

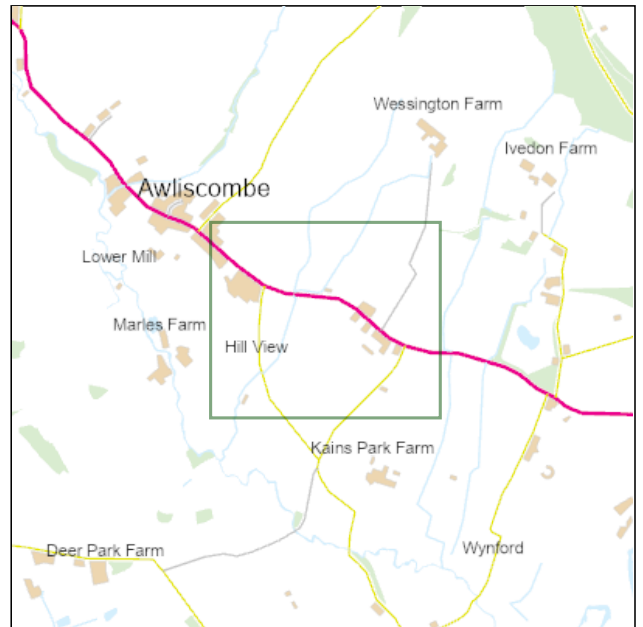
Ward Dunkeswell And Otterhead

Reference 23/1276/MOUT & 23/1271/FUL

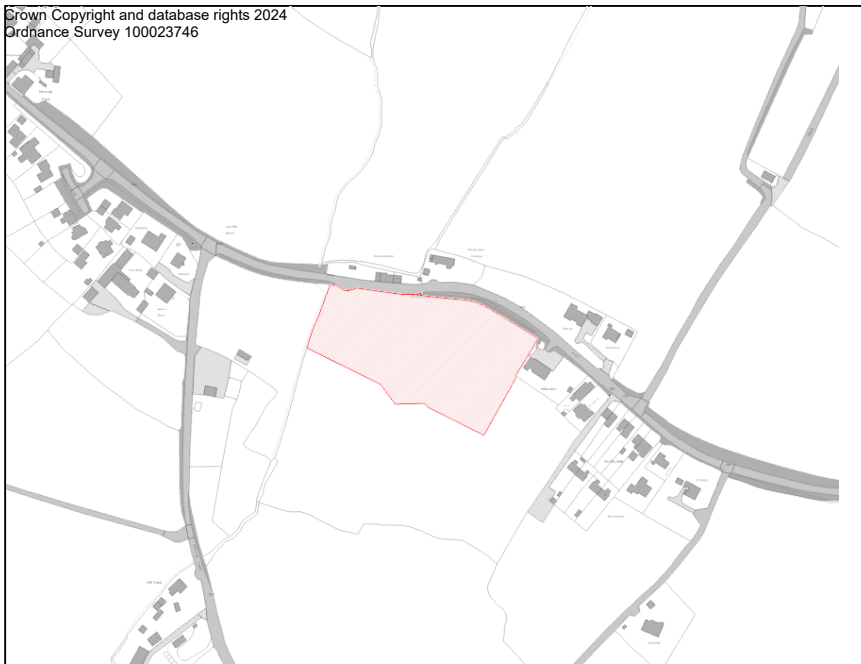
Applicant Mr R Falle

Location Land Adjacent To Hillcrest Awliscombe

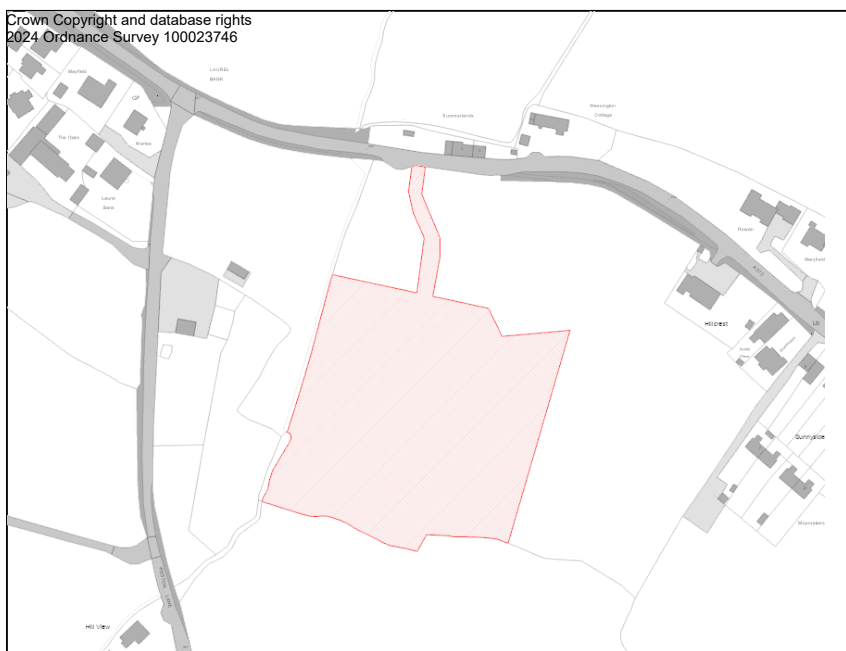
Proposal **(23/1276/MOUT)** Outline planning application for construction of 20 no. dwellings, village hall and farm shop and provision of village green and car parking, seeking approval of access only (matters of appearance, landscaping, layout and scale reserved)
(23/1271/FUL) Change of use of agricultural land to form recreation area.



RECOMMENDATION: Refusal



23/1276/MOUT



23/1271/FUL

		Committee Date: 20.08.2024
Dunkeswell and Otterhead (Awliscombe)	23/1276/MOUT 23/1271/FUL	Target Dates: 24.10.2023 19.09.2023
Applicant:	Mr R Falle	
Location:	Land Adjacent To Hillcrest Awliscombe	
Proposals:	23/1276/MOUT - Outline planning application for construction of 20 no. dwellings, village hall and farm shop and provision of village green and car parking, seeking approval of access only (matters of appearance, landscaping, layout and scale reserved) 23/1271/FUL - Change of use of agricultural land to form recreation area	

RECOMMENDATIONS: 23/1276/MOUT – Refusal

23/1271/FUL - Refusal

EXECUTIVE SUMMARY

This joint report relates to two applications that are essentially linked to one another and are brought before the Committee owing to a difference of opinion between officers and the parish council in regard to the proposals subject of 'major' application ref. 23/1276/MOUT. As such, it cannot be determined under the Council's scheme of delegation. There is similarly some conflict between the officer position and that of the commenting ward member in relation to application 23/1271/FUL, thereby also triggering the need for Committee referral.

Application 23/1276/MOUT seeks outline planning permission for a mixed use development of a 'greenfield' site, on the southern side of the A373, that currently forms a tract of open countryside between the main village of Awliscombe and a separate smaller cluster of mainly residential properties to its south east. The A373 itself forms the boundary of the designated Blackdown Hills National Landscape (NL) with the site lying just outside it.

The scheme comprises 20no dwellings, 8 of which would be affordable,

alongside the construction of a farm shop, the laying out of a 'village green', the provision of a 'community parking' area and the allocation of space for the construction of a village hall.

All detailed matters - aside from access - comprising the layout, scale, appearance and landscaping of the development are reserved for approval at a later stage.

The submission incorporates an illustrative masterplan for the development that shows the prospective utilisation of an existing recessed and splayed field entrance as the point of access to the site and a central cul de sac spine road. The affordable housing is shown indicatively in the form of a pair of terraces oriented 'end on' to the A373 to either side of a central parking courtyard near to the site entrance with the remaining open market units all detached and set within individual plots. The community parking, village hall and farm shops sites are shown towards the western end of the site with the 'village green' separating one of the terraces of affordable housing from the open market units on the northern side of the spine road.

Awliscombe does not have a settlement boundary as defined in the adopted Local Plan. Moreover, there is no neighbourhood plan in force for the village. Furthermore, the scheme does not comprise 'community-led' development of the type permitted under the provisions of Local Plan Strategy 27.

There is an acceptance of the need to facilitate the provision of more housing in locations outside of defined settlement boundaries so as to maintain a healthy supply towards ensuring that the required 5 year supply is in place when the emerging Local Plan is adopted.

However, this is also required to recognise the presumption in favour of sustainable development set out in national policy, which in essence conversely also means continuing to resist housing development in less sustainable locations.

In this regard, it is not considered that Awliscombe is a sustainable location for the accommodation of housing growth. It possesses little in the way of community facilities and services aside from a primary school, church, village hall and a limited bus service.

It is therefore considered that the provision of housing in this location would be contrary to the overarching local plan spatial strategy for the location of such growth.

Whilst the provision of affordable housing to meet the more general needs of the District (in the absence of up to date housing needs evidence to demonstrate a requirement for the same in Awliscombe or the other parishes with which it is grouped) is recognised and represents a benefit weighing in favour of the proposal, it is considered to be significantly outweighed by the shortcomings of the scheme in terms of the non-sustainable location of the site.

