

Ward Woodbury And Lymptone

Reference 24/0674/FUL

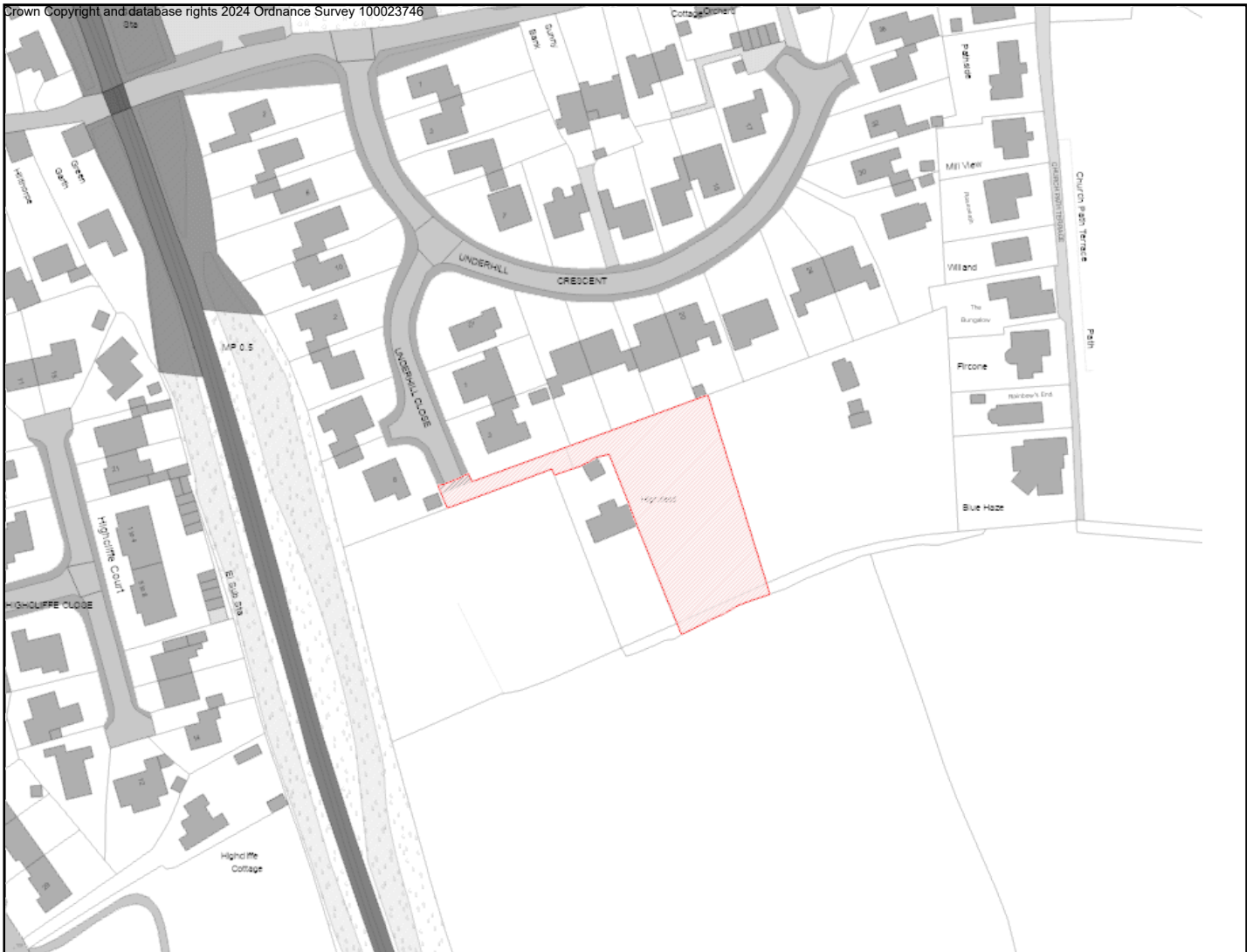
Applicant C & E Wintrell

Location Land At 22 Underhill Crescent Lymptone

Proposal Construction of two dwellings.



