner of the site and is in a prominent corner within the conservation area. This structure replaced the historic coach house and, although it is rendered to reflect the character of the main building and has ranges of large windows which broadly reflect the character of the side elevation, it has very little architectural merit and makes a negative contribution to the character of the host building and the conservation area. The demolition of this structure is therefore supported.

The north-east side of Beacon Place is characterised by the rear elevations and gardens of the properties on The Beacon (all Grade II listed), along with two 2-storey dwellings, ancillary buildings of various forms and heights including garages and rear extensions and these are predominantly in red brick and render with pitched roofs. The rear of The Royal Beacon is also within the setting of the Grade II* listed Holy Trinity Church with its tower visible from Beacon Place. There is also a tall Grade II curtilage listed stone boundary wall to the south-east of the site on Louisa Terrace.

A two and three storey extension is proposed in place of the existing, and the principle of a replacement building is accepted as it provides an opportunity to enhance the site with a building that harmonises with the prevailing character in this part of the conservation area and complements the character of the host building. The articulation of the proposed extension goes some way towards reflecting the different forms on this side of the street and breaks up the monotony of the existing extension, and the recessed balconies are an interesting design detail. However, I have concerns about the design in context with the wider conservation area. The mansard roofs are felt to be out of character with the local style and a more sensitive approach would be traditional pitched roofs, perhaps with inset balconies rather than outdoor terraces. There is a precedent for garages facing Beacon Place so this could be acceptable.

A plant area is proposed on the roof of the archway into the courtyard. Will the plant be visible from outside the site?

Internals

Internally, there are few architectural details of significance as the building has been altered and remodelled over the years. C19 detailing is believed to survive within the reception area, ballroom and an historic fireplace on the ground floor, and these have been identified in the heritage statement. The application also indicates that there are historic joinery details such as internal doors, skirtings and architraves. The phasing plans included within the application show internal walls that have been added post 1950 and these are predominantly the en-suite partitions and the lift shaft, and these plans indicate that most of the other walls including bedrooms and corridors form part of an earlier layout, suggesting that they may be original or at least C19.

Basement

The basement has been altered in the past to create an open plan restaurant and there are very few surviving historic features and details except for historic chimney breasts, fireplace openings and surviving structural walls. The proposal seeks to reinstate internal walls and construct some new partitions, and this is supported. If the application is supported, details of the proposed structural repairs within the basement should be submitted for approval.

Ground floor

The entrance foyer currently leads to several ground floor rooms including lounges and bar areas, along with a staircase to the first floor. The application proposes to subdivide the ground floor into apartments, with most of the existing walls demolished and new partitions constructed, with a small entrance area retained. At the rear of GF apartment 1, the historic rear bay window will be reinstated following the demolition of the rear extension and this will be an enhancement. It is accepted that internal layout changes have been carried out in the past as shown on the phasing plan. The proposed changes at this level are generally acceptable, although the demolition of some surviving historic internal walls has not been fully justified and it is unclear why the conversion cannot be designed to work more sensitively with the existing layout.

Ballroom

The ballroom is a surviving feature of the mid-late C19 hotel extension and is a grand double height open plan space which retains historic detailing including plaster cornices and entrance doors. Some alterations have been carried out in the past including the more recent panels and infilled archway on the north-west wall and a large opening at the north-east end, although it still retains significance as an impressive space.

It is accepted that the ballroom is a difficult space to incorporate into a residential conversion, however the design of the proposed subdivision of the ballroom to create two apartments is of concern. A wall is proposed across the centre of the room and cuts through the space, with mezzanines proposed which, according to the application, preserve the proportions and grandness. It is felt that the conversion of this space could be approached more sensitively, perhaps by creating a single apartment with more open plan space and using the existing double doors instead of creating new openings.

To the south of the ballroom is a small landing and staircase which lead to these double doors. The application proposes to retain and enclose the doors within the wall so that the historic fabric is retained and can be revealed in the future, with a circulation staircase constructed in the existing circulation area. To avoid the loss/ concealment of a surviving historic feature, the layout within this area should be reconsidered so that the doors can be incorporated into the design.

Upper floors

The first, second and third floors are mostly subdivided into guest rooms with en-suites, with corridors accessing them. There are no significant internal architectural details within these areas although the phasing plans indicate that the plan form is early. The application proposes the internal demolition of almost every internal wall within the original building and the full reconfiguration of the first and second floors, with the construction of new partitions between rooms and a full height blockwork wall to the circulation area at all levels. Insufficient justification has been submitted for the extent of alterations, and no structural report has been submitted to demonstrate that the building is capable of this level of intervention. This element of the application is concerning, and a more sensitive approach would be to reconsider the apartment layouts in line with the existing layout so that historic partitions can be retained.

The reconfiguration of the third floor is acceptable as this was converted in the late C20 and has low significance.

The Design and Access Statement states that following the reconfiguration of the interior of the building, all new fire doors will be in a heritage style, and therefore joinery details will need to be submitted for approval. It also states that original internal doors will be re-used in appropriate locations but does not specify where so this needs to be clarified.

It also states that the internal walls of circulation spaces will be lined, with architectural details such as skirtings, architraves and skirtings removed and re-applied or boxed in. It suggests the same approach for external walls. This approach needs to be justified clearly with details of the proposals submitted for approval if they are acceptable. Lining external walls is unlikely to be supported.

Conclusion

In conclusion, the principle of the conversion is accepted, however there are concerns with the extent of internal demolition and subdivision, along with the design of the new buildings at the rear. Further consideration needs to be given to the proposal, along with more information and a more sensitive approach which preserves and enhances the listed building. Great weight should be given to the conservation of the listed building, and any harm should require clear and convincing justification and should be outweighed by sufficient public benefits. The proposed works have been assessed on heritage grounds, particularly with regards to our statutory duties under sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies EN8 and EN9 of the East Devon Local Plan and paragraphs 212, 213, 215, 217 and 219 of the NPPF (December 2024 as amended). It has also been assessed in relation to emerging

policies HE01, HE02 and HE03 of the East Devon Local Plan 2020-2042 Regulation 19 Publication Draft February 2025.

Recommendation: Object in its current form

Sue Brooks
Conservation Officer
20 February 2026

Conservation
05/06/2026

Assessment

Following my previous consultation response, amendments have been made to the proposal and as before the principle of conversion from a hotel into apartments is acceptable in heritage terms. Elements of the proposal are assessed below following amendments.

Externals

As before, the maintenance and repair of the building should be carried out as part of the proposal, as stated in the application, to address existing defects and prevent deterioration, with full details submitted by condition. This includes roof and rainwater good repairs, overhaul and repair or replacement of windows, and external masonry repairs where necessary.

Side elevation

The demolition of the single storey basement access on the side of the building is accepted as this is a later intervention. Details of the proposed replacement steps and railings, along with making good of the external walls, need to be submitted for approval.

Rear of the main building

I have no objections to the proposed demolitions at the rear of the building within the courtyard as these have now been sufficiently justified, subject to details of making good the external walls following demolition being submitted for approval.

New multi-paned windows to the courtyard facing elevations are acceptable, along with the proposed new and replacement doors, subject to details of the joinery and masonry repairs being submitted for approval.

Rear two-storey extension

As before, the demolition of the large 1980's flat roofed extension at the rear of the hotel is supported, along with the principle of a replacement building, subject to a design which harmonises with the prevailing character in this part of the conservation area and enhances the rear boundary of the site.

Following negotiations, the design of the replacement has been amended and is now accepted in heritage terms as it is an enhancement on the existing, with a more

articulated design and references taken from the wider context. The impact on the setting of the Grade II* listed Holy Trinity Church nearby is felt to be neutral.

Internals

As there are few internal features of significance throughout the building, the reconfiguration of the interior to accommodate residential accommodation is accepted in principle.

Basement

The proposed basement alterations are supported, subject to details of the proposed structural repairs being submitted for approval.

Ground floor

The proposed layout has been amended to work more sensitively with the existing layout, with surviving architectural features retained and some elements reinstated, including the historic rear bay window and original internal walls between the two properties. The proposed changes at this level are now acceptable.

Ballroom

Amendments have been made to this space following negotiations, with the subdivision reduced to maintain the legibility of the space and the doorway and double doors retained and incorporated into the design. This is now acceptable, subject to details of interventions being submitted for approval.

Upper floors

The first, second and third floors are mostly subdivided into guest rooms with en-suites, with corridors accessing them. There are no significant internal architectural details within these areas although the phasing plans indicate that the plan form is early. Following negotiations, the extent of demolition and alteration has been reduced to maintain the legibility of the plan form whilst providing adequate habitable spaces. The reconfiguration of the third floor is acceptable as this was converted in the late C20 and has low significance.

Architectural details such as skirtings and architraves shall be retained unless otherwise approved and details of any changes should be submitted for approval. Lining external walls is unlikely to be supported.

Conclusion

In conclusion, the principle of the conversion is accepted, and following negotiations the internal alterations have been reduced and amended to allow the legibility of the surviving historic plan form to be understood, with important spaces and elements such as the ballroom maintained in a legible form. The proposal is sufficiently justified in heritage terms, and elements of less than substantial harm such as the subdivision of the ballroom and internal alterations are outweighed by the public benefits of ensure the long-term viability of an under-used listed building. Other elements of the proposal are an enhancement on the existing, including the removal of later additions to reveal the historic rear elevations and the proposed extensions on the rear boundary. The conversion and restoration of the building will enhance the character of the conservation area.

The proposed works have been assessed on heritage grounds, particularly with regards to our statutory duties under sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies EN8, EN9 and EN10 of the East Devon Local Plan and paragraphs 212, 213, 215, 217 and 219 of the NPPF (December 2024 as amended). It has also been assessed in relation to emerging policies HE01, HE02 and HE03 of the East Devon Local Plan 2020-2042 Regulation 19 Publication Draft February 2025. Following negotiations and amendments, the proposal complies with these policies.

Recommendation: No objections subject to conditions

Recommended Conditions

Submitted to Planning Officer separately.

Sue Brooks
Conservation Officer
5 June 2026

DCC Historic Environment Officer - Stephen Reed/archaeology
05.01.2026

The proposed development involves the conversion of a nationally important designated heritage asset from a hotel to residential use, as well as the creation of two new mews style dwellings at the rear of the site. These proposed works have the potential to impact upon the historic fabric of the listed building and upon below-ground archaeological and artefactual deposits associated with the late 18th and early 19th century expansion of Exmouth into this area. The impact of development upon the historic building and the archaeological resource should be mitigated by a programme of (i) historic building recording to ensure there is an appropriately detailed record of the extant building prior to conversion and (ii) archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team therefore recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of heritage work to be undertaken in mitigation for the impact upon the heritage assets her. 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 (i) historic building recording and (ii) 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 the historic building fabric and any 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.

Please note that this is a variation of the usually recommended archaeological condition.

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 occupied 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 (i) a record of the extant historic building made prior to the development commencing as well as being supplemented by observations - as and if required - during conversion and demolition works and (ii) the archaeological supervision of all groundworks associated with the development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits associated with . 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/>.

Devon County Council Education Dept

09.01.2026 - Regarding the above planning application, Devon County Council has identified that a development of 15 family type dwellings will generate an additional 3.75 primary pupils and 2.25 secondary pupils.

When factoring in both approved but unimplemented housing developments as well as outstanding local plan allocations DCC has forecast that there is enough spare primary and secondary capacity to accommodate the number of pupils expected to be generated from this development. A contribution towards primary and secondary education will therefore not be sought against this development.

DCC Flood Risk Management Team

22.01.2026 - 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 has submitted Royal Beacon Hotel, Exmouth Design and Access Statement (Document No. 4970-KEA-XX-XX-RP-A-90003-S2-P01, Rev. -, no date), Planning Statement (dated 14th November 2025) and Proposed Site Plan (Drawing No. 12001, Rev. P2, dated 8th December 2025) to support the development of a change of use and associated demolitions and proposed conversion of a grade II listed hotel, to 20no. 1, 2 and 3 bed apartments with basement storage, associated parking and infrastructure as well as the demolition of the rear modern block to provide 2 newbuild semi-detached mews houses including integrated garages.

The existing site is currently a hotel, with buildings and car park.

The boundary of the western corner of the site is partially at medium risk of flooding from surface water. The applicant shall assess this risk of flooding when finalising the design and drainage strategy.

A combined sewer runs down Louisa Terrace.

The applicant should survey the existing surface water drainage system (including gutters and rainwater downpipes) to ensure that it is within a suitable condition.

The applicant has not provided any information in relation to the disposal of surface water from the site to enable me to make observations on the proposal. The applicant must therefore submit a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found at the following address:

<https://www.devon.gov.uk/floodriskmanagement/planning-and-development/suds-guidance/>.

DCC Flood Risk Management Team

24.04.2026 - 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 has submitted a Flood Risk Assessment and Drainage Strategy (Job No. 10946, Rev. 2, dated March 2026)

The applicant has stated that the existing hotel is served by both foul and surface water drainage which connect into the 750mm diameter combined public sewer within Louisa Terrace.

It is noted there will be no increase in impermeable catchment area at the site.

The applicant has proposed the use of a rain garden and attenuation tank with a hydrobrake restricting flows to 5.0l/s.

The applicant should assess the potential for using permeable paving in the car park.

Section 4.8 of the FRA and the Drainage Strategy (Drawing No. 10946/502, Rev. A, dated 17th March 2026) notes the attenuation tank with dimensions of 10.0m x 5.0m x 0.75m and takes a catchment area of 0.083ha.

The site is stated to "be split into two catchment areas, where the exterior roof elevations of the development will drain, as existing, while the internal roof elevations and paved areas will be re-routed through attenuation and SuDS features".

The Drainage Strategy notes the existing combined connection to the SWW combined sewer is to be retained.

The applicant should survey the existing surface water drainage system which will be used (including gutters and rainwater downpipes) to ensure that it is within a suitable condition. A CCTV survey should be completed and the results submitted to the LPA.

A Cv value of 1.0 shall be used.

Following the update of the Flood Risk Assessments: Climate Change Allowances document in May 2022 by central government, the applicant will be required to use the new climate change uplift value when sizing the proposed surface water drainage management system for this development.

The onsite drainage and SuDS devices will remain private and be the maintenance responsibility of a private management company as appointed by the developer.

DCC Flood Risk Management Team

28.05.2026 - 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 Flood Risk Assessment and Drainage Strategy (Job No. 10946, Rev. 3, dated May 2026).

