

Ward West Hill And Aylesbeare

Reference 23/0727/MOUT

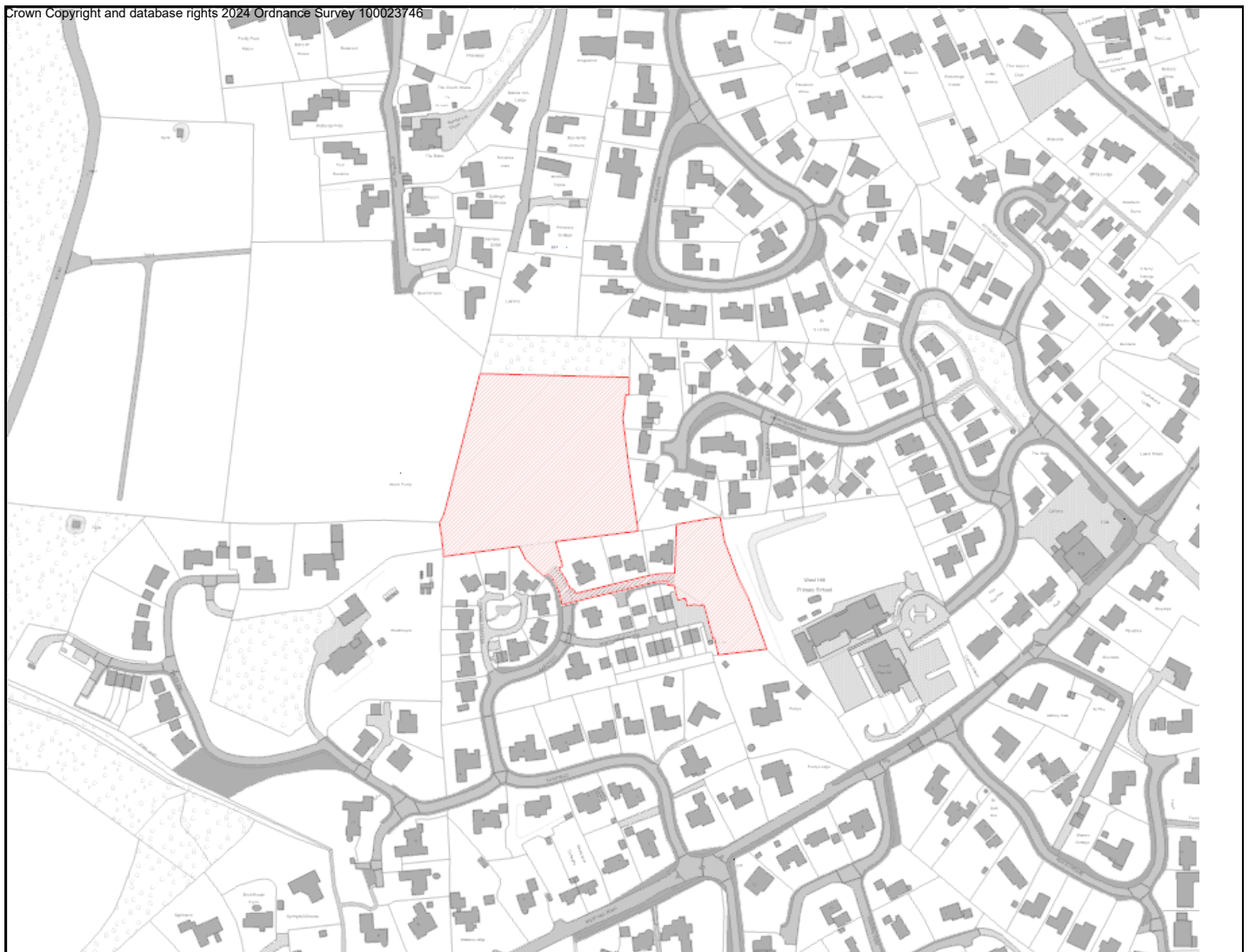
Applicant Blue Cedar Homes

Location Land North Of Eastfield West Hill

Proposal Erection of up to 30 dwellings with all matters reserved apart from means of access.



RECOMMENDATION: Resolution to approve with conditions, subject to the completion of a s106 legal agreement and to adopt the Appropriate Assessment



		Committee Date: 22.10.2024
West Hill And Aylesbeare (West Hill)	23/0727/MOUT	Target Date: 24.07.2023
Applicant:	Blue Cedar Homes	
Location:	Land North Of Eastfield	
Proposal:	Erection of up to 30 dwellings with all matters reserved apart from means of access	

RECOMMENDATION: Resolution to approve with conditions, subject to the completion of a s106 legal agreement and to adopt the Appropriate Assessment

EXECUTIVE SUMMARY

The proposal seeks outline consent for the creation of 30 dwellings including 50% affordable housing, with all matters reserved save for access. The planning application concerns two parcels of land in West Hill. To the north of Eastfield Gardens is the larger field parcel to be developed and to the east of Eastfield Gardens is a smaller parcel.

This proposal already benefits from a resolution to approve. Since that resolution the tilted balance, because of the December 2023 changes to the National Planning Policy Framework, would no longer apply within East Devon. This tilted balance ingrains a presumption to grant permission unless harm that is identified is demonstrable and significant. Further, updated comment from SWW represent a material consideration to take into account in the determination. These changes are addressed within the report below. However, these do not ultimately change the officer recommendation, notwithstanding the necessity for these issues to be addressed.

The site lies beyond the built up area boundary of West Hill and the proposed development therefore as a matter of principle contrary to the policies of the Local Plan. The district is currently able to demonstrate a 4 year housing land supply.

Nevertheless, the boost to housing supply represents a national objective and so must weigh heavily in favour of the development, even after accounting for the present housing supply. The proposal would bring about additional housing on what is considered to be a sustainable location with services and facilities within a walkable distance. There are no objections raised by technical consultees taking into account the context and constraints of this site. This

boost towards meeting housing supply forms a compelling material considered thereby justifying developing beyond former built up area boundaries. In addition, comments have been received by SWW regarding the capacity of Fluxton waste water treatment plant and provision of potable water. SWW have noted the need to upgrade the WWTW but pointed towards this being able to be carried out within the lifespan of any subsequent planning consent. Therefore conditions are suggested to overcome this issue.

As such, again, a recommendation of approval is made.

As the officer recommendation of approval conflicts with the views of a ward member, and as the planning balance has now changed, this application is referred to members of the Development Management Committee.

CONSULTATIONS

Local Consultations

West Hill And Aylesbeare - Cllr Jess Bailey

I wish to OBJECT to this planning application and firmly believe this application should be REFUSED.

LACK OF SUSTAINABILITY

There has been considerable development in and around West Hill in recent years meaning that the infrastructure is already under strain. Ottery St Mary which shares many services with West Hill, has seen growth of 25% in recent years.

The Kings School is oversubscribed for the year 7 intake (academic year 2023-4) which has resulted in 20 children from within the catchment area being unable to attend. Granting consent for this application will exacerbate this issue and will result in additional displacement of pupils from within the catchment area, including West Hill. This is not a sustainable approach to planning ' building more houses resulting in children being transported elsewhere to go to school.

Simply allowing a developer to make a monetary contribution to education does not overcome the issue as it is not possible for the School to simply enlarge its class sizes.

The Coleridge Medical Centre is already under considerable pressure and this is reflected by the surgery reducing its catchment area in recent years. New residents moving to Newton Poppleford are now no longer able to register as patients at the Coleridge Medical Centre, for instance, as a result of the boundary reduction. It would be wrong to further exacerbate the pressures on the surgery by building yet more houses in West Hill.

It is not acceptable to support substantial development which is proposed by this application unless and until the issues around existing pressure of infrastructure have been resolved.