RECOMMENDATION: Approval with conditions



		Committee Date: 22.10.2024
Woodbury And Lympstone (Lympstone)	24/0674/FUL	Target Date: 21.05.2024
Applicant:	C & E Wintrell	
Location:	Land At 22 Underhill Crescent	
Proposal:	Construction of two dwellings	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members of the Planning Committee because the Officer recommendation differs from that of the Ward Members and it is a departure from the Local Plan.

This application seeks planning permission for the construction of two dwellings with associated parking and amenity areas.

The site is located within the open countryside, as defined by Strategy 7 (Development in the Countryside) of the East Devon Local Plan 2013-2031 in an area designated as Green Wedge.

Planning law requires that applications for planning permission must be determined in accordance with the development plan (foot note 2 states this includes local and neighbourhood plans that have been brought into force) unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

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 as 'sustainable development' if there is no identified contextual conflict and it is within reasonable reach of an appropriate level of services and facilities.

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.

The application site is part of a larger site which has very recently been considered by EDDC's Strategic Planning Committee, on 3 September 2024. At this meeting the suit was considered to be suitable and sustainable and a preferred site for new residential development within Lympstone. Whilst the emerging local plan has yet to be examined, the Planning Committee has been advised that when 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.

Overall, whilst there is some conflict with the adopted local plan, it is considered that due to the sustainable location of the site, the need for new housing, and the resolution to promote the site as a preferred allocation in the emerging local plan, the principle of development of this site is acceptable.

The proposed dwellings are considered to be acceptable in terms of layout, scale and appearance and would not result in any significant harm to the character and appearance of the area or the Green Wedge designation to justify refusal of the application. The proposal is accompanied by detailed landscaping proposals which include maintaining the southern hedgerow at an appropriate height along with additional planting which would help to soften the impact of the development in localised and wider views.

The proposal is considered to be acceptable in terms of its impacts on residential amenity and parking provision such that on balance, it is recommended for approval.

CONSULTATIONS

Local Consultations

Woodbury And Lympstone - Cllr Ben Ingham 13.08.24

As EDDC still have not made a decision on this application, I recommend this planning application for refusal because:

The site is outside the Lympstone built up area boundary

The site is within the Lympstone green wedge (part of the current EDLP and earmarked for stronger policy definition in the eEDLP0.

All traffic to and out of this site has to go through the village centre, thereby increasing traffic on already overused lanes, and increasing risk to pedestrians and cyclists.

This site is on the crest of a hill, highly visible from the southern Exe Estuary, therefore to be avoided.

Woodbury And Lympstone - Cllr Geoff Jung 30.04.24 24/0674/FUL

I have viewed the planning application 24/0674/FUL for the construction of two dwellings on land at 22 Underhill Crescent Lympstone. The applicants state in the documents that the scheme forms part of an EDDC's preferred allocation for development and would create a consolidation of the pattern of development within the edge of Lympstone village which is misleading.

Although this application seems to be infill between 2 sets of buildings, this application is beyond BUAB (the built-up area boundary) of Lympstone, but critically it is with the existing green wedge special designated area where development is precluded to help restrict coalition between 2 communities. Therefore, this application would be considered against the present local plan and therefore I am unable to support. However, I will reserve my final views on the application until I am in full possession of all the relevant arguments for and against.

Parish/Town Council 07.05.24

Recommendation: Support

Lympstone Parish Council fully discussed the location and access to the site. The site is outside the BUAB and part of the current green wedge. However, the consultation on the proposed EDDC plan, identified this as a favoured site, highlighting connection to the village and close proximity to shops and the railway station. Recent applications (24/0725 and Blue Hayes) have been approved adjacent to the site, and the Parish Council felt the development would cause no harm to the character of the area and is justified because it is a sustainable development and in a residential site curtilage. (NPPF Sec.9, 11 and 12, LNP Policy 3).

