

Ward West Hill And Aylesbeare

Reference 23/1143/MFUL

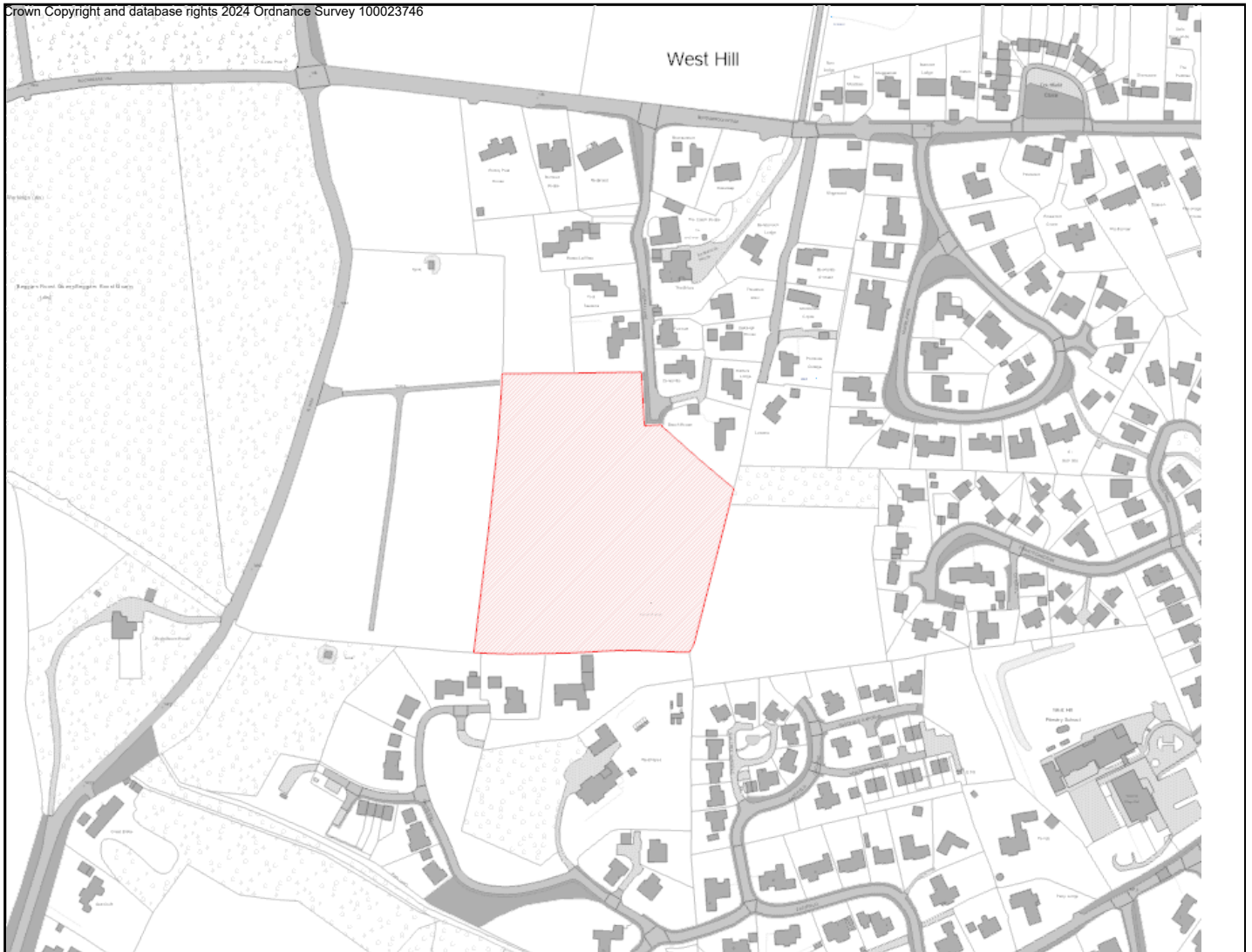
Applicant Mr Bill Richardson (Strongvox Ltd)

Location Land South Of Windmill Lane West Hill

Proposal The erection of 34 dwellings (35% of which will be provided as affordable housing), formation of access, open space and associated infrastructure on land to the South of Windmill Lane, West Hill.



RECOMMENDATION: Approval with conditions, subject to completion of a s106 and adoption of an Appropriate Assessment



		Committee Date: 22.10.2024
West Hill And Aylesbeare (West Hill)	23/1143/MFUL	Target Date: 12.09.2023
Applicant:	Mr Bill Richardson (Strongvox Ltd)	
Location:	Land South Of Windmill Lane, West Hill	
Proposal:	The erection of 34 dwellings (35% of which will be provided as on site affordable housing and 15% offsite affordable housing), formation of access, open space and associated infrastructure on land to the South of Windmill Lane, West Hill	

RECOMMENDATION: Approval with conditions, subject to completion of a s106 and adoption of an Appropriate Assessment

EXECUTIVE SUMMARY

The proposal seeks full planning permission for the erection 34 dwellings on current agricultural land on the fringe of the built up area of West Hill. Members will also be aware of a recent planning application on land to the east of this application site for outline consent 23/1143/MOUT for 30 dwellings (currently pending).

This planning application seeks a vehicular access on to Windmill Lane, with improvements to the access with Bendarroch Road. In addition, a pedestrian link through to this adjacent application site is shown on the layout.

The site lies beyond the built up area boundary of West Hill and 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. As a result the presumption in favour of sustainable development applies and so called “tilted balance” assessment are not required to assess whether any adverse impacts of granting consent would significantly and demonstrably outweigh the benefits.

The boost to housing supply reflects a national objective and so must weigh heavily in favour of the development at the present time. The proposal would bring about additional housing on what is, on balance, a sustainable location with services 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 to the housing issue, comments have been received by SWW regarding the capacity of Fluxton waste water treatment works 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. suggested to overcome this issue.

As such a recommendation of approval is made.

As the officer recommendation of approval conflicts with the views of a ward member this major application is referred to Members of the Development Management Committee.

CONSULTATIONS

Local Consultations

Parish/Town Council

These comments are submitted under delegated powers as the meeting at which West Hill Councillors were due to discuss the application was inquorate and had to be cancelled.

West Hill Parish Council objects to the application. The Parish Council held a public meeting on 29th June 2023 to allow residents to give their views. Around 40 people attended. We have tried to reflect the public's views in our comments.

Relevant Policies

- East Devon Local Plan 2013-2031
- East Devon Villages Plan 2018
- Ottery St Mary & West Hill Neighbourhood Plan
- NPPF
- Emerging Local Plan 2020-2040
- Emerging Local Plan 2020-2040: HELAA Site Assessment West Hill 04:

o "General comment for all sites: Factors such as settlement character and proximity, housing type and size, impact of development on infrastructure, and other impacts such as other noise sources, air quality, ground conditions and contamination, topography, or mitigation measures may also further reduce site potential."

Background:

- In 2013 EDDC refused an application for the construction of 2 no. residential dwellings (13/2624/FUL) and the subsequent appeal was dismissed by the Planning Inspector.

- EDDC has not maintained a suitable supply of housing within the district (currently standing at 4.65 years, not the required 5). Paragraph 11 of the National Planning Policy Framework (NPPF) states that where the policies of the Local Plan are out of date, which is the case here in the absence of a 5 year housing land supply, then a so called 'tilted balance' is applied, unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

1. The proposal is outside the Built Up Area Boundary as defined in the adopted Local Plan and is therefore in open countryside.

2. The proposal of 36 dwellings is 44% more than originally stated in the draft East Devon Local Plan (EDLP). Although the site features in the draft Local Plan as being "suitable" for development, the Plan is still a considerable way from being adopted and therefore the site should be judged on previous planning applications which were rejected due to the adverse impact on the landscape.

3. The 50% affordable housing provision cannot be relied upon. The published pre-application advice indicates that the developer originally sought 35% affordable housing, based on the EDDC emerging Local Plan, which is still in the early stages of consultation and subject to change. The adopted Local Plan requires 50% affordable housing provision. However, the developer could still try to argue that 50% affordable housing provision is not economically viable.

4. West Hill has already provided more dwellings than needed to comply with the EDLP 2013-31, with around 80 dwellings already built or with extant planning permission. In addition to the current proposal for 36 dwellings, there are 2 other significant planning applications in West Hill, as yet undetermined, which could provide a further 54 dwellings. Excessive levels of new house building will put pressure on the infrastructure of the village – notably primary school provision, secondary school provision, health services, and public open space and recreation facilities, and also on community cohesion.

5. West Hill's special character is set out in the Neighbourhood Plan for West Hill and Ottery St Mary "From afar the village appears simply as a wooded area" with low density development and houses set within spacious plots and "Dwellings are generally set well back from the road". The proposed development does not adequately reflect that special character, instead appearing urban, devoid of character and of a higher density than normal for the village.

6. In 2013 EDDC refused an application for the construction of 2 no. residential dwellings (13/2624/FUL) and the subsequent appeal was dismissed by the Planning Inspector: "the main issues in this case are the effect of the proposal on the character and appearance of the area, and whether the new dwellings would be in a sustainable location.

- Section 6.25 of the Planning Statement refers to key viewpoints: "The study has reviewed potential impacts associated with the development from nine key viewpoints and concludes that the proposed development site is visually contained by surrounding existing mature deciduous and coniferous vegetation. Intervening

vegetation and the nature of the existing topography limit views towards this proposed development site. The only potential effects are from within and around the immediate vicinity of the site along Windmill Lane, from properties backing onto the proposed development site and glimpsed views along the B3180.”

- The Landscape & Visual Assessment documents also refers to the viewpoints however Section

8 Appendix lists 15 figures which are not provided. It is unclear how the impact on the landscape can be properly understood without them. Does it take into account that many of the trees in the village are broadleaf, deciduous trees?

7. Neighbourhood Plan Policy NP26: West Hill Design, states that proposals for development should reflect the established character and development pattern of their surroundings and should preserve key features of the village, including trees, hedgebanks, spacious gardens and individuality between properties. The proposed development achieves none of this. The proposed boundary treatments (close boarded fences, walls and railings) are contrary to Policy NP26.

8. The local infrastructure – West Hill Primary School, Kings School in Ottery, Coleridge Medical Centre is unable to accommodate an increased population arising from further development. Coleridge Medical Centre has already had to reduce the practice boundary to protect its service provision for patients and we understand that there is no room on its current site to expand. Kings School could not accommodate all of the children within its catchment area in this year’s intake. In the site assessment in the emerging EDLP, DCC Education commented that “New primary and secondary capacity would be required and need to be funded by development.”

We note and support the concerns raised by contributor of Dr Kerr of Coleridge Medical Centre.

9. West Hill has very limited community recreational facilities. There is no outdoor communal open space for residents to use and the village youth football teams (West Hill Wasps) have no home ground. Perhaps with co-operation between Strongvox and Blue Cedar at the adjacent site something more meaningful in the way of recreation space could be provided.

10. There is no safe walking route from the proposed site to village facilities/bus stop, all of which involve walking on Bendarroch Road. There are few footpaths/lights. This will encourage residents living in the new development to use their cars rather than walk or cycle, contrary to Policy TC2 (Accessibility of New Development) of the adopted EDLP. The site plan shows a path which appears to not join up with anything. The published pre-application advice states that the “submitted layout shows a pedestrian linkage to the site to the east. However, this would not provide any connectivity unless this adjacent site is also developed, with this third party also agreeing to provide a link.” The Transport Statement uses an unreasonable walking speed to assess the time for an average person to walk to the village facilities.