Moreover, the provision of a farm shop, 'village green' and a community parking facility, alongside land for a new village hall, do not reflect any community aspirations that are translated into any express policy requirements. Their offer as elements of the overall scheme must therefore be regarded as neutral, at best, in the overall planning balance in this case.

This is reinforced by the adverse harm to the local landscape character of the area that it is thought would result from the development. It would constitute a form of ribbon development extending the built form of the main part of the village towards the satellite cluster of development to its south east. In so doing, it would close off much of the existing gap between the two and result in an unwarranted visual incursion into open countryside that would be harmful of itself in close and medium distance view from the A373 and a local public footpath as well as detrimental to the character of the setting of the adjacent designated NL.

Application 23/1271/FUL relates to the provision of a recreation field/football pitch on land immediately to the south of this development.

Should permission be refused for the mixed use development described above, this proposal would be required to be considered on its own merits as a standalone proposal.

In this regard, it would constitute a proposal within the open countryside within which there is both strict control in place over new development and no policy provision in place that would permit it.

It would fail the tests set out in Local Plan Policy RC4 which, among other criteria, require that proposals should be in scale with the character, environmental characteristics and setting of the area, avoid conflict with countryside or landscape policies and incorporate on site facilities to meet the needs of the proposal.

In this case, no justification for the need for the facility has been provided. Furthermore, no clear details of any level of parking that would appear to be adequate to serve the facility have been provided whilst the proposal also fails to incorporate any changing facilities to serve the pitch or any details as to its future maintenance/management.

In the circumstances therefore, this too constitutes an unjustified form of development for which there is no policy support or other material considerations that would weigh in its favour.

Refusal is therefore recommended for both proposals.

CONSULTATIONS

23/1276/MOUT

Local Consultations

Parish/Town Council

Following a request from Community Council of Devon in 2010, a Parish Housing Needs Survey was carried out. The allocation for Awliscombe in the Local Plan (EDDC) was for a maximum of 20 houses up until 2026. It identified the need for 8 affordable homes.

The site at Hillcrest was one of three the sites identified by the Rural Housing Enabler for East Devon. Since then two Parish surveys have been conducted.

The Hillcrest site, which included the provision of a recreation area, was the most popular, being supported by the majority of parishioners on both occasions.

On this basis this application is supported by the Parish Council.

However, it is now ten years since the first survey. Whilst the need for affordable housing and a recreation area is still desirable, the relocating of the Parish Hall and provision of a Farm Shop may no longer be necessary and can always be reviewed in the future.

We also feel that the proposed parking for the recreation area is insufficient. Without the Hall and shop, this should be increased to include all the land to the west of the housing development, effectively doubling the size from 25 to 50 car parking spaces. If, in the future a small sports pavilion is required, there should be sufficient space on the edge of the recreation area to facilitate it.

Regarding the site access on to the A 373, having observed the traffic flow, we have no objections to the application, however we would request that the current speed limit be reduced to 30mph from where the existing 40mph sign starts, as the development would in effect create a built up area, joining the other parts of the village together.

Whilst we understand the delivery of the recreation area would be dependent upon the success of this planning application, the Parish Council believes strongly that it should be framed in a legally binding form, so that the ownership, occupation and direct access to the parcel of land is in place as soon as the development commences.

In conclusion, the proposed housing development reflects the finding of our two housing needs surveys. It would join the disparate parts of the village to create a sense of unity. It would provide much needed support for our village school and our younger families. We therefore strongly support this application and urge EDDC to grant its approval.

Dunkeswell And Otterhead - Cllr Yehudi Levine

I can support the conclusions drawn by the public consultations held by the Parish Council. It is regrettable to use agricultural land for housing development with the inevitable loss of countryside and can sympathise with the objectors on that. But do not find the reasons for rejection to be particularly cogent. However, I am open to be persuaded otherwise.

Dunkeswell And Otterhead - Cllr Yehudi Levine 5/8/24

The Officers reports about this application have put me in a rather difficult position and as a result I am going to change my mind and reverse on my comments about them.

While the applications were being considered, another application in Awliscombe, 24/0556/FUL was submitted. Its refusal by Officers aligns with the reasoning of the current applications. While this attests to a consistent approach by EDDC Planning Officers, it leaves me in an uncomfortable place, as I opposed 24/0556/FUL, but supported this application. So for reasons of consistency in planning considerations, I have decided to change my position and support the Officers refusal.

Technical Consultations

Housing Strategy/Enabling Officer - Cassandra Pressling

Support with conditions (Full consultation response at end of report)

EDDC Landscape Architect

Object (Full consultation response at end of report)

DCC Flood Risk SuDS Consultation

Object (Full consultation response at end of report)

County Highway Authority

Observations:

I have visited the site in question and reviewed the planning documents. As the application is only outline, I will concentrate on the access concept and not the internal layout such as parking, sustainable travel provision and off-carriageway turning.

The proposed access can obtain a visibility of 43m in either direction for this 30mph speed road, this accords to our current best practice guidance, Manual for Streets 1 and 2.

This application of 20 dwellings would not trigger our requirement for a Travel Plan, which is usually around 40 dwellings, however some thought needs to be given to the bell-mouth access of dropped kerbs or cycle priority junction.

The access would also need to be wide enough to allow simultaneous access and egress for the size of the proposed development.

Recommendation:

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

Police Architectural Liaison Officer - Kris Calderhead

Comments ref. layout, hedgerow condition, boundary treatments, pedestrian routes, lighting and parking layout (Full consultation response at end of report)

DCC Historic Environment Officer

Recommended condition re. archaeological recording (Full consultation response at end of report)

NHS Cranbrook/Primary Care Team

NHS reserves right to re-assess and respond as a result of any permission approved that will have an impact on assessed G.P. Practice(s) linked to the application. (Full consultation response at end of report)

23/1271/FUL

Local Consultations

Parish/Town Council

The Parish Council fully supports this application. The present arrangement consists of a farmer's field some 1.6 miles from the Village Hall changing rooms. It is only used for football and is often fog bound during the winter, which is the only time it is available. Having a recreation area for all sports and village events throughout the year would be of great benefit to the community.

The village has no designated safe outdoor facility for our children and young people. The use of the land in this way would give the council and the community the opportunity to deliver this long held wish.

The Parish Council would like to express their full support for the application.

Dunkeswell And Otterhead - Cllr Yehudi Levine

I can support the conclusions drawn by the public consultations held by the Parish Council. It is regrettable to use agricultural land for housing development with the inevitable loss of countryside and can sympathise with the objectors on that but do not find the reasons for rejection to be particularly cogent. However, I am open to be persuaded otherwise.

Technical Consultations

DCC Historic Environment Officer

Recommended condition re. archaeological recording (Full consultation response at end of report)

EDDC Trees

No arboricultural concerns.

Other Representations

A total of 25 representations of objection across both applications has been received. These include a representation from the Awliscombe Village Hall Committee and 1 'neutral' representation on behalf of Awliscombe United Football Club.

Summary of Grounds of Objection

1. Awliscombe does not have the infrastructure for new homes; no shops or public transport, therefore people will have to travel by car, increasing traffic and placing more pressure on roads, more cars on the lanes and increasing danger for local children walking to school.
2. Objections to previous applications repeated; reasons have not changed from before.
3. Detrimental impact upon beautiful countryside, AONB, views and wildlife.
4. New development on a blind corner on a fast narrow stretch of road will be an accident waiting to happen.
5. What will happen to the current village hall and public house?
6. There are brownfield sites that could be used for housing.
7. Increased noise and light pollution.
8. Increase in risk of flooding; rivers Otter and Wolf already flood in winter.
9. The village already has a hall and there are football pitches on the edge of Honiton and numerous farm shops in the area.
10. This will simply be phase 1; the development will grow until all green spaces and wildlife have been destroyed.
11. No lighting plan as referred to in the ecology report.
12. Village does not have any crossing facilities to aid safe passage across busy main road.
13. No overflow parking provision for residents with more than two cars or visitors.
14. Dangerous access onto and from the main road through current entrance leading to risk of collision and injury.
15. Increased levels of local congestion.
16. No funding for new hall proposed, so it is assumed it would be financed from the sale of the existing hall and car park.
17. Footprint of proposed village hall and size of car park are significantly smaller than the existing and would be inadequate for visitors to the hall, shop customers, residents' visitors, the recreational facilities or match day parking.
18. Existing car park provides a well-used parking resource for parents of the village school allowing for safe delivery of young children.
19. Existing village hall is well used and provides a focus in the village with easy walking distance for many which would be lost if moved.
20. 30mph speed limit incorrectly cited in Highway Authority's comments; it is 40mph, therefore comments are based on incorrect and misleading information.
21. Increasing the number of dwellings and downsizing the village hall would mean the latter would not be fit for purpose.

Summary of 'Neutral' Representations

1. We would welcome a shared football pitch and recreation area, but only on the basis that the land is transferred to the parish council to ensure its long term status.