It is also concerning to note that West Hill village shop has declined materially in recent weeks/months/years. It currently serves no fresh produce (milk, cheese etc) and has not done so for many months - since February 2023. West Hill cannot be considered a sustainable village without residents having access to even the basics in their local shop.

CONCERN ABOUT SURFACE WATER FLOODING

Approximately 100 houses flooded in villages close to West Hill on 9th May 2023 predominantly due to surface water run off. This very much emphasizes the precautionary approach that EDDC as planning authority must take in order to protect homes and residents and to avoid creating additional risks of run off and flooding.

I note the concerns expressed by residents about surface water flooding, springs, drainage and run off from the site. I very much share these concerns and their concerns that building on the site with houses and associated hardstanding etc seriously risks exacerbating existing surface water and drainage issues.

I note that the historic google maps imagery shows two long trenches across the site ' and the function of these needs to be identified and explained by the applicant.

I find it unsatisfactory that the ground investigation and environmental assessment is dated 2010 so is thirteen years old. This pre-dates the building work in the immediate area and an up to date investigation must be required.

As the Devon County Councillor I have called EDDC to formally consult with DCC a the Lead Local Flood Authority on this application.

TREES

As this is a split site the applicant should provide information about both parts of the site. However it appears the applicant has not included any tree information ' tree survey, constraints plan, arb impact assessment, in relation to the smaller of the two sites at Hawthorn Close. This is unacceptable and must be rectified particularly as there are significant trees on the eastern boundary of the smaller site.

This application is set to harm mature trees. The proposed entrance will encroach into the root protection areas of mature oaks T1 and T40. Tree T1 is a category A1 tree and tree T40 is a category B2 tree and so they should not be harmed or damaged in any way.

There are significant trees around the site, and the proposed development will cause unacceptable pressure on these trees ' with future inhabitants of the site inevitably wishing to reduce and fell due to shading and leaf drop.

I understand that the woodland in the north of the site is ancient woodland ' particular care and attention must be given to protection of this important area.

I am disappointed to note that there has been pre-emptive felling on the western boundary of the site. This is clearly visible from google historic mapping as having taken place between 2016-18.

I seriously question the applicant's arboricultural impact assessment which claims that the arboricultural impact is moderate to low when in all reality it is very high.

APPLICATION NOT IN ACCORDANCE WITH PLANNING POLICY

EDDC is currently reviewing its local plan, however due to changes in government policy that process has not been concluded and the site in question remains outside the built up area boundary.

There is therefore no planning policy support for this application. This is a greenfield site and I am strongly opposed to development on greenfield sites particularly when the full potential of brownfield sites in East Devon has not been fully explored. It is harmful to our natural environment and erodes the rural ambience of our village.

This application should be refused.

Parish/Town Council

West Hill Parish Council considered this application at its meeting on 23rd May 2023. Also in attendance were 35 members of the public who spoke against the proposed development during the public session at the beginning of the meeting. It is unusual to have so many public attendees at a Parish Council meeting, which demonstrates the importance of this issue to residents. It was clear that all of the public attendees objected to the application and none were in favour. The Parish Council's response reflects the issues presented by residents at the meeting and also from several emails sent prior to the meeting by residents unable to attend. Residents were reminded to also submit their comments direct to EDDC Planning Officers. Councillors considered the following:

1. The Proposal:

- The site has an extensive planning history included two planning appeals which were dismissed.
- The site is outside the current BUAB. The application is a departure from the Development Plan and is contrary to Strategy 7 (Development in the Countryside) and Strategy 27 (Development at the Small Towns and Larger Villages) of the Local Plan.
- The site is one of the preferred allocations in the Draft Local Plan, though the current proposal is for 30 houses rather than 25.
- 50% affordable housing is to be provided, which is policy compliant and a benefit of the proposal.

2. Flooding

- West Hill residents expressed serious concerns regarding the risk of flooding due to surface water run off from the site and underground springs.
- Over several years residents have previously contacted Blue Cedar Homes, WHPC and EDDC seeking to resolve the problem of flooding.
- The existing flooding problems affect properties in Perrys Gardens and Eastfield Gardens. Further development would aggravate this situation. Currently there are holding tanks underneath the area at the end of Hawthorne Close where further development is proposed. There must be a more robust system to deal with drainage issues.
- The flooding of East Devon communities on 9th May 2023 highlights the potential risks of water flowing off the sloped site into adjacent residential areas. Residents have provided EDDC with photographs taken of the site and neighbouring areas on/after 9th May which demonstrate how the site, nearby gardens and properties were affected. These evidence streams of water flowing down the site.

3. Sustainability:

- The walking distances to village facilities are above the upper end of acceptable. Although as the crow flies the village hall and primary school are close by, the walking distance is 1.0km. Other village facilities including the Royal British Legion Club, Church and bus stop are around 1.5km walking distance. This would likely increase reliance on the private car for most journeys and would therefore amount to non- sustainable development that would be contrary to the provisions of Strategy 5B (Sustainable Transport) and Policy TC2 (Accessibility of New Development).
- If a pedestrian access through to Bendarroch Road could be provided (with co- operation from the developers of the WH_04 site) this would improve access to a bus route and also improve general pedestrian connectivity for the village.

4. Infrastructure:

- During the recent public consultation for the Emerging Local Plan many residents expressed concerns regarding the serious deficiencies in infrastructure which should be addressed before further development is considered. This proposal could do much more to address these issues.
- Schools - West Hill Primary School is over-subscribed. The Kings School, Ottery, is also over-subscribed and unable to take all children within its catchment area.
- GP services are overstretched with long waits for appointments.
- There is a lack of public open space and a serious lack of sports and recreational facilities in West Hill. The public open space proposed in this application does not remedy this situation.

5. Highways and Road Safety:

- The roads within the existing Blue Cedar development are crowded and narrow, aggravated by on-street parking. At times larger vehicles such as delivery vehicles and refuse lorries are unable to pass. An additional 30 dwellings with limited visitor parking would aggravate this situation further and could prevent/delay access by emergency vehicles.
- Because of the lack of recreation and open space, children currently play on the street at Hawthorne Close and Eastfield Gardens, which are currently cul-de-sacs. If another 9 houses were built at the end of Hawthorne Close, the additional

traffic would make this too dangerous for children to play safely. This is aggravated by the lack of any suitable nearby public open space or play area.

6. Housing Need?

- The Housing Need of West Hill has not been established.
- A 2021 survey of residents identified the community's preference for smaller "downsize" properties.

7. Construction phase:

- Local residents have serious concerns over the disruption that would be caused during the construction phase. The estate roads are not suitable for HGVs and construction vehicles because they are narrow and because of on-street parking. The noise and nuisance from construction would be adverse for the elderly residents of Oak Tree Gardens and other local residents.
- The impact on other areas of the village, such as West Hill Road, should also be considered. During the development of the existing Blue Cedar development the transfer of materials from storage sites to the construction site caused significant disruption to residents and traffic.
- A robust Construction Environment Management Plan must be in place.

Having considered all of the above, and taking into account residents' comments, Councillors voted to OBJECT to this application.

Technical Consultations

DCC Flood Risk SuDS Consultation

25.08.2023

Recommendation:

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

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

- (a) A detailed drainage design based upon the approved 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/0727/202; dated 7th June 2023), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

It is understood that the applicant owns the downstream surface water drainage system, which they have proposed to connect into.

The ecological corridor should be designed appropriately, possibly with bunds in addition to the ditch, to provide management of potential overland flows.

Above-ground features should be used to form a SuDS Management Train.

Exceedance flows should be managed within open spaces.