11. Flooding and drainage have not been adequately considered. Some of the properties appear to rely on private foul-water pumping stations and private drainage networks for surface run-off. There is already flooding into neighbouring properties – we know of at least three properties that currently bear the brunt of the runoff and suffer from flooding in driveways and garages – this will surely be worse with the land built on. The clay soil provides no soakaway and there are aquifers known to be in the area. The Drainage/Surface Water Strategy makes reference to using the existing structures on the proposed/existing Blue Cedar sites. But the DCC Lead Local Flood Authority response (23/0727/MOUT land north of Eastfield) states “at this stage we object... because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered...”

12. We are concerned about the location of the SUD alleviation pond, which is in the area of open space and thus a hazard to children.

13. The Transport Statement states that there is an “opportunity relative for its location for residents to travel by sustainable travel modes as a realistic alternative to single occupancy vehicular travel.” However, public transport in the village is limited during the day and none at night – so new residents will be more car dependent, which is not sustainable.

14. Windmill Lane is very narrow and frequently has vehicles parked on the roadway. Additional traffic will increase the danger of pedestrians coming into conflict with vehicles. We are also concerned that emergency vehicles may not be able to access the site if Windmill Lane is blocked or inaccessible.

15. We note the comment from Natural England that a Habitats Regulations Assessment (HRA) has not been provided with the application. How then can the impact on wildlife be properly assessed?

16. We note the issues raised by the Police Architectural Liaison Officer.

17. Should the application be approved, we request that the developer works with residents and the Parish Council to design a scheme that is more acceptable to residents and more in keeping with the character of West Hill, better safeguards wildlife, mitigates the lack of outdoor recreational space in the village and addresses the many concerns from neighbouring properties regarding flooding and drainage. We also request that during the construction phase, restrictions are in place to cover hours of working, no vehicles parking in Windmill Lane or on Bendarroch Road, materials stored solely on site etc to minimise disruption to residents in neighbouring properties and across West Hill.

18. Furthermore, if planning permission is granted, due to the increase in vehicles using Bendarroch Road, we request that traffic calming measures are mandated at the developer’s expense. Data from the Parish Council’s vehicle activated speed signs shows this road to suffer from drivers habitually exceeding the 30mph speed limit.

The Parish Council will submit further comments as necessary.

Finally, West Hill is now subject to three major planning applications. Whilst each application should be considered on its merits the Parish Council is extremely concerned that the cumulative effect could be hugely detrimental to the character of the village:

- The density and visual impact of the proposals is urban and out of character with the rural nature of the “woodland village”.
- West Hill does not have the current infrastructure to support for this level of growth.
- The only community facilities available to younger residents is a small children’s playpark suitable for under 12’s.
- West Hill does not have open space for recreational activities.
- The village roads are unsuitable for greater volumes of traffic: they are typically narrow, unlit lanes, without road markings, twisty and steep.

- The proposed developments are unsustainable:
 - o Public transport is sparse and mostly operates within daylight hours.
 - o There are no employment opportunities in the village. Householders will use their vehicles to travel to work.
 - o Village facilities are very limited. Householders will use their vehicles to access facilities in neighbouring areas.
 - o Local schools have no additional capacity. Householders will use their vehicles for travel to/from school.

06.12.23

From WHPC meeting on 5th December 2023

WHPC response to planning application 23/1143/MFUL Land south of Windmill Lane (amended) - the erection of 36 dwellings (50% of which will be provided as affordable housing), formation of access, open space and associated infrastructure.

The Parish Council has previously objected to this application. At their meeting on 5th December 2023, Councillors discussed the amendments and found no justification for changing their previous objection. The Parish Council continues to object to this application. Councillors noted objections from residents recently submitted both on the planning portal and directly to WHPC, as well as residents attending the Council meeting on 5th December, and have taken those into consideration.

The lack of a 5-year housing land supply in East Devon is a matter of extreme frustration for Councillors and residents. Because of this, West Hill is currently being subjected to several large-scale speculative applications which threaten to overwhelm the character of the village. Paragraph 11d of the NPPF (so-called "tilted balance") does not apply where the adverse impacts of development would significantly and demonstrably outweigh any benefits. The only perceived benefit of

this proposed development is that it would count towards the district's 5-year land supply, whereas the adverse impacts for West Hill are many.

The application should be assessed against the adopted Local Plan, not the updated Plan currently being drafted. In the adopted Plan, the application site is outside the BUAB and is therefore in open countryside.

The amended application does not address the significant adverse impacts of development at this site on which WHPC and residents have commented:

- o Landscape - the draft East Devon Local Plan assesses the site as suitable for a maximum of 26 houses, but the application is for 36 houses. The site is visible from East Hill and the density and urban style of the proposed development will adversely affect the landscape in and around West Hill.
- o Flooding and drainage - with extreme rainfall the pond could overflow into the neighbouring site and the proposed surface water drain will be inadequate for major storm flows causing localised flooding. Residents already report flooding onto neighbouring property, even though the site is currently still a green field. The pond in the proposal is potentially a hazard for children.
- o Unsustainability - future residents will be completely dependent on cars to reach employment, health, education and leisure facilities, most of which are outside West Hill.
- o Access from Windmill Lane is unsuitable for site traffic and subsequent additional car traffic.
- o Trees - the development is still too close to protected trees and will lead to future pressure from residents to prune back due to shading and overhanging. A recent planning appeal in a neighbouring Parish (22/0173/FUL in Rockbeare) was dismissed because of the effect of the proposal on the retention of protected trees, despite the proposal not encroaching on the root protection areas. The Inspector noted "the inharmonious positioning and height of the development would be likely to significantly exacerbate these pressures from potential future occupiers, particularly in relation to pruning. This would, in turn, be likely to harmfully affect the quality of the group of trees that make a significant and positive contribution to the visual amenity of the area. As such, the longevity of the trees would be likely to be put under significant pressure through the lifetime of the development as proposed...As such, the proposed development would be contrary to Policy D3 of the East Devon Local Plan, adopted January 2016 which, in this respect, seeks to ensure developments deliver harmonious and sustainable relationships between structures and trees and do not result in a net loss in their quality."
- o There is insufficient open space allowed in the development for children to play and West Hill lacks any community outdoor space for children and teenagers other than a small playpark for primary-age children.

The infrastructure in the village cannot cope with further development - Coleridge Medical Centre is severely under pressure, the village dentist is not accepting any more patients, West Hill Primary School is oversubscribed, as is Kings School in Ottery.

The current proposal is urban, too dense and out of keeping with the character of West Hill.

WHPC respectfully requests that this application is refused.

However, if the application is approved, the Parish Council requests:

- o The pedestrian path shown on the site plan should be mandated to link to the path in the neighbouring site - recently approved on land north of Eastfield (23/0727/MOUT) - to improve pedestrian connectivity with Bendarroch Road.
- o During construction, restrictions are in place to cover hours of working, no vehicles parking in Windmill Lane or on Bendarroch Road, materials stored solely on site etc to minimise disruption to residents in neighbouring properties and across West Hill.

04.01.2024

Councillors discussed this application at their meeting on 3rd January 2024. They noted that the Parish Council was notified of the application on 22nd December however the supporting documents were not made available on the planning portal until 2nd January 2024. This left virtually no time for residents or Councillors to examine them in detail before the WHPC meeting. Councillors noted that the number of dwellings had been reduced by two and the percentage of affordable housing had also been reduced from 50% to 35% (contrary to the pre-application advice given to the developer by Planning Officers). The density of the development, although reduced slightly, is still out of character with West Hill and contrary to NP26 of the Neighbourhood Plan: new development will maintain the low density pattern of development in West Hill and should reflect built density and layout of the surroundings.

A representative from the Windmill Lane residents spoke in objection, highlighting a number of serious issues still remaining:

1. A surface water drain appears to encroach on the Root Protection Area of trees - this does not seem to have been picked up by the Tree Officer.
2. The final ecology report, requested months ago, has not been submitted.
3. Windmill Lane is not a suitable access for such a large development which will generate increased traffic.
4. Flooding remains a serious issue and residents are concerned about the lack of accountability for flooding on their properties when the development is complete - who will be responsible in future?
5. There is an overlooking issue where one bungalow in particular will be overlooked by two-storey houses from the proposed development.

Councillors agreed the amendments did not change their previous comments and unanimously voted to continue their objection to the application.

25.01.2024

West Hill Parish Council - further comments to amended application 23/1143/MFUL
Land south of Windmill Lane

These comments are submitted under delegated powers because the deadline for comment expires before the next Parish Council meeting.

Several residents attended a WHPC meeting on 16th January 2024 to voice their concerns and state their continuing objection to the application.

WHPC continues to object and stands by its previous comments. In addition, and of particular concern, is the issue of flooding from the site to neighbouring properties. The Parish Council is concerned that this matter has not been adequately addressed.

Councillors note that on 6th July 2023, the DCC Flood and Coastal Risk Officer objected to the application and listed various concerns:

"At this stage, we object to the above planning application because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome our objection, the applicant will be required to submit some additional information, as outlined below....."

However, there appears to be no further comments from the DCC Officer on the many amendments and further information submitted by the applicant, including those related to flooding and sewerage.

Councillors also note that South West Water were invited to submit consultee comments. Yet again, they appear to have declined to comment on a major planning application.

The site itself is in flood zone 1 i.e. with a low probability of flooding from rivers and the sea. However, the experience of residents is that surface water runoff from the field onto Windmill Lane is currently a serious issue for neighbouring properties on the eastern side of the lane. Two WHPC Councillors recently met residents at Windmill Lane to see for themselves. The application site slopes west to east. During heavy rainfall, surface water runs off the field and onto Windmill Lane. It then runs down a steeply sloping part of the lane towards a property (Hunters Lodge) at the bottom of the slope. During heavy rain the water overwhelms existing drains at the top of the slope and a channel drain near the bottom of the slope. The resident at Hunters Lodge has had to construct a series of gullies and barriers to deflect the water away from the front of his house. The water then runs down the steeply sloping driveway, down the side of the house where it eventually forms a large pool at the bottom of the garden.

Councillors are very concerned that if surface water flooding is a problem now, when the field is undeveloped, it will be much worse if the field is developed and the natural drainage is reduced by hard paving and landscaping. The impermeable area plan submitted with the application shows that the total impermeable area will be 0.872 Ha on a total site area of 2 Ha i.e. 40% of the land area will be impermeable.

The weather events currently causing the flooding on Windmill Lane are becoming more commonplace and Councillors believe that the proposal does not adequately address the risk of higher rainfall due to climate change.

Councillors are also aware that concerns were raised by East Devon District Councillors at the Strategic Planning Committee meeting on 9th January 2024 regarding sewage discharges by South West Water into the rivers and coastal waters around the Exe valley. Councillors respectfully suggest that if the current sewage processing infrastructure is unable to cope with demand, consideration should be given as to whether it is advisable to approve any more major planning applications in the District until the infrastructure is improved.

In conclusion, West Hill Parish Council continues to strongly object to this application.

Clerk To West Hill Parish Council

In addition to our previous comments, West Hill Parish Council has agreed the following comments.

