

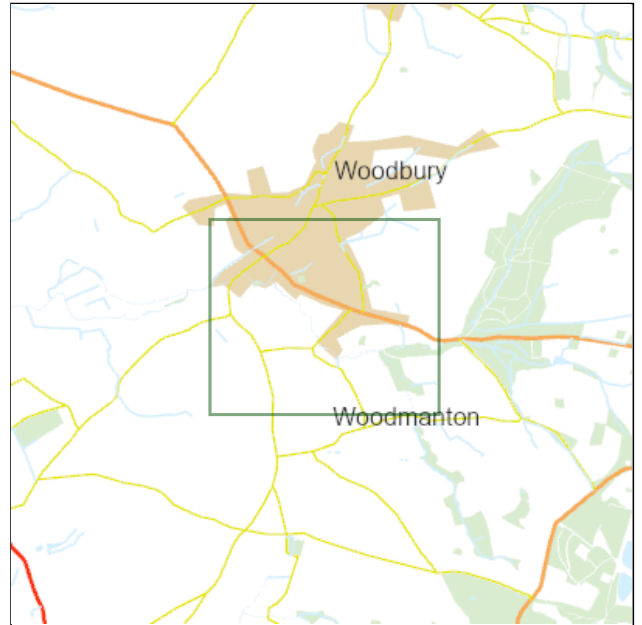
Ward Woodbury And Lymptstone

Reference 22/2838/MOUT

Applicant Hayes Grange LLP

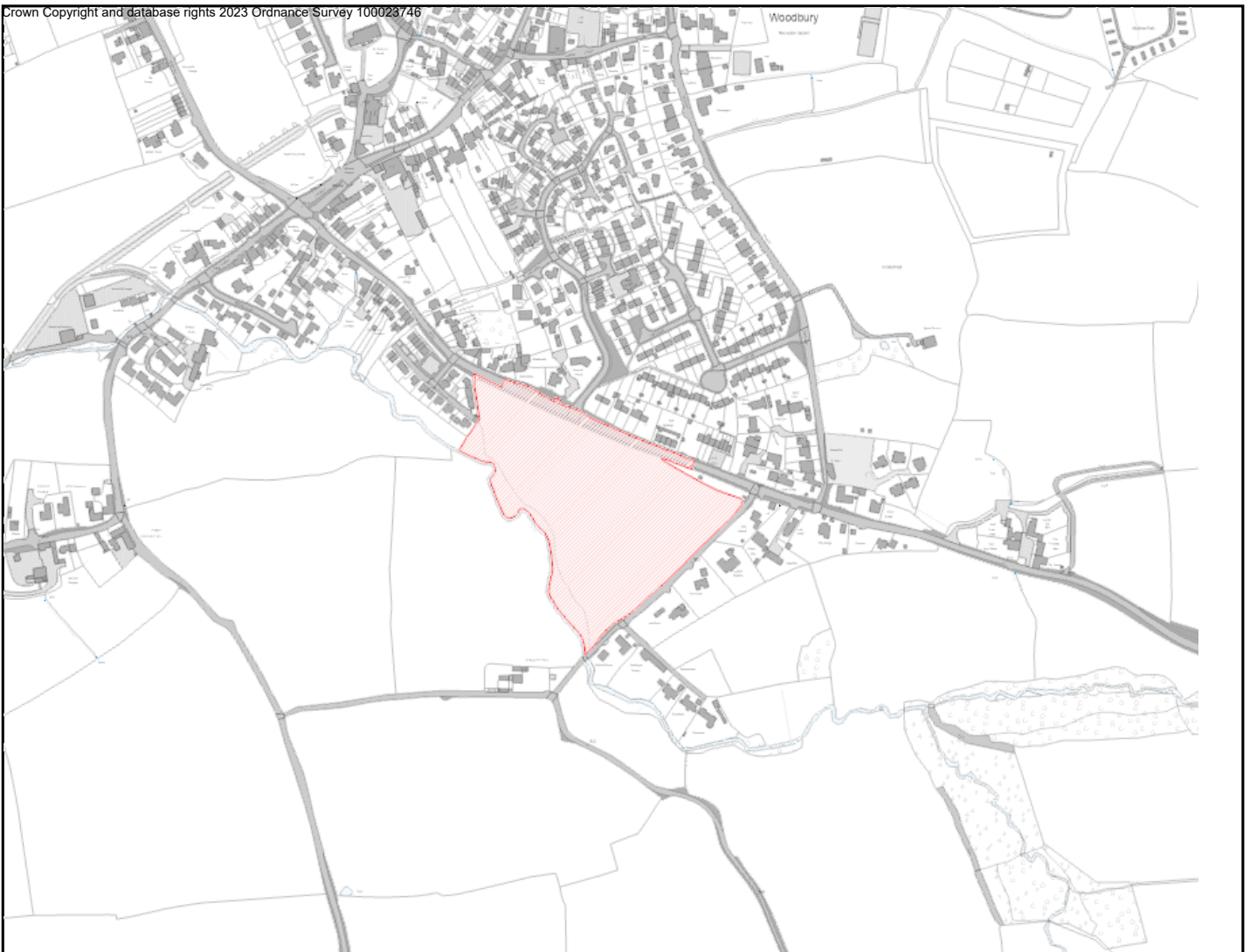
Location Land To South Broadway Woodbury

Proposal Outline application for the construction of up to 70 residential units including open space, affordable housing, and offsite highway works (all matters reserved except for access)



RECOMMENDATION:

- 1. Adopt the appropriate assessment forming part of the report**
- 2. Approve subject to a legal agreement and conditions**



		Committee Date: 21.11.2023
Woodbury And Lymphstone (Woodbury)	22/2838/MOUT	Target Date: 12.04.2023
Applicant:	Hayes Grange LLP	
Location:	Land To South Broadway	
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UPDATE

This application was deferred at the Planning Committee on 24th October 2023 to enable officers to re-consult South West Water and the Environment Agency regarding the capacity of the Woodbury Pumping Station and whether the proposed development could be accommodated without increased risk of pollution from the outfall of the pumping station into the Exe Estuary which is a European Protected Site.

These consultations have been undertaken, however at the time of writing this update, no responses have been received. A verbal update will be given to Members at the meeting of the outcome of the re-consultation exercise, however if no comments have been received, it may be beneficial to defer consideration of the application until the December meeting.

EXECUTIVE SUMMARY

This application is before Members as it represents a departure from the adopted Development Plan and objections have been raised by Ward Members and the Parish Council.

The site is located adjoining the built up area boundary for Woodbury, as identified in the Villages Plan, to its eastern boundary and is currently gently

sloping agricultural land in the countryside to the south of the main arterial road through the village known as Broadway.

The application is made in outline and includes details for consideration of means of access only and proposes the construction of up to 70 dwellings) on a site area of 2.4ha. The application is accompanied by an indicative layout which seeks to establish the quantum of development proposed can be achieved. It is important to note that the illustrative site layout plan submitted with this application indicates a layout that would not be supported at the reserved matters stage, which has been communicated to the applicant's agent, this is with particular reference to parking which is remote from the houses and cramped into unpleasant backland parking courts often with no clear route from the car park to the house. These matters can be addressed prior to submission of a reserved matters application where layout, scale and appearance (as well as landscaping) is to be considered in detail.

A single point of vehicular access is proposed onto Broadway through the removal of approximately 30 metres of hedgerow and a mature tree, County Highways are in agreement with the Transport Assessment submitted with the application and consider the access to be safe and suitable. Even though some impact upon the local highway network will result, this would not be considered by the Highway Authority to be severe enough to justify refusal of planning permission.

Within the wider setting, the landscape and visual effects are limited due to topography and vegetation cover and where views are likely to be obtained the development would be seen against the backdrop of the existing settlement on rising ground to the north. As such the Landscape Architect considers that the proposal could be considered acceptable in principle for housing development in terms of landscape and visual impact.

Matters of flood risk, ecology, archaeology, drainage and disturbance during the construction period can be adequately addressed through conditions.

The application is therefore recommended for approval subject to securing the appropriate obligations, including 35% affordable housing, on site open space with LEAP, wildlife corridors and habitat mitigation payment secured through a Section 106 Agreement.