South West Water (SWW)

Potable Water Supply

It is anticipated that suitable provision can be made within the existing network for the supply of potable water to the proposed development. The applicant is strongly advised to consider maximising the use water efficiency opportunities within the design of their proposals, as supported by adopted planning policy Strategy 3 and 38. The current average water use in the UK is approx. 142 litres/person/day [l/p/d] (Water UK, 2020), with the South West experiencing a higher-than-average consumption rate than the rest of England. With climate change progressing with trends set to add further stress upon available water resources, SWW would support the LPA imposing a condition requiring the optional Building Regulations requirement (G2) of 110 l/p/d for the proposed residential development.

The 125 litres/person/day water efficiency standard is a requirement of Building Regulations Approved Document G (2015 Edition), with the optional standard under Regulation 36(2) being 110 l/p/d being enforced if applied as a requirement within a planning condition. Due to the current trends towards increased stress upon existing water resources, their associated water use behaviour impacts, and the increased likelihood of annual drought conditions, SWW would support the inclusion of a condition securing the optional requirement of 110 l/p/d. Draft wording of a condition securing the G2 optional requirement is set out below.

Draft Condition: Prior to commencement of development approved by this permission, a Water Conservation Strategy shall be submitted for the written approval of the Local Planning Authority. The strategy shall include a water efficiency specification for each dwelling type, based on the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition or any future successor) demonstrating that all dwellings (when considered as a whole) are able to achieve a typical water consumption standard of no more than 110 litres per person per day, in line with Building Regulations Requirement G2. The approved strategy for each residential dwelling shall be subsequently implemented in full accordance with the approved details prior to first occupation of that residential dwelling and thereafter shall be retained.

Reason: To ensure that the development makes efficient use of water and promotes the principles of sustainable construction in line with Paragraph 154 of the NPPF and adopted policy Strategy 3 of the East Devon Local Plan (January 2016). This aligns with the joint statement produced by SWWL and the EA.

Surface Water flows –

SWWL note that the applicant has included a flood risk assessment & surface water drainage strategy dated June 2023 which indicated that soakaways are not feasible. The report indicates that the surface water is going to a surface water body. The detail in the report shows it is proposed to go to a surface water sewer. SWWL believes that that the discharge is being suggested to go to a surface water sewer which ultimate ends up in the Watercourse.

SWWL can confirm that there is capacity within its surface water sewer to take the domestic run off from the site (run off from roofs and driveways (land appurtenant to buildings) subject to the sewers being constructed in accordance with the Design and Construction Guidance (DCG).

The applicant should make separate arrangements to deal with: -

- Land Drainage – SWW is not a land drainage authority and so any land drainage from the site should go to an alternative discharge point.
- Highway Drainage – SWW is not the Highway Authority and the applicant should liaise with the Highway Authority in relation to this drainage.

SWWL requests the following information is provided:

- A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.
- Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- Proposals for the adoption and maintenance of the permanent surface water drainage system.

- A plan indicating how exceedance flows will be safely managed at the site.

- A build programme for the site.

Draft condition - The occupation of any dwellings approved by this permission shall not be authorised until written confirmation is received by the Local Planning Authority from SWW that the above has been approved and implemented in accordance with the details under 'a to e'.

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. SWWL offer a pre-development adoption evaluation service and the applicant is encouraged to use this service.

Foul Water Flows

It is noted that the applicant has stated within their Application Form that foul water flows are intended for disposal via mains sewer. In principle, SWWL does not currently hold any objection to foul water disposal through a connection to a public Foul Sewer; however, SWWL has previously experienced flooding in West Hill which has been resolved. SWWL needs to undertake some further hydraulic modelling on the network to see if there would be need for some further network improvements to be undertaken. If network improvements are needed it is likely to be in the form of surface water separation. It will take SWWL 3 months to complete this hydraulic modelling which will confirm the scope of any relevant improvements.

Draft condition - The occupation of any dwellings approved by this permission shall not be authorised until written confirmation is received by the Local Planning Authority from SWWL has completed its modelling and any network improvements required are completed, or 18 months from receipt of planning permission, whichever is sooner.

No development approved by this, or subsequent applications 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.

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.

Police Crime Prevention Officer

I appreciate that the layout of the site is only illustrative 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) and conform with both local and national planning guidance.

- 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.
- 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 needed 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.
- 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 / buffers should also be utilised where private space abuts public space in order to reduce the likelihood of conflict and damage etc.
- 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.
- 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.

EDDC Trees

16.08.2023

Recommendations:

Ensure that sufficient space is provided between the edge of the crowns and rear of the dwelling so that proximity issues do not arise. I currently have concerns over the

size of the gardens and level of shading for plots on the southern boundary and plot nearest to T10. Dwellings should be located further north & west (of T10). Car parking removed from RPA & crown spread of T28 and large buffer area to be retained between tree and nearby structures as other plots along the north boundary.

No objection in principle subject to planning conditions.

District Ecologist

21.08.2023

The amended ecological impact assessment and submitted biodiversity net gain calculator addresses my previous comments regarding completion of the ecological surveys and submission of further information.

The proposed ecological avoidance, mitigation, and enhancement measures (subject to the recommended conditions below), and indicative biodiversity net gain calculations are considered acceptable and proportionate.

Recommend conditions.

County Highway Authority

I have visited the site in question and reviewed the planning documents. All matters are reserved under this outline application except from access, therefore I will reserve commenting upon any future internal layout. Eastfield Orchards will facilitate the access to the northern parcel, with a 5m carriageway width, this meets our current best practice guidance, Manual for Streets (MFS) 1 and 2, which requires a minimum 4.8m carriageway width, allowing simultaneous access and egress. Along with a 2m footway, which also meets the basic design requirements of MFS. The Eastern parcel will be facilitated with an extension to Eastfield Gardens as a shared space facility.

Traffic speeds are generally low in this residential area and visibility for both accesses is good.

The County Highway Authorities (CHA) requirement is that development parcels under 40 dwellings in total do not require a Travel Plan, though I do recommend the provision of secure cycle storage to encourage sustainable travel, especially for shorter trips, to help mitigate the trip generation from this site.

I can also appreciate that as an established residential area, any construction period will need to be sensitive to the local highway network, therefore I also recommend a comprehensive Construction and Environment Management Plan (CEMP) to help mitigate any effects on the local highway network.

Overall, however, I do not envisage that should this application gain permission, an unsatisfactory trip generation intensification will occur on the local highway network.

No objection subject to recommended conditions.

Other Representations

To date there have been 44 objections to the proposal and 4 letters of representation;

Issues raised in the objections (in summary);

- Harm to the character and appearance of the area – over development, incongruous designs and out of character with woodland village
- Harm to surrounding trees (inc. TPOs)
- Land has a history of drainage and flooding issues
- Increase traffic would harm pedestrian safety – also result in wear and tear of existing highway
- Routes to services and facilities are inaccessible.
- Harm to ecological value of the land – harm to protected species.
- There is no need for the housing – conflicts with planning policies.
- Increased pressures on Infrastructure (oversubscribed schools, medical centres etc)
- Phosphates prevent housing
- Harm to amenity of surrounding residents – loss of light and overlooking.
- Environmental health harms arising from construction process

Issues raised in the representations (in summary);

- Environmental impact
- Additional car movements
- Impact on infrastructure
- Eroding woodland village
- West Hill doesn't need additional housing – too many houses proposed
- Noise, dirt and disruption
- Impacts on road
- Drainage issues

PLANNING HISTORY

Reference	Description	Decision	Date
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10/0761/MOUT	Outline application (seeking determination of means of access only) for the erection of 50 dwellings of which 20 to be age restricted dwellings and 30 to be for general needs housing, together with associated open space and necessary infrastructure, the change of use of part of the site to educational use and provision of a new building for educational purposes	Dismissed at Appeal	15.11.2011
95/P1395	Residential development	Dismissed at Appeal	29.07.1996

POLICIES

Ottery St Mary and West Hill Neighbourhood (Made)

