

**Ward** Woodbury And Lymstone

**Reference** 23/1269/MFUL

**Applicant** Mr Nick Yeo (3West Strawberry Hill Ltd)

**Location** Land South Of Meeting Lane Lymstone

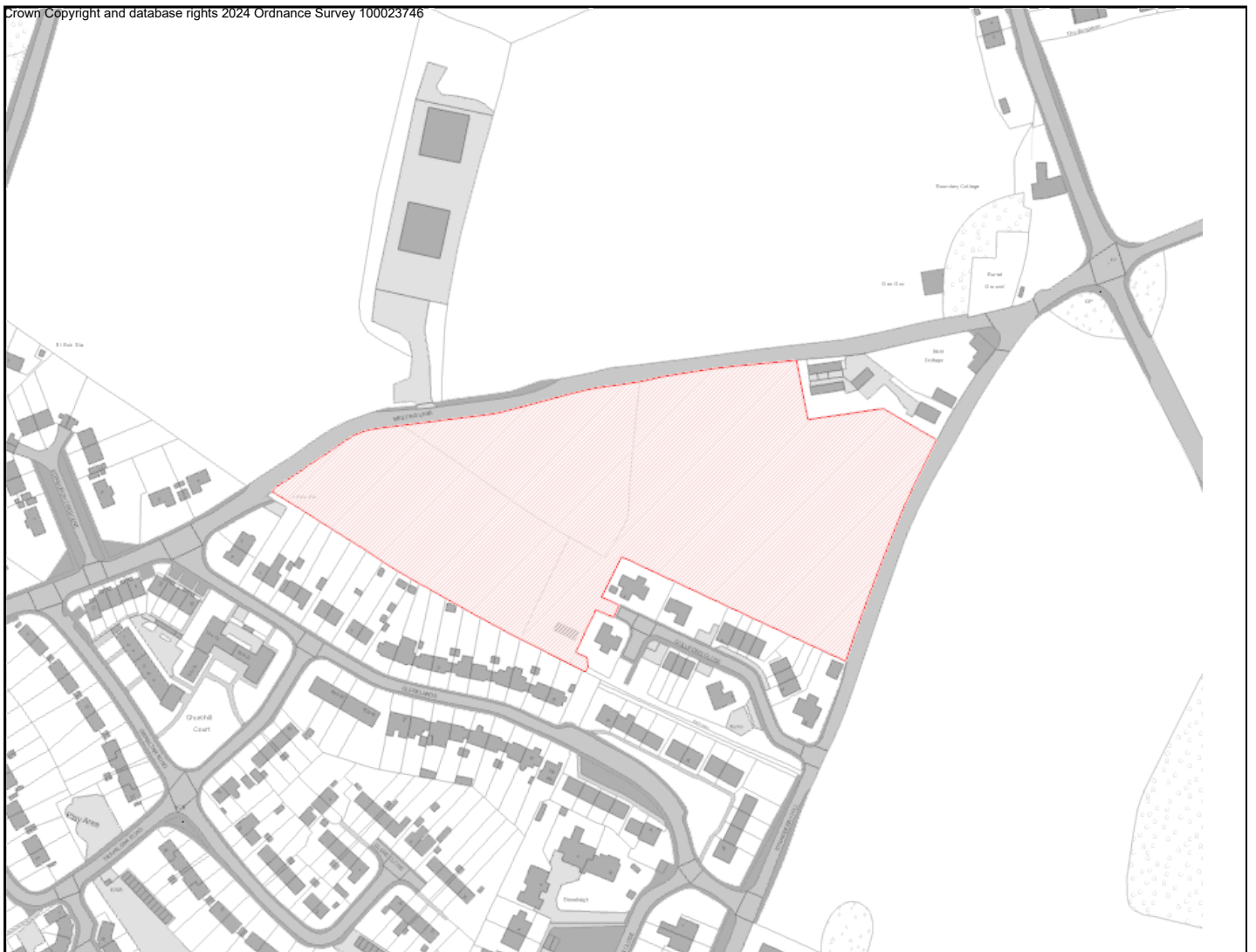
**Proposal** Construction of 42 residential units, affordable housing, new vehicular accesses from Meeting Lane and Strawberry Lane, pedestrian access onto Meeting Lane, associated internal roadways, SUDS features and landscaping



**RECOMMENDATION:**

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

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		<b>Committee Date: 20.08.2024</b>
<b>Woodbury And Lympstone (Lympstone)</b>	<b>23/1269/MFUL</b>	<b>Target Date: 28.09.2023</b>
<b>Applicant:</b>	<b>Mr Nick Yeo (3West Strawberry Hill Ltd)</b>	
<b>Location:</b>	<b>Land South Of Meeting Lane Lympstone</b>	
<b>Proposal:</b>	<b>Construction of 42 residential units affordable housing, new vehicular accesses from Meeting Lane and Strawberry Lane, pedestrian access onto Meeting Lane, associated internal roadways, SUDS features and landscaping</b>	

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**EXECUTIVE SUMMARY**

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

**The site is located adjoining the built-up area boundary for Lympstone, as identified in the Villages Plan, to its north eastern boundary and is currently gently sloping agricultural land in the countryside to the south of the northern access to the village, Meeting Lane.**

**The application seeks full planning permission for the construction of 42 residential units on a site area of 2.58ha, proposing 35% affordable on site housing and a 15% off site affordable housing contribution.**

**Two vehicular accesses are proposed one onto Meeting Lane serving 37 units and the other onto Strawberry Hill serving 5 units, County Highways are in agreement with the Transport Assessment submitted with the application and consider the access to be safe and suitable, subject to provision of a right turn lane on the A376 and appropriate safeguarding conditions. Even though some impact upon the local highway network will result, this would not be considered by the Highway Authority to be severe enough to justify refusal of planning permission.**

**There is 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. Given the lack of significant constraints to development on this site, the sustainable location of the site and provision of 35% affordable housing on site and 15% contribution towards off site affordable housing, it is considered that the principle of development can, on balance, be supported.**

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

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

**The application is therefore recommended for approval subject to securing the appropriate obligations, including 35% on site affordable housing and an off site contribution of £292,925, on site open space, travel plan and habitat mitigation payment secured through a Section 106 Agreement, together with the provision of a right turn lane on the A376 secured by a Section 38 highways agreement.**

## **CONSULTATIONS**

### **Local Consultations**

#### Woodbury And Lympstone - Cllr Ben Ingham

At this time I object to this application for the following reasons:

Lympstone has met and exceeded its EDDC target for 2030 already via LNP.

Unnecessary access onto Strawberry Hill which is too narrow for this.

Poor layout design, very basic

Segregated housing types instead of integrated

No small live/work units included

#### Woodbury And Lympstone - Cllr Geoff Jung

23/1269/MFUL

I have viewed the documents for the planning application 23/1269/MFUL for the proposed construction of 42 residential units (14 affordable), new vehicular accesses from Meeting Lane and Strawberry Lane, pedestrian access onto Meeting Lane, associated internal roadways, SUDS features and landscaping on land south of Meeting Lane Lympstone.

Last year there was a consultation for sites coming forward for a proposed East Devon new local plan based on the Government requirement for 940 new dwelling to be built each year in East Devon. This site was considered the most appropriate

from the various sites put forward for Lympstone, but since the consultation the Government has removed the housing number policy, but as yet not replaced the policy, and therefore all work on the housing requirements for East Devon are on hold.

Therefore, my view is this application should be determined on the current local plan which would consider the application outside the built-up area boundary and therefore not compliant to the existing local plan.