Given the current need for housing in the district and the lack of a 5 year housing land supply engaging the tilted balance in favour of sustainable development, the lack of significant constraints to development, sustainable location of the site and provision of 35% affordable housing, it is considered that the principle of development can, on balance, be supported.

CONSULTATIONS

Local Consultations

Parish/Town Council

Woodbury Parish Council does not support this application.

The primary role of the Villages Plan is to set boundaries (known as built-up area boundaries) around villages, which will help determine where new development, especially new housing, will typically be allowed to be built.

Outside these boundaries opportunities for development will be far more restricted, which will effectively control the outward expansion of villages into the surrounding countryside. The Villages Plan will sit alongside the adopted East Devon Local Plan and together they will guide and manage development across the district.

This development is adjacent to the BUAB of Woodbury. As a development within the countryside then the expectation is a minimum of 50% affordable housing. Transport and Planning and Heritage statements have several inaccuracies. The section on community consultations mentions the existing residents' concerns but does little to address the inadequate footpaths, lighting and traffic issues. The applicants own consultant's report highlights that in excess of 1350 vehicles exceed 35mph per day. The consultation also raises the issue of inadequate and unsafe walking and cycling routes from this development particularly for people with restricted mobility and parents with prams.

The concerns expressed of crossing the B3179 has been little more than a very minor upgrade of that that already exists.

The East Devon Local Plan states that 'development in open countryside outside defined boundaries will be resisted, unless on the merits of the particular case, there is a proven need it will meet a community need'. Traffic calming, footpaths and affordable housing would be a proven case. The case for traffic calming is within the Bellamy Transport Statement that shows the speed of traffic along Broadway. Woodbury in particular is much less catered for in public transport services than the Transport Statement implies when Parish figures are quoted rather than specifically Woodbury figures. The implication is that the new development will generate less car movements than would be the reality adding to the traffic issues on Broadway. These points all lead to the recommendation that this application is not supported.

Woodbury And Lypstone - Cllr Geoff Jung 22/2838/MOUT

I have viewed the documents for outline planning permission 22/2838/MOUT for the construction of up to 70 residential units including open space, affordable housing, and offsite highway works (all matters reserved except for access) on land to South Broadway Woodbury. This Application is on a site that has come forward as a proposed site for the new emerging East Devon Local Plan. Although it is recommended by officers to be included in the new local plan, I do not consider the application is appropriate that this is brought forward as this time.

It is claimed by the applicant that the Local Authority cannot demonstrate a 5-year land supply, which may have been the case prior to the Government announcement

that the 'Housing Number Algorithm' will not be mandatory from 22.12.2022. Although this key strategy requirement has been removed, no replacement strategy or policy has replaced it, and therefore at this time it is not clear what the Local Authority housing numbers are required to be built each year, and therefore it may be shown that the local Authority can shortly demonstrate a five-year land supply. It is also the case that as the Local Authority has successfully taken the new Local Plan to the first Public Consultation stage, there is a possibility according to the government consultation papers that the requirement may be reduced to only 4 years for Authorities working on a new Local Plan and completed their first public consultation. Therefore, it may be shown that the Authority can claim an up-to-date plan, and a five year land supply. Therefore, I cannot support this Application as this time. However, I reserve my final views on the application until I am in full possession of all the relevant arguments for and against.

Woodbury and Lymington – Cllr Ben Ingham

I recommend this application for refusal.

I agree with the objections of WPC.

In addition, I see no benefit to the community from this application.

In addition, this site is nowhere near an employment site so is inappropriate in terms of sustained employment and social value, failing the NPPFs golden thread

Technical Consultations

Conservation

On the basis of the information provided through the application, the works as proposed would result in no harm to the contribution the setting makes to the significance of the Grade II heritage assets; Rosemary Cottage and Bixley Haven sited to the north-west of the site, in addition to the historic and architectural interest of the adjacent Woodbury Conservation Area. In this respect conservation do not wish to offer any comments. Case Officer to assess.

DCC Flood Risk SuDS Consultation

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) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins. Confirmation from a geotechnical engineer that based on the geology found at the site, there is no risk of infiltrated water re-emerging downslope and impacting on the properties.

(b) A detailed drainage design based upon the approved Land South of Broadway, Woodbury Flood Risk Assessment & Drainage Strategy (Report Ref.

E06077/0001_FRA, Rev. V4, dated 07th March 2023) and the results of the information submitted in relation to (a) above

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

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

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

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

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

The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:

The applicant have revised Land South of Broadway, Woodbury Flood Risk Assessment & Drainage Strategy (Report Ref. E06077/0001_FRA, Rev. V4, dated 07th March 2023).

The applicant have not carried out any infiltration testing for the site. The applicant therefore proposed both an infiltration and attenuation options to manage the surface water runoff.

The proposed development site impermeable area is 1.166ha and the derived greenfield runoff rate is 2.4l/s.

For the infiltration option, it is proposed that the smaller north western sector will drain to a large below ground soakaway located within an area of open space and the larger south eastern sector to an above ground infiltration basin located to the south of the site.

For the attenuation option, the north western sector will drain to below ground attenuation crates with controlled discharge of 0.7l/s to the Gill Brook. The south eastern area will drain to an above ground attenuation basin located to the south of the site via a flow control to Qbar of 1.65l/s (as shown in Drawing Indicative Drainage strategy Plan Attenuation Option (Drawing No. 0002, Rev. P02, dated 09th January 2023).

The controlled discharge of 0.7l/s for the north western sector has resulted in a really small orifice size which is prone to blockages. The applicant shall refine the design during detailed design.

Hock Lee
Flood and Coastal Risk SuDS Engineer

DCC Historic Environment Officer

Application No. 22/2838/MOUT

Land To South Broadway Woodbury - Outline application for the construction of up to 70 residential units including open space, affordable housing, and offsite highway works (all matters reserved except for access) amended plans: Historic Environment

My ref: ARCH/DM/ED/38283b

I refer to the above application and your recent re-consultation. The Historic Environment Team has no additional comment to make to those already made, namely:

The proposed development occupies a large area in a landscape where little in the way of formal archaeological investigations have been undertaken but where in the wider landscape prehistoric and Romano-British activity is recorded in the county Historic Environment Record. The application area lies on west facing land sloping down to a small water course and would have been an attractive site for early settlement. As such, groundworks for the construction of the proposed development have the potential to expose and destroy previously unrecorded archaeological and artefactual deposits associated with prehistoric and Romano-British activity in this landscape. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 205 of the National Planning Policy Framework (2021) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

accordance with the approved scheme as agreed in writing by the Local Planning Authority.'

Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

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

Reason

'To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with (i) and archaeological geophysical survey followed - if required - by (ii) the excavation of a series of evaluative trenches to investigate any anomalies identified and to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic

environment and planning, and our charging schedule please refer the applicant to:
<https://new.devon.gov.uk/historicenvironment/development-management/>.

Stephen Reed

Senior Historic Environment Officer

Housing Strategy/Enabling Officer - Cassandra Harrison 27/09/23

SUPPORT

Further to my comments of 26th July 2023 on this application, I note the percentage of affordable housing has been changed to 35%. Under current policy Strategy 34, a requirement of 50% affordable housing is required. However, given the lack of a 5 year land supply I feel this is a reasonable offer. We could insist on a viability appraisal, however I feel this could result in a lower percentage of affordable housing in the current economic climate with high interest rates.

My comments on housing tenure, mix and parking still apply. The 70% rented units should be Social Rent tenure.

Housing Strategy/Enabling Officer - Cassandra Harrison 26/07/23

SUPPORT

Percentage of Affordable Housing - under current policy Strategy 34, a requirement for 50% affordable housing would be required. However, given the lack of a 5 year land supply and out of date policies, a pragmatic approach is being taken with sites adjacent to an existing built up area boundary and the level of affordable housing to be sought. The applicant is proposing to provide 25% affordable housing which equates to 18 units and this is acceptable.

Tenure - Strategy 34 sets a target of 70% for rented accommodation (social or affordable rent) and 30% for affordable home ownership. For the proposed 18 units, this would amount to 12 rented units and 6 units for affordable home ownership. The rented units should be provided as Social Rent as this is more affordable to local incomes in East Devon.