Technical Consultations

EDDC Trees 04.09.24

Thank you for the email. I understand that my proposal to move the drive to the south is not quite as straight forward as I had hoped. With the benefits of a detailed landscaping scheme (hopefully with some large scale trees) I am happy to remove my concerns / objection to the construction of the no dig drive within the RPA of the retained Pine.

EDDC Trees 22.04.24

Please see tree comments below and attached alternative proposed drive plans (under documents tab).

In principle I have no objection to the proposed development. However, I do have concerns about the location of the no-dig drive under the crown of the T4, a category B Scots Pine. Preferably to reduce any potential detrimental impact on the long-term health of the tree, the area within the crown spread of the tree should be retained as it currently is with the drive located outside the RPA as per the attached. This would appear to entail only a minor modification of the current plans but would benefit the long-term health of the tree. Furthermore, it would appear that a substantial portion of the area under the crown of the tree is not necessary for the drive to be usable.

Other Representations

A total of 10 representations have been received, 3 raising objections, 4 in support and 3 making comment, summarised below:

Objections

- Site is outside of Built-up Area Boundary
- Site is within Green Wedge
- Overbearing development
- Loss of outlook and visual intrusion
- Out of character with existing development
- Additional traffic
- Increased noise and disturbance
- Loss of amenity during construction period
- Loss of privacy and overlooking of neighbouring properties
- Previous development on the site has been refused
- Undesirable backland development
- Proposal would be skyline development, visible from Exe Estuary and
- Dominant location being on highest land
- Footprint of the buildings too large
- Increased surface water run off due to loss of greenfield site
- No garages or storage buildings proposed

Support

- Proposal will provide much needed family housing in the village
- Design in keeping with surroundings
- Ample parking provided
- Existing hedging will be retained and enhanced
- Site is outside of Coastal Protection Area
- Site is within easy reach of the station, village centre, primary school and Exe Trail
- Appropriate infill development

Representation

- It is suggested that refuse turning could be provided within the site, but would prefer if current arrangements of residents taking bins to end of the private drive continue
- The drive leading to the plot is in separate ownership with a right of access across.

PLANNING HISTORY

22/1748/CPL	Erection of a proprietary mobile stable and tack room.	CPL Refused (planning permission required)
22/1845/FUL	Use of land (East and West paddocks) for the grazing of horses, and siting of mobile	Approved 26.10.2022

stable with adjoining tack room.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 8 (Development in Green Wedges)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Lympstone Neighbourhood Plan

Policy 2 – Isolated New Homes

Policy 3 – Green Wedge and Coastal Preservation Areas

Policy 4 – Range of Housing Sizes

Policy 5 & 6 – Density and Scale

Policy 7 – Design

Policy 8 – Sustainable Development

Policy 11 – Parking

Policy 12, 13, 14 – Climate Change

Government Planning Documents

NPPF (National Planning Policy Framework 2023)

National Planning Practice Guidance

Site Location and Description

The application site comprises an area of extended garden/paddock associated with 22 Underhill Crescent. It is a generally level piece of grassed land that is enclosed by boundary hedging to the east, closeboard fencing to the north and west, and an earth bank and hedging to the south.

To the north are the rear gardens and existing residential properties fronting onto Underhill Crescent, to the east is further paddock/extended garden, and to the south are agricultural fields. To the west is a two storey detached property, Highfield, with its garden area extending the length of the western boundary of the site.

Access to the site is proposed from a private drive at the end of Underhill Close to the west, which also serves Highfield.

Proposed Development

Full planning permission is sought for the construction of two detached four bedroom dwellings with associated parking and garden areas.

The dwellings of a generally traditional design, with hipped roofs to the main building and projecting front element, with a two storey projecting gable, with recessed first floor balcony to the rear/south. The proposed materials comprise a mixture of stone, render and cladding, with large areas of glazing on the southern elevations, and more conventional window openings on the front elevations. The hipped roofs are natural slate, with solar PV panels on the southern elevation.

The footprint of the dwelling provides family/living area, lounge, utility and study area on the ground floor with four bedrooms and associated facilities on the first floor.

