

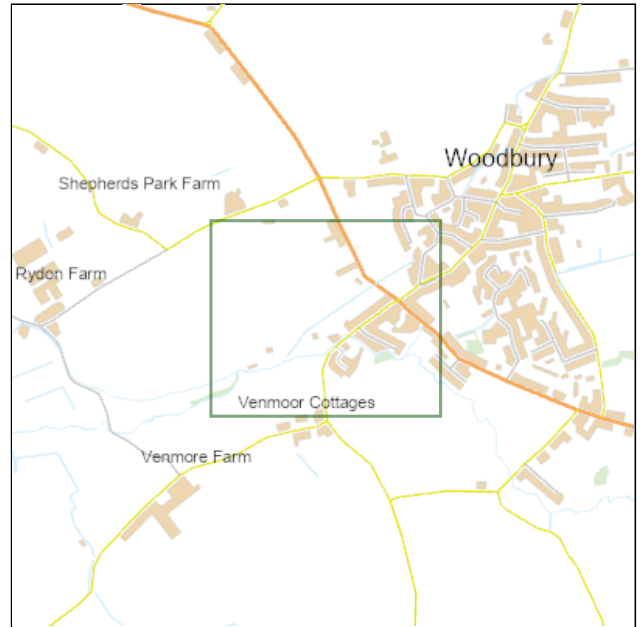
Ward Woodbury And Lympstone

Reference 23/1258/MOUT

Applicant Mr David Lovell (Heritage New Homes)

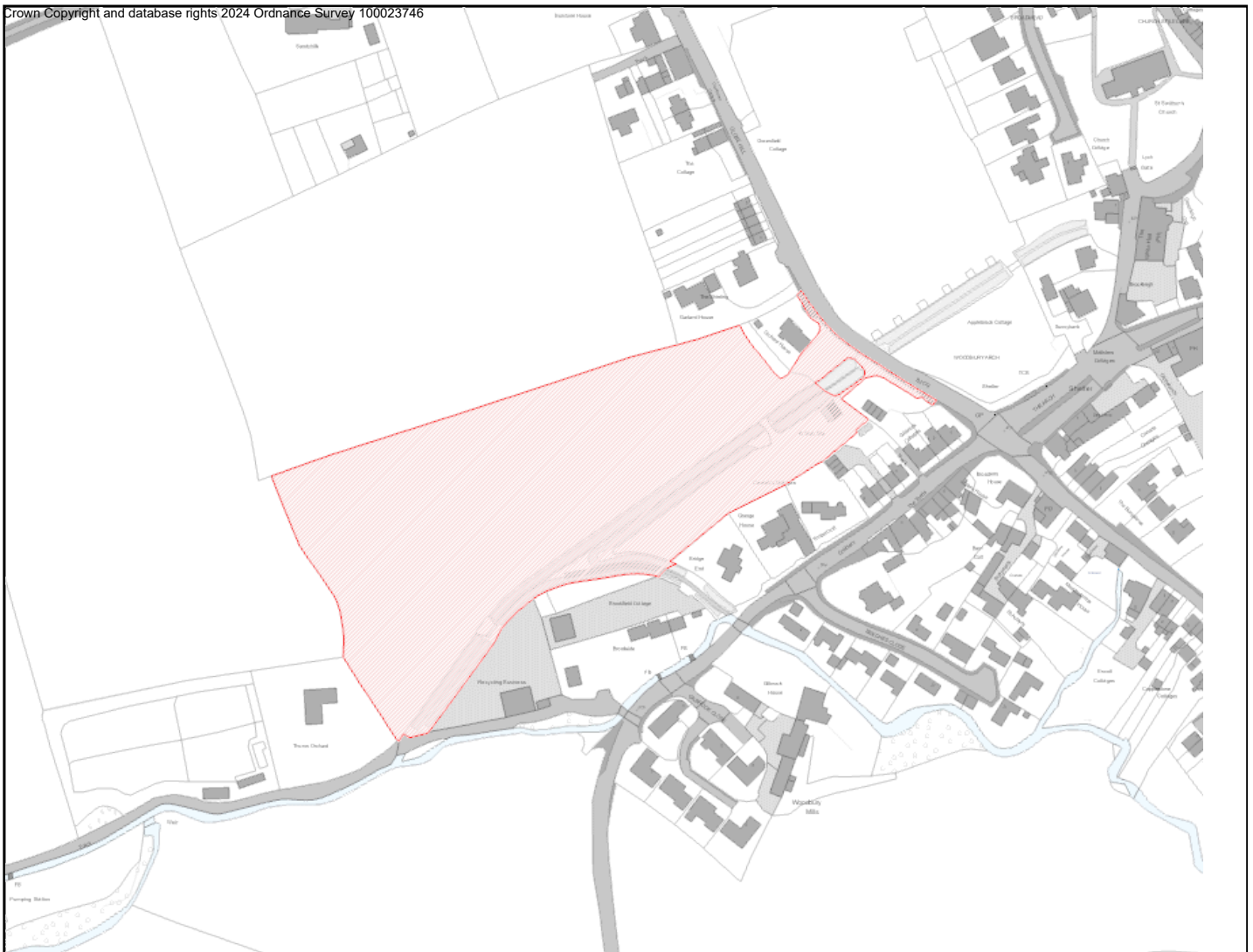
Location Land To The Rear Of Orchard House Globe Hill Woodbury EX5 1JP

Proposal Outline application (with details of access to be considered and all other matters reserved) for the residential development of up to 35 no. dwellings (12 affordable); vehicular and pedestrian access from Globe Hill, pedestrian access only from public right of way; demolition of existing wooden structure to be replaced with Parish Council building; community parking area; public open space, landscaping, wildflower meadow and orchard and other associated infrastructure



RECOMMENDATION:

- 1. Adopt the appropriate assessment**
- 2. Secure financial contributions and other matters through a Section 106 Legal Agreement**
- 3. Approve with conditions**



		Committee Date: 24.09.2024
Woodbury And Lympstone (Woodbury)	23/1258/MOUT	Target Date: 04.10.2023
Applicant:	Mr David Lovell (Heritage New Homes)	
Location:	Land To The Rear Of Orchard House Globe Hill	
Proposal:	Outline application (with details of access to be considered and all other matters reserved) for the residential development of up to 35 no. dwellings (12 affordable); vehicular and pedestrian access from Globe Hill, pedestrian access only from public right of way; demolition of existing wooden structure to be replaced with Parish Council building; community parking area; public open space, landscaping, wildflower meadow and orchard and other associated infrastructure	

RECOMMENDATION:

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EXECUTIVE SUMMARY

This application is before Members because it represents a departure from the adopted Development Plan and a contrary view has been adopted by the Ward Member.

The proposal is not in accordance with the Local Plan, with Strategy 7 stating that new development in the countryside, and outside Built Up Area Boundaries should be strictly controlled. As planning applications must be determined in accordance with the development plan this would suggest that planning permission ought to be refused, unless material considerations indicate otherwise.

The site is located adjacent to the western edge of the built-up area boundary for Woodbury and comprises a mainly green field site with an area of 2.77ha, accessed from Globe Hill. It is outside of the settlement boundary with part of the eastern side of the site within Woodbury Conservation Area, which also abuts the southern side of the site. It is considered to be well related to the centre of the village, with The Arch on the opposite side of Globe Hill, where there are a number of facilities and services. As such the proposal would therefore have some support from Strategy 3 which supports sustainable development, and would

appear to accord with the overarching principles of delivering sustainable development.

The application has been submitted in outline form for the construction of 35 residential dwellings, including 12 (34.3%) affordable on site dwellings, with public open space, SuDs systems, landscaping and associated infrastructure. Access is to be considered at this stage, with a new access road being created onto Globe Hill. The proposed access, including the alterations to the existing road layout, has been found to be acceptable from a highway safety perspective and whilst further off-site highway works and traffic calming measures on Globe Hill are also proposed, they are not required to make the application acceptable in highway safety terms. The detail of access, which is sought under this application is considered to be acceptable.

The indicative layout of the site shows built development on the northern side of the watercourse which dissects the site from east to west, is generally considered to be reasonable and would be acceptable in terms of flood risk, surface water management and safeguarding the water course.

The application also proposes the provision of a new parish council building and community parking area within the site and off-site highway improvements, and traffic calming measures on Globe Hill. Whilst these additional works are considered to be of benefit to local residents they are not required as part of the wider development under any policy and therefore cannot be secured in any legal agreement with the council and can be attributed limited weight in the consideration of the development.

Some harm to the setting of the adjacent conservation area and landscape visual impact has been identified, which needs to be balanced against the benefits arising from the proposal. Whilst it is noted that the Council can, at present, demonstrate that the necessary 4 year housing supply this is considered to be a short term position and that in order to be able to meet longer term housing requirements new housing development is necessary. In this respect this site is considered to be sustainably located and the benefits arising from the proposal including new housing and particularly affordable housing which is given significant weight in the decision making balance, are considered to weigh heavily in favour such that the limited harm identified is outweighed by these benefits.

It is recommended therefore that the appropriate assessment be adopted, that outline permission (with access approved) is granted subject to the completion of a S106 agreement and the conditions set out below.

CONSULTATIONS

Local Consultations

Woodbury And Lympstone - Cllr Geoff Jung
24/04/24 - 23/1258/MOUT

I have viewed the further documents submitted in April 2024 for planning application for 23/1258/MOUT for outline application (with details of access to be considered and all other matters reserved) for the residential development of up to 35 no. dwellings (12 affordable); vehicular and pedestrian access from Globe Hill, pedestrian access only from public right of way; demolition of existing wooden structure to be replaced with Parish Council building; community parking area; public open space, landscaping, wildflower meadow and orchard and other associated infrastructure at land to the rear of Orchard House Globe Hill Woodbury EX5 1JP

I previously stated following changes to Government Planning policy in Dec 2023 the local planning policy can now demonstrate a 4-year land supply and therefore the current local plan can demonstrate that there is a 4-year land supply and therefore the EDDC Local Plan is at present current and active and not considered 'out of date'.

Therefore, as this application does not comply to the Current Local Plan, I am unable to support this Application.

I also note that South West Water has proposed a Grampian order for a current application in Woodbury and I believe this would be appropriate for this site as well.

It states.

The occupation of any dwellings approved by this, or subsequent Reserved Matters pursuant to this, permission shall not be authorised until written confirmation is received by the Local Planning Authority from South West Water that improvement works at Woodbury Waste Water Treatment Works have been completed, or until 1st December 2025, whichever is sooner.

Reason: To enable required improvement works to take place at Woodbury Waste Water Treatment Works to suitably receive and accommodate the increase in flows expected as a result of the proposed development. Allowing flows above acceptable volumes from the occupation of # dwellings prior to these works being completed would have unacceptable impact on existing infrastructure, with unacceptable risk of potential pollution events occurring.

No development approved by this, or subsequent Reserved Matters pursuant to this, permission shall be commenced until details of a scheme for the provision of foul water management has been submitted to and approved in writing by the Local Planning Authority.

Finally, if this application is proposed to be recommended for approval, I would want to see some clarification to the continuing management of the open spaces for this site along with the proposed other assets as it is normal practice for these site-specific proposals would be managed by a site management company in perpetuity. However, these open spaces would seem to be accessed and able to be used by the general public.

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
25/03/24 - 23/1258/MOUT

I have viewed the further documents for planning application for 23/1258/MOUT for outline application (with details of access to be considered and all other matters reserved) for the residential development of up to 35 no. dwellings (12 affordable); vehicular and pedestrian access from Globe Hill, pedestrian access only from public right of way; demolition of existing wooden structure to be replaced with Parish Council building; community parking area; public open space, landscaping, wildflower meadow and orchard and other associated infrastructure at land to the rear of Orchard House Globe Hill Woodbury EX5 1JP

Following changes to Government Planning policy in Dec 2023 the local planning policy can now demonstrate a 4-year land supply and therefore the current local plan can demonstrate that there is a 4-year land supply and therefore the EDDC Local Plan is at present current and active and not considered 'out of date'.

Therefore, as this application does not comply to the Current Local Plan, I am unable to support this Application.

If this application is proposed to be recommended for approval, I would want to see some clarification to the continuing management of the open spaces for this site along with the proposed other assets as it is normal practice for these site-specific proposals would be managed by a site management company in perpetuity. However, these open spaces would seem to be accessed and able to be used by the general public. 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

27/11/23 - 23/1258/MOUT

I have viewed the further documents for the outline planning application 23/1258/MOUT outline application (with details of access to be considered and all other matters reserved) for the residential development of up to 31 no. dwellings (8 affordable); vehicular and pedestrian access from Globe Hill, pedestrian access only from public right of way; demolition of existing wooden structure to be replaced with Parish Council building; community parking area; public open space, landscaping, wildflower meadow and orchard and other associated infrastructure on land to the rear of Orchard House Globe Hill Woodbury.

A previous application very similar for this site was refused in May 2016 because it was outside the agreed BUAB, plus the impact on the Conservation Area and the urban grain of this part of the village, and impact on local open space, as the main reasons.

Last year there was a consultation for sites coming forward for a proposed East Devon new local plan based on the Government requirement for 910 new dwelling to be built each year in East Devon. This site was considered not appropriate from the various sites put forward for Woodbury.

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

14/07/23 - 23/1258/MOUT

I have viewed the documents for the outline planning application 23/1258/MOUT Outline application (with details of access to be considered and all other matters reserved) for the residential development of up to 31 no. dwellings (8 affordable); vehicular and pedestrian access from Globe Hill, pedestrian access only from public right of way; demolition of existing wooden structure to be replaced with Parish Council building; community parking area; public open space, landscaping, wildflower meadow and orchard and other associated infrastructure on land to the rear of Orchard House Globe Hill Woodbury

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 not appropriate from the various sites put forward for Woodbury, however 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.

Parish/Town Council

30/04/24 -

Woodbury Parish Council supports this application subject to the Heads of Terms and Transport Statement being part of the binding legal S106 agreement.

SW Water must demonstrate that there is sufficient capacity for this development. Our previous comments also still stand.

Clerk To Woodbury Parish Council

18/03/24 - Woodbury Parish Council's original observation as East Devon District Council did not have a 5-year land supply and with the dwellings per annum figure of 910 required to be approved, that we support this application subject to the Heads of Terms and Transport Statement being part of the binding legal S106 Agreement, as a minimum and as detailed within the supporting documentation provided by the developer.

- Affordable Housing being made up of at least 25% of the overall development with a minimum number of 8;
- Landscaping, drainage management / maintenance provision is to be made for the onsite public open space area, including attenuation basin;
- Community Parking Area with a minimum of 30 spaces, (tarmac and lined)
- Offsite highways infrastructure including calming measures;
- Pebble bed heath & Exe Special Protection Area mitigation contribution;
- Parish Community building details negotiated with PC/EDDC and developer. If this is not wanted then a financial contribution is provided to the Parish Council for an alternative community benefit.

Although the S106 Heads of Terms does not have a provision for a safe pedestrian access to the village centre we would like this to be negotiated.

We would also expect that;

- EDDC / South West Water ensures that there is sufficient capacity for sewage treatment for the additional housing.
- EDDC allocates sufficient funds from the Community Infrastructure Levy for Traffic Regulation Order for 20mph across the village of Woodbury
- A proportion of the Community Infrastructure Levy is allocated for The Arch improvements.