Housing Mix - will be determined at Reserved Matters stage. However I expect the applicant to engage with the housing team early on to ensure a mix that meets local housing needs. A parish level housing needs survey is currently being undertaken in Woodbury during August 2023. All affordable units should also meet M4(2) standards.

Parking - the design and access statement states there is only 1 parking space for 2 bedroom apartments, however there are 2 parking spaces for 2 bedroom houses. If some of the affordable units are going to be 2 bedroom apartments, they would need 2 parking spaces. However, I would also want to see some 2 bedroom houses as affordable, I would not want to see all the affordable housing as flats. There also needs to be suitable provision for visitor parking to avoid overflow parking in neighbouring streets.

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

Environment Agency

Thank you for re-consulting us on this application.

Environment Agency position

We have reviewed the additional information submitted in support of this application and advise that our previous response still stands. This response is copied below:

"We have no objections to this planning application provided that conditions are included within any permission granted to secure the implementation of the submitted Flood Risk Assessment (FRA) and flood resilience measures.

Before determining the application your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with the NPPF if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

The suggested wording for our recommended condition and associated advice on flood risk is set out below.

Condition - Implementation of the FRA

The development shall be carried out in accordance with the submitted flood risk assessment (ref 10/01/23, E06077/FRA, Clarkebond) and the following mitigation measures it details:

- o There shall be an 8m no build corridor between the top of the riverbank and the new development as demonstrated in drawings 'indicative drainage strategy plans' (Appendix C 3 - shown as 8m bank offset) and section 5.5 of the flood risk assessment.

The mitigation measures shall be fully implemented prior to occupation and retained and maintained throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants Policy EN21 - River and Coastal Flooding of the East Devon Local Plan.

Condition - Flood Resilience

No development approved by this planning permission shall commence until such time as a scheme to ensure the development is flood resilient, by demonstrating that finished floor levels are above the design flood level, has been submitted to, and approved in writing by, the local planning authority.

The scheme shall be fully implemented prior to occupation and retained and maintained throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and its future users in accordance with Policy EN21 - River and Coastal Flooding of the East Devon Local Plan.

Advice - Flood Risk

We have reviewed the submitted FRA and consider that this contains sufficient information to satisfy us at this stage that the proposed development could be acceptable in principle. Nevertheless, the applicant will need to provide further information in due course to ensure that the proposed development can go ahead without posing an unacceptable flood risk to the new residential properties. We consider that the above-mentioned conditions will be sufficient to ensure that no development takes place within 8m of the top of the riverbank and that the development itself will be appropriately resilient to flooding over its lifetime.

We note that some of the maps available in 'EA Data and Correspondence' in appendix F3 seem to have been inverted. The data itself that has been used in the main document is still relevant and seemingly correct but these should be updated when discharging the above conditions.

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 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)

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.

EDDC Landscape Architect

1 INTRODUCTION

This report forms the EDDC's landscape response to the outline application for the above site and is an updated response following submission of additional information by the applicant.

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

2 SITE DESCRIPTION AND CONTEXT

2.1 Site description

The site comprises a single, roughly wedge-shaped arable field extending to 2.4ha immediately to the south of Broadway and west of an unnamed country lane. The topography is slightly undulating, with a westerly aspect, sloping down to a watercourse, with gradients ranging from 1:20 higher up to 1:10 lower down. There is an overall level difference of 14m from the top eastern most corner to the southwest corner. A tree lined water course forms the southwestern site boundary. The site is bounded by native hedgerows adjacent to the road boundaries to the north and southeast. The western boundary abuts the recent Meadow View Close housing development. Site trees are limited to those along the watercourse and a single early-mature lime within the northern boundary hedgerow.

A well-used public footpath (Woodbury footpath 3) runs from Broadway at the northwestern end of the site along the watercourse to the minor lane in the southeast corner. The footpath alignment shown on the definitive map does not reflect the natural desire line which is clearly evident on site as a worn path following the edge of the watercourse. There are long views from the higher parts of the site over the Exe Estuary to the Haldon ridge in which the water in the estuary is visible. The wooded ridge of Woodbury Common which marks the boundary of the East Devon AONB is clearly visible to the east. Woodbury footpath 3 affords clear views over the site. There are views over the site from the frontage with Broadway. A clear view of the eastern half is obtained from the field gate in the southern corner off the minor lane to the southeast. There are also a couple of gateway views from which most of the site is visible from the minor lane to the southwest near Bridge Pitt Farm (150m) and Tedstone Lane (350m) to the west.

The site is directly overlooked by houses fronting the north side of Broadway and to a lesser extent by houses along the lane adjacent to the southeast boundary. The latter are detached in large plots and have principal views that look away from the site. It has not been possible to identify the site in publically accessible views from the edge of the AONB.

2.2 Local landscape character

The site lies within East Devon landscape character type 3B: Lower rolling farmed and settled slopes key features of which relevant to the site are:

- Gently rolling landform, sloping up from valley floor. Numerous shallow valleys contain small streams. Red sandstone geology apparent in cuttings and soils in west of study area.
- Many hedgerow trees, copses and streamside tree rows. Oak and ash predominate, and there are small blocks of woodland.

- Predominantly pastoral farmland, often with a wooded appearance. Variable sized fields with wide, low hedged boundaries and a mostly irregular pattern, reflecting different phases of enclosure.
- Semi-natural habitats include streams and ditches, grassland, woodland and trees.
- Numerous historic landscape features including farmsteads, lanes, villages and churches.
- Settled, with various settlement sizes, building ages, patterns and styles. Various building materials, including stone, cob, whitewash/ render, slate, thatch and tile.
- Winding, often narrow sunken lanes, with tall earthbanks.
- A relatively enclosed and sheltered landscape. Some parts of the LCT feel well settled, whilst others feel exceptionally remote, with very little traffic.
- Views tend to occur across valleys, rather from within them. Higher land in other LCTs forms the backdrop to views.
- Often strong colours within the landscape, influenced by underlying geology, season and choice of crops.

Relevant management guidelines for this LCT are given as:

- Manage field patterns, by repairing degraded hedgerows, promoting traditional hedgerow management, and also retaining/ planting hedgerow trees. Replace lost ash trees with alternative species.
- Manage traditional orchards, supporting restoration where possible.
- The location and form of any settlement expansion to be sensitive to existing road patterns and settlement form. For example, avoid ribbon development on the edges of nucleated villages.
- Retain distinctive entrances to villages and consider how village approaches and entrances could be enhanced.
- Choose building materials which fit with the existing palette, taking particular care if considering bright or reflective surfaces.
- Consider settlements within their wider landscape settings. Ensure that appropriate measures to soften the settlement edge, and to integrate development into the landscape, are incorporated into any settlement expansion plans. Screening should enhance landscape character, for example through using fruit trees in traditional orchard areas, and avoiding stark lines of planting which do not respect the existing landscape pattern.
- Create stronger habitat links, particularly between woodland areas through additional woodland and hedgerow planting.
- Consider the role of this LCT in wider views. It is often seen from above, so any developments spread over a large area (such as solar farms) are likely to be very apparent.

The site generally conforms to the landscape character description and is in good condition and despite its proximity to Woodbury it retains a rural character particularly along the watercourse.

2.3 Planning Policy

There are no specific planning policies relating to the site. The site lies outside of the BUAB as identified in the current local plan but is allocated for residential development within the draft new local plan. The East Devon AONB boundary lies approximately 600m to the east of the site.

2.4 Landscape and visual impact

Development of the site as proposed would result in the loss of an open and relatively prominent field to built-form but sensitivity is reduced by the presence of existing modern residential development to the northeast and west. Gradients are sufficiently gentle not to entail major terracing of the site. The location of the proposed access will result in the loss of the only notable tree on the boundary with Broadway, an early-mature stage lime, and the removal of most of the existing roadside hedge. Although the hedge will be transplanted or replaced further back from the site boundary, the proposed highway works will lead to a substantial change in character along Broadway, creating a much wider highway corridor and changing its character from semi-rural to urban.

The development is considered unlikely to adversely impact the setting of the East Devon AONB. There are numerous sensitive visual receptors likely to be effected by the development, particularly residents to the north side of Broadway opposite the site and users of the public footpath running through it. Walkers, cyclists and motorists along Broadway would also be impacted.