The revised National Planning Policy Framework (NPPF), December 2023, states that local planning authorities should demonstrate 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 that a four-year supply of housing applies to 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 emerging East Devon draft local plan is sufficiently progressed to benefit from this provision. East Devon District Council can demonstrate a 4.5 year housing land supply. Therefore the presumption in favour of sustainable development (so-called tilted balance) in paragraph 11d of the NPPF need not be applied

West Hill And Aylesbeare - Cllr Jess Bailey

I wish to register my very strong OBJECTION to this planning application. My reasons are as follows:

1. Contrary to what EDDC planning officers have stated in their pre application advice (which was published at my request), there most definitely is NOT access to 'an appropriate level of services and facilities'. This is not a sustainable location because in all reality future residents will be heavily car reliant. Services and facilities are limited and the bus service is poor (and recently the services were recently downgraded further). Future residents will invariably need to use cars to get to the doctors and the supermarket, or event to reach a park, as we don't even have any playing fields to kick a ball around in. What is more there are no employment opportunities within West Hill (which is recognized in the emerging local plan) which again means that residents will be heavily car dependent.

The applicant's transport statement fails to acknowledge the challenging conditions for walking or accessing facilities in Ottery St Mary by bike or on foot - it is completely unrealistic to think that people will be routinely cycling - given how steep

it is. Whilst the pre-application advice does recognize the 'substandard' pedestrian linkages, I do not consider that sufficient weight is given to the fact that they are 'substandard'. Development proposals must prioritize sustainable development, and any development where the linkages are substandard due to lack of pavement etc should be refused, notwithstanding any issues with the five year land supply.

We are in a climate emergency and EDDC should not be directing housing to locations which are unsustainable and are thereby exacerbating the crisis.

2. Our services are already under considerable strain. I support Dr Simon Kerr of Coleridge Medical Centre who outlined in his response that the pressures on the Centre are such that it has already had to reduce its 'catchment' area not once but twice recently because of huge growth within the area served by the practice. In the public meeting on 29th June 2023 Dr Kerr explained that the practice could not expand due to site constraints. It is quite wrong, in my view, to place an ever greater burden on our GP practice and to lengthen the waiting time for residents who are already living here. Our schools are also under considerable strain - with both West Hill primary school and the Kings School being unable to accommodate all the children from within the catchment area for reception and year 7 in September 2023.

3. I am concerned about the impact on the many high value trees around the site which are TPOed and am concerned to note that there has been historic felling of hedge bank trees on the east of the site.

What typically happens with developments in West Hill is that houses are built too close to existing mature trees and then there is subsequently pressure to fell and reduce the trees due to shading, leaf drop etc. It does not appear to me that the applicant has submitted a drawing showing the shading throughout the day transposed onto a site layout plan and it is important that this is requested. I am strongly opposed to any encroachment onto T1 (beech) which is a category A1 tree.

4. It appears to me that the applicant's landscape appraisal is incomplete without the appropriate views being included. These should be requested. In addition I formally request that EDDC's in house landscape consultant carries out an appraisal and evaluation of the material submitted by the applicant. It is particularly important that the nighttime impact is assessed as well as daytime impact.

5. I note that DCC flood team have submitted an objection and I fully support the comments made. Particularly in view of the serious flooding which happened in our area on 9th May this year when 100 homes close by in Newton Poppleford Tipton St John and Colaton Raleigh suffered internal flooding predominantly from the surface water, it is essential that a precautionary approach is taken to any flood risk.

6. I strongly believe that Windmill Lane is completely ill suited for the siting of 36 houses, and the junction with Bendarroch Road woefully inadequate regardless of

any proposed 'realignment'. Cars will not be able to pass each other and will result in vehicles reversing onto Bendarroch Road where traffic speeds are excessively high.

I therefore urge the EDDC planners to REJECT this application.

13.12.2023

I wish to register my continued objection to this application as the Eddc ward member for West Hill and Aylesbeare.

In addition to the points I previously submitted:

At the EDDC full council meeting of 6th December 2023 I highlighted my concerns around the stance that EDDC takes in planning reports whereby it disregards its extant planning policies due to the lack of 5 year land supply. I tabled a notice of motion for Eddc to seek planning advisory service to help EDDC resist speculative development by drawing on appeal case decisions and the decision making of other authorities. As I pointed out at the meeting there are appeal case decisions in which substantial weight is given to existing planning policies in neighbourhood plans and local plans which accord with the NPPF despite there being a lack of 5 year land supply, (and where councils actually have a lower land supply than EDDC.) My notice of motion was carried by a large majority of EDDC councillors.

EDDC does have a local plan and I believe the settlement containment policies such as the built up area boundary should continue to be given substantial weight by EDDC, they are after all policies which protect the open countryside - a key aim of the NPPF.

This site falls outside the Built Up Area Boundary and substantial weight should be given to this point. Any suggestion that this site should be approved because it is a site put forward as part of the new emerging local plan is incorrect as that would be a pre-emptive position to take. None of the other policies in the new and emerging local plan are given any weight so this should not be either (and I note the site was being suggested for a smaller number of houses in any event.)

As well as the settlement containment policies which EDDC seem to have been ignoring, is the issue of sustainability. EDDC needs to face up to the fact that there are only basic facilities within West Hill and it is completely unrealistic to suggest that anyone living in the proposed development would be anything other than heavily car dependent. West Hill only has one shop, there is no doctor, library, secondary school, pub, or supermarket. EDDC should not be supporting housing development which will result in substantial car use - which this development most very definitely would.

The design of this proposal is very poor and very urbanised. The density is greater and more urban than anywhere else in West Hill that I can think off and I object to the open space being shoehorned into the corner of the site - this does not lend itself to a well designed project. Equally I have safety concerns about there being a huge 5 foot deep attenuation pond.

I object to the surface water sewage pipe which will pass through the root protection area of mature trees including trees on a third party's land. Eddc tree officers should be specifically asked to comment on this and the damage to protected trees which will ensue. What is more, although part of the surface water route is currently unbuilt on, some of this land has recently been granted planning permission (ref 23/0727) which will mean it is impossible to deliver this surface water sewage pipe in the proposed location.

I am seriously concerned about surface water run off from the site, both to properties as yet unbuilt on 23/0727 and existing properties on Windmill Lane, which are at a lower level than the proposed site.

I do not believe the site layout plan is accurate particularly along the southern boundary where it does not align with the existing built properties. Without this inaccuracy it would not be possible to accommodate the number of houses proposed and is a reflection of the overdevelopment of the site.

The plans have changed considerably from the outset, including moving buildings on plots 15 and 16, alterations to the overall layout etc. In my view a revised application should have been required by Eddc.

I therefore continue to OBJECT to this proposal as it is completely unacceptable.

29.02.2024

Please note that I continue to strongly object to this planning application.

I note that Eddc has in excess of a four year land supply and due to revised planning guidance (Dec23) the tilted balance no longer applies. Eddc is required to determine this planning application in accordance with its local plan policies. This site is not compliant with the local plan and must be refused.

Technical Consultations

EDDC District Ecologist

The application is supported by a completed Ecological Impact Assessment (EclA) (Richard Green Ecology, March 2024), with the results of all protected species surveys, and recommendations for ecological mitigation, compensation, and enhancement measures. It is also supported by a biodiversity metric calculation using the statutory biodiversity metric.

Should this application be approved, conditions are recommended.

23.09.2024 – update

In terms of whether I support the scheme given the constraints on the site, e.g., for bat foraging habitat etc. then I would be satisfied as measures for protected species have been satisfactorily addressed. There is an obligation to deliver over and above the mandatory requirement for habitats enhancements, which is outside of the mandatory BNG framework. Ideally, I would like to see any offsite provision in East Devon, but again this is something I'm not sure we can insist on. However, I am satisfied that the residual impacts could be mitigated for offsite.

County Highway Authority

The site situated at the end of the residential road of Windmill Lane, which due to its geometry creates a lower speed environment.

The access onto Bendarroch Road will also be improved as part of this application. The visibility splay will be improved to accord with our current best practice guidance, Manual for Streets 1 and 2, utilising the 85th percentile of a speed survey. The improved access kerb works will also create a speed calming feature, this single lane route may be utilised as a shared space road, allowing for pedestrians and cyclists alike.

The existing access to be utilised already has dropped kerbs, though the access will be improved to tie-into a dedicated footway through the proposed site. The swept path plans show successful manoeuvring of both refuse and fire service vehicles around the site in question. Each dwelling has at least 2 parking spaces, therefore I do not believe that carriageway parking will be a particular problem from this development. I would recommend the provision of secure cyclist storage to encourage sustainable travel especially to the nearby services and facilities of West Hill.

The Construction Management drawing is appreciated, should this application be granted, we would require a comprehensive Construction and Environment Management Plan (CEMP) in order to minimise the impact upon the local highway network during the construction phase.

West Hill includes a primary school, dentist, local shop and village hall, whilst it is appreciated that there would be a given walk from this sites location, this would be no further than is typically established on larger new development sites. A bus stop is also present within 400m of the site, which accords to bus stop guidance. The County Highway Authority (CHA) does not require planning applications containing fewer than 40 dwellings to contain a Travel Plan, with a travel plan co-ordinator or car club provision due to the trip generation impact not triggering a set severity level.

No objection subject to conditions.

Devon County Council Education Dept

Regarding the above planning application, Devon County Council has identified that the proposed increase of 30 family type dwellings will generate an additional 9.00 primary pupils and 4.50 secondary pupils which would have a direct impact on West

Hill Primary School and The Kings School. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

We have forecasted that West Hill Primary School has currently got capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will not seek a contribution towards primary education infrastructure.

However The Kings School is not forecast to have capacity for the pupils likely to be generated by the proposed development. Therefore, Devon County Council will seek a contribution directly towards additional secondary education infrastructure at The Kings School . The contribution sought towards secondary is £105,930 (based on the DfE extension rate of £23,540 per pupil). This would relate directly to providing Secondary education facilities for those living in the Development.

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

DCC Flood Risk Management Team

We have no in-principle objections to the above planning application at this stage, assuming that pre-commencement planning conditions are imposed on any approved permission.

Housing Strategy/Enabling Officer - Cassandra Pressling

Percentage of Affordable Housing - under current policy Strategy 34, a requirement of 50% affordable housing will be required. This application if approved, will provide 50% affordable housing which equates to 18 units and this is acceptable.

Housing Need - the September 2022 East Devon Local Housing Needs Assessment identifies a current unmet affordable housing need of 971 households across the district. The East Devon Council's housing register Devon Home Choice has over 5000 households registered. This application will help meet some of this need. Tenure - Strategy 34 sets a target of 70% for rented accommodation and 30% for affordable home ownership. For the proposed 18 units, this would amount to 13 Social Rented units and 5 units for shared home ownership.

Housing Mix - The housing mix is acceptable and meets identified housing need. Social Rent = 8 x 1 bedroom flats and 5 x 2 bedroom houses. Shared Ownership = 1 x 2 bedroom house and 4 x 3 bedroom houses. All affordable units will meet M4 (2) standards as per Strategy 36 in the adopted Local Plan.

Layout - The 8 x 1 bedroom flats for Social Rent tenure are in two blocks (plots 28 - 31 & 32 - 35). I note there is one communal entrance door to each block of 4 flats. This can lead to housing management issues and high service charges. I would prefer to see a design where each flat has its own separate entrance. This is also preferable to Registered Providers.