Therefore, I do not support this application. However, I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

Woodbury And Lympstone - Cllr Geoff Jung 8/8/24

I apologise for not picking this up before, but the original application was so long ago it was prior to the Exmouth, sewage issues and I didn't consider the sewage implication from this site at the time. I also note that SWW have never made a comment on this site!

To explain the issue the sewage infrastructure at this location is at the head of the start of infrastructure that is a combined pipe that heads to the bottom of Lympstone and then connects to a rising main at Phear Park and then to Mear Lane Exmouth. The previous smaller development at Gulliford Close had an issue and required pump and tank system prior to the sewage connecting into mains pipe! (I understand the residents management company and SWW are in continued discussions on this arrangement and the management company is paying for the tank to be emptied twice a year!)

Therefore I would be concerned that this application goes to committee without a Grampian order on it to ensure this application does not adversely effect the sewage infrastructure.

#### Parish/Town Council

Recommendation: Object

Lympstone Parish Council object to the proposed housing development for the following reasons:

- ' The site is outside the BUAB.
- ' The site is in the coastal protection zone.
- ' The site is in the green wedge.
- ' The proposed plans contravene the current Lympstone Neighbourhood Plan, EDDC local plan and NPPF policies.
- ' Local schools and health services are unable to cope with increased numbers.

Current submitted plans/documents are objected to for the following reasons:

- ' Irreparable damage to the ecology and biodiversity of the site including unnecessary removal of established hedges and trees (online ecology plan is out of date).
- ' Additional Flooding issues have not been mitigated to the current flooding problem (unclear whether draining across Highway and adjacent sites is permissible).
- ' Incapable sewage infrastructure.

- ' Dangerous access onto surrounding highways ' Meeting Lane, Strawberry Hill and Harefield Cross.
- ' Invasion of privacy, noise disturbance from internal road layout to current neighbouring properties.
- ' Lack of car parking.
- ' No safe footways for pedestrians.
- ' The proposed design plan submitted is divisive and will not promote village/community cohesion.

### Adjoining Parish Council (Woodbury)

This proposal is actually two developments in one with poor access to the site, additionally,

- o Strawberry Hill is a narrow lane that cannot accommodate an additional access which is also unnecessary and would ruin an existing Devon Bank / ancient hedgerow.
- o Lowering biodiversity and wildlife corridor between the River Exe SSSI site and the pebble bed heath (AONB)
- o Incohesive community with an us / them divide
- o No footway link with existing village along Strawberry Hill.
- o Strawberry Hill is extremely narrow and this access would be dangerous to other road users and pedestrians.
- o Meeting Lane is slightly wider, but access and visibility is still of concern.
- o Harefield cross is a difficult junction to navigate, this proposed development will increase traffic at this location.

If this development is favoured by EDDC then there is an easily remedy to not having two developments / access points. By rotating the 5 executive dwellings by 180 degrees and having an access drive in-between plots 35 and 36 with their garages relocated to the rear of their plot. This would still provide exclusivity, but be more cohesive with the whole site; the Devon Bank / ancient hedgerow would remain and safety concerns eliminated from Strawberry Hill.

This proposal is of unimaginative basic design, the layout is lacking thought; with the open space not planned to its fullest potential, neither does it bring additional facilities to enhance the existing village; there are no speed calming measures (a 20-mph scheme would be a benefit to the village); nor an enhanced gateway to the village incorporating the 17th Century historic Dissenters Gulliford Burial Ground.

Woodbury Parish Council will not be supporting this application on the above grounds and will also be supportive of Lympstone Parish Council with their observations.

### **Technical Consultations**

#### Police Architectural Liaison Officer - Kris Calderhead

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

Whilst I have no objection to the proposal, I would like to make the following comments and recommendations for consideration:

o The vegetation that abuts the rear boundaries of plots for example 1-21, 25, 26 and 37 must be robust enough to prevent access to the rear boundary. Accessible space to the rear of plots should be avoided as it leaves them vulnerable to burglary attempts, trespassing etc. therefore the buffer must be sufficient enough to prevent such risk.

o Similarly, where 1100mm post & rail fencing supplemented with hedging is used to divide gardens backing on to one another, the hedging must be sufficient all year around to prevent access between the two as 1100mm fencing is not sufficient on its own.

o Where the ownership of parking spaces is not obvious, ensure they are clearly marked to reduce the potential for disputes.

o Presumably the site will be lit in accordance with relevant British Standards (BS 5489), this should include pedestrian routes which 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.

#### County Highway Authority

##### Observations:

I have visited the site in question and reviewed the planning documents. The site has been allocated in the forthcoming district local plan for development. The site has two proposed accesses, one off Strawberry Hill for 5 properties and the remaining properties off Meeting Lane. The proposed access visibility splay has been informed by a speed survey, which produces a more appropriate visibility splay due to the conflict of a national speed in this location but with a restricted geometry and topography. The site layout provides sufficient space for off-carriageway turning and off-carriageway parking together with suitable swept paths for fire and refuse vehicles facilitating the free-flow of traffic.

The existing site has permitted agriculture use, therefore this planning application proposal will represent a trip generation intensification, therefore the County Highway Authority (CHA) has worked with the developer to secure preferably a half right turn box upon the A376/Meeting Lane junction, should this application be granted, through a separate Section 106 agreement, in order to maintain the free-flow of traffic upon the A376 and help avoid rear shunts upon queuing traffic turning right onto Meeting Lane. However it is the intention that the Section 106 funding will be viable for alternative betterment improvement schemes should the half right turn box not be necessary.

Devon County Councils (DCC) existing recorded collision data which is currently 2018-2022, shows no recorded collisions upon the proposed access's of this development. It is DCC's policy that for all developments over 40 houses a Travel Plan is produced and though this development is only just over this threshold, we appreciate the Travel Plan. This includes a Travel Plan co-coordinator to analyse and assess travel plans from the commencement of this site and coordinating the mitigation measures including sustainable travel incentives and sustainable travel

information including information on the Exe-estuary trail, Lypstone Railway Station, bus timetable and nearest car sharing club.

#### Addendum

It should be noted that the current proposal to drain the surface water from this development into the highway network infrastructure is currently under review by the CHA due to liabilities and the involvement of third party land north of Meeting Lane. However we are satisfied that an engineering solution is possible for this proposed development, if not the current proposed solution. We therefore believe the drainage technical information can be conditioned and is not beholden to the planning application outcome.

#### 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

#### Conservation

On the basis of the information provided through the application, the proposed development would result in slight harm to glimpsed views from Thorn Farm and Gulliford Cottages, Grade II heritage assets located to the northeast and east of the site. In this re-spect, the development proposal is considered to continue to preserve the contribution the site as a setting makes to the significance of these heritage assets. Conservation do not therefore wish to offer any comments. Case Officer to assess on planning merit.

#### EDDC District Ecologist

The application is supported by an Ecological Impact Assessment (EclA), supported by a biological records centre data search and ecological surveys including phase 1 habitat survey, bat activity survey, and partial cirl bunting survey, undertaken between 2021 and 2023.

The report was updated following previous comments regarding bats, dormice and cirl buntings and these issues have been addressed in the updated report.

The submission has also been supported by a revised biodiversity metric calculation undertaken using the Biodiversity Metric 4.0. The submitted metric predicts a gain of 0.53 habitat units (9.23% gain) and 9.54 hedgerow units (267.66% net gain).