2. Area designated for the village hall would be better used as either a pavilion or a children's play park.

PLANNING HISTORY

Reference	Description	Decision	Date
19/0483/MOUT	Outline planning application for the erection of 15no dwellings, village hall, farm shop and car parking, (3no affordable and 12no "downsizing" units), seeking approval for access only (matters of appearance, landscaping, layout and scale reserved)	Withdrawn	21.10.2019
19/0472/FUL	Change of use to form recreation area	Withdrawn	21.10.2019
14/2383/MOUT	Construction of 20no dwellings (10no open market and 10no affordable) including provision of vehicular access (outline application reserving details of layout, scale, appearance, means of access and landscaping).	Refusal	16.04.2015
15/1579/FUL	Change of use to form recreation area.	Refusal	20.11.2015
14/2383/FUL	Change of use of land to form recreation area and associated vehicular access and parking area.	Withdrawn	11.06.2015

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 2 (Scale and Distribution of Residential Development)

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 27 (Development at the Small Towns and Larger Villages)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 35 (Exception Mixed market and Affordable Housing at Villages, Small Towns and Outside Built-up Area Boundaries)

Strategy 38 (Sustainable Design and Construction)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

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

EN13 (Development on High Quality Agricultural Land)

EN14 (Control of Pollution)

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

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

E5 (Small Scale Economic Development in Rural Areas)

E15 (Retail Development in Rural Areas outside Villages)

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

RC5 (Community Buildings)

RC6 (Local Community Facilities)

RC7 (Shared Community Facilities)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

(There is no neighbourhood plan in force for Awliscombe parish.)

Government Planning Documents

NPPF (National Planning Policy Framework 2023)

ANALYSIS

Site Location and Description

The application site comprises the northern and western portions, approximately 2.41 hectares in area in total, of a large agricultural field, to the south and west of a property known as Hillcrest at Awliscombe. It is located on the south eastern edge of the village and fronts the southern side of the A373 within a gap between the main concentration of development that forms the main part of the village and a smaller cluster of around 18 properties to its south east that are approximately 500 metres from the centre of the village to the north west. The western boundary of this gap is defined by Weston Lane which connects Awliscombe with Weston to the south.

The site has hedged eastern and western boundaries with post and rail fencing along the principal northern A373 road frontage boundary. The levels across the site show a gentle fall from both west to east and north to south. A pavement extends along the entirety of this frontage and follows the contours of the site where it rises towards the north eastern corner.

There is a small stream that runs along the western boundary of the site. However, the site is not within an area that is identified as being at risk of flooding.

The Landscape character of the site and its immediate context is described within the Landscape Character Assessment (LCA) as lower rolling farmed and settled slopes. The assessment describes the key characteristics to be a gentle rolling landform, sloping up from the valley floor with variable size fields with wide, low boundaries and irregular patterns. There are many hedgerow trees, copses and streamside tree rows. The settlement has buildings of varied ages and styles with much use of stone as a building material. The settlement features winding and often sunken lanes, streams, ditches and has an intimate feel.

The site sits immediately to the south of the designated Blackdown Hills National Landscape (formerly known as Area of Outstanding Natural Beauty) (NL). Indeed, the A373 itself forms this part of the boundary of the NL.

There are a number of neighbouring and nearby residential properties. Three dwellings known as Wessington Cottage and 1 and 2 Summerlands are located on the opposite side of the A373 immediately to the north of the site, whilst the cluster of properties to the east (referenced above) comprise Hillcrest itself, Konini Place and Brookthorpe along with pairs of semi-detached properties in the estate known as Sunnyside beyond.

The proposals to which application 23/1276/MOUT relate involve the northern part of the site nearer to the A373, extending to around 1.06 hectares in area, whilst the proposed recreation area, subject of application 23/1271/FUL, would occupy the remaining land to the south.

Proposed Development

Application 23/1276/MOUT seeks outline planning permission for a mixed development scheme comprising the following:

1. Construction of 20no dwellings, 8 (40%) of which would be affordable
2. Construction of a farm shop
3. Allocation of space for the construction of a village hall
4. Laying out of a 'village green'
5. Provision of a 'community parking' area

All detailed matters comprising the appearance and scale of development and the landscaping and layout of the site are reserved for approval at a later stage.

However, the application is seeking the discharging of details of access at this outline stage.

An illustrative masterplan has been provided with the application that shows a central spine road through the development with the point of access off the A373 positioned where a recessed, splayed and gated entrance to the field, close to its north western corner, exists at present.

The indicative site layout details set out on the masterplan show the affordable units in the form of a pair of terraces oriented north/south positioned to either side of a central parking area with the 'village green' laid out immediately to the rear (east) of the eastern terrace. The remaining 12no open market dwellings are all shown as being detached units arranged around the end of the spine road which is shown terminating as a cul de sac. The farm shop and community parking area are shown towards and adjacent to the western site boundary with the village hall set further into the site and alongside a side road to a proposed recreation area/football pitch, the provision and laying out of which are the subject of application 23/1271/FUL.

The proposal is similar, in terms of the number of residential units proposed to the scheme subject of application ref. 14/2383/MOUT.

Application 23/1271/FUL proposes the laying out of a recreation area. The illustrative masterplan referred to above shows this to take the form of the laying out of a football pitch oriented north/south with the northern end positioned almost immediately to the rear of the proposed village hall.

Indeed, the masterplan also indicates the laying out of a hard surfaced area between the two. In the absence of any annotation, it is not entirely clear what purpose this area would be intended for. However it is possible that it could be a parking area for the village hall and pitch.

Access to the proposed facility would be via the mixed development scheme to which application 23/1276/MOUT relates.

Draft heads of terms for a prospective section 106 agreement have been provided for:

1. The provision of 4 'downsizing' and 8 affordable units with a tenure split of 50% (min.) affordable rent and up to 50% intermediate home ownership. 'Downsizing' units to be limited to occupation by over 60s.
2. Negotiation, including with the parish council, of a local lettings plan for the affordable housing.
3. Provision of around 11,500 sq. m. of land for the provision of recreation space and car parking for the benefit of the village, with transfer of the agricultural land to the parish council within six months of the date of completion of the development.
4. Provision of a village shop within six months of the occupation of the final dwelling.
5. Contribution towards the primary school.
6. Habitat mitigation contribution.

Considerations/Assessment

23/1276/MOUT

The proposals subject of application 23/1276/MOUT fall to be considered having regard to the following material considerations.

Principle of Development

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

In this case the proposed development would comprise major development in the countryside, outside of any defined settlement boundary, thereby conflicting with Strategy 7 (Development in the Countryside) of the Local Plan. Consequently, the site would not offer an appropriate location for the proposed development having regard to the development plan's overall settlement strategy and expectation for such development to be contained within a designated Built-up Area Boundary (BuAB).

In strategic policy terms therefore, the site is within the 'countryside' as defined in Strategy 7, the provisions of which would not ordinarily facilitate new build housing in the absence of any other local or neighbourhood plan policy that would explicitly permit such development. (There is no made neighbourhood plan in place for Awliscombe.)

Residential development of this nature and in this location conflicts with the spatial approach to development as expressed within the development plan. This conflict is attributed significant weight given that this is one of the main objectives of the Local Plan.

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

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

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

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

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

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

The need for housing over the next five years is a crucial consideration in planning decisions. According to paragraph 69 of the National Planning Policy Framework (NPPF), local planning authorities must identify specific sites for housing for the next five years and broader areas for growth for the subsequent 10-15 years. This means that a responsible and proactive council should be looking beyond the mere 4 and 5

year timescales and should instead recognise the implications of decision making on both medium and longer term housing delivery.

If the Council cannot demonstrate a five-year housing supply when adopting a new local plan, it would conflict with paragraph 69(a) of the NPPF. Without an adequate supply of housing an Inspector would likely find such an emerging plan unsound and inconsistent with the requirements of paragraph 35 of the NPPF. Therefore, on this basis alone the Council should not rely solely on a short-term four-year housing supply as providing robust reason enough for resisting further housing as a matter of principle.

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

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

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

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

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

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

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

Accessibility

Awliscombe is not one of the settlements listed in Strategy 27 (Development at the Small Towns and Larger Villages) of the Local Plan that offers a range of accessible services and facilities to meet many of the everyday needs of the residents. Given the site's location outside of any defined BuAB as set out within the Local Plan or adopted Villages Plan, Strategy 7 applies. This strategy is an overarching strategy for all development and states that "Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development".

As such, there is limited provision in the Local Plan for new housing development in villages such as Awliscombe. As a small rural settlement with limited services and facilities, in the form of a primary school, church and village hall, but none such as a shop, public house (at present), doctors' surgery or a regular public transport service, the village is not considered to be a sustainable location for additional residential development.

In this regard, the majority of trips to shops, post offices and doctors/health care facilities by prospective residents of the development would have to take place outside the settlement and most likely in Honiton. Without a good public transport (the level of service cannot be described as frequent or convenient for most users), future occupiers would be reliant on the private car. Such reliance demonstrates that the village is poorly served by appropriate key services and of limited accessibility by non-car means.