For existing residents to the north of Broadway, and travellers along it, the proposed development will have a high adverse visual impact introducing prominent built form to the south side of the road which will block or substantially alter an expansive and attractive long-range view over the Exe Estuary to the Haldon Ridge.

Users of the public footpath across the site will experience a loss of openness and tranquillity and encroachment of built form over the whole length of the path that will be hard to mitigate for and consideration should be given to what additional public access could be offered in compensation. There are limited visual receptors to the south and southwest of the site and where views are obtained they are limited to a few field gateways or are generally heavily filtered by intervening trees and hedgerow. Where views from these directions are obtained they are generally seen in the context of the urban fabric of the town to the north and west and lower density residential development to the east.

Generally the landscape and visual impacts of the proposals are likely to be limited to the site and immediate surrounds, and while the change in character along Broadway and the visual impact on Broadway residents and travellers and users of footpath 3 would be significant adverse, subject to appropriate density and sensitive design, development could be accommodated without wider significant adverse impact to the host landscape character.

3 REVIEW OF SUBMITTED LAYOUT & ASSOCIATED DETAILS

Layout and density

The indicative site layout is set back from Broadway with houses mostly orientated with their sides or backs to it. This is contrary to good practice guidance, such as given in Building for a Healthy Life, which recommends active street frontages. Such an arrangement has been used in the recent development of Meadow View Close to the northwest of the site where it fronts Broadway and should be continued through to the application site.

A 5m or so ecological buffer shown on the landscape plan and sections along the northern boundary between the development and Broadway does not appear to be

supported by the submitted ecological survey which notes that the existing boundary hedge is of limited biodiversity value, and recommends only that light sources are set back at least 5m from it. This space could be more usefully used within the overall layout.

The proposed straight line of 4-bedroom units to the southern edge of the development appears incongruous in relation to the meandering water course and creates a narrow pinch-point between them where the footpath runs that would be overly dominated by built form. They also back on to the river limiting natural surveillance opportunities over this section of the river edge.

The design of parking courts, particularly the largest one to the northwest of the site access road, lacks opportunities for planting. The generous provision of trees shown in the site illustrations in adjacent rear gardens could not be relied upon to provide screening and softening of the development, as they would be prone to removal by residents. Sufficient provision should be made for planting within the parking courts themselves and other communal areas which can be managed in perpetuity through an agreed management plan.

New hedgebank

The proposed hedgebank detail, dwg. no. LHC-00-XX-DR-L-92.01 rev P1 is generally acceptable but a 1m wildflower verge should be provided between the face of the hedge and adjacent roadside footway in order to accommodate summer out-growth without excessive cutting back of the hedge.

Backfill for the bank should be specified as sub-soil. The detail should be amended accordingly.

4 CONCLUSION & RECOMMENDATIONS

4.1 Acceptability of proposals

The development will inevitably have a significant impact on the character of the site itself and Broadway. Visual impacts on adjacent Broadway residents and users of the public footpath through it will also be significant. Within the wider setting, the landscape and visual effects are limited due to topography and vegetation cover and where views are likely to be obtained the development would be seen against the backdrop of the existing settlement on rising ground to the north. As such the site could be considered acceptable in principle for housing development in terms of landscape and visual impact, although the proposal for 70 units appears excessive given the nature of the site and rural edge location.

Should the application be approved any condition discharge/reserved matters application should consider points raised at sections 2 and 3 above.

EDDC Trees

The indicative site plan shows a reasonable buffer zone within public open space, around the perimeter of the site. This allows for the long-term retention of, and management of the boundary trees and hedges.

The proposed highway access will require removal of a section of hedgerow from the sites northern boundary. However this does not appear to be the original Devon

hedge bank and there is adequate space for compensation planting elsewhere on site.

The above principles relating to the development footprint and spatial arrangement, around the boundary tree and hedgerow features, should be carried across to the reserved matters application on this site.

Based on the above no objection is raised to the proposed outline application on arboricultural grounds.

Any reserved matters application should be supported by an arboricultural method statement and tree protection plan, detailing how the sites trees and hedges will be protected during all works on site.

In addition, any soft landscaping plans and landscape management plans submitted as part of a reserved matters application should be included details of all post planting tree management, to ensure new tree survival to the point of being independent within the landscape, and that the landscape management plan includes the ongoing proactive management of the existing tree population. However as this is a broad area of expertise, I will leave the details of landscaping and landscape management plans to the District's Landscape Architect to comment on, we can provide additional tree specific information as required.

Draft tree protection condition:

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

The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS. The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

Environmental Health

I recommend that the following documents are submitted with the full planning application

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.

A lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable.

Reason: To comply with Policy EN15 for the avoidance of light pollution.

DCC Historic Environment Officer

I refer to the above application. The proposed development occupies a large area in a landscape where little in the way of formal archaeological investigations have been undertaken but where in the wider landscape prehistoric and Romano-British activity is recorded in the county Historic Environment Record. The application area lies on west facing land sloping down to a small water course and would have been an attractive site for early settlement. As such, groundworks for the construction of the proposed development have the potential to expose and destroy previously unrecorded archaeological and artefactual deposits associated with prehistoric and Romano-British activity in this landscape. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 205 of the National Planning Policy Framework (2021) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local

Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

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

Reason

'To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with (i) and archaeological geophysical survey followed - if required - by (ii) the excavation of a series of evaluative trenches to investigate any anomalies identified and to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be

presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

County Highway Authority

I have visited the site and reviewed the Transport Statement, Design and Access Statement and indicative site layout of this project.

The parcel in question has been accessed as amenable within the latest emerging local plan. The site currently has permitted agricultural use with two existing accesses. Therefore the provision of 70 houses would present some level of trip generation intensification upon the local network.

However the access proposed would be just the one, for vehicles, which therefore represents a highway safety gain, with less interaction of opposing traffic. Additionally the access junction will be improved with a right turn box for traffic entering the site, whilst also retaining the right turn lane for Fulford Way. The site frontage will also see the benefit of a footway to adjoin to the tactile crossing, as well as a separate footway access path. The trip generation would be mitigated with secured cycle storage, Travel Plan contributions and the local bus service of Woodbury.

The visibility splay for the site access to be provided has been designed bespoke to the actual speeds of Broadway through a speed survey.

Therefore in summary the County Highway Authority (CHA) has no objections to this MOUT application. We may have further comments or conditions upon the receipt of the reserved matters application should it come forth, I will therefore reserve comment upon the internal layout until such time.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Other Representations

39 representations have been received as a result of this application raising the following concerns:

- The amenities of Woodbury cannot support such a large development;

- Woodbury has witnessed a large level of housing growth over recent years;
- The site is outside the village boundary;
- Poor transport links;
- School is too small;
- Doctor's is too small;
- A pavement is needed on this side of the road
- Traffic speeds are too great;
- Need for pedestrian island to cross the road;
- Woodbury needs a neighbourhood plan;
- Poor drainage and sewerage system in the village;
- Loss of green fields;
- Loss of wildlife habitats;
- Impact on heritage assets

PLANNING HISTORY

23/0103/PREAPP – Resident development

POLICIES

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

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 34 (District Wide Affordable Housing Provision Targets)

D1 (Design and Local Distinctiveness)

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

EN22 (Surface Run-Off Implications of New Development)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents
NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Site Location and Description

The site lies on the edge of the settlement of Wodbury to the south of 'The Broadway' which is the main arterial route into the village, it lies outside of the recognised built up area boundary.

The site comprises a single, roughly wedge-shaped arable field extending to 2.4ha immediately to the south of Broadway and west of an unnamed country lane. The topography is slightly undulating, with a westerly aspect, sloping down to a watercourse, with gradients ranging from 1:20 higher up to 1:10 lower down. There is an overall level difference of 14m from the top eastern most corner to the southwest corner. A tree lined water course forms the southwestern site boundary. The site is bounded by native hedgebanks adjacent to the road boundaries to the north and southeast. The western boundary abuts the recent Meadow View Close housing development. Site trees are limited to those along the watercourse and a single early-mature lime within the northern boundary hedgerow.