A significant gain in habitat units is attributed to the provision of a Pond (non-priority habitat) approximately 1.6 ha in area. The preliminary drainage layout (01-PDL-1001 Rev G) and surfaces plan (1781/PL105 Rev C) indicated this area is a Sustainable Urban Drainage System (SUDS) area. Both these plans indicate the amount of retained water within the feature is approximately 530 m<sup>2</sup> (0.053 ha). Therefore, if assessing the proposal using the metric with a pond area of 0.053 ha and the

remaining area as a SUDS feature, the metric indicates the site design would result in a net loss of 0.47 habitat units or a -8.21% loss.

Therefore, there is a doubt whether the proposed site design could deliver a quantified ecological enhancement.

### 3. Conclusions and recommendations

#### 1.1. Acceptability of the proposals

The submitted ecological survey information including ecological avoidance, mitigation, and enhancement measures are generally considered acceptable notwithstanding the above comments regarding the likely loss in habitat value of the site once developed.

It is recommended that the site design/landscaping be revisited to achieve a realistic net gain for habitat provision to make the proposal acceptable.

#### Tree Officer

The RPA of trees adjacent to both Strawberry Lane and Meeting Lane have not been offset to take into consideration the changes in levels between the field, boundary bank and road and associated restrictive rooting environment that the differences in levels and roads will pose. The RPA's of trees along both boundaries therefore need to be offset to reflect the more favourable rooting conditions within the field and likely rooting area of the trees. This will therefore likely require nearby plots / roads / attenuation pond to be repositioned.

Plots along the south western boundary (in particular 5, 8 to 16, including the structure adjacent to G4 and A2 in the western corner) will be significantly affected by shading. Plots 2,4, 18, 20 & 21 are also close to large trees which will overhang a large proportion of nearby gardens. Furthermore the RPA of these trees extends over significant proportion of the gardens which will likely result in compaction of the soil and therefore be detrimental to the health of the tree in the long-term. The close proximity of the trees will result in pressure to prune or fell due to concerns over safety, proximity, shading and debris fall.

Many of the plots also require ground protection to facilitate construction or no dig solutions. This is not appropriate. There should be at least 2m clearance between the edge of the RPA and structures to enable construction without impacting on the RPA. The RPA should be sacrosanct and only in exceptional circumstances should development take place.

T16, Ash – this is an important wildlife habitat with significant cavities throughout its main structure and as such should be retained within a wildlife area albeit in a reduced size.

Between T15 & T16, running roughly north-east to south-west and from the east of T15 along the line of the new proposed access route, two hedgerows have recently been reduced to ground level (Winter 2020 / 2021). During a site visit at the time, both hedges were characterised by being overgrown, not stock proof with gaps and some



individual trees. It was noted that little management had taken place and that appropriate management was required. Subsequently rather than coppicing and hedge laying, it appears that many of the shrubs and trees have been grubbed out and the bank re-profiled. Coppicing and layering should have resulted in dense regrowth in both hedges. Onsite, apart from regrowth of approx. 1m on one Ash coppice, there was no sign of any regrowth of hedgerow trees. One other internal hedgerow on site has similarly been managed. In contrast, the boundary hedge along Strawberry Lane has responded with dense regrowth. Both hedges have therefore in effect been removed and should be reinstated. Both hedgerow are marked on old Ordnance Survey maps dating from 1888-1890. There does not appear to be any reference to these hedgerows within the Landscape and Visual Impact Assessment though the boundary lines are clearly visible within the maps referred to in the Historic Environment Impact Assessment. It is considered that the proposed access route should be aligned adjacent to the original hedgerow.

### Environmental Health

No objections subject to conditions

### Landscape architect

The proposals are likely to introduce built elements and alter existing historic hedgebanks that will erode the rural character of both Meeting Lane and Strawberry Hill although with a more sensitive design approach these impacts could be reduced.

The proposals give rise to significant concerns in relation to the impact of development on the character of the adjacent rural lanes and existing important site trees.

For development within the southwestern parcel of the site to be acceptable a significant reduction in the number of units is required with the access road taken along the northern side and housing limited to the south side of this facing northwards and the foul pumping station more discretely sited.

Minor amends are required to the northern development parcel in respect of plot 24 and access details as noted above.

Detailed levels plans are required at 1:250 scale and two 1:200 scale north-south sections should be provided through the attenuation basin and extending to the southwestern boundary showing proposed and existing levels.

The drainage plans should be amended to show details of invert and cover levels and attenuation basin levels.

### Royal Society for The Protection Of Birds

This RSPB submission sets out our serious concerns that the proposed development on this c2.6 ha site will have adverse impacts on protected sites and makes inadequate proposals for ecological mitigation and biodiversity net gain. At this stage the RSPB objects to the proposal. In our view, your authority should not determine

this application until further information has been provided on the issues raised below and your authority is satisfied that necessary measures for mitigation and biodiversity net gain have been secured.

### Devon County Archaeologist

The Historic Environment Team has no comments to make on this planning application.

### DCC Flood Risk Management Team

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

### South West Water

#### Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

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

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

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

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

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

If the applicant wishes to connect this to South West Water network, then they should engage with us separately to see if we can accommodate this. No highway

drainage will be permitted to be discharged to SWW foul or combined public sewer network either directly or indirectly.

#### Clean Potable Water

To supply this development South West Water will require to carry out upgrades to the water distribution network along Meeting Lane. The extent and location of the upgrade works will depend upon the detail design of the development. The estimated time to deliver the upgrade works is up to 18 months from when the development starts.

The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

#### Foul Sewerage Services

This and other local development sites are being assessed to determine whether they will have a significant impact on the pumping station downstream from this development and if any upgrades are required, it will take South West Water approximately 18 months.

#### Housing Strategy/Enabling Officer - Cassandra Harrison

### **SUPPORT**

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

#### Other Representations

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

- Lympstone has no need for an estate of this scale;
- There needs to be a strategic approach to housing growth;
- This area is not highlighted for development in the Neighbourhood or Local Plans, both statutory document;
- The school is Victorian, has been extended with no further room for development and is at capacity;
- The train station is a long walk, including lack of footpaths, particularly around a narrow double bend. There is limited parking at the station and the busy cycle path also uses the station access road;
- Meeting Lane floods. There is also a natural spring on the site;
- Harefield Cross on the A376 is very dangerous with limited visibility;
- Narrow roads are not suitable to accommodate the increase in traffic;

- The doctor's surgery, built in the 1980's, has no room to extend, no parking and is a long walk from the site. It is unlikely that it could service an additional 100plus patients.
- Further urbanisation, interference with the natural ecosystem and the green corridor from Woodbury Common;
- Despite the analysis of village character this is a typical suburban scheme with no attempt to create a village type streetscape ( as achieved in the development opposite the Church)
- The access to Strawberry Hill will result in the destruction of the hedge and the rural approach to the village . Access should only be from Meeting Lane.
- The sustainability report identifies that heat pumps and PV panels would be an appropriate means of providing carbon neutral energy. There are no indications that such measures are being incorporated in the scheme. There is also no indication of provision for recycling grey water;
- Surface water from the site drains to a culvert on the opposite side of Meeting Lane and then across the field to Nutwell Road and then across Nutwell Park to the Estuary. Meeting Lane frequently floods at the point where the site drains across to the culvert. The applicant has no control of the culvert and subsequent drainage route.;
- Impact on wildlife;
- Size and scale of buildings close to other existing residential properties;
- Noise and disturbance form footpath link;
- Impact on trees.

## **PLANNING HISTORY**

None relevant to the determination of this application.