The proposed development may support services in nearby villages but, again, these are limited. The nearest settlements with a BuAB, which would offer a range of accessible services and facilities to meet many of the everyday needs of local residents, including access to reasonable public transport, would be Honiton, as stated above, around 2km. to the south east, and Feniton, approximately 4.5 km. to the south west.

In terms of the site itself, it is located a little over 400 metres from the village hall and approximately 700 metres from the primary school. Whilst these distances are walkable and well within national guidelines, they do require a walk along the side of a busy Class 1 road. While most of the route has the benefit of a footway, there is a section close to the Greenway Lane road junction where there is no such provision.

Although not of a length that is considered too long as to prevent safe walking, it does serve to limit the weight that can be ascribed in terms of a benefit to the proximity of the site to the few services and facilities that the village enjoys.

Planning Balance - Principle of Development

In the absence of any neighbourhood plan for the village, development would only be supported if there was a proven local need for affordable housing in line with the provisions of Strategy 35 (Exception Mixed Market and Affordable Housing at Villages, Small Towns and Outside Built-up Area Boundaries) or through those of Strategy 27 which otherwise promotes community-led development justifying how and why, in a local context, it would promote the objectives of sustainable development.

The proposal in this case does not involve a community-led scheme. Furthermore, the affordable housing offer does not reflect a proven local need that has been demonstrated through an up to date robust housing needs survey that meets the requirements of Strategy 35.

Reference is made in the application submission to two parish council-led public consultation events, held back in early 2020, in respect of a 'proposed community development' of the site at which more detailed proposals, based upon the indicative layout that accompanies the current application, were made available for public view.

The written comments that were generated (around 40 in number) suggested a majority level of public support (among respondents) for the development together, more specifically, with a requirement for a mix of affordable housing.

However, a public consultation exercise of this nature, undertaken now in excess of four years ago, cannot be regarded as equating to a 'proven local need demonstrated through an up to date robust housing needs survey' as required to meet the provisions of Strategy 35.

Indeed, the need that was identified through the last such survey, undertaken in 2018, has since been addressed through the grant of detailed planning permission, in 2022, of 3no affordable units as part of a five dwelling mixed affordable and open market housing scheme (in alignment with Strategy 35) on land off Greenway Lane.

Although this permission has yet to be implemented, it remains extant at the present time and must therefore be regarded as satisfying the most recently identified affordable housing need in line with the evidence required by Strategy 35.

There has been no more recent housing needs survey carried out that evidences a need for more affordable housing in the village.

In these circumstances therefore, and particularly in the absence of a further and more up to date housing needs survey, it is not thought that the provision of affordable housing to meet an identified local need can be considered to carry any weight in favour of the scheme.

In relation to the other community facilities that the proposal is offering, namely the village hall, farm shop (there is no indication of the farm to which this would relate), village green and vehicle parking, it is noted that none of these are an explicit requirement of any local or neighbourhood plan policy, or that there is any other evidence of a local need for these facilities.

Their provision is not in itself necessary to make the development acceptable in Planning terms since it is not considered that it would outweigh the fundamental policy conflict with the overarching strategy of the Local Plan, as set out above, in the wider planning balance.

As such, their offer must be regarded as neutral in the overall balancing exercise with very little weight being able to be attributed to them and they should not be secured by either a Section 106 or planning condition as they do not meet the required tests of being necessary to make the development acceptable in planning terms.

Impact upon Character and Appearance of Area

As stated above, the application is in outline form with all detailed matters, apart from access, reserved and therefore in terms of detailed design and layout, should the proposal be deemed to be acceptable, these would be considered as part of any later reserved matters submission.

The development would result in a physical incursion into a green field which is clearly distinguishable as part of the attractive surrounding countryside, interspersed with trees and the loose sporadic pattern of development along the A373. The site is also separated from the core of the village divorced from built form of the settlement. The land to the north east and immediately opposite the site is designated as Blackdown Hills AONB and gently rises from the boundary with the A373.

Due to the open and elevated position of the site and the immediate and wider public views, the proposals would give rise to landscape impact. The proposed site occupies an elevated and open position along the route into the village where there are clear views of the site from the road, and longer and wider views from the public footpaths and surrounding land to south and west.

The indicative drawings show the planting of a new length of hedge along the eastern side of the proposed recreation area/football pitch together with additional tree planting within the northern section of the existing hedge that forms the western boundary to both application sites.

However, due to the open nature of the site and its location, visually separated from the main built form of the village, it is considered that the impact on the landscape character and visual impact of the proposal would be difficult to properly mitigate with a landscaping scheme. Based on this assessment, the harm to the character and appearance of the open countryside setting that the site currently enjoys and the visual and physical separation that it provides between the main village and the satellite cluster of dwellings to the south east is considered to be significant and, as such, weighs heavily against the proposal.

Aside from a number of shortcomings in relation to the content and detail of the landscape visual impact assessment document that has been submitted alongside the application, the Council's Landscape Architect is of the opinion that the proposal would contribute to ribbon development along the A373 in extending the built form of Awliscombe along the main road east of Weston Lane, closing off views to attractive countryside to the south and connecting the eastern edge of the main village with the outlying cluster focused around Sunnyside beyond the eastern site boundary.

This would be contrary to guidance relating to the landscape character type that covers the site set out in the LCA that states that development, including ribbon development, that would contribute to the coalescence of settlements will be resisted.

Similar guidance is given within the Clyst Lowland Farmland Devon Landscape Character Area assessment, which also covers the site area, to 'protect the sparse settlement pattern of clustered hamlets, villages and farmsteads, preventing the linear spread of development along river valleys and roads wherever possible'.

As such, the proposals are considered to be in conflict with Local Plan Strategies 7 and 46 (Landscape Conservation and Enhancement) due to the harm that they would cause to the existing pattern of settlement of Awliscombe and the disruption of views from the public domain which form part of the distinctive rural landscape character of the area. They are therefore unacceptable in terms of landscape and visual impact, including from close range views from the A373 and from footpath no. 1 that ascends Bushy Knap and connects Awliscombe with Buckerell to the south west.

More generically, the development would be in conflict with the relevant provisions of Policy D1 (Design and Local Distinctiveness) which, among a number of criteria, only permit proposals that respect the area's key characteristics and special qualities, are of a scale that relates well to their context and do not adversely affect important landscape characteristics.

Impact upon Neighbour Amenity

The impact on the amenity of existing and future occupiers can only be properly considered at reserved matters stage. However, it is important to recognise whether the amount of development proposed can be properly accommodated on the site without causing significant harm to neighbour amenity.

Due to the position of the site away from the main core of the village and the majority of its built form, the impact on privacy and amenity is concentrated on the group of dwellings to the north and on the opposite side of the A373, namely Wessington Cottage, Rowan and nos. 1 and 2 Summerlands Cottages, and Hillcrest immediately adjacent to the site to the east as well as further properties that could potentially be affected by the development including Konini Place, Brookthorpe and the properties within Sunnyside to the south east.

The main concern in this regard concern is the relationship between the site and the closest neighbouring property, Hillcrest. The illustrative layout indicates two

dwellings positioned close to the eastern site boundary with this property. The potential therefore exists for these to be overbearing and intrusive to the occupiers.

In terms of the relationship with the properties on the opposite side of the A373 to the north, it is accepted that the road provides sufficient separation distance. The indicative masterplan also shows the two terraces of affordable units oriented 'end on' to these properties so that any overlooking/privacy and/or physical/visual impact upon these properties could be minimised.

Whilst it is acknowledged that new dwellings in this location would affect the outlook over the fields and wider countryside beyond, it is not considered that the proposals would unreasonably affect privacy and amenity whereby the Local Planning Authority could reasonably recommend refusal on these grounds.

Equally, while the development of the site would clearly result in impact in terms of noise and disturbance in comparison to the existing agricultural use of the site, it is not considered that this would be at an unacceptable level. As with all development this is short term situation and the hours of construction could be controlled by condition in conjunction with a construction management plan for the scheme.

On this issue therefore, it is considered that the development would meet with the criterion set out in Local Plan Policy D1 (Design and Local Distinctiveness) that requires that proposals do not adversely affect the amenity of occupiers of adjoining residential properties.

Highways/Access

The County Highway Authority (CHA) is satisfied that sufficient visibility is available along the A373, both from and of prospective vehicles manoeuvring to and from the site, in both directions for the road speed (30 mph) can be achieved in line with the best practice guidance set out in Manual for Streets (MfS). A condition securing the layout of the visibility splays in line with MfS standards is recommended.

It is also advised that the scale of development would not be so great as to trigger a requirement for the submission of a travel plan.

However, the submission is lacking in detail as to the bell mouth layout, dropped kerb provision and cycle priority at the junction of the road through the development with the A373. The CHA also advise that the access would need to be of sufficient width to allow simultaneous access and egress for the scale of the proposed development.

