

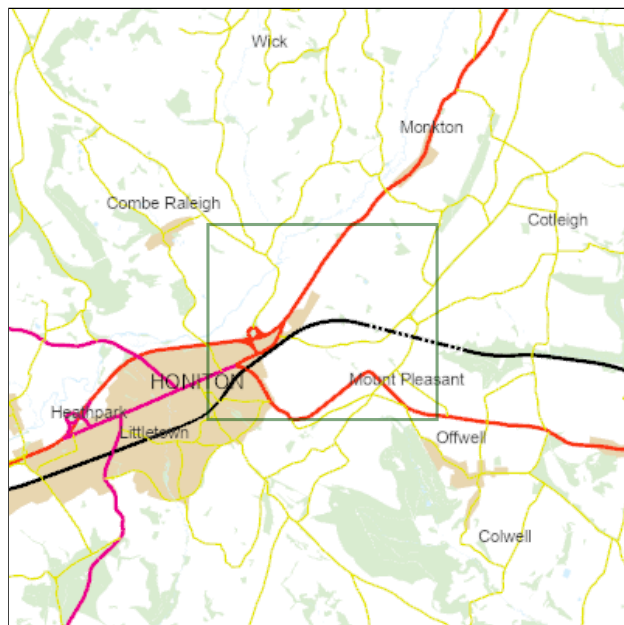
**Ward** Honiton St Pauls

**Reference** 23/0331/MOUT

**Applicant** C/O Agent

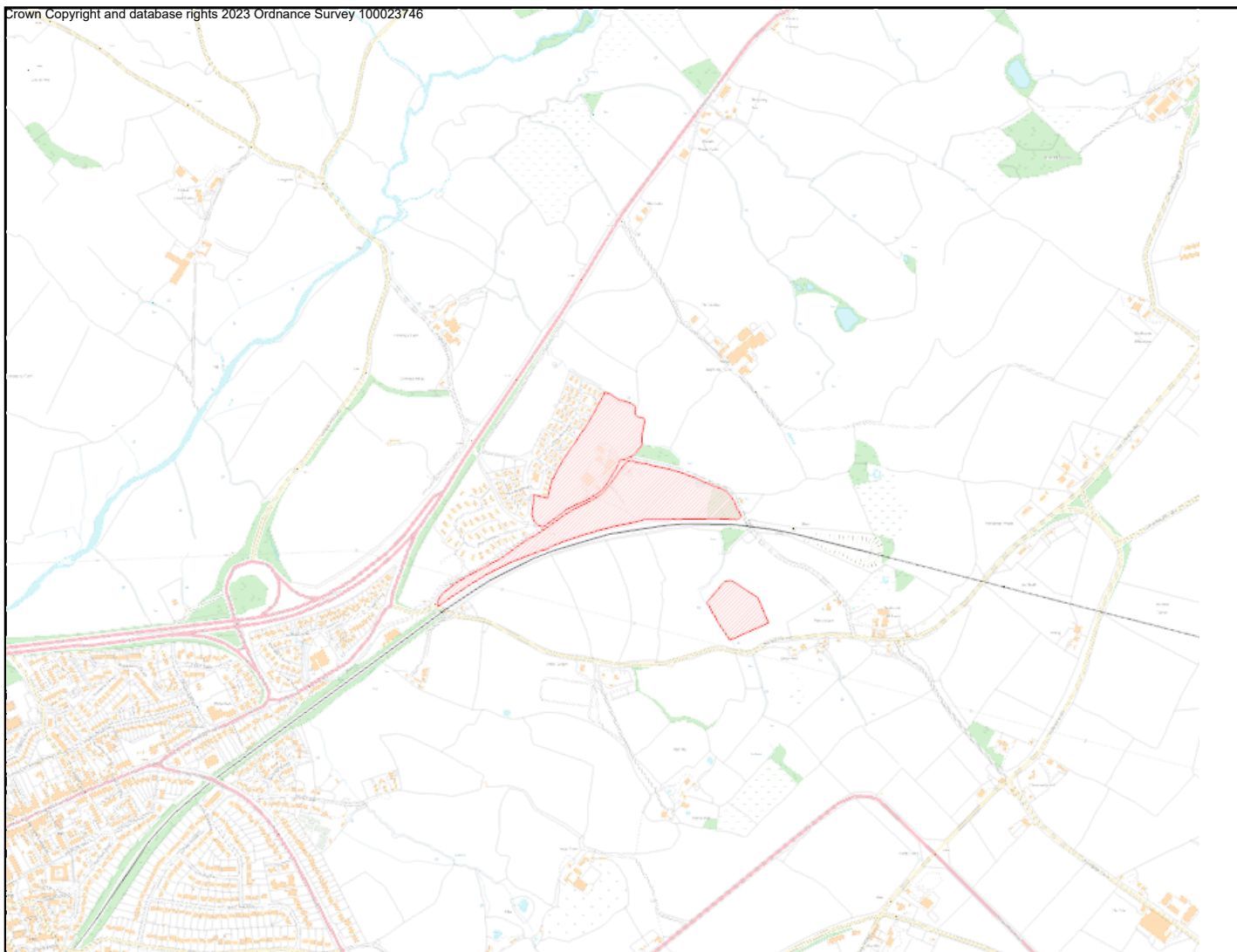
**Location** Land At Middle Northcote Farm Honiton EX14 4PR

**Proposal** Outline application (with all matters reserved except for access) for the demolition of existing buildings and erection of up to 115 dwellings, public open space, sustainable drainage systems, landscaping, vehicular access via Tunnel Lane and associated highways improvements and infrastructure.



**RECOMMENDATION: Resolution to approve subject to conditions and completion of a S106.**

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		<b>Committee Date: 26.09.2023</b>
<b>Honiton St Pauls (Honiton)</b>	<b>23/0331/MOUT</b>	<b>Target Date: 18.05.2023</b>
<b>Applicant:</b>	<b>C/O Agent</b>	
<b>Location:</b>	<b>Land At Middle Northcote Farm Honiton</b>	
<b>Proposal:</b>	<b>Outline application (with all matters reserved except for access) for the demolition of existing buildings and erection of up to 115 dwellings, public open space, sustainable drainage systems, landscaping, vehicular access via Tunnel Lane and associated highways improvements and infrastructure.</b>	

**RECOMMENDATION:** Resolution to approve subject to conditions and completion of a S106.

### **EXECUTIVE SUMMARY**

The proposal seeks outline planning consent for the erection of up to 115 dwellings with public open space, SuDs systems, landscaping and associated infrastructure. Access is to be considered at this stage and plans have been submitted which shows how the main access route to the site would be altered to accommodate the development.

The proposal takes place outside of the built up area for Honiton and is therefore situated in the countryside. However, due to the current lack of a 5 year housing land supply within the district government guidance in the form of the National Planning Policy Framework make clear that restrictive policies of the development plan which would have restricted such development should be considered out of date. As a result the presumption in favour of sustainable development applies and a “tilted balance” assessment is required to assess whether any adverse impacts of granting consent would significantly and demonstrably outweigh the benefits.

The site is within walkable distance of Honiton Town centre with good linkages to regional highway networks beyond. The site would expand the settlement of Honiton in a westerly direction but from visual receptors the impact on the character an appearance of the countryside would be limited and could be overcome with sensitive landscaping. The alterations to the highway would not result in safety issues and the proposal would provide the requisite quantum of affordable housing (25%). The potential for flood risk can be avoided and

**discussions with DCC Lead Flood with regards to drainage indicate that this can be made acceptable.**

**Boosting the supply of housing is one of the main thrust of government policy and the proposal would bring this forward in a sustainable manner. As such the recommendation is for an approval subject to the completion of a s106 agreement.**

**As this recommendation conflicts with the view of the Ward Member this proposal is referred to Members of the Development Management Committee.**

## **CONSULTATIONS**

### **Local Consultations**

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

Members considered the amended plans and RESOLVED to maintain their SUPPORT subject to the agreement of the Senior Historic Environment Officer (Policy) and National Highways and County Highway Authority.

For 5; Against 1, Abstentions 0.

#### **Honiton St Pauls - Cllr Tony McCullom**

I am writing on behalf the residents of Otter Valley Park reference the proposed site for development of 115 residential properties on land next to the park.

I have received direct to me 24 responses by letter and 4 by email all of which have strongly objected to this development, plus I am sure more respondents objecting on the consultation website.

I have listed below their reasons for objecting in no particular order.

1. Otter Valley park is a retirement community with residents ageing from 55 to 100 some who are not in the best of health.
2. They enjoy currently a peaceful and feel safe and secure as everyone knows each other on a site with no fences where residents have respect and look out for each other.
3. The residents purchased their property's in good faith because they were sold to them as being a quiet location, not being overlooked and because it give them a quality peaceful life in their later years in a countryside environment with no children and minimum daily disruption.
4. Loss of surrounding green spaces and wildlife habitat on the edge of the AONB.
5. Increase of light, noise and vehicle pollution.
6. Loss of privacy with some properties been overlook if this plan goes ahead.

7. Concerns with the effect of increase traffic along the current road to the park which many residents enjoy walking with their dogs or just to get some daily exercise taking into account their age and possible limits to their walking distance capability.

8. Months/ years of disruption during construction.

9. Large increase of daily vehicles usage to new estate.

10. Total transformation of the retirement park residents lifestyle.

11. Increase of traffic to and from the new estate will make it more difficult enter or exit Monkton road junction onto the A35.

12. Concerns with the increase in housing for Honiton with problems already with infrastructure like doctors, dentists, parking and schools.

13 Trespassing / security with children and other people walking around the park who are not residents.

14. Residents adjacent to the field with wall would have complete invasion of privacy and to make matters worse, with the road being one way in and one way out, the traffic would increase creating distress to those residents. You would have houses overlooking their bedrooms at the back. There would be houses to the back and side to No1 The Orchard how is this allowed. Anyone who lived there would be boxed in. The stress that would befall this occupier is beyond words.

15. These properties will be devalued and no longer fit for retirement purposes that they were meant for. This will make them harder to sell.

Some have in last 6 weeks brought their home because of the views and location and feel that this should have been told to them because she is now extremely upset.

As District Councillor for St Paul's Ward, I fully support the views and concerns of these residents.

I will deliver hard copies of all complaints, objections etc to the office on Monday morning.

Kind regards  
Cllr Anthony McCollum

### **Technical Consultations**

Police Architectural Liaison Officer - Kris Calderhead

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application.

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

- o Should the application progress, it would be beneficial if designing out crime is referenced in any future Design and Access Statement (DAS) or any addendum to the existing one, in order to detail how the scheme has considered and embedded designing out crime principles into its design.

- o Detailed design should include a layout that provides overlooking and active frontages to the new internal streets with accessible space to the rear of plots avoided.

- o Any existing or new hedgerow that is likely to comprise new rear garden boundaries must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.

- o Boundary treatments to the front of dwellings are important to create defensible space to prevent conflict between public and private areas and clearly define ownership of space. The use of low-level railings, walls, hedging for example would be appropriate.

- o Treatments for the side and rear boundaries of plots should be adequately secure (min 1.8m height) with access to the rear of properties restricted via lockable gates. Defensible space should also be utilised where private space abuts public space in order to reduce the likelihood of conflict and damage etc.

- o Pedestrian routes throughout the development must be clearly defined, wide, well overlooked and well-lit. Planting immediately abutting such paths should generally be avoided as shrubs and trees have a tendency to grow over the path creating pinch points, places of concealment and unnecessary maintenance.