Policy NP1: Development in the Countryside

Policy NP2: Sensitive, High Quality Design

Policy NP6: Valued Views

Policy NP8: Protection of Local Wildlife Sites and Features of Ecological Value

Policy NP9: Accessible Developments

Policy NP12: Appropriate Housing Mix

Policy NP13: Accessible and Adaptable Homes

Policy NP14: Demonstrating Infrastructure Capacity

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 2 (Scale and Distribution of Residential Development)

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5 (Environment)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 24 (Development at Ottery St Mary)

Strategy 34 (District Wide Affordable Housing Provision Targets)

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

Strategy 37 (Community Safety)

Strategy 38 (Sustainable Design and Construction)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 49 (The Historic Environment)

Strategy 50 (Infrastructure Delivery)
D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
D3 (Trees and Development Sites)
D6 (Locations without Access to Natural Gas)
EN5 (Wildlife Habitats and Features)
EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)
EN13 (Development on High Quality Agricultural Land)
EN18 (Maintenance of Water Quality and Quantity)
EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)
EN21 (River and Coastal Flooding)
EN22 (Surface Run-Off Implications of New Development)
H2 (Range and Mix of New Housing Development)
TC2 (Accessibility of New Development)
TC4 (Footpaths, Bridleways and Cycleways)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Government Planning Documents

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

Site Location and Description

West Hill 'the Woodland Village' is particularly notable for its unique low density wooded character. The rural quality of its verges and Devon banks, the glimpses of tree framed views and the maturity of the trees all contributes to West Hill's special character.

The application site concerns two field parcels;

Firstly, the larger of the two field parcel is positioned to the north of Eastfield Gardens. The existing road at Eastfield Garden terminates where the proposed access point of the development proposed would be located. Here in this location is an existing field gate positioned which allows access to the agricultural field beyond. As it exists today this access area has been laid with a track of unconsolidated material through an existing gap in the boundary hedge. This field is roughly rectangular in shape with land generally sloping down to the east. To the east of this site are the detached properties within Perrys Gardens and are situated at a lower level than the application site. To the north lies a belt of TPO trees and there are also notable protected trees around the perimeter with mature trees. To the west is another field parcel. At the time of writing there is a planning application pending for the erection of 36 dwellings (EDDC ref; 23/1143/MFUL) on this adjacent field parcel.

Secondly, the smaller of the two parcels of land lies to the east of Eastfield Gardens. This is a narrower field parcel more linear in shape and features high canopy mature trees along it's east boundary. Further to the east of this site lies the playing field of the local primary school, and to the west are the existing dwellings belonging to

Hawthorn Close and Eastfield Gardens. Both of these roads terminate adjacent to the west boundary of this application site. Generally the land slopes down to the east. There are protected trees around the perimeter of this site.

In terms of overall character there is a mixture of suburban residences of a larger size, often detached and centrally positioned within plots. The rear garden of these dwellings form the built up area boundary line.

Proposed Development

Although this proposed development is not in accordance with the adopted Local Plan it is worth noting that the consultation on the draft new Local Plan identifies this site as a preferred allocation. Although the emerging Local Plan carries little weight at this early stage it is worth noting the assessment work that has been carried out highlighted the potential for this site to be allocated;

WEST 06

Infrastructure implications: 36 ha development proposed. West Hill Primary has capacity to support limited development (requiring safe walking routes) but not on this scale. New primary and secondary capacity would be required and need to be funded by development. The Kings academy has previously clearly indicated it will not expand with significant investment and potentially new school.

DCC Highways: Assuming it has access to the new estate road off Eastfield access is fine

Landscape sensitivity - summary of findings: Located in Landscape Character Type 1C: Pebble Bed Heaths. Comprised of two fields- one to north of modern development at Eastfield Gardens, and a smaller field to west. Gently sloping west to east. TPO covers section of northern field, also along southern and eastern boundary. However overriding context of built form associated with modern development at Eastfield Gardens, along with dwellings along north eastern boundary.

Impact on historic environment - summary of findings: Around 400m to nearest designated heritage asset. Overall, no change to heritage assets or their settings.

Ecological impact - summary of findings: Agriculturally improved grassland. Numerous mature trees along site boundary, many of which are subject to TPOs. NRN and s.41 adjacent to south west boundary. However, relatively low ecological value of the site itself means that a minor adverse effect predicted (not significant)

Accessibility assessment: 6 out of 12 facilities within 1,600m of site. Pavement and street lights present along most of the route to the school, village hall, shop nearby to the south west, but there are some gaps along West Hill Road.

Other known site constraints: Grade 3 agricultural land.

Whilst located in a Mineral Safeguarding Area, Devon County Council has stated the potential area of resource is small and already constrained by existing built development and therefore unlikely to be economic - as such DCC do not object.

Adjacent to Local Green Space to the east (primary school recreation field). Part of larger site (incl land to south which is now developed) for 50 dw dismissed at appeal in 2011 (10/0761/MOUT) because it would encroach onto an attractive tract of countryside, would perform poorly in relation to the objectives of sustainable development, and would not accord with the spatial vision for the district.

Site opportunities: Provide pedestrian/cycle access through Eastfield Orchard Amended Maximum Yield following discounted areas on site: 25

Brief summary of the key positives and negatives of the site: Positives: Suitable highways access off Eastfield Gardens. Close to school, shop, village hall, with pavement and street lights present along most of the route. No change to heritage assets. Adjacent to existing development, so less sensitive landscape.

Negatives: TPO covers woodland in northern part of site (although this area has been excluded when calculating the yield).

Should the site be allocated? Yes Reason(s) for allocating or not allocating: The scale of development on this site would help deliver the district-wide housing requirement in a manner that is consistent with the spatial strategy. Relatively good pedestrian access to facilities, along with suitable highways access. No change to heritage assets. Adjacent to existing development, so less sensitive landscape

The emerging local plans site allocation for this location can be summarised as;

Positives: Suitable highways access off Eastfield Gardens. Close to school, shop, village hall, with pavement and street lights present along most of the route. No change to heritage assets. Adjacent to existing development, so less sensitive landscape. Negatives; TPOs

This site was discussed during the Strategic Planning Committee on 23rd September 2024 in relation to its allocation for residential development as part of the Regulation 19 submission. At this meeting the vote was carried to include this as part of the emerging local plan.

ANALYSIS

The proposal seeks outline planning consent for the creation of up to 30 dwellings. This planning application is made in outline with all matters reserved apart from the access which is to be assessed at this stage. As such the main issues are the following;

- the principle of the development and the impact on the supply of 5 year housing land supply on the decision making process
- The need to maintain a healthy housing supply and trajectory going forward

- whether occupiers would be in suitable proximity to access services and facilities without the need to private modes of transport
- the impact on the character and appearance of the area
- the impact on the highway network
- the impact on trees (including protected trees)
- the impact on ecology
- the impact on surface water drainage, potential flooding in the area and foul drainage – specially taking into account recent advice from SWW..
- the requirement for affordable housing
- mitigating the impact on infrastructure
- the planning balance

Addressing each issue in turn;

The principle of the development and the impact of the supply of housing land supply on the decision making process

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

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

Planning legislation is clear that planning applications should be determined in accordance with the development plan, unless other material considerations suggest otherwise. One such consideration is the National Planning Policy Framework (NPPF). The NPPF states that plans and decisions should apply a presumption in favour of sustainable development. Paragraph 11 of the Framework, in the decision-taking section states:

For decision-taking this means:

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

; and

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

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

; or

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

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, 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.

Members should also be aware that paragraph 14 of the Framework advises that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made. In this instance the proposal takes place in West Hill. Whilst West Hill and Ottery St Mary has a 'made' neighbourhood plan this was 'made' more than five years ago from the time of writing. Accordingly, paragraph 14 of the Framework does not affect the application of paragraph 11 under this proposal.