A well-used public footpath (Woodbury footpath 3) runs from Broadway at the northwestern end of the site along the watercourse to the minor lane in the southeast corner. The footpath alignment shown on the definitive map does not reflect the natural desire line which is clearly evident on site as a worn path following the edge of the watercourse.

Proposed Development

The planning application is in outline for the erection of up to 70 new dwellings. Details of the means of access are the only matter for consideration at this stage. All other matters (layout, scale, appearance and landscaping) are reserved for future consideration.

The application includes an indicative layout for the 70 units, 25 of which (35.7%) would be affordable houses therefore 45 would be open market.

The proposal is being put before the Council on the basis that the site would be a logical extension to Woodbury given the existing/surrounding development, and it would provide additional housing within the district. The site has been put forward as a potential site for inclusion in the new Local Plan, but the applicants expressed the view that, given the need for housing, and the nature of the site in relation to existing development, it could be brought forward ahead of the new Local Plan.

Planning Considerations

The main considerations in the determination of this application relate to:

- The principle of the proposed development;

- Affordable housing;
- Agricultural land classification;
- Impact on highway safety;
- Residential amenity;
- Landscape and visual impact;
- Ecology and habitats;
- Flood risk and drainage;
- Heritage impacts;
- Planning obligations;
- Planning balance and conclusion.

Principle of Development

The site lies outside of the built up area boundary for Woodbury under the currently adopted Local Plan (as defined by the Villages Plan) and as such is considered to lie in the countryside. Under the emerging Local Plan which seeks to find additional land for housing growth, the site is currently being included and consulted upon as one which could support an acceptable extension of Woodbury however this document carries no weight at present. The proposal has been advertised as a departure from the Development Plan.

The Council's position on policies of housing restraint (i.e built up area boundaries) has recently changed as the Local Planning Authority can no longer demonstrate a 5 year land supply of housing. The Council's latest Housing Monitoring Report ending 31st March 2022 went before Strategic Planning Committee on the 4th October 2022 where the report put before members stated the following;

"This report provides a summary of house building monitoring information to the year ending 31 March 2022. It had been noted in the previous Housing Monitoring Update that the housing land supply position was declining and that action was needed to address this position. In the meantime the annual requirement figure has gone up from 918 homes per year to 946 homes per year as a result of changes to the affordability ratio which is a key input into the government's standard method for calculating housing need. The increased need figure combined with a declining supply position means that a 5 year housing land supply can no longer be demonstrated. The report advises Members of the implications of this and what actions are and should be taken to address this position."

Under government policy if an authority cannot demonstrate a 5 year housing land supply then the presumption in favour of sustainable development will apply as set out in paragraph 11d of the National Planning Policy Framework. This states:

"(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."

Development constraint policies, such as Strategy 7 (Development in the Countryside) that applied built-up area boundaries to settlements can no longer carry significant weight. Proposals for residential development that are outside of these areas and that are not compliant with the spatial strategy of the Local Plan should be approved unless points (i) and (ii) above apply. In this case (i) the protected areas referred to includes AONB's, SSSI's, designated heritage assets and areas at risk of flooding among others.

i) above does not apply in this case and so we must determine whether point (ii) is satisfied.

It should be noted that paragraph 14 of the National Planning Policy Framework states that where the presumption in favour applies ".....the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits....", where among other things a neighbourhood plan has been made in the last 2 years. There is currently no Neighbourhood Plan for Woodbury so there is no additional protection in this case.

It is clear that Woodbury is a sustainable location for housing development where there is good infrastructure and services (including convenience shop, doctors surgery, church, village hall, primary school, hairdressers, public house etc...) together with transport links to larger settlements including Exmouth and Exeter. It is proposed to retain a built up area boundary for Woodbury in the emerging Local Plan, albeit widened from the current boundary to allow for housing growth through allocations, and plan positively to deliver housing development in sustainable locations around the village. The location and sustainability considerations weigh heavily in favour of the application.

The site represents a logical extension of the built form of the village adjacent to the main road in the village from the Exmouth/Woodbury common direction, though it is currently a green field in use for agricultural purposes, therefore it is for this report to consider the impact on the landscape and whether any other impacts would outweigh the benefits of the proposal. The benefits and impacts of the proposal will be balanced at the end of the report and a conclusion made.

Affordable housing

Lack of affordable housing is a critical issue in East Devon and in order to retain younger people in our neighbourhoods and communities, as well as housing others in need, we need more affordable homes. The application in its heads of terms indicates that the proposal would provide 35% affordable housing, this offer has been increased from an initial offer of 25%.

Strategy 34 of the EDDC Local Plan however indicates that in villages and rural areas applications should provide 50% affordable housing. It further elaborates by stating:

Where a proposal does not meet the above targets it will be necessary to submit evidence to demonstrate why provision is not viable or otherwise appropriate. An overage clause will be sought in respect of future profits and affordable housing provision, where levels of affordable housing fall below policy targets.

No viability information as to why the required 50% affordable housing target could not be achieved on site has been provided, however, the applicant's agent has put forward the following arguments as to why the level of affordable housing provision proposed (35%) is appropriate on this site:

'The scheme has been brought forward in direct response to the Council's stated position (first expressed in Ed's report to the February 2022 Strategic Planning Committee) that it couldn't meet its land supply requirement and that it therefore needed to look favourably on windfall schemes coming forward in the right location to address the shortfall. Fundamentally, this scheme is not being presented as an exceptions development (requiring the 50% affordable) but in response to the NPPF position that your adopted policies on the location of new housing are out of date and that development should be approved unless there are significant concerns to the contrary.

The application is not a speculative one but which flows from pre-application discussions and a presentation to officers (including yourself and Ed Freeman) and members. The written response from this confirms that the Panel was supportive of the form of the scheme and members were of the view that "a reduced level of affordable housing can be accepted because the Council can no longer demonstrate a 5 year housing land supply." The 35% affordable level was therefore considered acceptable.

The application therefore directly responds to the MAP advice and to the Council's more generally stated position on the implications of its supply position.

I would also suggest that a reduced AH provision is appropriate in that:

- It is reasonable level which enables applications to come forward promptly and thereby helping permissions to be granted to reduce the housing supply deficit*
- Any requirement for a higher level is likely to generate delay whilst valuation discussions take place between the parties to agree the level of AH viability and/or to the submission of appeals if a satisfactory position is not agreed in a timely manner. Neither are likely to help the Council address its supply problem.*
- In the case of Broadway, 70 units will make a significant contribution towards helping the Council meet its current shortfall and which amounts to 328 units as set out in your most recent monitoring report. As such, the scheme will help the Council to resist other, more speculative or less welcome applications in other locations. By contrast, Broadway is in a sustainable location and is the only one of the 3 current Woodbury applications which are proposed for allocation in the draft local plan'.*

The Housing Enabling Officer has the following comments to make:

I note the percentage of affordable housing has been changed to 35%. Under current policy Strategy 34, a requirement of 50% affordable housing is required. However, given the lack of a 5 year land supply I feel this is a reasonable offer. We could insist on a viability appraisal, however I feel this could result in a lower percentage of affordable housing in the current economic climate with high interest rates.

Tenure - Strategy 34 sets a target of 70% for rented accommodation (social or affordable rent) and 30% for affordable home ownership. For the proposed 18 units, this would amount to 18 rented units and 7 units for affordable home ownership. The rented units should be provided as Social Rent as this is more affordable to local incomes in East Devon.

Housing Mix - will be determined at Reserved Matters stage. However I expect the applicant to engage with the housing team early on to ensure a mix that meets local housing needs. A parish level housing needs survey is currently being undertaken in Woodbury during August 2023. All affordable units should also meet M4(2) standards.

The level of affordable housing proposed at 35% (25 units) falls short of the policy expectation of 50% (35 units), however, the provision of 25 units in the settlement must be seen as a benefit to the local population and those in need of affordable housing whether it be rented or shared ownership. The early provision of housing, in advance of the adoption of a new plan with housing allocations, to meet the identified shortfall in provision (5 year housing land supply) must also be seen as a benefit which is chiefly the agent's argument, in a sustainable location, for not providing viability information.