- o Presumably the site will be adopted and lit as per normal guidelines (BS 5489). Appropriate lighting for pathways, gates and parking areas must be considered. This will promote the safe use of such areas, reduce the fear of crime and increase surveillance opportunities.

- o Vehicle parking will clearly be through a mixture of solutions although from a crime prevention point of view, parking in locked garages or on a hard standing within the dwelling boundary is preferable. Where communal parking areas are utilised, bays should be in small groups, close and adjacent to homes in view of active rooms.

Rear parking courts are discouraged as they provide legitimate access to the rear of plots and are often left unlit with little surveillance.

o Play areas should be well overlooked and located so as not to cause disturbance or conflict with nearby dwellings.

Designing Out Crime Officer

Environment Agency

Thank you for consulting us again on this application. Our position remains the same as per our previous response sent on 13/03/2023 as outlined below;

Thank you for consulting us on the above planning application.

Environment Agency position

We have no objections to the proposal as submitted. It appears that the proposed development can be delivered within the site, without the need to locate development within the floodplain associated with the watercourse that flows along the northern boundary of the site. However, we recommend that a condition is included within any permission granted to ensure that there will be no development or raising of ground levels within the floodplain.

The suggested wording for this condition and associated advice is set out below.

Condition - No development or raising of ground levels in the floodplain  
There should be no development and no raising of ground levels, whether temporary or permanent, within the areas of the site designated as Flood Zone 3 (high probability of flooding).

Reason: To safeguard the function of the floodplain thus ensuring an increase in flood risk does not occur.

Advice - Flood Risk

Part of the application site is located within Flood Zones 2 and 3, defined as having a medium and high probability of flooding respectively. Technically, the application will therefore be subject to the flood risk Sequential Test as set out in the NPPF. However, the Illustrative Masterplan 20424 BL-M-06 Rev H indicates that the flood zone will not be developed, but will instead form part of the green infrastructure network. We welcome this and are satisfied that a sequential approach has been taken to the layout of this site.

It is important that the principle of not developing within the floodplain is carried forward to the detailed design stage. This would include no raising of ground levels within the open space because this could displace flood water and increase flood risk to third parties. We consider that the above condition will be sufficient to secure this important principle as the proposals progress.

Advice to applicant - Pollution Prevention

Run off from exposed ground / soils can pose a significant risk of pollution to nearby watercourses, particularly through soil/sediment run off and a Construction Environment Management Plan (CEMP) should address how such run-off can be

minimised, controlled and treated (if necessary). The applicant should ensure that this is considered well in advance because some treatment methods can require an Environmental Permit to be obtained.

We refer the applicant to the advice contained within our Pollution Prevention Guidelines (PPGs), in particular PPG5 - Works and maintenance in or near water and PPG6 - Working at construction and demolition sites. These can be viewed via the following link: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Further guidance is available at:  
Pollution prevention for businesses - GOV.UK ([www.gov.uk](http://www.gov.uk))

We also advise that the use or disposal of any waste should comply with the relevant waste guidance and regulations.

#### Blackdown Hills AONB Project Partnership

Thank you for this further opportunity to comment on this application, and I confirm that we do not wish to make additional observations at the current time.

#### Natural England

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 13th March 2023 (Our Ref: 422705).

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered.

#### National Highways

National Highways Ref: 97734

Referring to the notification of an Outline planning application referenced above, (all matters reserved except access) for the demolition of existing buildings and erection of up to 115 dwellings, public open space, sustainable drainage systems, landscaping, vehicular access via Tunnel Lane and associated highways improvements and infrastructure, at land at Middle Northcote Farm, Honiton, EX14

4PR, notice is hereby given that National Highways' formal recommendation is that we:

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

National Highways Ref: 97734

Referring to the notification of an Outline planning application referenced above, (all matters reserved except access) for the demolition of existing buildings and erection of up to 115 dwellings, public open space, sustainable drainage systems, landscaping, vehicular access via Tunnel Lane and associated highways improvements and infrastructure, at land at Middle Northcote Farm, Honiton, EX14 4PR, notice is hereby given that National Highways' formal recommendation is that we:

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

#### Annex A National Highways' Recommends 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.

#### Statement of Reasons

The application is for a development of up to 115 new dwellings on agricultural land that lies on the north-east edge of Honiton, outside the existing built-up area, and accessed off Tunnel Lane via Northcote Hill and Monkton Road. Monkton Road runs west from the junction with Northcote Hill and then forms the major arm of the priority 'T' junction at the end of the A30

westbound off-slip of the A30/A35 Langford junction. Monkton Road continues west towards Honiton town centre, where it meets with the A35 trunk road at a priority T-junction. The A35 north arm of this junction provides access to the A30 westbound on slip and both eastbound slip roads of the Langford junction.

The site is located immediately north of the London Waterloo to Exeter rail line, and approximately 200 metres north-east of the Monkton Road junction with the A30 westbound slip. Due to the site location and limited route options, almost all of the traffic from the site is expected to impact upon the SRN.

The application site is currently unallocated but is understood to be included in the emerging East Devon Local Plan review as a draft allocation (GH/ED/39a), capable of delivering in the order of 100 dwellings.

#### Pre-application Consultation



The applicant entered into pre-application discussions with East Devon District Council (EDDC), with National Highways provided with a copy of the Transport Scoping Note. We provided comments on the Transport Scoping Note in October 2022, with our comments summarised below:

- Transport Assessment (TA) to be consistent with the requirements of Circular 02/2013  
(Note: Circular 02/2013 has now been superseded, and this review has been undertaken in accordance with Circular 01/2023 “Strategic road network and the delivery of sustainable development”)
- Confirmation of the site planning status
- Required review of A30 Langford junction existing operating conditions and layout.
- Details of all works to the local highway network at the Northcote Hill junction with Monkton Road to be supplied
- Trip rates and distribution accepted for use as part of this assessment, but additional detail for routing required
- Assessment of the A30 westbound off slip for year of opening and review year will be required
- Supporting information requested for growth rate assumptions.

## Impact on Strategic Road Network

### Traffic Impact

The vehicle trip rates agreed during pre-application discussions and resultant trip generation are reproduced below.

	AM Peak (0800-0900)			PM Peak (1700-1800)		
	Arrive	Depart	Total	Arrive	Depart	Total
Trip Rates	0.179	0.449	0.628	0.332	0.133	0.465
Trip Generation	21	52	72	38	15	53

Whilst National Highways considered the presented PM peak trip rates to be low, they were accepted in this instance on the basis that a higher rate comparable with the AM trip rate was unlikely to result in a material difference to the assessment findings.

The agreed vehicle trip distribution is based upon 2011 Census travel to work data for the East Devon 002 Middle Layer Super Output Area (MSOA) which covers Honiton. Traffic data for the Monkton Road junctions with the A30 westbound off slip and the A35 was obtained from new traffic counts undertaken in October and November 2022. The traffic surveys covered the three-hour morning and evening peak periods of 0700-1000 and 1600- 1900 and confirm the network peaks as 0800-0900 and 1700-1800.

A development opening year assessment has been undertaken for the year 2024, using TEMPRO growth factors to uplift background traffic. Whilst the detail supporting adopted TEMPRO growth factors was requested at the pre-application stage and has not been included within the submitted Transport Assessment, the growth factors do appear to be of an appropriate scale.

Operational assessments have been undertaken for the A30 westbound off-slip junction with Monkton Road, and the A35 junction with Monkton Road using the TRL Junctions10 software (PICADY). In both cases, the submitted opening year assessment indicates that the junction will operate with significant reserve capacity. Whilst no baseline validation is provided for the junction modelling, based on the forecast traffic impact we consider the development unlikely to result in an unacceptable impact on the safe operation of the strategic road network, as defined by NPPF.

## Recommendation

National Highways has no objections to application reference 23/0331/MOUT.

## Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel.

The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption. These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

## EDDC Landscape Architect

### 1 INTRODUCTION

This report forms the EDDC's landscape response to the outline 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.

The site is situated on the lower slopes of the Otter Valley to the east of the main Honiton conurbation and south of the A30. It extends to just over 7ha and comprises

of three fields of grassland, bounded by Devon hedgebanks, and a farm buildings complex set towards the northeastern side. The mainline railway runs along the southern boundary and Otter Valley Park, a static homes site, adjoins the northernwestern boundary. A tributary watercourse to the River Otter runs along the northern site boundary. Site access is from the south via Northcott Road, becoming Tunnel Lane beyond the entrance to Otter Valley Park. The lane runs across the site with one field and the farm complex to the northwest and the remaining two fields to the southeast. Tunnel Lane is well used by locals for recreational access.

The site is gently to moderately steeply sloping with an overall northeasterly aspect and level change of 20m. There are numerous site trees primarily within hedgebanks and lining the watercourse, with woodland area to the northeastern and eastern edge. A few trees remain from a former orchard within the northwestern most field. The farm buildings comprise of a C19th century farmhouse and range of small to medium size modern barns. Despite the proximity to the railway and Otter Valley Park, the site has a pleasant rural feel which contributes positively to surrounding landscape character.

There are extensive, attractive views from the site northwards to the Blackdown Hills and particularly Dumpdon Hill which is an iconic local landmark. Views in other directions are more constrained by a combination of vegetation cover and topography. Principle visual receptors are likely to be residents of Otter Valley Park, users of Tunnel Lane and visitors to Dumpdon Hill and to a lesser extent travellers on Northcott Hill to the south.

There are no landscape designations covering the site. The Blackdown Hills AONB boundary arcs around the site to the north, east and south, coming to within 120m at its closest point. Dumpdon Hill (2.3km distant) is a scheduled monument.

## 2 REVIEW OF SUBMITTED INFORMATION

### 2.1 LVIA

The LVIA methodology is generally in accordance with industry best practice guidance.

Viewpoint photographs are of variable quality due to some being taken in poor light/ weather conditions. Contrary to best practice guidance, images are presented as wide angle panoramas which need to be printed at A1 size and held in an arc to represent actual viewing experience. In most instances a single frame image presented on an A3 sheet with 40 degree horizontal field of view would have sufficed and provided a more user friendly and consequently more accurate representation.

The assessment of landscape and visual effects should have considered construction phase impacts including the likely period of construction.

In relation to existing development, it should have been noted that the site is somewhat removed from the urban envelope of Honiton and in views from the north would read as an outlier development to it, as evidenced in the photograph for viewpoint 12, albeit as an extension of the existing Otter Valley Park.

No consideration has been given in the LVIA to the impact of lighting on surrounding night skies. As there is presently no street lighting within the single storey Otter Valley Park, the introduction of two/ two and a half storey development on higher ground adjacent to it and associated highway lighting is likely to have an adverse effect on the perception of dark skies particularly in views from the Blackdown Hills to the north and Northcott Hill road to the south, which should have been assessed and appropriate mitigation proposed.

The LVIA presents a highly optimistic assessment of the impact of development on existing site vegetation and contribution of new planting. The assessment of the beneficial effects of proposed mitigation should be tempered by the possibility that new mitigation planting may not establish as well as anticipated and that the quality of existing retained trees and hedgerows too often declines post-occupancy due to a combination of neglect, unsympathetic cutting back by residents and erection of close boarded fencing adjacent to it.

The LVIA assessment of major to major/ moderate adverse visual effect for residents of Otter Valley Park and users of Tunnel Lane at year 0 (completion) is accepted although the reduction in degree of effect at year 15 appears over optimistic and moderate adverse visual effects are likely to remain for these receptors.

For view point 2 (Northcott Hill) effects are likely to be somewhat greater than stated given that the proposed development will be nearer, taller and sited on higher ground than Otter Valley Park which is currently visible in this view. Proposed development will also introduce external lighting which would be evident in this view.