Consideration and Assessment

The main issues to be considered in the determination of this application relate to the policy context and principle of the proposed development; impact on the Green Wedge; design, scale and visual impact on the character and appearance of the area, on residential amenity, highway safety and parking, ecology or arboricultural impact.

Policy Context and Principle

The application site lies outside of any built-up area boundary defined in the East Local Plan 2013 - 2031 (EDLP), Lympstone Neighbourhood Plan or associated East Devon Villages Plan (2018) (EDVP). Consequently, the site is defined as open countryside in accordance with the terms of Strategy 7 (Development in the Countryside) of the EDLP. This states that;

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

This application comprises new development in the countryside, outside of the defined settlement boundary of Lympstone, thereby conflicting with Strategy 7 and the special approach to development as expressed within the local plan, which of the local plan which significant weight given that this is one of the main objectives of the local plan.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

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

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

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

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

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

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

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

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

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.

However, the application site is part of a larger site, Lympstone)_01 Little Paddocks, 22 Underhill Crescent which has very recently been considered by EDDC's Strategic Planning Committee, on 3 September 2024. At this meeting the suit was considered to be suitable and sustainable and a preferred site for new residential development within Lympstone. The allocation is for 14 new dwellings, with an access off Underhill Crescent. The application site comprises the western paddock with the rest of the site

comprising the existing dwelling (No. 22) and extended garden area which would be unaffected by the current application. Whilst the emerging local plan currently carries little weight, the Planning Committee has been advised that when 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.

Overall, whilst there is some conflict with the adopted local plan, it is considered that due to the sustainable location of the site, the need for new housing, and the resolution to promote the site as a preferred allocation in the emerging local plan, the principle of development of this site is acceptable.

Impact on the Green Wedge

The application site lies within an area identified as being within a Green Wedge where Strategy 8 (Development in Green Wedges) applies. This policy seeks to protect the countryside from 'creeping' development to ensure that open land between settlements is retained. Within such areas development which, amongst other criteria, would add to existing sporadic or isolated development will not be permitted. In this instance there are a number of residential properties in the vicinity which are considered to have an urbanising impact on this countryside location, it is considered that the fundamental thrust of the policy is to ensure that further urbanisation does not occur.

The definition of the boundary of Strategy 8 has been specifically identified to ensure that inappropriate infill development does not occur. The land within it is under considerable pressure for new or additional development and whilst it can be argued that a single dwelling, even where that dwelling has been specifically designed to be environmentally beneficial, will not have a significant impact on the overall designation, it will still increase the built form, and domestication of the area.

Policy 3 of the Lypstone Neighbourhood Plan states that development will not normally be permitted in the Green Wedge unless it can be demonstrated that no harm to the character or purpose of these areas will occur, and a number of other criteria are met.

With regard to the character, it is important to have regard to the findings of a recent planning appeal (reference APP/U1105/W/21/3282445) for a new dwelling, on a site within very close proximity to the application site. This site is located at the southern end of Underhill Close, adjacent to the access to the application site. In considering the impact which that development would have, the Inspector found, at paragraph 11 that

"The development would read as infill and would relate very well to surrounding housing, falling inside a notional building line across this southern extent of the village. If this feature is retained, and if the dwelling were to maintain a low-profile design as suggested, the proposal would have a negligible presence within the Green Wedge in views from the public footpaths and the highway network to the south. On this basis, the scheme would consolidate the pattern of development at this village edge without harm to the character and appearance of the Green Wedge and without any

semblance of encroachment towards Exmouth.” A copy of the appeal decision is appended.

The application site is less visible in wider views than the appeal site being seen, where visible, within the context of the existing two storey dwelling adjacent to it and the development to the north in Underhill Crescent. From surrounding lanes to the south and west, and using the adjacent dwelling as a reference, it is very difficult to find any public views of the building due to the topography of the land and existing vegetation. There are some limited views of the site, from the public footpath to the east and south east of the site (Lympstone footpath 4) between the hedge but from here the site is seen within the context of a new dwelling, Blue Haze, and behind the existing boundary planting. It is not considered that the development would be prominent or visually intrusive in this context.