(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.

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

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

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

Observations:

The applicant has submitted a revised Flood Risk Assessment and Drainage Strategy (Job No. 10946, Rev. 3, dated May 2026).

The applicant has increased the size of the attenuation tank.

The Drainage Strategy (Drawing No. 10946/25, Rev. B, dated 18th May 2026) notes the dimensions as 10.0m x 6.0m x 0.75m.

A Cv value of 1.0 and climate change allowance of 45% has been used.

The discharge rate remains as 5.0l/s.

The applicant shall assess the use of permeable paving in the car park area.

Economic Development Officer

11.05.2026 - The Economic Development team has reviewed both the viability report submitted by the applicant and the independent second opinion commissioned by the Council. Both assessments conclude that the hotel is not currently viable as a trading business and that only very substantial capital investment, alongside a significant uplift in sales performance, would enable it to operate profitably as a

going concern. The property has been actively marketed for an extended period, during which no credible interest has emerged that would be capable of delivering the level of investment required. In light of these commercial realities, the Economic Development team raises no objection to the proposed application.

EDDC District Ecologist

06.05.2026 - The application is supported by a Biodiversity Assessment Report (EAD Ecology, November 2025). The bat survey results indicate that the building is unlikely to support roosting bats. Nevertheless, the report acknowledges that the proposed development has the potential to impact nesting birds. Any survey constraints have been clearly set out and are considered to be reasonable and adequately justified.

The mitigation, compensation and enhancement measures detailed in Section 3.1 of the Biodiversity Assessment Report are considered appropriate for the scale of development and should be implemented in full and secured by condition.

It is also recommended that the following informatives are attached to any grant of planning permission:

1. Bats

The applicant is advised that bats and their roosts are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). It is an offence to deliberately capture, injure, kill or disturb bats, or to damage or destroy a breeding site or resting place. Should bats or evidence of a roost be encountered during construction, all works must cease immediately, and a suitably licensed ecologist must be consulted. Under no circumstances should contractors attempt to handle bats. Further guidance is available from GOV.UK and the Bat Conservation Trust (www.bats.org.uk).

2. Nesting Birds

All wild birds, their nests and eggs are protected under the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally damage or destroy an active nest or to disturb nesting birds. To avoid committing an offence, vegetation clearance, demolition and similar works should be undertaken outside the main nesting season (March to August inclusive). Where this is not possible, works should be preceded by a check for active nests by a suitably qualified ecologist. If any active nests are identified, works must cease in the immediate area until the young have fledged and the nest is no longer in use.

Biodiversity Net Gain (BNG)

The proposal is not subject to the mandatory Biodiversity Net Gain requirements, as it falls within the de minimis exemption.

If you have any further questions, please don't hesitate to contact me.

EDDC Recycling & Waste Contract Manager

02.04.2026 - This consultation has been passed onto the Waste Planning Authority (WPA).

It is noted that the WPA did not comment on the original consultation but after reviewing the reconsultation documents it is considered that Policy W4 of the Devon Waste Plan applies. Therefore, it is recommended that a condition is attached to any consent to require the submission of a Waste Audit Statement prior to the commencement of the development as stated below:

Prior to the commencement of development, a waste audit statement 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.

Any questions, please do not hesitate to ask.

Natural England

24.12.2025 - Thank you for your consultation on the above dated 11 December 2025 which was received by Natural England on 11 December 2025

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 Further information required - recreational pressure impacts to European Sites (habitats sites) This development site is within the zone of influence (ZoI) for recreational pressure impacts to one or more European Sites (habitats sites). Within this ZoI, proposals for any net increase in residential units will have a

likely significant effect on the qualifying features of the European Site(s) (habitats site(s)) through increased recreational pressure when considered either alone or in combination with other plans and projects.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

The proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin.

Natural England's statutory advice on these potential impacts is set out below.

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Your authority has measures in place to manage these potential impacts through a strategic solution which Natural England considers will be effective in preventing adverse impacts on the integrity of the site(s). Notwithstanding this, Natural England advises that these measures should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the Natural England Access to Evidence - Conservation Objectives for European Sites and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). Providing the appropriate assessment concludes that the measures can be secured, it is likely that Natural England will be satisfied that there will be no adverse effect on the integrity of the European Site(s) (habitats site(s)) in relation to recreational disturbance. Where the proposal includes bespoke mitigation that falls outside of the strategic solution, Natural England should be consulted. 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 approach, should also be subject to the requirements of the Conservation of Habitats & Species Regulations 2017 (as amended) and our advice above applies.

Discretionary Advice

Natural England may provide further advice to the applicant through the discretionary advice service (DAS). Refer to Developers: get environmental advice on your planning proposals - GOV.UK (www.gov.uk) for more information.

Landscape advice

The proposed development is for a site within or close to a nationally designated landscape namely East Devon National Landscape (referred to in legislation as an Area of Outstanding Natural Beauty (AONB)).

Natural England has concluded that impacts on the nationally designated landscape and the delivery of its statutory purpose to conserve and enhance the area's natural beauty can be determined locally by the local planning authority, with advice from its landscape or planning officers, and from the relevant National Landscape Partnership or Conservation Board.

Natural England is not confirming that there would not be a significant adverse effect on landscape or visual resources or on the statutory purpose of the area, only that there are no landscape issues which, based on the information received, necessitate Natural England's involvement.

We advise that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below. Your decision should be guided by paragraph 189 and 190 of the National Planning Policy Framework, which requires great weight to be given to conserving

and enhancing landscape and scenic beauty within National Landscapes, National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 190 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering this proposal.

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

Page 3 of 4

We also advise that you consult the relevant National Landscape Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the area's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the National Landscape is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose.

Furthermore, Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities (which includes local authorities) in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or National Landscape (referred to in legislation as an Area of Outstanding Natural Beauty) in England, to seek to further the statutory purposes of the area. The duty applies to local planning authorities and other decision makers in preparing development plans, making planning decisions on development and infrastructure proposals, as well as to other public bodies and statutory undertakers in undertaking their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The relevant National Landscape body (Conservation Board or Partnership) may be able to offer advice in relation to the duty, including on how the proposed development aligns with and contributes to delivering the aims and objectives of the area's statutory management plan.

Impact Risk Zones for Sites of Special Scientific Interest

We strongly recommend that local planning authorities (LPAs) use Natural England's Impact Risk Zones for Sites of Special Scientific Interest (SSSI IRZs) (available from the Natural England Open Data Geoportal (arcgis.com) and to use on MAGIC (defra.gov.uk) along with guidance) to decide when to consult Natural England on development proposals that might affect a SSSI.

The SSSI IRZs tool is quick and simple to use and gives instant planning advice as a formal consultation response in certain circumstances. Use of the SSSI IRZs avoids the need for a formal email consultation on some development proposals, reducing unnecessary delays in the planning process. In turn this allows Natural England to concentrate resources on development proposals with the highest risks and opportunities for nature recovery.

Planning and transport authorities: get environmental advice on planning - GOV.UK (www.gov.uk) provides further guidance on when LPAs must consult Natural England on development proposals.

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.

Annex A:

Annex A - Natural England general advice

Protected Landscapes

Paragraph 189 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 190 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 187 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 193-195 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)).

Annex A - Natural England general advice

Air Quality

Natural England has produced 'Air pollution and development: advice for local authorities. How to assess sector-specific planning applications that could affect air quality on a protected site'. This standing advice is to help planning authorities understand the impact on statutory protected sites from particular developments that emit specific air pollutants. The advice covers emissions of ammonia (NH₃), nitrogen oxides (NO, NO₂ or NO_x), nitrogen deposition, acid deposition and sulphur dioxide (SO₂).

The standing advice is Natural England's formal statutory advice and is a material consideration. It provides decision makers with the information needed to fulfil their statutory duties when making decisions on planning applications with potential air pollution impacts.

Note that this advice cannot be used to assess Nationally Significant Infrastructure Projects (NSIPs) or local plans.

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.

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 (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 187, 188 and 192 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) 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 187(d), 192 and 193. Unless exempt 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 was extended to minor development from April 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from May 2026.

Annex A - Natural England general advice

Biodiversity Net Gain guidance (gov.uk) provides more information on biodiversity net gain and includes a link to the Biodiversity Net Gain Planning Practice Guidance (gov.uk).

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 for more information. For minor development sites, The Small Sites Metric may be used where these sites meet the criteria to use this Small Sites Metric. 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 193 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

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 77, 109, 125, 187, 188, 192 and 193). 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 193 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 187, 188). 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.

Annex A - Natural England general advice

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.

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 importance 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 (KCIIECP) 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 KCIIECP 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 KCIIECP 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).

Natural England

13.04.2026 - Thank you for your consultation.

Natural England has previously requested further information on this proposal in our letter dated 24th December 2025 [NE Ref: 536262] and enclosed for your convenience.

The information is still needed by Natural England to determine the significance of impacts on designated sites. Without this information Natural England may need to object to the proposal.

Please note: We are not seeking further information on other aspects of the natural environment although we may make comments on other issues in our final response.

Please re-consult Natural England once this information has been obtained. On receipt of the information requested we will aim to provide a full response within 21 days.

SUMMARY OF NATURAL ENGLAND'S ADVICE DATED 24/12/26:

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

The proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin.

Natural England

12.05.2026 - Thank you for your consultation on the above dated 22 April 2026, which was received by Natural England on the same date.

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 FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on East Devon Pebblebed Heaths SAC, East Devon Heaths SPA and Exe Estuary SPA. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

Natural England does not concur with your appropriate assessment because it assumes that the hotel had 100% occupancy, year round, which is not representative of real hotel operation. The average annual occupancy rates for hotels in Devon is between 64% and 70%. We request that the appropriate assessment is reconsidered with revised occupancy data.

Without this information, Natural England may need to object to the proposal.

Please re consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Additional Information required

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, and a competent authority should have regard to Natural England's advice.

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 your assessment, and the measures proposed to mitigate for any adverse effects, Natural England's advice is that your assessment is not sufficiently rigorous or robust to justify this conclusion and therefore it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question. We advise that your authority should not grant planning permission at this stage.

We advise that the following additional work on the assessment is required to enable it to be sufficiently rigorous and robust Natural England requests that the hotel occupancy rate used to calculate recreational disturbance mitigation requirements is revised. A more representative hotel occupancy figure would be between 64% and 70% (or local hotel occupancy rates for Exmouth, if East Devon District Council holds them). Natural England should be re-consulted once this additional work has been undertaken and the appropriate assessment has been revised.

Please consult us again once the information requested above, has been provided.

Natural England

27.05.2026 - 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.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

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

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.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

planning permission given.

European sites - East Devon Pebblebed Heaths SAC, East Devon Heaths SPA and Exe Estuary SPA.

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the East Devon Pebblebed Heaths SAC, East Devon Heaths SPA and Exe Estuary SPA and has no objection to the proposed development.

Should the proposal change, please consult us again.

Environment Agency

12.05.2026 - Thank you for consulting us on the above application, received on 11/05/2026.

We have no comments to make in respect of the proposed development. This consultation is inappropriate, and we did not need to be consulted because: Outside of External consultation checklist -

If you require any additional information, or want to discuss these matters further, please contact spdc@environment-agency.gov.uk.

Environmental Health

10.04.2026 - A Construction and Environment Management Plan (CEMP) covering both the demolition and construction phases 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. 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. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. 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 and 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.

The specific noise level of any fixed plant or equipment installed and operated on the development must be designed as part of a sound mitigation scheme to operate at a level of 5dB below the sites daytime background sound level (07:00 - 23:00) expressed as LA90 1hr and night-time background sound level (23:00 - 07:00) expressed as LA90 15min, when measured or predicted at the boundary 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 local residents from noise.

Environmental Health

14.05.2026 - As per my previous comments

Environmental Health

23.12.2025 - A Construction and Environment Management Plan (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. 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. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. 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 and 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.

The specific noise level of any fixed plant or equipment installed and operated on the development must be designed as part of a sound mitigation scheme to operate at a level of 5dB below the sites daytime background sound level (07:00 - 23:00) expressed as LA90 1hr and night-time background sound level (23:00 - 07:00) expressed as LA90 15min, when measured or predicted at the boundary 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 local residents from noise.

Historic England

Thank you for your letter of 1 April 2026 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

NHS Local (Eastern Locality)

15.01.2026 The GP surgeries within the catchment area that this application would affect, currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate.

However, due to the nature of the planning process, please be advised that this response from NHS Devon is a snapshot of the capacity assessment at the date of this letter. Should there be any change to this position, as a result of any current

planning applications that may or may not affect the capacity at Haldon House Surgery, Imperial Surgery, Rolle Medical Partnership - Exmouth Health Centre and Rolle Medical Partnership - Treetops Surgery being approved prior to a final decision on this development, then this will potentially initiate a further review on the NHS's position. Such factors could include but are not limited to:

- Increases in the patient list size which then exceed the practices' capacity during the period between this application being validated and prior to a planning decision
- Consideration for future 'consented or commenced' planning applications that lead to an increase in the patient list size which then exceed the existing practices' capacity during the period between this application being validated and prior to a planning decision

Therefore, at this stage, it is important to highlight the NHS reserve the right to re-assess and respond to this application at any time, as a result of any planning application(s) received and approved subsequently by the Council that will have an associated impact on the assessed GP Practice(s) linked to this application, which in turn, could have the potential to initiate an NHS contribution request in accordance to regulatory and legislative obligations.

With this in mind, whilst at this time there is no requirement for a Section 106 contribution towards NHS Primary Care from this application, as a contingency, we would recommend you take this into consideration, factoring in an estimated sum of £680 per dwelling towards NHS Primary Care to any viability assessments.

Furthermore, please note this does not reflect any operational pressures, such as workforce or patient activity levels, that might be affecting the surgery/ies and is purely based on an assessment in relation to the current premises' capacity for infrastructure only.

LPAE-Devon (Torbay+South Devon NHS Foundation Trust) Housing

06.01.2026 - Royal Devon University Healthcare NHS Foundation Trust (the Trust) has reviewed the above planning application and carefully considered the impacts that it will have on how Acute and Community healthcare services can be provided for within the local area.