The above noted the proposal needs to be assessed against the development plan and other material considerations.

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

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

The need for housing over the next five years is a crucial consideration in planning decisions. According to paragraph 69 of the National Planning Policy Framework (NPPF), local planning authorities must identify specific sites for housing for the next five years and broader areas for growth for the subsequent 10-15 years. This means that a responsible and proactive council should be looking beyond the mere 4 and 5 year timescales, 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. Within 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 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 being subject appealing planning decisions. These decisions often relied on overly optimistic policy assessments, resulting in a compounded effect on future planning. The experience of these authorities shows that it takes time to recover (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 significant 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.

The ability of occupants to reach services and facilities

The NPPF advocates the creation of places that promote social interaction and encourage walking and cycling, thereby helping to provide inclusive and safe places which support healthy lifestyles. The 'village core' of West Hill can reasonably be identified as West Hill Road area which features the school, hall and shops/post office or, to a lesser extent, Bendarroch Road where the Church and Legion Club are sited.

In terms of sheer distances from the entrance of the north site it is 600m to the shop and 870m to the village hall and school. The legion club is 1,040m away and the church (St Michael's) is 1,700m via school lane.

The government published Manual for Streets states 'walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to 800m) walking distance of residential areas which residents may access comfortably on foot. Not only is the distance of important but so too is the nature and character of the route, for example; is it safe for pedestrians and cyclists? Is it well lit? Is the terrain challenging? Is it protected from the elements?

The previous 2011 appeal noted that whilst the village shop is nearby the lack of footways on West Hill Road would deter some residents from walking there. As such the Inspector in 2011 considered that the site was not well related to local facilities and services and not in a location with good public transport access. The majority of the route to the village shop features a pavement, however it is recognised that the main road would have to be crossed several times. Moreover, there is also short distance of no pavement along the main route (West Hill Road) to the village shop, school and village hall due to the restrictive width of the highway. En route from the site to these destinations the length of West Hill Road with no pavement stretches for approximately 15.0 metres. This is the only section along this route with no pavement.

Pedestrian users would be need to be aware and responsible traversing this short section and Manual for Streets recognises that drivers must take the road and traffic conditions into account. This is the situation faced by all residents of the village such

that most drivers will be aware of the likely shared nature of the road surface. So whilst this lack of pavement could deter some pedestrian users from reaching the local shop this is not to say that it represents an unacceptable safety issue that would force users with no alternative but to travel by cars.

The planning policy landscape and context has changed much in the intervening period since that appeal decision. Governmental guidance in the form of the NPPF provides for a compelling material consideration. Further, the East Devon current local plan was adopted in January 2016 and Manual for Streets has been updated.

The sites are situated within reasonable distance to services and facilities on offer within West Hill. On balance, noting the short stretch with a lack of a pavement and the fact that the legion club and church are in excess of 800m there are adequate pedestrian and cycle linkages to the majority of services on offer within the village. There are also bus stops nearby which provide suitable linkages further afield.

Taking all of the above into the balance the proposal is considered acceptable in relation to policy TC2 of the local plan and policy NP9 of the Neighbourhood Plan (NP).

Impact on the character and appearance of the area

The proposal, with the introduction of housing, would fundamentally change the character and appearance of this part of the landscape. The field to the north appears agricultural in nature. Perimeter hedgerows and mature trees (inc. TPOs to the north) which provide for a high quality environment a common feature on the fringe of this village. The verdant character of the village is displayed in this area. Within the NP West Hill valued 'viewpoint 1' looks towards the general direction of this site, but direct views are obscured to a large extent by intervening field boundaries and topography.

The proposal relates to a greenfield site which has not been previously developed. Previous appeal decisions have concluded that the site is visually associated with and forms part of the surrounding countryside and makes a valuable contribution to the rural setting of West Hill. Since the latest of those assessments made in November 2011 the lower field parcel adjacent this site has been developed. The north larger site is effectively bounded on three sides with residential development. However, there is a buffer of mature high canopy trees along the northern part which benefits from formal protection and as such prevent visual association in this direction. Although some of the comparatively recent development to the south features two storey properties the general surrounding area is recognised as low rise.

The smaller east parcel of land is arguably better integrated with the previously developed land. It protrudes less into the countryside (compared to the northern parcel) and so would appear more integrated with the built form of the village. Therefore whilst there would be an intrinsic change to the character of this field this would be less noticeable due to the surrounding developed land. Put simply it would read as a less drastic change in character and instead read as a continuation of the existing build form of a residential estate.

Although layout is a reserved matter and therefore not for consideration at this stage the quantum of the development is known and illustrative layouts provided to give indication of how this can be accommodated within the confines of the site. Whilst noting that the evidence base of the emerging local plan suggested a figure of 25 dwellings the 30 dwellings now proposed does not appear overly cramped in terms of layout or incompatible with that of the surrounding residential development. The illustrative layout shows a development of similar grain to that of the surrounding suburban areas which adjoin the site and therefore from intervisibility vantage points the development would provide continuity and harmonious integration with surrounding residential development. Although illustrative this layout would broadly accord with policies NP2 and NP26 of the NP which establishes principles of a high quality design.

If approved the reserved matters should seek to introduce planting, with minimal harsh means of the enclosure to maintain the verdant character and appearance of the village. Features, specifically mentioned in policy NP1 of NP would need to be addressed, protected and retained under the reserved matters.

However, mitigatory landscape measures such as additional planting to soften the appearance would not overall prevent the intrinsic change in character which would arise on the larger north field parcel. In this regard although the evidence base of the emerging local plan views this site as a natural infill of the settlement there would nevertheless be some character harm in conflict with policy D1. This intrinsic change from a rural to urban character, viewable from several public vantage points, weighs against the scheme.

The impact on the highway network

Access is a matter to be considered at this stage. The larger north parcel of land seeks connection to the existing highway network of the adjacent residential estate. Two separate access points would facilitate access to the smaller field parcel from Eastfield Gardens and Hawthorne Close each. The key consideration at this point is the impact of increased traffic movements on the existing highway network. Devon County Highway in their role as a consultee have reviewed the proposal.

Eastfield Orchards would facilitate the access to the northern parcel. With a 5m carriageway width this meets best practice guidance which requires a minimum 4.8m carriageway width thereby allowing simultaneous access and egress. The 2m footway proposed also meets the basic design requirements of MFS. The Eastern parcel would be facilitated as an extension to Eastfield Gardens.

Devon County have noted that traffic speeds are generally low in this residential area and visibility for both accesses is good.

The requirement is that development parcels under 40 dwellings in total do not require a Travel Plan. However, provision of secure cycle storage to encourage sustainable travel, especially for shorter trips, to help mitigate the trip generation from this site are suggested.

The highway officer does not envisage that should this application gain permission, an

Unsatisfactory trip generation intensification would occur on the local highway network.

Whilst layout is a reserved matter the illustrative layout would appear to make appropriate room for parking serving the dwellings. However, this shall be assessed in more detail at reserved matters stage.

Given the above this outline consent is considered to comply with policies TC7 and TC9 of the local plan.

The impact on trees (including protected trees)

Within the northern portion of the northern larger parcel of land is a distinctive thick belt of trees protected by a TPO. There are also category A trees around both sites which could be affected by the proposal. Aside from the health and retention of such trees for their own sake these also contribute greatly to the defined character of area.

A detailed tree survey including tree constraints plan and arboricultural impact assessment was required for the smaller site to the east of Eastfield Gardens / Hawthorne Close so that the impact on the trees on site can be assessed.

There is no objection to development of either parcels of land based on appropriate design. This adequately considers the constraints posed by significant trees on /adjacent to both sites. For the avoidance of doubt careful construction using a no dig solution will be required for the access road between category A and B trees T1 and T40 are required.