Notwithstanding the above points, the conclusions of the assessment that the proposed development will not have a significant impact on the special qualities of the AONB and local landscape are accepted, subject to securing appropriate mitigation and high quality design layout and detailing. Similarly, other than for residents of Otter Park and users of Tunnel Lane it is accepted that the visual effects of the development are not significant.

## 2.2 Parameter strategy and masterplans

### Access & Movement Strategy

Development of the site has potential to increase use of Tunnel Lane by motor vehicles. To prevent this consideration should be given to closing Tunnel Lane to motor vehicles and downgrading it to bridleway status.

Para. 4.7 of the Transport Assessment refers to carriageway widening and removal/ translocating existing hedgebanks. It is not clear where this will occur and details should be provided.

### Drainage strategy

Design of the attenuation basin should be naturalistic avoiding the straight edge evident on the southern side in the layout plans. The design of outlets and inlets

should be carefully considered to avoid an over engineered appearance and the need for guard rail surrounds. In accordance with CIRIA guidance inlets and outlets should be designed to either contribute positively to, or have a neutral impact on, visual amenity.

The drainage strategy should include a range of treatments for dealing with surface water as part of a SuDS train. As part of the drainage/ sustainability strategy all rear gardens should be provided with rainwater butts to collect roof runoff for watering purposes.

#### Masterplan (indicative) and Landscape Masterplan

The canopy of tree T37 (A cat oak) extends over much of the garden of the adjacent plot to the southeast. This is likely to result in pressure from occupants to thin/ crown lift/ remove. To reduce this risk, the layout should be adjusted to avoid garden overhang of the canopy.

The proximity of the proposed access road serving the dwellings fronting Tunnel Lane in the southwestern block appears to be aligned too close to the existing hedgebank and should be set back from it to prevent damage to the root zone.

More trees should be provided along the southern end of the primary access road. Trees should be included within or adjacent to the northwestern boundary with Otter Park.

Cycle/ pedestrian crossings connecting development either side of Tunnel Lane are generally best avoided as these will require new breaks in the existing hedgebanks which could compromise their integrity. Due to likely level differences between Tunnel Lane and higher ground to the east it is unlikely that cycle links could be provided at the required gradients.

### 3 CONCLUSIONS AND RECOMMENDATIONS

#### 3.1 Acceptability of proposals

The submitted details are generally considered acceptable in terms of overall landscape and visual impact and outline design subject to some amends as noted at section 2.1 above.

Prior to determination of the application clarification should be provided on the location and extent of proposed translocation of existing hedgerow as noted in para. 4.7 of the Transport Assessment.

#### 3.2 Landscape conditions

In the event that satisfactory clarifications as noted at section 3.1 above are provided and approval is recommended, the following conditions should be imposed:

- 1) No development work shall commence on site until the following information has been submitted and approved:

- a) A full set of hard landscape details for proposed walls, fencing, retaining structures, pavings and edgings, site furniture and signage.
- b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.

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

- c) A site levels plan(s) at 1:250 scale or greater indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by at least 5 sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.
- d) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of rain gardens, filter strips, check dams, inlets and outlets etc.
- e) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, which should include:

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

- g) A full set of soft landscape details including:
  - i) Planting plans at 1:200 scale or greater,, 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 including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.

h) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

3) No development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 20 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 across the site.

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.

Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:

- o Existing trees, woodland and hedgerows.

- 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.

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

Arrangements for periodic review of the plan.

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

4) 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.

5) 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), Strategy 43 (Open Space Standards), 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

A tree constraints report and arboricultural impact assessment (AIA) prepared by RPS has been submitted, the report generally appears to be in accordance with BS5837. A tree protection plan (TPP) has also been submitted, based on the masterplan layout.

The layout generally allows for the retention and protection of the principle trees on the site, there are some arboricultural issues though.

-With reference to tree T37, the large A category oak in the hedge bank to the south east of Tunnel Lane, the tree canopy would dominate the garden of the adjacent plot to the south and result in an unsatisfactory relationship with the property. Furthermore the corner of the proposed house is just within the tree's RPA and the required construction space means there would be further incursion into the RPA. These issues could be addressed by retention of T37 wholly within public open space, rather than within a residential plot.

Within the same hedge bank to the south east of T37 there is a linear group of several smaller but good quality trees, mostly oaks. T35 oak is shown as removed on the masterplan TPP to allow formation of a cycle/foot path link but this appears unnecessary tree loss - if the path is essential no-dig methods should be used for the formation of the path, as suggested in the tree report. It would be desirable to retain the tree in order to maintain the integrity of the group. T35 is recorded as C category in the tree survey, but it appears to be undervalued and is considered to be comfortably a B category feature.

The access road serving the plots to the south east of Tunnel Lane appears too close to the hedgerow H2 and this would not allow sufficient space for root protection measures to be implemented. The proximity of the new road to the hedge would likely result in significant root severance, this should be amended to allow for sufficient preservation and protection of the root systems. Furthermore, the masterplan shows a number of breaches in the hedgerow to the south of Tunnel



Lane, this will degrade the integrity and connectivity of the hedgerow and the number of openings should be reduced.

It is noted that several sizable areas of scrub woodland S5, S6, S7 either side of Tunnel Lane are proposed to be removed, also G14 to the west of the farm buildings. Suitable compensatory replacement planting should be required to ensure there is an increase in tree cover on the site in the longer term.

It is also noted that the traditional orchard remnants (T47, T51, T52, and T53) will be removed but that replacement orchard planting is proposed in the corridor of land next to Northcote Lane. The new planting proposals should be covered in a detailed soft landscaping scheme.

If the outline scheme is approved a suitable tree protection condition should be used requiring submission of the following details:

### Environment Agency

Thank you for reconsulting us on this application. Our position remains unchanged following our last response on the 13th March 2023, as set out below;

#### Environment Agency position

We have no objections to the proposal as submitted. It appears that the proposed development can be delivered within the site, without the need to locate development within the floodplain associated with the watercourse that flows along the northern boundary of the site. However, we recommend that a condition is included within any permission granted to ensure that there will be no development or raising of ground levels within the floodplain.

#### Advice - Flood Risk

Part of the application site is located within Flood Zones 2 and 3, defined as having a medium and high probability of flooding respectively. Technically, the application will therefore be subject to the flood risk Sequential Test as set out in the NPPF. However, the Illustrative Masterplan 20424 BL-M-06 Rev H indicates that the flood zone will not be developed, but will instead form part of the green infrastructure network. We welcome this and are satisfied that a sequential approach has been taken to the layout of this site.

It is important that the principle of not developing within the floodplain is carried forward to the detailed design stage. This would include no raising of ground levels within the open space because this could displace flood water and increase flood risk to third parties. We consider that the above condition will be sufficient to secure this important principle as the proposals progress.

#### Advice to applicant - Pollution Prevention

Run off from exposed ground / soils can pose a significant risk of pollution to nearby watercourses, particularly through soil/sediment run off and a Construction

Environment Management Plan (CEMP) should address how such run-off can be minimised, controlled and treated (if necessary). The applicant should ensure that this is considered well in advance because some treatment methods can require an Environmental Permit to be obtained.

We refer the applicant to the advice contained within our Pollution Prevention Guidelines (PPGs), in particular PPG5 - Works and maintenance in or near water and PPG6 - Working at construction and demolition sites. These can be viewed via the following link:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Further guidance is available at:

Pollution prevention for businesses - GOV.UK ([www.gov.uk](http://www.gov.uk))

We also advise that the use or disposal of any waste should comply with the relevant waste guidance and regulations.

### County Highway Authority

Addendum 11/07/2023:

The CHA has reviewed the re-consultation of this application and has no further comments to add.

Original reply from 19/06/2023:

Observations:

The scheme will result in the addition of a dedicated cycle way/footway which assists Northcote Road/Tunnel Lane.

The existing site does hold permitted agriculture use, although it is acknowledged that this development will present a trip generation intensification over that benchmark.

A Travel Plan to help mitigate the trip generation from this site has been prepared for this application, including a Travel Plan coordinator as well as an array of initiatives within the resident welcome packs to encourage sustainable travel.

The Chartered Institution of Highways and Transportation, (CIHT) recommends a maximum walking distance of 800m which would incorporate the more frequent Langford Lane bus stop, though the CIHT also recommends a 400m walk to bus stops, which the less frequent 368 and 682, Otter Valley Park services include.

The streetlights can be relocated to the back of the footway without further calculations, but the County Highway Authority (CHA) do not count post/poles as visibility obstructions due to their slim nature.

The visibility splays proposed for the cycle/footway, footway crossing and vehicle junction, conform to the typical speeds of this service road, in accordance with our current best practice guidance, Manual for Streets 1 and 2.

The reserved matters design will need to ensure that the inter-visibility to accommodate the Otter Valley Park access conforms to the requirements of Manual for Streets 1 and 2.

Should the application gain approval, I would recommend the provision of secure cycle storage to encourage sustainable travel and help mitigate the trip generation from this proposal, together with a Construction and Environment Management Plan (CEMP), to mitigate the effect of construction upon the local highway network.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. 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;

2. The site access shall be constructed, laid out and maintained for that purpose, where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the

public highway ( identified as Y ) shall be 43 metres in both directions.

REASON: To provide a satisfactory access to the site and to provide adequate visibility from and of emerging vehicles.

3. 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 to \*\*\*\*\* in accordance with policy \*\*\*\*\*.

EDDC District Ecologist - Will Dommett

## **1. Introduction**

This report forms the EDDC's Ecology's response to the outline 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 Impact Assessment (EcIA) March 2023

The ecological surveys to support the application are within 12 months of the application and follow best practice guidelines and therefore considered suitable to support the application. The EcIA is of high quality with good recommendations for proposed ecological mitigation and enhancement measures, with the provision of a Biodiversity Net Gain (BNG) assessment.

### **Bat roosts**

The report identified a number of bat roosts, primarily associated with the farmhouse and two outbuildings. These include non-breeding day roosts of common pipistrelle and brown long-eared bats, and lesser horseshoe bat day and night-roosts. The survey notes that greater horseshoe bats were observed foraging within Building 7, which provides a covered area over a free-flight access area to Building 8 (a confirmed bat roost). Greater horseshoe bats were recorded each month at each static bat detector location during the static bat activity survey and greater horseshoe bats were also observed around the buildings on the site during the manual activity survey. Building 10, an open-fronted building was also a confirmed lesser horseshoe bat night roost (identified by droppings).

Given that greater horseshoe bats have been recorded over the site, including potentially exploring Building 7/8, the number of open-fronted buildings on the site, proximity to a train tunnel, and number of potentially suitable buildings that could be used by night roosting greater horseshoe (and other) bats, it is recommended that any further survey to inform a licence application include the deployment of a static bat detector within Building 8 and 10, to determine whether these buildings are also used by greater horseshoe bats. Internal inspections should also be made following any updated emergence surveys.

The proposed replacement bat roost is located in the north part of the north of the site within an area of Public Open Space (POS), with the illustrative masterplan indicating play areas in this location therefore could be subject to disturbance and vandalism. The proposed replacement roost is stated to follow recommendations within the lesser horseshoe bat conservation handbook (Scofield, 2008) and would be approximately 6 m long x 4 m wide and 2.5 m in height which is acceptable, assuming the 2.5 m height is the void height, i.e., loft floor to apex height and is an uncluttered roof design, i.e., not trussed rafters.

Section 4.1.22 states the roost structure could be used a summer house or other structure if an alternative location above a garage was identified. This use of a residential garage is not recommended for a replacement bat roost given the potential conflict with ongoing monitoring and maintenance as well as the increased risk of disturbance from residence.