The Trust acknowledges that the creation and maintenance of healthy communities is a significant material consideration and that all planning applications must be determined in accordance with the development plan (unless material considerations indicate otherwise), and that both the creation and maintenance of healthy communities is an essential component of sustainability as articulated in the Government's National Planning Policy Framework (NPPF). There have been several planning appeals whereby the Planning Inspector has ruled in favour of NHS contribution requests and confirmed that they meet the CIL test requirements, in particular we would like to draw your attention to the most recent and local appeal decision for Ikea Way in Exeter (APP/Y1110/W/21/3270745).

In addition, we understand that Council's development plans are required to conform with the NPPF and that less weight is given to policies that are not consistent with the NPPF. Consequently, local planning policies along with development management decisions also have to be formulated with a view to securing sustainable healthy communities. A fundamental part of a sustainable healthy community is access to health services and we hope that as a local partner you will

be supportive in ensuring that the local population has access to appropriate and timely healthcare provision. Whilst preparing this response, it is noted that the East Devon Local Plan and associated policies states that:

4. Providing for growth: Spatial strategy

Strategy 3 - Sustainable Development

The objective of ensuring 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: ...

c) Promoting social wellbeing - which includes providing facilities to meet people's needs such as health care, affordable housing, recreation space and village halls

55. Strategy 4 - Balanced Communities

By balanced communities we mean that in any area or neighbourhood there is a match between jobs, homes, education, and social and community facilities. Ideally these should compliment the range of ages of the resident population and have appropriate access for those with disabilities.

Key components of a balanced community include:...

b) Securing social, educational, green infrastructure and health and community facilities - these facilities play a central part in community life and new housing should help secure their provision and keep the community vibrant and viable by making financial contributions towards their provision or by providing such facilities on site where necessary.

The appendices to this request demonstrate that the Trust is currently operating at full capacity in the provision of acute, community and planned healthcare. The proposed development will create a potentially long-term impact on the Trust's ability to provide its services in a safe, accessible and sustainable manner to current and new residents.

The Trust's funding is based on the previous year's activity that it has delivered, subject to satisfying the quality requirements set down in the NHS Standard Contract. Quality requirements are linked to the on-time delivery of care and intervention and are evidenced by best clinical practice to ensure optimal outcomes for patients.

Our NHS contract is agreed annually based on the previous year's activity plus any pre-agreed additional activity for clinical services. The Trust nor its Commissioners are able to take into consideration the Council's housing land supply, potential new developments and housing trajectories when the annual contracts and funding arrangements are negotiated. The funding is not able to be changed even if the health care providers or commissioners have knowledge of new housing development through the consultation process, during the local plan process or otherwise.

Further, the following year's contract does not retrospectively pay the previous year's deficit. Therefore, new developments, whether they are allocated or windfall sites create an impact on the Trust's ability to provide the services required due to the funding gap that is created and the contribution sought is to mitigate this direct impact.

In requesting this contribution to mitigate the impact we have considered and ensured that it is compliant with the CIL Regulation 122 and Appendix G has been provided in order to assist the Local Planning Authority.

Section 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request that a developer contributes towards the impact

a development creates on services. The contribution of **£ 5,361** sought will go towards the gap in the funding created by each potential patient from this development. The detailed explanation and calculations are provided within the appendices.

Without the requested contribution the Trust will still provide healthcare to all the new residents of the development however its ability to support health and wellbeing for everyone, provide quality of health services for all, and ensure sustainable use of NHS resources will be compromised. In particular, the increased healthcare activity from this development without the required resources will lead to longer waiting times for all patients.

The Trust would appreciate acknowledgement of the request for an S106 contribution relating to this development and confirmation that it will form part of the S106 agreement with the developers.

Police Architectural Liaison Officer - Kris Calderhead

07.01.2026 - Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application.

There does not appear to be any reference to designing out crime or crime prevention within the Design and Access Statement (DAS). It is therefore difficult to ascertain if consideration has been given to reducing the opportunity for crime and anti-social behaviour (ASB) and the fear of crime and ASB, as directed in both local and national planning guidance.

The site is located close to the town centre where levels of crime and ASB are higher than compared with other neighbourhoods nearby, therefore it is important that measures are imbedded into the scheme to mitigate such risk.

One aspect of the design that I cannot support as I have concerns that it will increase the risk of crime and ASB, is the open entrance to the car park, particularly with the development of an undercroft parking area. Leaving the entrance open increases the risk of casual intrusion and leaves the area, which is somewhat concealed and lacking surveillance opportunities, vulnerable to crime and ASB, particularly given the town centre location as noted above.

I appreciate that in the existing design of the site, access is unrestricted however, there is currently no undercroft parking area in place and the nature of its use as a hotel, dictates that it is managed and designated as a public / semi public space for hotel guests. Under the proposed change of use, this will be deemed a private / semi private space for the use of residents only, therefore access should be restricted.

The undercroft space is devoid of surveillance where misuse, ASB and crime such as damage, violent offences, theft, vehicle crime, drug use, sexual offences etc. would go somewhat undetected. How will these risks be negated? It would be preferable if the entrance could be gated and unauthorised access prevented.

Police Architectural Liaison Officer - Kris Calderhead

08.04.2026 - Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on the revised plans of this planning application.

As alluded to previously, given the location of the site, close to the town centre where levels of crime and anti-social behaviour (ASB) are higher than compared with other neighbourhoods nearby and in order to conform with both local and national planning guidance, I'd appreciate it if the following recommendations and prospective conditions were considered and implemented where possible.

Conditions

I appreciate the inclusion of an automated security roller shutter at the entrance to the car park. This is important to restrict access to a private space which if left open, will increase the risk of crime and ASB. To support its inclusion, could the following condition please be considered?

1. Condition: An automatic roller shutter to be installed at the entrance to the car park. The shutter should be capable of being operated remotely by the driver whilst sitting in the vehicle. Shutters should be certificated to LPS 1175 SR A1+, STS 202 BR1 or equivalent.

Reason: To reduce the opportunity for crime and ASB.

2. Condition: CCTV to be installed throughout the development covering areas discussed below.

Reason: To aid in the prevention and detection of crime and disorder.

Coverage should include entrance / exit points, stairwells, lifts, landings, circulation space, lobby areas, bin and bike stores and car park, including the undercroft space.

Passport for Compliance Documents including an Operational Requirement should be in place and the following advice is given in respect of any CCTV installed:

- o Cameras, wiring and recording or monitoring equipment should be secured. CCTV should be designed in co-ordination with external lighting and landscaping.
- o The CCTV must have a recording format that is acceptable to the Police. Recorded images must be of evidential quality if intended for prosecution.
- o Any CCTV is advised to be installed to comply with the requirements of BS EN 62676:2015 Video surveillance systems for use in security applications and BS 7958:2015 CCTV management.
- o CCTV systems may have to be registered with the Information Commissioners Office (ICO) and be compliant with guidelines in respect to Data Protection and Human Rights legislation. Further information is available via www.ico.gov.uk
- o Accredited NSI or SSAIB installers must be used.

3. Condition: External lighting of the car park should meet the levels recommended by BS 5489-1:2020.

Reason: To promote safe use of the area and improve surveillance opportunities.

To supplement such lighting, walls and ceilings should have light colour finishes to maximise the effectiveness of the lighting as this will reduce the luminaires required to achieve an acceptable light level.

Further Recommendations

o Mail delivery - There are increasing crime problems associated with the delivery of post to buildings containing multiple dwellings. To reduce this risk, external residential communal doorsets must not have trades button or timed-release mechanism access as they have been proven to contribute to ASB, crime and unlawful access to communal developments.

As an alternative one of the following options should be considered:

- o A 'through-the-wall' mail delivery into secure internal letterboxes.
- o Boxes located within an 'airlock' access controlled entrance hall / lobby, whereby access can be gained by a postal worker through the outer door only.
- o External letterboxes meeting the requirements of the Door and Hardware Federation standard Technical Standard 009 (TS009).

If utility readings cannot be carried out remotely it would be preferable that they were located externally near the main entrance or in the 'airlock' space, thus again negating the need of a trades button or timed-release mechanisms.

- o Ensure communal integral bike and bin stores are fitted with security rated doorsets (e.g. PAS 24 or the equivalent) with a locking mechanism that ensures residents can not be accidentally locking in by another person. Stores should also be well-lit during hours of darkness and covered by CCTV as discussed above.
- o External doors should be illuminated with dusk till dawn lighting.
- o Signage and rule setting should be in place to promote the permitted use of the car park and the scheme as a private / semi-private space.
- o The ownership of parking spaces should be easily identifiable to reduce the potential for conflict and disputes.

South West Water

19.01.2026 CONSULTATION RESPONSE

Your ref: 25/2397/MFUL

Our ref: VV19/01/26 EX82AF

Location: The Royal Beacon The Beacon Exmouth EX8 2AF

Proposal: Change of use, associated demolitions and proposed conversion of grade II listed hotel, to 20no. 1,2 and 3 bed apartments with basement storage, associated parking and infrastructure; demolition of rear modern block to provide 2 newbuild semi-detached mews houses including integrated garages

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection

There are no assets within the site according to our records.

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 a combined sewer

Having reviewed the applicant's current information as to proposed surface water disposal for its development (domestic roof and driveway run off only), discharging to the public combined sewerage network is not an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

While this is the current method for surface water disposal at the site, the proposed demolitions and remodelling should be used to provide a betterment for discharge. The removal or reduction of surface water from the combined network contributes to reduced spills and flooding events.

The applicant should consider the use of water butts, rain planters, attenuation crates and similar items to reduce the amount of surface water entering the combined network.

Water Conservation

The applicant is strongly advised to consider maximising the use of water efficiency opportunities within the design of their proposals. The current average water use in the UK is approx. 142 litres/person/day [l/p/d] (Water UK, 2020), with the South West experiencing a higher-than-average consumption rate than the rest of England. With climate change progressing with trends set to add further stress upon available water resources, SWWL would support the LPA imposing a condition requiring the optional Building Regulations requirement (G2) of 110 l/p/d for the proposed residential development.

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

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. 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.

The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website: www.southwestwater.co.uk/building-and-development/services/pre-development-services

Informatives

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 construct 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

South West Water

20.04.2026 - Your ref: 25/2397/FUL

Our ref: VV20/04/26 EX82AF

Thank you for this reconsultation.

SWW have no further observations to those made in our response in January 2026.

This includes the need to consider how to reduce the amount of surface water proposed to come to the combined network.

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.

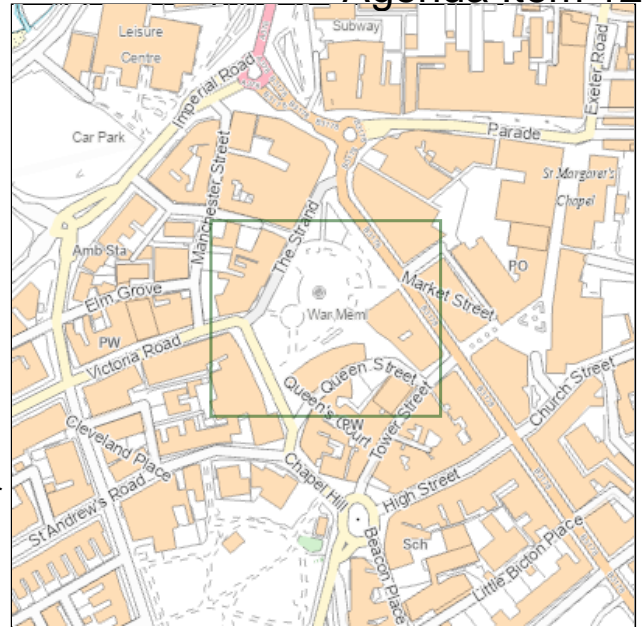
Ward Exmouth Town

Reference 26/0812/FUL

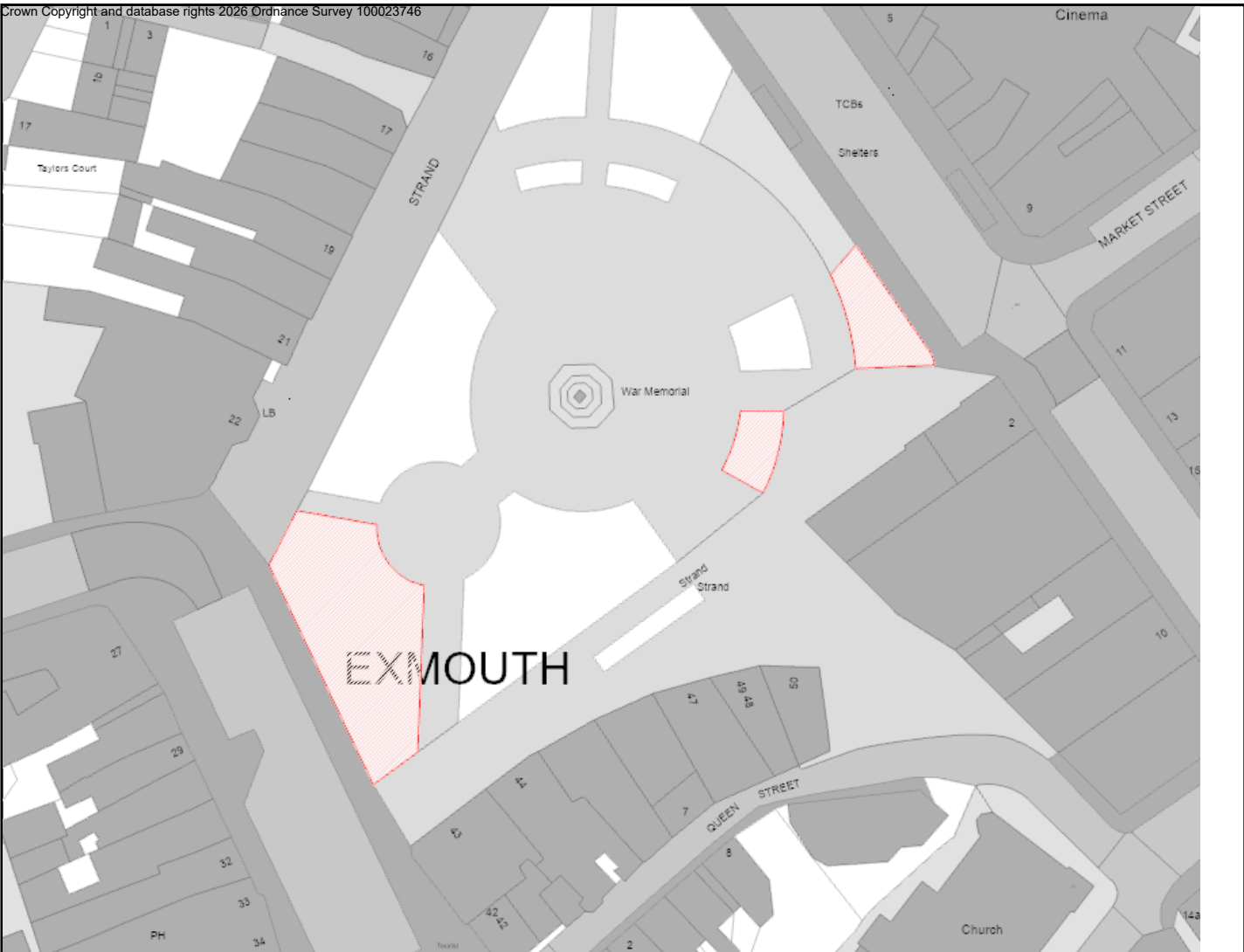
Applicant Naomi Harnett

Location Strand Gardens The Strand Exmouth

Proposal Temporary change of use of areas of land for the placement of tables and chairs on the Strand, Exmouth until 30.09.28 on a seasonal basis from the 1st April to the end of September each year



RECOMMENDATION: Approval with conditions



| | | |
|-------------------------------|--|-----------------------------------|
| | | Committee Date: 07.07.2026 |
| Exmouth Town (Exmouth) | 26/0812/FUL | Target Date: 22.06.2026 |
| Applicant: | East Devon District Council | |
| Location: | Strand Gardens, The Strand | |
| Proposal: | Temporary change of use of areas of land for the placement of tables and chairs associated with the use of adjoining premises within Class E(b), on the Strand, Exmouth until 30.09.28 on a seasonal basis from the 1st April to the end of September each year | |

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the Planning Committee as EDDC are both the applicant and the landowner, and noise and nuisance concerns have been raised.