## **POLICIES**

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

Strategy 7 (Development in the Countryside)

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

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 5B (Sustainable Transport)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

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

EN22 (Surface Run-Off Implications of New Development)

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset)

### Government Planning Documents

NPPF (National Planning Policy Framework 2023)

National Planning Practice Guidance

### Neighbourhood Plan

Lympstone Neighbourhood Plan (Made)

## ANALYSIS

### Site Location and Description

The site lies on the edge of the settlement of Lympstone to the south of Meeting Lane which is the one of the main routes into the village when travelling from the north, it lies outside of the recognised built-up area boundary of the village.

The site comprises a single, L-shaped grazing field extending to 2.58 ha immediately to the south of Meeting Lane and west of Strawberry Hill.

The topography is slightly undulating, with a northerly aspect. The site is bounded by native hedgebanks and mature trees adjacent to the road boundaries to the north and southeast. There is belt of TPO'd trees to the west of the site and a handful towards the middle of the site. The southern boundary abuts the recent Gulliford Close housing development and the more established Glebelands development.

There is currently a field gate access to the site from the north and a closed off access through Gulliford Close that is in different ownership.

### Proposed Development

This application seeks full planning permission for the construction of 42 residential units 14 affordable(35%) would be constructed on site and a contribution of £292,925 (15%) would be provided as an offsite contribution.

Two new vehicular accesses are proposed, one from Meeting Lane which would serve 37 units and the other serving 5 units from Strawberry Lane. Pedestrian access onto Meeting Lane and into the existing network of footpaths and pavements are proposed.

An attenuation pond would be formed on site to capture surface water and then release it at a controlled rate into an existing ditch to the north of the site.

## **Planning Considerations**

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

- The principle of the proposed development;
- Affordable housing;
- Agricultural land classification;
- Impact on highway safety;
- Residential amenity;
- Landscape and visual impact;
- Trees;
- Ecology and habitats;
- Flood risk and drainage;
- Heritage impacts; and
- Planning balance and conclusion.

## **Principle of Development**

Strategies 1 and 2 of the 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.

The proposed development would comprise major development in the countryside, outside of the defined settlement boundary of Lympstone, thereby conflicting with Strategy 7 of the local plan. Consequently, the site would not offer an appropriate location for the development proposed 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.

In strategic policy terms therefore, the site is within the 'countryside' as defined in Local Plan Strategy 7 (Development in the Countryside), 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.

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 National Planning Policy Framework (December 2023) (NPPF) 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.

#### The need to maintain a healthy housing supply and trajectory going forward

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 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.

This issue was considered by Stratgic Planning Committee on 15/7/2024 following the receipt of advice from Kings 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.

### Summary

There is 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.

### **Affordable housing**

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

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

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

The application in its heads of terms indicates that the proposal would provide 35% affordable housing to be built on site, equating to 14 units and pay a 15% off site contribution of £292,925, equating to a total affordable blended housing percentage of 50%.

The Housing Enabling Officer has the following comments to make:

*Tenure - Strategy 34 sets a target of 70% for rented accommodation (social or affordable rent) and 30% for affordable home ownership. For the proposed 14 units, this would amount to 9 rented units and 5 units for affordable home ownership. The rented units should be provided as Social Rent as this is more affordable to local incomes in East Devon.*

It is acknowledged that the affordable housing would not be 'pepper potted' throughout the development, however, on such small sites it is much easier for estate management for the affordable housing provider to service the units, furthermore, the estate is laid out in three component parts, the affordable units would enjoy uninterrupted views over the open space and countryside beyond such they would enjoy a high level of amenity.

Accordingly, whilst the proposal fails to achieve a policy compliant level of affordable housing on site, the addition of a contribution to achieve the 50% provision overall must be seen as a benefit especially at a time where there is a critical need for more

affordable homes, it will be a matter than needs to be weighed in the planning balance at the end of the report.

### **Agricultural land classification**

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

The majority of the site constitutes grade 3 agricultural land (with a small pocket of grade 2) which is the not the highest-grade land but one where an on-site survey would be needed to determine whether it is 3a or 3b. No such survey has been submitted with this application and so a cautious approach is to consider that the site could be Grade 3a, which does fall within the category of best and most versatile agricultural land. The field is currently farmed but is constrained by housing developments on 3 sides and a water course on the other side and therefore is not connected to other similar grades of land which reduces its agricultural viability and value.

Whilst it is considered that the loss of 2.58 hectares of the agricultural land is regrettable, where it is not physically connected to land of a similar quality or higher quality (as in this instance) and as there are large amounts of other land in the locality of higher quality, it is considered that the loss would not significantly harm agricultural interests or the national food supply. Nevertheless, the loss of this agricultural land weighs negatively in the planning balance.

### **Highway Impact and Access**

The proposal for 42 residential units would be accessed through two new accesses, one from Strawberry Hill and the other from Meeting Lane. The design, layout and impacts from each of these accesses will be addressed in turn:

#### Meeting Lane access

The main part of the site for 37 houses would be served by a new adopted roadway from Meeting Lane through what is presently a roadside verge and mature hedgerow to an agricultural field. The existing hedgerow would be removed to create the access and appropriate visibility splays and a footway adjacent to the road to enable access the estate; a new bank with planting on which follows the line of an historic bank would be re-provided to the south of the access point running towards a group of mature trees and surround the attenuation pond area. Once the access road has entered the site in a southerly direction, adoptable standard roads are shown on the site plan that lead out to all of the 37 proposed units from this access.

#### Strawberry Hill access

The eastern most part of the site would be accessed from Strawberry Hill which is an unclassified road that leads in a southerly direction into the heart of Lympstone, this access would serve 5 dwellings and provide a tarmacked turning head with 2 no. private drives leading from it. The existing roadside hedge bank would be removed and create the access and appropriate visibility spays, though the amount of hedge lost would be returned into the site. There have been a number of new accesses formed onto Strawberry Hill in recent years, most notably immediately to the south of the site to form the estate of houses known as 'Gulliford Close'.

In terms of the accesses and the development's impact on the wider road network where it generates additional vehicular traffic onto Meeting Lane, which is a C class road which runs along the northern edge of Lympstone close to its junction with the A376, the Highway Authority have considered the scheme in detail and the additional details that have been provided by the applicant's agent. The County Council as Highway Authority recommend approval of the scheme with specific conditions applied to create an off site dedicated right turning lane on the A376 when approaching from the north, this would be dealt with by a Section 278 agreement between the applicant and the Highway Authority and would need to be provided and capable of use prior to first occupation of any dwelling on this site. A further condition is required to agree a suitable construction management plan for routing of construction vehicles prior to any development on site taking place.

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

In terms of wider accessibility, Policy TC2 and the NPPF seek residential development that is located in positions where there are viable alternatives to the private car allowing pedestrian, cycle and public transport access to jobs, services and amenities. The application site is accessible to a range of services including bus services, schools, church, village hall and jobs (predominantly in further afield settlements by bus or train). There are suitable and safe walking routes into the village centre, the development would join into the pedestrian network in the far western and southwestern corners of the site. In short, the site is considered to be accessible and future residents would have viable and attractive sustainable alternatives to using the private car both on foot or by bus or train.

The parking is indicated as a mixture of parking spaces and garages and these would be conditioned to be provided prior to first use of the property they serve, cycle parking is also indicated though additional details regarding the location and design of how they relate to each plot is required by condition.

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

### **Residential amenity**

The proposal site adjoins the existing built up area boundary of Lypstone where gardens of existing houses back onto the proposal site, such that it is important to consider the impact that the proposal would have on the living conditions of existing occupiers, it is also important to consider the living conditions of potential future occupiers of the proposed residential units to ensure that they have a good standard of living.