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

I am in support of the amended plans for 35% affordable housing because of the lack of a 5 year housing land supply and out of date policies, a pragmatic approach is being taken. In the current housing market, with high build costs and high interest rates, 50% affordable is unlikely to be viable. In the emerging, new local plan the affordable housing requirement will be 35%. The revised plans will provide:

Social Rent

4 x 1 beds maisonettes

4 x 2 bed houses

Shared Ownership

2 x 2 bed houses

3 x 2 bed houses

This mix meets an identified housing need. Social Rent tenure is also more affordable to local incomes in East Devon and this scheme will provide 8 Social Rent dwellings.

18.07.24 – (In relation to the latest offer of 35% on site affordable and 15% off site affordable contributions)

That is acceptable and seems reasonable.

Police Architectural Liaison Officer - Kris Calderhead

Thank you for further consultation on the revised plans of this planning application. I have no objection to the scheme and support that designing out crime principles have been considered in the design.

EDDC Trees

The amended plans shows that my initial concerns have been taken on board and the layout of the site around T1 and tree protective fencing concerning T5 and T8 have been adjusted accordingly.

I therefore have no objection to the development subject to conditions:

Natural England

DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING

APPROPRIATE MITIGATION FOR RECREATIONAL PRESSURE IMPACTS ON HABITAT SITES (EUROPEAN SITES).

Natural England notes that the Habitats Regulations Assessment (HRA) has not been provided with the application. As competent authority, and before deciding to give permission for the project which is likely to have a significant effect on a European Protected Site, you must carry out a HRA and adhere to its conclusions.

27.11.2023

Natural England has previously commented on this proposal and made comments to the authority in our response dated 29/06/2023, reference number 438588.

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

EDDC Landscape Architect

1 INTRODUCTION

REVIEW OF SUBMITTED INFORMATION

Site description

The site description erroneously states that the site is well treed. It is in fact an open meadow bounded by Devon hedgebanks which contain mature trees, although the eastern, southeastern and northwestern boundaries are more open and afford views out and in. From the upper parts of the site there are extensive views across the Otter Valley to the east and southeast in which the prominent ridge line of East Hill is clearly visible and there are a number of publically accessible locations along the East Hill ridge from where the site can be viewed. This does not appear to have been accounted for in the LVA.

Description of Development

The description of development should have been more comprehensive and considered also the construction phase.

Baseline conditions

There is a confusion in the baseline assessment between Landscape Character Areas (LCAs) and Landscape Character Types (LCTs). The East Devon and Blackdown Hills Landscape Character Assessment referred to only covers LCTs. References to LCAs in table 5.4 should, in fact, be LCTs. The LVA does not consider LCAs.

The consideration of landscape character types should have made clear that the site itself lies within LCT 1C - Pebble Bed Heaths.

The sensitivities ascribed to LCTs 1C, and 2A (Steep wooded scarp slopes) as high and 3B (Lower rolling farmland and settled slopes) as medium are accepted.

An assessment of the local landscape character and value of the site and its immediate environs and how these differ from the published assessments should have been provided.

The residential receptors listed on p.33 should have included surrounding residential properties that have outlooks towards the site and are visible from it. These include Beech House to the northeast, Hasta la Vista to the north and one or two properties each in Oak Tree Gardens and Hayes End to the south, albeit that, with the exception of Hasta la Vista, none of these properties has primary views over the site.

Transport receptors are stated on p.33 as having low susceptibility whereas in the methodology table 4.5 they are stated as having medium susceptibility.

The selection of representative viewpoints is generally appropriate but there is a partial glimpse view of the northwest corner of the site which should have been included between viewpoints 4 and 5.

Assessment of effects

The LVA should have considered construction phase effects.

Effect on Landscape Elements and Features

The LVA does not consider the effects of development on landscape elements and features. Such assessment should have included loss of 2.1ha grassland, minor tree/ hedgerow loss and grading works affecting landform.

Effect on landscape character

Description of effects on landscape character should have included introduction of built form in to an open field close to a prominent undeveloped ridge and associated light spill and impact on dark skies.

The assessment fails to recognise the visibility of the site from LCT 2A (East Hill) and consequent perceived impact of development on the site and the undeveloped character of the ridgeline of the host landscape. The assessment of no change is inaccurate and should be considered moderate- slight adverse initially reducing to slight adverse with mitigation.

Effect on Visual Amenity

The assessment of effects on receptors at viewpoints 1-8 is generally accepted. However, the assessment of effect for viewpoint 9 (White Cross East Hill) as no

change is not accepted. The accompanying photograph for this viewpoint is of poor quality. The site is visible from this viewpoint and is seen in the context of the high sensitivity undeveloped wooded ridge line within the Pebble Bed Heath LCT 1C. Particularly in winter, new housing would be partially visible from this location and lighting would be evident at night. White Cross lies within the East Devon AONB and is marked on OS leisure maps as a panoramic viewpoint. Development of the application site would be noticeable from this location but due to distance the magnitude of effect is likely to be moderate to slight adverse initially, reducing to slight adverse over time.

For travellers on the B3180 the LVA suggests there would be no change, based on the viewpoints selected. However, it is likely that buildings in the northwest corner of the proposed development would be visible in glimpsed views from a field gate and short section of the road resulting in slight adverse effect following establishment of mitigation measures.

CONCLUSION & RECOMMENDATIONS

Acceptability of proposals

Although the site and host landscape lie within a landscape assessed as high sensitivity, the site is relatively well contained within its immediate landscape setting. While development would inevitably have a major effect on site character introducing built form into an undeveloped field.

Landscape and visual effects are limited due to the surrounding strong landscape structure. The application site is more prominent in the wider landscape and development would be more readily visible in views from East Hill than existing development within West Hill. However, due to distance of over 5km the magnitude of effect would be limited. Other than East Hill visual receptors are limited to a few neighbouring dwellings which currently have partial and filtered views of the site.

The overall site layout is considered acceptable in terms of landscape design subject to minor amendments as noted above which should be provided prior to determination.

Landscaping conditions suggested.

02.01.2024

REVIEW OF SUBMITTED INFORMATION

Proposed Site Levels (dwg. no. Windmill-C-100-100 rev. P3

The levels plan indicates a number of retaining walls required up to 1.5m or so in height. Details of type and proposed facing materials should be confirmed.

In respect of retaining walls adjacent to the ecological buffer strip these should comprise traditional Devon banks constructed in accordance with recommendations of the Devon Hedge Group and as indicated on the amended planting plans.

Tree protection dwg nos. TPP Si-S4 rev D

The position of tree protection measures along the western and southern boundaries should be realigned as close to the inner edge of ecological buffer strip as possible in order to prevent disturbance/ compaction of ground within the buffer strip during construction.

Planting plans dwg. nos. 4710-BB-SC-L-201-P7 and 202-P7

A freestanding hedgebank detail has now been provided on the dwg. no. 201 -P7, however, mostly this will in fact be a retaining bank and a further detail is required to reflect such instances.

Plant schedule dwg. no. 4710-BB-SC-L-291-P7
Amended street tree supply sizes are acceptable.

CONCLUSION AND RECOMMENDATIONS

Further minor amendments/ additional information are required as noted above before the landscape related information can be considered acceptable.

AMENDED PLANS 05/02/24 - I have looked through the amended details and confirm I am generally happy with them except in respect of the proposed standard retaining wall and Devon hedge detail (attached). The submitted detail shows an earth bank (presumably reinforced with geotextile) with a freestanding Devon hedgebank on top. This is not what I intended and does not seem appropriate or necessary.

20/02/24 - I have reviewed the amended hedgebank detail dwg. no. 501/P2 and confirm that it is acceptable.

South West Water (comments in full)

SWWL notes that this is full application for this site, and we don't appear to have been consulted previously on this application (based on the planning portal).

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, SWWL 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).

Surface Water flows –

SWWL note that the applicant has included a surface water management plan WINDMILL/MMP/01 Version 4 February 2024 which indicates that the surface water runoff from the site will be going to the public surface water sewer. 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.

Other Representations

At the time of writing 57 objections have been received, including from Simon Jupp (former MP) (in summary);

- Overdevelopment and density - The proposal is for too many houses, which is significantly more than the local plan suggests and is out of character with the surrounding area
- Infrastructure strain - Local infrastructure (schools, GP surgeries, shops) cannot cope with the additional population and strain on services
- Traffic and road safety - Windmill Lane is too narrow and unsafe for the increased traffic, posing risks for pedestrians and road users, inadequate access
- Flooding concerns - The site is prone to flooding, and the proposed drainage solutions are inadequate
- Ecological impact - Development threatens local wildlife and protected species and Special Areas of Conservation further afield, with concerns over inadequate mitigation
- Unsustainable location and contrary to the local plan - The development is outside the Built-Up Area Boundary (BUAB) and lacks sustainable transport and local job opportunities
- Privacy issues - The proposed buildings overlook existing properties, causing privacy concerns for current residents
- Environmental degradation - The proposal threatens the rural character of the area and risks harming a cherished landscape
- Harm to trees – through the construction and implementation of drainage

PLANNING HISTORY

Reference	Description	Decision	Date
13/2624	Construction of 2no. residential dwellings (re-submission of application 13/1433/FUL)	Dismissed at appeal	09.09.2014
13/1433	Erection of 2 no. residential dwellings	Refused	27.09.2013

81/P0938	Residential 1 Unit.	Dismissed at appeal	Unknown.
79/C0581	RESIDENTIAL UNIT	Refused	17.07.1979

The Emerging Local Plan

As part of the evidence base for the emerging local plan is a high level and broad assessment of potential allocation sites and drawing of Built Up Area Boundaries (BUABs). Within this evidence base this site is listed as 'West Hill_04';

Accessibility assessment: 6 out of 12 facilities within 1,600m of site. Although the shop/school is only around 300m as the crow flies, the actual route along Windmill Lane-Bendarroch Road-School Lane-West Hill Road would be much longer, lacking pavement or street lighting along most of the route. Potential for more direct access if site is developed in conjunction with West_06 with an access through Eastfield Orchard. 160m to hourly or better bus route to north.

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. Application for 2 dw in north part of site dismissed at appeal (13/2624/FUL) - although the proposal was considered to be in a sustainable location, the development would seriously harm the character and appearance of the area.

Site opportunities: Provide pedestrian/cycle access through Eastfield Orchard if site is developed in conjunction with West_06. Construct bus stop on Bendarroch Road near to the site.

Amended Maximum Yield following discounted areas on site: 26

Brief summary of the key positives and negatives of the site: Positives: no change to heritage assets. Suitable highways access. Existing dwellings along north eastern boundary and to south provide some context of built form. Negatives: pedestrian access to facilities along a route that is largely unlit and lacks pavements (this could be addressed through developing adjacent site West_06).

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. No change to heritage assets. Suitable highways access. Existing dwellings along north eastern boundary and to south provide some context of built form.

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 plan.

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

The site comprises an approximately rectangular field of unimproved grassland extending to 2.1ha, bounded largely by Devon hedgebanks containing mature trees. The ground is moderately steeply sloping with an easterly aspect and an overall level change of 18m. Apart from the remains of a wind pump and an adjacent small sycamore in the southeast corner there are no existing features within the site. Boundary trees comprise a mix predominantly of beech, oak, horse chestnut, many of which have TPOs.