The provision of 20 integrated bat tubes within dwellings and 30 bat boxes on trees is considered suitable.

#### Bat activity survey

The manual and static activity survey has identified the use of the site by at least 10 species of bat, including Annex II greater horseshoe, lesser horseshoe, and barbastelle bats. Common pipistrelle bat accounted for the highest percentage of bat calls. The second most frequently recorded species during the static bat activity surveys was *Myotis* sp. The site was assessed as being of Parish level importance for bats.

Given the assemblage of bat species over found over the site, including Annex II species with greater horseshoe bat (a Devon BAP species) recorded each month at each static location, I would suggest a value of at least District/County importance, especially considering other suggested valuing mechanism, e.g., Wry et al, 2010, CIEEM, 2022.

The EcIA indicates that the broadleaved woodland, hedgerow network along Tunnel Lane and hedgerow network along the watercourse in the east would be retained and provide a functional flight corridor for bats.

The issues of lighting is discussed and references ILP 2018 guidance for onsite lighting. However, the lighting design should also follow Devon County Council (2022) guidance - Maintaining dark corridors through the landscape for bats. In

particular, major development proposals with potential impacts on light adverse 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 1.5m and be managed to maximise insect prey. The use of vegetation should also be incorporated to provide a buffer from the built development.

## Dormice

Dormice are confirmed as nesting on site and clearance of woody vegetation prior to development will require a European protected species licence from Natural England.

Mitigation is proposed to replace habitat at a minimum ratio of 2:1 for habitat loss (90 m of hedge proposed for removal) and 20 dormouse nest boxes. The BNG metric indicates 980 m of new hedge planting which is likely to be suitable in mitigation, depending on implementation of planting, appropriate management etc. However, there is likely to be increased pressure of onsite habitats from hedge management and cats.

## Reptiles

The site supports three species of reptiles and is considered to be a 'Key Reptile Site' (Froglife, 1999). The proposals recommend a reptile translocation but no receptor site has been identified. Any receptor site should be provided in accordance with current .GOV guidance, e.g., provides the same functionality and area of the habitat loss, the receptor site is safeguarded from future development, any translocated reptiles are not producing a burden on existing reptile populations etc. These details would need to be provided within any management plan, e.g., LEMP.

## Nesting birds and invertebrates

The site supports a wide assemblage of nesting birds and recommendations are made for nest boxes to be provided at a ratio of one per two units. In accordance with BS42021:2022 Integral nest boxes should be provided at a ratio of one per unit. It is agreed the site is unlikely to be of high value to invertebrates but is recommended the % of invertebrate bricks could be increased from 20%. There are opportunities with the proposed biodiversity net gain (BNG) off-site provision to increase habitat for brown hairstreak, e.g., sucking blackthorn, and habitat for barn owls, e.g., rough grassland.

## Biodiversity Net Gain

The submitted biodiversity metric includes both on-site and off-site provision. There is a watercourse within the redline boundary of the site but not watercourse assessment has been undertaken.

Some of the proposed created grassland habitat onsite and the retained hedgerows are assessed as being in 'Good' condition. There are considerations whether 'good'

condition of these habitats is realistic as they are within public realm, e.g., could be subject to management, trampling etc. It is unsure whether a restrictive covenant on householders affecting hedges is achievable/would be enforceable.

The off-site proposals include the enhancement of an area of modified grassland into good condition other neutral grassland. Whilst the enhancement of habitat within proximity to the site is welcomed, it is considered there are further opportunities to enhance the south-west boundary connecting with the existing line of trees with the hedge to the south. There is an existing field boundary that could be enhanced through management and increase landscape connectivity.

At least 10% net gain should be delivered through separate activities which are not required to mitigate or compensate for protected species impacts. This would be considered if the proposed offsite BNG area is recommended as a reptile receptor area.

Other

The site includes a watercourse along the eastern boundary and surveys for otter and water vole have been undertaken. The site is a beaver activity zone, and they are known to have been present in Honiton and upstream of the River Otter. The presence or otherwise of beaver has not been scoped in/out.

### **3. Conclusions and recommendations**

Acceptability of the proposal

The submitted ecological survey information, general ecological avoidance, mitigation, enhancement measures (subject to the above comments and conditions below), and indicative biodiversity net gain calculations are considered acceptable and proportionate.

Recommended conditions

*1. No works shall commence unless the Local Planning Authority has been provided with a copy of the dormouse and bat mitigation licences 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 in accordance within an agreed Landscape and Ecological Management Plan (LEMP), unless otherwise amended by Natural England.*

*2. The development shall deliver at least a 10% biodiversity net gain (BNG). Any subsequent reserves matters application and detailed site design should be supported by an updated biodiversity net gain calculation using the most up to date biodiversity metric (currently 4.0), a biodiversity gain plan, and habitat maintenance and management plan following best practice principle, including BS 8683, and following current or subsequently updated BNG guidelines.*

*3. The development shall proceed in accordance with the submitted ecological impact assessment (EAD Ecology, 2023), in particular no works shall commence*

*until the following information has been submitted and approved in writing by the Local Planning Authority.*

- ☐ A Landscape and Ecological Management Plan (LEMP),
- ☐ *Construction and Ecological Management Plan (CEcoMP); and*
- ☐ *A lighting design for bats following Devon County Council (2022) guidance, including provision of lux contours and dark corridors.*

*In particular, the submitted documents shall include details of how protected species including dormice, bats, reptiles, nesting birds, otter, and badgers will be protected during the development and following construction, and include details of working practices, compensatory habitat, receptor site, monitoring, compliance, and remedial measures.*

*It should include a detailed design of the bat house, including materials, access, location, and measures to ensure it remains protected from disturbance. The location and design of biodiversity features including bird boxes (at a ratio of 1 per unit), bat boxes, permeable fencing and other features should clearly be shown on submitted plans.*

*The LEMP should also be fully in accordance with the recommended condition provided by the landscape architect.*

*Reason:*

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

#### DCC Historic Environment Officer

My ref: ARCH/DM/ED/38362b

I refer to the above application and your recent consultation. The planning application is now supported by a written scheme of investigation prepared by RPS and South West Archaeology. This document is acceptable to the Historic Environment Team with regard to informing and supporting the planning application.

As such, I would advise that this planning application is not determined by your Authority until the results of this programme of archaeological works have been submitted in the form of an appropriately detailed and illustrated report. The information gained from these investigations will enable an informed and reasonable planning decision to be made by the Planning Authority.

I will be happy to discuss this further with you, the applicant or their agent.

#### Amended Plans

My ref: ARCH/DM/ED/38362c



I refer to the above application and your recent consultation. The interim report summarising the results of the archaeological field evaluation has now been submitted to your Authority. In the light of the results as set out in this report, and assurances to the Historic Environment Team that a full final report will be produced by the applicant's archaeological contractor, the Historic Environment Team is able to withdraw its previous objection and does not consider that any further archaeological mitigation is required.

As such, the Historic Environment Team has no comments to make on this planning application.

### DCC Flood Risk Management Team

#### Recommendation:

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

#### Observations:

The applicant have submitted Land off Northcote Road, Honiton Flood Risk Assessment & Drainage Strategy (Report Ref. 570, Rev. A, dated 12th January 2023).

The proposed development will involve demolition of existing buildings, and construction of 115 residential dwellings. The total site area is 7.05ha with an estimated 3.15ha for residential development. The assumed impermeable area is 2.29ha (65% of 3.5ha).

Infiltration testing carried out demonstrated that soakaway are not suitable for the proposed development site.

It is proposed to attenuate the surface water via an attenuation wet pond to Qbar of 16.2l/s (7.1l/s/ha) with a 45% allowance for climate change. The pond will have a permanent water level to provide treatment to the surface water runoff.

The applicant also mentioned that additional SuDS features will also be considered during detailed design, for example, swale, rain gardens, water butts and permeable pavements.

The applicant shall submit Source Control model outputs to demonstrate the attenuation storage volume required.

An ordinary watercourse runs through this site, so if any temporary or permanent works need to take place within this watercourse to facilitate the proposed development (such as an access culvert or bridge), Land

Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing. Details of this procedure can be found at:

<https://new.devon.gov.uk/floodriskmanagement/land-drainage-consent/>.

14.06.23

Recommendation:

We have no in-principle objections to the above planning application, from a surface water drainage perspective.

Observations:

The latest submitted information is not related to surface water drainage. Our previous response FRM/ED/0331/2023 dated 08th March 2023 remains valid and to be addressed.

20.07.23

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant are proposing to connect the existing ditches at the middle of the site to the proposed sewer. It is unsure the source of water from these ditches and how the runoff has been accounted for in sizing the attenuation required. It is not a normal practice to connect the ditch into the attenuation system.

It is also proposed to divert an existing spring located to the North of the proposed development. There is an existing pipe connecting to the existing spring that is used to feed the farm building. Looking through the Land Registry information, the location of the spring is outside the ownership of the applicant. The applicant shall submit the relevant information regarding this diversion during the later stage of submission.

The applicant also advised that Network Rail provided information about a water supply to the existing site that is used for farm animals water troughs. The source of water is from the surface water runoff from the railway which is stored in a Network Rail tank. Any excess water that is not used for the farm is discharging into the existing ditch adjacent to Tunnel Lane. It is proposed to capped the existing water supply but the landowner is intending to maintain a water supply for animal troughs to the South of the railway. The applicant shall submit the relevant information so that the associated flood risk can be assessed.

05.09.23

We are now in receipt of the previously outstanding DCC Lead Flood consultee response – they no longer object subject to the suggested condition which would need to be added;

**Recommendation:**

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

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

- (a) A detailed drainage design based upon the approved Land off Northcote Road, Honiton Flood Risk Assessment and Drainage Strategy (Report Ref. 570, Rev. B, dated 30th May 2023).
- (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) Evidence there is agreement in principle from the landowner/DCC highways/Network Rail for any water diversion or modification.
- (f) 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) - (f) 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 shall not connect the ditch into the attenuation system.

It is also proposed to divert an existing spring located to the North of the proposed development. There is an existing pipe connecting to the existing spring that is used to feed the farm building. Looking through the Land Registry information, the location of the spring is outside the landownership of the applicant. The applicant shall submit the relevant information regarding this diversion during the later stage of submission.

The applicant also advised that Network Rail provided information about a water supply to the existing site that is used for farm animals water troughs. The source of water is from the surface water runoff from the

railway which is stored in a Network Rail tank. Any excess water that is not used for the farm is discharging into the existing ditch adjacent to Tunnel Lane. The applicant shall submit further information in a later stage to demonstrate that the pre and post construction will not have major impact to the existing ditch.

Any temporary or permanent works that need to take place within the ordinary watercourse to facilitate the proposed development (such as an access culvert or bridge), Land Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing. Details of this procedure can be found at: <https://new.devon.gov.uk/floodriskmanagement/land-drainage-consent/>.

### Environment Agency

Thank you for consulting us on the above planning application.

#### Environment Agency position

We have no objections to the proposal as submitted. It appears that the proposed development can be delivered within the site, without the need to locate development within the floodplain associated with the watercourse that flows along the northern boundary of the site. However, we recommend that a condition is included within any permission granted to ensure that there will be no development or raising of ground levels within the floodplain.

The suggested wording for this condition and associated advice is set out below.

Condition - No development or raising of ground levels in the floodplain  
There should be no development and no raising of ground levels, whether temporary or permanent, within the areas of the site designated as Flood Zone 3 (high probability of flooding).

Reason: To safeguard the function of the floodplain thus ensuring an increase in flood risk does not occur.