If this development is approved, we want this housing figure to be deducted off any specific allocation to Woodbury in the new Local Plan.

Even though EDDC can now demonstrate a 4 year land supply, we still support this application with the increase of dwellings to accommodate the additional affordable required, totalling 12 and the reduced car park area of 20 spaces, plus the above as stated.

Parish/Town Council

03/08/23 - East Devon District Council do not have a 5-year land supply and with the dwellings per annum figure of 910 required to be approved, Woodbury Parish Council supports this application subject to the Heads of Terms and Transport Statement being part of the binding legal S106 Agreement, as a minimum and as detailed within the supporting documentation provided by the developer.

- ' Affordable Housing being made up of at least 25% of the overall development with a minimum number of 8;
- ' Landscaping, drainage management / maintenance provision is to be made for the onsite public open space area, including attenuation basin;
- ' Community Parking Area with a minimum of 30 spaces, (tarmac and lined)
- ' Offsite highways infrastructure including calming measures;
- ' Pebble bed heath & Exe Special Protection Area mitigation contribution;
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- ' A proportion of the Community Infrastructure Levy is allocated for The Arch improvements.

If this development is approved, we want this housing figure to be deducted off any specific allocation to Woodbury in the new Local Plan.

Summary of Technical Consultations (Full Responses in Appendix 1)

County Highway Authority 18/12/23 -

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

Housing Strategy/Enabling Officer - Cassandra Harrison 23/02/24

Percentage of Affordable Housing - Strategy 34 in the adopted East Devon Local Plan 2013 - 2031 requires 50% affordable housing. This application is now offering 34.3% affordable which although not policy compliant is acceptable. East Devon District Council does not currently have a 5 year housing land supply and 35% affordable is a pragmatic solution in the current housing crisis.

Environment Agency 02/05/24

We are satisfied that the revised layout 'GBHL-010P SITE PLAN, Rev H' addresses our previous concerns regarding safeguarding an 8m unfettered access buffer either side the important flood alleviation channel that is present within the site. We note the outline permission being sought is based upon the flood alleviation channel being retained in its current alignment and the layout being revised accordingly to accommodate an 8m buffer. We are also satisfied that the 'PROPOSED INDICATIVE SITE PLAN' Drawing No. GBHL-010P SITE PLAN, Rev H identifies provision of gated access either side of the channel both upstream and downstream of the proposed channel crossing, such being required to provide access for flood risk management purposes. The details of such can be covered by condition as recommended above. Details of the proposed bridge, the principles of which are shown on the above referred drawing, can be also be addressed by the above recommended conditions and through the flood risk activity environmental permit process.

DCC Flood Risk SuDS Consultation 16/05/24

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

South West Water 17/07/23

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will

be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website:

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

Devon County Archaeologist 25/04/24

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

Conservation 03/05/24

It is considered that the proposed development works, continue to fail to preserve the setting of Woodbury Conservation Area as a heritage asset and to a lesser extent result in less than substantial harm to its significance.

EDDC Trees 08/01/24

Following initial tree officer comments, the amended Site Plan C now shows retention of group of six Silver Birch adjacent to the B3179 and realignment of footpath to south of trees which is considered positive.

EDDC Landscape Architect 22/05/24

The landscape and visual effects of the proposed development are limited to the site itself and immediate surroundings including Globe Hill between the junctions with the Arch and Rydon Lane and extending to views from the south to a distance of some 1.2km. It is accepted that the likely effects on the AONB are negligible.

The indicative layout suggests a dense suburban character that is strongly at odds with the existing settlement pattern in the vicinity of the site and which is not conducive to the long term viability of the perimeter hedgerows.

District Ecologist 13/10/23

The submitted ecological survey information including ecological avoidance, mitigation, and enhancement measures proposed, subject to the above recommendations, especially regarding dark corridors and additional ecological enhancement measures are generally considered acceptable.

Environmental Health 11/07/23

I have considered the application and further information will be required in order to address environmental health concerns in relation to noise.

The development involves the introduction of noise sensitive dwellings in close proximity to an existing commercial business (car breakers). A BS4142:2014+A1:2019 assessment should be undertaken in order to determine the noise impact from the neighbouring industrial/commercial business on the development. The purpose of the noise assessment is to determine whether or not future residents are likely to be adversely affected by noise.

Contaminated Land Officer 11/07/23

Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately.

NHS Local (Eastern Locality) 04/08/23

Request S106 contribution towards the cost mitigation of the pressures on the local healthcare facility.

Devon County Council Education Dept 15/03/24

Devon County Council would seek a contribution based on the number of pupils generated directly towards additional primary education infrastructure. The contribution sought towards primary is £132,501 (based on the DfE extension rate of £17,097 per pupil). This would relate directly to providing primary education facilities for those living in the development.

The contribution sought towards secondary is £109,461 (based on the DfE extension rate of £23,540 per pupil). This would relate directly to providing secondary education facilities for those living in the development.

DCC would also require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from Exmouth Community College. The current costs required are as follows: -

4.35 secondary pupils
£2.65 per day x 4.65 pupils x 190 academic days x 5 years = £11,706

Police Architectural Liaison Officer - Kris Calderhead 17/07/23

I appreciate that the layout of the site is only illustrative at this stage however, I would like to make the following comments and recommendations for consideration.

Other Representations

A total of 59 representations have been received, of which 57 raise objections, and 2 make representation. These are summarised below:-

- Impact on the Woodbury Conservation Area
- Outside of Built up Area Boundary
- Does not comply with East Devon Local Plan 2013-2031
- Landscape and visual impact
- Fails to make appropriate affordable housing contribution
- Loss of high quality agricultural land
- Detrimental to residential amenity
- Dangerous access onto Globe Hill
- Detrimental to highway safety
- Loss of natural habitat
- Ecological impact
- Additional impact on overloaded drainage systems
- Additional traffic
- Too many houses being proposed in Woodbury
- Existing infrastructure can't cope with more dwellings
- Poor public transport links
- Lack of healthcare facilities
- The Council does not have a shortfall of housing
- Increase in noise and disturbance
- Create a precedent for further development

Planning History

Reference	Description	Decision	Date
14/2574/MOUT	Outline application (appearance, landscaping, layout and scale reserved) for the construction of up to 24 dwellings, community parking and access.	Refused Appeal Dismissed	24.08.2015 05.05.2016
13/0971/FUL	Construction of new dwelling	Approved	16.10.2013

The following applications are considered relevant to this site:

22/1761/FUL | Conversion and extension of existing buildings to create two residential dwellings, construction of 6no. dwellings with associated landscaping, infrastructure and works and demolition of existing buildings. | Land At Venmore Barn Woodbury | APPROVED (15 Jan 2024)

22/2838/MOUT Outline application for the construction of up to 70 residential units including open space, affordable housing, and offsite highway works (all matters reserved except for access) | Land To South Broadway Woodbury | RESOLUTION TO APPROVE SUBJECT TO LEGAL AGREEMENT

23/1600/MOUT Outline application for construction of up to 28 residential units (including affordable housing), new vehicular access onto Globe Hill, open space, new

parish office and Globe Hill highway works (all matters reserved except for access) | Land Off Globe Hill Woodbury | PENDING CONSIDERATION

23/2166/MOUT Outline application for the construction of up to 60 dwellings including affordable housing seeking approval for new vehicular access and pedestrian access, with matters of layout, scale, appearance and landscaping reserved for future consideration. | Land South of Gilbrook House, Woodbury | PENDING CONSIDERATION

POLICIES

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 3 (Sustainable Development)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

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

Strategy 31 (Future Job and Employment Land Provision)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)

Strategy 38 (Sustainable Design and Construction)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 49 (The Historic Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

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

EN8 (Significance of Heritage Assets and their Setting)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

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

EN21 (River and Coastal Flooding)

EN22 (Surface Run-off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF23 (National Planning Policy Framework 2023)

National Planning Practice Guidance

Site Location and Description

The application site is located on the western side of the village Woodbury. It comprises a green field extending to 2.77ha off Globe Hill to the rear of a property known as Orchard House. It is currently in agricultural use and located outside of, but adjacent to the built up area boundary of the village. The site generally falls from north to south and is bounded by residential properties, and a car breakers yard on its southern side, with Globe Hill to the east and open countryside to the north and west. A flood alleviation channel dissects the site from east to west, to the south of which is a paddock with some stables adjacent to the southern boundary.

The northern boundary is enclosed by hedgerow, with a protected oak tree on the northern boundary, and a further one just beyond the south western edge of the site. The other boundaries are generally enclosed by post and rail fencing,

Part of the site to east, abutting Globe Hill, is within the Woodbury Conservation Area, whose boundary is also to part of the south of the site.

There is an existing access onto Globe Hill with a crossing over the watercourse to the southern parcel of land. A new footpath access is proposed from the south western corner of the site to link into an existing public footpath.

The East Devon National Landscape is approximately 1.2km to the east.

The site is located within 10km of the Exe Estuary Special Protection Area (SPA) and East Devon Pebblebed Heaths Special Area of Conservation (SAC) and SPA.

The wider village of Woodbury is home to a number of services including a convenience shop, doctors surgery, church, village hall, primary school, hairdressers, playing fields, public house and the village is served by a number of bus routes including the T, 58/58A, and 358. Exton Train Station is located around 2.8km from the site. The city of Exeter City Centre is around 7 miles to the northwest (20-25 minutes by car) and Exmouth is around 4.5 miles to the south (10-15 minutes by car).

Proposed Development

Outline planning permission, with all matters other than access reserved, for the development of up to 35 dwellings including 12 affordable units. The illustrative layout shows development on the northern side of the watercourse, served by a spinal access with the majority of the housing proposed in the northern side of this.

A new vehicular access is proposed onto Globe Hill, adjacent to Orchard House, with the alignment of the road altered to provide improved visibility at the junction. A diverted pedestrian footpath is proposed to the frontage of Globe Hill, with a link from this to the proposed public parking area in the south east part of the site.

A new parish council building is proposed in the south eastern corner of the site, with a public car park for 20 cars indicated adjacent to this. Access to the car park would be from the estate road via a new bridge over the flood alleviation channel.

A linear area of public open space is proposed along the southern side of the site adjacent to the watercourse, with a wildflower meadow and orchard adjacent to the proposed carpark and an entrance. Further open space areas are proposed adjacent to the northern boundary and surrounding the attenuation basin proposed in the south western corner of the site.

ANALYSIS

The main issues to be considered in the determination of this application relate to:

- Policy Position and The Principle of Development
- Housing Land Supply Position
- Affordable Housing
- Transport and Access
- Design and Layout
- Heritage Impact
- Archaeology
- Landscape and Visual Impact
- Residential Amenity
- Arboricultural Impact
- Drainage and Flood Risk
- Ecology/Biodiversity
- Loss of Agricultural Land
- Open Space
- Planning Obligations
- Planning Balance and Conclusions

Policy Position and 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.

Strategy 3 (Sustainable Development) of the adopted EDLP (2016) states that the objective of ensuring sustainable development is central to our thinking. We interpret sustainable development in East Devon to mean that the following issues and their inter-relationships are taken fully into account when considering development: a) Conserving and Enhancing the Environment - which includes ensuring development is undertaken in a way that minimises harm and enhances biodiversity and the quality and character of the landscape. This includes reducing the risk of flooding by incorporating measures such as sustainable drainage systems. Developers should maximise the proportion of their developments that take place on previously developed land b) Prudent natural resource use - which includes minimising fossil fuel use therefore reducing carbon dioxide emissions. It also includes minimising resource consumption, reusing materials and recycling. Renewable energy development will be

encouraged c) Promoting social wellbeing - which includes providing facilities to meet people's needs such as health care, affordable housing, recreation space and village halls. d) Encouraging sustainable economic development - which includes securing jobs. e) Taking a long term view of our actions - Ensuring that future generations live in a high quality environment where jobs, facilities, education and training are readily available.

The proposed development would comprise major development in the countryside, outside of the defined settlement boundary of Woodbury, 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.

As stated above, the site in this case is located outside of the BuAB of Woodbury as defined in Strategy 27 (Development at the Small Towns and Larger Villages) of the adopted Local Plan and developed through the Villages Plan. 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 permit such development.

Given the above clearly 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 considered to be attributed significant weight given that this is one of the main objectives of the local plan.

The application has some support from Strategy 3 of the EDLP which encourages sustainable development. This is also supported by the NPPF (2023) which sets out a presumption in favour of sustainable development which involves meeting three overarching objectives (economic, social and environmental) which includes building a strong and competitive economy, support strong and healthy communities and protecting and enhancing our built and natural environment. The proposed development would provide housing and much needed affordable housing in Woodbury with associated economic benefits, the proposal would be located in close proximity to the existing village and would be within walking and cycling distance from day-to-day services, community facilities and open space. It is considered that the proposal would appear to accord with the overarching principles of delivering sustainable development which is given weight in the planning balance.

Section 38 (6) of the Planning and Compulsory Purchase Act 2008 states that development must be made in accordance with the development plan unless material considerations indicate otherwise. This is also echoed in Paragraph 12 of the NPPF (2023) which states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but

only if material considerations in a particular case indicate that the plan should not be followed.

This paragraph of the NPPF allows for Local Planning Authority's to make decisions which depart from the local plan if the material considerations of the development outweigh the harm.

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 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.

(It is noted that the current government is consulting on a revised version of the NPPF which proposes to delete paragraph 226 from the NPPF, reverting to the standard requirement for all Council's to demonstrate a 5-year housing land supply, but the consultation document carries little weight at present.)

Housing Land Supply Position

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, recognise the implications of present actions and take action now with regard to the impact of these longer time scales.

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 for 'sustainable development' if there is no identified contextual conflict and it is 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 subject to appeals against planning decisions. These decisions often relied on overly optimistic policy assessments (purposely or otherwise), 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) so as to successfully defend against appeals for sites deemed 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 Strategic 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.

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 great weight given the strategic importance that maintaining a healthy supply of housing means to the council and its ability to retain control over key planning decisions.

Affordable Housing

There is a substantial need for affordable housing in the district with over 5000 households on the housing register.

As the site lies outside the BUAB for Woodbury and in accordance with Strategy 34 the development should provide 50% affordable housing. Full weight can be given the Local Plan policies on housing as the Council has the requisite housing land supply as noted above. This would equate to 17.5 dwellings (based on 35 dwelling total). At the time of the submission of the planning application (when the Council did not have the requisite housing land supply and therefore our housing policies were out of date) the requirement would have been 25%, as originally submitted. Since the publication of the new NPPF, to reflect the new position the Council now finds itself in with regard to having an up to date set of housing policies, the developer has confirmed it will propose 50% affordable housing, 34.3% (12 dwellings) on site and 15.7% (£159,124) off-site contribution which would accord with Strategy 34.

This level of affordable housing has received support from the Housing Enabling Officer, who has stated that 8 Social Rent units and 4 affordable home ownership units, is policy compliant with Strategy 34.

Some concern, however, has been raised regarding the proposed clustering of the affordable housing, although as this application is in outline the exact layout can be altered as part of any reserved matters application.

In order to secure the level of affordable housing proposed, a S106 legal agreement would be required should an approval be forthcoming. Officers would expect a mix of houses to meet the local requirement in Woodbury.

In line with Strategy 36, all of the affordable housing and around 20% of market units must meet part M4(2) of the Building Regulations. This could be secured via S106 legal agreement and reviewed as part of any reserved matters application.