Land rises to the west of the site to the B3180 which follows a wooded ridgeline that is a prominent feature in the wider landscape. Land immediately to the east, west and northwest of the site is agricultural but to the north and south is residential, comprising predominantly detached dwellings in medium to large sized plots forming part of the settlement of West Hill.

West Hill consists largely of a series of modern, small cul-de-sac developments with poor physical linkages between them. Despite the overall size of the settlement, a combination of topography, woodland and tree cover provide effective screening, even for higher parts of the settlement, in views from surrounding areas with only a few isolated dwellings being partially visible within the wider landscape.

There are extensive views to the east and southeast from the higher parts of the site across the Otter Valley to East Hill which lies 5km to the east and partial views of traffic on the B3180 from the northwest corner of the site. A number of adjacent/nearby dwellings are partially visible to the north, south and southeast.

There is no public access within the site but it is directly accessed from the end of Windmill Hill which is a public highway and which affords a view over the site from the entrance gate.

A number of locations along the East Hill ridge afford public views of the site and there are glimpse views towards the site from a short length of the B3180. Otherwise, apart from a few residential properties around the periphery the site is well screened.

Proposed Development

The proposal seeks full planning consent for 34 dwellings on current agricultural land on the fringe of the built up area of West Hill. In addition, access roads and necessary infrastructure is also proposed to serve the development.

The site is accessed from Windmill Lane. There is a main road running in a loop through the centre of the site, with smaller branches providing access to individual dwellings. The road layout is designed to allow easy vehicular movement while minimizing through-traffic, as the loop leads back to Windmill Lane. The houses on the north side of the site have direct access from the road. Dwellings are generally varied in size and design, with the top portion containing more linear, style buildings, while the bottom and central parts have larger, detached homes. The houses in the centre and lower portions are surrounded by greenery, illustrating a more spacious layout for these properties.

The proposed dwellings generally face onto the roads, with direct access from the highway for the majorities of the properties. The heights of the proposed dwellings range from single storey bungalows, sited to the north of the site at the highest point to 2 story semi-detached and detached dwellings. The majority of dwellings are 2 storeys.

Green spaces provide ecological corridors, biological net gain and public open space. Rear gardens back onto the perimeter ecology buffer with the aim to provide offset from this buffer to reduce the impact of ambient light from the proposed dwellings.

A water attenuation pond is located to the south of the open space which is the lowest point on the site with a connecting pedestrian path to the adjacent site to the east.

ANALYSIS

The main issues concerning this planning application are;

- Housing land supply within East Devon
- Whether the proposed occupiers are within suitable range of services and facilities so as to not be reliant on private modes of transport
- the impact on the character and appearance of the area
- Highways Impact
- Ecology
- Trees
- Foul and Surface water drainage
- Affordable Housing
- Amenity
- Agricultural Land Classification
- Open Space
- Mitigation secured via a s106
- The planning balance

Housing Land Supply within East Devon

The National Planning Policy Framework (2023) (NPPF) states, at paragraph 77, that "local planning authorities should identify and update annually a supply of specific

deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply."

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

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

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

As stated above, the site is located outside of the BuAB of the adopted Local Plan for settlements. In strategic policy terms therefore, the site is within the 'countryside' as defined in Local Plan Strategy 7 (Development in the Countryside), the provisions of which would not ordinarily facilitate new build housing in the absence of any other local or neighbourhood plan policy that would permit such development.

Whilst the tilted balance need not apply in light of these national revisions there is still nevertheless a need to maintain a healthy supply of housing within the district in order to ensure that the trajectory remains.

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

Therefore, in summary, there is conflict with the development policies which enforce settlement BuABs to protect the countryside. Further, under the December 2023 NPPF the council can demonstrate a suitable housing supply such that the 'titled balance' does not need to be engaged. Countering this is the need for further housing as a national aim and a 5 year supply requirement for the adoption of a forthcoming local plan. Additionally, a healthy supply is also needed to maintain a trajectory in case of any slippage and the housing targets do not represent a maxima. These competing issues shall be revisited in the planning balance section of this report, once contextual matters have been accounted for.

Whether the proposed occupiers are in suitable range of services and facilities so as to not be reliant on private modes of transport

The provisions of Local Plan Strategy 5B (Sustainable Transport) require that development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport and would need to be of a form, incorporate proposals for and be at locations where it would encourage and allow for efficient, safe and accessible means of transport with low environmental impact, including (among other things), walking and cycling. These provisions are supplemented by those of Policy TC2 (Accessibility of New Development) which require new development to be located so as to be accessible by pedestrians and cyclists, as well as public transport, and also well related to compatible land uses so as to minimise the need for car travel.

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. The nature and character of the route are of importance, as is the sheer distance.

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 Bendarroch Road where the Church and Legion Club are sited. This distance to these facilities along Bendarroch road is acceptable and no objection with regards to pedestrian safety has been raised by Devon Highways, even after being asked to specifically look at this issue. It should be noted however that there is no pavement on this stretch of road.

Members should be aware that the neighbouring site to the east had an outline planning application submitted which benefited from a committee resolution to approve subject to completion of a legal agreement to secure mitigation, including facilitating a footpath linking this site to the adjacent site at Eastfield. Due to material changes in circumstances this resolution to approve is being reconsidered by the planning committee but is still recommended for approval. This scheme would enable a suitable, safe pedestrian route towards the services within West Hill.

Therefore, the proposal is considered to be located in a suitable location so that intended occupiers would not be overly reliant on private modes of transport.

Impact on character and appearance of the area

West Hill Village Design Statement (in the form of a Supplementary Planning Guidance - SPG) describes the village as a low density "woodland village" 'within a framework of beautiful beech, oak, silver birch and pine woodland. This appraisal goes on to describes the settlement accurately: '...the glimpses of wonderful tree-framed views at every turn, and the maturity of these trees, is what makes West Hill special'. That West Hill is a spacious, leafy character, where there are high quality, low density, and substantial detached houses in secluded plots that gives the place its distinctive identity.

The site comprises 2 ha of unimproved grassland with Devon hedgebanks containing mature trees, including beech, oak, and horse chestnut, some protected by TPOs. The land slopes easterly, rising toward a wooded ridgeline to the west. Residential properties surround the site to the north and south, with agricultural land to the east and west. The site enjoys extensive views over the Otter Valley and East Hill from its higher elevations, though public views are limited to a few peripheral areas.

The submitted basic design principles are outlined below;

- Design within a privately accessed ecology buffer with a minimum width of around 10m
- Create areas of semi-private (BNG)
- A private ecology buffer, areas of biological net gain (BNG) and public open space
- Provide public open space (including drainage attenuation) for the future residents
- Weave the Green Infrastructure through the development
- Improve connectivity by extending the pedestrian routes
- Deliver a mix of market and affordable housing

Policy D1 (Design and Local Distinctiveness) seeks to reinforce the key characteristics and special qualities of the area and ensure that scale, massing, density, height, fenestration and materials of buildings relate well to their context. Furthermore, it seeks to ensure that development does not adversely affect the amenity of occupants of future residential properties with respect to, amongst other things, other uses. NP26 (West Hill Design) states that proposals for development should reflect the established character and development pattern of their surroundings and should preserve key features of the village, including trees, hedgebanks, spacious gardens and individuality between properties. Policy NP2: Sensitive, High Quality Design All proposals for development should demonstrate a high quality of design, which has regard to the local context, is appropriately scaled and sited, and makes an overall positive contribution to the Neighbourhood Plan Area. New development will maintain the low density pattern of development in West Hill and should reflect built density and layout of the surroundings; Development that damages or results in the loss of ancient trees or trees of good arboricultural and amenity value will not normally be permitted. New development should demonstrate that adequate landscaping proposals have been included to reflect the existing landscape character of the surrounding area.

In terms of density the 34 dwellings set out over a site area of 2.00 hectares (as per the application form results in a density of 17 dph. The Design and Access Statement refers to a figure of 24 dph as this accounted only for the area being developed, not including the surrounding greenspace. These figures are notably higher than the cluster of dwellings situated at Westhayes (circa 6.25 dph) and the cluster of dwellings long established at Windmill Lane (circa 6 dph) and Moorlands (circa 8 dph). The proposal would, however, compare more favourably to the density at Perry Gardens (circa 14 dph) and Eastfield Orchard/Garden and Hawthorne Close (circa 17 dph).

With a mixture of density in the general area evident, it is important to understand the context. Indeed, national design guidance states that the appropriate density will result from the context, accessibility, the proposed building types, form and character of the development. In terms of these other sites the character is generally that of suburban residential estates. In this regard the proposal has a similar character of detached and semi detached dwellings distributed in a somewhat uniform manner. The layout of the proposal includes green spaces and tree lined boundaries and cul de sacs with are typical features of the surrounding built form. These proposed elements contribute to the visual continuity and extension of the building form of the settlement. The housing proposed is well spaced with ample greenery thereby maintaining the semi rural suburban feel of the surrounds. The placement of dwellings on the periphery of the site while maintaining tree lines and wildlife corridor compliments this general character. The looping road layout out echoes that of the layouts at Eastfield to the East, and Moorlands.

Therefore, while the density is higher than some of the surrounding built form the emphasis on echoing the surrounding key characteristics means that the development would not appear overly urban due to these density levels. The NPPF encourages the need to make efficient use of land, and to refuse applications that fail to do so, and when viewed through this policy lens the density is considered acceptable in policy terms.

The EDDC landscape officer reviewed the full application for the proposed development, evaluating its landscape impact in accordance with adopted policy, guidance, and site context.

Within the Ottery St Mary and West Hill Neighbourhood Plan valued view WH1, at its periphery, encapsulates some of this application site. This view, from Bendarroch Road crossroads, is enjoyed by West Hill residents and walkers. This viewpoint is slightly elevated in relation to this application site. Whilst some of the roof tops of the proposed development might be seen, as well as some of the rear of the affordable units (in the north east corner), the open farmland feel with distant views over the Ottery Valley and Sidmouth Gap, would not be disturbed. The west hedge line of the application site would be retained and offers suitable screening from this view point.

The LVIA has been submitted and the methodology is mostly acceptable, but the landscape value assessment lacks detail and fails to account for local-scale value. Technical photography standards were not met, impacting accuracy. The site is mischaracterized as "well-treed" when it is largely open, with notable views across the valley. The development description lacks sufficient detail, especially regarding construction phases. There are inaccuracies in referencing Landscape Character

Areas (LCAs) instead of Landscape Character Types (LCTs), and the effect of the development on visual receptors is understated, particularly regarding East Hill and the B3180.

The LVIA underestimates the impact of development on the site's open field, which is near a prominent ridge. The visibility of the site from East Hill is underrepresented, and the potential for adverse effects on the character of the area, including light pollution, was not fully considered. Viewpoint assessments for East Hill and the B3180 should reflect slight to moderate adverse impacts, especially during the initial stages of development.

The proposed site layout is generally appropriate, with housing density reflecting surrounding areas. However, concerns were raised about impacts on protected trees, insufficient detail on surface finishes, and inappropriate boundary fencing. Recommendations include altering the fencing design, adjusting planting plans to match site conditions, and specifying larger street trees for immediate visual impact. Many of these aspects could be dealt with via condition or would go on to be assessed by the council's arboriculturist.