Accordingly, the proposal is contrary to Strategy 34 in that it does not provide a policy compliant level of affordable housing, however, the affordable housing must be seen as a benefit, it will be a matter than needs to be weighed in the planning balance at the end of the report as to whether a shortfall in affordable housing is outweighed by the need for housing to meet the needs of the district.

Agricultural land classification

The site is currently an agricultural field, and where the loss of agricultural land is proposed an assessment must be made as to whether it is the best and most versatile agricultural land (Grades 1, 2 and 3a). Policy EN13 of the EDDC Local Plan and advice contained in the NPPF suggest that agricultural land falling in Grade 1, 2 or 3a should not be lost where there are sufficient areas of lower grade land available or the benefits of development justify the loss of the high quality land.

The entire site constitutes grade 3 agricultural land which is not the highest grade land but one where an on-site survey would be needed to determine whether it is 3a or 3b. No such survey has been submitted with this application and so a cautious approach is to consider that the site could be Grade 3a, which does fall within the category of best and most versatile agricultural land. The field is currently farmed but is constrained by housing developments on 3 sides and a water course on the other side and therefore is not connected to other similar grades of land which reduces its agricultural viability and value.

Whilst it is considered that the loss of 2.4 hectares of the agricultural land is regrettable, where it is not physically connected to land of a similar quality or higher quality (as in this instance) and as there are large amounts of other land in the locality of higher quality, it is considered that the loss would not significantly harm agricultural interests or the national food supply. Nevertheless the loss of this agricultural land weighs negatively in the planning balance.

Highway Impact and Access

The proposal for 70 homes would be accessed by a new adopted roadway through what is presently a roadside verge and mature hedgerow to an agricultural field. The existing hedgerow would be translocated south to accommodate sufficient visibility splays and a footway adjacent to the road to enable access to a new pedestrian island that would facilitate access to services on the opposite side of a busy road including primary school and doctors surgery. Once the access road has entered the site in a southerly direction, adoptable standard roads are shown in the indicative Masterplan that lead out to all of the proposed units. The existing public footpath which runs along the southern boundary of the site in an informal manner (unmade path within the field) is likely to be diverted, but is proposed to enter and leave the land in the same positions at the east and west of the site. No comments have been received from Devon County Footpaths Officer regarding this element of the proposal, however, it will be matter for the reserved matters application to provide the exact layout of the wider site and pathway.

In terms of the access and the development's impact on the wider road network where it generates additional vehicular traffic onto the B3179, known locally as Broadway, which is a B class road which runs through the settlement of Woodbury between Exmouth/Woodbury Common and the Clyst St George roundabout at its junction with the A376, the Highway Authority have considered the scheme in detail and the additional details that have been provided by the applicant's agent. The County Council as Highway Authority recommend approval of the scheme with specific conditions applied to ensure safe visibility at the access and timely provision of well-designed roadways.

The development will inevitably generate additional vehicular activity on local roads. This traffic will accumulate at pinch points with the new traffic being generated by other recent development in the village and further afield. The Highway Authority are satisfied that the new junction of the access will not suffer undue congestion at peak flows and has appropriate visibility that can be controlled and maintained together with a new dedicated right turn lane into the site from a westerly direction. They specifically do not consider there will be a significant denigration of highway safety. For these reasons the proposals are considered to accord with Policy TC7.

In terms of wider accessibility, Policy TC2 and the NPPF seek residential development that is located in positions where there are viable alternatives to the private car allowing pedestrian, cycle and public transport access to jobs, services and amenities. The application site is accessible to a range of services including bus services, shops, schools, medical services and jobs (predominantly in further afield settlements by bus). There are suitable and safe walking routes into the village centre. In short, the

site is considered to be accessible and future residents would have viable and attractive sustainable alternatives to using the private car.

In conclusion, the proposals are considered to be in an accessible location with suitable and safe access. Vehicular traffic would enter an, at times, busy local road network, but these trips would naturally dissipate onto alternative routes that are safe and appropriate. There are viable alternatives to the use of the car with pedestrian and cycle links as well as walkable bus stops with regular services in the locality. The submitted Transport Assessment and the Residential Travel Plan are considered acceptable by Devon County highway Authority and the overall the scheme considered to accord with Policies TC2 and TC7 of the EDDC Local Plan and the guidance in the NPPF.

Residential amenity

The proposals are in outline and do not include detailed plans for the housing proposed. An indicative masterplan shows a layout of housing arranged following the contours of the sloping ground from north down to the south. The houses are set in from the boundaries of the site due to the fact that the hedgerows are to be retained and there is a need for wildlife corridors to be maintained adjacent to them.

It is considered that at the number of homes being proposed, the land can accommodate the built development without resulting in undersized gardens, cramped building arrangements or a development that is dominated by parking. However, it is important to note that the illustrative site layout plan submitted with this application indicates a layout that would not be supported at the reserved matters stage, this has been communicated to the applicant's agent, this is with particular reference to parking which is remote from the houses and cramped into unpleasant backland parking courts often with no clear route from the car park to the house. These matters can be addressed prior to submission of a reserved matters application where layout, scale and appearance (as well as landscaping) is to be considered in detail.

Similarly, the impact on those already living adjacent to the site need not result in overlooking, enclosure or loss of light with plenty of room for new homes to be situated well away from the boundary. The impact of development is lessened further as the ground falls away to the south meaning that any new houses will be situated on lower ground than the existing houses on Broadway.

For these reasons the proposals are considered to be acceptable in terms of residential amenity and accord with Policy D1 of the EDDC Local Plan together with advice contained in the NPPF.

Landscape and Visual Impact

The application site is currently a pleasant green field, sloping gently down as it leaves the edge of Woodbury. Development of the site as proposed would result in the loss of an open and relatively prominent field to built-form but sensitivity is reduced by the presence of existing modern residential development to the northeast and west. Gradients are sufficiently gentle not to entail major terracing of the site. The location of the proposed access would result in the loss of the only notable tree on the boundary

with Broadway, an early-mature stage lime, and the removal of most of the existing roadside hedge. Although the hedge will be transplanted or replaced further back from the site boundary, the proposed highway works will lead to a substantial change in character along Broadway, creating a much wider highway corridor and changing its character from semi-rural to urban.

Generally the landscape and visual impacts of the proposals are likely to be limited to the site and immediate surrounds, and while the change in character along Broadway and the visual impact on Broadway residents and travellers and users of footpath 3 would be significant adverse, subject to appropriate density and sensitive design, development could be accommodated without wider significant adverse impact to the host landscape character.

The Council's Landscape Architect concludes by stating:

'Generally the landscape and visual impacts of the proposals are likely to be limited to the site and immediate surrounds, and while the change in character along Broadway and the visual impact on Broadway residents and travellers and users of footpath 3 would be significant adverse, subject to appropriate density and sensitive design, development could be accommodated without wider significant adverse impact to the host landscape character.'

The development will inevitably have a significant impact on the character of the site itself and Broadway. Visual impacts on adjacent Broadway residents and users of the public footpath through it will also be significant. Within the wider setting, the landscape and visual effects are limited due to topography and vegetation cover and where views are likely to be obtained the development would be seen against the backdrop of the existing settlement on rising ground to the north. As such the site could be considered acceptable in principle for housing development in terms of landscape and visual impact, although the proposal for 70 units appears excessive given the nature of the site and rural edge location'.

The applicant's agent has been given the opportunity to justify the quantum of development proposed on site which they have done by justifying the following:

- *All the units would meet National Space Standards so the units are not artificially small. The garden sizes and back to back distances are all generous.*
- *Taken as a whole the scheme density is extremely low (19 dpha). Even with all the open space, circulation etc excluded, density is 37dpha. Nearby schemes at Webbers Meadow are 44 dpha and 36 dpha at Meadow View Close so the scheme is not of character – quite the opposite given the amount of open space.*

They have also commented that parking and circulation space would be a matter to be addressed in detail at the reserved matters stage.

Accordingly, the proposal is considered to be acceptable/can be made to be acceptable with suitable mitigation planting to be considered at the reserved matters stage.