This application seeks the change of use of four grassed areas within Strand Gardens for the siting of tables and chairs, to be used to provide existing businesses the opportunity to extend their operation. This application follows three previous applications which have allowed the siting of tables and chairs on a seasonal and temporary basis.

The principle of the temporary change of use of the land within The Strand is accepted through Policy E9 (Town Centre Vitality and Shopping Areas) of the Local Plan which seeks to encourage uses which contribute to the diversity and vitality of town centres.

The Strand is already a commercial area where a number of restaurants, cafes and bars have outside seating areas. It has a daytime and nighttime use and whilst additional seating for existing businesses would intensify the use of the outside space, given the town centre environment and mixture of commercial uses in the area, it is not considered that the proposal would give rise to any significant amenity concerns in terms of noise and pollution. EDDC would control operating hours through the licencing regime which would be sufficient to ensure that businesses do not operate outside at unsociable times. No heritage concerns are raised in respect of the impact to the conservation area, given the temporary and reversible nature of the proposal.

Given the above, the proposal would comply with policies contained within the East Devon Local Plan and is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

Meeting 11.05.26

No objection; however, concerns were expressed regarding visual clutter and a lack of uniformity in The Strand. Members considered that these matters would be addressed and mitigated through the licence to occupy.

Technical Consultations

Environmental Health

I have considered the application and do not anticipate any environmental health concerns.

Conservation

No objection. The proposal will enhance the conservation area by increasing its vibrancy and supporting the viability of the businesses around Strand Gardens, reducing the potential for vacant buildings. It is also fully reversible.

EDDC Trees

Following a site visit, I can confirm that I do have concerns about the long-term impact that the increased footfall and associated issues of compaction will have on the long-term health of the trees within The Strand. These concerns are also echoed by the Streetscene Tree Officer who has current responsibility for managing the trees within The Strand.

Compaction of the rooting area will lead to reduced oxygen in the soil, will limit gaseous exchange, reduce root growth and will result in a general increase in stress levels for trees impacted making them more susceptible to pest and diseases. Ultimately this can lead to the long-term decline and in some cases death of trees. Compaction is well known to be a significant problem in reducing the health of trees and therefore is something that should be prevented from occurring in the first instance and where it does occur appropriate mitigation measures need to be put in place to ensure that the impact is minimised. This is especially important in this situation where the trees are council owned and managed. Any impact on the health of the trees will directly impact the inspection regime of the trees for Streetscene.

Having previously managed the trees in question over a number of years, I am aware of the harm caused to the area due to increased footfall following granting of consent to use the area in question back in 2020 for outside seating. At the time I raised concerns and recommended various mitigation measures. Some mulch has been laid around Area 2 though it was noted that the depth of this needs to be increased to appropriate levels. Areas already compacted should be airspaded or forked over to improve soil structure and then mulched. Ideally, all seating should be

located outside of the RPA of the trees; there is plenty of hard spaces where tables and chairs could be located without impacting the trees on The Strand.

However, if consent is granted I recommend the following condition:

A detailed AMS and TPP is required outlining how the trees are to be protected prior to the installation of any seating and tables. This should include but not be limited to details of ground protection (mulch) and soil improvement (airspading, forking over of the soil, mulching etc). Mitigation measures to restore the soil health following removal of the seating at the end of each season should also be undertaken.

Reason: to ensure the health of the trees and to prevent long-term damage from occurring.

Other Representations

One third party representation has been received, in objection to the proposal.

A summary of grounds for objection is as follows:

- The proposed seating is not shut off after hours, leading to noise impacts and anti-social behaviour.

PLANNING HISTORY

| Reference | Description | Decision | Date |
|------------------|---|--------------------------|-------------|
| 20/2383/COU | Change of use of areas of land in Strand Gardens for the siting of tables and chairs until 30 September 2021 | Temporary Approval | 06.01.2021 |
| 22/0658/FUL | Placement of tables and chairs on The Strand, Exmouth until 30 September 2023 | Approval with conditions | 24.05.2022 |
| 23/0405/FUL | Change of use of land for the siting of tables and chairs in association with adjoining businesses between Easter and the end of September until 2025 | Approval with conditions | 15.06.2023 |

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries) Adopted
D1 (Design and Local Distinctiveness) Adopted
D3 (Trees and Development Sites) Adopted
E9 (Town Centre Vitality and Shopping Areas) Adopted
EN9 (Development Affecting a Designated Heritage Asset) Adopted
EN10 (Conservation Areas) Adopted
EN14 (Control of Pollution) Adopted
EN21 (River and Coastal Flooding) Adopted
E2 (Employment Generating Development in Built-Up Areas) Adopted

Exmouth Neighbourhood Plan (Made April 2019)

EB1: Conserve Heritage Assets
EB2: Design
EE1: Tourism
EN5: Surface water

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP05 (Development inside Settlement Boundaries) Draft
Strategic Policy AR01 (Flooding) Draft
Policy SE01 (Employment development within settlement boundaries) Draft
Policy SE07 (Town centre development, sequential approach and impact assessment) Draft
Strategic Policy DS01 (Design and local distinctiveness) Draft
Strategic Policy OL01 (Landscape features) Draft
Strategic Policy PB05 (Biodiversity Net Gain) Draft
Policy PB08 (Tree, hedges and woodland on development sites) Draft
Policy HE02 (Listed buildings) Draft
Policy HE03 (Conservation Areas) Draft

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

ANALYSIS

Site Location and Description

The application site refers to a number of areas of grassed land in Strand Gardens at The Strand in Exmouth, within an area of pedestrianised public space within the town of Exmouth. The site is under the ownership of East Devon District Council.

The area is characterised by a mixture of commercial and business premises with residential accommodation above. It has a thriving cafe and bar culture where some of the premises have outdoor seating areas. The site is located within the Built-up Area Boundary (BuAB) of Exmouth and falls under a 'Town Centre Shopping Area' designation as defined by the Local Plan. The site is within the Exmouth Conservation Area and also falls within flood zones 2 and 3. The site also contains a number of significant trees.

Proposed Development

Approval is sought for the use of four grassed areas for the siting of tables and chairs on a seasonal basis for use by the surrounding businesses. The four parcels of land total approximately 560 square metres in area.

Temporary approval is sought for the siting of tables and chairs on the four parcels of land each year from 1st April to 30th September for three years until 30th September 2028.

Hours of use of the sites would be controlled through the existing licensing, which allows the use of these spaces on Monday to Friday between 8am to 10pm, Saturday 7am -11pm and Sundays and Bank Holidays 8am to 10pm.

The application follows a number of previous temporary approvals at the site for the siting of tables and chairs within The Strand. These were originally allowed to provide establishments the opportunity to extend their business operation following the pandemic.

Analysis

The main issues to consider in determining this application are in terms of the principle of development, the impact on the character and appearance of the area and the wider conservation area, residential amenity, the impacts to site trees and flood risk.

Principle of Development

The principle of temporarily changing the use of the land within The Strand is accepted through Policy E9 (Town Centre Vitality and Shopping Areas) of the Local Plan which seeks to encourage uses which contribute to the diversity and vitality of town centres. The provision of external seating areas would make an important contribution to the local economy and businesses. The outdoor seating areas have proven to be well used, and the proposal would allow for variety and increased activity within the town centre, in accordance with Policy E9.

The Exmouth Neighbourhood Plan has been 'made' and whilst there are no policies within it which relate specifically to this proposal, there is a clear emphasis within the plan on supporting the economy, existing businesses and the vitality of the town centre which this proposal would contribute towards.

Design impact on character of site and the Conservation Area

Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan requires proposals to:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.

2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context

Policy EN10 (Conservation Areas) of the Local Plan states that *'Proposals for development, including alterations, extensions and changes of use, or the display of advertisements within a Conservation Area, or outside the area, but which would affect its setting or views in or out of the area, will only be permitted where it would preserve or enhance the appearance and character of the area'*.

Given the commercial context of the areas on which the change of use is being applied for, and the fact that a number of businesses within The Strand already have outside seating areas, it is not considered that the change of use would result in any harm to the character and appearance of the area. EDDC's Conservation Officer has commented that the proposal will enhance the conservation area by increasing its vibrancy and supporting the viability of the businesses around Strand Gardens. Furthermore, the proposal is temporary and reversible.

In light of the above, the proposal would comply with Local Plan Policies D1 and EN10.

Residential / Neighbour Amenity

Policy D1 of the East Devon Local Plan requires that proposals do not adversely affect the amenities of existing occupiers. Additionally, Policy EN14, Control of Pollution, states that planning permission will not be granted for development that would result in unacceptable levels to residents or the wider environment of noise, air pollution or light pollution.

As already stated, The Strand is already a commercial area where a number of restaurants, cafes and bars have outside seating areas. It has a daytime and night time use and whilst additional seating for existing businesses would intensify the use of the outside space, given the town centre environment and mixture of commercial uses in the area, it is not considered that the proposed use would give rise to any significant amenity concerns in terms of noise and pollution. The Council's Environmental Health Officer has commented that no environmental health concerns are anticipated in connection with the application.

Given that the Council would regulate operating hours through both licensing and the granting of the sitting-out consent, it is considered that these measures would be adequate to ensure businesses do not operate outdoors during unsociable hours, thereby preventing potential amenity impacts on residents living above the ground-floor commercial units.

As such it is considered the application would comply with Local Plan Policy D1 and E14.

Trees

The four grassed areas contain a number of significant site trees which contribute to the character of the conservation area.

EDDC's tree officer has raised concerns regarding the change of use of the site in connection with potential impacts to a number the trees which occupy the grassed areas.

Concerns are raised in respect of compaction of the soil under the trees as a result of the siting of tables and chairs, and also in respect of the safety of people siting under the trees. To this end an Arboricultural Survey, Tree Risk Assessment Report and Arboricultural Impact Assessment has been undertaken in support of the application.

Proposed seating areas 1 and 2 contain three significant Category A trees; T1 - Lime, T2 - London Plane and T3 - Horse Chestnut. The condition of the grass has deteriorated since the site has been used for the siting of tables and chairs. The Arboricultural Impact Assessment notes that there is evidence of soil compaction to all four of the areas proposed for seating. Compaction of the rooting area reduces oxygen levels within the soil, restricts gaseous exchange, and limits root development. This places trees under increased stress, making them more vulnerable to pests and diseases, and can ultimately result in long-term decline. The report recommends the soil be hand forked at 20cm intervals in each area, avoiding tree roots and utilities, to improve aeration of the soil. The application of a 50mm depth of bark mulch is also recommended to ameliorate the soil.

Area 3 does not contain any trees (a category B maidenhair tree (T4) sits alongside this area). Area 4 contains two category B trees, T5 another maidenhair tree (ginko biloba) and T6 – a dawn redwood.

EDDC's tree officer has requested that any approval be conditional upon soil improvements and ground protection / mulching to all areas to restore the soil health following the removal of the seating at the end of each season.

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

Biodiversity Net Gain

The application is required to demonstrate a 10% uplift on biodiversity net gain at the site. The level of mitigation required means that it would not be feasible for the necessary planting to be provided on site, and therefore off-site credits would be required to achieve the necessary 10% uplift. This would be a matter to be resolved post-permission.

Flood risk

Whilst the site lies within areas designated as flood zone 2 and 3, the temporary and

minor nature of the use is such that it is not considered that there would be any increase in vulnerability to flood risk or that the use of the land for the siting of tables and chairs would increase flood risk elsewhere. The proposal is therefore considered to be an acceptable use for the flood zone area and would comply with Local Plan Policy EN21.

Other matters

The existing site comprises mown grassed areas which has a low ecological value. As such the proposal would not have any impact to any protected species. The grassed areas would be retained therefore drainage would continue to be via infiltration. The proposal would not affect any existing pedestrian or vehicular access to the site.

Planning Balance

The principle of the temporary change of use of the site for the siting of tables and chairs is supported by Policy E9 (Town Centre Vitality and Shopping Areas), which promotes uses that enhance the diversity and vitality of town centres. While the proposal would intensify the existing use of the area, operating hours would be controlled through licensing to prevent disturbance to nearby residents.

Due to its temporary and reversible nature, no heritage concerns arise and the proposal would increase the vibrancy of the area. Accordingly, the proposal complies with policies contained within the development plan and is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The use of the land for the siting of tables and chairs is permitted annually from 1st April until 30th September until 30th September 2028, and the use shall cease, furniture removed and the land restored to its former condition on or before 30th September in any year.

(Reason - The permission is only justified for a limited period to enable the Local Planning Authority to assess the impact of the use on the character and appearance of the area, and the amenities of neighbouring occupiers, in accordance with Policies D1 (Design and Local Distinctiveness) , EN10 (Conservation Areas) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013 -2031.)