#### Advice - Flood Risk

Part of the application site is located within Flood Zones 2 and 3, defined as having a medium and high probability of flooding respectively. Technically, the application will therefore be subject to the flood risk Sequential Test as set out in the NPPF.

However, the Illustrative Masterplan 20424 BL-M-06 Rev H indicates that the flood zone will not be developed, but will instead form part of the green infrastructure network. We welcome this and are satisfied that a sequential approach has been taken to the layout of this site.

It is important that the principle of not developing within the floodplain is carried forward to the detailed design stage. This would include no raising of ground levels within the open space because this could displace flood water and increase flood

risk to third parties. We consider that the above condition will be sufficient to secure this important principle as the proposals progress.

#### Advice to applicant - Pollution Prevention

Run off from exposed ground / soils can pose a significant risk of pollution to nearby watercourses, particularly through soil/sediment run off and a Construction Environment Management Plan (CEMP) should address how such run-off can be minimised, controlled and treated (if necessary). The applicant should ensure that this is considered well in advance because some treatment methods can require an Environmental Permit to be obtained.

We refer the applicant to the advice contained within our Pollution Prevention Guidelines (PPGs), in particular PPG5 - Works and maintenance in or near water and PPG6 - Working at construction and demolition sites. These can be viewed via the following link:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Further guidance is available at:

Pollution prevention for businesses - GOV.UK ([www.gov.uk](http://www.gov.uk))

We also advise that the use or disposal of any waste should comply with the relevant waste guidance and regulations.

Please contact us again if you require any further advice.

#### Environmental Health

I recommend approval with conditions:

The proposed properties closest to the railway will require the provision of noise mitigation, as detailed within the applicants noise assessment to achieve suitable internal ambient noise levels. No development shall take place until details of proposed acoustic mitigation to be installed/provided have been submitted to and approved by the Local Planning Authority.

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.

Amended Plans –

As per my previous comments

Devon County Archaeologist

Land At Middle Northcote Farm Honiton EX14 4PR - Outline application (with all matters reserved except for access) for the demolition of existing buildings and erection of up to 115 dwellings, public open space, sustainable drainage systems, landscaping, vehicular access via Tunnel Lane and associated highways improvements and infrastructure: Historic Environment

My ref: ARCH/DM/ED/38362a

I refer to the above application. The proposed development site has been subject to an archaeological desk-based assessment and geophysical survey. A programme of intrusive field evaluation is currently being agreed with the applicant's consultant RPS. However, in the absence of the results of the archaeological field evaluation I would consider that the information submitted in support of this planning application is not sufficient to enable an understanding of the significance of the heritage assets within the application area or of the impact of the proposed development upon these heritage assets.

Given the unknown potential for survival and significance of below ground archaeological deposits and the absence of sufficient archaeological information, namely the results of a programme of intrusive field evaluation, I would advise - in accordance with East Devon Local Plan Policies EN7 - Proposals Affecting Sites Which May Potentially be of Archaeological Importance and EN8 Significance of Heritage Assets and their Setting, and paragraphs 194 and 195 of the National Planning Policy Framework (2021) - that this application is not determined until this information is made available to enable an informed response from the Historic Environment Team.

Blackdown Hills AONB Project Partnership

Thank you for seeking comments from the Blackdown Hills AONB Partnership on this application and I apologise for this delayed response.

We recognise and welcome the consideration that has been given to how the proposed development could be well integrated with its landscape setting. Key to how successful this will be is dependent on a strong commitment to the design principles, development parameters and landscape strategy that are set out being followed through at later stages of the development process, and we would support measures to ensure that this is the case.

Natural England

## NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Natural England's generic advice on other natural environment issues is set out at Annex A (document online).

### NHS Royal Devon & Exeter NHS Foundation Trust

#### Introduction

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The creation and maintenance of healthy communities is an essential component of sustainability as articulated in the Government's National Planning Policy Framework, which is a significant material consideration. Development plans have to be in conformity with the NPPF and less weight should be 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. Access to health services is a fundamental part of sustainable healthy community.

As the attached document demonstrates, Royal Devon University Healthcare NHS Foundation Trust (the Trust) is currently operating at full capacity in the provision of acute and planned healthcare. It is further demonstrated that this development will create potentially long term impact on the Trust ability provide services as required. The Trust's funding is based on previous year's activity 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.

The contract is agreed annually based on previous year's activity plus any pre-agreed additional activity for clinical services. The Trust is unable to take into consideration the Council's housing land supply, potential new developments and housing trajectories when the contracts are negotiated. Furthermore, it is important to note that the following year's contract does not pay previous year's deficit retrospectively. This development creates an impact on the Trust's ability provide the services and capacity required due to the funding gap it creates. The contribution sought is to mitigate this direct impact.

#### CIL Regulation 122

The Trust considers that the request made is in accordance with Regulation 122:

“(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—  
(a) necessary to make the development acceptable in planning terms;  
(b) directly related to the development; and  
(c) fairly and reasonably related in scale and kind to the development.”

S 106

S 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request a developer to contribute towards the impact it creates on the services. The contribution in the amount of **£104,431.00** sought will go towards the gap in the funding created by each potential patient from this development. The detailed explanation and calculation are provided within the attached document.

Without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development due to conflict with NPPF and Local Development Plan policies as explained in the attached document.

### Network Rail

Following an internal consultation, our drainage team have the following concerns that need to be addressed:

1. We note that the Flood Risk Assessment has identified one Network Rail culvert passing under the site to the west, and that the applicant has confirmed that this asset will not be affected by the scheme – except for the construction of a footpath and the foul rising main. However, there is another more significant structure located to the east of the site which has not been discussed in the FRA. The culvert head wall is shown on the topographical survey of the site and from our own inspections we know this to be a 900mm diameter culvert draining land to the south of the railway. Whilst our initial review would suggest that the proposed masterplan will not impact the structure directly, this must be confirmed as part of the risk assessment. It is also essential that its ownership and maintenance is established and agreed prior to approval of the application. An extract of the survey and our own mapping is provided at the end of this email. We note that some assumptions regarding the interception of pluvial flood risk by the railway cutting may need to be reconsidered given the presence of this culvert. We recommend that the LLFA consider whether they are satisfied with the assessment of flood risk given the presence of this culvert.
2. We note that the applicant has proposed a SUDS scheme and that this has been sized based on post development impermeable areas with preliminary design details provided. However very few storm durations have been analysed, with no short duration storm results provided. We also note that surcharged outfall to the ditch has not been considered in the design. We



assume the LLFA are aware of this and will be seeking further details as design progresses or to be secured by condition.

3. Currently Northcote Farm receive a water supply from our asset with a proportion of the drainage from Honiton Tunnel being diverted to a system serving the property. Should this supply be terminated then there may be increased pressure on the tunnel lane drainage. We also need to consider the optimum location to abandon the supply equipment to avoid risk of washout to our earthwork assets. We request that the applicant/developer engage with us to discuss their intentions regarding the water supply.

Furthermore, due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant /developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.

#### County Highway Authority

##### Observations:

The scheme will result in the addition of a dedicated cycle way/footway which assists Northcote Road/Tunnel Lane.

The existing site does hold permitted agriculture use, although it is acknowledged that this development will present a trip generation intensification over that benchmark.

A Travel Plan to help mitigate the trip generation from this site has been prepared for this application, including a Travel Plan coordinator as well as an array of initiatives within the resident welcome packs to encourage sustainable travel.

The Chartered Institution of Highways and Transportation, (CIHT) recommends a maximum walking distance of 800m which would incorporate the more frequent Langford Lane bus stop, though the CIHT also recommends a 400m walk to bus stops, which the less frequent 368 and 682, Otter Valley Park services include.

The streetlights can be relocated to the back of the footway without further calculations, but the County Highway Authority (CHA) do not count post/poles as visibility obstructions due to their slim nature.

The visibility splays proposed for the cycle/footway, footway crossing and vehicle junction, conform to the typical speeds of this service road, in accordance with our current best practice guidance, Manual for Streets 1 and 2.

The reserved matters design will need to ensure that the inter-visibility to accommodate the Otter Valley Park access conforms to the requirements of Manual for Streets 1 and 2.

Should the application gain approval, I would recommend the provision of secure cycle storage to encourage sustainable travel and help mitigate the trip generation from this proposal, together with a Construction and Environment Management Plan (CEMP), to mitigate the effect of construction upon the local highway network.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. 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;

2. The site access shall be constructed, laid out and maintained for that purpose, where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway ( identified as Y ) shall be 43 metres in both directions.

REASON: To provide a satisfactory access to the site and to provide adequate visibility from and of emerging vehicles.

3. 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 to \*\*\*\*\* in accordance with policy \*\*\*\*\*.

Officer authorised to sign on behalf of the County Council 21 May 2023

#### Parish/Town Council

SUPPORT subject to the agreement of the Senior Historic Environment Office (Policy) and National Highways and County Highway Authority.

For 3, Against 2, Abstentions 0.

#### Other Representations

There have been 21 letters of objection and 3 letters of support;

Objections (in summary)

The access is unsafe

The development would add to pressure on overstretched services and infrastructure

The proposal is contrary to the development plan

The development would be outside the built-up area boundary of Honiton

It would result in a loss of grade 2 agricultural land

The adverse impact on traffic congestion in the town

The risk of flooding and displacing of surface water

Flawed methodology of report submitted with the planning application.

The loss of trees and hedgerows and the impact on wildlife

The visual impact

The impact on amenity

Pollution

Inadequate public transport

Support (in summary)

- Preferred site in emerging local plan.
- Easy walking distance to town centre/shops
- There is a need for new housing, of an appropriate mix, within Honiton
- Benefits local trades with increased expenditure

#### **POLICIES**

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

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 2 (Scale and Distribution of Residential Development)

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

#### Government Planning Documents

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

#### Honiton Neighbourhood Plan

Not 'made'

#### Site Location and Description

The site is situated on the lower slopes of the Otter Valley to the east of the main Honiton conurbation and south of the A30. It extends to just over 7ha and comprises of three fields of grassland, bounded by Devon hedgebanks, and a farm buildings complex set towards the northeastern side. The mainline railway runs along the southern boundary and Otter Valley Park, a static homes site, adjoins the

northernwestern boundary. A tributary watercourse to the River Otter runs along the northern site boundary. Site access is from the south via Northcott Road, becoming Tunnel Lane beyond the entrance to Otter Valley Park. The lane runs across the site with one field and the farm complex to the northwest and the remaining two fields to the southeast. Tunnel Lane is well used by locals for recreational access.

The site is gently to moderately steeply sloping with an overall northeasterly aspect and level change of 20m. There are numerous site trees primarily within hedgebanks and lining the watercourse, with woodland area to the northeastern and eastern edge. A few trees remain from a former orchard within the northwestern most field. The farm buildings comprise of a C19th century farmhouse and range of small to medium size modern barns. Despite the proximity to the railway and Otter Valley Park, the site has a pleasant rural feel which contributes positively to surrounding landscape character.

### **Proposed Development**

The proposal seeks outline planning 115 dwellings with associated landscaping, public open spaces and children's play space (LEAP) on agricultural land outside the settlement of Honiton. The only matter to be considered at this stage is the access, with the remainder reserved matters to be assessed at a later stage.

With regards to the access the main route to serve the development would be from Northcote Road which runs parallel to the route of the adjacent railway line.