Given that the application is seeking the discharge of access details at this stage, this is considered to represent a shortcoming in the submission. On this basis therefore, it cannot be concluded that the proposed development would satisfy the relevant provisions of Local Plan Policy TC7 (Adequacy of Road Network and Site Access) that stipulate that permission for new development will not be granted if it cannot be concluded that the proposed access would not be detrimental to the safe and satisfactory operation of the local highway network.

Drainage

It is proposed that foul drainage from the development be discharged via the main sewer.

A surface water drainage assessment has been provided in response to the consultation comments of Devon County Council's Flood Risk Management Group, as Local Lead Flood Authority (LLFA). This proposes the use of soakaways or, in the event that they do not work (there is no evidence of any percolation testing having been carried out), an attenuated system with a controlled discharge into the watercourse.

This assessment has been referred back to the LLFA for further comments and, at the time of writing, these remain awaited. However, there is a requirement, set out in Local Plan Policy EN22 (Surface Run-Off Implications for New Development) for 'major' schemes such as this to incorporate the use of sustainable drainage systems for the management of surface water with, sequentially, above ground measures, such as swales, ponds, wetlands, permeable surfaces, etc.

It is not considered that it has been adequately proven that these options have been actively considered and/or reasons provided to demonstrate that they are inappropriate. However, as stated, it is not yet known as to whether the LLFA shares this position.

Trees

There are no mature trees within the site. However, the field boundaries feature some mature oaks along with native hedge species, including Blackthorn, Hawthorn, Ash, Field Maple, Hazel and Holly. It is considered that development could be accommodated on the site without adverse impact to important trees along the site boundaries.

It is not therefore anticipated that the scheme would be contrary to the provisions of Local Plan Policy D3 (Trees and Development Sites) that principally require that development does not result in a net loss in the quality of trees or hedgerows.

Ecology

The application is accompanied by an ecological assessment report that has been informed by desk studies of previous extended phase 1 habitat and bat activity survey reports.

This identifies the 'low' suitability of mature hedgerow trees for roosting bats alongside the suitability of hedges for dormice and hedge margins for hedgehog and more widespread reptile and amphibian species. However, further survey efforts are not considered necessary due to the absence of anticipated impacts.

The report recommends biodiversity enhancements in the form of the installation of building-integrated bat roosts and bird boxes together with the long-term management of all retained and newly created habitats via a landscape and ecological management plan.

Measures to prevent damage to retained hedges and trees are also recommended alongside additional mitigation in the form of the maintenance of bat flight corridors and sensitive lighting design to minimise adverse effects on nocturnal wildlife.

It is accepted therefore that the proposal would not contravene the provisions of Local Plan Policy EN5 (Wildlife Habitats and Features).

Loss of Agricultural Land

The site occupies land that is designated as grade 3 agricultural land and therefore potentially falling outside the category of best and most versatile agricultural land. However there is no detailed survey to assess if the land is Grade 3a (BMV) or 3 b. Even if the site were to fall within the higher classification of land, the site comprises a relatively small area of land and, whilst its loss weighs as an environmental consideration against the proposal, it is considered to attract only limited weight. Nevertheless, this weighs negatively in the planning balance.

Conclusion

It is acknowledged that, notwithstanding the recent changes to the NPPF, the Council will need to demonstrate a five year housing land supply in order to successfully bring forward a new, updated Local Plan. Housing delivery therefore remains an important material consideration.

As set out earlier in the report, this proposal involves development in the countryside outside of a built-up area boundary where, according to planning law and Strategy 7 of the Local Plan, the principle of development must be assessed against the following criteria:

1. It is in accordance with a specific local or neighbourhood plan policy that explicitly permits such development in the countryside and where it would not harm the distinctive landscape, amenity and environmental qualities of the area?
2. Are there other material considerations that justify allowing this departure from the development plan?

The detailed analysis in this report has identified that there are no specific local policies that explicitly permit this type of development in this countryside location. In the subsequent breakdown of the material considerations, conflict with policy has been identified in terms of its unsustainable location, adverse landscape impact and loss of best and most versatile agricultural land. This would outweigh any benefits arising from the scheme, including the shorter term economic benefits resulting from the construction of development and any social enhancement that might be derived from the provision of the proposed farm shop, land for a village hall, community parking facility or the laying out of a village green, none of which are justified in policy or other terms.

As such, the proposal is therefore recommended for refusal.

23/1271/FUL

In the event that the recommendation to refuse planning permission for the proposals to which application 23/1276/MOUT relates is accepted, there would be no

permission in place for the residential (and other uses) development associated with the proposed recreation area/football pitch.

This proposal would therefore need to be considered on its own merits as a standalone facility.

Principle of Development

Policy RC4 (Recreation Facilities in the Countryside and on the Coast) of the Local Plan states that 'planning permission will be granted for outdoor recreation facilities in the countryside provided that the nature of the activities undertaken or the space requirements of the proposal require a countryside or coastal location and:

- o The facilities or development proposals are in scale with the character, environmental characteristics and setting of the area and do not conflict with countryside, nature or landscape policies, nor detract from the amenities of the area.
- o The proposals allow for safe access and discreet parking arrangements, particularly in environmentally sensitive areas, and do not result in the loss of or cause unacceptable disruption to existing public rights of way.
- o On site facilities should be appropriate to meet the needs of the proposal and links with adjacent footpaths and bridleways should be suited to any proposed site uses.'

The proposed recreation area/football pitch would be located outside of the built-up area boundary of any defined settlement and is therefore in the countryside where development is strictly controlled. No justification for the need for the recreation area, in the form of a football pitch or otherwise, has been provided in support of the application. In the absence of any justified need for the proposed recreation area it is not considered to be in scale with the character, environmental characteristics or setting of the area and would conflict with countryside policies which seek to restrain development outside of built-up area boundaries.

Furthermore, no details of the access or parking facilities identified on the location plan have been provided with the application. As such, there is uncertainty whether the proposal would provide safe access or appropriate parking arrangements for the proposed facility.

An essentially identical proposal was the subject of application ref. 15/1579/FUL referred to in Planning History above. The officer report for that application referenced concerns raised by Sport England, notwithstanding its position of no objection, at the absence of any proposed changing facilities to serve the proposed pitch along with issues relating to the pitch size, its construction and future maintenance/management.

The same issues of concern have not been addressed as part of the current submission.

As such, as no on-site facilities have been proposed with the development to support its needs, and neither are there any links with adjacent footpaths and bridleways, the proposal is again considered to be unacceptable in this regard.

These alone are considered to represent significant issues of concern in relation to this proposal, irrespective of the acceptability or otherwise of the development proposals for the adjacent land to the north to which application 23/1276/MOUT relates.

There would therefore be conflict with a number of the Policy RC4 criteria set out above such that, even if considered wholly independently, the proposal would be considered to be unacceptable.

Other Matters

In relation to the other contextual issues that are material to the assessment of the proposal, namely landscape impact, ecology, highways, access/parking and drainage, it is considered that the assessment of these set out above in relation to the proposals to which application 23/1276/MOUT relates applies equally to this proposal.

Documents such as the illustrative masterplan for the overall scheme (i.e. including the proposed recreation area/football pitch) flood risk assessment, landscape visual impact assessment and ecological impact assessment, some of which are referred to above, have been provided for both applications and considered by officers in tandem.

There is therefore thought to be commonality between the two proposals in regard to these matters and it is not therefore considered necessary to separately repeat the comments set out above.

Conclusion

Based on the above considerations, in view of the location of the site in isolation of any compatible land use, the absence of any evidence as to the suitability of the pitch (recognized size and associated facilities required for the it to function as such) and the proximity to the designated National Landscape there is no assessment or reassurance over the likely need or impact for the proposed recreation area/football pitch. The proposal is therefore considered unacceptable and is itself recommended for refusal.

RECOMMENDATIONS

23/1276/MOUT

REFUSE for the following reasons:

1. The site is located within the countryside outside of any Built-up Area Boundary identified in either the adopted East Devon Local Plan 2013-2031 or Villages Plan (2018) where there are no development plan policies that explicitly permit the proposed development. The proposal would be contrary to the spatial strategy of the development plan for the distribution of new housing in the District and contrary to the aim set out in the National Planning Policy Framework (NPPF) for development to be genuinely plan led. The resulting development would not align with the spatial approach to the distribution of housing and would result in unregulated development in the countryside that

would fail to accord with the objectives of sustainable development. It would be poorly located in relation to, and divorced from, services and facilities and the substandard pedestrian and cycle linkage and excessive distance between the site and these services and facilities would mean that future occupants of the proposed development would be dependent upon the private car for most journeys to and from the site. The site does not therefore occupy a sustainable location for residential development. As such, and in the absence of promotion of the development through any neighbourhood plan policy or other community-led model that might otherwise outweigh these concerns, the proposal would not be compatible with the overall strategy for the distribution of housing in the District. As a consequence, the proposal would be contrary to the provisions of Strategies 1 (Spatial Strategy for Development in East Devon), 5B (Sustainable Transport), 7 (Development in the Countryside) and 27 (Development at the Small Towns and Larger Villages) and Policy TC2 (Accessibility of New Development) of the adopted East Devon Local Plan 2013-2031 and guidance as set out in the NPPF (2023).