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, works to improve the aeration of the soil to Areas 1-4 inclusive should be carried out as detailed in the submitted Arboricultural Impact Assessment (AIA) prepared by Aspect Tree Consultancy dated 22nd May 2026. The approved development shall not be commenced until these works have been completed.

(Reason: A pre-commencement condition is required to ensure works are carried out in advance of the siting of tables and chairs to ensure the health of the trees and to prevent long-term damage from occurring, in accordance with Policy D3 Trees and Development Sites) of the adopted East Devon Local Plan 2013 -2031.)

4. Within two months of the date of this approval, details of mitigation measures to restore the soil health following removal of the seating at the end of each season, including the timetable for the mitigation works, shall be submitted to and approved in writing by Local Planning Authority. The works shall be carried out in accordance with the approved details and specification.

(Reason: To prevent long term damage to the trees occurring, in accordance with Policy D3 Trees and Development Sites) of the adopted East Devon Local Plan 2013 -2031.)

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-built 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 \(www.gov.uk\)](https://www.gov.uk)

Informative:

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

Plans relating to this application:

| | | |
|------------|---------------|----------|
| RP-0352-03 | Block Plan | 24.04.26 |
| | Location Plan | 27.04.26 |

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 Ottery St Mary

Reference 25/0717/VAR

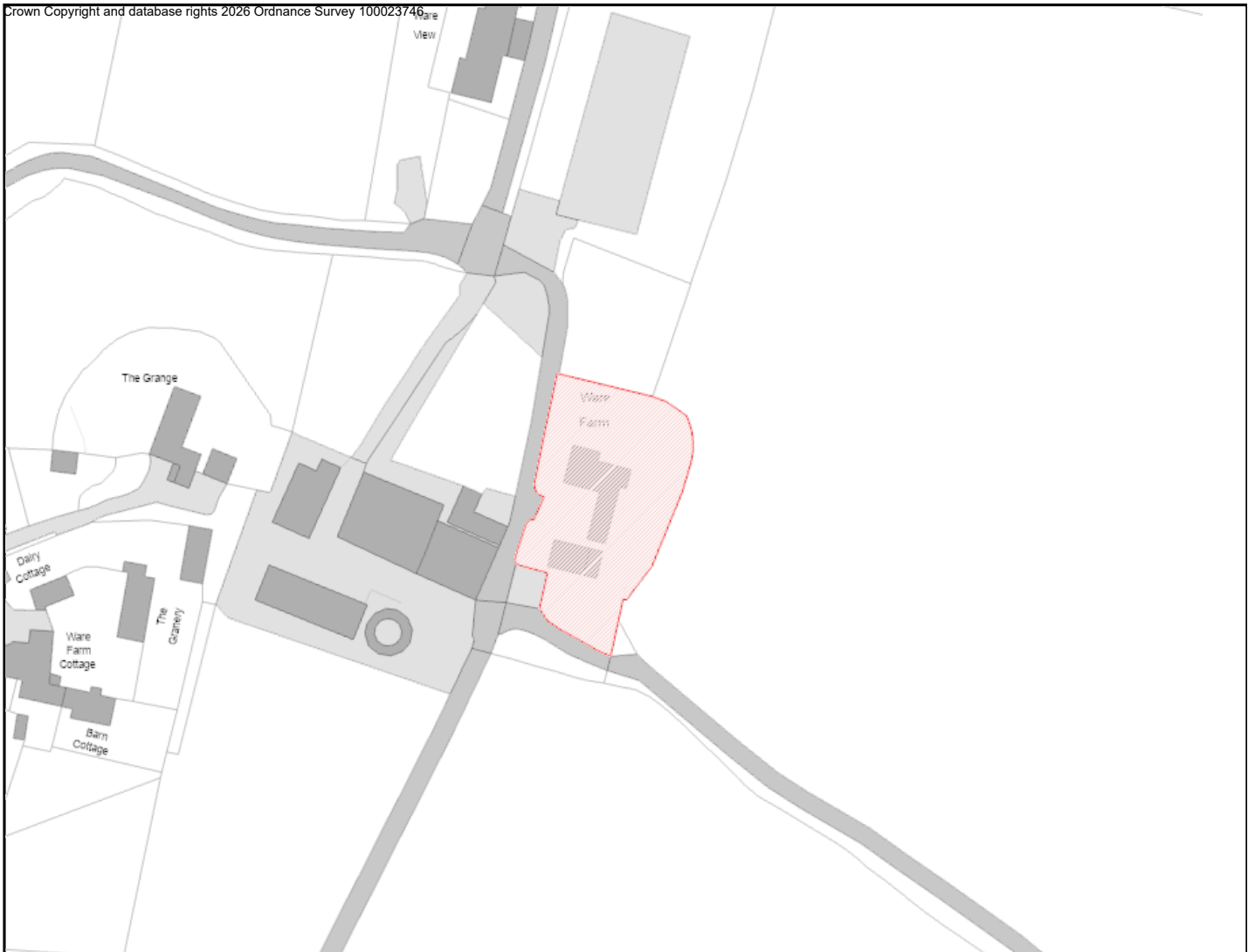
Applicant Mr Andrew Whitehouse

Location Longview House Ottery St Mary Devon EX11 1PJ

Proposal Removal of condition 2 (agricultural occupancy) from planning permission 7/45/00/P0940/01309



RECOMMENDATION: Approval with conditions



| | | | |
|--|---|-----------------------------------|--------------|
| | | Committee Date: 07.07.2026 | |
| Ottery St Mary (Ottery St Mary) | 25/0717/VAR | Target 21.05.2025 | Date: |
| Applicant: | Mr Andrew Whitehouse | | |
| Location: | Longview House Ottery St Mary | | |
| Proposal: | Removal of condition 2 (agricultural occupancy) from planning permission 7/45/00/P0940/01309 | | |

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is being referred to the Planning Committee owing to a difference of opinion between officers and the commenting ward member.

Longview House, formerly known as Ware Farm, is a four bedroom residential property located within open countryside approximately 1.8 km. to the east of the edge of the built-up area of Ottery St. Mary. It occupies a land holding of around 9 hectares (22 acres) mainly comprising the main farmhouse and a detached double garage with one bedroom annexe above, a machinery/equipment store, fodder store and wash bays, a lean-to and two stable blocks and a manege/horse arena.

The property is the subject of an agricultural occupancy restriction condition (agricultural tie) attached to the planning permission granted for its construction in 2000. The condition restricts the occupation of the dwelling to 'a person solely or mainly working, or last working, in the locality in agriculture.....or in forestry or a dependant of such a person residing with him or her or a widow or widower of such a person'.

The current application seeks the removal of the condition/tie to enable unrestricted occupation of the dwelling.

It is supported by an agricultural and financial viability appraisal and valuation report that, in combination, seek to demonstrate a) that there is no long-term functional need for the tied dwelling to accommodate an agricultural worker and b) that the holding has been offered for sale at a realistic valuation for a reasonable time period with no interest having been shown in its purchase.

Despite the appraisal and report not having been independently reviewed on behalf of the Council, it is nevertheless accepted that a sufficiently robust case

for the relaxation of the agricultural tie has been presented such that officers consider that the proposal meets with the provisions of relevant adopted Local Plan Policy H5 (Occupancy Conditions on Rural Workers Dwellings).

CONSULTATIONS

Local Consultations

Parish/Town Council

Town Council comments:

The Town Council do not support this application based on the following;

The original planning consent for building this property was granted on the basis that the property was for workers accommodation

The building is in open countryside and permission would not have been granted without an agricultural tie

No proof that the property is not viable as an agricultural business. Other properties in the area, of a similar size are seen to be viable

A site of 21 acres is of sufficient size to provide a living

Ottery St Mary - Cllr Peter Faithfull

I am writing in relation to application 25/0717/VAR for the removal of condition for an agricultural tie. This application is in my ward. As I am on the planning committee, I do not wish to make a decision either way but would like to comment on the reports for this application.

I question the credibility of the attached reports for this application as I do not feel that the property has been advertised properly on the open market. The property is 21 acres of agricultural land with an attached farm workers property. To suggest that this property should be advertised at £1.2m I feel is excessive. This price would place the land at over £57,000 per acre. While I do recognise that the property would be worth more due to the agricultural workers dwelling being included, I do not feel that the increase would be as much as has been suggested. I would also like to point out that the property was advertised as an equestrian property and not agricultural. The suggestion that the property is too small can be shown to not be true as there is a similar property immediately next door of approximately the same size which has shown itself to be viable. There is also a similar property further south along the slopes of East Hill. I therefore feel that I cannot accept the Agricultural Appraisal and Planning Statement as being accurate and reliable. I would like to suggest that the property is more likely to be worth in the region of £600,000 rather than £1.2m. One way to be able to find the true value of the property could be to sell it at auction starting at £1.

These are my views based on the information presently available to me. I reserve my right to change my views in the event that further information becomes available to me.

Technical Consultations

None.

Other Representations

No representations relating to the application proposal have been received from any interested third parties.

PLANNING HISTORY

| Reference | Description | Decision | Date |
|------------------|---|--------------------------------|-------------|
| 14/2032/CPE | Certificate of Lawfulness for the occupation of an existing dwelling in breach of a restrictive condition for a period in excess of 10 years. | CPL Refuse | 25.11.2014 |
| 00/P0940 | Farm House | Approval with conditions | 25.08.2000 |

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

H5 (Occupancy Conditions on Rural Workers Dwellings) Adopted

Draft East Devon Local Plan 2020-2042 Policies

HN11 (Housing for rural workers)

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

NP1 (Development in the Countryside)

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

ANALYSIS

Site Location and Description

Longview House, formerly known as Ware Farm, is a four bedroom residential property located within open countryside approximately 1.8 km. to the east of the edge of the built-up area of Ottery St. Mary.

Occupying a position on the lower west-facing slope of Chineway Hill to the north of Chineway Road, the property, along with ancillary and incidental attached and detached outbuildings, forms part of a land holding that extends to approximately 9 hectares (22 acres). This principally comprises two fields to the east and north of the property along with a smaller third field that houses a manege/horse arena to its north.

The built complex comprises the main dwelling, which is partially two storey and partially single storey, together with a detached double garage incorporating an annexe (one bedroom flat) above. A collection of buildings, including a machinery/equipment store, fodder store and wash bays, a lean-to and two stable blocks, is positioned to the west of these.

The property and associated land are within the designated East Devon National Landscape.

Background

Planning permission was granted for the construction of the dwelling in August 2000 (under application ref. 00/P0940).

Among others, one of the conditions attached to the permission was an agricultural occupancy restriction condition (agricultural tie) stating as follows:

'The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture as defined in section 336 of the Town and Country Planning Act 1990, or in forestry or a dependant of such a person residing with him or her or a widow or widower of such a person.

(Reason - This permission has been given because the agricultural need for the dwelling is such as to outweigh the basic planning objection to the development. The Local Planning Authority are concerned to ensure that the dwelling remains available for agricultural use.)'

Formerly part of the 'new' Ware Farm (the buildings linked to the original Ware Farm to the west having been converted to residential use), the holding at the time of the application is described within the applicant's agents' Planning Statement as including around 23 hectares (65 acres). It accommodated 45 cows and 370 breeding ewes.

By 2008, when the manage was granted planning permission, the holding had reduced to around 160 acres in total with 70 acres at Ware Farm. This housed 60 beef cows and their followers, providing a stocking rate of 120-150 animals together with around 200 wintering lambs.

A 2014 certificate of lawfulness (CPE) application (14/2032/CPE), submitted by the previous owner of Longview House, for the occupation of the dwelling in breach of the agricultural occupancy condition, stated that at the time of the grant of permission for the property 255 acres were being farmed with 55 acres at Ware Farm.

However it is advised that, prior to the submission of the CPE application the then applicant's farming activities had reduced with, around 2-3 years prior, around 35 acres of land around the property sold off, leaving the holding at its present size/area.

The appraisal accompanying the application estimated that only 10 head of cattle and 20 ewes could be held on site year round and would result in a financial loss.

The CPE application was refused as it was not considered that the then applicant had occupied the dwelling in breach of the agricultural occupancy condition for more than the relevant ten year period required to demonstrate lawfulness.

Subsequently, and further to an apparent change of ownership, prior approval under the provisions of the Town and Country Planning (General Permitted Development) Order (GPDO) for the construction of an agricultural storage building was granted in 2017 (under application ref. 17/1342/AGR).

Two further prior approval applications for the change of use/conversion of barns to dwellings on the holding under GPDO provisions were refused in 2019 (under application refs. 18/2874/PDR and 19/0834/PDR); both on the grounds that it was not considered that the barns were solely in agricultural use at the relevant July 2012 date (this being one of the key limitations attached to the permitted development right).

The applicant, and current owner, purchased the holding in August 2021.

Proposal

The current application seeks the removal of the agricultural tie from planning permission 00/P0940 to enable unrestricted occupation of the dwelling.

Considerations/Assessment

The proposal in this case needs to be principally considered against the provisions of Local Plan Policy H5 (Occupancy Conditions on Rural Workers Dwellings).

This states that proposals to relax occupancy conditions or a planning obligation will only be permitted where it is demonstrable that economic circumstances have changed such that:

1. There is no long term functional need for the dwelling for rural worker, and
2. Satisfactory evidence has been provided that the dwelling has been offered for sale or rent with its occupancy restriction, at a realistic price for a reasonable period of time (at least 18 months and up to 2 years depending on market conditions), and no interest has been shown in its purchase or rent.

It states that records of all viewings and offers will be required and the property should be regularly advertised in specialist agricultural publications as well as local media and the internet.

Where these conditions have been met the condition shall be modified to limit the occupancy of the dwelling to meet local affordable housing needs of the local community.

The case for the removal of the agricultural tie in this case centres upon two main issues that are set out and discussed in turn as follows.

Lack of Essential Functional Need

It is contended that there is no longer an essential functional requirement for the dwelling to house a rural worker.

This is argued as essentially stemming from the inadequate land area of the holding and the limited up to date livestock facilities that are available that, when taken in combination, mean that the unit could not sustainably support an agricultural income for a full-time worker (and prospective occupier of the dwelling).