With regard to the other criteria of Policy 3 of the Neighbourhood Plan the site is within an extended curtilage (grassed paddock) associated with a residential property (22 Underhill Crescent) and is considered to be a reasonable sustainable location.

Overall it is not considered that there is any material conflict with Strategy 8 (Development in Green Wedges) of the Local Plan or Policy 3 of the Neighbourhood Plan

Design and Scale

The design of the proposed dwellings is considered to be reasonable, if not exceptional, with materials, including natural stone, timber cladding and slate roofs, reflective of those found within the vicinity of the site. The dwellings have a lower overall ridgeline than that of the neighbouring property, Highfield, and do not extend the built form further into the countryside than that existing. The overall scale is considered to be commensurate with that adjacent and not unreasonable in this location.

Given the extent of glazing on the southern elevations of the dwellings it is considered that the use of anti-glare glazing be used to ensure that, where visible, the sensitivity of views from the southwest, are protected. This element is indicated on the submitted plans and can be conditioned.

Overall it is considered that the dwellings respect the notional building line of this southern extent of the southern extent of the village, and that the layout of the development is acceptable as it would not result in any substantive visual intrusion into the wider landscape.

Residential Amenity

Policy D1 of the Local Plan requires that proposals do not adversely affect the amenity of occupiers of adjoining residential properties.

The introduction of 2 dwellings on this site will alter the aspect and have some impact on the outlook from the residential properties to the north, with built development replacing what is currently an open field. The dwellings will be visible from these

properties over the existing fence and boundary vegetation, but their position, with the first floor frontage 15m to the boundary of the rear gardens and 27m from the rear of these properties is not, considered to be unreasonable or that the new dwellings would be unacceptably overbearing. Concerns raised regarding loss of privacy are appreciated, however the relationship between the dwellings is such that it is not considered that a refusal could be substantiated in terms of loss of privacy or amenity to the occupiers of these properties. Additional planting to the northern boundary would further mitigate any potential impact.

An increase in noise and disturbance arising from the introduction of 2 dwellings is also inevitable, with additional activity and vehicle movements, although given the main amenity and living areas of the dwellings being located on the southern side of the new properties, it is not considered that this will result in any material loss of amenity for existing residents.

The shared access drive will also result in additional activity to the front of Highfield, particularly during any construction, although this is transitory and the overall impact of vehicles accessing the site following completion of the dwellings is likely to be modest, such that it would not result in any substantive impact. It is not considered that any loss of privacy or overlooking would arise which would have a material impact on the residential amenity of the occupiers of Highfield.

On balance, whilst the proposed dwellings would result in a degree of impact on the occupiers of surrounding properties, it is not considered that this would justify refusal of the application. In addition, the relationship between the new dwellings, incorporating appropriate boundary treatment and privacy measures is such that the amenity of existing and future occupiers will be protected. The proposal would comply with the provisions of policy D1 of the Local Plan.

Highway Safety and Parking

The access to the site is existing and is currently in use by Highfield and to gain vehicular access to the site. No physical alterations to this are proposed.

Policy TC9 - Parking Provision in New Development of the Local Plan states that spaces will need to be provided for Parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home.

The submitted site plan demonstrates that sufficient parking would be provided within the site for the parking of vehicles along with adequate turning space so that vehicles can exit the site in a forward gear. The proposal complies with the provisions of policy TC9 of the Local Plan.

Whilst the submitted swept path analysis plans indicate that there is sufficient space for emergency or refuse vehicles to enter and leave the site in a forward gear, it is not anticipated that such vehicles would access the private driveway unless an emergency need should arise.

Ecology

Strategy 47 (Nature Conservation and Geology) of the Local Plan requires that all development proposals:

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.

Development proposals that would cause a direct or indirect adverse effect upon internationally and nationally designated sites will not be permitted unless:

- a) They cannot be located on alternative sites that would cause less or no harm.
- b) The public benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats.
- c) Prevention, mitigation and compensation measures are provided.
- d) In respect of Internationally designated sites, the integrity of the site will be maintained.