The levels plan indicates a number of retaining walls required up to 1.5m or so in height. Details of type and proposed facing materials should be confirmed within a landscaping scheme. In respect of retaining walls adjacent to the ecological buffer strip these should comprise traditional Devon banks constructed in accordance with recommendations of the Devon Hedge Group and as indicated on the amended planting plans.

The position of tree protection measures along the western and southern boundaries should be realigned as close to the inner edge of ecological buffer strip as possible to prevent disturbance/ compaction of ground within the buffer strip during construction.

The development site lies in a sensitive landscape, but it is relatively well contained. While development would significantly alter the site's character, its visual effects are limited to distant views from East Hill and a few neighbouring properties. The landscape architect finds the proposal generally acceptable, subject to further details of landscaping elements being secured within the plot and it is considered that such details can be secured via condition.

Within the site itself the layout allows for adequate plots size with surrounding garden areas providing for a sense of spaciousness. Suitable levels of natural light would reach each home, and a suitable degree of natural surveillance would occur. Key buildings along the vehicular access, identified as an 'arrival point' from Windmill Lane form a primary frontage, with the larger properties to the south part forming secondary frontages. Accordingly, there is a considered hierarchy to the scale and massing of the development.

The properties, around the arrival point, in the northern portion of the site is single storey with properties in the southern half of the site two storey (and larger) as the ground levels slopes down. Therefore, the topography of the site has been taken into account and as a result the development would not be overly prominent, with the scale and massing of each property not appearing out of character.

The proposed floor space of each dwelling would meet National Minimum Space Standards based upon the number of bedrooms to be provided. Aside from the affordable units two car parking spaces are dedicated to each dwelling.

The design of the dwellings themselves have a variety in size and scale. There is a mixture of materials used on the dwellings consisting of red brick, chalk coloured render with grey and brown tile roofs. Within the overall area there is a mixture of residential designs, with no pervading architectural style. The design of the surrounding dwellinghouses are, to an extent, reflective of their eras. Brick, render and tiled roofs are a common feature of the surrounding dwellinghouses and so the development would not appear out of keeping.

The development proposes largely detached homes with semi-detached and terraced homes with hipped roofs, gable roofs and bay windows aiming to reflect the variety of house designs in the area. Boundary treatments also seek to reflect the context with hedgerows and railings to define private frontages. 1.8m high brick walls screen private rear gardens fronting the public realm.

The existing mature vegetation is to be retained on site forms a key component of the character of the development and so takes reference from the woodland feel of the village. This together with the proposed landscape design would aid integration of the built form with its surrounds, as well as incorporate the woodland feel within the site, albeit not to the same extent as some parts of West Hill.

The police liaison officer has commented on the proposal and due to several amendments has overcome their original concerns. As such there is now no objection raised in this regard.

It is noted that several objections raise safety issues with regard to the attenuation pond and the safety concerns regarding children having unhindered accessing this. The sectional elevations of the attenuation pond illustrate that it would be 1.5 metres deep with a freeboard of 300mm. Marginal edge planting around the attenuation pond perimeter and edge gradient would aim to dissuade the public entering the water. Further a 500mm aquatic bench provides for a shallow area before the central lowest point of the basin as a safety measure. Whilst fencing would remove some of its amenity value and open nature, if deemed necessary such health and safety measures could be conditioned.

The overall layout, design and landscape is acceptable, and so accords with strategy 7 and policies D1 and D2 of the local plan.

Highways Impact

Bendarroch Road is a single carriageway road which measures approximately 6.5 metres wide, is lit within the vicinity of the site and is subject to a 30mph speed limit. The speed limit increases to 40mph approximately 170 metres west of Windmill Lane junction.

Approximately 550 metres to the west of Windmill Lane, Bendarroch Road becomes Rockbeare Hill and to the east it forms a priority junction with the West Hill Road. Bendarroch Road is observed from the site visit to be used as a shared surface used by both pedestrians, cyclist and vehicles. A footway measuring around two metres wide is located on the southern side of Bendarroch Road for a short distance on each side of the Bendarroch Road and Moorlands priority junction. Moorlands benefits from continuous pedestrian infrastructure between Bendarroch Road and the local facilities and amenities located in West Hill on West Hill Road.

Personal Injury Collision data has been obtained for the most recent five-year period between 01/01/2017 and 31/12/2021 and for a study area comprising Windmill Lane and Bendarroch Road between its junction with the B3180 to the west and School Lane to the east. The data shows that there have been no incidents recorded within the study area. It was therefore concluded that there are no highway safety patterns or problems with the local highway network in the immediate vicinity of the site.

Windmill Lane currently serves a number of dwellings and therefore is considered to be of a suitable width and geometry to accommodate refuse, delivery and fire vehicles that may require access to the proposed development.

Pre-application dialogue with the highway authority has confirmed that appropriate visibility should be provided at the junction. On this basis it is therefore proposed to realign the junction bellmouth kerbing, including a section of the Bendarroch Road carriageway. A Grampian condition could preclude residential occupation until these highway realignment works at the junction have been implemented.

Devon County have been consulted on this proposal. The site situated at the end of the residential road of Windmill Lane, which due to the geometry creates a lower speed environment.

The access onto Bendarroch Road would also be improved as part of this application and this can be subject to a Grampian condition to ensure this takes place.

The visibility splay will be improved to accord with our current best practice guidance, Manual for Streets 1 and 2, utilising the 85th percentile of a speed survey. The improved access kerb works will also create a speed calming feature, this single lane route may be utilised as a shared space road, allowing for pedestrians and cyclists alike.

The existing access to be utilised already has dropped kerbs, though the access will be improved to tie-into a dedicated footway through the proposed site. The swept path plans show successful manoeuvring of both refuse and fire service vehicles around the site in question. Provision of secure cyclist storage to encourage sustainable travel especially to the nearby services and facilities of West Hill should be secured.

The Construction Management drawing is appreciated but officers would still require a comprehensive Construction and Environment Management Plan (CEMP) in order to minimise the impact upon the local highway network during the construction phase.

West Hill includes a primary school, dentist, local shop and village hall. While it is appreciated that there would be a given walk from this sites location, this would be no further than is typically established on larger new development sites. A bus stop is also present within 400m of the site, which accords to bus stop guidance. The County Highway Authority does not require planning applications containing fewer than 40 dwellings to contain a Travel Plan, with a travel plan co-ordinator or car club provision due to the trip generation impact not triggering a set severity level.

Given the above there is no objection raised by the Highway Authority and the proposal is considered to comply with policies TC7 and TC9 of the local plan.

Ecology

Strategy 47 (Nature Conservation and Geology) states that all development proposals will need to: 1. Conserve the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats. 2. Maximise opportunities for restoration, enhancement and connection of natural habitats. 3. Incorporate beneficial biodiversity conservation features. Where development or the occupants of development could lead to adverse biodiversity impacts due to recreational or other disturbance, we will require mitigation measures and contributions to allow for measures to be taken to offset adverse impacts and to create new habitats. This will be of particular importance where development could impact upon European Designated Sites.

In respect of the Exe Estuary and the Pebblebed Heaths (and Dawlish Warren in Teignbridge) an over-arching strategic approach to habitat mitigation measures has been established through the Disturbance Study. All residential development schemes within a straight line 10 kilometres distance of any part of the Special Area of Conservation (SAC) and/or SAC designated areas of the Exe Estuary or Pebblebed Heaths will be required to provide mitigation. The onus will rest on developers demonstrating that mitigation can and will be provided and granting of planning permission will be linked to clear evidence that delivery will actually happen to agreed timescales.

The application is supported by a completed Ecological Impact Assessment (EclA) (Richard Green Ecology, March 2024), with the results of all protected species surveys, and recommendations for ecological mitigation, compensation, and enhancement measures. It is also supported by a biodiversity metric calculation using the statutory biodiversity metric.

The results of the bat surveys confirm that between nine and thirteen species of bat commute and forage across the site. The southern and western boundaries, with mature trees on earth banks, provide both foraging opportunities and commuting routes between roosts and foraging territories. It is likely that the site boundaries comprise an important flightline for both lesser horseshoe bats and barbastelle bats to-and-from a nearby known roost. The grassland on the site provides foraging habitat, although there is good availability of alternative foraging habitat in the area.

It is proposed to incorporate ecological buffer zones around the site boundaries, to provide habitat for wildlife, avoid illumination of bat commuting routes and dormouse habitat, and avoid disturbing badger setts. 0.56 ha of species-poor neutral grassland

would be enhanced. Recommended ecological mitigation and enhancement measures include clearance of habitats under ecological supervision, habitat manipulation as part of a mitigation strategy for reptiles, sensitive timing of works and the provision of integrated bat boxes.

Other notable species confirmed on the site include slow worm, grass snake, and badger. Species possibly present on the site include nesting birds, hazel dormouse, common amphibians such as common toad, and hedgehog.

The proposals indicate an increase of 6.33 hedgerow units (a 103.69% gain) measured using the statutory biodiversity metric. The metric also indicates that the proposal would result in a biodiversity net loss of 7.71 habitats units (a 45.46% net loss) and trading rules have not been satisfied for area habitats. The report indicates that the applicant intends to off-set the loss of habitat units providing ecological enhancement using an offsetting scheme. It is understood that discussions to secure an offsite habitat bank in East Devon are currently ongoing, but not yet legally secured at the time of writing.

The above noted there is an advanced s106 which would commit the proposal to BNG improvements.

Although not included in the submission, it is recommended that permeable garden fencing for hedgehogs and invertebrate bricks (one per dwelling) also be provided. These details could be detailed within a landscape and ecological management plan (LEMP).

Ecology - Derogation tests

Licences from Natural England will be required for likely impacts on protected species such as bats and dormice. 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 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.

Ecology - Special Protection Areas

The Exe Estuary and the East Devon Pebblebed Heaths Special Protection Areas (SPAs) provide an important recreational resource for the local community. They are sensitive environments which are important to nature conservation and are subject to European wildlife site designations. The Authority has a responsibility under European Habitat Regulations to assess and seek to minimise the impacts of new development on these habitats. A recent study has shown that recreational use of the Exe Estuary and Pebblebed Heaths is already having a significant effect on the levels of disturbance of wildlife. New housing and tourist accommodation will lead to increased recreational demands on the environment.

In partnership with Natural England, the Council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these SPAs. It is therefore essential that mitigation is secured to make such developments permissible.

The NPPF advises on the promotion, preservation, restoration and re-creation of priority habitats and protection and recovery of priority species. International and national legislation and policy already provides statutory protection for, and comprehensive guidance on, the management of valued biodiversity and geological assets. The Council will apply these safeguards carefully together with the continued use of Local Plan strategies and policies to conserve these precious assets.

East Devon District Council currently mitigates in accordance with its obligations under the Habitat Regulations by collecting contributions towards infrastructure (for instance SANGS) through the Community Infrastructure Levy. However, contributions are also required towards mitigation through non-infrastructure elements (e.g. monitoring and some on site and off site measures) to fully mitigate the impact in line with the approach taken by Teignbridge and Exeter as joint authorities.

Mitigation for recreational impacts can take the form of access management within the European sites, or provision of substantial alternative recreation locations to draw users away from them. However, to make it easier for developers to 'deliver' such mitigation, in many cases the Council will accept a financial contribution per new house or holiday unit. The three local planning authorities work in partnership to use these financial contributions to deliver the required mitigation measures.