It is supported by an agricultural and financial viability appraisal, the principal findings of which are summarised as follows:

1. Based on the land area, the holding could only sustain either 20 beef cattle, 15 suckler cattle or 120 sheep.
2. In the absence of any silage clamps or slurry storage facilities, dairy or pig farming would not be possible.
3. Provision of winter forage for housed livestock would require more land to make hay/haylage given that the land available could not be grazed to ensure enough provision of forage for the winter period. The alternative would be to half the numbers of livestock referred to in point 1. above.
4. To ensure the maintenance of acceptable husbandry standards, there would be a need for substantial investment to bring livestock equipment and buildings up to date, the latter having not been in use for a significant period of time.
5. The size of the holding would need to be increased in order to make it viable. However, there is a limited stock of land in the vicinity available to rent or take on annual grazing agreements.
6. In order to intensify the commercial agricultural activities on the land to make the holding viable both financially and to support a full-time worker, the farm would need to diversify and intensify drastically to, for example, horticulture or poultry rearing. However, both would require significant investment requiring planning permission, thereby creating further expense and potentially tying up further land for BNG requirements. As such, these activities would likely be financially unviable.
7. The greater likelihood is that, if used for agricultural purposes, and given the current facilities in place, this would comprise the letting out of the land on a grazing/mowing licence to a local farmer, which would generate only around £2,000 per year, and/or a horse livery enterprise requiring planning permission for change of use.

Furthermore, based upon the above livestock numbers and assessed under the standard man day calculation, there would be no functional need for a worker to be present all times of the day and night to properly manage any such enterprise or combination of enterprises.

These would amount to 38 days per year (dpy) (beef herd), 20.25 dpy (suckler herd) and 60 dpy (sheep).

It is also contended that the gross margin for sheep, based on a lowland spring lambing flock, would amount to around £5,600 per annum, which would not sustain an agricultural worker. In addition, the standard variable and fixed costs of maintaining such an enterprise and a holding of the size available would make the farming enterprise unviable.

The holding size and other infrastructure costs are also considered to preclude other diverse and less traditional farming activities, such as rare breeds and alternative species such as llamas, from being viable whilst also failing to demonstrate the

necessary essential functional need for a full-time worker to be on site at all times and provision of an income sufficient to sustain a rural worker.

Other supporting information has been provided, sourced from data obtained from the Office of National Statistics Annual Survey of Hours and Earnings, that shows the average median and mean earnings for agricultural workers in 2024, across all working age ranges, as £27,713 and £26,970, respectively.

Applying a typical lending criteria of four times an annual salary would result in an affordability of around £108,000 as a broad average of these two figures. This demonstrates that the holding would likely be out of reach for the majority of agricultural workers.

Should the tie remain in place, therefore, the dwelling is likely to remain unoccupied as there is insufficient land to provide a stable income from agriculture and support the occupier. Equally the prospect of a person employed in agriculture elsewhere, but not on the land associated with the dwelling, is thought to be remote.

In the light of this range of circumstances, there is no longer considered to exist a functional requirement for the dwelling.

Lack of Market Interest

The holding, including the dwelling, has been marketed for a period in excess of two years and a letter to this effect from the marketing agents (Francis Louis).

It is reported that four viewings, but no offers, were made, each of the parties stating that there was insufficient land for their agricultural intentions.

The holding was advertised as inviting 'offers in excess of' £1.2 million.

This valuation has been questioned by the commenting ward member as being excessive, with the implication being that this could have dissuaded a potentially greater level of market interest for the holding.

In response, a valuation report has been commissioned by the applicant to provide a market valuation for the dwelling and holding.

The report, prepared by Greenslade Taylor Hunt, principally draws upon values at which comparable holdings elsewhere across the South West have sold within the last 3/4 years. In this case, the nearest comparison relates to Three Oaks Farm at Ilchester in Somerset. Comprising a five bedroom dwelling subject of an agricultural tie with a range of farm buildings and land extending to around 9 hectares in total, this holding was sold for £1.2 million in December 2022.

The other comparable cases cited in the report relate to:

- Burcombe Moor Farm, Rise Ash, Devon - Tied three bedroom dwelling (constructed in 2011), farmhouse and farm buildings, three free range poultry rearing units and four mobile poultry houses with capacity for 38,000 birds on a holding extending to around 77 acres. Sold for £1.395 million in May 2022

- Primrose Farm, Upottery - Tied detached dwelling, four holiday cottages, range of buildings (including stabling), pasture and ponds on a holding of approximately 34 acres. Sold for £1.675 million in February 2022
- Fursdon Hill Farm, Kingsbridge - Holding of around 27 acres accommodating a four bedroom tied bungalow, modern agricultural building and land. Sold for £930,500 in July 2022
- Woodmans Cottage, Wrington, Bristol - Two tied two bedroom detached barn conversions, range of modern agricultural buildings, pasture land extending to around 2.5 acres and block of woodland of approximately 23.5 acres, amounting to c. 27 acres in total. Sold for £1.4 million in January 2024.

The report also sets out a comparable analysis that demonstrates the adjustments for these properties from which the valuation placed upon Longview House and the associated land holding have been derived, which is confirmed as being £1.2 million with the tie and as at the date of purchase.

This valuation is essentially consistent with the offers invited through the marketing exercise undertaken by Francis Louis.

Consideration has been given to the outsourcing of the valuation report for independent assessment on the Council's behalf. Where there is a need for such a report to be independently verified this should be done at the expense of the applicant. However, there is an unwillingness on the part of the applicant to pay the costs that this would incur. They have argued that the publishers of the report are both a reputable company with the appropriate qualifications from RICS as a registered valuer and are wholly independent. In the opinion of the applicant there is therefore no need for it to undergo independent scrutiny.

Assessment

Notwithstanding the absence of an expert 'independent' review of the submitted agricultural and financial viability appraisal and valuation report officers consider that the above factors, when taken in combination, satisfactorily demonstrate that there is no long-term essential functional need for the tied dwelling to accommodate an agricultural worker.

It is also accepted that the marketing exercise undertaken has been sufficient to prove that the holding has been offered for sale at a realistic valuation for a reasonable period of time and, moreover, that there has been no interest that has led to firm offers having been received. The ward member's concerns in relation to the 'overvaluation' of the holding are not shared.

Whilst the further point made with regard to the reference to an 'equestrian' property within the marketing particulars is acknowledged, they do also refer clearly to the existence of an 'agricultural tie' on the property. As such, it is not thought that this can be given material weight as representing a sustainable criticism of the marketing effort.

More generally, and aside from the issues set out above, it is maintained that the cost of the dwelling and holding would likely be beyond the ability of a great majority

of farm workers to afford any purchase of the same, even if the valuation at which they had been marketed was considerably lower.

Other Conditions

In addition to the then standard 5 year time limit condition setting out the term of the planning permission and the agricultural occupancy restriction condition, the permission granted under ref. 00/P0940 for the construction of the dwelling also carries conditions relating to:

- the 'pre-commencement' submission for approval of details of the facing and roofing materials to be used in the construction of the dwelling
- the separation of foul drainage from clean surface and roof water
- the 'pre-commencement' carrying out of percolation tests on the irrigation area (for soakaways) to confirm porosity

There are no records in place to provide evidence as to the discharging of the pre-commencement conditions relating to materials and percolation testing. However, with the dwelling construction having been completed many years ago, there would now be immunity from any potential breach of condition action.

In the circumstances therefore, it is only considered necessary to seek to re-impose the condition relating to the separation of foul and surface water drainage.

Conclusion

It is considered that the submitted agricultural and financial viability appraisal and valuation report, in combination, adequately demonstrate both that there is no long-term functional need for the tied dwelling to accommodate an agricultural worker and that the holding has been offered for sale at a realistic valuation for a reasonable time period with no interest having been shown in its purchase.

Despite the appraisal and report not having been independently reviewed on behalf of the Council, it is nevertheless felt that a sufficiently robust case for the relaxation of the agricultural tie has been presented such that officers consider that the proposal meets with the provisions of relevant adopted Local Plan Policy H5 (Occupancy Conditions on Rural Workers Dwellings).

RECOMMENDATION

APPROVE subject to the following conditions:

1. 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.)
2. Foul drainage shall be kept separate from clean surface and roof water and soakaways shall be sited at a safe distance from any watercourse, foul soakaway or source of water supply.
(Reason - In the interests of pollution control and to comply with Policies EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) and

EN22 (Surface Run-Off Implications of New Development) of the adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Biodiversity Net Gain

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

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

The BG conditions states that development may not begin unless:

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

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

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

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

In this case exemption 3(i) 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.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Plans relating to this application:

| | |
|---------------|----------|
| Location Plan | 26.03.25 |
|---------------|----------|

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.

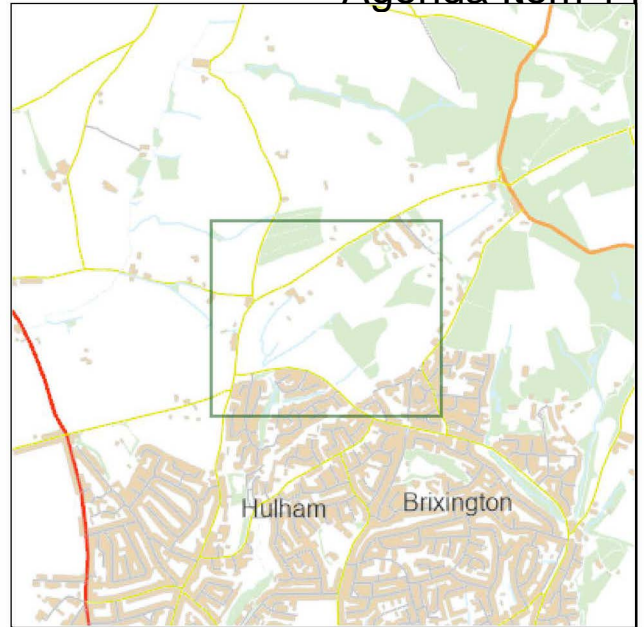
Ward Woodbury And Lympstone

Reference 25/0007/MOUT

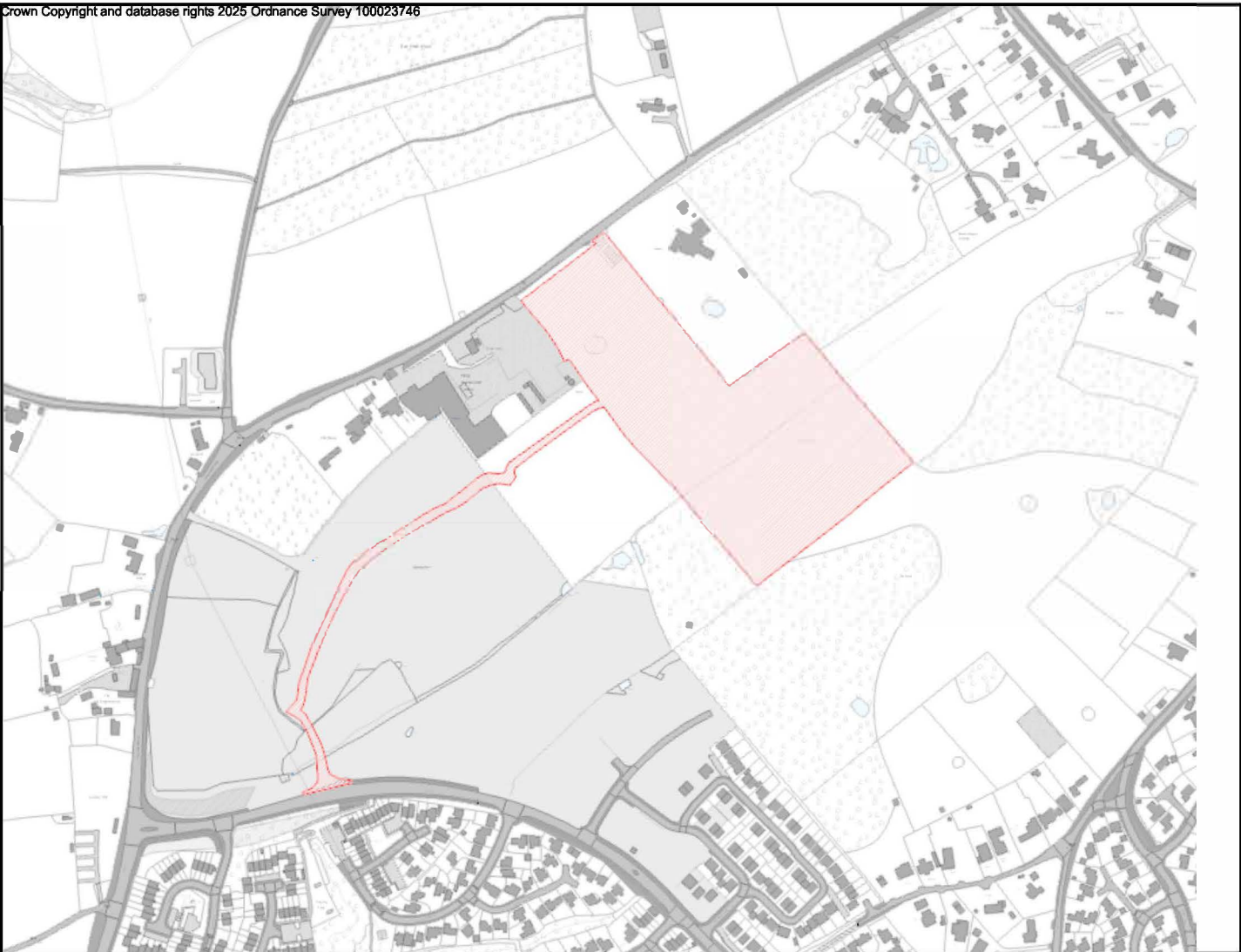
Applicant Eagle Investments (SW) Ltd

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: Approval with conditions



DELEGATED REPORT

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| | | Committee Date: 07.07.2026 |
| 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 | |
| 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: Approval with conditions

EXECUTIVE SUMMARY

ADDENDUM REPORT

This application seeks outline planning permission for up to 75 dwellings on land northeast of Kings Garden and the Leisure Centre on Hulham Road, Exmouth, with approval sought for access only and all other matters reserved. The proposal also includes public open space and associated infrastructure.

Planning Committee previously resolved (July 2025) to grant permission subject to completion of a Section 106 agreement securing affordable housing and other contributions, while delegating authority to officers to further consider (1) sewerage capacity at Maer Lane Wastewater Treatment Works and (2) a requested financial contribution from Devon and Cornwall Police.