Policy EN5 (Wildlife Habitats and Features) of the Local Plan states that wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would result in the loss of or damage to their nature conservation value, particularly where these form a link between or buffer to designated wildlife sites.

The application is accompanied by an Ecological Impact assessment Report prepared by a suitably qualified ecological consultant which found all habitat types were identified, with the dominant habitat being semi-improved species poor grassland, with the addition of scattered trees, intact species-poor hedge, fence and other habitats. No rare or nationally scarce botanical species were identified.

In order to avoid any adverse impact to protected species a number of ecological mitigation, compensation and enhancement measures are proposed, including minimal external lighting, with none on the boundary, protection of any identified breeding birds, the hand dismantling of the on-site manure heap, and overnight covering of any construction trenches.

A number of ecological enhancements are suggested, including the provision of bat and bird boxes; hedgehog access points in boundary walls/fences; a hedgehog house or log piles/compost heap/leaf piles and overgrown corners created; native planting/landscaping; swift houses, and a Landscape and Ecological Management Plan (LEMP) provided.

Arboricultural Impact

There is a category B Scots Pine located adjacent to the northern boundary of the site. As part of the consideration of the proposal the Councils Arboricultural Officer suggested that the no-dig hardsurfacing area within the root protection zone be

relocated, however this is required to provide an emergency vehicle turning area should this ever be required and as such is considered appropriate to be retained.

A detailed soft landscaping scheme, including the planting of a number of trees to the southern boundary of the site, has been submitted which is considered to be appropriate in this exposed location.

Habitat Regulations Assessment and Appropriate Assessment

The site is located in close proximity to the Exe Estuary and the East Devon Pebble bed Heaths Special Protection Areas (SPA's) which provide an important recreational resource for the local community. However, these are sensitive environments which are important to nature conservation and are subject to European wildlife site designations.

Despite the introduction of the Community Infrastructure Levy (CIL) where a proportion of CIL goes towards infrastructure to mitigate any impact upon habitats, contributions towards non-infrastructure mitigation are also required as developments that will impact on a protected habitat cannot proceed under an EU directive unless fully mitigated. Evidence shows that all new dwellings and tourist accommodation within 10 kilometres of the Exe Estuary and/or the Pebblebed Heaths Special Protection Areas (SPA's) will have a significant effect on protected habitats which is reflected in Strategy 47 (Nature Conservation and Geology) of the Local Plan. This proposal is within 10 km of the Exe Estuary and the Pebblebed Heaths and therefore attracts a habitat mitigation contribution towards non-infrastructure at a rate of £367.67 per dwelling which has been secured as part of this application.

Planning Balance

The site is located within the open countryside, as defined by Strategy 7 (Development in the Countryside) of the East Devon Local Plan 2013-2031 in an area designated as Green Wedge.

Planning law requires that applications for planning permission must be determined in accordance with the development plan (foot note 2 states this includes local and neighbourhood plans that have been brought into force) unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

Appeal decisions have shown that even if a site is not allocated in the current plan or is outside development boundaries, it can still nevertheless be considered for 'sustainable development' if there is no identified contextual conflict and it is within reasonable reach of an appropriate level of services and facilities.

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.

The application site is part of a larger site which has very recently been considered by EDDC's Strategic Planning Committee, on 3 September 2024. At this meeting the site was considered to be suitable and sustainable and a preferred site for new residential development within Lympstone. Whilst the emerging local plan has little weight, the Planning Committee has been advised that when 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.

Overall, whilst there is some conflict with the adopted local plan, it is considered that due to the sustainable location of the site, the need for new housing, and the resolution to promote the site as a preferred allocation in the emerging local plan, the principle of development of this site is acceptable.

The proposed dwellings are considered to be acceptable in terms of layout, scale and appearance and would not result in any significant harm to the character and appearance of the area or the Green Wedge designation to justify refusal of the application. The proposal is accompanied by detailed landscaping proposals which include maintaining the southern hedgerow at an appropriate height along with additional planting which would help to soften the impact of the development in localised and wider views.