On the small parcel of land there is a degraded hedge along the east boundary and there are some category A trees which act as a constraint.

Both sites contain large mature significant trees which are protected. These trees pose a significant constraint to the site due to their size and associated issues and concerns that would arise due to proximity of mature trees to dwelling; namely concerns over risk of failure, leaf and debris fall, shading and future growth potential which may lead to pressure to prune or remove trees.

The construction of car parking area within the RPA of T28 (category A Oak) has been identified as not appropriate as construction within the RPA should only occur in exceptional circumstances. Therefore parking spaces shown on illustrative plans would need to be located outside of the RPA of T28. The tree has low crown touching the floor and still has significant growth potential. Some of the large upper branches are not considered 'great' and the lower branches act as a damper to upper branch movement. Crown lifting has the potential to expose these limbs and so increase the risk of failure.

With regards to the northern larger area the Tree Protection Plan (TPP) identifies the area of the existing gate, between T1 and T40, as requiring a method statement to ensure successful construction of the road. The gateway provides the most suitable access point as the ground has been heavily compacted over many years from the

former livestock use. It is agreed that the most viable access point is in this location and suitable mitigation controls can be put in place to reduce any impacts to acceptable levels.

With regards to the eastern smaller area this has two access points on the western boundary that link into the adjacent housing developments. These are clear of the key trees and the access can be achieved without any impact on the retained trees.

Whilst the larger trees cast shade in the southern areas the daylight levels on overcast days (approximately 60-70% in the UK). Therefore, diffuse daylight levels will be good and sufficient to illuminate dwellings in accordance with national standards and design guidance.

The spatial relationship between trees and dwellings can be dealt with at a detailed design stage. Overall the site has development potential for the density proposed.

The tree officer has some outstanding concerns over the size of the gardens and level of shading for plots on the southern boundary and plot nearest to T10. Dwellings should be located further north & west (of T10) with car parking removed from RPA & crown spread of T28 and large buffer area to be retained between tree and nearby structures as other plots along the north boundary. However, these comments relate to layout and there is no reason as to why these could not be resolved at this stage. As such the tree officer went on to consider appropriate conditions for this outline application.

Accordingly, subject to conditions the outline proposal is considered to comply with policy D3 of the Local Plan.

The impact on ecology

The amended ecological impact assessment and submitted biodiversity net gain calculator addresses previous comments from the District Ecologist regarding completion of the ecological surveys and submission of further information.

The proposed ecological avoidance, mitigation, and enhancement measures (subject to the recommended conditions below), and indicative biodiversity net gain calculations are considered acceptable and proportionate

ODPM Circular 06/2005 states: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

In terms of protected species within the site;

Amphibians - The site is within a great crested newt consultation zone. However, no records of great crested newts were returned within the search, with no ponds being

present on site or within 250m of the site boundary. There is no suitable habitat for this species on site.

Badgers - There were three records of badger within 2km of the site from the last 15 years, the closest recorded 220m south of the Site. No setts were present on the Site at the time of survey, although badgers are widespread in the area and may use the site for occasional commuting and foraging.

Bats - The surveys recorded nine species of bats using the hedgerows and tree lines, consisting predominantly of common pipistrelle (European Protected Species; EPS) and soprano pipistrelle (EPS, SPI). The surveys recorded nine species of bats using the hedgerows and tree lines, consisting predominantly of common pipistrelle (European Protected Species; EPS) and soprano pipistrelle.

The rare and light averse species lesser and greater horseshoe bats (EPS, SPI, Annex II species) were recorded in low numbers per night at all automated detector locations with a maximum average of 1.4 passes per night from lesser horseshoe bats on the southern boundary of the northern parcel and 0.9 passes per night of greater horseshoe bats on the northern boundary of the northern parcel adjacent to the woodland.

Birds - The barn owl was recorded 1.1km from the Site. There were 12 records for red listed Birds of Conservation Concern (BoCC) species returned, including records for linnet, woodcock and yellowhammer, and 26 records for amber listed BoCC, including records for redwing, tawny owl and sparrowhawk. There were three records for Devon Biodiversity Action Plan (DBAP) species returned, including two records for nightjar, also an amber listed species.

Dormice - There are two records of hazel dormouse (EPS, DBAP) within 2km, located 1.1km southeast and 1.5km south of the Site. A nest tube survey in 2022/ 2023 recorded dormice within the Site. It is not deemed a significant impact, and therefore a Dormouse Mitigation Licence will not be required. A dormouse nest was found in the south-western parcel in June 2023.

Invertebrates - There are 20 records of notable invertebrates within 2km of the Site. There is one record of silver-studded blue butterfly, which is listed under Schedule 5 of the Wildlife and Countryside Act (WCA) 1981.

Reptiles - There were 15 records of reptiles within 2km returned from DBRC. This included four records for adder, the closest located 1.1km from the Site; three records for common lizard, the closest located 1.6km from the Site; five records for grass snake, the closest located 1.3km from the Site; and three records for slow worm, the closest located 1.1km from the Site. The habitats within the site were of low potential value to reptiles.

The development would result in the loss of 1.06ha of modified grassland, 0.01 bramble scrub and a maximum of 10 m of hedgerow for access.

The following mitigation and compensation measures will be undertaken;

- Impacts on important ecological designation – Special Area of Conservation contributions to mitigate impacts on the internationally designated East Devon Pebblebed Heaths Special Protection Area (SPA); During construction, protect hedgerows using temporary fencing in accordance with BS 5837:2012‘Trees in relation to design, demolition and construction’;
- No clearance of vegetation during breeding bird season, or with a pre-works check for active nests and nests buffered until chicks have fledged;
- Mitigation for the presence of dormice including a fingertip search will take place by a licenced ecologist during hedgerow removal;
- Prior to and during construction the grassland will be maintained at a short sward height through grazing or cutting to ensure that the Site does not become suitable for reptiles to colonise the Site;
- Good working practices prior to/ during construction, including capping of large pipes and trenches to prevent mammals from becoming trapped and provision of a CEMP;
- A retained 10m dark zone of <0.5Lux on the northern parcel, adjacent to the woodland copse;
- Closed board fencing will be used on the western boundary to retain a 2m wide flyway for bats, with a Lux
- Plan showing <0.5Lux provided at the Reserved Matters stage;
- A 2m buffer on all boundaries, outside of the curtilage of property owners will be enhanced with species-rich grassland planting;
- Species-rich grassland planting will be provided in the attenuation basin;
- No direct lighting to boundaries during construction or operation to prevent fragmentation effects for bats, including in the northeastern car park adjacent to the northern buffer.

Additional recommendations have been provided in order to enhance the site for biodiversity post-development, including:

- Enhancement of the woodland through native planting;
- Integrated bat and bird boxes along with five tree mounted bat boxes including three for barbastelle bats;
- 13cm x 13cm cut outs within all solid fences to allow passage of hedgehogs through gardens and across the landscape.

Derogation tests

Given that bats were found to use the hedgerow and trees, and further that badgers may use the site for commuting and foraging it is necessary to consider these aspects in light of the derogation test. Natural England can only issue a licence if the following tests have been met:

- the development is necessary for preserving public health or public safety or other imperative reasons of overriding public interest;
- there is no satisfactory alternative; and
- the action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range.

Whilst decision makers should have regard to the 3 tests above it should be noted that the LPA is not expected to duplicate the licensing role of NE. An LPA should only refuse permission if the development is *unlikely* to be licensed pursuant to the derogation powers *and* Article 12 of the Habitats Directive was likely to be infringed.