Having regard to the above, the development could accord with Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes), and would accord with Strategy 34 (District Wide Affordable Housing Provision Targets), and Strategy 50 (Infrastructure Delivery) of the adopted Local Plan (2016) and the East Devon Affordable Housing SPD (November 2020).

Transport and Access

Strategy 5B (Sustainable Transport) of the EDLP (2016) states that development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport. Development will need to be of a form, incorporate

proposals for and be at locations where it will encourage and allow for efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport.

Policy TC2 (Accessibility of New Development) of the EDLP (2016) states that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.

Policy TC4 (Footpaths, Bridleways and Cycleways) of the EDLP (2016) states that development proposals will be required to include measures to provide, improve and extend facilities for pedestrians and cyclists commensurate with the scale of the proposal.

Policy TC7 (Adequacy of Road Network and Site Access) of the EDLP (2016) states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy TC9 (Parking Provision in New Development) of the EDLP (2016) states that spaces will need to be provided for parking of cars and bicycles in new developments. All small scale and large scale major developments should include charging points for electric cars.

The application is submitted in outline with the only detailed matter for consideration relating to access to the site. Access to the site is proposed from Globe Hill (B1379) with a new junction being formed through what is currently part of the garden associated with Orchard House. It is proposed to realign part of the road to provide appropriate visibility by removing part of the existing hedgerow on the eastern side of the road and extending the road junction to the east. Whilst this would enable appropriate visibility at the junction with the proposed development, it would also have the effect of reducing the angle of bend on the approach to the village.

The new entrance will have a carriageway width of 5.5m with 2m wide footways provided on both sides, with the footpath on the southern side being widened and diverted round existing trees to provide a more accessible pedestrian route to the centre of the village.

The submitted draft Heads of Terms includes suggests contributions towards further off-site traffic calming measures on Globe Hill. These include enhancement of the village gateway, various visual only speed bumps and markings, the provision of a pedestrian crossing and potentially the introduction of a reduced 20mph speed limit to this part of Globe Hill (although this element would require the approval of a Traffic Regulation Order)

The new access and proposed traffic calming measures are considered to be necessary to afford safe access to the proposed development and would also be of wider public benefit in terms of improving highway safety for the community.

The indicative masterplan shows the internal main spine road extending through the site with from east to west, with short cul-de-sac highways serving the dwellings on the northern side of the road.

The development will inevitably generate some additional vehicular activity on the local road network however the Highway Authority are of the opinion that this would not be significant, and whilst the off-site works would need to be subject to a Traffic Regulation Order, it is considered that the suggested measures will result in a safety net gain. On this basis it is considered the proposal would comply with the provisions of Policy TC7 (Adequacy of Road Network and Site Access) of the Local Plan.

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

The submitted Transport Assessment is 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.

Design and Layout

Policy D1 (Design and Local Distinctiveness) of the Local Plan sets out detailed criteria to ensure that new development is of a high quality design and is locally distinctive. In particular, development should respect the key characteristics and special qualities of the area and ensure the scale, massing, density, height, fenestration and materials of buildings relate well to their context. In addition, development should not adversely affect the urban form in terms of significant street patterns, groups of buildings and open spaces.

Section 12 of the NPPF, 2023 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development (para 126). In addition, development should function well and add to the overall quality of the area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and be sympathetic to local character and history, including the surrounding built environment and landscape setting (para 130). Development that is not well designed should be refused (para 134)

The application has been submitted in outline, with matters of design, appearance, layout and scale forming reserved matters to be considered in detail should an outline consent be forthcoming. Nevertheless, an illustrative masterplan layout has been submitted which identifies, and seeks to address, the constraints of the site, both in physical terms and heritage impact. The majority of the development is proposed on the northern part of the site, avoiding any area identified as being at risk of flooding, but also with a view to facilitating views from and of the conservation area.

The illustrative masterplan shows the indicative road layout, location of public open spaces, suggested position of dwellings and private gardens together with the proposed parish building and public parking area.

However, as the application is submitted in outline it is subject to amendments in terms of design and layout which would be considered as part of any reserved matters application. Any reserved matters application would need to address specific concerns raised regarding layout and form as well as design and appearance of the built form.

Overall, it is considered that the level of development being proposed could be accommodated on the site without resulting in a cramped form of development that would be at odds with the grain of development within the village or surrounding built form. On this basis it is considered that the proposals would therefore comply with the provisions of Policies D1 (Design and Local Distinctiveness) of the Local Plan, and the advice contained within the NPPF23.

Heritage Impact

The statutory duty contained in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving listed buildings or their setting, or any features of special architectural or historic interest which they possess. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Section 72 requires the decision maker pay special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that development proposals should not adversely affect the distinctive historic or architectural character of the area.

Policy EN10 (Conservation Areas) states that proposals for development, including alterations, extensions and changes of use, or the display of advertisements within a Conservation Area, or outside the area, but which would affect its setting or views in or out of the area, will only be permitted where it would preserve or enhance the appearance and character of the area.

Policies EN9 and EN10 reflect the guidance set out in paras 199 to 208 of the NPPF, 2023

Paragraph 201 of the NPPF requires that Local Planning Authorities identify and assess the particular significance of any heritage asset. Paragraph 205 requires that

great weight is given to the conservation of designated heritage assets and this position is further supported by EDLP Strategy 49 (The Historic Environment) and Policy EN10 (Conservation Areas).

It is considered that the main heritage impact would be that affecting the setting of the Woodbury Conservation Area. The housing would have an urbanising effect and would erode part of the views towards the countryside from within

Paragraphs 205-208 of the National Planning Policy Framework deal with the assessment of harm to designated heritage assets and which advises that great weight should be given to an asset's conservation, and this should be proportionate to the importance of the asset.

It is acknowledged that the proposal would result in less than substantial harm to the setting Woodbury Conservation Area through the introduction of new residential development, However, it should also be noted that there is an extant planning permission for the development of a new dwelling on the site of the proposed access, and where the main views of the open countryside can be experienced from the conservation area. It is also relevant to note that the final layout including landscaping and position of buildings would be a reserved matters application Planting is proposed within and around the site which will help integrate and screen the development into the landscape but this will only go so far.

Where harm is identified, clear and convincing justification needs to be provided for any harm to, or loss of, the significance of a designated heritage asset including development within its setting (NPPF, Para 200).

In cases where the scheme will affect an element that positively contributes to a conservation area or within the setting of affected assets, it should be considered as harmful. In the consideration of the application, any harm needs to be shown to be demonstrably outweighed by the public benefits offered by the scheme (NPPF, 206 and 202).

This identified harm to heritage assets needs to be weighed against any public benefits, not just public heritage benefit. The proposal would result in additional dwellings adjacent to the centre of Woodbury which would help support employment and services in the local area and 35% of the on-site dwellings would be affordable. The proposal would result in public open space and play space as well as pedestrian connections and of-site highway works, including traffic calming measures which would benefit the wider village and improve highway safety. There are also employment opportunities associated with the construction of the development.

It is considered that whilst the proposed development would result in some visual harm to the site within the wider Conservation Area, this harm is considered to be at the lower end of less than substantial and the positive benefits of the development, in terms of providing new housing and much needed affordable housing, and creating public access to the site and new vistas of the heritage assets are considered to weigh heavily in favour of the development such that it would overall comply with the requirements of policy EN10 (Conservation Areas) of the Local Plan and paragraph 208 of the NPPF23.

Archaeology

The proposed development site lies in an area of known archaeological potential just outside the historic core of the historic settlement and in an area where Roman artefacts have been found in the surrounding landscape. In addition, the geophysical survey of the site has identified linear features that may be indicative of early, either prehistoric or Romano-British, activity on the site in the form of the earlier field boundaries or enclosures, as well as the possible presence of pit features in the eastern part of the site. Groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these potential heritage assets.

Having regard to the submitted details it is considered that the impact of the proposed development upon the archaeological resource could be mitigated by a programme of archaeological work that will investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

This process can be the subject of pre-commencement conditions to ensure that any potential archaeological impact can be mitigated appropriately.

Landscape and Visual Impact

Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the Local Plan requires that development will need to be undertaken in a manner that is sympathetic to and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty (now known as National Landscapes (NLs)).

When considering development in or affecting AONBs, great weight will be given to conserving and enhancing their landscape and scenic beauty. This is reinforced by para 176 of the NPPF, 2023

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that development proposals should not adversely affect important landscape characteristics or prominent topographical features.

Para 174 of the NPPF, 2023 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, should recognise the intrinsic character and beauty of the countryside and should maintain the character of the undeveloped coast.

The site comprises open agricultural land on the western edge of the village and it is considered that the landscape and visual impacts of the development are limited to the site itself and immediate surroundings, including from Globe Hill between the junctions of The Arch and Rydon Lane, and longer distance views from the south.

The proposals will have a major impact within the site, altering much of the site from open land to an urban landscape. Some open vistas will be maintained in views from the eastern part of the site, although the majority of the site's appearance will be

suburban. It is considered that the alteration to the character of this part of the village adjacent and the edge of the conservation area will result in some visual harm.

There is, however existing development on the western side of Globe Hill, which is already somewhat urban in form, with buildings and boundary walls located adjacent to the back edge of the narrow pavement. It is also noted that, whilst not built, an extant permission exists for a dwelling on the open area currently forming part of the side garden of Orchard House, in the position of the proposed access. Were this development to be undertaken, the currently open views from Globe Hill would be significantly reduced.

The introduction of traffic calming measures at the entrance to the village, together with the formation of the new estate access and creation of a pedestrian refuge in the centre of the carriageway and introduction of pedestrian footway will also have an urbanising impact on this part of Globe Hill, and the approach to the village from the west.

Overall, the residential development of the site, whilst having a major impact on the character of the site itself and resulting in some loss of views, and visual intrusion, wider landscape impacts are unlikely to be significant.

Whilst there remains some concern regarding the illustrative layout, the application is submitted in outline form and the principle of housing development on the site is considered to be acceptable in terms of overall landscape and visual impact subject to detailed design and density such that it would comply with Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.

Residential Amenity

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that development should not adversely affect the amenity of occupiers of adjoining residential properties.

Policy EN14 (Control of Pollution) of the Local Plan states that permission will not be granted for development which results in unacceptable levels of pollution including smell, fumes and dust; pollution of surface or underground waters; noise; vibration; light intrusion and fly nuisance

Para 130 of the NPPF, 2023 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

There are a number of residential properties whose gardens border the southern side of the site, with a further three to the north eastern boundary. The indicative layout suggests that most of the proposed dwellings would be located towards the northern side of the site, with some indicated adjacent to the north eastern boundary.

Concerns have been raised that the proposed siting and proximity of dwellings to the boundary of the site will have an unacceptable impact on residential and other amenity, however the proposals are in outline and do not include detailed plans for the

housing proposed. These concerns are appreciated, although the exact location and design of residential dwellings, and any potential impact would be further considered and determined at the reserved matters stage. Based on the illustrative masterplan submitted, it is considered that the number of dwellings and other development being proposed could be accommodated on the site without having an unacceptable impact on the residential amenities of those living adjacent to the site in terms of overlooking, loss of privacy or nuisance.

In terms of Environmental Health, the District Council's Environmental Health Officer reviewed the application and recommended that due to the presence of a car breakers yard adjacent to the south western boundary of the site, a noise assessment should be undertaken prior to any development of the site to ensure that any impact on residential amenity for future residents is acceptable. This aspect of the development could be appropriately controlled by suitable conditions.

The proposed dwellings would be expected to comply with the Nationally Described Space Standards (NDSS). Whilst these are not adopted planning policy within the Local Plan, they are nevertheless a useful guide and Policy D1 seeks to ensure that development does not adversely affect the living conditions of occupants of proposed future residential properties and that development includes features that maintain good levels of daylight and sunlight into buildings. These requirements also accord with the P.135 (f) of the NPPF's requirement for a high standard of amenity for existing and future occupiers.

The proposed development at outline stage is therefore considered to be acceptable and would comply with Policy D1 and Policy EN14.

Arboricultural Impact

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that development should not adversely affect trees worthy of retention.

Policy D3 (Trees and Development Sites) states that permission will only be granted for development, where appropriate tree retention and/or planting is proposed in conjunction with the proposed nearby construction. The council will seek to ensure, subject to detailed design considerations, that there is no net loss in the quality of trees or hedgerows resulting from an approved development. The development should deliver a harmonious and sustainable relationship between structures and trees. The recommendations of British Standard 5837:2012 (or the current revision) will be taken fully into account in addressing development proposals.

Para 136 of the NPPF23 states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change; opportunities should be taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures should be in place to secure the long-term maintenance of newly-planted trees, and that existing trees should be retained wherever possible.

There are two protected oak trees adjacent to the site which could be affected by the proposed development, one just beyond the northern hedge boundary and the other

just outside the south eastern boundary. The illustrative layout retains these with areas of open space proposed with the protection areas, although it is noted that the oak on the northern boundary has had its roots compromised by an existing high pressure water main which crosses the site.

The indicative layout has been amended during the course of the application, with a group of silver birch trees which had been proposed to be removed, now retained.

The proposed layout, subject to conditions is now considered to be acceptable in principle, such that the development would comply with Policy D3 (Trees and Development Sites) of the Local Plan.

Drainage and Flood Risk

Policy EN21 (River and Coastal Flooding) of the EDLP (2016) states that a sequential approach will be taken to considering whether new developments excluding minor developments and changes of use will be permitted in areas subject to river and coastal flooding. Wherever possible, developments should be sited in Flood Zone 1. The policy sets out a sequential approach whereby if there is no reasonably available site in Flood Zone 1, only then will locating the development in Flood Zone 2 and Flood Zone 3 be considered.

Policy EN22 (Surface Run-Off Implications of new Development) states that planning permission for new development will require that:

1. The surface water run-off implications of the proposal have been fully considered and found to be acceptable, including implications for coastal erosion.
2. Appropriate remedial measures are included as an integral part of the development, and there are clear arrangements in place for ongoing maintenance over the lifetime of the development.
3. Where remedial measures are required away from the application site, the developer is in a position to secure the implementation of such measures.
4. A Drainage Impact Assessment will be required for all new development with potentially significant surface run off implications.
5. Surface water in all major commercial developments or schemes for 10 homes or more (or any revised threshold set by Government) should be managed by sustainable drainage systems, unless demonstrated to be inappropriate.

The NPPF (2023) states at Paragraph 168 that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

The majority of the site is located within Flood Zone 1 where there is a very low risk of flooding however a part of the site is located in Flood Zone 2 and 3. This area is to the south eastern boundary of the site, to the south of the flood alleviation channel. No development is proposed within the flood zone on the illustrative master plan.

The applicant has proposed to manage surface water drainage back to the existing green field rates, including use of drained permeable paving, an attenuation basin and below ground attenuation structure.

The application was reviewed by DCC Flood Risk, as the Lead Local Flood Authority who initially objected to the application and requested further information. Following the submission of an amended surface water drainage strategy, DCC Flood Risk removed their objection and requested a further detail condition is attached to any approval. The condition would seek a detailed drainage design, management of the surface water drainage system as well as information on the existing surface water drainage systems. The proposal is considered to be acceptable at this stage in relation to surface water subject to conditions.