In terms of works needed to this access route along Northcote the following highway works are proposed;

- Installation of 2m footway at access point
- Relocating low bridge warning sign
- Repositioning lighting column
- Giveaway road marks laid down.
- Existing 60mph reduced to 30mph from Northcote Hill junction to Ottery Valley Park Junction
- Existing 60mph reduced to 20mph from Ottery Valley Park junction and continuing into the development site
- Devon Bank installed in places along the access route
- Otter valley park junction altered to comply with a visibility splay 2.4 by 25 metres (resulting in the relocation of existing Devon hedge/bank)

As shown edged in blue on the latest location plan a sizable field parcel is also owned by the applicant to the south of the development site. Within this field parcel an area has been allocated for Bio Diversity Net gain.

### **ANALYSIS**

The main issues concerning this proposal are;

- The principle of the development, in the context of a lack of a 5 year housing supply within the district.
- Connectivity to services and facilities
- The impact on the character and appearance of the area (including the setting of the AONB)
- The impact on highways
- The potential for flood risk
- Surface water and foul drainage
- Impact on trees
- Ecology and BNG
- Archaeology
- The impact on Network Rail
- Conclusions

### **The principle of the development**

In taking into account the planning merits of this proposal it is firstly important to consider the statutory provisions in s70(1)(a) of the 1990 Act and section 38(6) of the 2004 Act. Those provisions are not displaced by paragraph 11 or by any other part of the National Planning Policy Framework (the Framework), as Framework paragraph 12 makes clear. In the context of s38(6), the Framework has the status of a material consideration. This (when considered together with any other relevant material considerations) may or may not indicate that a planning application should be determined otherwise than in accordance with the development plan. The Framework is a material consideration to be taken into account and so this government document does not form part and parcel of the development plan.

The framework states that plans and decision should apply a presumption in favour of sustainable development. Explicitly paragraph 11 of the Framework, in the decision-taking section states;

For decision-taking this means:

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

; and

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed

; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 sets out an exhaustive list of the policies in the Framework that paragraph 11 d) i. refers to and makes it clear that paragraph 11 d) i. does not refer to

development plan policies. This development does not take place within a designated landscape which would disengage the tilted balance.

The recent report to strategic planning committee on the 14th September 2022. This report stated that the 5 year housing supply in the district (plus buffer) has dropped to 4.65 years. This has direct consequence with regard to paragraph 11 of the Framework as footnote 8 states 'this includes, for applications involving the provision of housing, situation where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites...'

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. Whether a policy is out-of-date or not can be assessed against the way in which it operates in relation to the determination of the particular proposal, rather than solely in a generic manner.

Clearly the definition in planning terms between settlement and the countryside beyond concern policies which are most important to the determination of this outline planning application. As such a paragraph 11 is clear in that it applies a so called 'tilted balance' to granting permission, i.e. unless 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. This tilted balance is the applicable to the determination of this planning application. Before applying this it is necessary to consider contextual matters which could impact on the success of this proposal.

Honiton does not have a 'made' Neighbourhood Plan in place and so this would not be an additional factor to account for at the time of writing.

In terms of the emerging local plan it is noted that this site formed part of a larger area previously submitted for housing allocation under a call for sites. Our policy department, for the purposes of plan formation, considered the qualities of the site. Under the site selection process this site was given the reference GH/ED/39. It should be noted that this site was much larger than that which is now under consideration. This larger area to the south of the train line was principally discounted from an allocation due to landscape harm and impact on the AONB. This site assessment for GH/ED/39 reads;

Infrastructure implications:

*Access: The site is accessed via either Northcote Hill or Northcote Road/Tunnel Lane, which are narrow country lanes leading from the A30/A35 junction at the eastern end of Honiton. Access to the majority of the site is constrained by relatively narrow roads under railway bridges. Access improvements and associated traffic management may be required. Development has the potential to impact on Junction 29 of the M5, which suffers from congestion at peak periods.*

*The centre of the site is approx. 1.6km from Honiton train station. The site is not currently served by any bus routes, but Honiton is well connected to regular routes.*

*The Taunton-Dunkeswell-Honiton-Seaton bus runs over the A35/A30 junction (approximately 810m away from the centre of the site) five times a day and the Exeter-Cranbrook-Ottery-Honiton-Axminster bus runs along the A35, which is approx. 945m away from the centre of the site. Either route could potentially be improved to serve the site. Public Rights of Way link the site to Honiton, though the detached nature of the site from the town would raise questions of whether people would actually walk to it.*

*Education: Honiton primary schools have a small amount of capacity left, but not enough to serve the scale of development proposed by the site promoter (550 dwgs). This would also not be sufficient development to support a new primary school. There is potentially capacity for some small expansion at Honiton Community College.*

*Health: Depending on the scale of development there may be a need to provide additional primary health care facilities.*

*Other: Development could potentially help to secure improved sports pitch provision and an eastern by-pass to the town linking the A30 and A35, which are local aspirations. Broadband: Homes/businesses adjacent to the site have access to superfast broadband. It should be relatively easy to roll this out to any new development.*

Whilst the emerging local plan is at an early stage meaning very limited weight can be placed upon the above assessment to be sound and reflective of current considerations and conditions.

#### Connectivity to services and facilities

In terms of pedestrian connectivity the site is relatively well connected. From the site a footpath would run adjacent to the vehicular access route towards a crossing point at the site entrance. From here it connects to Northcote Hill which in turn connects to Monkton Road, which then connects to the town centre beyond. This route is fairly flat, benefits from street lighting for much of the route, good passive surveillance and is approximately 700 metres to Honiton High Street – thereby complying with recommended distance standards within Manual for Streets.

On a wider scale the site is directly accessible to the highway network via Northcote Road, which connects onto Northcote Hill/Monkton Road. From here, the National Highway Network (A35 and A30) are within close proximity. The A35 connects Honiton to Southampton and the A30 is one of the main roads through Devon and Cornwall, extending north east to London.

The site is accessible to the local bus service, which offers access to local destinations and beyond, including Taunton, Seaton and Exeter. Honiton Train Station is located 2km west of the site on the Main Line and provides frequent services to destinations including London Waterloo and Exeter St David's.

Therefore the site is recognised as having good pedestrian and vehicular linkages so that intended occupiers would not be reliant on private modes of transport. As such this weighs in favour of the scheme.



## **Affordable Housing**

In considering residential development such as this, outside identified Built Up Area Boundary (BUAB) strategy 34 of the Local Plan states that an affordable housing target of 50% applies. If the proposal was situated within the BUAB of Honiton a 25 % affordable target would be sought as per the same policy. Due to the absence of a five year housing land supply however policies important for decision making in regard to housing delivery are considered to be out of date. As such less emphasis can be placed on built up area boundaries and it is therefore reasonable to assess affordable housing requirements for sites immediately adjoining BUAB's as if they are within which in this case would require a 25% affordable housing figure.

An affordable housing statement has been submitted with this planning application. The outline application is for a total of up to 115 dwellings, including provision of 25% affordable housing in accordance with the requirements outlined for East Devon's Adopted Local Plan. This level of affordable housing is reflected within the draft S106 Heads of Terms provided at Appendix 4 of the Planning Statement.

The intended housing tenure mix considered appropriate as part of the outline application is 70% Social Rent and 30% Intermediate (Shared Ownership) which is to be confirmed during the application and applied for in detail as part a subsequent Reserved Matters application.

For the reasons set out above this level of affordable housing is considered to be acceptable and weighs in favour of the development meeting one of the social objectives in providing a much needed range of homes.

## **The impact on the character and appearance of the area**

The residential elements of the development is relatively contained due to the surrounding topography. The site overall, in terms of the landscape character, falls under 'Upper farmed and wooded valley slopes'.

Within and immediately adjacent to the site the following landscape character zone were identified;

- Landscape Character Zone 1 - Foraging Trail - This area is a naturalistic landscape with a rich mosaic of hedgerow planting. The railway fence is quite a dominating feature and so there is opportunity for this to be screened. There is an opportunity to extend this eastward beyond the community green.
- Landscape Character Zone 2 - Community Green - The Community Green is to provide a communal space - to serve existing residents and future residents.
- Landscape Character Zone 3 - Otter Valley Park - This zone includes the existing ditch and hedgerow. The proposals include planting along this extent to create a scrub mosaic with small canopy trees. Opportunities exist for strengthened and it would appear that this area would been to be managed via a management company.

- Landscape Character Zone 4 - Tunnel Lane - intended to be a pedestrian and cycle route with retained ditches and hedgerow.

Landscape Character Zone 5 - Railway Edge - the vision for this to break up the way the landscape pattern is divided up, softening and integrating the railway line. Reinforced planting in W boundary would be beneficial.

Visually the site is somewhat removed from the urban envelope of Honiton and in views from the north would read as an outlier development to the main settlement. That said in terms of experience when traveling to the site from the town centre of Honiton it would feel like a continuation of the built form.

No consideration has been given in the LVIA to the impact of lighting on surrounding night skies. As there is presently no street lighting within the single storey Otter Valley Park, the introduction of two/ two and a half storey development on higher ground adjacent to it and associated highway lighting is likely to have an adverse effect on the perception of dark skies. Therefore in the reserved matters details this should be considered by the applicant with the aim to protect the dark skies.

The major to major/ moderate adverse visual effect for residents of Otter Valley Park and users of Tunnel Lane at year 0 (completion) is accepted although the reduction in degree of effect at year 15 appears overly optimistic and moderate adverse visual effects are likely to remain for these receptors.

The conclusions of the assessment that the proposed development will not have a significant impact on the special qualities of the AONB and local landscape are accepted by the Landscape Officer. This is subject to securing appropriate mitigation and high quality design layout and detailing which could come forward at reserved matters stage.

The landscape officer has stated that clarification should be provided on the location and extent of proposed translocation of existing hedgerow as noted in para. 4.7 of the Transport Assessment. Such clarification could be brought forward when the reserved matter of Landscaping is to be considered and therefore this would not preclude the grant of this outline.

In summary the proposal would result in the intrinsic change in character of the existing rural landscape. However the site can accommodate the proposal as a matter of principle without harm to the character and appearance of the wider area.

Although some of the suggested conditions should not be imposed on the outline consent, as landscape is a reserved matter.

## Highways

Within the emerging local plan site allocation one of the recognised constraints was 'Access to the majority of the site is constrained by relatively narrow roads under

railway bridges'. In order to reach the site drivers would be required to use a stretch of single carriage width highway.

It would be Devon County Council responsible for the local highway network immediately affected by the development. The proposed access strategy incorporates the following;

- o Off site pedestaling and cycle infrastructure improvements to provide a continuous link
- o Provision of dedicate ped/cycle link.
- o Widening of Northcote Hill to 5.5 m
- o Retention of Tunnel Lane as ped/cycle only
- o Vehicular link back on to Tunnel Lane to the east of the site.

DCC advised that Monkton Road has recently been realigned and has good visibility and that Northcote Hill has an established use and that 5.5m width would indeed be required. Further, that the access proposals appeared appropriate and was complimentary on the provision of the proposed ped/cycle only link on Tunnel Lane. A TRO would be required to deliver proposed ped/cycle only link on.

The scheme would result in the addition of a dedicated cycle way/footway which assists Northcote Road/Tunnel Lane. The existing site does hold permitted agriculture use, although it is acknowledged that this development will present a trip generation intensification over that benchmark.

A Travel Plan to help mitigate the trip generation from this site has been prepared for this application, including a Travel Plan coordinator as well as an array of initiatives within the resident welcome packs to encourage sustainable travel.

The Chartered Institution of Highways and Transportation, (CIHT) recommends a maximum walking distance of 800m which would incorporate the more frequent Langford Lane bus stop, though the CIHT also recommends a 400m walk to bus stops, which the less frequent 368 and 682 services.