Ecology - Appropriate Assessment

An Appropriate Assessment is required for development as it is within 10k of these designated sites the proposed development and could give rise to recreation activity. The Appropriate Assessment must consider the conservation objectives for the affected European site(s) and the effect the proposed development would have on the delivery of those objectives. In the light of the conclusions about the effects on the delivery of the conservation objectives the competent authority must decide if the integrity of the site would be affected. There is no definition of site integrity in the Habitats Regulations - the definition that is most commonly used is in Circular 06/2005 is '(...) the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified'.

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. An Appropriate Assessment (AA) is 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 would be secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations.

In summary on the ecology issues there is suitable on site mitigation proposed. The wildlife corridors allow for suitable foraging and habitats. Off site mitigation on European designated sites can be secured. BNG can also be secured and there are positive signs this can be achieved within the draft s106. Therefore, these ecology issues do not weight against the scheme.

Trees

The west boundary of the site features four notable mature Oaks which are formally protected. The south boundary is covered by a blanket TPO of mixed woodland species. Likewise, the north eastern permitted of the site is covered by blanket TPOs. A TPO'd oak is situated on the eastern boundary of the site.

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

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

The tree reports illustrate that one Beech tree in the south east corner of the site would be removed (T11). The tree survey has identified this Beech tree to be of a poor physiological and structural condition. As such it is deemed to have serious irredeemable structural defects meaning that it realistically cannot be retained as living tree beyond a 10 year time frame. There is no objection to this loss.

The amended tree protection plans shows that the initial concern of the tree officers have been taken on board and the layout of the site around T1 and tree protective fencing concerning T5 and T8 have been adjusted accordingly. In light of this no objections are raised by the tree officer.

Foul and surface water drainage

The drainage plan submitted shows that foul water will be channelled to a proposed adoptable sewer and manhole within Windmill Lane to the north of the site. In terms of surface water this would be directed to the east side of the site to the attenuation pond on off site sewer outfall and to an existing adopted sewer opposite West Hill Primary School. Using the attenuation pond and subterranean cellular attenuation tank would restrict surface water outflow to 5.3 L/s .

Surface water drainage

Policy EN22 (Surface Run-off Implications for New Development) states Surface water in all major commercial developments or schemes for 10 homes or more (or any revised threshold set by Government) should be managed by sustainable drainage systems, unless demonstrated to be inappropriate. Planning permission for new development will require that the surface water run-off implications of the proposal have been fully considered and found to be acceptable.

DCC Lead Flood Authority withdrew their original objection and as such they have no in-principle objections to the above planning application at this stage, assuming that the suitable pre-commencement planning conditions are imposed on any approved permission. Subject to this the proposal complies with policy EN22.

Foul water drainage

Foul water flows are intended for disposal via mains sewer. In principle, SWW does not currently hold any objection to foul water disposal through a connection to a public foul Sewer. However, SWW has previously experienced flooding in West Hill which has been resolved. Further hydraulic modelling on the network needs to be undertaken by SWW 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. SWW have advised it would take 3

months to complete this hydraulic modelling which would then confirm the scope of any relevant improvements. A Grampian style condition is recommended to secure this and any necessary mitigation prior to the occupation of any dwelling.

There is a duty on South West Water under s94 and s37 of the Water Industry Act 1991 (the WIA) to provide capacity to accommodate new developments. The water company who have a statutory duty to accommodate new developments. This duty is enforceable under s18 of the WIA. SWW have done some works to the capacity of the foul drainage network, however, their response indicates that further investigation and works maybe required. In planning terms, while concerns have been raised that neither South West Water 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 have stated that it is anticipated that suitable provision can be made within the existing network for the supply of potable water to the proposed development however SWW strongly advise the developer to consider maximising the use of water efficiency opportunities within the design of their proposals, as supported by 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.

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 condition securing the G2 requirement relating to potable water prior to commencement and a Grampian style condition requiring no occupation until confirmation that SWW has completed its modelling and network improvements for foul drainage and implemented any required mitigation.. The SWW response sets out that such requirements can be made achievable within the lifetime of the consent so that a Grampian condition would be reasonable. The suggest conditions required modification to align with planning legislation, as some elements are covered under other relevant legislation.

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

Affordable Housing

For the proposal to be compliant with the existing local plan and given that it is outside of any identified Built Up Area Boundary (BUAB) then under strategy 34 of the Local Plan an affordable housing target of 50% applies. The applicant is proposing to deliver this through a 35% on site affordable provision, and 15% off site affordable contribution. This is not strictly policy compliant as not all the provision is on site, however officers consider this to be an acceptable level of provision which aligns with recent planning decisions elsewhere and reflects the direction of travel regarding the Council's affordable housing policy.

The layout shows that the 8 social rented dwellings would be in the north west section of the site with the 4 shared ownership accommodation more centrally placed within the site. This layout is considered to be suitably peppercotted and dispersed within the overall scheme.

This is proposed within the advanced draft s106 and as such there was no objections raised to this proposal by the Housing Enabling Officer.

Amenity

It is noted that there are several surrounding existing residential properties surrounding the site. Impact on amenity of these occupiers has been raised as a concern. To the north east of the site is the property of Beech House, the boundary of which abuts this application site. The proposed plot, 34, is situated at an angle to this adjacent property so that the north east side elevation of this proposed dwellings faces Beech House. This side elevation is blank so that there are no windows to look out of. Therefore, overlooking would not occur from this and windows at the first floor of the rear elevations are at an oblique angle so that harmful levels are avoided.

The properties to the north, 5 Windmill Lane, Four Seasons and to the south, Hidden Hayes, 17 and 19 Hayes End are a sufficient distance from the proposed dwellings so as to not be impacted in terms of amenity.

Therefore, the proposal is considered to comply policy D1 in this respect.

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 and the applicant has not provided any detailed assessment in this regard. As such the development could result in the loss of Grade 3a, best and most versatile agricultural land.

Whilst our records indicate that there are large amounts of other land in the locality of higher quality land this could nevertheless result in the loss of BMV agricultural land and this weighs negatively in the planning balance.

Open Space

With regards to public open space strategy 43 of the local plan states for the quantum of development proposed on site space within a rural area is to be provided.

Population increase will be used to determine the relative demand created by different developments. For residential development contributions these will be on a per-dwelling basis and the level of contribution will be higher for larger housing than for small houses or flats. This will be determined by the average occupancy rates where the average occupancy acts as a multiplier reflecting population increase. The assumed average occupancy rates are as follows:

- o a 1 bed dwelling = 1.5 persons,
- o a 2 to 4 bed dwelling = 2.22 persons,
- o a 5+ bed dwelling = 2.5 persons.

The development of 34 dwellings, based on bedrooms sizes, would accommodate approximately 74 persons in a rural area. Under strategy 43 this equates to an on site open space requirement of requires at least 222 sqm.

An area of public open space is proposed as part of the development, to the southeast of the site as shown on the Layout Plan. This would be a general amenity use area and therefore would not feature dedicated play equipment. Access to this open space from the adjacent footpath would be readily available. The planting plan illustrates that this open space is further designed with native bulbs, tree and shrub species to provide an attractive public environment.

This total area of the illustrated green area amounts to 1,800sqm which includes the attenuation pond which is approximately 500sqm. Whilst not all of this space would be usable 'open space' the scheme demonstrates nevertheless that it can meet the above requirements. A management company would be responsible for the open space, details of which will be set out within the Section 106 Agreement

As the proposal is made in 'full' the proposed layout plan illustrates the appropriate quantum of on site open space resulting from the number of dwellings approved. This area will be protected and maintained via the requirements of the s106 agreement.

Mitigation secured via a S106

Strategy 50 (Infrastructure Delivery) seeks to ensure that the necessary infrastructure improvements are secured to support the delivery of development and mitigate any adverse impacts. Policy NP14: Demonstrating Infrastructure Capacity All proposals for new development must deliver the necessary provision for physical and social infrastructure to off-set its impacts.

A s106 has been drafted and, at the time of writing, is at an advanced stage to secure the following;

- Affordable Housing Schedule - to secure 35% on site and 15% off site affordable in line with the latest position.
- On Site Open Space Schedule (and Maintenance Company Schedule)
- Habitats Contribution Schedule - to mitigate the impact on the pebblebed Heath SAC
- Off-site BNG Delivery - to go towards a designated landbank.

It is noted that the Devon County Council Education department have requested a contribution towards local educational facilities. It should be noted that this requirement would be covered under the CIL regulations and therefore it should not be duplicated under a s106. Instead, it would be for the Education department to seek and bid for a mitigatory contribution from this CIL pool.

The NHS was consulted on this proposal and the subsequent amended plans but did not respond. However, it is noted that objections received referred to local surgery services being over subscribed and that an increase in residences will exasperate matters. EDDC have considered issues around capacity at GP practices in the past and sought funding to help deliver additional consulting rooms, but it would be for such services to bid for available monies through CIL.

The Planning Balance

Planning legislation is clear that planning applications should be determined in accordance with the development plan, unless other material considerations suggest otherwise.

There is identified conflict with the development plan in that the proposal seeks to build residential development in the countryside outside the defined BUAB for West Hill. Therefore, the proposal does not follow a plan led development and there is identified conflict with the development plan in this regard.

Due to the December 2023 revisions to the NPPF the LPA now claims a 4.5 year housing land supply which means that the local plan policies are not considered out of date so that the 'tilted balance' does not apply. However, there are substantial material benefits of the scheme to be recognised including providing a supply towards housing supply. This is a necessity in order to contribute to healthy housing levels, maintain the council's housing trajectory and meet the national aim to boost housing supply. As mentioned previously, there is a general acceptance that the release of additional greenfield sites will be necessary to meet the Council's on going housing trajectory.

Maintaining a healthy supply of housing will still be needed in order to have an adoptable local plan and that the direction of travel for future revisions of the NPPF under a new government looks to revise the standard methodology for housing calculations and return to a target-based system – thereby effectively reversing the December NPPF amendments. This latest consultation is based on only a draft NPPF version, and so has no weight, yet it clearly represents a desire on the part of the new government to once again raise dwelling targets in order to reach a national target of circa 370k net additional homes per annum.

Further, although only very limited weight can be based upon the emerging local plan looking at the evidence base for the allocation of housing sites it was suggested that this should be allocated, albeit for a lesser number of housing (26 units). Analysis of the site has shown that this number can be accommodated without the development appearing as cramped or out of character with the surrounding suburban character.

In terms of the social benefits, the scheme would deliver some additional housing, adjacent to a sustainable village and in line with the Framework's aim to significantly boosting the supply of housing.

The site has been found to be accessible to a suitable ranges of services and facilities and a pedestrian link to the development at Eastfield would boost such links, if that development is approved. The ecologist is content that on site mitigation measures can be provided. The landscape architect is content that wider landscape harm would not occur, but points towards further on site landscape details being secured. DCC lead flood team raise no objection to the proposal which through an attenuation pond and storage cells would suitably control surface water outflow. SWW have suggested conditions to ensure that updates to the nearby pumping station to accommodate the resultant foul water can be carried out if necessary and so raise no objection. The highway officer is satisfied with the layout and that highway upgrades are achievable and therefore raises no objection. At the time of writing, an advanced s106 is nearing completion which would mitigate the impact of development in terms of impact upon biodiversity net gain, provision/maintenance of open space and suitable affordable housing.