In relation to Foul Sewage, South West Water were consulted on the application and raise no objections to the principle of the proposed outline application subject to conditions. They requested conditions in relation to Surface Water Management and a Water Conservation Strategy. They have also recommended a condition requiring written confirmation prior to the occupation of any dwelling, from South West Water that improvement works at Woodbury Waste Water Treatment Works have been completed, or until 1st December 2025.

As part of the site is located within the Flood Zone, the Environment Agency (EA) were consulted on the application. The EA raised no objection to the proposed development subject to the inclusion of a condition relating to the management of flood risk on any permission granted. The EA also advised the LPA that the flood risk Sequential Test must be satisfied in accordance with the National Planning Policy Framework (NPPF) and the failure of the Sequential Test is sufficient justification to refuse a planning application.

The Flood Risk Assessment submitted by the applicant indicates that the site layout and levels and associated finished floor levels will be wholly in Flood Zone 1, therefore the Sequential Test is deemed to be met.

However, The R (Mead and Redrow) v SoS LUHC [2024] EWHC 279 High Court judgement indicated that as parts of the site (albeit not parts intended to be built on) were within flood zones 2 and 3, a sequential test was required in relation to flood risk. This judgement indicates that for this application, a more detailed sequential test would be required to consider whether there are any sites where all development and associated open spaces and accesses lie wholly outside flood zones 2 and 3, rather than just the built development.

The reason for the sequential test is to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding. There is some limited national guidance (NPPG) on what information is required to inform the Sequential Test.

The guidance states that for individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases, it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration.

The NPPG does state that local factors can be considered when deciding the area of search to draw up. However, there is no up to date housing needs assessment identifying a specific need for the housing in the local area or any other factors that would limit the area of search to a smaller area, so for the purposes of this application the area of search is considered to be the district of East Devon.

An important factor to take into account is the current local plan review that is being undertaken by the Council, in particular its allocation of housing sites to meet the needs of the district to cover the plan period. A strategic review of available sites across the district has been undertaken and culminated in a Regulation 18 plan being consulted upon which included first and second choice housing sites together with a new community. Even if all proposed allocations are carried forward to Regulation 19 stage the amount of sites would fall short of the number of houses required to meet the needs of the district going forward. The draft local plan includes this application site as a proposed housing allocation. Given that there is only a finite amount of available housing land in sustainable locations in the district it is considered that the sequential test has been passed.

Where the sequential test has been passed paragraph 169 of the NPPF requires that the LPA undertakes an exceptions test, to pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

In this instance the proposal would provide much needed open market and affordable housing where there is a district wide need, but more importantly it would be in a sustainable location where there is good access to a range of services including a village shop, primary school, public house, place of worship together with convenient public transport links to further afield settlements. It would remain safe for the lifetime of its use given that none of the built form would be close to areas of flooding vulnerability and surface water run off from the site would be controlled in an appropriate manner (once improvements are made to the local sewerage pumping station to deal with flows from the combined surface and foul water drainage) which is a benefit over the current situation of green field run off. As such it is considered that the exceptions test would be passed.

In relation to Fowl Sewage, South West Water were consulted on the application and do not object to the principle of the proposed outline application subject to conditions. They requested conditions in relation to Surface Water Management and a Water Conservation Strategy. South West Water have also stated that the Woodbury Waste Water Treatment Works (WWTW) requires improvement works and amendments to existing permits prior to accepting an increase in flows and they have recommended a condition requiring written confirmation prior to the occupation of any dwelling, from South West Water that improvement works at Woodbury Waste Water Treatment Works have been completed, or until 1st December 2025. This condition would be a Grampian condition and officers have concerns in relation to the wording of this condition and consequences if the improvement works are not completed by this date. However, South West Water have confirmed some of the works have been completed and they are on track to complete by December 2025 but as the WWTW cannot accept any increases in flow it is necessary to allow for improvements to have been completed prior to the occupation of any dwelling. In any case, further dialogue would be required with South West Water.

Having regard to the above the proposal is considered to comply with Paragraph 168 of the NPPF23 and Policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development) of the Local Plan.

Ecology/Biodiversity

Strategy 47 (Nature Conservation and Geology) of the Local Plan states that all development proposals will need to conserve the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats; maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features. The aims of this Strategy are reinforced in paras 180 to 182 of the NPPF, 2023.

Policy EN5 (Wildlife Habitats and Features) of the adopted Local Plan (2016) states that wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would result in the loss of or damage to their nature conservation value, particularly where these form a link between or buffer to designated wildlife sites. Where potential arises positive opportunities for habitat creation will be encouraged through the development process. Where development is permitted on such sites mitigation will be required to reduce the negative impacts and where this is not possible adequate compensatory habitat enhancement or creation schemes will be required and/or measures required to be taken to ensure that the impacts of the development on valued natural features and wildlife have been mitigated to their fullest practical extent.

The closest designated site is the East Devon Pebblebed Heaths SPA/SAC/SSSI, located about 1.8 km east of the site. The Exe Estuary SPA/SAC/RAMSAR is located around 2.8km from the site. There are also a number of non-statutory designated sites within 2 km of the site, the nearest being the Backhill County Wildlife Site (CWS) which is 1.9km from the site. Higher Mallocks Unconfirmed Wildlife Site (UWS) is 1.4km south east of the site and Rushmoor Wood Other Site of Wildlife Interest (OSWI) is 1.9km north east of the site.

The application is supported by a Preliminary Ecological Appraisal, including an Extended Phase 1 Habitat Survey. The survey did not recommend any additional surveys, and the proposal is not supported by a biodiversity metric calculation to quantify potential ecological losses or gains for habitats, although it should be noted that this was not a requirement at the time that the application was submitted.

The report indicates the proposed landscaping of the site, including an orchard would result in a net gain in biodiversity, although this is not quantified.

There are several records of bats within the vicinity of the site, and the northern boundary of the site is considered to be likely to be used by foraging and commuting bats. The stream is also likely to offer some value to bats although due to its alignment and bank is likely to be more limited.

Recommendations, including enhancement measures for bats and nesting birds, together with mitigation and enhancement measures are proposed.

The District Council's Ecologist reviewed the application and stated that the proposed ecological avoidance, mitigation, and enhancement measures are generally considered acceptable subject to conditions.

The mitigation proposed as part of this application as well as a Construction and Ecological Management Plan will need to be secured and this can reasonably be achieved through a suitably worded condition in the form of the requirement for the approval of an Ecological Mitigation Strategy based on the proposed mitigation in the Environmental Report.

Open Space

Strategy 43 (Open Space Standards) of the adopted EDLP (2016) states that developments proposing net new dwellings will be expected to provide for open space on-site where there is a demonstrable need for such open space in the vicinity. Developments will be assessed against existing provision in the parish in which they are proposed. Where existing provision of specific typologies exceeds quantity standards, on-site provision will only be required where the existing open space typology is of poor quality or is in some other manner deficient such as not matching up to the accessibility standard. Developments will be expected to provide open space on-site through a Section 106 Agreement in line with the following thresholds:

- 9 dwellings or less will not be required to provide any specific open space typologies onsite, however developers may choose to make such provision.
- 10 - 49 dwellings will be required to provide amenity open space on-site.
- 50 - 199 dwellings will be required to provide amenity open space, and children's and youth play space on-site.
- 200+ dwellings will be required to provide for all open space typologies on-site.

The application would include up to 35 residential dwellings meaning that amenity open space is required on site by Strategy 43. Strategy 43 sets out that in rural locations developments should include 3.0m² per person of amenity open space

As detailed layouts are not known it is considered that the application could include up to 88 residents. The requirement for up to 88 residents would be for 264m² of amenity open space. Whilst the detailed site layout would be reviewed as part of the reserved matters the illustrative layout indicates that around 0.93ha of landscaped open space would be provided.

The proposal is therefore considered to be acceptable in accordance with Strategy 43.

Habitat Regulations Assessment and Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designation is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of the designation. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. The mitigation contribution would be secured through a S106, currently at £367.62 per dwelling.

Natural England were consulted on the AA and have advised that on the basis of the appropriate financial contributions being secured to the South-east Devon European Sites Mitigation Strategy, they would concur with this authority's conclusion in the AA that the proposed development will not have an adverse effect on the integrity of the European Sites. It is for the LPA to adopt the AA and accordingly there is a further recommendation on this at the end of the report.

Health Care

A request for a financial contribution towards healthcare services provided by the Royal Devon and Exeter NHS Foundation Trust has been made. However, the amount requested is yet to be qualified with the complexities in the funding gap unclear. Recent court judgements have to be taken into account, and this, like other ongoing requests from the NHS have to be scrutinised in detail. In this case insufficient justification has been provided to support this request.

Education

Devon County Council Education Department has indicated that the local primary school's capacity would be breached by the school aged children which this development would produce and have asked for contributions towards extending the school. Such matters fall under the CIL regime where public bodies are required to bid for appropriate funding towards infrastructure projects including the extension of local schools. As this proposal would contribute a CIL amount from each dwelling, an education contribution cannot be secured.

Planning Obligations

Strategy 50 (Infrastructure Delivery) of the adopted Local Plan (2016) states that the Council produced and consulted (in June/July 2013) on an Infrastructure Delivery Plan to set out how the implementation of Local Plan policies and proposals will be supported through the timely delivery of infrastructure improvements. It identifies schemes, sets out how much they will cost, indicates potential funding sources and establishes a funding gap. Developer contributions will be sought to ensure that the necessary infrastructure improvements are secured to support the delivery of development and mitigate any adverse impacts. The failure to provide or absence of relevant infrastructure will be grounds to justify refusal of permission.

As set out throughout this report, the following obligations are sought for this development via a S106 legal agreement:

- Provision of affordable housing (34.3% on site, comprising 8 affordable/social rent and 4 shared equity, and an off-site contribution of 15.7% - £159,124)
- Habitats Mitigation contribution of £367.62 per dwelling
- Provision and maintenance of public open space and drainage, including SUDs features outside of private gardens.
- Agreement to secure alterations to the public highway to accommodate the access works
- Off-site Highways Infrastructure
- Travel Plan
- Monitoring Fees

At the time of writing a S106 legal agreement securing the above requirements has not been secured. Accordingly, the recommendation to Members is that of a resolution to approve, subject to the completion of the S106 and the conditions at the end of this report. Completion of the above mitigation measures are required to accord with Strategy 50 (Infrastructure Delivery) of the Local Plan.

Other Matters

The proposed parish council building and public car park would be of benefit to the community (which would be gifted to the parish council at nil cost), as would the proposed off-site traffic calming and improvements to Globe Hill and the area around The Arch, and it is noted that there is Parish Council support for these elements of the application which would also be of wider public benefit. However there is no evidenced demand for these works and there is no policy requirement to lend support to these elements of the proposals.

At the time of determination, there are also a number of other planning applications for residential development in Woodbury and consideration must be given to whether the village can support the level of growth proposed. At present application 22/2838/MOUT has a resolution for approval (subject to the completion of a legal agreement) for 70 residential dwellings and applications 23/1600/MOUT and 21/2166/MOUT are pending consideration for 28 and 60 dwellings respectively. In total and including this application, up to 193 additional dwellings are proposed at Woodbury, all of which are unallocated in the local plan. This increase, if all were

approved would result in a 26.4% increase in the number of dwellings in Woodbury and it is acknowledged that this would be a large increase for the village.

Planning Balance

The NPPF seeks to significantly boost the supply of housing across England. The proposal would provide for a not insignificant amount of dwellings, required to bolster the much needed supply of housing in the district. Notwithstanding the recent changes to the NPPF this Council will need to demonstrate a five year housing land supply in order to successfully bring forward a new, updated Local Plan. Housing delivery therefore remains a significant material consideration.

However as set out earlier in this report, this development proposes development in the countryside outside of a built-up area boundary. There has thus been an identified conflict with Strategy 7 (Development in the Countryside) of the Local Plan.

Whilst it is currently possible to identify a sufficient housing land supply to satisfy the amended NPPF23 such that the 'tilted balance' is not engaged, the lack of current and future delivery of homes, and particularly affordable homes is of significance such that a 'flat balance' is considered to be an appropriate assessment of the proposed development.

The site is considered to occupy a sustainable location within the village and is in close proximity to the range of services and facilities on offer within Woodbury.

This application has been submitted in outline form for up to 35 residential units seeking approval for access only. Matters of layout, appearance, scale and landscaping have been reserved for future consideration, however the submitted indicative layout, as amended is considered to be appropriate to demonstrate that it would be possible to accommodate up to 35 residential units whilst respecting the constraints of the site.

The application has a number of associated benefits including housing delivery and the provision of affordable homes, highway works and public open space which are given weight in the decision. The sustainable location and access to services and infrastructure is also a benefit. The proposal would include economic benefits from construction to operation and benefits to local businesses and services as well as CIL payments of which a proportion would go to the parish council. These are all considered to be benefits of the development which align with the NPPF's three overarching objectives (economic, social and environmental). Limited harm to the landscape and heritage assets is acknowledged but this is not considered to be unacceptable. The application has been assessed in relation to design, amenity, ecology, sustainability, contamination and transport and is considered to be acceptable in these regards subject to conditions.

When taking all of the above into account the conflict with residential development beyond the built up area boundary, and visual impact on the character of the immediate area and less than substantial harm to heritage assets, this not considered to significantly and demonstrable outweigh the benefits (noted above), when assessed against the policies of the framework as a whole.

Overall this proposal is considered to benefit from the presumption in favour of sustainable development which, as a material consideration, outweighs the limited conflict with the development plan. As such a recommendation of approval is made, subject to completion of a Section 106 Agreement and appropriate conditions.

RECOMMENDATION

- a) ADOPT the Appropriate Assessment
- b) APPROVE the application subject to the completion of a S106 Agreement securing the items listed in the planning obligations section of this report and the following conditions.

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).

2. Approval of the details of the layout, scale and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(Reason - The application is in outline with one or more matters reserved.)

3. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

4. Prior to any works commencing on site, a Construction and Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented and remain in place throughout the construction period. The CEMP shall include at least the following matters:

- 1) Air Quality
- 2) Dust control
- 3) Lighting
- 4) Noise and vibration
- 5) Pollution Prevention and Control, including an emergency plan
- 6) Monitoring Arrangements
- 7) Site compound and parking - location and size
- 8) Construction traffic management
- 9) Waste Management

10) Airport safeguarding

11) A detailed soil resources management plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009.

Construction working shall not take place outside the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays, Christmas Day or Boxing Day. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

(Reason – A pre-commencement condition is required to ensure that the details are agreed before the start of works to protect the amenities of nearby occupiers and to protect the ecology/protected species in the locality to accord with Policy EN14 (Control of Pollution) and EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031. The CEMP needs to be approved and implemented prior to the start of development operations as risks to the environment, amenity and ecology will be present from this point.)

5. Construction Traffic Management Plan (CTMP)

No development shall take place until a detailed Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall detail:

- a) the timetable of the works;
- b) daily hours of construction;
- c) any road closure required (and a time table for this);
- 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 6:00pm 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 in writing by the Local 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;

The development shall be carried out in accordance with the approved details and any subsequent amendments as shall be agreed in writing with the Local Planning Authority.

(Reason - A pre-commencement condition is required to ensure that the details are agreed before the start of works to ensure that adequate measures are put in place to manage construction traffic during the development in accordance with Policy D1 (Design and Local Distinctiveness) and E14 (Control of Pollution in New Development) of the adopted East Devon Local Plan.)

6. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a full tree survey based on BS5837:2012, including a Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement for the protection of retained trees, hedges and shrubs growing on or adjacent to the site, [including trees which are the subject of a Tree Preservation Order currently in force], shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

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

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

7. No external lighting shall be installed until a Lighting Design including lux contours, based on the detailed site design, most recent guidelines (currently GN08/23 and DCC 2022), and the proposed lighting strategy has been submitted and approved in writing by the Local Planning Authority. The design should clearly demonstrate where dark corridors (<0.5 lux) are provided without the attenuation of habitat features which long-terms 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. Under no circumstances should any other external lighting be installed without prior consent from 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) for a minimum period of 30 years shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development based on the submitted Phase 1 Habitat Survey & Up-dated Preliminary Ecological Appraisal (Sunflower International June 2023 and comments made from the District Ecologist. It should include the location and design of biodiversity features including bird boxes (at a ratio of 1 per unit), bat boxes, permeable fencing, and other features to be shown clearly on submitted plans.

The content of the LEMP 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 - This is pre-commencement 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.)

10. The Reserved Matters application(s) for layout and landscaping pursuant to this permission shall include details of a scheme for the provision of surface water

management which shall have been approved in writing by the Local Planning Authority prior to the commencement of development. The details shall include:

- A description of the surface water drainage systems operation;
- Details of the final drainage schemes including ground investigations and testing results, calculations and layout;
- Confirmation of the viability of, and secured arrangements for, discharging surface water to the watercourse, if a SuDS solution is demonstrably evidenced to be unviable as sole discharge method;
- A construction Surface Water Management Plan;
- A Construction Quality Control Plan;
- Confirmation of details pertaining to the intended maintenance/adoption arrangements of the final drainage scheme, including responsibilities for the drainage systems and overland flow routes. The plan must include a drawing which clearly delineates the management responsibility for each drainage element and schedule of maintenance; and
- A timetable of construction.

The developments shall be implemented in accordance with the approved details.

(Reason: To prevent the increased risk of flooding and minimise the risk of pollution of surface and ground waters by ensuring the provision of a satisfactory means of surface water control and disposal, and in accordance with the aims and intentions of national (PPG: 7-056-20220825), county (Sustainable Drainage System - Guidance for Devon, Paragraph 6.3) and local policy (Strategy 3 & EN22). This needs to be a pre-commencement condition to adequately manage flood risk.)

11. No development approved by this, or subsequent Reserved Matters pursuant to this, permission shall be commenced until details of a scheme for the provision of foul water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- A description of the foul water drainage systems operation;
- Confirmation from South West Water Ltd that they will accept the flows from the development into their network;
- Details of the final drainage scheme including estimated volume of waste water from the development at full occupation;
- A Construction Quality Control Plan;
- A timetable of construction;

The development shall be implemented in accordance with the approved details.

(Reason: This is a pre-commencement reason to minimise the risk of pollution by ensuring the provision of a satisfactory means of foul water disposal and in accordance with policy EN19 of the East Devon Local Plan.)

12. No development shall take place until details of the construction of the access, the internal roads, turning and parking areas have been submitted to and

approved in writing by the Local Planning Authority. Prior to the start of any other development on the site, the first 5 metres of the access road, measured from the nearside edge of the carriageway, shall be constructed and surfaced in accordance with the approved details, and any other access to the site shall be permanently closed.

(Reason - A pre-commencement condition is required to ensure that the road works are planned and provided in good time in the interests of highway safety for construction and other vehicles and to ensure that mud and loose material is not deposited on the highway in accordance with the requirements of Policy TC7 - Adequacy of Road Network and Site Access of the Adopted East Devon Local Plan 2013-2031.)

13. 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: This is prior to development commencing 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.)

14. No dwelling hereby approved shall be occupied until written confirmation is received by the Local Planning Authority from South West Water that

improvement works at Woodbury Waste Water Treatment Works to ensure there is capacity to deal with foul sewage from this development have been completed, unless alternative means of adequately dealing with foul drainage have been previously agreed in writing by the Local Planning Authority and implemented in full.

(Reason: To enable required improvement works to take place at Woodbury Waste Water Treatment Works to suitably receive and accommodate the increase in flows expected as a result of the proposed development in accordance with Policy EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) of the East Devon Local Plan. Allowing flows above acceptable volumes from the occupation of dwellings prior to these works being completed would have unacceptable impact on existing infrastructure, with unacceptable risk of potential pollution events occurring.)

15. The development shall not be occupied until the Local Planning Authority has been provided with evidence, including photographs and completed toolbox talk sheets, that all ecological mitigation and enhancement features, including bat boxes, bird boxes (at least 1 per dwelling), and other features that relate to that part of the development to be occupied have been installed/constructed, and compliance with any protected species licences, and ecological method statements detailed 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.)

16. Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or the development, the Local Planning Authority shall be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

(Reason: To ensure that any contamination existing and exposed during the development is identified and remediated in accordance with Policy EN16 (Contaminated Land) of the East Devon Local Plan 2013 to 2031 and with the National Planning Policy Framework.)

17. The landscaping works approved as part of the reserved matters application(s) or as part of an advance planting scheme shall be undertaken in accordance with the approved scheme within either, an agreed timetable or within 12 months of completion of development or during the next planting season following completion whichever is the sooner.

If within a period of 10 years from the date planted any tree, plant, grass area or shrub dies, is removed or becomes seriously damaged or diseased it shall be

replaced in the next planting season with other(s) of similar size and species by the developer.

If within a period of 10 years of the commencement of development, any part of any retained/translocated hedgerow dies or becomes diseased, it shall be replaced by the developer before the end of the next available planting season in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

(Reason - In the interests of enhancing and preserving the amenity of the area in accordance with Policy D2 (Landscape Requirements) of the East Devon Local Plan.)

18. All reserved matters applications shall be accompanied by Waste Audit Statement to ensure that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance.

Development must be undertaken in accordance with the agreed details.

(Reason: To ensure waste generated by the construction and operational phases is in accordance with Policy W4 of the Devon Waste Plan which requires major development proposals to be accompanied by a Waste Audit Statement.)

19. The reserved matters application for layout shall include a detailed noise assessment prepared in accordance with BS4142:2014+A1:2019 to assess the noise impacts of the commercial development adjacent to the site on the amenity of future occupiers of the development hereby approved. If mitigation measures are identified as being necessary the details of the mitigation shall be included within the reserved matters application to be agreed by the local planning authority and all mitigation measures shall be implemented in full prior to the occupation of the dwellings to which they relate. The mitigation measures shall be retained and maintained for the lifetime of the development.

(Reason: In the interest of residential amenity in accordance with Policy D1 of the East Devon Local Plan.

NOTE FOR APPLICANT

Informative:

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

Informative:

The Local Planning Authority (LPA) has a statutory duty under Regulation 3(4) to have regard to the requirements of the Habitats Directive in the exercise of its functions

when dealing with cases where a European Protected Species (EPS) may be affected. The species protection provisions of the Habitats Directive, as implemented by the Habitats Regulations, contain three 'derogation tests' which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would otherwise lead to an offence under provisions protecting species in the Habitats Regulations. Having regard to the three tests, the LPA considers that the three tests would not be met and that Natural England are unlikely to grant an EPS licence.

Informative - Biodiversity Net Gain:

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

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

The BG conditions states that development may not begin unless:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

Irreplaceable habitat

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

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat,

information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

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

Informative - Flood Risk Activity Permit:

We take this opportunity to inform all parties that the watercourse at this location is designated as a 'Main' river. as a such the Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

Plans relating to this application:

010-B: junction/forward visibility splay	Other Plans	05.07.23
1507	Transport Statement	05.07.23
GBH-010-P rev H	Proposed Site Plan	09.04.24
01-PHL-1001D: calming strategy	Additional Information	14.11.23
01-PHL-101C: preliminary access arrangements	Additional Information	14.11.23
01-PH:-1002B: calming strategy	Additional Information	14.11.23
GBHL-005 A	Location Plan	07.11.23

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.

23/1258/MOUT - APPENDIX 1

Technical Consultation Responses in Full

Devon County Archaeologist

25/04/24 - The proposed development site lies in an area of known archaeological potential just outside the historic core of the historic settlement and in an area where Roman artefacts have been found in the surrounding landscape. In addition, the geophysical survey of the site has identified linear features that may be indicative of early, either prehistoric or Romano-British, activity on the site in the form of the earlier field boundaries or enclosures, as well as the possible presence of pit features in the eastern part of the site. Groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these potential heritage assets. As such, I would concur with para 7.5.1 of the Heritage Statement submitted in support of this planning application that the impact of the proposed development upon the archaeological resource could be mitigated by a programme of archaeological work that will investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

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

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 211 of the National Planning Policy Framework (2023) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 211 of the National Planning Policy Framework (2023), that an appropriate record is made of archaeological evidence that may be affected by the development.'

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

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

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

Reason

'To comply with Paragraph 211 of the NPPF (2023), which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

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

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

Devon County Archaeologist

27/02/24 - ARCH/DM/ED/38658c

I refer to the above application and your recent re-consultation dated 21st February 2024. The Historic Environment Team has no additional comments to

those already made (other than to revise the original response in the light of revisions to the NPPF), namely:

The proposed development site lies in an area of known archaeological potential just outside the historic core of the historic settlement and in an area where Roman artefacts have been found in the surrounding landscape. In addition, the geophysical survey of the site has identified linear features that may be indicative of early, either prehistoric or Romano-British, activity on the site in the form of the earlier field boundaries or enclosures, as well as the possible presence of pit features in the eastern part of the site. Groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these potential heritage assets. As such, I would concur with para 7.5.1 of the Heritage Statement submitted in support of this planning application that the impact of the proposed development upon the archaeological resource could be mitigated by a programme of archaeological work that will investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

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

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 211 of the National Planning Policy Framework (2023) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 211 of the National Planning Policy Framework (2023), that an appropriate record is made of archaeological evidence that may be affected by the development.'

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

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

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

Reason

'To comply with Paragraph 211 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

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

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

Devon County Archaeologist

16/11/23 - ARCH/DM/ED/38658b

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

The proposed development site lies in an area of known archaeological potential just outside the historic core of the historic settlement and in an area where Roman artefacts have been found in the surrounding landscape. In addition, the geophysical survey of the site has identified linear features that may be indicative

of early, either prehistoric or Romano-British, activity on the site in the form of the earlier field boundaries or enclosures, as well as the possible presence of pit features in the eastern part of the site. Groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these potential heritage assets. As such, I would concur with para 7.5.1 of the Heritage Statement submitted in support of this planning application that the impact of the proposed development upon the archaeological resource could be mitigated by a programme of archaeological work that will investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

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

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

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

Reason

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

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

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

'The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of

Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.'

Reason

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

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

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

Devon County Archaeologist

13/07/23 - Application No. 23/1258/MOUT

Land To The Rear Of Orchard House, Globe Hill, Woodbury, EX5 1JP - Outline application (with details of access to be considered and all other matters reserved) for the residential development of up to 31 no. dwellings (8 affordable); vehicular and pedestrian access from Globe Hill, pedestrian access only from public right of way; demolition of existing wooden structure to be replaced with Parish Council building; community parking area; public open space, landscaping, wildflower meadow and orchard and other associated infrastructure.: Historic Environment

My ref: ARCH/DM/ED/38658a

I refer to the above application and your recent consultation. The proposed development site lies in an area of known archaeological potential just outside

the historic core of the historic settlement and in an area where Roman artefacts have been found in the surrounding landscape. In addition, the geophysical survey of the site has identified linear features that may be indicative of early, either prehistoric or Romano-British, activity on the site in the form of the earlier field boundaries or enclosures, as well as the possible presence of pit features in the eastern part of the site. Groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these potential heritage assets. As such, I would concur with para 7.5.1 of the Heritage Statement submitted in support of this planning application that the impact of the proposed development upon the archaeological resource could be mitigated by a programme of archaeological work that will investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

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

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

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

Reason

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

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

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

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

Reason

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

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

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

Stephen Reed

Senior Historic Environment Officer

Conservation

03/05/24 - On the basis of the information provided through the amendments proposed and in line with the National Planning Policy Framework Section 16 para. 212. It is considered that the proposed development works, continue to fail to preserve the setting of Woodbury Conservation Area as a heritage asset and to a lesser extent result in less than substantial harm to its significance.

There is a strong presumption against works that would have such harmful impacts through the workings of s.16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 205 of the Framework explains that great weight should be given to the conservation of designated heritage assets. Paragraph 208 states that any less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal.

Conservation

23/11/23 - On the basis of the information provided through the amendments. Conservation has no additional comments to those already made on the 07.09.2023. Case Officer to assess on planning merit.

23.11.2023

SLG

Conservation

07/09/23 - CONSERVATION CONSULTATION FOR AN OUTLINE PLANNING APPLICATION AFFECTING THE SETTING OF A CONSERVATION AREA.

23/1258/MOUT

Land to the Rear of Orchard House, Globe Hill, Woodbury, EX5 1JP

Outline application (with details of access to be considered and all other matters reserved) for the residential development of up to 31 no. dwellings (8 affordable); vehicular and pedestrian access from Globe Hill, pedestrian access only from public right of way; demolition of existing wooden structure to be replaced with Parish Council building; community parking area; public open space, landscaping, wildflower meadow and orchard and other associated infrastructure.

Significance - Setting of Woodbury Conservation Area

The development site is proposed within an open agricultural site, located south west of the village on the periphery and adjoining Woodbury Conservation Area.

In character this part of the settlement is more fragmented than the core and is experienced as a transition zone between the tight urban grain of the evolved historic core, the south and east of the village and the openness of the countryside beyond. The open views of the countryside to the west of the village that form the development site, as identified in the conservation area appraisal, are key as they provide the context in which the setting of the conservation area is experienced.

The value of the undeveloped view toward the west and beyond the village is further appreciated when considered against the glimpsed wider views of the open countryside from within the built environment of the conservation area, which provides relief from the tight built form of the village, which includes boundary walls, fences and mature vegetation within gardens.

Additionally, views on approaching the village along Globe Hill include development abutting the road that provides the impression of the main built up area of the village extends into this area, however as a result of its low density and vegetated verges, this part of the village has evolved to be of semi-rural character, which provides a marked transition on Globe Hill to the south of the development sites road frontage as it enters the core of the village and conservation area.

There is a partially obstructed view of the development site from the intersection of Globe Hill and The Arch, the other important view is from the footpath to the south of the site and the views form the rear of the existing houses that front Globe Hill and Cobblers.

In this respect the open character of the proposed development site allows for a mostly unobstructed view from the public and private domain, to the east and south of the site, with partially obscured views from the north. Identified views that have evolved and are unique in this part of the village, providing the experience of a small community in a rural area, which makes a positive contribution to the character and appearance of the village itself that forms the historic and architectural interest of this part and the wider conservation area.

Proposed works

The works as proposed are for an outline application (with details of access to be considered and all other matters reserved) for the residential development of up to 31 no. dwellings (8 affordable); vehicular and pedestrian access from Globe Hill, pedestrian access only from public right of way; demolition of existing wooden structure to be replaced with Parish Council building; community parking area; public open space, landscaping, wildflower meadow and orchard and other associated infrastructure.

The potential harm to the heritage asset (conservation area) and identified setting as a result of the proposed development works, has been balanced against paras. 202 and 206 of the NPPF21 and the New East Devon Local Plan (2013-2031), as discussed in the assessment of harm which forms part of this report.