2. The proposal would contribute to ribbon development in effectively extending the built form of Awliscombe to the east of Weston Lane to connect to the existing outlying cluster of development beyond the eastern site boundary. In so doing, it would close off views of attractive open countryside to the south and represent a physical incursion into a green field that is clearly distinguishable as part of the open countryside. As a consequence, it would result in a significant adverse effect upon local landscape character, the character of the setting of the adjacent designated Blackdown Hills National Landscape and the overall character and appearance of the area more generally. The proposal would therefore fail to preserve the special qualities of the area contrary to the provisions of Strategies 5 (Environment) and 46 (Landscape Conservation and Enhancement and AONBs) and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031 and guidance as set out in the National Planning Policy Framework (2023).
3. The application fails to provide an appropriate mechanism to secure the delivery of the proposed affordable housing. In the absence of such a mechanism, it is considered that the proposed development would have an unacceptable impact on infrastructure. As a consequence, the proposal would be contrary to the provisions of Strategies 34 (District Wide Affordable Housing) and 50 (Infrastructure Delivery) of the adopted East Devon Local Plan 2013-2031 and guidance as set out in the National Planning Policy Framework (2023).
4. On the basis of the information submitted, the Local Planning Authority is not satisfied that the proposed development would not result in the loss of best and most versatile agricultural land. In the absence of any demonstration that the land is not classified as best and most versatile agricultural land, sufficient land of a lower grade is unavailable for the proposed development, available lower grade land has an environmental value that is recognised and constrained by statutory wildlife, landscape, historic or archaeological designations or that the benefits of the development justify the potential loss of high quality agricultural land, the proposal would be contrary to the provisions of Policy EN13

(Development on High Quality Agricultural Land) of the adopted East Devon Local Plan 2013-2031 and guidance contained within the National Planning Policy Framework (2023).

23/1271/FUL

REFUSE for the following reasons:

1. The proposal, by reason of its location outside of the built up area boundary of any settlement and being divorced from any compatible land use, would occupy an unsustainable countryside location which is poorly related to the main built form of the village and would have limited access to alternative means of transport. The proposal is therefore considered contrary to Policies D1 (Design and Local Distinctiveness), RC2 (Open Space, Sports Facilities and Parks), RC4 (Recreation Facilities in the Countryside and on the Coast) and TC2 (Accessibility of New Development) of the adopted East Devon Local Plan 2013-2031 and guidance as set out in the National Planning Policy Framework (2023).
2. In the absence of any justified need for the proposal, including providing reasons for the pitch size proposed, and its sensitive location, the scheme is sited in the countryside where it would affect the character of the setting of the adjacent designated Blackdown Hills National Landscape. Furthermore, the proposal is considered to be out of scale with the character, environmental characteristics and setting of the area and would conflict with countryside, nature and landscape protection policies. In addition, the proposal does not provide details of a safe access, suitable parking or on-site facilities that are appropriate or likely to be needed to meet the needs of its users. As such, it has not been demonstrated how the facility would meet local need nor allowed a true assessment of the likely visual impact on the adjacent landscape which is designated as a National Landscape and enjoys the highest level of protection. The proposal is therefore considered to be contrary to Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies RC2 (Open Space, Sports Facilities and Parks) and RC4 (Recreation Facilities in the Countryside and on the Coast) of the adopted East Devon Local Plan 2013-2031 and guidance as set out in the National Planning Policy Framework (2023).
3. On the basis of the information submitted, the Local Planning Authority is not satisfied that the proposed development would not result in the loss of best and most versatile agricultural land. In the absence of any demonstration that the land is not classified as best and most versatile agricultural land, sufficient land of a lower grade is unavailable for the proposed development, available lower grade land has an environmental value that is recognised and constrained by statutory wildlife, landscape, historic or archaeological designations or that the benefits of the development justify the potential loss of high quality agricultural land, the proposal would be contrary to the provisions of Policy EN13 (Development on High Quality Agricultural Land) of the adopted East Devon Local Plan 2013-2031 and guidance contained within the National Planning Policy Framework (2023).

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Biodiversity Net Gain

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The Local Planning Authority cannot add this condition directly to this notice as the condition has already been applied by law. This informative is to explain how the biodiversity condition applies to your development.

The BG conditions states that development may not begin unless:

- (a) a Biodiversity Gain Plan (BG plan) has been submitted to the planning authority, and
- (b) the planning authority has approved the BG plan.

In this case the planning authority you must submit the BG Plan to is East Devon District Council.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

In this case exemption 1 from the list below is considered to apply:

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or

(ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- (i) the application for planning permission was made before 2 April 2024;
- (ii) planning permission is granted which has effect before 2 April 2024; or
- (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Plans relating to both applications:

4050 001A	Location Plan	25.07.23
4050 masterplan	002C: Proposed Site Plan	14.08.23

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:

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

APPENDIX – Technical Consultations - Full consultation comments

23/1276/MOUT

Housing Strategy/Enabling Officer - Cassandra Pressling

Support with conditions

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 40% affordable housing which equates to 8 units and this is acceptable.

Housing Need - There are currently 5 households registered on the Council's housing register Devon Home Choice, who live in Awliscombe. There are 531 households on Devon Home Choice who live in Honiton. This application would help meet some of this need.

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

Housing Mix - will be agreed at Reserved Matters stage. We expect the applicant to engage with the Housing Team to ensure a mix that meets housing need. All affordable units must meet M4(2) standards.

Parking - the applicant states each property would have 2 parking spaces each, along with storage for cycles.

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 8 affordable homes, so will help us to meet this priority.

Section 106 requirements - the 8 affordable homes need to be prioritised to households with a local connection to Awliscombe parish in the first instance, before cascading out to meet a district wide housing need. The percentage of affordable housing and tenure mix also needs to be included in the section 106 agreement.

EDDC Landscape Architect

1 INTRODUCTION

This report forms the EDDC's landscape response to the full applications for the above site.

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

2 LOCATION, SUMMARY PROPOSALS, SITE DESCRIPTION AND CONTEXT

2.1 Location and brief description of proposals

The site is situated adjacent to the A373 Honiton-Cullompton Road approximately 100m east of the main settlement of Awliscombe.

The proposals comprise the construction of 20 dwellings together with a village hall, farm shop, football field and associated infrastructure, utilising an existing field access off the highway. The application is very similar to a scheme refused under application 19/0472/FUL apart from an increase in housing from 15 to 20 units and some minor layout tweaks.

2.2 Site description and context

The site comprises some 2/3 of a larger, open field extending to 3.4 Ha and bounded by Devon hedge banks to its western, southern and eastern sides with some mature oaks to the southwestern corner. The northern boundary adjacent to the A373 is

open and marked by a post and rail fence. Access is off the A373 from the northeastern corner of the field. A water course follows immediately to the west of the western field boundary.

The application site itself abuts the northern, western and southwestern field boundaries and extends partway along the southern boundary. The boundary between the application site and retained field portion is presently open.

The site has a south-westerly aspect sloping gently from the main road at a gradient of approximately 1:17. Surrounding landform is gently undulating, sloping to the southwest to the River Wolf, 450m from the site and rising beyond to a low ridge, Buckerell Knap/ Bushy Knap (180m AOD). To the north of the site the land rises more steeply to a densely wooded scarp slope below St Cyres Hill (260m AOD).

Surrounding land use is predominantly agricultural, comprising mostly grassland with well treed hedgerows and scattered woodland clumps. The village of Awliscombe lies to the west. There is a pair of 19th century attached cottages on the opposite side of the A373 and a couple of further houses to the east of these set further back behind roadside hedgerow and trees. A cluster of mid-20th century properties is prominently situated on a low ridge of ground adjacent to the A373 immediately to the east of the site.

There is no public access within the site. A footway runs along the northern boundary which, east of the field access, becoming separated from the carriageway by a widening and rising verge/ bank with mature trees.

There are views from the site to St Cyres Hill to the northeast, Bushy and Buckerell Knap to the south west, Awliscombe and Hembury Fort to the north and a view to the southeast down the valley to the western edge of Honiton and rising hills beyond.

There are clear views over and beyond the site from the A373 and from Awliscombe Footpath 1 to the southwest. There are also views from the minor road to the south and west through field openings and filtered views from a field entrance on Greenway Lane to the north of the village.

PHOTO HERE

Figure 1- View looking southwest across site towards Bushy Knap and the eastern edge of Awliscombe from the eastern end of the footway adjacent to the northern site boundary

PHOTO HERE

Figure 2 - View from Bushy Knap on Awliscombe footpath 1 looking north east over site

With the exception of the pair of attached cottages opposite the site entrance, which have views directly over the site, views from other nearby properties are limited due to intervening vegetation or the extent or orientation of windows facing towards the site.

2.3 Landscape, Conservation and planning designations

There are no landscape or conservation designations within the site but the Blackdown Hills AONB boundary lies immediately to the north of the A373.

The site itself is a green field surrounded by other fields outside of the BUAB and as such is considered to be countryside as defined in the Local Plan.