In terms of public interest this proposal as a matter of principle accords with the national level of significantly boosting housing supply from which some economic and social benefits could accrue. Alternative scenarios are not easily discernible, however, improving the biodiversity of the site would occur through recommendations of the ecology report and Biodiversity Net Gain. There is also a consensus that in order to provide housing, thereby meeting a public interest, greenfield sites such as this would need to be developed. Given what has been reported for this site, the fact suitable mitigation measures are proposed and both of these elements have been found acceptable by the council's ecologist there is no reason why a license would not be issued or why Article 12 would be infringed.

As a consequence, there is no reason to suggest that, from the LPA's perspective, the proposal would be likely to offend article 12 of the Habitat Directive or that a licence would be withheld by Natural England as a matter of principle.

Summary

Based on the information received and proposed mitigation measures the council ecologist raises no objection. Taking into account all of the above the proposal is considered to accord with policy EN5 of the East Devon Local Plan, NP8 of the NP, the NPPF and reflective of guidance within circular 06/2005

The impact on surface water drainage, potential flooding in the area and foul drainage, and access to drinking water. specifically taking into account recent comments from South West Water (SWW),

It is clear from the objections received from adjacent properties, reinforced by the parish comments, that there is concern regarding surface water drainage in this area. Many objections refer to existing on going drainage issues which have reportedly occurred in recent times. The site is not in floodzone 2 or 3 and it is not in a critical drainage area.

The development appears to be proposing to manage surface water within a detention basin, as well as attenuation tank and permeable paving, before discharging into a surface water sewer.

It is understood that the applicant owns the downstream surface water drainage system, which they have proposed to connect into.

Above-ground features should be used to form a SuDS Management Train with exceedance flows managed within open spaces.

Ongoing discussions have been taken place with DDC Lead Flood Team to ensure that surface water is properly disposed of in line with the aims to meet sustainable urban drainage systems. Ultimately an acceptable solution has now been arrived at. The DCC Lead Flood Team have no in-principle objections to the proposed development at this outline stage, assuming that certain pre-commencement planning conditions are imposed on any approved outline permission.

The development has been demonstrated to satisfactorily conform to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan.

According to the submitted details foul water would connect to the existing sewer system.

There is a duty on SWW under s94 and s37 of the Water Industry Act 1991 (the WIA) to provide capacity to accommodate new developments, the water company have a statutory duty to accommodate new developments. This duty is enforceable under s18 of the WIA. In planning terms, while concerns have been raised that neither SWW or by extension an enforcing authority are meeting those commitments, the NPPF (at para 194) specifically requires that in taking planning decisions it should be assumed that separate pollution control regimes, in this case including the WIA, should operate effectively. This does not mean that a proposal to operate with an unsustainable or inappropriate foul drainage scheme cannot be considered, but does apply where a proposal is to connect to a mains drainage network and there is no objection from the water undertaker (as is the case).

SWW notes there has previously been flooding in West Hill but which has been resolved. However, SWW needs to undertake some further hydraulic modelling on the network to see if there would be need for some further network improvements to be undertaken if further housing is to be built. If network improvements are needed it is likely to be in the form of surface water separation. According to SWW it would take 3 months to complete this hydraulic modelling which will confirm the scope of any relevant improvements.

Regarding potable water usage, SWW acknowledge future pressures on potable water supply need to be addressed. The current average water use in the UK is approx. 142 litres/person/day [l/p/d] (Water UK, 2020), with the South West experiencing a higher-than-average consumption rate than the rest of England. With climate change progressing with trends set to add further stress upon available water resources, SWW would support the LPA imposing a condition requiring the optional Building Regulations requirement (G2) of 110 l/p/d for the proposed residential development.

The 125 litres/person/day water efficiency standard is a requirement of Building Regulations Approved Document G (2015 Edition), with the optional standard under Regulation 36(2) being 110 l/p/d being enforced if applied as a requirement within a planning condition. Due to the current trends towards increased stress upon existing water resources, their associated water use behaviour impacts, and the increased likelihood of annual drought conditions, SWW would support the inclusion of a condition securing the optional requirement of 110 l/p/d.

Therefore, SWW support the proposal subject to a planning condition securing the G2 optional requirement regarding potable water use and a Grampian condition requiring a review of foul water treatment capacity with mitigation provided if necessary, prior to occupation. The response sets out that such requirements can be made achievable within the lifetime of the consent so that a Grampian condition would be reasonable.

Given the above it is considered that foul water drainage from the proposal and supply of potable water can be suitably accommodated and should not be used as a reason to withhold planning consent.

The requirement for affordable housing

The submitted heads of terms offer a commitment to deliver a minimum of 50% of the affordable housing prior to 50% open market housing occupation AND to provide 100% affordable housing prior to 75% occupation of open market housing take place.

Policy requirement inside the BUAB of West Hill in line with adopted policy would have been 50% and in the countryside 50% and so as weight cannot be given to BUABs there should be no difference between the two requirements. It would be the following reserved matters which would establish layout to finalise the position of such affordable housing over the two sites.

Strategy 34 sets a target of 70% for rented accommodation and 30% for affordable home ownership and so this should be secured within the s106. The above is compliant with the stance the local planning authority is taking without an adequate housing land supply in place.

The offer of 50% affordable housing is unchanged since the last time this item was presented to committee and remains policy compliant.

Mitigating the impact of the development on infrastructure

As noted within the evidence base of the emerging local plan the school facilities are near capacity. Others have also noted that the medical facilities, the closest being in Ottery St Mary, are nearing capacity. At the time of writing the NHS have not responded to consultation request to date, but if a request is made this can be verbally updated at the committee meeting.

Similar concern has been noted with regards to capacity levels at nearby schools; this development will be CIL liable which includes a proportion of funding for education infrastructure.

Whilst CIL will provide for some aspects such as education it will be necessary for a s106 to provide a contribution towards the other elements.

In order to mitigate the impact of this development a legal agreement is being drafted to secure the following;

- Provision of onsite affordable housing (50% of the total number of houses)
- Provision of Open space and maintenance of (to comply with strategy 43 of the LP)
- Arrangement of maintenance for any grassland/parkland/communal areas.
- Secure and maintain BNG
- To require public access across a pedestrian link to the adjacent field to the west in perpetuity.

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 policy NP14 of the NP.

Other matters

Agricultural Land Classification

Policy EN13 of the EDDC Local Plan and advice contained in the NPPF suggest that agricultural land falling in Grade 1, 2 or 3a should not be lost where there are sufficient areas of lower grade land available or the benefits of development justify the loss of the high quality land. It would appear that the land is grade 3 agricultural land although our maps do not differentiate between grade 3a or 3b. Taking into account the quantum of agricultural land that could be lost in the northern parcel (the east parcel does not appear to hold much agricultural potential) this would equate to approximately 1.06ha. It would appear that there are large amounts of other land in the locality of higher quality land. As such it is considered that the loss would not significantly harm agricultural interests or the national food supply.

Amenity

The proposal has been made in outline with appearance and scale reserved matters. It is clear that there are surrounding properties of each site which could be impacted upon in terms of amenity without proper consideration or appreciation of the surrounds. Specifically the properties at the eastern end of Eastfield Gardens and Hawthorne Close, side on to the smaller site would need to be taken into account. With regards to the larger northern parcel the properties on Eastfield Gardens and the dwellings along Perrys Gardens would need to be taken into account. Appropriate separation distance and consideration for the positioning of windows to habitable rooms are needed when layout and appearance are to be considered. However, illustrative plans show that the quantum of development can be achieved without undue pressures on site boundaries (in part due to tree constraints) thereby offering suitable separation distances.

With regards to the land north of Eastfield it is noted that there are several properties in proximity to the proposed access point. Given the distances between the proposed access route and these surrounding properties although noise and lights from vehicles movements could be noticeable there is nothing to suggest that this would be to an unreasonable degree to compromise harm to living standards of occupiers.