The proposal is considered to be acceptable in terms of its impacts on residential amenity and parking provision such that on balance, it is recommended for approval in compliance with the East Devon Local Plan and the Lympstone Neighbourhood Plan.

RECOMMENDATION

APPROVE 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.)
3. A Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority prior to any works commencing on site, and must be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. 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. There shall be no high frequency audible reversing alarms used on the site.

(Reason: A pre-commencement condition is required to ensure that the details are agreed before the start of works to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)

4. A Landscape and Ecological Management Plan (LEMP) must be submitted to and approved by the Local Planning Authority prior to any works commencing on site. The LEMP shall outline details of any landscaping plans, monitoring, ecological enhancements (bird/bat boxes and long-term ecological gain. The works shall thereafter be undertaken in accordance with the approved plan.
(Reason - A pre-commencement condition is required to ensure that the details are agreed before the start of works to ensure that appropriate protection and enhancement of the ecology on the site in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031.
5. No development above foundation level shall take place until samples of the materials and finishes to be used in the construction of the external surfaces of the building and the entrance gates hereby permitted have been 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 considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
6. Prior to its installation, full details and specification for the anti-glare glazing to be installed on the southern elevations of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and the anti-glare glazing shall remain in place in perpetuity.
(Reason: To ensure that reflective glare from the southern elevations of the dwellings is minimised to reduce the visual impact of the development in the interests of the character and appearance of the area and the Green Wedge in accordance with Strategies 7- Development in the Countryside, 8- Development in Green Wedges and policies D1- Design and Local Distinctiveness and D2- Landscape Requirements of the East Devon Local Plan 2013-2031).
7. The development hereby permitted shall be undertaken in accordance with the Arboricultural Report prepared by Advanced Arboriculture Ltd. and dated 9 February 2024.
(Reason – To ensure retention and protection of trees on the site during and after construction. The condition is required in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification) no works shall be undertaken within the Schedule Part 1 Class E for the provision within the curtilages of the dwellinghouse hereby permitted of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouses as such.
(Reason: To reduce the visual impact of any uncontrolled future development in the interests of the character and appearance of the area and the Green Wedge in accordance with Strategies 7- Development in the Countryside, 8- Development in Green Wedges and policies D1- Design and Local Distinctiveness and D2- Landscape Requirements of the East Devon Local Plan 2013-2031).
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of the dwellinghouse.
(Reason: To reduce the visual impact of any uncontrolled future development in the interests of the character and appearance of the area and the Green Wedge in accordance with Strategies 7- Development in the Countryside, 8- Development in Green Wedges and policies D1- Design and Local Distinctiveness and D2- Landscape Requirements of the East Devon Local Plan 2013-2031).
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification) no works within the Schedule Part 1 Classes A, C and F for the enlargement, improvement or other alterations to the dwelling hereby permitted or hard surfacing, other than works that do not materially affect the external appearance of the building, shall be undertaken.
(Reason: To reduce the visual impact of any uncontrolled future development in the interests of the character and appearance of the area and the Green Wedge in accordance with Strategies 7- Development in the Countryside, 8- Development in Green Wedges and policies D1- Design and Local Distinctiveness and D2- Landscape Requirements of the East Devon Local Plan 2013-2031).

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

	Tree Survey	26.03.24
DRAINAGE STRATEGY	Drainage report	26.03.24
DRAINAGE STRATEGY	Drainage report	26.03.24
DRAINAGE DOCUMENTATION	Drainage report	26.03.24
227111_AT_A04	Other Plans	26.03.24
227111_AT_A03	Other Plans	26.03.24
227111_AT_A01	Other Plans	26.03.24
1423.20	Proposed Elevation	26.03.24
1423.19	Proposed Combined Plans	26.03.24
1423.18	Proposed Floor Plans	26.03.24
1423.17	Proposed Floor Plans	26.03.24
1423.15	Location Plan	26.03.24
2411-01 : soft landscaping	Additional Information	25.09.24
1423.16.a.	Proposed Site Plan	25.09.24

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.