The streetlights can be relocated to the back of the footway without further calculations, but the County Highway Authority (CHA) do not count post/poles as visibility obstructions due to their slim nature.

The visibility splays proposed for the cycle/footway, footway crossing and vehicle junction, conform to the typical speeds of this service road, in accordance with our current best practice guidance, Manual for Streets 1 and 2. The reserved matters design will need to ensure that the inter-visibility to accommodate the Otter Valley Park access conforms to the requirements of Manual for Streets 1 and 2.

Provision of secure cycle storage to encourage sustainable travel and help mitigate the trip generation from this proposal, together with a Construction and Environment Management Plan (CEMP), to mitigate the effect of construction upon the local highway network have been suggested by DCC Highways.

On the basis that DCC Highways and Highway England are satisfied this would not prevent the development from going ahead. As such the proposal would accord with policies TC7 and TC9 of the East Devon Local Plan.

## **Flooding Risk**

Although the flood zone 2 and 3 skirts the periphery of the site to the north and east there is no reason why footprints of intended buildings could not be positioned outside of this and indeed this is what the masterplan illustrates.

The Environment Agency have no objections to the proposal as submitted. It appears that the proposed development can be delivered within the site, without the need to locate development within the floodplain associated with the adjacent watercourse that flows along the northern boundary of the site. However, the EA recommend that a condition is included within any permission granted to ensure that there will be no development or raising of ground levels within the floodplain.

Part of the application site is located within Flood Zones 2 and 3, defined as having a medium and high probability of flooding respectively. Technically, the application is therefore be subject to the flood risk Sequential Test as set out in the NPPF. However, the Illustrative Masterplan 20424 BL-M-06 Rev H indicates that the flood zone would not be developed, but will instead form part of the green infrastructure network.

It is important that the principle of not developing within the floodplain is carried forward to reserved matters stage. The EA's suggested condition could secure this and subject to this the potential for flood risk does not weigh against the scheme.

Therefore the proposal complies with policy EN1 of the local plan and guidance within the NPPF in this regard.

## **Surface water and foul drainage**

Soakaways are not proposed following on site testing demonstrating that infiltration rates are not suitable.

Surface Water will discharge into an existing watercourse with flow limited to  $Q_{bar}$  (reduced for Devon requirements) for events up to and including the 100 year event with a 45% allowance for climate change. Attenuation will be provided by a Wet Pond with surface water discharging into this.

Additional SuDS features will also be proposed where appropriate so that wherever practical surface water from driveways and Rain Water pipes will be collected by SuDS features prior to discharging into the sewer network although these maybe restricted by site gradients.

Foul flows from within the site would drain by gravity to a new foul pumping station. The pumping station will discharge via a new rising main to an existing South West Water sewer either within Roman Way or Monkton Road.

Consultations have been carried out with DCC Flood Risk team who do not have an objection to this outline planning application. It has been necessary though to secure additional information in order to demonstrate that all aspect of the surface water drainage management system have been covered. This includes infiltration testing and a source control mode output to demonstrate the attenuation storage volume needed.

To connect the existing ditches at the middle of the site to the proposed sewer. It is unsure the source of water from these ditches and how the runoff has been accounted for in sizing the attenuation required. It is not a normal practice to connect the ditch into the attenuation system. The applicants have offered to remove this connection and to keep existing.

The proposal to divert an existing spring located to the North of the proposed development. There is an existing pipe connecting to the existing spring that is used to feed the farm building. Looking through the Land Registry information, the location of the spring is outside the ownership of the applicant. The applicant shall submit the relevant information regarding this diversion during a reserved matters submission.

Network Rail provided information about a water supply to the existing site that is used for farm animals water troughs. The source of water is from the surface water runoff from the railway which is stored in a Network Rail tank. Any excess water that is not used for farming is discharged into the existing ditch adjacent to Tunnel Lane. It would appear that there is the intention to maintain a water supply for animal troughs to the South of the railway. The applicant has confirmed at the water used for the farm was for water troughs and so removal of this supply would have a negligible impact. This is unlikely to weigh against the scheme.

Taking the above into account there is compliance with policies EN19 and EN22 of the East Devon Local Plan.

### **Impact on trees**

A tree constraints report and arboricultural impact assessment (AIA) prepared by RPS has been submitted, the report generally appears to be in accordance with BS5837. A tree protection plan (TPP) has also been submitted, based on the masterplan layout.

The layout generally allows for the retention and protection of the principle trees on the site, there are some arboricultural issues though.

With reference to tree T37, the large A category oak in the hedge bank to the south east of Tunnel Lane, the tree canopy would dominate the garden of the adjacent plot to the south and result in an unsatisfactory relationship with the property. Furthermore the corner of the proposed house is just within the tree's RPA and the required construction space means there would be further incursion into the RPA. These issues could be addressed by retention of T37 wholly within public open space, rather than within a residential plot.

Within the same hedge bank to the south east of T37 there is a linear group of several smaller but good quality trees, mostly oaks. T35 oak is shown as removed on the masterplan TPP to allow formation of a cycle/foot path link but this appears unnecessary tree loss - if the path is essential no-dig methods should be used for the formation of the path, as suggested in the tree report. It would be desirable to retain the tree in order to maintain the integrity of the group. T35 is recorded as C category in the tree survey, but it appears to be undervalued and is considered to be comfortably a B category feature.

The access road serving the plots to the south east of Tunnel Lane appears too close to the hedgerow H2 and this would not allow sufficient space for root protection measures to be implemented. The proximity of the new road to the hedge would likely result in significant root severance, this should be amended to allow for sufficient preservation and protection of the root systems. Furthermore, the masterplan shows a number of breaches in the hedgerow to the south of Tunnel Lane, this will degrade the integrity and connectivity of the hedgerow and the number of openings should be reduced.

Several sizable areas of scrub woodland S5, S6, S7 either side of Tunnel Lane are proposed to be removed, also G14 to the west of the farm buildings. Suitable compensatory replacement planting should be required to ensure there is an increase in tree cover on the site in the longer term. This could be secured when landscaping is to be considered at a later stage.

It is also noted that the traditional orchard remnants (T47, T51, T52, and T53) will be removed but that replacement orchard planting is proposed in the corridor of land next to Northcote Lane. The new planting proposals should be covered in a detailed soft landscaping scheme. Again landscaping (and indeed layout) is not for consideration at this outline stage and there is scope to alter the masterplan (which is illustrative at this stage) to accommodate the points raised above.

However, at this outline stage the proposal would not have an unacceptable impact on trees. Access is a consideration at this stage and while protection measures are suggested and can be secured via condition no harm has been recognised, with broad accordance with policy D3 of the East Devon Local Plan. Whilst some trees would be lost to improve the access these are not of quality or character to justify their retention and as such the proposal would not result in harm.

## **Impact on Ecology**

The ecological surveys to support the proposal follow best practice guidelines and therefore considered suitable to support the application. The EcIA is of high quality with good recommendations for proposed ecological mitigation and enhancement measures, with the provision of a Biodiversity Net Gain (BNG) assessment.

Bat roosts

The report identified a number of bat roosts, primarily associated with the farmhouse and two outbuildings. These include non-breeding day roosts of common pipistrelle and brown long-eared bats, and lesser horseshoe bat day and night-roosts.

The survey notes that greater horseshoe bats were observed foraging within Building 7, which provides a covered area over a free-flight access area to Building 8 (a confirmed bat roost). Greater horseshoe bats were recorded each month at each static bat detector location during the static bat activity survey and greater horseshoe bats were also observed around the buildings on the site during the manual activity survey. Building 10, an open-fronted building was also a confirmed lesser horseshoe bat night roost (identified by droppings).

Given that greater horseshoe bats have been recorded over the site, including potentially exploring Building 7/8, the number of open-fronted buildings on the site, proximity to a train tunnel, and number of potentially suitable buildings that could be used by night roosting greater horseshoe (and other) bats, it is recommended that any further survey to inform a licence application include the deployment of a static bat detector within Building 8 and 10, to determine whether these buildings are also used by greater horseshoe bats. Internal inspections should also be made following any updated emergence surveys.

The proposed replacement bat roost is located in the north part of the north of the site within an area of Public Open Space (POS), with the illustrative masterplan indicating play areas in this location therefore could be subject to disturbance and vandalism. The proposed replacement roost is stated to follow recommendations and would be approximately 6 m long x 4 m wide and 2.5 m in height which is acceptable, assuming the 2.5 m height is the void height, i.e., loft floor to apex height and is an uncluttered roof design, i.e., not trussed rafters.

Section 4.1.22 states the roost structure could be used a summer house or other structure if an alternative location above a garage was identified. This use of a residential garage is not recommended for a replacement bat roost given the potential conflict with ongoing monitoring and maintenance as well as the increased risk of disturbance from residence.

The provision of 20 integrated bat tubes within dwellings and 30 bat boxes on trees is considered suitable.

#### Bat activity survey

The manual and static activity survey has identified the use of the site by at least 10 species of bat, including Annex II greater horseshoe, lesser horseshoe, and barbastelle bats. Common pipistrelle bat accounted for the highest percentage of bat calls. The second most frequently recorded species during the static bat activity surveys was *Myotis* sp.

Given the assemblage of bat species over found over the site a value of at least District/County importance is attributed.

The EclA indicates that the broadleaved woodland, hedgerow network along Tunnel Lane and hedgerow network along the watercourse in the east would be retained and provide a functional flight corridor for bats.

The issues of lighting is discussed and references ILP 2018 guidance for onsite lighting. However, the lighting design should also follow Devon County Council (2022) guidance - Maintaining dark corridors through the landscape for bats. In particular, major development proposals with potential impacts on light adverse 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 and be managed to maximise insect prey. The use of vegetation should also be incorporated to provide a buffer from the built development.

### Dormice

Dormice are confirmed as nesting on site and clearance of woody vegetation prior to development will require a European protected species licence from Natural England.

To decide if the proposal qualifies for a derogation, you must apply the 3 legal tests in the following order:

1. There are no feasible alternative solutions that would be less damaging or avoid damage to the site.
2. The proposal needs to be carried out for imperative reasons of overriding public interest.
3. The necessary compensatory measures can be secured.

Mitigation is proposed to replace habitat at a minimum ratio of 2:1 for habitat loss (90 m of hedge proposed for removal) and 20 dormouse nest boxes. The BNG metric indicates 980 m of new hedge planting which is likely to be suitable in mitigation, depending on implementation of planting, appropriate management etc. However, there is likely to be increased pressure of onsite habitats from hedge management and cats.

An LPA should only refuse permission if the development is *unlikely* to be licensed pursuant to the derogation powers *and* if Article 12 of the Habitats Directive was likely to be infringed.

In terms of public interest this proposal as a matter of principle accords with the national level of significantly boosting housing supply from which some economic and social benefits could accrue. Alternative scenarios are not easily discernible however improving the biodiversity of the site has been referenced in the accompanying statement. Further, it is generally accepted that Greenfield sites would have to be developed to provide for housing within the district.

It can also be seen from the ecological survey that mitigation measures are to be put in place in order to prevent an adverse effect. As a consequence there is no reason to suggest that, from the LPA's perspective, the proposal would be likely to offend article 12 of the Habitat Directive or that a licence would be withheld by Natural



England as a matter of principle. A suitably worded condition shall ensure that the appropriate licenses are obtained prior to development, in accordance with Circular 05/2006.

## Reptiles

The site supports three species of reptiles and is considered to be a 'Key Reptile Site' (Froglife, 1999). The proposals recommend a reptile translocation but no receptor site has been identified. Any receptor site should be provided in accordance with current guidance to provide the same functionality and area of the habitat loss, ensure the receptor site is safeguarded from future development, with any translocated reptiles are not producing a burden on existing reptile populations.