It is therefore recommended that planning consent be granted as the benefits of the development including the delivery of housing to improve the district's housing land supply, are material considerations that outweigh the identified conflict with the development plan. Therefore, a recommendation of approval, subject to conditions and a s106 is put forward.

RECOMMENDATION

APPROVE, subject to completion of a s106, adoption of the appropriate assessment and subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

Construction, access and highways

3. 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)

4. Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority) of arrangements which secure provision for a pedestrian public access link to the adjacent field to the East of this site and retain this link in perpetuity. The development shall not proceed above slab level on the dwellings hereby approved until the works have been carried out in accordance with the approved details.

(Reason – In order to provide suitable pedestrian linkages to reduce reliance on private modes of transport and promote sustainable forms of travel. The requirements are pre commencement to ensure consideration at an early stage and to ensure the alterations are in place prior to increased traffic), in accordance with policies Strategy 5B (Sustainable Transport) and TC2 (Accessibility of New Development) of the East Devon Local Plan).

5. 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)

6. Prior to the occupation of any of the dwellinghouses hereby approved details of secure cycle/scooter storage facilities shall have been submitted to and approved in writing by the Local 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).

7. Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority) of arrangements which secure the highway improvement works for alterations to the junction between Windmill Lane and Bendarroch Road as illustrated in approved plan figure 3.1 of the submitted Transport Statement reference P22-0101/TR01. The development shall not proceed above slab level on the dwellings hereby approved until the works have been carried out in accordance with the approved details.

(Reason - In the interest of highway safety, in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan, and guidance contained within the National Planning Policy Framework) The requirements are pre commencement to ensure consideration at an early stage and to ensure the alterations are in place prior to increased traffic).

8. Prior to the first occupation of each individual dwelling at least 1 parking space that relates to the dwelling and its associated vehicle access route shall have been properly formed, surfaced and be accessible for use by the respective occupiers.

(Reason – To ensure that the development has appropriate parking provision, in accordance with policy TC9 (Parking Provision in New Development) of the East Devon Local Plan).

Drainage and Flood Risk

9. The development hereby approved shall be carried out in accordance with the submitted Flood Risk Assessment dated 26th April and conducted by RMA Environmental.

(Reason – To ensure that the potential flood risk is mitigated, in accordance with policy EN21 (River and Coastal Flooding) of the East Devon Local Plan).

10. The development shall not proceed other than in strict accordance with the Surface Water Drainage Maintenance and Management Plan dated February 2024 and conducted by Strongvox.

(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).

11. 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 using FEH rainfall data and the most up to date climate allowance.

(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).

12. Prior development continuing above slab level on 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 National Planning Policy Framework and Strategy 3 of the East Devon Local Plan).

13. 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 Policies 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)

Trees and Landscaping

14. a) Prior to commencement of any works on site (including demolition), the Tree Protection measures shall be carried out in accordance within the Tree Protection Plans (05900 TPP REV D GA, TPP REV D S1 to S4) submitted by Aspect Tree Consultancy dated 11/11/2023. All works shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed, no amendments to be made without first gaining consent in writing from the Local Authority.

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

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

d) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning

Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

e) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

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

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

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

15. Site monitoring:

a) The installed tree protection measures shall be inspected by an appropriately experienced and qualified Arboricultural Consultant commissioned to act as the project Arboricultural Supervisor.

b) The written findings of the Arboricultural Supervisors initial site inspection shall be forwarded to Local planning Authority prior to the commencement of works on site.

c) Ad-hock monthly site inspections (these may be done remotely, via video call) shall be undertaken by a suitably qualified tree specialist and the finding recorded in a site monitoring log.

d) Any departures from the approved Tree Protection Plan shall be reported to the Local Planning Authority in writing within five working days of the site inspection.

On completion of the development hereby approved:

e) A completed written site monitoring log shall be submitted to the Local Planning Authority for prior approval and final discharge of the tree protection condition.

(Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D3 - Trees and Development Sites of the East Devon Local Plan 2013-2031 and pursuant to section 197 of the Town and Country Planning Act 1990).

Ecology

16. The development shall not proceed other than in strict accordance with the recommendation, mitigation measures and enhancements detailed in the Ecological Assessment dated March 2024 conducted by Richard Green Ecology. (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.)

17. Prior to the installation of any external lighting a Lighting Impact Assessment (LIA) including lux contours, based on the detailed site design, EclA report (section 4.3.1) and most recent guidelines (currently GN08/23 and DCC 2022), has been submitted and approved in writing by the local planning authority. The LIA should clearly demonstrate that dark corridors provided around the site are achievable without the attenuation of habitat features, the long-term management of which cannot be guaranteed. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. No other external lighting be installed without written prior consent from the Local Planning Authority.

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

18. Prior to the commencement of development a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority, based on the submitted Ecological Impact Assessment (Richard Green Ecology, March 2024). It should include the location and design of biodiversity features including bird boxes, bat boxes, permeable fencing, and other features to be shown clearly on submitted plans. The content of the LEMP should also include the following;

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum 30-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- j) Landscape and ecological aims and objectives for the site.
- k) Condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
- l) Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:

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

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

- Grass and wildflower areas.

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

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

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

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

The works shall be carried in accordance with the approved drawings and details and shall be completed prior to first occupation of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following commencement of development. Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the written satisfaction of the LPA.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how

contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The management, maintenance and monitoring shall be carried out in accordance with the approved plans and details.

(Reason: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement of the character and appearance of the area in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the East Devon Local Plan. The condition is pre commencement to ensure that it properly integrates into the development from an early stage

19. No development shall take place (including ground works) until a Construction and Ecological Management Plan (CECoMP) has been submitted to and approved in writing by the local planning authority. The CECoMP shall include the following;

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication, including reporting compliance of actions to the LPA
- g) The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CECoMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

The development shall not be occupied until the local planning authority has been provided with evidence, including photographs, that all ecological mitigation and enhancement features, including bat boxes, bird boxes, permeable garden fencing, and insect bricks, have been installed/constructed, and compliance with any ecological method statements in accordance with details within the submitted LEMP and CECoMP.

(Reason: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the East Devon Local Plan. The condition is pre commencement to ensure construction works are taken into account).

20. No development work shall commence on site until the following information has been submitted and approved by the Local Planning Authority:

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

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

- a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
- methods for stripping, stockpiling, re-spreading and ameliorating the soils.
- location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
- schedules of volumes for each material.
- expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture. identification of person responsible for supervising soil management.

c) A full set of soft landscape details including:

- Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.
- Tree pit and tree staking/ guying details.

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

Design

20. 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 including underbuild, roofs, windows, doors, rainwater goods, soffits and fascias 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.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

120 P2: Attenuation Basin Detail	Other Plans	13.06.23
3.2: Swept Path Analysis	Other Plans	12.06.23
3.3: Swept Path Analysis of AFire Appliance	Other Plans	12.06.23
	Location Plan	05.06.23
WINDMILL-C-300- 1000 P6 : drainage strategy	Other Plans	14.02.24
4710-BB-DR-L- 501: Hedgerow Details	Other Plans	16.02.24
34852 PL03S Planning layout	Other Plans	22.12.23
34852 PL-05.1D Boundary treatments	Other Plans	22.12.23
34852 PL-05F External works plan	Other Plans	22.12.23

34852 PL-06E Affordable homes plan	Other Plans	22.12.23
34852 PL-07E Parking plan	Other Plans	22.12.23
34852 PR-03 Presentation layout	Layout	22.12.23
34852 SS-01F Street scenes & site sections	Other Plans	22.12.23
4710 BB-DR-L-401 P5 Sections A-A/B-B	Landscaping	22.12.23
4710 BB-DR-L-401 P5 LORES Sections A- A/B-B	Landscaping	22.12.23
4710 BB-DR-L-101 P7 Landscape mitigation plan	Landscaping	22.12.23
4710 BB-DR-L-102 P6 On site open space plan	Other Plans	22.12.23
4710 BB-DR-L 201 P9 Planting plan	Landscaping	22.12.23
4710 BB-DR-L-202 P9 Planting plan	Landscaping	22.12.23
4710 BB-DR-L-291 P9 Planting schedule	Landscaping	22.12.23
C_100_100 P4 Site levels	Other Plans	22.12.23
C_300_030 P4 Impermeable area plan	Other Plans	22.12.23

C_300_040 P6 Flood exceedance plan	Other Plans	22.12.23
C_300_1000 P4 Drainage strategy plan	Other Plans	22.12.23
C_300_120 P6 Attenuation basin details	Other Plans	22.12.23
05900 TPP REV F 10.1.24: Whole site	Tree Protection Plan	11.01.24
05900 TPP REV F 10.1.24: Sheet 1 of 4	Tree Protection Plan	11.01.24
05900 TPP REV F 10.1.24: Sheet 2 of 4	Tree Protection Plan	11.01.24
05900 TPP REV F 10.1.24: Sheet 3 of 4	Tree Protection Plan	11.01.24
05900 TPP REV F 10.1.24: Sheet 4 of 4	Tree Protection Plan	11.01.24
Materials plan: PL- 04 REV F	Other Plans	11.01.24
SUB-01 REV A : substation	Proposed Combined Plans	11.01.24
Proposed site levels: WINDMILL_ C_100_100 REV P5	Other Plans	11.01.24
GAR-03 : double garage single owner	Proposed Combined Plans	22.12.23
GAR-01 : single garages	Proposed Combined Plans	22.12.23

1B MAIS-02 C : housetype 1B MAIS-02	Proposed Floor Plans	22.12.23
1B MAIS-01 C : housetype 1B MAIS-01	Proposed Elevation	22.12.23
HT-3B-01 A : housetype 3B-01	Proposed Combined Plans	22.12.23
HT-2B-01 A : housetype 2B-01	Proposed Combined Plans	22.12.23
GT-APPLEDORE- 03 A : housetype APPLEDOR E-03	Proposed Floor Plans	22.12.23
GT-APPLEDORE- 02 A : housetype APPLEDOR E-02	Proposed Elevation	22.12.23
GT-APPLEDORE- 01 A : housetype APPLEDOR E-01	Proposed Elevation	22.12.23
HT-APPLEBY-03 D : housetype APPLEBY-03	Proposed Floor Plans	22.12.23
HT-APPLEBY-01 D : housetype APPLEBY-01	Proposed Elevation	22.12.23
HT-APPLEBY-02 A : housetype APPLEBY-02	Proposed Elevation	22.12.23
HT-AMBERD-02 C : housetype AMBERD-02	Proposed Combined Plans	22.12.23

HT-AMBERD-01 C : housetype AMBERD-01	Proposed Combined Plans	22.12.23
HT-CAMDEN-04 A : housetype CAMDEN-04	Proposed Combined Plans	22.12.23
HT-KNOWLE-01 D : housetype KNOWLE-01	Proposed Combined Plans	22.12.23
HT-CAMDEN-03 A : housetype CAMDEN-03	Proposed Combined Plans	22.12.23
HT-CAMDEN-02 A : housetype CAMDEN-02	Proposed Combined Plans	22.12.23
HT-CAMDEN-01 A : housetype CAMDEN-01	Proposed Combined Plans	22.12.23
HT-ROWAN-02 B : housetype ROWAN-02	Proposed Combined Plans	22.12.23

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

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

Equality Act:

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