#### Residents in Gulliford Close

All of the dwellings on the northern part of Gulliford Close, nos. 6-15 inclusive, have their back gardens facing onto the application site, the existing boundary is formed by post and rail fencing with limited amounts of vegetation and as such these houses have a full and open view across the majority of the application site that is currently an agricultural field. For the most part the dwellings in Gulliford Close are sited around 7 metres at their closest point to the boundary with the application site, however no. 6 has recently constructed a conservatory which reduced the distance to 4.5 metres. The proposed dwellings would be sited 16 metres from the rear elevations of nos. 7,8,9,10 and 11 Gulliford Close (no. 6 would be 13.5 metres due to recent conservatory) with direct views towards blank side elevation of the proposed dwellings, there would also be single storey garages closer to the boundaries of nos. 6 and 9 Gulliford Close. Nos. 12, 13,14 and 15 Gulliford Close have rear elevations facing away from the application site. A new hedgerow would be formed between the existing and proposed properties.

No. 5 Gulliford close would have its side elevation facing onto a blank elevation of a new property to the west 12.5 metres away.

There would undoubtedly be an impact upon the outlook from the aforementioned properties in Gulliford Close with a change from an agricultural field to an estate of houses, however, due to the distances involved and the fact that there would be no openings on the elevations of the proposed houses facing the houses in Gulliford Close, it is not considered that there would be a detrimental impact on their living conditions through overlooking, loss of light or from the proposed two storey units being overbearing.

#### Residents in Glebelands

To the south west of the site lie the properties in Glebelands, Nos 1-18 inclusive have their gardens backing onto the application site, however, there is a mature belt of trees which are protected by a tree preservation order (TPO) between the site and aforementioned properties together with separation distances ranging from 20 metres to 35 metres such that it is considered that there would not be a detrimental impact on the living conditions of the properties in Glebelands

### Higher Stables

A new dwelling to replace redundant stables was approved under application number 21/3077/FUL immediately adjacent the north eastern corner of the site, this dwelling has not yet been implemented but the permission remains extant and therefore must be treated as a material consideration, that single storey dwelling would have windows facing toward the site from its main living area. Plot 37 would be located 18 metres from the front elevation of Higher Stables and would be single storey being a dormer bungalow with the dormer on the front elevation facing away from the aforementioned property. Given the distance between the properties and the fact that the extant dwelling would have an outlook onto a sloping roof (for part of its outlook, fields for the other part) it is considered that there would not be a detrimental impact on the living conditions of the occupiers of Higher Stables.

All of the houses satisfy and the majority exceed the minimum standards set out in the Nationally Described Space Standards (NDSS) and all property have good access to natural light and private garden areas of sufficient size in relation to the size of the dwelling they relate to.

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

### **Landscape and Visual Impact**

The application site is currently a pleasant green field, sloping gently up as it leaves the edge of Lymptone. Development of the site as proposed would result in the loss of an open and relatively prominent field on its northern periphery when viewed from Meeting Lane to built form but sensitivity is reduced by the presence of existing modern residential development to the south. Gradients are sufficiently gentle not to entail major terracing of the site. The location of the proposed access would result in the removal of some of the existing roadside hedge. Although the hedge will be returned into the site in the form of a bank with planting on it would be set further back from the site boundary, the proposed highway works will lead to a change in character along Meeting Lane and to a lesser extent Strawberry Hill due to other recent developments, creating a much wider highway corridor and changing its character from semi-rural to urban.

The Council's Landscape Architect concludes by stating:

*'The proposals are likely to introduce built elements and alter existing historic hedgebanks that will erode the rural character of both Meeting Lane and Strawberry Hill although with a more sensitive design approach these impacts could be reduced.'*

*The proposals give rise to significant concerns in relation to the impact of development on the character of the adjacent rural lanes and existing important site trees.*

*For development within the southwestern parcel of the site to be acceptable a significant reduction in the number of units is required with the access road taken along the northern side and housing limited to the south side of this facing northwards and the foul pumping station more discretely sited.*

*Minor amends are required to the northern development parcel in respect of plot 24 and access details as noted above.*

*Detailed levels plans are required at 1:250 scale and two 1:200 scale north-south sections should be provided through the attenuation basin and extending to the southwestern boundary showing proposed and existing levels.*

*The drainage plans should be amended to show details of invert and cover levels and attenuation basin levels'.*

Amended plans have been received which have addressed most of the Landscape Architects concerns expressed above through amendments to layout, softening of boundary treatments, moving houses away from trees and redesigning certain plots, however, his concerns regarding the southwestern section, namely:

*The southwestern section, plots 1-20, is heavily constrained by important existing trees and levels and the quantum of development proposed here is too great to fit comfortably within the developable footprint. The consequences of this are a compromised layout with a high risk of damage to the existing trees both during construction and post occupation by residents seeking to reduce shade effects and increase light to their rooms.*

A considerable effort has been made and shadow impacts of tree canopies have been undertaken to the point where, whilst some plots will be in shade at certain points of the day at certain times of the year, these will be for parts of the day and not the whole day with gardens being achieved which will not be in shade at all leading to an improvement to the living conditions of those plots following the amendments. It is considered that a more harmonising development has been produced protecting the trees and important corridors and providing a quantum of development that would be viable to be brought forward. Through appropriate conditioning the landscape mitigation measures can be secured together with biodiversity benefits that will be discussed later in this report.

The proposed layout of the estate is considered to be appropriate taking into account the various constraints to development, chiefly amongst these are the existing trees. The scale of the houses being predominantly two storey is appropriate and the palette of materials and finishes is consistent with the adjacent recently constructed estate to the southeast.

Generally the landscape and visual impacts of the proposals are likely to be limited to the site and immediate surrounds, and while the change in character along Meeting

Lane and Strawberry Hill and the visual impact on Gulliford Close residents would be significant adverse, the density of development is considered acceptable and the design of houses appropriate complementing those recently constructed to the south, the development can be accommodated without wider significant adverse impact to the host landscape character.

Accordingly, the proposal is considered to be acceptable in accordance with Policies D2 and D3 of the EDDC Local Plan.

## **Trees**

There is a belt of protected trees on the western boundary of the site, together with a number of mature oak trees set to the east of this belt of trees, the Council's Tree Officer initially raised a number of concerns relating the proximity of the dwellings to the trees and the lack of available light due to large canopies causing detriment to the living conditions of potential occupiers and the pressure to need to undertake future works to protected trees to improve the living conditions.

Amended plans have been received which indicate that at least 50% of the gardens of each plot would be outside the crown spread of the trees and that shading will only take place during certain times of the day, not all day. Special attention has been paid to the tree officer comments by the applicant and their tree consultant so that the vast majority of trees can be retained save for some poor specimens in the larger group. This loss of a small number of trees is regrettable, however, the proposed landscaping scheme compensates for this loss and has long term objectives to manage the trees.