## Nesting birds and invertebrates

The site supports a wide assemblage of nesting birds and recommendations are made for nest boxes to be provided at a ratio of one per two units. In accordance with BS42021:2022 Integral nest boxes should be provided at a ratio of one per unit. It is agreed the site is unlikely to be of high value to invertebrates but is recommended the % of invertebrate bricks could be increased from 20%.

There are opportunities with the proposed biodiversity net gain (BNG) off-site provision to increase habitat for brown hairstreak, e.g., sucking blackthorn, and habitat for barn owls, e.g., rough grassland.

## Biodiversity Net Gain

The submitted biodiversity metric includes both on-site and off-site provision. There is a watercourse within the redline boundary of the site but not watercourse assessment has been undertaken.

Some of the proposed created grassland habitat onsite and the retained hedgerows are assessed as being in 'Good' condition. There are considerations whether 'good' condition of these habitats is realistic as they are within public realm, e.g., could be subject to management, trampling etc. It is unsure whether a restrictive covenant on householders affecting hedges is achievable/would be enforceable.

The off-site proposals involve the creation of a purposely allocated area for Biodiversity Net Gain (BNG). This would seek enhancement of an area of modified grassland into good condition other neutral grassland. Whilst the enhancement of habitat within proximity to the site is welcomed, it is considered there are further opportunities to enhance the south-west boundary connecting with the existing line of trees with the hedge to the south. There is an existing field boundary that could be enhanced through management and increase landscape connectivity.

At least 10% net gain should be delivered through separate activities which are not required to mitigate or compensate for protected species impacts. This would be

considered if the proposed offsite BNG area is recommended as a reptile receptor area.

The submitted ecological survey information, general ecological avoidance, mitigation, enhancement measures (subject to the above comments and conditions below), and indicative biodiversity net gain calculations are considered acceptable and proportionate. Therefore ecological matters do not weigh against the proposal.

Therefore, taking into account the above there is compliance with policies EN5, guidance within the NPPF as well as forthcoming legislative requirements.

## **Archaeology**

The interim report summarising the results of the archaeological field evaluation has now been submitted as a result of trial trenches and preliminary investigative works. In the light of the results as set out in this report, and assurances to the Historic Environment Team that a full final report will be produced by the applicant's archaeological contractor, the Historic Environment Team is able to withdraw its previous objection and does not consider that any further archaeological mitigation is required.

As such, the Historic Environment Team has no comments to make on this planning application. This investigative process has led to a slight delay in the processing of this application, but was a necessity based on the preliminary comments of the County Archaeologist. However, it is now apparent that the proposal complies with policy EN7 of the Local Plan.

## *Other matters*

## **Network Rail**

According to the Environmental Health department the proposed properties closest to the railway will require the provision of noise mitigation, as detailed within the applicant's noise assessment to achieve suitable internal ambient noise levels. It is a suggested condition that no development shall take place until details of proposed acoustic mitigation to be installed/provided have been submitted to and approved by the Local Planning Authority.

The other element concerning Network Rail is asset protection including matters that arose from the Flood Risk Assessment. However, a letter from Network Rail submitted by the applicant states that they were satisfied with the drainage explanations provided and therefore had no objection to the proposal at this stage.

## **Open Space**

Strategy 43 of the local plan requires on-site provision of certain types of open space, including children/youth space and amenity open space. The final requirements will depend on the type and number of houses proposed at reserved matters stage but the

indicative plan shows that there is sufficient space to accommodate the anticipated open space facilities.

## **Health Care**

A request for a financial contribution towards healthcare services provided by the Royal Devon and Exeter NHS Foundation Trust has been made.

However, the amount requested is yet to be qualified with the complexities in the funding gap unclear. Recent court judgements have to be taken into account and this, like other ongoing request from the NHS have to be scrutinised in detail. Therefore a resolution to approve with such a contribution to be confirmed this would be subject to finalising this final amount.

## **S106 legal matters**

In order to mitigate the impact of this development a legal agreement would need to secure the following;

- Provision of on site affordable housing (25% of the total number of houses)
- Provision of Open space and maintenance of.
- Arrangement of maintenance for any grassland/parkland/communal areas.
- Agreement to secure alterations to the public highway to accommodate the access works
- Contribution to NHS (final amount TBC)
- Off site Biodiversity Net Gain

At the time of writing a S106 legal agreement securing the above requirements has not been secured. Accordingly, the recommendation to Members is that of a resolution to approve, subject to the completion of the S106 with the requirements listed.

## **Planning Balance**

The Framework indicates that where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites the policies in the development plan are to be considered out of date. In such cases planning permission should be approved without delay unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme.

Applications for planning permission ultimately must be determined in accordance with the development plan unless material considerations indicate otherwise, in accordance with section 38(6) of the Planning and Compulsory Purchase Act (2004). The Framework is only one such material consideration and even where paragraph 11 applies, it remains necessary to reach a final conclusion against section 38(6).

It can be seen that this proposal would provide towards meeting the housing need within the district. This can be achieved in a relatively suitable location with transport links to an appropriate level of services and facilities which are within one the districts main settlements.

The outcome of the Framework paragraph 11 d) process indicates that this decision should be taken otherwise than in accordance with the development plan. The proposal would therefore be likely to constitute sustainable development when assessed against the Framework, taken as a whole. This is a material consideration which would outweigh the identified limited landscape conflict related to the principal of the development outside the built up area boundary.

## **RECOMMENDATION**

Resolution to APPROVE subject to the following conditions and completion of a s106:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).
2. Approval of the details of the layout, scale and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
(Reason - The application is in outline with one or more matters reserved.)
3. No development shall take place until a revised Construction and Environment Management Plan (CEMP) (to include schemes for the suppression of dust and air quality measuring and mitigation has been submitted to and agreed in writing with the Local Planning Authority. The development shall not proceed otherwise than in strict accordance with the CEMP as may be agreed unless otherwise agreed in writing with the Local Planning Authority.  
(Reason – This is required as a pre-commencement condition to ameliorate and mitigate against the impact of the development on the local community from the outset of development in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan)
4. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.  
(Reason - To ameliorate and mitigate against the impact of the development on the local community in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan)
5. Prior to their installation, a schedule of materials and finishes, including British Standard or manufacturer's colour schemes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for

the external walls, roofs, windows, doors, rainwater goods, fascias, bargeboards and ground surface materials of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

6. The landscaping scheme approved at the reserved matters stage shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan)

7. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority.

The development shall be carried out in accordance with the approved details. The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

(Reason – This is required as a pre-commencement condition to ensure retention and protection of trees on the site during and after construction in the interests of amenity and to preserve and enhance the character and appearance of the area from the outset of development in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2016.)

8. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed plan showing layout of any existing,

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

(Reason - To ensure retention and protection of trees on the site during and after construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2016. This is required as a pre-commencement condition as the works specified are likely to occur early in the development and could have adverse impacts if not controlled)

9. Prior to commencement of development 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;

Development shall take place in accordance with the approved CMP.

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

10. The development shall not proceed other than in strict accordance with the Flood Risk Assessment dated May 2023, conducted by Phoenix Design Partnership Ltd.

(Reason -To ensure the development complies with the guidance as set out in the National Planning Policy Framework) and policy EN21 (River and Coastal Flooding of the East Devon Local Plan).

11. The development shall not proceed other than in strict accordance with the recommendation, mitigation measures and enhancements detailed in the Ecological Impact Assessment dated March 2023 conducted by EAD Ecology.

(Reason -To ensure protected species are managed in an appropriate way in accordance with Policy EN6 (Wildlife Habitats and Features) of the East Devon Local Plan.)

12. Prior to the commencement of development a soil resources plan shall be prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, which should include:

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

and shall have been submitted to and approved in writing by the Local planning Authority.

Development shall take place in accordance with the approved soil resources plan.

(Reason – To ensure that the re distribution of soils does not harm the surrounding landscape, in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan, and guidance contained within the National Planning Policy Framework. This needs to be a pre-commencement condition as soil movement is likely to take place very early in the development process).

13. The site access shall be constructed, laid out and maintained for that purpose, where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway ( identified as Y ) shall be 43 metres in both directions.

(REASON: To provide a satisfactory access to the site and to provide adequate visibility from and of emerging vehicles, in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan, and guidance contained within the National Planning Policy Framework).

14. The reserved matters application(s) for layout and external appearance shall include details of secure cycle/scooter storage facilities. The development shall be implemented in accordance with the approved details and no dwelling shall be occupied until the cycle/scooter storage facility that the relates to the dwelling has been provided. The facility shall be retained for such a purpose for the lifetime of the development

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

15. There should be no development and no raising of ground levels, whether temporary or permanent, within the areas of the site designated as Flood Zone 3 (high probability of flooding).

Reason: To safeguard the function of the floodplain thus ensuring an increase in flood risk does not occur, in accordance with Strategy 47 (Nature Conservation and Geology) and policy EN21 (River and Coastal Flooding) of the East Devon Local Plan, and guidance contained within the National Planning Policy Guidance).

16. No works shall that could impact on dormice or bats shall commence unless the Local Planning Authority has been provided with a copy of the dormouse and bat mitigation licences 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 in accordance within an agreed Landscape and Ecological Management Plan (LEMP), unless otherwise amended by Natural England.

(Reason – To ensure that the proposal does not result in harm to protected species, in accordance with Circular 06/2005 Biodiversity and Geological



Conservation, Strategy 47 (Nature Conservation and Geology) and policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan, and guidance contained within the National Planning Policy Framework).

17. The development shall deliver at least a 10% biodiversity net gain (BNG). Any subsequent reserved matters application and detailed site design should be supported by an updated biodiversity net gain calculation using the most up to date biodiversity metric (currently 4.0), a biodiversity gain plan, and habitat maintenance and management plan following best practice principle, including BS 8683, and following current or subsequently updated BNG guidelines.

Reason – To clarify the terms of the consent, ensure that BNG is brought forward in an appropriate manner, in accordance with Strategy 47 (Nature Conservation and Geology) and policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan, and guidance contained within the National Planning Policy Framework).

18. Prior to the commencement of development the following information shall have been submitted to and approved in writing by the Local Planning Authority;

- A Landscape and Ecological Management Plan (LEMP),
- Construction and Ecological Management Plan (CECoMP); and
- A lighting design for bats following Devon County Council (2022) guidance, including provision of lux contours and dark corridors.

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

It should include a detailed design of the bat house, including materials, access, location, and measures to ensure it remains protected from disturbance. The location and design of biodiversity features including bird boxes (at a ratio of 1 per unit), bat boxes, permeable fencing and other features should clearly be shown on submitted plans.

The LEMP should also be fully in accordance with the recommended condition provided by the landscape architect.

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

19. The reserved matters application(s) for layout shall include:

- (a) A detailed drainage design based upon the approved Land off Northcote Road, Honiton Flood Risk Assessment and Drainage Strategy (Report Ref. 570, Rev. B, dated 30th May 2023).
- (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) Evidence there is agreement in principle from the landowner/DCC highways/Network Rail for any water diversion or modification.
- (f) 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 implemented in accordance with the agreed details under (a) - (f) above.

(Reason: The above condition is required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. 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).

- 20. The development shall proceed in accordance with the submitted ecological impact assessment (EAD Ecology, 2023),

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

#### Plans relating to this application:

BM-M-01 rev H	Location Plan	31.03.23
SK10	Other Plans	13.04.23

#### List of Background Papers

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

## **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