Assessment of harm

In character and as discussed through the assessment of significance of the conservation area and its setting, Woodbury as a village represents a small community in a rural area, with open countryside surrounding the boundaries of the built form providing the rural context in which it is experienced.

Whilst some development, in the form of a single dwelling, has been considered acceptable through planning in this part of the conservation area. The current application is for a more significant amount of development, which would result in the erosion of a principal outward view from within the conservation area and the increase in density of the urban grain in this part of the village. Both aspects would result in an adverse impact on the setting and the contribution this makes

to the significance of the conservation area resulting in less than substantial harm without public heritage benefit.

Turning to the indicative site layout submitted as part of the outline application the proposal, it is acknowledged this has been designed to ensure that continuous green corridor views from Globe Hill to the wider countryside are retained and framed through the retention of planning. However in terms of urban grain or the layout of buildings within the conservation area, which gives it, its unique character, there is a general pattern of historic development associated with ancient burgage plots. The value of Woodbury's built character being the catalyst for designating a conservation area where 'Development that follows suburban layouts or does not appear coherent with the urban grain of the conservation area should be strongly resisted.'

In summary, the principal of development to the proposed scale would result in visual harm to the setting of the conservation area and how this is experienced, failing to preserve, enhance or better reveal the significance of the conservation area as a heritage asset resulting in less than substantial harm on a moderate level, with no historic public benefits. Fails to satisfy paras. 202 and 206 of the NPPF21 and the New East Devon Local Plan (2013-2031), as discussed in the assessment of harm which forms part of this report.

Recommend refusal

Housing Strategy/Enabling Officer - Cassandra Pressling

23/02/24 - Percentage of Affordable Housing - Strategy 34 in the adopted East Devon Local Plan 2013 - 2031 requires 50% affordable housing. This application is now offering 35% affordable which although not policy compliant is acceptable. East Devon District Council does not currently have a 5 year housing land supply and 35% affordable is a pragmatic solution in the current housing crisis.

Tenure - Strategy 34 sets a target of 70% for rented accommodation (social or affordable rent) and 30% for affordable home ownership. The applicant is now proposing 8 Social Rent units and 4 affordable home ownership units, which is policy compliant with Strategy 34.

Location - I am concerned that the affordable housing is segregated from the rest of the homes in the top left hand corner of the site. It is not well integrated or dispersed through the site. The adopted Affordable Housing SPD states; "Affordable Housing should generally be provided in clusters of no more than 10 dwellings."

Housing Mix - the applicant is proposing 4 x 1 bed, 2 person flats, 3 x 2 bed, 3 person houses and 1 x 3 bed, 5 person house as Social Rent tenure. The affordable home ownership unit sizes are 1 x 2 bed house and 3 x 3 bedroom houses. All affordable units should meet M4(2) standards.

Parking - There needs to be suitable provision for visitor parking to avoid overflow parking in neighbouring streets.

Housing Strategy/Enabling Officer - Cassandra Pressling

09/11/23 - No I do not support 25% on site and 9% as a financial contribution. They need to provide 35% on site or provide a financial viability assessment to prove why they cannot, the cost of reviewing this will be met by the applicant.

09/11/23 - No further comments to add on these amended plans.

Housing Strategy/Enabling Officer - Cassandra Pressling

26/07/23 - Objection

Percentage of Affordable Housing - under current policy Strategy 34, a requirement for 50% affordable housing would be required. However, given the lack of a 5 year land supply and out of date policies, a pragmatic approach is being taken with sites adjacent to an existing built up area boundary and the level of affordable housing to be sought. The applicant is proposing to provide 25% affordable housing which equates to 8 units and this is acceptable.

Tenure - Strategy 34 sets a target of 70% for rented accommodation (social or affordable rent) and 30% for affordable home ownership. The applicant is proposing 4 Social Rent units and 4 Shared Equity units, which is not policy compliant with Strategy 34. They would need to change this to 6 units for Social Rent tenure and 2 units as Intermediate Housing. The applicants Shared Equity tenure is not an affordable housing product that East Devon support. The applicant is proposing that applicants purchase 65% of the value of the property and the remaining 35% would be an interest free loan, which is similar to the government's previous Help to Buy scheme. This is not classed as affordable housing. East Devon District Council has over 5000 households on our housing register and we need more affordable housing to rent.

Location - I am concerned that the affordable housing is located next to a car breakers premises. This is not acceptable and would cause noise disturbance to residents.

Housing Mix - the applicant is proposing 2 x 1 bed flats and 2 x 2 bed houses as Social Rent tenure. However, we also require 2 x 3 bedroom houses as Social Rent tenure. All affordable units should also meet M4(2) standards.

Parking - There needs to be suitable provision for visitor parking to avoid overflow parking in neighbouring streets.

26/07/23 - Objection

Percentage of Affordable Housing - Strategy 34 in the adopted East Devon Local Plan 2013 - 2031 requires 50% affordable housing. This application is only offering 25% affordable which is not policy compliant. They have not submitted a viability appraisal to state why they are only offering 25% affordable housing so I object to this application.

Tenure - Strategy 34 sets a target of 70% for rented accommodation (social or affordable rent) and 30% for affordable home ownership. The applicant is proposing 4 Social Rent units and 4 Shared Equity units, which is not policy compliant with Strategy 34. The applicants Shared Equity tenure is not an affordable housing product that East Devon support. The applicant is proposing that applicants purchase 65% of the value of the property and the remaining 35% would be an interest free loan. This is similar to the government's previous Help to Buy scheme, which was never designed as an affordable housing product, it was only to assist people to buy new build properties. East Devon District Council has over 5000 households on our housing register and we need more affordable housing to rent, particularly Social Rent.

Location - I am concerned that the affordable housing is located next to a car breakers premises. This is not acceptable and would cause noise disturbance to residents.

Housing Mix - the applicant is proposing 2 x 1 bed flats and 2 x 2 bed houses as Social Rent tenure. However, we also require 3 bedroom houses as Social Rent tenure. All affordable units should also meet M4(2) standards.

Parking - There needs to be suitable provision for visitor parking to avoid overflow parking in neighbouring streets.

Environment Agency

02/05/24 - Thank you for re-consulting us on this application.

Environment Agency position

We have reviewed the revised layout as shown on drawing 'PROPOSED INDICATIVE SITE PLAN' Drawing No. GBHL-010P SITE PLAN, Rev H, and confirm that we are in a position to withdraw our previous objection subject to inclusion of conditions as detailed below. Whilst we recognise that this plan is not a confirmation of the final proposed layout, it identifies that the proposed development would be deliverable on site alongside the requirements to provide an easement to the flood alleviation channel.

It is essential that the principles of flood risk management, and the way in which the applicant has proposed to incorporate the existing flood alleviation channel, (shown on the indicative site plan) are carried forward to the reserved matters stage to ensure the detailed design of the proposal is safe and does not compromise the functionality of the flood alleviation channel. Suggested wording for the recommended conditions and the reason for our position is provided below.

Condition - Flood channel access details

No development approved by this permission shall be commenced until such time that the planning authority has received and approved in writing, details of the access arrangements to the flood channel, and the form and nature of fencing

and gates on site. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority. The features shall be retained for the lifetime of the development.

Reason - To ensure adequate and safe access to the channel will be provided for the flood risk management authority and landowner over the lifetime of the development.

Condition - Finished Flood Levels

No development approved by this permission shall be commenced until such time that the planning authority has received, and approved in writing, details of finished floor levels of the proposed buildings, levels of roads and landscaping.

Reason - To ensure the proposed buildings would be free from flood risk in a scenario of the existing channel flood alleviation channel being blocked and thus overflowing.

Condition - Permitted Development Rights

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 structure shall be erected within the 8m buffer either side of the top of bank of the existing flood channel.

Reason - To help safeguard the 8m buffer from development thus ensuring access for future flood risk management thus ensuring that management of the alleviation channel can be sustained for the lifetime of the development.

Reason for position - Flood Risk

We are satisfied that the revised layout 'GBHL-010P SITE PLAN, Rev H' addresses our previous concerns regarding safeguarding an 8m unfettered access buffer either side the important flood alleviation channel that is present within the site. We note the outline permission being sought is based upon the flood alleviation channel being retained in its current alignment and the layout being revised accordingly to accommodate an 8m buffer. We are also satisfied that the 'PROPOSED INDICATIVE SITE PLAN' Drawing No. GBHL-010P SITE PLAN, Rev H identifies provision of gated access either side of the channel both upstream and downstream of the proposed channel crossing, such being required to provide access for flood risk management purposes. The details of such can be covered by condition as recommended above. Details of the proposed bridge, the principles of which are shown on the above referred drawing, can be also be addressed by the above recommended conditions and through the flood risk activity environmental permit process.

We recommend the following informative is also included on any decision notice because the applicant is required to obtain a flood risk activity permit separate to planning permission.

Informative - Environmental Permitting

We confirm that given the status of the flood relief channel as a 'Main' river. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place, including;

oon or within 8 metres of a main river,

oon or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal),

oin the floodplain of a main river if the activity could affect flood flow or storage and potential impacts that are not controlled by planning permission.

Details can be obtained at Flood risk activities: environmental permits - GOV.UK (www.gov.uk)

Please contact us again if you require any further advice.

Environment Agency

14/03/24 - Thank you for re-consulting us on this application and we apologise for the delay in responding.

Environment Agency position

We have reviewed the revised layout, as shown on drawing 'PROPOSED INDICATIVE SITE PLAN' Drawing GBHL-010P SITE PLAN Rev F. In light of this revision, we maintain our objection at this stage. Our primary objection relates to:

oconcerns regarding the feasibility of delivering, and subsequent performance of, the proposed diversion of a section of the existing flood alleviation channel, which forms part of Woodbury flood alleviation scheme.

oForeseeable use of the area shown as 'GRASSCRETE OVERUN AREA FOR MAINTENANCE AND ACCESS' for parking thus resulting in a loss of unfettered access to the EA for flood risk management reasons, unless such can be fenced off and not accessible for public/private usage.

Secondary issues that require clarification prior to determination are:

oa lack of clarity regarding the form and nature of the proposed 'NEW CROSSING' over the flood alleviation channel.

Reasoning regarding proposed channel diversion and requirement for hydraulic modelling

It is evident that the developer proposes the diversion of the existing flood alleviation channel rather than revision of the proposed residential build layout. As stated in our last formal response, we could accept the principle of a diversion subject only to absolute certainty being provided regarding the following prior to determination of the application.

We require assurance, prior to determination of the application that;

there are no constraints present on site that would inhibit delivery of the proposed channel diversion

the hydraulic performance of the existing scheme would not be adversely affected. Such will necessitate hydraulic modelling.

We will also stipulate that should we be in a position to accept the principle of diversion, subject to the above, then the diversion works must be delivered prior to commencement of the development sought to avoid a temporary increase in risk of flooding occurring during implementation of the development.

Reasoning regarding proposed replacement crossing of the flood channel

We note drawing GBHL-010P SITE PLAN Rev F states that a 'MIN 8 TONS' weight capacity will be provided and we support such. Before we can support the provision of a replacement crossing we require a list of principles regarding the form and layout that will be adhered to prior to determination. As stated in our previous formal consultation response dated 7 Feb 2024 we require assurances, by means of hydraulic modelling prior to determination of the application, that the existing flood alleviation schemes performance will not be adversely compromised by the form and nature of the proposed replacement crossing.

Way forward

Subject to absolute clarification of the above being given we would be comfortable to advise that compliance with the NPPF and PPG could in broadest terms be met subject to:

finished floor levels of the proposed buildings, roads and landscaping being set at a level to cater for the very present residual risk associated with a blockage/overflowing of the existing channel to ensure the proposed buildings would be free from flood risk.

permitted development rights being removed for the 8m buffer either side of the top of bank of the existing flood channel.

details of the access arrangements to the flood channel, and the form and nature of fencing and gates.

the channel diversion being implemented in full before construction of the development.

These four requirements could be addressed by appropriately worded condition.

Advice - Environmental Permitting

We confirm that given the status of the flood relief channel as a 'Main' river. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

on or within 8 metres of a main river

oon or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)

oin the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission.

The EA, as the regulator, hold the right to withhold a permit should an activity, for example 'interfere with the regulator's access to or along that river'.

Environment Agency

07/02/24 - Thank you for consulting us on this application.

Environment Agency position

Having reviewed the revised layout, as shown on drawing 'PROPOSED INDICATIVE SITE PLAN' Drawing ref.: GBHL-010P SITE PLAN Rev E, our position remains one of an objection at this juncture. We wish to highlight that we recognise the work undertaken to try to overcome our objection and these are welcomed. However, primarily, our objection relates to:

o concerns regarding the feasibility of delivering, and subsequent performance of, the proposed diversion of a section of the existing flood alleviation channel, which forms part of Woodbury flood alleviation scheme.

Secondary issues (of equal importance) that require clarification prior to determination are:

othe potential loss of EA access to a section of the channel and

oa lack of clarity regarding the form and nature of the proposed replacement bridge over the flood alleviation channel.

The removal of car parking spaces from the 8m buffer is a measure we can support.

Further detailed reasoning for our objection and advice to overcome our objection is provided below.

Reasoning regarding proposed channel diversion

It is evident that the developer proposes the diversion of the existing flood alleviation channel rather than revision of the proposed residential build layout. We inform your authority that we could accept the principle of a diversion subject only to absolute certainty being provided regarding the following, prior to determination of the application.

We require assurance, prior to determination of the application that:

othe there are no constraints present on site that would inhibit delivery of the proposed channel diversion and,

othe hydraulic performance of the existing scheme would not be adversely affected. Such will necessitate hydraulic modelling.

We will also stipulate that should we be in a position to accept the principle of diversion, subject to the above, then the diversion works must be delivered prior to commencement of the built development proposed to avoid a temporary increase in risk of flooding occurring during implementation of the development.

Reasoning regarding proposed replacement access bridge

Since receipt of your last consultation we confirm that we have consulted our internal Field Services Team, who manage the current flood alleviation scheme, on drawing GBHL-010P SITE PLAN Rev E 'PROPOSED INDICATIVE SITE PLAN'. Following their feedback we deem that we could support the principle of development following clarification of:

othe form and nature of the proposed access bridge, which we require must provide a minimum 8 ton load capacity.

odetails regarding the access ramps that the 'Illustrative Masterplan' be revised to show 2.2m wide gated access on the left bank upstream of the proposed replacement bridge. Such is required to provide access for grass mowing equipment into that part of the vitally important flood alleviation channel.

oassurances regarding diversion of the flood alleviation channel as detailed above.

Way forward

Subject to absolute clarification of the above being given we would be comfortable to advise that compliance with the NPPF and PPG could, in the broadest terms be met subject to:

ofinished floor levels of the proposed buildings, roads and landscaping being set at a level to cater for the very present residual risk associated with a blockage/overflowing of the existing channel to ensure the proposed buildings would be free from flood risk.

opermitted development rights being removed for the 8m buffer either side of the top of bank of the existing flood channel.

othe channel diversion being implemented in full before construction of the development.

These three requirements could be addressed by appropriately worded conditions.

Informative - Environmental Permitting

We take this opportunity to highlight to your authority, and remind the applicant that a flood risk activity permit will be require for the works, as set out in the following informative paragraph:

We confirm that given the status of the flood relief channel as a 'Main' river. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

oon or within 8 metres of a main river

oon or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)

oin the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission.