Ecology and Habitats

A preliminary ecological appraisal, consisting of an extended UK Habitat Classification survey was undertaken on 6 July 2021 by Richard Green Ecology Ltd. An updated habitat condition assessment was undertaken on 12 October 2022, and hazel dormouse, cirl bunting, bat activity transect and static surveys were subsequently undertaken from October 2022 through to June 2023.

The proposal would result in the loss of approximately 3.26 ha of arable cropland and 0.08 ha of neutral grassland. The loss of these habitats is not considered to result in a significant ecological impact.

At least nine species of bat have been recorded foraging and commuting over the site during manual and static bat detector survey, including Annex II (Habitats Directive 1992) species barbastelle, greater horseshoe and lesser horseshoe bats. Given the diversity of bat species and the presence of rarer species, the site is overall considered to be of County value to foraging and commuting bats (Wray et al., 2010)

Two dormouse nests and one partially constructed nest were found in survey tubes on the eastern boundary hedgerow, meaning that dormouse presence is assumed in all boundary hedgerows. The site is considered to be of local ecological value for dormice.

The loss of 30 m of species-poor hedgerow for access into the site is considered likely to result in a minor adverse ecological impact at the site level. Translocation of short lengths of the northern species-poor hedgerow are proposed. The lengths affected are unconfirmed, however, translocation would involve movement by up to 2 metres, considered to cause a negligible adverse ecological impact. The hedgerow removal and translocation could result in the killing or injury of dormice and would result in the loss of dormouse nesting and foraging habitat. The proposed hedgerow removal and translocation will therefore require a European protected species licence (EPSL) from Natural England. One can only apply for an EPSL once planning approval has been granted and any conditions pertaining to protected species, which are capable of being discharged, have been discharged.

Outline mitigation and ecological enhancement measures include

- the provision of ecological buffers to avoid the illumination of hedgerows,
- ecological supervision of hedgerow removal and translocation,
- sensitive timing of works to avoid harm to nesting birds and dormice,
- a lighting plan, including lux contours across the site, will be required. Lighting design should be in accordance with 'Bats and artificial lighting in the UK' (BCT and ILP 2018) to minimise light spill and potential negative effects upon foraging and commuting bats.
- provision of dormouse nest boxes,
- reptile hibernacula,
- bat and bird boxes,
- creation of habitats detailed within the biodiversity unit calculation, and
- Payment of a standard Habitat Mitigation Contribution per house would also be payable to 'deliver' mitigation for recreational impacts on the nearby SPAs.

A Landscape and Ecological Management Plan (LEMP) should be produced, detailing the planting specifications and the ongoing management of the proposed and retained habitats.

The applicant's ecology consultant has calculated that this range of mitigation measures provides a BNG (biodiversity net gain) score as follows:

Overall, the proposal would result in a gain of 3.43 habitat units (a 31.98 % net gain), and a gain of 4.67 hedgerow units (48.31 % net gain). Assuming the proposed mitigation and enhancement measures are undertaken, and that relevant management and lighting plans are implemented, the overall effect on ecological receptors is expected to be slightly beneficial.

Due to there being no loss of habitat for bats, a bat license from Natural England will not be required for this application and as such the derogation tests for bats is not necessary in this instance. However the test is required for dormice as a European Protected Species licence will be required due to the loss of hedgerow.

The proposed development would require a European Protected Species Licence from Natural England.

In these circumstances the Local Planning Authority has a statutory duty under Regulation 3(4) to have regards to the requirements of the Habitats Directive in the exercise of its functions when dealing with cases where a European Protected Species may be affected.

The species protection provisions of the Habitats Directive, as implemented by the Habitats Regulations, contain three 'derogation tests' which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would otherwise lead to an offence under provisions protecting species in the Habitats Regulations: The Woolley court judgment makes it clear that the Local Planning Authority must apply these same three tests when determining a planning application and that failing to do so will be in breach of the Habitats Regulations.

The three tests are:

1. the activity must be for imperative reasons of overriding public interest or for public health and safety;

In this case it is considered that the imperative reasons of overriding public interest are as follows:

- The proposal would use a site for residential purposes in a sustainable location.
- The development would make a positive contribution towards the Council's 5 year housing land supply

- The development would secure a 25% affordable provision

2. there must be no satisfactory alternative;

In this case the hedgerow providing the dormice habitat is required to be lost to provide a safe and suitable access to the site where there are no other suitable alternatives. Other locations in the field could be used to provide access, but these would also require the removal of hedgerows. The amount of hedgerow to be lost is limited to 30 metres of the entire 2.4ha site.

3. favourable conservation status of the species must be maintained.

To mitigate for the loss of a small section of hedgerow there are a number of measures proposed to retain the species on site such as:

- the provision of ecological buffers to avoid the illumination of hedgerows,
- ecological supervision of hedgerow removal and translocation,
- sensitive timing of works to avoid harm to nesting birds and dormice,
- provision of dormouse nest boxes

As such there would only be a limited loss of habitat provision as a result of the development, it is considered that the application does demonstrate that favourable conservation status of dormice bats would be maintained.

Having regard for the above assessment, it is considered that the three tests can be met and that Natural England are likely to grant an EPS licence.

Accordingly, as a package of protection and biodiversity enhancement, the site during and following development will benefit from a net gain and the measures are suitable mitigation. These measures are encapsulated in the Ecological Impact Assessment dated July 2023 and submitted with the application.

Habitats Regulation Assessment

The nature of this application and its location close to the Exe Estuary and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and a financial contribution will be secured through an appropriately worded legal agreement. On this basis, and as the joint authorities

are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

For these reasons the proposals are considered to accord with Policy EN5 of the EDDC Local Plan, the NPPF and the stipulations of the Habitat Regulations.

Flooding and drainage

The site lies in Flood Zone 1 and is therefore not prone to flooding. Residential development is 'more vulnerable' to flooding, but is directed to Flood Zone 1 in national guidance and the development as proposed is considered appropriate. There is a ditch down the eastern side of the site which has been confirmed to be of no substantive flood risk to the site.

The submitted indicative masterplan shows a drainage attenuation pond in the south east corner of the site together with either infiltration for the north west corner or drainage into the Gil Brook, which is generally the preferred SUDS method of holding water being drained and attenuated before leaving a development.

A detailed drainage methodology would be required as part of a reserved matters submission that will inevitably follow the layout design of the site.

Devon County Flood Risk department originally objected to the proposal stating the following:

'At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered'.

On submission of additional information, DCC Flood Risk Team have removed their objection subject to conditions to secure a detailed design of drainage scheme to be submitted at the reserved matters stage with the following comments to make:

The applicant has not carried out any infiltration testing for the site. The applicant therefore proposed both an infiltration and attenuation options to manage the surface water runoff.

For the infiltration option, it is proposed that the smaller north western sector will drain to a large below ground soakaway located within an area of open space and the larger south eastern sector to an above ground infiltration basin located to the south of the site.

For the attenuation option, the north western sector will drain to below ground attenuation crates with controlled discharge of 0.7l/s to the Gill Brook. The south eastern area will drain to an above ground attenuation basin located to the south of the site via a flow control to Qbar of 1.65l/s (as shown in Drawing Indicative Drainage

strategy Plan Attenuation Option (Drawing No. 0002, Rev. P02, dated 09th January 2023).

The controlled discharge of 0.7l/s for the north western sector has resulted in a really small orifice size which is prone to blockages. The applicant shall refine the design during detailed design.

The proposal is therefore considered acceptable, subject to conditions to provide a detailed design strategy at the reserved matters stage, in relation to Policy EN22 of the EDDC Local Plan.

Heritage Impact

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

Woodbury Conservation Areas lies in close proximity to the site. There are 2no. Grade II Listed Buildings Rosemary Cottage and Bixley Haven sited to the north-west of the site.

The Council's Conservation Officer has the following comments to make:

On the basis of the information provided through the application, the works as proposed would result in no harm to the contribution the setting makes to the significance of the Grade II heritage assets; Rosemary Cottage and Bixley Haven sited to the north-west of the site, in addition to the historic and architectural interest of the adjacent Woodbury Conservation Area. In this respect conservation do not wish to offer any comments

For these reasons the proposals do not harm designated and undesignated heritage assets for which special consideration has been given. The proposal is therefore considered to be acceptable in relation to the aforementioned parts of the Act, Policies EN9 and EN10 of the EDDC Local Plan and advice contained in the NPPF.