Concerns were also expressed regarding the recent removal by a former landowner of (tree officer comments as follows):

*two hedgerows have recently been reduced to ground level (Winter 2020 / 2021). During a site visit at the time, both hedges were characterised by being overgrown, not stock proof with gaps and some individual trees. It was noted that little management had taken place and that appropriate management was required. Subsequently rather than coppicing and hedge laying, it appears that many of the shrubs and trees have been grubbed out and the bank re-profiled. Coppicing and layering should have resulted in dense regrowth in both hedges. Onsite, apart from regrowth of approx. 1m on one Ash coppice, there was no sign of any regrowth of hedgerow trees. One other internal hedgerow on site has similarly been managed. In contrast, the boundary hedge along Strawberry Lane has responded with dense regrowth. Both hedges have therefore in effect been removed and should be reinstated. Both hedgerows are marked on old Ordnance Survey maps dating from 1888-1890. There does not appear to be any reference to these hedgerows within the Landscape and Visual Impact Assessment though the boundary lines are clearly visible within the maps referred to in the Historic Environment Impact Assessment. It is considered that the proposed access route should be aligned adjacent to the original hedgerow.*

The applicant has responded with amended plans to re-introduce these features, it is considered appropriate to condition that a LEMP (Landscape and Ecological Management Plan) is submitted during the construction works to ensure that the features are appropriate and that they are managed in a meaningful and protective way.

Overall, it is considered that whilst there will be some tensions between development and the existing trees, the amended scheme proposed a harmonising that will enable future occupiers to enjoy the existing setting with appropriate management of the trees to safeguard loss of trees and maintain living conditions, therefore the proposal is considered to be acceptable in relation to Policy D3 of the EDDC Local Plan.

## **Ecology and Habitats**

An ecological impact assessment has been submitted in support of this application which builds upon an initial preliminary ecological assessment undertaken on the site in 2021. Bat activity transect and static surveys were subsequently undertaken from August 2023 to October 2023. The following comments on protected species is relevant in the determination of this application:

Bats - At least eight species of bat have been recorded foraging and commuting over the site during manual and static bat detector survey, however there was no evidence of roosting bats on the site was found.

Badgers - There are no badger setts on the site or suitably close to pose a potential constraint to development, however, badgers do forage across the site and therefore mitigation would be required especially during the construction period. The long-term retention of grassland within the landscape plan surrounding the site and around the attenuation basin will likely benefit badger foraging.

Breeding birds - The trees on site offer opportunistic nesting habitat for common species birds especially in the mature oak trees, the grassland due to it being grazed offers little opportunity for ground nesting.

Dormice - It is not considered that dormice use the site, however, that is the present situation which may change, therefore a dormice licensed ecologist will need to make a fingertip search of the hedgerow prior to any works taking place to them.

Hedgehogs - There are no hedgehog setts on the site or suitably close to pose a potential constraint to development, however, hedgehogs do forage across the site and therefore mitigation would be required especially during the construction period. The provision of planted bunds within the landscape plan will likely benefit hedgehog foraging.

The loss of 20 m of species-poor hedgerow for access into the site is considered likely to result in a minor adverse ecological impact at the site level. The hedgerow removal and some potential translocation could result in the killing or injury of dormice, though at present there is no evidence to suggest that there are any dormice on site if any are found a European protected species licence (EPSL) from Natural England would be required. Applicants can only apply for an EPSL once planning approval has been



granted and any conditions pertaining to protected species, which are capable of being discharged, have been discharged.

Mitigation and ecological enhancement measures include:

- retention of grassland areas around site boundaries together with a new SuDS drainage pond
- the provision of ecological buffers to avoid the illumination of hedgerows,
- ecological supervision of hedgerow removal and translocation,
- sensitive timing of works to avoid harm to nesting birds and dormice,
- angled planks across any excavations to assist in foraging badgers and hedgehogs,
- a lighting plan, including lux contours across the site, will be required. Lighting design should be in accordance with 'Bats and artificial lighting in the UK' (BCT and ILP 2018) to minimise light spill and potential negative effects upon foraging and commuting bats.
- bat boxes (on 50% of the dwellings) and bird boxes (one box on each house)
- Payment of a standard Habitat Mitigation Contribution per house (£367.62) would also be payable to 'deliver' mitigation for recreational impacts on the nearby SPAs.

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

The proposed development would not require a European Protected Species Licence from Natural England for bats as no roosting habitats would be lost, however, similarly to the dormice, if any roosting bats are found that are likely to be affected by the works a European protected species licence (EPSL) from Natural England would be required.

The Council's Ecologist has commented on the proposal as follows:

*The submitted ecological survey information including ecological avoidance, mitigation, and enhancement measures are generally considered acceptable notwithstanding the above comments regarding the likely loss in habitat value of the site once developed. It is recommended that the site design/landscaping be revisited to achieve a realistic net gain for habitat provision to make the proposal acceptable.*

A pre-commencement condition requiring submission of further biodiversity calculations has been agreed between the ecologist and the applicant to overcome his concerns.

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

#### Habitats Regulation Assessment

The nature of this application and its location close to the Exe Estuary and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and a financial contribution will be secured through an appropriately worded legal agreement. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

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

### **Flooding and drainage**

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

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

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

On submission of additional information, DCC Flood Risk Team have removed their objection subject to conditions with the following comments to make:

*The applicant have revised Land off Strawberry Hill, Lympstone Flood Risk Assessment (Report Ref. 1414, Rev. C, dated 6th October 2023).*

*The outcome of the ground investigation carried out in August 2022 has preclude the use of soakaways option as mean to manage the surface water runoff from this development site. The applicant are proposed a detention basin with attenuated discharge to the 'onsite surface water ditch' in the lower reaches of the shallow valley. This ditch feeds through a piped connection to an existing highway gully immediately*

*outside the site. This connection was objected by Devon Highways due to liabilities and the involvement of third party land north of Meeting Lane.*

*The runoff from Plots 1 to 4 is impractical to discharge to the new detention basin and it is proposed to drain to a small private cellular attenuation with separated controlled discharge rate of 1l/s to the ditch. The applicant subsequently submitted a covering letter entitled 23/1269/MFUL - Land South of Meeting Lane, Lympstone (Letter Ref. 1414, dated 24th November 2023) stating that the controlled discharge is to outfall to an existing on-site watercourse. We disagreed to their reference that the current easement is a watercourse.*

*The applicant sought legal advice regarding this connection and it was agreed with Devon Highways that the proposed drainage arrangements would require further discussion. The Advice Note from the applicant's legal team is yet to be reviewed and it is advisable that Devon Highways review this piece of information.*

*Due to the above uncertainty, the applicant proposed a backup pump surface water runoff option to pump the water to the existing adopted surface water network at Jackson Meadow. This option has been agreed with South West Water (SWW) and could be implemented if all other options are exhausted. Devon Lead Local Flood Authority (LLFA) are not keen for this unsustainable option to be implemented.*

*The applicant confirmed that the freeboard capacity within the proposed SuDS pond is far exceeds the emergency storage required for a pumped arrangement and therefore would be easily accommodated by the current proposal. No supporting calculation has been submitted at this stage and hence this piece of information has not been reviewed at this stage.*

*The applicant should also review the Long Term Storage (LTS) calculation and confirm how the LTS is incorporated into the detention basin.*

The proposal is therefore considered acceptable, subject to pre-commencement conditions to provide a detailed design strategy in relation to Policy EN22 of the EDDC Local Plan.

In terms of foul water drainage, the proposal would connect into the mains system. South West Water have not objected to the proposal but have commented that this and other local development sites are being assessed to determine whether they will have a significant impact on the pumping station downstream from this development. If any upgrades are required it will take South West Water approximately 18 months to complete them. It is important that we have confidence about the need for any upgrade works before any development should commence and that any upgrades to the sewage system that may be identified to be necessary are implemented in full prior to occupation of any dwelling. As such a Grampian style condition is proposed to secure this.

Subject to the proposed conditions the proposal is considered acceptable and in accordance with Policy EN19 of the EDDC Local Plan.