3.0 RELEVANT NATIONAL, REGIONAL AND LOCAL LANDSCAPE RELATED POLICY

The following landscape policies and guidelines are considered relevant to the application:

National Planning Policy Framework 2018

176. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

East Devon Local Plan 2013-2031

Strategy 3 - Sustainable Development

The objective of ensuring sustainable development is central to our thinking. We interpret sustainable development in East Devon to mean that [inter-alia] the following issues and their inter-relationships are taken fully into account when considering development:

- a) Conserving and Enhancing the Environment - which includes ensuring development is undertaken in a way that minimises harm and enhances biodiversity and the quality and character of the landscape.
- b) Prudent natural resource use - which includes minimising fossil fuel use therefore reducing carbon dioxide emissions. It also includes minimising resource consumption, reusing materials and recycling. Renewable energy development will be encouraged
- c) Promoting social wellbeing - which includes providing facilities to meet people's needs such as health care, affordable housing, recreation space and village halls.

Strategy 7 - Development in the Countryside

Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

1. Land form and patterns of settlement.
2. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings.
3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.

Strategy 46 - Landscape Conservation and Enhancement and AONBs

Development will need to be undertaken in a manner that is sympathetic to and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty.

Development will only be permitted where it:

1. conserves and enhances the landscape character of the area;
2. does not undermine landscape quality; and
3. is appropriate to the economic, social and well-being of the area.

D1 Design and Local Distinctiveness

Proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.
3. Do not adversely affect inter alia:
 - Important landscape characteristics, prominent topographical features and important ecological features.
 - Trees worthy of retention.
4. Have due regard for important aspects of detail and quality and should incorporate inter alia:
 - Use of appropriate building materials and techniques respecting local tradition and vernacular styles as well as, where possible, contributing to low embodied energy and CO2 reduction.
 - Appropriate 'greening' measures relating to landscaping and planting, open space provision and permeability of hard surfaces.

Landscaping

21.4 Natural and artificial landscaping can enhance the setting of new buildings and enable them to be assimilated into surroundings. Landscaping can also assist in nature conservation and habitat creation particularly in urban areas.

21.5 Tree planting and retention should form an integral part of a landscaping scheme submitted with a development proposal either initially or at a detailed planning stage. Such a scheme may include ground and shrub cover together with hard surfaces and paving materials, adequate lighting and grass verges. Continuity

of fencing, walling or hedging with existing boundary treatments, which contributes to the street scene, will be sought where appropriate. Schemes will need to include integration of areas of nature conservation value and provision of new areas into proposals.

D2 Landscape Requirements

Landscape schemes should meet all of the following criteria:

1. Existing landscape features should be recorded in a detailed site survey, in accordance with the principles of BS 5837:2012 'Trees in Relation to Construction' (or current version)
2. Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. This should be in addition to the requirement for new landscaping proposals. Where appropriate, existing habitat should be improved and where possible new areas of nature conservation value should be created.
3. Measures to ensure safe and convenient public access for all should be incorporated.
4. Measures to ensure routine maintenance and long term management should be included.
5. Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping.
6. The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

D3 - Trees and Development Sites

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

No building, hard surfacing drainage or underground works will be permitted that does not accord with the principles of BS 5837 or Volume 4 National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees - Issue 2 (or the current revision or any replacement) unless, exceptionally, the Council is satisfied that such works can be accommodated without harm to the trees concerned or there are overriding reasons for development to proceed.

The Council will as a condition of any planning permission granted, require details as to how trees, hedges and hedge banks will be protected prior to and during and after construction. The Council will protect existing trees and trees planted in accordance with approved landscaping schemes through the making of Tree Preservation Orders where appropriate or necessary.

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

4 REVIEW OF SUBMITTED INFORMATION

4.1 Landscape and visual impact Assessment (LVIA)

While generally following the methodology within the industry standard Guidelines for Landscape and Visual Impact Assessment 3rd edition, the assessment tends to underestimate the landscape and visual impacts of the development and is inconsistent or erroneous in places. Detailed comments are noted in the sections below.

Description of development

Construction phase - the assessment fails to consider construction phase effects of the proposed development.

Operational phase - the assessment does not give a clear indication of the likely landscape and visual effects of the completed scheme or how these would change with time or seasonally and it is unclear whether the assessment of effects is based on initial conditions post-construction, at maturity of mitigation planting or some intermediate time.

Although the LVIA states the proposed access requires no substantial works, as there is no detail of the required visibility splays and access arrangements included with the application, it is not possible to verify this claim.

Landscape effects (changes to physical landscape setting)

Baseline landscape data and evaluation of value, sensitivity and capacity

- At para. 10 the assessment wrongly states that the site is defined by hedgerow on its northern side and also that there is a north south running dividing hedgerow across the site.

- At para 11 the assessment states the only trees are on the northeastern boundary. In fact there are also three mature oaks situated in hedgerow on the far southwestern corner of the site.

Identification of effects on landscape receptors

The LVIA does not consider the effects of the proposal on the AONB. While there is limited visibility to the site from the AONB, the site is very much part of the AONB setting and the local pastoral landscape character, with medium sized irregular fields bounded by Devon hedge banks extends across the A373 into the AONB beyond.

Impact of proposed development on existing settlement pattern

Para. 52 of the assessment correctly describes existing late 20thC development along the main road east of the historic core of the village as ribbon development. However, in its consideration of the impact of the proposed development on the village settlement pattern, para. 145 of the assessment notes the proposed development would not constitute piecemeal or ribbon development. This is despite the fact that the built elements of the proposal would extend along an open roadside frontage linking it with existing development further to the east.

Historically Awliscombe developed as a clustered settlement which has been extended somewhat to the south side of the main road in an easterly direction by late 20th century housing as far as the junction with Weston Lane. This marks the eastern built edge of the main village and is screened and softened by mature trees (figure 2). East of this is a swathe of countryside with views north to St Cyres Hill within the AONB and views to the south over the Wolf valley. Development of the site would effectively extend the built form of Awliscombe along the main road east of Weston Lane, closing off views to attractive countryside to the south and connecting the eastern village edge with the outlying cluster of properties beyond the eastern site boundary.

This would be contrary to guidance given in the East Devon landscape character type that covers the site (LCT 3b: Lower rolling farmed and settled slopes) to resist development that would contribute to coalescence of settlements, including ribbon development. Similar guidance is given within the Clyst Lowland Farmland Devon Landscape Character Area assessment which also covers the site area to 'Protect the sparse settlement pattern of clustered hamlets, villages and farmsteads, preventing the linear spread of development along river valleys and roads wherever possible.'

Visual effects (changes which may be seen by visual receptors - those using or passing by the site)

Baseline data on site visibility and evaluation of visual sensitivity

The photographs embedded within the assessment and included in Annexe C do not conform with guidance set out in Photography and Photomontage in Landscape and Visual Impact Assessment, Landscape Institute Advice Note 01/11 and are generally of poor quality - those included in the main report being generally too dark to be readily legible, while viewpoints 8 and 9 are taken into the light creating glare effects that obscure detail.

The photographs in Annexe C are all in wide panoramic format. While this can be useful in providing some context, the wide field of view tends to exaggerate the scale of the edges of the image at the expense of the mid view and does not accurately represent the experience of a viewer standing at the same location.

It is surprising that a photograph of a view from Buckerell (viewpoint 5) is included in Annexe C even though it has no inter-visibility with the site, while the clear view over the site from the top of Bushy Knap on Awliscombe footpath 1 (figure 1 above) is not included.

All photographs are taken in summer when trees and hedgerow are in full leaf. It is established good practice for photographs within LVIA to be taken in winter and so represent worst case scenario. The site would be noticeably more visible in winter from viewpoints 1 and 9 in particular.

Identification of effects on visual receptors

In identifying the effects on visual receptors the assessment fails to consider the impact on pedestrians using the footway adjacent to the northern site boundary. The footway is regularly used both as a link between the village and outlying properties to the east and also for recreational purposes. Along the length of the site boundary it provides very attractive panoramic views over the Wolf valley to the Bushy/ Buckerell Knap ridge and the western edge of Awliscombe (figure 2). These views will be entirely screened from the footway by buildings and associated boundary planting as a consequence of the proposed development. In addition to the loss of views from the footway there would be a distinct change in local character from open rural to semi-urban. The sensitivity of footway users should be considered high and the resulting magnitude of effect should be considered high adverse and significant for users of the path.

In considering the impact of development on users of Awliscombe footpath 1 over Bushy Knap, the assessment states the development would be visible for a distance of just 50m. My opinion is that it would be visible over a distance of some 250m. In this attractive view towards the AONB the proposal would be seen as a band of development linking the eastern edge of Awliscombe with the western edge of Hill Crest and further properties to the east that would break the attractive flow of open rural landscape between St Cyres Hill and the River Wolf (ref figure 1). As noted in the LVIA the sensitivity of path users of footpath 1 would be high, however, the magnitude of effect should be considered moderate resulting in a moderate - high adverse impact which would be significant.