The EA, as the regulator, hold the right to withhold a permit should an activity, for example 'interfere with the regulator's access to or along that river'.

Advice- Sequential Test

We take this opportunity to remind your authority that before you determine the application, your Authority will also need to be content that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework (NPPF) if you have not done so already.

Please contact us again if you require any further advice.

Environment Agency

29/11/23 - Thank you for your consultation of 09 November 2023 following submission of amended plans in respect of this planning application.

Environment Agency position

We continue to object to this application for the same reasons set out in our previous letter of 01 August 2023 (Our ref. DC/2023/123414/01-L01). The reasons for this position are summarised below. The advice contained in our letter of 01 August 2023 in respect of flood risk, environmental permitting, biodiversity and pollution prevention still apply.

Reasons - Proximity to Flood Relief Channel

Having reviewed drawing GBHL-010-P SITE PLAN Rev B 'PROPOSED SITE PLAN' dated 26 October 2023 has not addressed our concerns regarding proximity to the existing flood relief channel that passes through the site which forms part of the Woodbury Flood Alleviation scheme. It is likely that we would not be able to issue a Flood Risk Activity Permit for the layout currently submitted. We recommend that the application is not determined until a revised layout is submitted that shows an 8m unobstructed buffer be provided both sides of the flood relief channel.

Environment Agency

01/08/23 - Thank you for consulting us on the above planning application.

Environment Agency position

We object to this application in its current form because development is proposed too close to the existing flood relief channel that passes through the site which forms part of the Woodbury Flood Alleviation scheme. It is likely that we would not be able to issue a Flood Risk Activity Permit for the layout currently submitted.

We recommend that the application is not determined until a revised layout is submitted that shows an 8m unobstructed buffer be provided both sides of the flood relief channel.

Before determining the application your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with the NPPF if you have not done so already.

The reasons for this position are set out below, together with an informative on environmental permitting, and advice on biodiversity and pollution prevention.

Reasons - Development too close to Flood Relief Channel

The Environment Agency maintain the flood relief channel within the red line boundary of the site, which is classified as a 'main river'. Adequate access is needed to ensure that the channel can be properly maintained.

The layout proposed would prevent/inhibit access to the flood relief channel. The development layout as proposed is therefore contrary to paragraph 161 of the NPPF which states:

'All plans should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:...

osafeguarding land from development that is required, or likely to be required, for current or future flood management'

It is important that land adjacent to the flood relief channel is safeguarded for flood risk management purposes and not developed.

Overcoming our objection

We advise that the layout should be revised to show that an 8m unobstructed buffer will be provided both sides of the alleviation channel. This is necessary to allow unfettered access for current or future flood management over the lifetime of the development. Failure to achieve this would result in an increase in flood risk which is contrary to the overriding policy aims of the NPPF.

Informative - Environmental Permitting

We confirm that given the status of the flood relief channel as a 'Main' river. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

oon or within 8 metres of a main river

oon or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)

oin the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission.

The EA, as the regulator, hold the right to withhold a permit should an activity, for example 'interfere with the regulator's access to or along that river'.

Advice - Biodiversity

If our objection can be overcome through the submission of a revised layout, we would welcome some environmental improvements in the final scheme. For example, we would welcome any proposals to re-meander the straightened watercourse, with a more natural cross sectional and long profile, to reinstate more natural features and provide interest for both biodiversity and people.

Additionally, we advise that the proposed timber bridge should not encroach on the channel, clear span is preferable, avoiding the need to build any structures in the channel or on the bank directly adjacent to the watercourse.

Advice - Pollution Prevention

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

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

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

Further guidance is available at:

Pollution prevention for businesses - GOV.UK (www.gov.uk)

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

Advice to the LPA

We will maintain our objection until the applicant has supplied information to demonstrate that the flood risks posed by the development can be satisfactorily addressed. We would like to be re-consulted on any information submitted to address our concerns and we will provide you with bespoke comments within 21 days of receiving formal re-consultation.

If you are minded to approve the application at this stage contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

EDDC Trees

08/01/24 - Following initial tree officer comments, the amended Site Plan C now shows retention of group of six Silver Birch adjacent to the B3179 and realignment of footpath to south of trees which is considered positive.

EDDC Trees

14/08/23 - In principle I have no objection to the proposal.

The application is supported by an initial tree constraints appraisal and arboricultural impact assessment. Two A category Oaks have been identified on site which have recently been protected. Both trees have been categorised as veteran trees. A group of six Silver Birch (mainly B category trees) located adjacent to the B3179 are proposed for removal to enable footpath widening. Mitigation planting is proposed. However it is considered that an alternative scheme of bringing the footpath onto the southern side of the trees is possible which would allow these trees to be retained.

The following condition should be put in place to ensure the retained trees are afforded protection during construction.

(a) Prior to the commencement of any works on site (including demolition and site clearance or tree works), a full tree survey based on BS5837:2012, including a Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement for the protection of retained trees, hedges and shrubs growing on or adjacent to the site, [including trees which are the subject of a Tree Preservation Order currently in force], shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

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

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

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

(e) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of

liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

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

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

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

EDDC Landscape Architect

22/05/24 - Addendum response 22/05/2024

1 INTRODUCTION

This report is an addition to EDDC's previous landscape response to the application for the above site based on the updated Proposed Indicative Site Plan revision H. Comments should be read in conjunction with previous Landscape Response dated 19.10.2023

2 REVIEW OF SUBMITTED DETAILS

Changes to original layout

The retention of the existing birch trees to Globe Hill is a positive change which reduces the impact of the development on Globe Hill.

Increase in total number of units from 31 to 35 is of concern as this results in poor provision of gardens to the affordable housing in the northeast core of the site. This is also contrary to guidance within Building for a Healthy Life which recommends 'Designing homes and streets where it is difficult to determine the tenure of properties through architectural, landscape or other differences.'

Further changes required

In order to ensure the consistent and appropriate management of existing boundary hedgebanks 2m width maintenance margins are required to the north and western site boundaries. These margins should be retained in the ownership of the management company. Plot boundaries adjacent to maintenance strips should comprise 1.2m high post and wire mesh fencing.

Chris Hariades CMLI

EDDC Landscape Architect & Green Infrastructure Officer

EDDC Landscape Architect

26/10/23 - 1 INTRODUCTION

This report forms the EDDC's landscape response to the hybrid application for the above site.

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

2 REVIEW OF SUBMITTED DETAILS

2.1 Review of Landscape and Visual Impact Assessment (LVIA)

Methodology

The methodology generally follows best practice guidance as set out in Guidelines for Landscape and Visual Impact Assessment 3rd Edition.

Viewpoint photography is presented in both A1 and A3 formats but scale bars allow for accurate viewing digitally. Some of the photographs are of poor quality particularly viewpoints 3 and 13 which are taken against the light, obscuring detail and viewpoints 10 and 12 which are blurred.

No details are provided of camera, lens focal length, field of view etc., which is a requirement of Landscape Institute technical note 6/19 - Visual Representation of Development Proposals.

Landscape baseline assessment and sensitivity

The 2.5km study area used in the LVIA is considered appropriate. The baseline assessment is generally thorough.

In respect of the Lowland Plains Landscape character Type (LCT) 3E and the Clyst Lowlands Farmland Devon Character Area (DCA) which extend across the western portion of the site, the LVIA assesses sensitivity as medium-low (LVIA para. 6.47) citing large scale military base, large farms, power-lines and busy main roads as detractors from the sense of remoteness and rurality in the study area. Such influences occur at the limits of the study area (VPs 14 and 15) and are not evident nearer the site where, as noted in the key characteristics for this landscape type, the area retains a pleasant and rural feel. The field to the west rises to a low ridge which forms the skyline and contains views within a quintessentially rural lowland landscape as evidenced in figure 1 below. As such sensitivity to the change proposed should be considered medium for this landscape.

Assessment of LCT 3B - Lower rolling farmed and settled slopes and DCA Pebble Bed Heaths and Farmland as medium sensitivity is accepted.

For the site and its immediate environs the fact that part of the site falls within the conservation area and the view across it is identified as key in the conservation area statement together with the established soft edge it provides to this part of the settlement should confer a medium-high value and medium-high susceptibility to change resulting in a medium-high sensitivity rather than medium as stated in the LVIA.

Visual baseline and receptor sensitivity

The LVIA selection of representative viewpoints is considered appropriate in relation to the proposals, site location and identified visual envelope.

Site and immediate surroundings - The LVIA assessment of sensitivity of views as Medium-High for viewpoints 1-4 and 8-11 and 13 and viewpoints 14-15 as Medium is accepted. In respect of VPs 5-7 sensitivity for walkers and cyclists should be considered to be Medium-High rather than Medium as stated in the LVIA. (photograph here) - see document tab

Proposals

At section 7 the LVIA fails to provide a full indication of the proposals and their expected effects. On the basis of the illustrative masterplan and supporting details these should be expected to include:

- The removal of a line of mature birch trees along the road frontage of the site in order to accommodate a new 2m wide footway.
- The creation of a visibility splay on the east side of Globe Hill opposite the proposed site entrance by cutting back or translocation of existing hedgerow. This could result in the loss of some early mature ash trees within the hedge line at this location.
- The introduction of a series of traffic calming measures along Globe Hill which are likely to entail additional highway infrastructure and possibly signage and

road markings which would have an urbanising influence on its present semi-rural character.

- The introduction of street lighting within the site combining with light-spill from the new dwellings within an otherwise 'dark' village edge.

While the LVIA notes the retention of existing field boundary hedgerows as part of the primary mitigation, the location of proposed housing in close proximity to these and their incorporation as part of individual plot boundaries as indicated on the illustrative masterplan would be likely to lead to their degradation in the medium to long term either through neglect or inappropriate management by occupants. A suitable buffer strip would be required between rear garden boundaries and the existing field hedgerow in order to avoid this.

Although indicative only, the proposed layout and house types suggests a suburban character estate which does not reflect the character and density of existing development which, notwithstanding the adjacent breakers yard, currently forms the well-established settlement edge in this part of the village.

Mitigation measures noted in the LVIA include the retention of views through the site between Globe Hill and the countryside beyond. However, proposed development would close down the existing view considerably and would be clearly evident even in the medium-long term, while the retained framed view to countryside beyond will be focussed along the line of the existing flood relief channel.

There is no consideration of likely construction stage effects.

Landscape effects

The finding of the LVIA that there would be no change to the special qualities of the AONB arising from the proposals is accepted.

In respect of the conservation area the proposed removal of five mature birch trees along Globe Hill and a section of hedgerow opposite, together with the introduction of traffic calming features do not appear to have been considered in the LVIA's assessment of effects. While the LVIA assesses the effect on the Conservation Area as low-medium adverse, accounting for the above overall effect should be considered to be medium-high adverse initially reducing to medium in the long term as mitigation planting matures.

For LCT 3E - Lowland Plains and DCA Clyst Lowland Farmlands LVIA para. 8.5.1 notes that development would either be hidden by topography or appear closely related to Woodbury. However in VPs 7, 8 and 9 the roofs and upper elevations of the proposed development would be clearly visible particularly in the western portion of the site and would appear as a thin strip of ribbon development extending some way westwards from the existing settlement edge into open countryside likely to result in a moderate adverse effect rather than slight as identified in the LVIA. For other LCTs and LCAs and the East Devon

AONB the LVIA's assessment of effects are accepted, as is the assessment of no change on the East Devon AONB.

For the site itself the LVIA assessment of medium magnitude of change arising from the proposals with an overall moderate adverse effect is disputed. Magnitude of change should be considered medium-high (permanent, large scale, localised). Notwithstanding slight beneficial effects that could arise in time, on the basis of site sensitivity being medium-high as noted above, overall effect of development on the site and its immediate surroundings should be considered moderate - high adverse rather than moderate adverse as stated in the LVIA.

Visual effects

Site and immediate surroundings -At para. 9.1.2 the LVIA incorrectly states that proposed housing would not be visible in VP2. New housing would be very prominent in this view initially and while this impact would be expected to reduce in the medium-long term it would still be visible particularly in winter. The proposed development would also be highly visible in VP4. For these viewpoints visual effects should be considered as moderate -high adverse initially reducing to moderate adverse over time subject to successful establishment of mitigation planting.

Views from the south of Woodbury - For VPs 5 and 6 the LVIA assessment of effect as slight adverse is accepted. However for VPs 6, 8 and 9 the magnitude of change is likely to be greater than stated in the LVIA as a substantial amount of the roofs and upper elevations of proposed housing would be visible in these views and would read as a linear extension of development in to open countryside. The overall effect of development in these views should be considered moderate adverse rather than slight adverse as noted in the LVIA.

Views from AONB and the west - It is accepted that proposed development would have minimal overall effect on views from the AONB and viewpoints towards the western edge of the study area (VPs 10, 11, 14 and 15).

View from the north - VP 13 affords a view over the site from Rydon Lane. The extent of the site visible in this view is not adequately represented in the LVIA photograph and extends westwards some distance beyond. Towards its western end proposed development would be seen against agricultural land.

2.2 Site plan and access arrangements

Proposed site plan

As noted above the overall suburban character evident on the illustrative site plan is at odds with that of the surrounding village edge and character, while the proximity of a number of proposed houses adjacent to the existing field boundary hedgerows and the incorporation of existing hedgerow into plot boundaries is likely to lead to their degradation due to poor management.

The proposed loss of the mature birch trees along the road frontage to Globe Lane to accommodate a 2m width footway will have an adverse impact on local

character and further open the development to views from Globe Hill. Potentially these could be retained were the proposed footway to be realigned to their west side, outside of their present redline area.

It is accepted that the proposed footpath link, orchard and public open space will afford green infrastructure benefits for the wider community and bio-diversity. The rationalisation and reduction of fencing to either side of the flood channel although not proposed would reduce visual clutter.

The proposed use of granite sett paving is inappropriate having no local precedent.

Access proposals

Proposed access arrangements and highway works to Globe Hill are set out in the Transport Statement and include for localised realignment of the carriageway in the vicinity of the site entrance and introduction of a series of traffic calming measures to either side which would have a strong urbanising effect on the existing character of the road. It is unclear from the submitted details what impact the proposed carriageway realignment would have on the existing boundary bank to the east side of Globe Hill would have on existing vegetation and it is possible that a section of hedge and associated trees would need to be removed to accommodate the required road take and associated grading works. Further details illustrating levels and extent of clearance and grading works for this should be provided prior to determination of the application.

3 CONCLUSION AND RECOMMENDATIONS

3.1 Acceptability of proposals

The landscape and visual effects of the proposed development are limited to the site itself and immediate surroundings including Globe Hill between the junctions with the Arch and Rydon Lane and extending to views from the south to a distance of some 1.2km. It is accepted that the likely effects on the AONB are negligible.

While this assessment is broadly in accordance with the submitted LVIA, the level of effects for identified receptors within this envelope is generally considered higher than predicted in the LVIA. This includes the Woodbury Conservation where the development would significantly alter the character of this section of Globe Hill, and the setting of the village particularly as perceived in views from the south (VPs 6, 7, 8 and 9) and west (VP4).

The indicative layout suggests a dense suburban character that is strongly at odds with the existing settlement pattern in the vicinity of the site and which is not conducive to the long term viability of the perimeter hedgerows.