## **Heritage Impact**

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

On the basis of the information provided through the application, the proposed development would result in slight harm to glimpsed views from Thorn Farm and Gulliford Cottages, Grade II heritage assets located to the northeast and east of the site. In this respect however the impact will be minimal and overall the development proposal is considered to continue to preserve the contribution the site as a setting makes to the significance of these heritage assets.

There are 2no. Grade II Listed Buildings Thorn Farm and Gulliford Cottages, Grade II heritage assets located to the northeast and east of the site.

Accordingly, whilst there would be a slight impact on the setting of the heritage assets, where weight should be given to the preservation of the significance of the assets, this impact would be a less than substantial harm, in such circumstances Paragraph 208 of the NPPF indicates that this harm should be weighed against the public benefits of the proposal. In this instance the less than substantial harm needs to be measured against the provision of much needed housing in the district including a blended 50% affordable housing provision such that the benefits of the proposal are considered to outweigh the slight harm identified.

### **The Planning Balance and Conclusion**

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

In this scheme, weight is attached to the offer of 14 affordable housing units (35%) to be built on site that would provide social sustainability benefits, whilst not a policy compliant level of affordable housing 14 units a significant benefit, added to this the applicant has indicated that they are willing to pay an off site contribution equating to the remaining 15% affordable housing. Similar importance is attached to the 42 new residential units. Strategic Planning Committee have advised that in considering planning applications for housing developments that would deliver homes within the next 5 years in a sustainable way, significant weight should be given to the need to bolster the council's housing land supply position. 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.

The economic benefits of building, furnishing and living in 42 new homes and the filter down effect this would have on the local and regional economy weigh in favour of the proposal.

The development would be accessible by a range of transport means to Lympstone's amenities and facilities without the need to place sole reliance on the private car,

together with transport links to further afield settlements. Although the local road network would receive additional pressure, the impact is not considered severe and there are no objections from the County Highway Authority. This also weighs in favour of the proposal.

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

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

The development could result in the loss of Grade 2/3 agricultural land and this weighs negatively in the planning balance.

The development is outside of the floodplain with a site that can be drained by sustainable means (subject to conditions).

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

It is considered that there are substantial social and economic benefits to development. The 35% provision of affordable housing on site plus 15% contribution off site, the open market housing and the benefit to the local economy should be given great weight. The environmental impacts are limited, the most significant being the erosion of countryside on the edge of Lympstone and possible loss of BMV agricultural land. However, given the current housing and affordable housing supply position, and given that the impact is not so harmful in light of the comments from the Landscape Officer, the environmental impact is not so adverse that it outweighs the substantial housing offer being tabled to help meet the current identified need for housing.

On balance the proposals are considered to represent sustainable development in the light of the guidance in the National Planning Policy Framework and the up-to-date policies of the Development Plan and the significant public benefit of providing additional housing, including affordable housing is a material consideration that justifies approving this development as a departure to Strategy 7 of the Local Plan.

## **RECOMMENDATION**

- 1. Adopt the appropriate assessment.**
- 2. APPROVE subject to a legal agreement securing the following matters:**

- **Habitat mitigation contribution of £367.62 per residential unit.**
- **35% affordable housing to be 9 social rented units and 5 units for affordable home ownership.**
- **15% off site affordable housing contribution of £292,925**
- **Management company to maintain common areas on site.**
- **Travel Plan.**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. Prior to commencement of development a Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. The plan shall also consider construction vehicle routing and delivery arrangements. Construction working hours and all site deliveries shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.  
(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution from the outset (required to be pre-commencement) in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan.)

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

4. No development shall take place on site until the site's drainage output in so far as it relates to the highway has been submitted to and approved in writing by the Local Planning Authority in consultation with the County Highway Authority. The development shall thereafter be carried out in accordance with the agreed details.  
Reason: To minimise the impact of the development on the highway network before any development commences in accordance with Policy TC7 of the East Devon Local Plan 2013-2023.  
The conditions should be pre-commencement since it is essential that the proposed highway drainage details are provided before any construction impacts commence.

5. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - (h) hours during which no construction traffic will be present at the site;
  - (i) the means of enclosure of the site during construction works; and
  - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
  - (k) details of wheel washing facilities and obligations
  - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
  - (m) Details of the amount and location of construction worker parking.
  - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Reason: To minimise the impact of the development on the highway network in accordance with Policy TC7 of the East Devon Local Plan 2013-2023.

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

6. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
  - (a) A detailed drainage design based upon the approved Land off Strawberry Hill, Lympstone Flood Risk Assessment (Report Ref. 1414, Rev. C, dated 6th October 2023) and covering letter entitled 23/1269/MFUL - Land South of Meeting Lane, Lympstone (Letter Ref. 1414, dated 24th November 2023).
  - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
  - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

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

(e) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals, the scope of which shall be agreed with the local planning authority in consultation with the lead local flood authority. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

(f) Evidence there is agreement in principle from SWW/ landowner/DCC Highways to connect into their system.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) above and the approved drainage system shall be retained and maintained as such for the lifetime of the development

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

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

7. No external lighting shall be installed on site until a Lighting Impact Assessment (LIA) including lux contours, based on the detailed site design, most recent guidelines (currently GN08/23 and DCC 2022), and recommendations within the Ecological Impact Assessment (Encompass Ecology, October 2023), has been submitted and approved in writing by the local planning authority. The LIA should clearly demonstrate that dark corridors are achievable without the attenuation of habitat features which long-term management cannot be guaranteed. All lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. No other external lighting be installed unless otherwise agreed in writing with the local planning authority.

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

8. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The LEMP shall include biodiversity measures as referred to in the Ecological Impact Assessment (Encompass



Ecology, October 2023), in particular those that refer to a Biodiversity Enhancement Plan (BEP), and shall also include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum 30-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

This needs to be a pre-commencement condition to ensure any environmental impacts are mitigated from the onset of development.

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

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

arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

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

10. No development shall commence until a Biodiversity Management Plan to ensure that there is a quantifiable net gain in biodiversity of at least 10% within a 30-year period as a result of the development has been submitted to, and approved in writing by, the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity metric as applied in the area in which the site is situated at the relevant time, and the Biodiversity Management Plan shall include:

1. Proposals for on-site biodiversity net gain (full details of which will be provided in relation to each phase of development (where applicable) and/or for off-site offsetting);

2. A management and monitoring plan for any on-site and off-site biodiversity net gain, including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of development, demonstrating how the biodiversity net gain is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed;

3. A methodology for the identification of any site(s) to be used for offsetting measures and the identification of any such offsetting site(s); and/or

4. Details of any payments for offsetting measures including the biodiversity unit cost and the agreed payment mechanism.

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Management Plan and shall be retained as such thereafter.

Reason: In the interests of ensuring measurable net gains to biodiversity in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

The condition should be pre-commencement since it is essential that the proposed improvements to biodiversity are measurable before habitats are removed and any construction impacts commence.

11. No development shall take place (including ground works) until a Construction and Ecological Management Plan (CEcoMP) has been submitted to and approved in writing by the local planning authority. The CEcoMP shall include the following.
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication, including reporting compliance of actions to the LPA
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements.
  - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEcoMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: In the interests of ensuring protection of biodiversity in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

The condition should be pre-commencement since it is essential that the proposed details are provided before any construction impacts commence and any biodiversity/ecological features are removed from the site.