Planning obligations

The report has already discussed the 35% onsite affordable housing proposal and the habitat mitigation payments which would need to be secured through the prior signing of a legal agreement, however, there are other items that are required to be secured through the legal agreement, namely:

Bat corridors

The ecology report indicates that there should be unlit corridors for bats of 5 metres adjacent to the existing hedgerows which bound the site to the north and east

Openspace

Strategy 43 of the Local Plan requires development of a certain size to provide and/or contribute towards on-site open space provision and maintenance. The adopted Planning Obligations Supplementary Planning Document is clear that for developments of this scale the requirement would be to provide amenity open space as part of the development which is shown on the indicative layout plan, however provision of an onsite locally equipped area for play (LEAP) and funding for equipment is also required.

The Planning Balance and Conclusion

Having taken all of the previous comments into consideration, the NPPF requires Planning Authorities to apply a planning balance, where the social, environmental and economic factors of the scheme are attached relative weight with regard to the guidance of the NPPF and the up to date policies of the Development Plan.

In this scheme, weight is attached to the offer of 25 affordable housing units that will provide social sustainability benefits, whilst not a policy compliant level of affordable housing 25 units a not an insignificant benefit. Similar importance is attached to the potential 70 new homes where the 5 year housing land supply cannot be given full weight at this point in time and the shortfall needs to be addressed in good time to ensure that it does not fall further behind.

Without a 5 year housing land supply there is diminished countryside protection from the relevant parts of Local Plan policies i.e Strategies 6 and 7.

The economic benefits of building, furnishing and living in 70 new homes and the filter down effect this would have on the local and regional economy weigh in favour of the proposal.

The development would be accessible by a range of transport means to Woodbury's amenities and facilities without the need to resort to the private car, together with transport links to further afield settlements. Although the local road network would receive additional pressure, the impact is not considered severe and there are no objections from the County Highway Authority. This also weighs in favour of the proposal.

There is not a significant adverse impact on local residential amenity and an acceptable impact on the local and wider rural landscape and the setting of the village. Although there will be an inevitable erosion of the countryside with the new housing being built, the Landscape Officer's assessment does not consider the visual impact to be significantly adverse in light of the current policy position. A similar conclusion is drawn on local heritage assets where special consideration has been given and whose significance would not be harmed.

Ecological impacts are considered to be fully mitigated ensuring compliance with planning policy and the Habitat Regulations. There would be retention of the primary hedgerows around the site save for some loss of the translocated roadside hedge with minimal tree or hedge removal overall.

The development could result in the loss of Grade 3a agricultural land and this weighs negatively in the planning balance.

The development is outside of the floodplain with a site that can be drained by sustainable means.

The proposals offer an appropriate package of mitigating measures to offset the impact that the new housing would have on local infrastructure through payment of CIL which is also of benefit to the parish of Woodbury through receiving 15% of the total CIL monies to use in the parish.

It is considered that there are substantial social and economic benefits to development at Broadway. The 35% provision of affordable housing, the open market housing and the benefit to the local economy should be given great weight. The environmental impacts are limited, the most significant being the erosion of countryside on the edge of Woodbury and possible loss of BMV agricultural land. However, given the current housing land supply position, and given that the impact is not so harmful in light of the comments from the Landscape Officer, the environmental impact is not so adverse that it outweighs the substantial housing offer being tabled to help meet the current identified need for housing.

On balance the proposals are considered to represent sustainable development in the light of the guidance in the National Planning Policy Framework and the up to date policies of the Development Plan.

RECOMMENDATION

- 1. Adopt the appropriate assessment**
- 2. APPROVE subject to a legal agreement securing the following matters:**
 - **Habitat mitigation contribution of £367.62 per residential unit.**
 - **35% affordable housing to be 18 rented units and 7 units for affordable home ownership**
 - **Management company to maintain common areas on site.**
 - **Securing of funding and equipment to for a LEAP**
 - **Wildlife corridors to be kept free from light spill**

APPROVE subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission. The development hereby permitted shall be begun before the expiration of one year from the date of approval of the last of the reserved matters to be approved.
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure the development comes forward in a timely manner).

2. Approval of the details of the layout, scale and appearance of the building (s) 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. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

4. All future reserved matters applications submitted pursuant to condition 2 of this permission shall be accompanied by a Construction and Environment Management Plan that 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. The plan shall also consider construction vehicle routing and delivery arrangements. Construction working hours and all site deliveries shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

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

5. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

(Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

6. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with diagram BTC22056 P-01 P2 contained in the transport assessment 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 43.0 metres in both directions.

(REASON: To provide adequate visibility from and of emerging vehicles in accordance with Policy TA7 of the adopted East Devon Local Plan).

7. 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) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins. Confirmation from a geotechnical engineer that based on the geology found at the site, there is no risk of infiltrated water

re-emerging downslope and impacting on the properties.

(b) A detailed drainage design based upon the approved Land South of Broadway, Woodbury Flood Risk Assessment & Drainage Strategy (Report Ref. E06077/0001_FRA, Rev. V4, dated 07th March 2023) and the results of the information submitted in relation to (a) above

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

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

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

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

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

8. The development shall be carried out in accordance with the submitted flood risk assessment (ref 10/01/23, E06077/FRA, Clarkebond) and the following mitigation measures it details:

There shall be an 8m no build corridor between the top of the riverbank and the new development as demonstrated in drawings 'indicative drainage strategy plans' (Appendix C 3 - shown as 8m bank offset) and section 5.5 of the flood risk assessment.

The mitigation measures shall be fully implemented prior to occupation and retained and maintained throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy EN21 - River and Coastal Flooding of the East Devon Local Plan.

9. No development approved by this planning permission shall commence until such time as a scheme to ensure the development is flood resilient, by demonstrating that finished floor levels are above the design flood level, has been submitted to, and approved in writing by, the local planning authority.

The scheme shall be fully implemented prior to occupation and retained and maintained throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and its future users in accordance with Policy EN21 - River and Coastal Flooding of the East Devon Local Plan.

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

The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS. The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

11. A lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable.
Reason: To comply with Policy EN15 for the avoidance of light pollution.

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

Reason

To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

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

Reason

To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.

14. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
 - A) The main road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - B) The main road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - C) The cul-de-sac visibility splays have been laid out to their final level;
 - D) The street lighting for the main road and cul-de-sac and footpaths has been erected and is operational;
 - E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - G) The street nameplates for the main road and cul-de-sac have been provided and erected.

(Reason: To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with Policies TA7 (Adequacy of Road Network and Site Access) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

15. No development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 30 years has been submitted to and approved in writing by the Local Planning Authority which should include the following details:
- Extent, ownership and responsibilities for management and maintenance.
 - A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
 - Landscape and ecological aims and objectives for the site.
 - Condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to inform any initial works required to address defects/ issues identified and bring them into good condition.
 - Detailed maintenance works schedules covering regular cyclical work and less regular/occasional works in relation to:
 - Existing trees, woodland and hedgerows.
 - New trees, woodland areas, hedges/ hedgebanks and scrub planting areas.
 - Grass and wildflower areas.
 - Biodiversity features - hibernaculae, bat/ bird boxes etc.
 - Boundary structures, drainage swales, water bodies and other infrastructure/facilities.
 - 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.

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.

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 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

16. 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, hedgebanks, 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.

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 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 3 sections through the site at 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. Details should include proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc and provision of water butts to private rear gardens to collect roof rain water.
- e) A full set of soft landscape details including:
 - i) Planting plan(s) showing locations, species and number of new tree and shrub/ herbaceous planting, type and extent of new amenity/ species rich grass areas and 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.
- f) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.
- i) 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.

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.

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 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

17. Development shall proceed in accordance with Sections 4 (Assessment, recommendations and mitigation) and 5 (Biodiversity net gain) detailed in the Ecological Impact Assessment dated July 2023 undertaken by Richard Green Ecology.

(Reason: To ensure that the mitigation measures are in place to safeguard the biodiversity and protected species displaced by the development in accordance with Policy EN5 (Wildlife Habitats and Features).

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

DR UD 01.01 P6	Location Plan	11.01.23
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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