In assessing the effects of development on motorists using the A373 the assessment omits to note their sensitivity to change or the significance of effect. The conclusion that the effects for this receptor group would be moderate to substantial should be considered significant.

4.2 Other reports and surveys

4.2.1 Design and Access Statement (DAS)

The DAS is inadequate containing numerous factual errors and fails to demonstrate the need for the proposals or how site context, constraints and opportunities have informed the design.

In the introduction, the statements that the site is within the village of Awliscombe and bordered by development on two sides are misleading as the site is outside the built envelope of the village and surrounded by green fields with the exception of adjoining residences in the northeast corner and on the opposite side of the A373. The site is described as flat when it is in fact sloping. The statement that the site is enclosed by Devon banks is also incorrect as the eastern and south-eastern

boundaries are presently completely open and the northern boundary is marked by a post and rail fence affording clear views over and beyond the site from the adjacent footway.

4.2.2 Tree survey, impact assessment and protection

No tree survey is submitted with the application. Should the application be approved a BS tree survey, arboricultural impact assessment and tree protection plan should be provided for existing trees and hedgerow within and adjacent to the site perimeter.

4.3 Layout and landscape details

4.3.1 Highways

As access is a reserved matter there is no indication in the submitted details of the entrance visibility splay requirements on to the main road. Visibility splay details should be submitted with the application in order to demonstrate that adequate visibility can be provided without adverse effect on roadside trees/ hedgerow.

4.3.2 Levels

Overall there is a level difference of some 12 metres between the northeast and southwest corners of the site which will entail extensive ground works particularly in respect of the proposed sports pitch. There is no indication of levels or grading works on the illustrative masterplan and it is unclear whether the necessary cut and fill slopes likely to be necessary to the northern and southern edges of the pitch could be accommodated within the available space.

5 CONCLUSIONS

The submitted Landscape and Visual Impact Assessment and Design and Access statement have a number of shortcomings as noted above. The application also lacks detailed information on the proposed site access arrangements, visibility splay requirements and levels.

It is considered that the proposal would contribute to ribbon development along the A373 linking the settled eastern edge of Awliscombe to an outlying cluster of houses to the east. This is contrary to clear guidance given for the East Devon landscape character type and Devon Landscape character areas which cover the site. The proposals are likely to give rise to significant adverse effects on local landscape character and on the setting of the Blackdown Hills AONB.

The proposals would also have significant adverse visual effects on views from the adjacent footway, A373 and from Awliscombe footpath 1 in particular.

As such the proposals are also considered to be in conflict with Local Plan Strategy 7 - Development in the Countryside and Strategy 46 - Landscape Conservation and Enhancement and AONBs, due to the harm it would cause to the existing pattern of settlement of Awliscombe and the disruption of views from a public place which form

part of the distinctive character of the area. The proposed scheme is consequently unacceptable in terms of landscape and visual impact.

DCC Flood Risk SuDS Consultation

Recommendation:

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

Observations:

The applicant have submitted Proposed Residential Development, A Shop, Land for A New Village Hall and Playing Field At Land Adjacent to Hillcrest Awliscombe Flood Risk Assessment Report.

The applicant do not provide any information of the surface water flood map. It is mentioned that there is an existing watercourse to the western boundary of the proposed development site, on the opposite side of a substantial hedge.

It is proposed to discharge the surface water runoff from the site to soakaways. Others option like rainwater harvesting, untanked permeable paving options are also mentioned.

The applicant, however, has not provided sufficient information in relation to the disposal of surface water from the site to enable me to make observations on the proposal. The applicant must therefore submit a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found at the following address:

<https://www.devon.gov.uk/floodriskmanagement/planning-and-development/suds-guidance/>.

The submitted Illustrative Masterplan Drawing (Drawing No. 4050.002, Rev. C, dated May 2022) only shows the proposed layout of the dwelling and no clear drainage plan indicating all proposed components of the surface water drainage network was submitted.

Should the applicant is not intending to carry out any infiltration testing at this Outline stage, the applicant would be required to submit an alternative above ground attenuation option for consideration. The associated calculations and model outputs shall also be submitted for both infiltration and attenuation options.

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

The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

County Highway Authority

Observations:

I have visited the site in question and reviewed the planning documents. As the application is only outline, I will concentrate on the access concept and not the internal layout such as parking, sustainable travel provision and off-carriageway turning.

The proposed access can obtain a visibility of 43m in either direction for this 30mph speed road, this accords to our current best practice guidance, Manual for Streets 1 and 2.

This application of 20 dwellings would not trigger our requirement for a Travel Plan, which is usually around 40 dwellings, however some thought needs to be given to the bell-mouth access of dropped kerbs or cycle priority junction.

The access would also need to be wide enough to allow simultaneous access and egress for the size of the proposed development.

Recommendation:

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

1. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram C 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/drive level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions.

REASON: To provide adequate visibility from and of emerging vehicles.

Police Architectural Liaison Officer - Kris Calderhead

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

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

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

o Detailed design should include a layout that provides overlooking and active frontages to the new internal streets with accessible space to the rear of plots avoided. Plots 1-8 appear to have rear accessible space to the rear, if this is to remain, it is recommended that the space is lit and adjoining boundaries offer some surveillance for example by using 1.5m fencing with .3m trellis topping.

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

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

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

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

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

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

Rear parking courts are discouraged as they provide legitimate access to the rear of plots and are often left unlit with little surveillance, see above with regards to plots 1-8.

The community parking space should have clear rule setting with regards to usage.

o Open space / village green should be well overlooked and located so as not to cause disturbance or conflict with nearby dwellings. They should also be afforded an appropriate boundary treatment to prevent vehicle access.

o The farm shop and village hall should have windows and doors that meet with nationally recognised security standards.

Should the application progress, please don't hesitate to contact me again to review any updated plans and designs.

DCC Historic Environment Officer
Application No. 23/1276/MOUT

Land Adjacent to Hillcrest Awliscombe - Outline planning permission for residential development of 20 no. dwellings with some matters reserved including access: Historic Environment

My ref: ARCH/DM/ED/38720a

I refer to the above application. The proposed development site occupies a substantial area in a prominent position within a landscape where the Historic Environment Record shows there to be prehistoric and Romano-British activity in the wider landscape. Groundworks associated with the construction of the new residential development have the potential to expose and destroy archaeological and artefactual deposits associated with this known archaeological activity. 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 an archaeological geophysical survey, followed - if required - by the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice 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/>.

NHS Cranbrook/Primary Care Team

The application has been reviewed from a primary care perspective and the response has been informed by the Devon Health Contributions Approach: GP Provision (<https://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance>) which was jointly prepared with NHS England.

23/1276/MOUT | Outline planning permission for residential development of 20 no. dwellings with some matters reserved including access | Land Adjacent To Hillcrest Awliscombe (eastdevon.gov.uk)

The GP surgeries within the catchment area that this application would affect, currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate.

However, due to the nature of the planning process, please be advised that this response from NHS Devon is a snapshot of the capacity assessment at the date of this letter. Should there be any change to this position, as a result of any current planning applications that may or may not affect the capacity at Honiton Surgery being approved prior to a final decision on this particular development, then this will potentially initiate a further review on the NHS's position. Such factors could include but are not limited to:

- o Increases in the patient list size which then exceed the practices' capacity during the period between this application being validated and prior to a planning decision
- o Consideration for future 'consented or commenced' planning applications that lead to an increase in the patient list size which then exceed the existing practices' capacity during the period between this application being validated and prior to a planning decision

Therefore, at this stage, it is important to highlight the NHS reserve the right to re-assess and respond to this application at any time, as a result of any planning application(s) received and approved subsequently by the Council that will have an associated impact on the assessed GP Practice(s) linked to this application, which in turn, could have the potential to initiate an NHS contribution request in accordance to regulatory and legislative obligations.

With this in mind, whilst at this time there is no requirement for a Section 106 contribution towards NHS Primary Care from this application, as a contingency, we would recommend you take this into consideration, factoring in an estimated sum of £580 per dwelling towards NHS Primary Care to any viability assessments.

Furthermore, please note this does not reflect any operational pressures, such as workforce or patient activity levels, that might be affecting the surgery/ies and is purely based on an assessment in relation to the current premises' capacity for infrastructure only.

23/1271/FUL

DCC Historic Environment Officer

My ref: ARCH/DM/ED/38721a

I refer to the above application. The proposed development site occupies a substantial area in a prominent position within a landscape where the Historic Environment Record shows there to be prehistoric and Romano-British activity in the wider landscape. The site appears from map evidence to slope down some 5m

north-east to south-west, and the illustrative Masterplan shows a football pitch roughly aligned north to south in this area. However, there does not appear to be any information on whether the site will be levelled for the pitch or, if required, what the scope of any groundworks will be.

Should the proposed change of use to recreational area involve groundworks these will have the potential to expose and destroy archaeological and artefactual deposits associated with this known archaeological activity. 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 an archaeological geophysical survey, followed - if required - by the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice 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/>.