12. Each dwelling shall not be occupied until the dwelling specific ecological mitigation and enhancement features (where applicable) have been installed/constructed in accordance with the submitted LEMP and CEcoMP Prior to the Occupation of 80% of the residential units, the site wide ecological measures must be installed/constructed in accordance with the submitted LEMP and CEcoMP

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

13. Prior to first occupation of any of the residential units hereby approved, the off site highway works to create a right turn lane on the A376, which shall have first been the subject of a successful 278 highway agreement, shall be fully implemented and capable of use. The off site highway works shall thereafter be retained and maintained for such purposes at all times.

(Reason: To ensure that the off site highway works are fully implemented and mitigate impact that the proposal would have on the highway network in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule 2 Part 1 Classes A, B, or E on plots 5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,25,37 for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure swimming or other pool, other than any enclosure approved as part of the landscape management scheme  
(Reason - The space available would not permit such additions without detriment to the surrounding trees and their root protection areas in accordance with Policy D3 – Trees and Development of the Adopted East Devon Local Plan 2013-2031.)
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse on plots 1,2,3,4 without a prior grant of planning permission  
(Reason - To retain the landscaped buffer between the house and Meeting Lane in accordance with Policy D1 – Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031).
16. Development shall proceed in accordance with Section 5 (impact of proposed works, mitigation and enhancement) detailed in the Ecological Impact Assessment dated October 2023 undertaken by Encompass Ecology Ltd.  
(Reason: To ensure that the mitigation measures are in place to safeguard the biodiversity and protected species displaced by the development in accordance with Policy EN5 (Wildlife Habitats and Features).
17. No development above foundation level shall take place until the locations of the air source heat pumps and solar panels for each unit as indicated in Section 10 of the Design and Access Statement have been identified and the designs of the air source heat pumps have been submitted to and approved in writing by the Local Planning Authority. The dwellings to which they relate shall not be occupied until the approved solar panels and/or air source heat pumps have been installed in accordance with the approved details.  
Reason: To ensure that the developments sustainability credentials are realised in accordance with Strategy 38 - Sustainable Design and Construction of the East Devon Local Plan.
18. The garages and parking spaces indicated on the approved site plan - drawing number PL102 Rev V shall be provided prior to first use of the property they

serve and thereafter retained for parking purposes only (except for the approved first floor on certain plots).

Reason: To ensure that adequate parking is provided for residents and visitors to the site in accordance with Policy TC9 (Parking Provision in New Development) of the East Devon Local Plan.

19. Notwithstanding the details provided prior to first occupation of each dwelling, details of the location and appearance of the proposed cycle stores shall be submitted to and approved in writing by the Local Planning Authority, the cycle stores as approved shall be provided prior to first occupation of the dwelling they serve and thereafter retained and maintained for such purposes.  
Reason: To ensure that adequate cycle parking is provided for residents and visitors to the site in accordance with Strategy 5B (Sustainable Transport) of the East Devon Local Plan.
20. Notwithstanding the details provided, no development above foundation level shall take place until samples of the proposed materials to be used externally on each plot have been submitted to and approved in writing by the Local Planning Authority, development shall thereafter be carried out in accordance with such agreed details only.  
Reason: To ensure that the materials to be used are of sufficient quality and would assimilate well with their surroundings in accordance with Policy D1 (Design and local Distinctiveness) of the East Devon Local Plan.
21. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
- A) The main road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
  - B) The main road and cul-de-sac footways and footpaths which provide direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
  - C) The cul-de-sac visibility splays have been laid out to their final level;
  - D) The street lighting for the main road and cul-de-sac and footpaths has been erected and is operational;
  - E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
  - F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
  - G) The street nameplates for the main road and cul-de-sac have been provided and erected.
  - H) The pedestrian links to the existing footpath network have been provided as indicated on the approved site plan.

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

22. Prior to the commencement of development it shall be evidenced to, and agreed in writing by the Local Planning Authority, whether or not the South West Water foul sewerage infrastructure that this development would link into has adequate capacity to deal with the foul sewage generated by this development. If it is identified that upgrade works are required to ensure adequate foul sewage capacity, no dwelling shall be occupied until the upgrades to the foul sewage infrastructure have been completed to the satisfaction of the Local Planning Authority unless alternative means of adequately dealing with foul drainage have been agreed in writing by the Local Planning Authority and implemented in full.

(Reason: In the interests of pollution control, the environment and amenity in accordance with Policy EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) of the East Devon Local Plan. This needs to be a pre-commencement condition to ensure that the impact and therefore control of sewage outputs from the site are fully understood and any necessary upgrades to the sewage infrastructure identified and agreed, together with a time scale for implementation)

Plans relating to this application:

PL200 B : A+B	Street Scene	20.10.23
PL201 B : C+D	Street Scene	20.10.23
01-ATR-1001 C : refuse tracking	Other Plans	20.10.23
01-ATR-1101 C : fire tender tracking	Other Plans	20.10.23
01-PDL-1001 G : preliminary drainage layout	Layout	20.10.23
01-PHL-1001 C : levels	Other Plans	20.10.23
01-RP-1001 A : long section (1 of 2)	Additional Information	20.10.23
01-RP-1002 A : long section (2 of 2)	Additional Information	20.10.23

PL310 E : HT24P	Proposed Combined Plans	20.10.23
PL320 E : HT3B A	Proposed Combined Plans	20.10.23
PL322 HT2B P+HT3BA (proposed combined)	Additional Information	20.10.23
PL323 : HT2B3P+HT3BA (proposed combined)	Additional Information	20.10.23
PL325 C: HT3B B	Proposed Combined Plans	20.10.23
PL330 D : HT3B C (proposed combined)	Additional Information	20.10.23
PL331 : HT38B C (proposed combined)	Additional Information	20.10.23
PL332 B : HT3B C	Proposed Combined Plans	20.10.23
PL335 E : HT3B D	Proposed Combined Plans	20.10.23
PL342 : HT3B F (proposed combined)	Additional Information	20.10.23
PL343 : HT3B F (proposed combined)	Additional Information	20.10.23
PL345 E : HT4B A type 1 (plot 27)	Proposed Combined Plans	20.10.23
PL347 C : HT48A type 2 (plot 26 33)	Proposed Combined Plans	20.10.23

PL347 C : HT48A (plots 26 33)	Proposed Combined Plans	20.10.23
PL349 C : HT48 A type 3 (plot 20)	Proposed Combined Plans	20.10.23
PL350 E : HT48 B	Proposed Combined Plans	20.10.23
PL351 E : HT4B B	Proposed Elevation	20.10.23
PL352 E : HT 48B B (type 2)	Proposed Combined Plans	20.10.23
PL353 E : HT4B B (type 2)	Proposed Elevation	20.10.23
PL354 B : HT4B B (type 2)	Proposed Elevation	20.10.23
PL375 D : single garage/office	Proposed Combined Plans	20.10.23
PL380 E : doubl egarage/office (HT 4B B	Proposed Combined Plans	20.10.23
PL385 E : single garage	Proposed Combined Plans	20.10.23
936/01 B : planting (west)	Landscaping	20.10.23
935/02 A : planting (east)	Landscaping	20.10.23
936/03 B : details and notes	Landscaping	20.10.23
PL202 B : A - D	Sections	20.10.23
PL203 A : E - F	Additional Information	20.10.23
PL100 A	Location Plan	20.10.23
PL102 V	Proposed Site Plan	20.10.23



PL103 C : materials	Other Plans	20.10.23
PL104 E : enclosures	Other Plans	20.10.23
PL105 C : surfaces	Other Plans	20.10.23
PL106 C : parking	Other Plans	20.10.23
PL107 C : refuse collection	Other Plans	20.10.23
PL108 B : green infrastructure	Other Plans	20.10.23

#### 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.