Given the above the proposal is considered to be acceptable under policy D1 of the local plan.

The Planning Balance

The planning history shows that this site was dismissed at appeal for residential development in 2011. However, the development plan has changed since then and so too has national guidance in the form of the NPPF Accordingly, both the development plan and material consideration differ from 2011.

There has been an identified conflict with the policies of the adopted local plan – in this instance principally with strategy 7 which seeks to prevent expansions of settlements into the countryside and policy D1 due to the harm to the existing character of the larger north field parcel. The loss of potentially higher quality agricultural land also could weigh against the scheme, notwithstanding that similar quality land appears plentiful in the area.

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. This proposal would bring about some shorter term economic benefits through the construction phase as well as longer lasting social benefits in making housing available at a time when this is much needed. This provision of housing (including 50% affordable housing) is one of the main thrusts of the NPPF and accordingly this is given significant weight in the planning balance.

It needs to be made clear that there are no objections raised by technical consultees, subject to conditions.

In terms of the social benefits, the scheme would deliver some additional housing, adjacent to a sustainable village and in line with the National Framework's aim to significantly boosting the supply of housing. There is a general acceptance that the release of additional greenfield sites will be necessary to meet the Council's housing trajectory.

It has been identified that the site would provide an accessible location relative to local services and facilities thereby encouraging active travel modes and public transport. There are significant protected trees around the perimeter and these contribute greatly to the character of the area. However, no objections are raised by the tree officer as sufficient details have been submitted to demonstrate the trees can be retained. Ground conditions are such that a robust SuDs scheme would be required and DCC Lead Flood team are satisfied that this can be accommodated. No objections are raised by the council's ecologist with suitable mitigation measures provided. The

highway officer has not raised any objection to the increased traffic on the existing highway network. Whilst some amendments to the layout are likely to be required at reserve matter stage but that does not weigh against this outline.

From a social perspective affordable housing is needed within the district and with half of the proposed number being affordable this would help booster this social element.

Mitigation of the scheme to account for impacts such as the requirements to protect and maintain open space, secure affordable housing, and ensure BNG are not to date secured, as there is no completed s106 legal agreement at the time of writing. However, should members resolve to approve the scheme it would be subject to the completion of a s106 which is the appropriate mechanism to secure such mitigating contributions.

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

Furthermore, the new governments draft NPPF is currently out to consultation, although it has no weight at present as it is subject to change. Nevertheless, going forward it is clear that a return to mandatory targets for housing targets, removal of 4 year and the return of 5 years targets are advocated. If realised in the final NPPF version this would essentially reverse the December 2023 amendments to mean that once again further housing, where suitable, should be supported in the absence of an advanced local plan.

Although the evidence base for the emerging local plan takes a macro level look at the suitability of sites for allocation the benefits mentioned therein have, to a large extent, been agreed with as per the above report.

When taking all of the above into account the conflict with residential development beyond built up area boundary's, and harm to the intrinsic character of the countryside resulting from the larger north parcel of land, this is not considered to outweigh the benefits (noted above). Therefore it is concluded that the benefits of the development, including the need to bolster housing supply within the district are material considerations that outweigh the conflict with the development plan.

As such, given the above a recommendation of approval is made, subject to completion of a s106.

Appropriate Assessment

The nature of this application and its proximity to the Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its

neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. A legal agreement securing the contribution can be secured and on this basis significant effects would be avoided.

Statement on Human Rights and Equalities Issues

Human Rights Act:

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

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

RECOMMENDATION

Resolve to APPROVE subject to the following conditions, adoption of the Appropriate Assessment above and completion of a s106:

1. Application for approval of all 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 one year from the date of approval of the last of the reserved matters to be approved.
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).
2. Approval of the details of the layout, scale and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved

matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

3. No development shall take place until a revised Construction and Environment Management Plan (CEMP) (to include schemes for the suppression of dust and air quality measuring and mitigation has been submitted to and agreed in writing with the Local Planning Authority. The development shall not proceed otherwise than in strict accordance with the CEMP as may be agreed unless otherwise agreed in writing with the Local Planning Authority.
(Reason - To ameliorate and mitigate against the impact of the development on the local community in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan)
4. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.
(Reason - To ameliorate and mitigate against the impact of the development on the local community in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan)
5. Prior to their installation, a schedule of materials and finishes, including British Standard or manufacturer's colour schemes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls, roofs and ground surface materials of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
6. The development shall not proceed other than in strict accordance with the Flood Risk Assessment and Surface Water Drainage Strategy dated 15th June 2023 and conducted by Pegasus Group. (Reason – To ensure that the drainage and flood risk of the development is suitably mitigated in accordance with policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan).
7. Prior to the commencement of development 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 dwelling hereby permitted shall be occupied until the works which relate to the dwelling or site area 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).

8. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details. The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS. The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

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

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

9. No development shall commence until a Biodiversity Management Plan to ensure that there is a quantifiable net gain in biodiversity 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, objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 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 – to ensure that the development has no adverse effect on protect 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 development shall proceed in accordance with the submitted ecological impact assessment (GE Consulting, July 2023). No works shall commence until the following information has been submitted and approved in writing by the Local Planning Authority.
 - o A Landscape and Ecological Management Plan (LEMP),
 - o Construction and Environmental Management Plan (CEMP); and

- o A detailed lighting design for bats following Devon County Council (2022) guidance, including provision of lux contours illustrating dark corridors, i.e., where predicted lighting levels are not in excess of 0.5 lux.

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

The location and design of biodiversity features including bird boxes (at a ratio of 1 per unit), bat boxes, insect bricks, permeable fencing and any other features should be clearly shown on plans supporting a detailed application. The development shall be carried out in accordance with the agreed details.

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

11. Prior to commencement of development the Planning Authority shall have received an 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;

The development shall be carried out in accordance with the agreed CMP.

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

12. 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 prior to the occupation of the dwelling to which they relate.

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

13. The development shall not proceed other than in strict accordance with the recommendation, mitigation measures and enhancements detailed in the Ecological Assessment dated July 2023 conducted by GE consulting. (Reason -To ensure protected species are managed in an appropriate way in accordance with Policy EN6 (Wildlife Habitats and Features) of the East Devon Local Plan.)

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

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

15. The layout approved at the reserved matters stage shall include provision for a pedestrian public access link to the adjacent field to the west of this site. The link shall be provided prior to the occupation of the 20th dwelling and shall be retained to provide public access through the site to the west in perpetuity. (Reason – In order to provide suitable pedestrian linkages to reduce reliance on private modes of transport and promote sustainable forms of travel, in accordance with policies Strategy 5B (Sustainable Transport) and TC2 (Accessibility of New Development) of the East Devon Local Plan).

16. Prior to development above slab level of any dwelling on the development approved by this permission, a Water Conservation Strategy shall be submitted for the written approval of the Local Planning Authority. The strategy shall include a water efficiency specification for each dwelling type, based on South

West Water's run off destination hierarchy including the use of measures such as smart water butts, rainwater harvesting, grey flushing toilets. The approved strategy for each residential dwelling shall be subsequently implemented in full accordance with the approved details prior to first occupation of that residential dwelling and thereafter shall be retained.

Reason: To ensure that the development makes efficient use of water and promotes the principles of sustainable construction in line with Paragraph 154 of the NPPF and adopted policy Strategy 3 of the East Devon Local Plan (January 2016).

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

(Reason: In the interests of pollution control, the environment and amenity in accordance with Policy EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) and EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan. This needs to be a pre-commencement condition to ensure that the impact and therefore control of sewage and surface water discharge outputs from the site are fully understood and any necessary upgrades to the sewage infrastructure identified and agreed, together with a time scale for implementation)

Plans relating to this application:

220501 L 001 rev	Location Plan	20.04.23
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List of Background Papers

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