The application is back before committee due to a contrary view from the ward member to the officer recommendation regarding the waste water issue.

This addendum report confirms that both matters have now been fully assessed. In respect of foul drainage infrastructure, updated technical evidence, including the latest Water Cycle Study and consultation responses from South West Water (SWW), confirms that there is sufficient capacity at Maer Lane Wastewater Treatment Works to accommodate the development. Capacity has improved since earlier assessments through an increased discharge consent and recent infrastructure upgrades, resulting in available headroom within the system. SWW has raised no objection to the proposal, and no specific infrastructure deficiencies or required upgrades have been identified. As such, officers

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conclude that a Grampian-style condition restricting occupation pending further works would fail the tests of necessity and reasonableness.

In relation to the Police request for a Section 106 contribution, officers consider that insufficient evidence has been provided to demonstrate that the development would create a site-specific infrastructure need requiring mitigation. The request relies on generalised assumptions rather than a clearly evidenced funding gap directly attributable to the proposal. Furthermore, the Council's Infrastructure Funding Statement identifies emergency services infrastructure as being appropriately funded through the Community Infrastructure Levy (CIL) rather than site-specific obligations. Consequently, the requested contribution does not meet the statutory tests for planning obligations.

Having carefully reviewed both issues, officers conclude that the proposal remains acceptable without the imposition of a Grampian condition or inclusion of a Police contribution. The development complies with relevant Local Plan policies, including those relating to the adequacy of foul drainage infrastructure.

The recommendation is therefore unchanged: to grant planning permission subject to the completion of the Section 106 agreement and conditions as previously reported.

Woodbury And Lympstone - Cllr Geoff Jung

I appreciate the work that officers have done on this application and generally support it, but unfortunately I cannot agree to it without a strong Grampian order restricting occupation until the "promised" of the doubling of treatment capacity at Maer Lane sewage treatment works

Quote from the Water Cycle Report.

...these measures mean the site now operates with less than 10% spare capacity relative to its new consented DWF of 11,825 m³/day, rather than having zero headroom as in 2010. Further resilience will come from the planned doubling of treatment capacity by March 2028 under SWW's AMP7 WINEP scheme, which the Environment Agency has stated that SWW's AMP7 WINEP scheme will not be registered as fulfilled until this expansion is complete".

As you are all aware there has been significant failures to the Exmouth network, and significant investment by SWW to overcome those failures. This work has probably reduced water ingress and increased capacity to the pipework capacity but only an estimated 10% capacity on the dry weather flow to the sewage works that as yet not been provided with any increased capacity.

All the engineering and SWW expense has gone into increased pumping pressure and moving the sewage to Maer Lane sewage works which will result in less legal and illegal discharges at all the CSOs on the network in and around Exmouth.

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However these works will result in all the discharges going through the Maer Lane new super discharge pipe that SWW has installed that once the permit has been agreed by the EA will discharge off Sandy Bay. Therefore discharge volume of untreated sewage will continue, but only through one discharge pipe and probably a lot less within the Exe Estuary and close to Exmouth Beach.

The only guarantee to reduce the environmental and reparational damage to our holiday industry with the problems of damaging sewage discharging into our coastal waters is to increase the capacity of the Sewage works which is stated in the water report will be March 2028 by SWW.

This date is less than 3 years away and therefore within our guidance to a Grampian Order, and also considering this is an outline planning permission and therefore sufficient time for SWW to provide the promised increased capacity.

Therefore in concussion I cannot support this application being approved without a Grampian Order.

Addendum to Committee report:

This application was considered at Planning Committee on the 15th July 2025 where it was resolved to support the officer recommendation to approve the application subject to the applicant entering into a S106 agreement to secure on site affordable housing and financial contributions towards off-site affordable housing, habitat mitigation and BNG. Officers have been negotiating with the applicants over a number of months since the committee resolution and the S106 is now nearing completion and final agreement.

This addendum report has been prepared to address the fact that the Planning Committee's resolution to grant planning permission was subject to delegated authority being granted to officers to consider and resolve two specific issues. The relevant resolution is set out below:

- Delegated authority to the Assistant Director, in consultation with the Chair and Ward Members, to explore further with South West Water whether there is sufficient capacity at Maer Lane Pumping Station to accommodate the additional foul flows, and if not, to agree an appropriately worded Grampian condition.
- Delegated authority to assess whether the Police request for a Section 106 contribution meets the necessary statutory tests to justify its inclusion within the Agreement.

The application is back before Planning Committee following Chair's delegation where a contrary view to the officers to support the application without a Grampian condition has been expressed by the Ward Member.

Each issue is addressed as follows:

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Sewerage Capacity:

The capacity of Maer Lane wastewater treatment works was a major issue at the time this application was reported to committee and with the then drafted Water Cycle Study. The committee resolution was cautious on this matter despite the positive consultation response from South West Water which advised that there was sufficient capacity in the treatment works to accommodate sewerage flows that would be generated from the proposed development of up to 75 dwellings on this site.

The Water Cycle Study itself concluded that there was capacity to accommodate the additional flows arising from planned growth in the new local plan with some limited headroom. However, Members refuted this pointing to the 2010 Water Cycle Study which indicated a lack of capacity then and the fact that there had been numerous leaks and pollution events in recent years and hundreds of additional homes built. As a result, the consultants looked at the Water Cycle Study again and provided the following text in the version that was published at the end of last year:

“Previous updates to Exmouth Maer Lane Projections in the 2010 WCS concluded that there was no consented capacity for growth at Exmouth Maer Lane above its current DWF of 9,186 m³/day, owing to growth projections for 2011, 2016, 2021 and 2026 all exceeding this by 1111 m³/day, 1296 m³/day, 1480 m³/day and 1665 m³/day respectively. These calculations included flows from Budleigh Salterton which were pumped to the site. The WCS also stated that the EA was in discussions to potentially increase the DWF consented level to accommodate the projected growth to 2026 (10,851 m³/day). Since then, two major changes have transformed the position from “no capacity” to “less than 10% spare capacity.” The first change was an increase in the DWF permit. The consented DWF has been raised to 11,825 m³/day, providing an additional 2,639 m³/day above the original 2010 limit. This increase alone represents a significant uplift in permitted capacity and is a key factor in reducing the risk of non-compliance. The second change involved infrastructure upgrades carried out between 2023 and 2025. At Maer Road Pumping Station, the installation of permanent secondary power and electrical upgrades improved resilience and reliability. Over 300 metres of relined sewer pipeline entering the wastewater treatment works reduced hydraulic restrictions and improved conveyance. These works increased the effective throughput and reduced storm overflow events, creating additional operational headroom, although the exact uplift in m³/day will be quantified in the final design reporting. Together, these measures mean the site now operates with less than 10% spare capacity relative to its new consented DWF of 11,825 m³/day, rather than having zero headroom as in 2010. Further resilience will come from the planned doubling of treatment capacity by March 2028 under SWW’s AMP7 WINEP scheme, which the Environment Agency has stated that SWW’s AMP7 WINEP scheme will not be registered as fulfilled until this expansion is complete”.

It should also be noted that SWW in their response to the 2nd Reg 19 consultation on the Local Plan which included the Water Cycle Study as evidence commented about Maer Lane as follows:

DELEGATED REPORT

“MAER LANE_STW_EXMOUTH:

- Site capacity ok.
- Treatment performance and compliance within normal operating parameters.
- Capital schemes:
 - Maer Lane catchment Storm Overflow scheme to improve treatment, reduce pollutions and spills.
 - Network sewer flooding scheme to reduce pollutions.
 - Sludge Treatment improvements.”

Notwithstanding the concerns of committee members, there is no evidence to suggest that there won't be sufficient capacity within the sewerage system and waste water works to accommodate this development- noting that the local plan allocation and therefore the water cycle study assessment is based on an allocation of 59 dwellings whereas the application is for 75.

However, as can be seen within the original committee report, SWW commented on the application (at 75 units) and ultimately raised no objection to the proposal and nothing in our the Council's own work and SWW's subsequent response to the emerging Local Plan contradicts that position.

A Grampian condition is not necessary in this case because there is no evidence that the development is dependent on off-site sewerage or treatment upgrades in order to proceed acceptably. The most up-to-date Water Cycle Study confirms that Maer Lane Wastewater Treatment Works now operates with available headroom following an increase in permitted capacity and recent infrastructure improvements, and South West Water, as the statutory undertaker, has raised no objection to the development at the proposed scale. No specific capacity deficiencies have been identified that would require works to be undertaken prior to occupation, and there are no programmed upgrades upon which the development relies. In the absence of a clearly evidenced infrastructure shortfall or a defined scheme of necessary works, the use of a Grampian condition would fail the tests of necessity and reasonableness, as it would unjustifiably delay development without a demonstrable planning purpose.

Officers continue to advise that the proposal would comply with the provisions of policy EN19- Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems of the Adopted East Devon Local Plan 2013-2031).

Police- Planning Obligations:

It was reported at Planning Committee that Devon and Cornwall Police requested a financial contribution of £3,363.55 towards additional equipment and vehicles arising from the proposed development. The request was supported by a generalised methodology which assumed a correlation between new housing, population growth and additional policing demand. While it is acknowledged that the impacts of development on emergency services can, in principle, be capable of being material to planning decisions, it is the views of officers that the information provided in this

DELEGATED REPORT

case does not robustly demonstrate that a development-specific funding gap exists which necessitates mitigation through a Section 106 obligation.

In particular, the Police submission relies on broad assumptions regarding population uplift and service demand, rather than clearly evidencing a deficiency in existing infrastructure that would arise directly from this development or demonstrating why such impacts could not be accommodated within existing funding streams. Officers have raised concerns with the Police in this regard, noting that it is not clear from the Police's request "how there is a funding gap in this case that cannot be met from traditional funding sources". As such, there is insufficient information to conclude that the contribution sought is necessary to make the development acceptable in planning terms, or that it is fairly and reasonably related in scale and kind to the development.

Furthermore, the Council's adopted approach, as set out in its Infrastructure Funding Statement, is that "emergency services facilities" are funded through the Community Infrastructure Levy (CIL) rather than through site-specific Section 106 obligations. The Police themselves acknowledge that strategic infrastructure such as the replacement Exmouth Police Station is intended to be funded through CIL mechanisms. In this context, any wider funding requirements arising from cumulative growth across the district are more appropriately addressed through the Council's CIL process, which provides a transparent and equitable mechanism for prioritising and delivering infrastructure.

Having regard to the above, it is considered that the request for a financial contribution has not been sufficiently evidenced or justified to warrant inclusion within a planning obligation in this instance. There is insufficient detail to demonstrate that the proposal would give rise to impacts that necessitate direct mitigation through Section 106, and the matter is more appropriately addressed through the established CIL funding route in accordance with the Council's Infrastructure Funding Statement.

CONCLUSION:

Members are advised that the matters of concern identified at Planning Committee in July 2025, and for which delegated authority was granted, have been carefully and thoroughly considered by officers in consultation with relevant parties. This has included a detailed review of updated technical evidence and an assessment of the Police contribution request against relevant policy and legislative tests.

In respect of sewerage infrastructure, the latest position confirms that there is sufficient capacity within the Maer Lane Wastewater Treatment Works to accommodate the development, with no objection having been raised by South West Water and no evidence of a specific infrastructure deficiency requiring mitigation.

Furthermore, there are no identified or programmed works upon which the development is dependent. As such, it is concluded that the imposition of a Grampian-style condition is neither necessary nor reasonable in this case.

DELEGATED REPORT

In respect of the request from Devon and Cornwall Police, officers have carefully assessed the information submitted and conclude that there remains insufficient evidence to robustly justify the need for a development-specific financial contribution under Section 106. The request does not clearly demonstrate a direct, necessary, and proportionate link between the development and the infrastructure sought, and in any event, the Council's Infrastructure Funding Statement confirms that such infrastructure is appropriately delivered through the Community Infrastructure Levy rather than site-specific obligations.

Having regard to the above, officers remain of the view that the proposal is acceptable without the inclusion of a Grampian condition or a Police contribution. The recommendation therefore remains consistent with that presented to Planning Committee in July 2025, namely that planning permission should be granted subject to the completion of the Section 106 Agreement as previously resolved.

RECOMMENDATION

1. **APPROVE** planning permission **without the imposition of a Grampian condition relating to sewerage infrastructure and without the requested Devon and Cornwall Police financial contribution**, subject to:
 - the completion of a Section 106 legal agreement; and
 - the conditions as set out within the original accompanying committee report.

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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 Lymptstone- 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 Lymptstone- 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 EclA 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, Officers 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 Councils 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 it's 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
- p
- lans (GI, Movement) should be amended to remove the trees in these areas and show the connections pedestrian/cycle connections.

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 its 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 EclA 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 EclA 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 EclA 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 EclA 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 Pebble bed Heaths Special Protection Areas (SPA's) which provide an important recreational resource for the local community. However, these are sensitive environments which are important to nature conservation and are subject to European wildlife site designations.

Despite the introduction of the Community Infrastructure Levy (CIL) where a proportion of CIL goes towards infrastructure to mitigate any impact upon habitats, contributions towards non-infrastructure mitigation are also required as developments that will impact on a protected habitat cannot proceed under an EU directive unless fully mitigated. Evidence shows that all new dwellings and tourist accommodation within 10 kilometres of the Exe Estuary and/or the Pebblebed Heaths Special Protection Areas (SPA's) will have a significant effect on protected habitats which is reflected in Strategy 47 (Nature Conservation and Geology) of the Local Plan. This proposal is within 10 km of the Exe Estuary and the Pebblebed Heaths and 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/opportunities | 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.