Access proposals require further detail of the extent of vegetation clearance and grading works required to the east side of Globe Hill as part of the proposed carriageway realignment works.

For these reasons the application is considered unacceptable in terms of landscape and visual impact and contrary to Strategy 7 and policy D1 of the local plan.

3.2 Conditions

Should the application be approved the following conditions should be imposed:

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

a) A full set of hard landscape details for proposed walls, fencing, retaining structures, hedgebanks, pavings and edgings, site furniture, play equipment and signage.

b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.

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

c) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls at 1:250 scale or greater. This shall be accompanied by a minimum of 4 sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.

d) A landscape and green infrastructure strategy plan showing existing trees, hedgerow and habitat to be retained and removed; proposed tree and structure planting and new habitat to be created; existing and proposed watercourses, ponds and wetland areas; pedestrian and cycle routes through the site and how they connect to the existing network beyond

d) Surface water drainage strategy incorporating an appropriate SuDS treatment train and details of SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc. The SuDS scheme shall be designed to enhance bio-diversity value and engineered elements should have a positive or neutral impact on visual amenity.

f) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, which should include:

- a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.

- methods for stripping, stockpiling, re-spreading and ameliorating the soils.

- location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
- schedules of volumes for each material.
- expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
- identification of person responsible for supervising soil management.

g) A full set of soft landscape details including:

i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.

ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.

iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.

iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.

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

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

- Extent, ownership and responsibilities for management and maintenance accompanied by a plan showing areas to be adopted, maintained by management company or other defined body and areas to be privately owned/ maintained.

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

- A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.

- Landscape and ecological aims and objectives for the site.

- Condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.

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

o Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgelink guidance.

o New trees, woodland areas, hedges and amenity planting areas.

o Grass and wildflower areas.

o Biodiversity features - hibernaculae, bat/ bird boxes etc.

o Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.

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

- Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.

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

4) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.

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

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

Environmental Health

11/07/23 - I have considered the application and further information will be required in order to address environmental health concerns in relation to noise.

The development involves the introduction of noise sensitive dwellings in close proximity to an existing commercial business (car breakers). A

BS4142:2014+A1:2019 assessment should be undertaken in order to determine the noise impact from the neighbouring industrial/commercial business on the development. The purpose of the noise assessment is to determine whether or not future residents are likely to be adversely affected by noise.

This will help inform the decision making process for the proposed development. If the noise impact assessment highlights noise as an issue, mitigation will need to be considered and assessed in order to determine if it is at an appropriate level to achieve both satisfactory internal and external noise levels.

Contaminated Land Officer

11/07/23 - Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.

DCC Flood Risk SuDS Consultation

16/05/24 - Has the development proposals increased the density of dwellings?

Unfortunately, this reduces the space for above-ground features to form a SuDS Management Train. We previously said that we have no in-principle objections to the planning application, but we will now need to object to the planning application.

16/05/24 - Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved

permission:

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

(a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.

(b) Detailed proposals for the management of surface water and silt run-off 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.

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

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

Observations:

Following my previous consultation response (FRM/ED/1258/2023; dated 25th July 2023), the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, via e-mail, for which I am grateful.

The applicant has confirmed that the viability of the site requires the number of dwellings proposed.

The applicant has confirmed, within an email dated 21st May 2024, that permeable paving will be used for private drives. They have also confirmed that SuDS Planters could be offered to buyers as upgrades.

The applicant will need to ensure that groundwater does not impact on the proposed surface water drainage system.

DCC Flood Risk SuDS Consultation

25/03/24 - We've been consulted on the revised layout for the above site. Could some dwellings be removed to make space for some swales, rain gardens and/or tree pits?

DCC Flood Risk SuDS Consultation

25/07/23 - Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant has proposed to manage surface water within a basin and tank before discharging into the watercourse flowing through the site. This watercourse is classed as a Main River, therefore, the applicant will need to apply for a Flood Risk Activity Permit (from the Environment Agency) for works within 8m of the watercourse.

The Ground Investigation encountered shallow groundwater. The applicant will need to ensure that this will not affect the surface water drainage system.

The number of dwellings should be reduced to provide space for above-ground features to form a SuDS Management Train. There are currently areas of green space which could be used for these features (e.g.

forming a small rain garden or narrow swale to convey surface water from approximately 3 dwellings).

A swale should be assessed as the outfall from the basin into the watercourse. This might also be achievable for the car park.

The applicant has proposed to use a very small flow control to manage surface water from the car park (to the southeast of the watercourse). The applicant has also proposed to use a high overflow. The flow control should be regularly monitored to ensure that blockage does not occur.

County Highway Authority

18/12/23 - ED-01258-2023

The County Highway Authority (CHA) has visited the site and reviewed the planning documents.

This is an outline application so I will reserve comments upon the internal layout, until such a point that a reserved matters application should come forward.

The swept paths show successful manoeuvring of the proposed vehicular access utilising a refuse vehicle. The proposed access onto the B3179 has acceptable visibility in both the East and West direction in accordance with Manual for Streets 1 and 2 at 2.4m x distance by 43m y distance for a 30mph speed limit.

The CHA is pleased to see a highway traffic calming measure/gateway feature on the approach to the site in Globe Hill, including dragons teeth road markings and a neighbourhood sign feature. The final finish of this concept can be reviewed in detailed design should outline consent be given.

The 30 to 20mph speed change re-location will require a Traffic Regulation Order (TRO), this is not subject to the outcome of the planning application, it is approval that sits outside the planning system.

The 29 car park space will help alleviate visitor and tertiary parking demand from this development and mitigate against on-street parking, this car park is not due for adoption by the CHA. The widening of the footpath link to the village centre will help encourage sustainable travel and promote better compliance with DDA requirements.

It is accepted that the trip generation from this development will present an increase over that of which is already permitted under its agricultural use but I do not believe this would trigger a severity clause under the National Planning Policy

Framework (NPPF). However, the proposal does present a benefit to the highway network in form of an improved traffic speed calming feature into the entrance of the village, better footway and PROW access links and a public car park that may reduce parking upon The Arch.

Should a reserved matters application come forward, secure cycle storage for this development

should further assist in encouraging sustainable travel, especially for shorter trips. The local services and facilities of Woodbury including the primary school and doctor surgery will also help reduce vehicular trips, together with Woodbury's regular bus service.

Recommendation:

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

1. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in

advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

2. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with the East Devon Local Plan 2013-2031.

Addendum 15/12/2023

The final infrastructure layout for the Arch is to be discussed with the County Highway Authority (CHA) as part of a collective aspiration to improve the Arch area under a separate legal agreement.

County Highway Authority

14/09/23 - The County Highway Authority (CHA) has visited the site and reviewed the planning documents.

This is an outline application so I will reserve comments upon the internal layout, until such a point that a reserved matters application should come forward.

The swept paths show successful maneuvering of the proposed vehicular access utilising a refuse vehicle. The proposed access onto the B3179 has acceptable visibility in both the East and West direction in accordance with Manual for Streets 1 and 2 at 43m distance for a 30mph speed limit.

The CHA is pleased to see a highway traffic calming measure/gateway feature on the approach to the site in Globe Hill, including dragons teeth road markings and a neighbourhood sign feature. The final finish of this concept can be reviewed if a reserved matters application comes forward.

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It is accepted that the trip generation from this development will present an increase over that of which is already permitted under its agricultural use. However, the proposal presents a benefit to the highway network in an improved

traffic speed calming feature into the entrance of the village, better footway and PROW access links and a public car park that may reduce parking upon The Arch.

Should a reserved matters application come forward, secure cycle storage for this development should further assist in encouraging sustainable travel, especially for shorter trips. The local services and facilities of Woodbury including the primary school and doctor surgery will also help reduce vehicular trips, together with Woodbury's regular bus service.

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

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(b) daily hours of construction;

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(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in

advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

2. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with the East Devon Local Plan 2013-2031.

South West Water

17/07/23 -

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection

Please find attached a plan showing the approximate location of a public 6 inch water main in the vicinity of the above proposed development. Please note that no development will be permitted within 3.5 metres of the water main. The water main must also be located within a public open space and ground cover should not be substantially altered.

Should the development encroach on the 3.5 metre easement, the water main will need to be diverted at the expense of the applicant.

www.southwestwater.co.uk/developer-services/water-services-and-connections/building-near-water-mains/

Further information regarding the options to divert a public water main can be found on our website via the link below:

www.southwestwater.co.uk/developer-services/water-services-and-connections/diversion-of-water-mains/

Should you require any further information, please contact the Pre Development Team via email: DeveloperServicesPlanning@southwestwater.co.uk.

If further assistance is required to establish the exact location of the water main, the applicant/agent should call our Services helpline on 0344 346 2020.

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website:

www.southwestwater.co.uk/developers

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. Discharge into the ground (infiltration); or where not reasonably practicable,
2. Discharge to a surface waterbody; or where not reasonably practicable,
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
4. 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 the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

I trust this clarifies the water and drainage material planning considerations for your LPA, however, if you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: DeveloperServicesPlanning@southwestwater.co.uk.

Kind regards,

Peter

EDDC District Ecologist

20/08/24 - The planning balance support statement indicates the proposed outline development would result in a biodiversity net gain of 27% for habitats and 59% for hedgerows. This is considered to provide 'Significant' weight as it is exceeding 10%. However, no evidence is provided to quantify these gains including a completed biodiversity metric and condition assessment sheets.

The amended plans have increased the proposed density of housing on the site. As highlighted by EDDC landscape architect there should be a minimum 2 m wide maintenance strip between the northern and western boundary hedges to ensure the long-term maintenance of these hedges can be secured, e.g., by a management company. Other recommendations regarding biodiversity mitigation, compensation, and enhancement in the former ecology consultation response are still considered to be required.

It is recommended that the completed biodiversity metric and condition assessment sheets be provided to enable confidence in the predicted BNG outcomes and proposed 'Significant' weight attributed to this.

For example, hedges that form part of residential curtilages cannot be considered in more than 'Poor' condition, given the uncertainty of their long-term management. Likewise, any habitats (including trees) within residential gardens can only be considered as 'Vegetated garden'. New trees cannot be 'Medium' sized (30-60cm DBH) given their unlikely use, e.g., due to costs, likely success of establishment etc. These elements can have a significant outcome on predicted BNG outcomes. Therefore, the completed metric and condition assessment sheets can evidence that these elements have been considered and the predicted outcomes are realistic.

William Domett MSc MCIEEM

District Ecologist

Countryside and Leisure

East Devon District Council

EDDC District Ecologist

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mitigation, compensation, and enhancement in the former ecology consultation response are still considered to be required.

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EDDC District Ecologist

13/10/23 - Please see scanned letter under the 'documents' tab.

Devon County Council Education Dept

29/01/24 - Regarding the proposal for a development of 29 family-type dwellings, Devon County Council would need to request an education contribution to mitigate its impact. 29 family-type dwellings will generate an additional 7.25 primary pupils and 4.35 secondary pupils which would have a direct impact on Woodbury primary school and Exmouth Community College. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

In accordance with the Education Infrastructure Plan 2016-2033, DCC will consider the adopted Local Plan allocations in addition to the forecast spare capacity and already approved but not yet implemented developments. We will share the forecast spare capacity of an area proportionately between all outstanding development sites allocated in the Local Plan.

The local Primary School is forecast to not have capacity for the pupils likely to be generated by the proposed development. Therefore, Devon County Council would seek a contribution based on the number of pupils generated directly towards additional primary education infrastructure. The contribution sought towards primary is £123,953 (based on the DfE extension rate of £17,097 per pupil). This would relate directly to providing primary education facilities for those living in the development.

The local Secondary Schools are also not forecast to have capacity for the pupils likely to be generated by the proposed development. Therefore, Devon County Council would seek a contribution based on the number of pupils generated directly towards additional secondary education infrastructure. The contribution

sought towards secondary is £102,399 (based on the DfE extension rate of £23,540 per pupil). This would relate directly to providing secondary education facilities for those living in the development.

DCC would also require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from Exmouth Community College. The current costs required are as follows: -

4.35 secondary pupils

£2.65 per day x 4.35 pupils x 190 academic days x 5 years = £10,951

All education infrastructure contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on June 2020 rates and any indexation applied to these contributions should be applied from this date. All school transport contributions will be subject to indexation using RPI. Any indexation applied to school transport contributions should be applied from the date a section 106 agreement is signed for this application.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation). It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.

Devon County Council Education Dept

15/03/24 - Regarding the proposal for a development of 31 family type dwellings, Devon County Council would need to request an education contribution to mitigate its impact. 29 family type dwellings will generate an additional 7.25 primary pupils and 4.65 secondary pupils which would have a direct impact on Woodbury primary school and Exmouth Community College. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

In accordance with the Education Infrastructure Plan 2016-2033, DCC will consider the adopted Local Plan allocations in addition to the forecast spare capacity and already approved but not yet implemented developments. We will share the forecast spare capacity of an area proportionately between all outstanding development sites allocated in the Local Plan.

The local Primary School is forecast to not have capacity for the pupils likely to be generated by the proposed development. Therefore, Devon County Council would seek a contribution based on the number of pupils generated directly towards additional primary education infrastructure. The contribution sought towards primary is £132,501 (based on the DfE extension rate of £17,097 per

pupil). This would relate directly to providing primary education facilities for those living in the development.

The local Secondary Schools are also not forecast to have capacity for the pupils likely to be generated by the proposed development. Therefore, Devon County Council would seek a contribution based on the number of pupils generated directly towards additional secondary education infrastructure. The contribution sought towards secondary is £109,461 (based on the DfE extension rate of £23,540 per pupil). This would relate directly to providing secondary education facilities for those living in the development.

DCC would also require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from Exmouth Community College. The current costs required are as follows: -

4.35 secondary pupils

£2.65 per day x 4.65 pupils x 190 academic days x 5 years = £11,706

All education infrastructure contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on June 2020 rates and any indexation applied to these contributions should be applied from this date. All school transport contributions will be subject to indexation using RPI. Any indexation applied to school transport contributions should be applied from the date a section 106 agreement is signed for this application.

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In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.

Police Architectural Liaison Officer - Kris Calderhead

17/07/23 - Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application.

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

The POS to the rear of plots 20 and 21 is somewhat enclosed and whilst I appreciate plots 15 and 17 will provide some surveillance over the space, the

space does not appear particularly inviting and it also provides access to the rear boundaries and gates of plots 20 and 21. This could lead to the space being vulnerable to misuse and the plots vulnerable to intrusion.

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

Detailed design should include a layout that provides overlooking and active frontages to the new internal streets with accessible space to the rear of plots avoided. Should the rear boundaries of plots abut public space they should be afforded a buffer to prevent easy access.

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

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

Kris Calderhead

Designing Out Crime Officer

Exeter Police Station

Sidmouth Road

EX2 7RY

West Team

Planning Office

East Devon Council

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

- o Pedestrian routes throughout the development must be clearly defined, wide, well overlooked and well-lit. Planting immediately abutting such paths should

generally be avoided as shrubs and trees have a tendency to grow over the path creating pinch points, places of concealment and unnecessary maintenance.

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

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

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

If the 'car park for 30 parking spaces transferred to parish council' is intended for use by the parish council only, what measures will be in place to prevent misuse / conflict from other users?

o POS should be afforded an appropriate boundary treatment to prevent vehicle access.

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

17/07/2023

NHS Local (Eastern Locality)

04/08/23 - see report under "document" tab