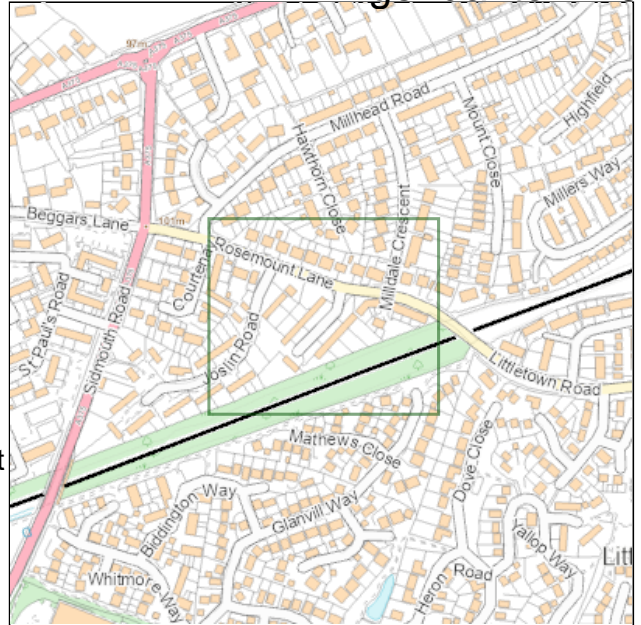
Ward Honiton St Michaels

Reference 26/1047/FUL

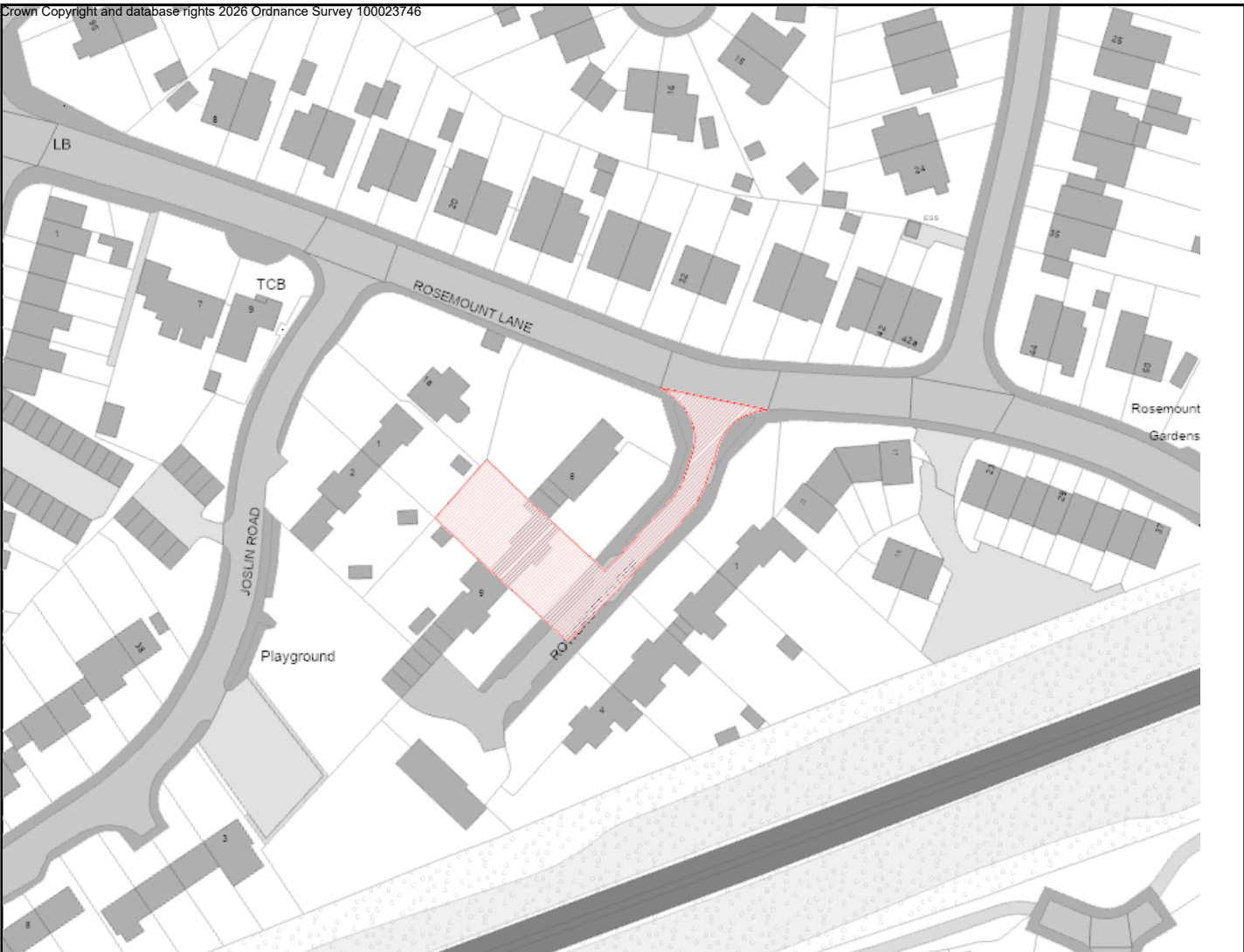
Applicant Mr Oliver Barrett

Location 7 Rowcroft Close Honiton EX14 1RL

Proposal The erection of a two storey side extension, part two storey and single storey rear extension, porch and outbuilding.



RECOMMENDATION: Approval with conditions



| | | |
|--------------------|--|------------------------|
| 26/1047/FUL | COMMITTEE REPORT | 07.07.2026 |
| Honiton | Target Date: 21.07.2026 | EOT Agreed: N/R |
| Applicant: | MC Architecture Mr M Cooper 9 Buttery Road Honiton EX14 2FA On behalf of Mr O Barrett 7 Rowcroft Close Honiton Devon EX14 1RL | |
| Location: | 7 Rowcroft Close Honiton Devon EX14 1RL | |
| Proposal: | The erection of a two storey side extension, part two storey and single storey rear extension, porch and outbuilding. | |

RECOMMENDATION: Approval with Conditions

EXECUTIVE SUMMARY

The application is referred to the Planning Committee as the applicant is related to an employee of East Devon District Council.

The application seeks planning permission for the construction of a two storey side extension, a part two storey and part single storey rear extension, a porch, and an outbuilding at 7 Rowcroft Close, Honiton, EX14 1RL.

The design and scale of the development is acceptable as are impacts on neighbour amenity. There are no technical objections to the proposal however a neighbour raises concerns about flood risk, land stability and overlooking.

The application is considered to accord with the development plan and is recommended for approval subject to conditions which seek to address the drainage concerns raised by the neighbour.

CONSULTATIONS

Parish Council

Unanimous SUPPORT

SWW

No objections, refer to standing advice

Other Representation

1 x third party representation was received from the occupier of 1 Joslin Road, located to the north west (rear) of the application site.

The concerns raised are as follows:

- Increased surface water run-off and drainage issues, particularly given the relative levels between properties;
- Historical changes to ground levels and boundary treatments contributing to pressure on the boundary fence and land stability;
- Concern that further excavation and development may exacerbate drainage issues;
- Loss of privacy arising from the proposed extensions;
- General concern regarding potential unforeseen impacts.

PLANNING HISTORY

There is no planning history recorded on the site which is relevant to this particular application.

POLICIES

National Planning Policy Framework
National Planning Policy Guidance

Adopted East Devon Local Plan (2013 – 2031)

Strategy 3: Sustainable Development
Strategy 6: Development within Built-Up Area Boundaries

| | |
|--------------|---|
| Strategy 23: | Development at Honiton |
| Strategy 39: | Renewable and Low Carbon Energy Projects |
| Policy D1: | Design and Local Distinctiveness |
| Policy EN22: | Surface Run Off Implications of New Development |

Draft East Devon Local Plan (2020 – 2042) - Emerging

| | |
|------------------------|--|
| Strategic Policy SP05: | Development inside Settlement Boundaries |
| Strategic Policy CC03: | Promoting low carbon and renewable energy |
| Policy HN07: | Householder annexes, extensions, alterations or outbuildings outside settlement boundaries |
| Strategic Policy DS01: | Design and local distinctiveness |
| Strategic Policy PB05: | Biodiversity Net Gain |

CONSIDERATION

Site Description

The application site comprises a two storey dwelling located within Rowcroft Close, Honiton. The site sits within the built up area boundary of Honiton, and is not subject to any statutory or non statutory landscape or heritage designations.

The surrounding area is residential in character.

Description of development

Permission is sought for the erection of a two storey side extension, part two storey and single storey rear extension, a porch and a detached outbuilding.

The proposed works would facilitate the creation of a utility room, home office/snug, shower room, and enlarged kitchen/dining/living space at ground floor level, with two additional bedrooms at first floor level. The extension at the rear will include a central two story gable with single storey elements either side.

A porch is proposed to the principal elevation.

A detached outbuilding would be sited within the rear garden and would be ancillary to the main dwelling.

In terms of materials, information provided by the agent indicates that the external walls of the extensions would utilise facing brick and white painted render, reflecting the appearance of the host dwelling. The outbuilding would be finished in timber effect cladding. The roof of the extensions would be constructed using tiles to match the existing clay tiled roof. Windows and doors throughout would be white uPVC, consistent with the existing property.

Principal of development

Strategy 6 of the East Devon Local Plan states that development within built up area boundaries will be permitted if:

1. It would be compatible with the character of the site and its surroundings and in villages with the rural character of the settlement.
2. It would not lead to unacceptable pressure on services and would not adversely affect risk of flooding or coastal erosion.
3. It would not damage, and where practical, it will support promotion of wildlife, landscape, townscape or historic interests.
4. It would not involve the loss of land of local amenity importance or of recreational value;
5. It would not impair highway safety or traffic flows and
6. It would not prejudice the development potential of an adjacent site

Policy D1 of the East Devon Local Plan states that proposals will only be permitted where they respect the key characteristics and special qualities of the area in which the development is proposed, ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context, do not adversely affect the distinctive historic or architectural character of the area, nor the amenity of occupiers of adjoining residential properties.

Subject to compliance with the criteria set out in the policies above, the principle of the development is acceptable.

Design Impact

Having reviewed the submitted drawings, the proposed extensions are considered to be proportionate to the host dwelling and reflect the general pattern of development within the surrounding area. The design, scale and materials are considered to be acceptable and would not result in harm to the character or appearance of the street scene.

Residential Amenity

In terms of the relationship with neighbouring properties, the application site is located within a built up residential estate characterised by relatively close plot spacing typical of suburban development. The closest neighbouring properties are positioned to the sides and rear, with intervening garden areas providing separation.

The proposed side extension would not result in a materially overbearing presence or unacceptable loss of outlook.

The rear extensions would extend into the private rear garden; however, due to the orientation of the site and the separation distances retained, they would not give rise to unacceptable overshadowing or loss of light to neighbouring habitable room windows or private amenity areas.

In respect of overlooking, while additional first floor accommodation is proposed, the pattern of facing relationships between properties is typical of the surrounding estate, where a degree of mutual overlooking already exists.

Overall, it is considered that the proposal would not result in unacceptable harm to neighbouring amenity in terms of loss of light, outlook, overbearing impact or privacy.

A condition is recommended removing permitted development rights for the insertion of windows, doors, or other openings in the south west elevation of the single storey rear extension. This is due to the proximity of the extension to the neighbouring boundary, where the introduction of additional openings could result in direct overlooking and loss of privacy to the adjoining occupier. The condition ensures that the level of amenity currently assessed as acceptable is maintained in the long term.

The proposal accords with Policy D1 of the adopted local plan.

Highways/Parking

There are no impacts on parking provision or on the highway.

Drainage

Concerns have been raised regarding surface water run off and the potential for increased drainage issues at the neighbouring property, which lies at a lower level. South West Water have advised that surface water disposal should follow the established drainage hierarchy, with a preference for on site infiltration methods such as soakaways. The agent provided a response to South West Waters comments, and it is considered that such matters can be adequately addressed through the imposition of a condition requiring the provision of a surface water drainage scheme, designed in accordance with BRE Digest 365 and incorporating climate change allowances. This will ensure that surface water is appropriately managed on site and will minimise the risk of increased runoff to neighbouring land.

It is also noted that issues relating to boundary structures and land stability between private properties are civil matters and fall outside the scope of planning control.

Subject to the imposition of the recommended drainage condition, it is not considered that the proposal would result in unacceptable impacts in terms of surface water management or flood risk.

Ecology/Trees

There are no trees upon which the changes made would impact nor does the proposal raise any ecological concerns.

Conclusion

The proposed development (within the built up area of Honiton) is considered to be acceptable in principle and would not result in harm to the character or appearance of the host dwelling or the wider street scene.

The scale, design and siting of the extensions are such that there would be no unacceptable impact on the amenities of neighbouring occupiers in terms of overlooking, loss of light, or overbearing impact.

It is considered that concerns raised regarding surface water drainage can be adequately addressed through the imposition of an appropriate planning condition requiring the submission and implementation of a surface water drainage scheme. Subject to this, the proposal would not give rise to unacceptable flood risk or drainage impacts.

Taking the above into account, the proposal is considered to accord with the relevant policies of the East Devon Local Plan and is therefore recommended for approval subject to conditions.

RECOMMENDATION

APPROVE with 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.) The detached outbuilding hereby permitted shall be used only in conjunction with, and ancillary to, the use of 7 Rowcroft Close, Honiton as a single dwelling house and shall not be used for any commercial, industrial or non-ancillary business purpose.
(Reason - The building is in a location where a commercial use could cause an adverse impact on amenity contrary to the requirements of Policy D1 - Design and Local Distinctiveness and Strategy 3 - Sustainable Development of the Adopted East Devon Local Plan 2013-2031.)**
- 4.) 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 shall be formed in the south west elevation of the rear extension hereby approved.

(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

5.) Surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100-year storm event plus 45% for climate change unless details of an alternative means of surface water drainage are submitted to and approved in writing by the Local Planning Authority prior to installation. To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations. The development hereby approved shall not be brought into use until the agreed drainage scheme has been provided and it shall thereafter be retained and maintained for the lifetime of the development.

(Reason - In the interests of adapting to climate change and managing flood risk, and in order to accord with Policy EN22 (Surface Run-Off Implications of New Development) of the adopted East Devon Local Plan 2013-2031.)

PLANS RELATING TO THIS APPLICATION:

213/001
213/003

Informatives

Article 35

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

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 BG conditions states that development may not begin unless:

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

In this case the planning authority you should submit the Biodiversity Gain Plan to is East Devon District Council.

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.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These exemptions can be viewed in full using the following link: Biodiversity net gain - GOV.UK (www.gov.uk)

Householder applications are exempt from submitting a Biodiversity Gain Plan, so you do not need to take any further action in this regard.

Statement on Human Rights and Equalities Issues

Human Rights Act:

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

Equalities Act:

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

| | | |
|--|---|---|
| Ward Member 3 day consultation completed? | | N/A |
| | Service Lead – Planning Development Manager Assistant Development Manager Principal Planning Officer Senior Planning Officer | Chair/Vice-Chair of Development Management Committee |
| Authorised By: | | |
| Date: | | |