

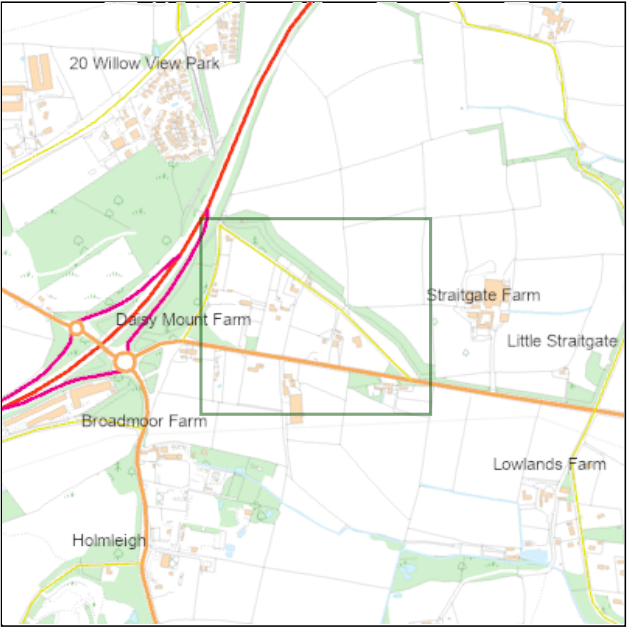
Ward Ottery St Mary

Reference 24/1278/FUL

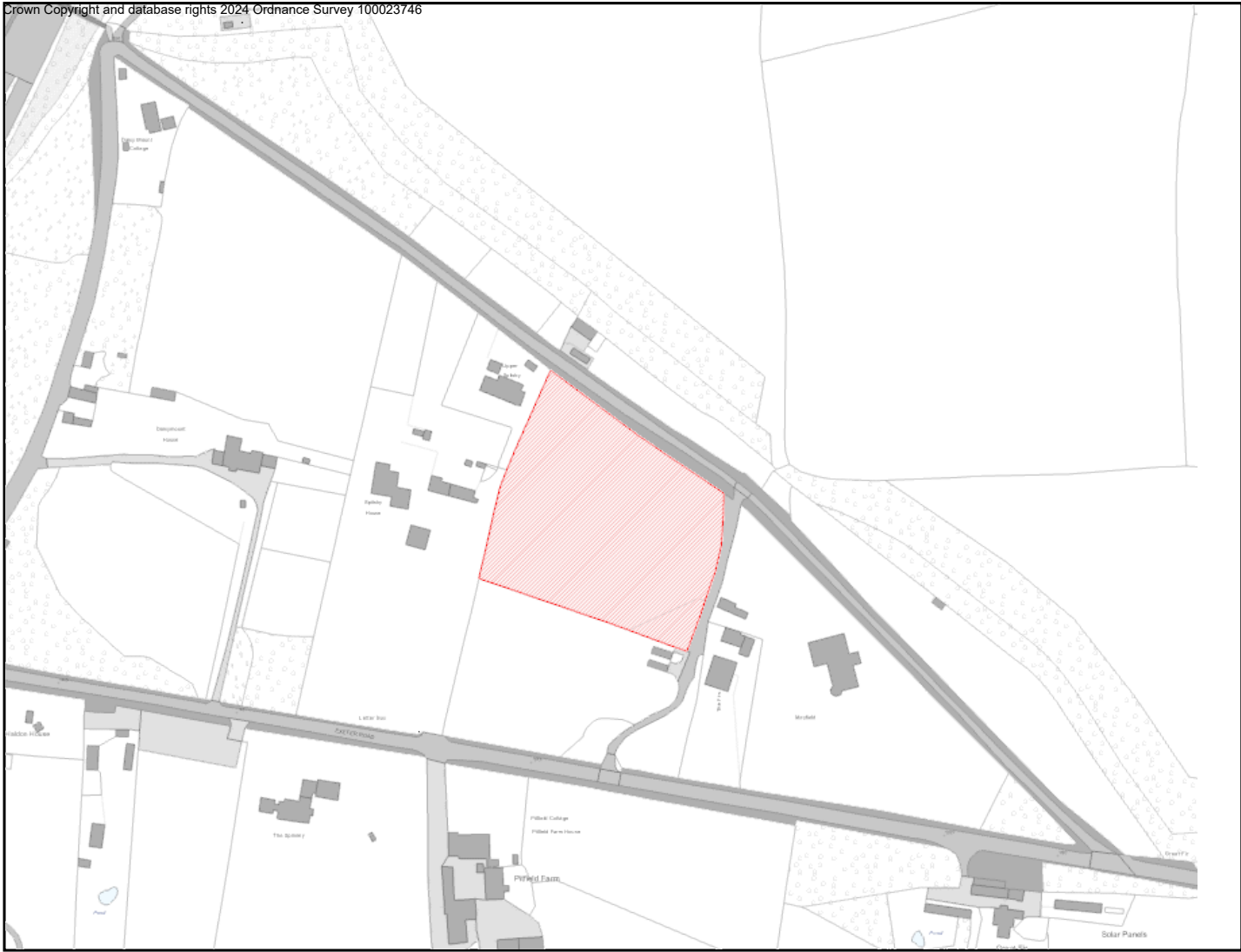
Applicant Tim and Libby Read

Location Land Adjacent Upper Spilsby Exeter Road  
Ottery St Mary

Proposal Construction of a new dwelling and associated landscaping



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 19.11.2024</b>
<b>Ottery St Mary (Ottery St Mary)</b>	<b>24/1278/FUL</b>	<b>Target Date: 09.09.2024</b>
<b>Applicant:</b>	<b>Tim and Libby Read</b>	
<b>Location:</b>	<b>Land Adjacent Upper Spilsby Exeter Road</b>	
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**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

**This application is brought before the Planning Committee as the scheme, which is recommended for approval, represents a departure from the local development plan.**

**The application site is a field two miles west of the centre of Ottery St Mary, 70 metres north of the B3174 Exeter Road and 300 metres to the south east of the A30. Around the site are a number of individual houses, set within spacious plots. The site is approached from the north along a narrow lane, and is surrounded by large, mainly beech trees, some of which are protected by a TPO. The site slopes gently towards the south and has long reaching views towards the coast, Peak Hill and Woodbury Common.**

**The application is proposed under the exceptions criteria for new homes in the country set out at Paragraph 84 of the National Planning Policy Framework which allows for the development of homes in the countryside where the design is of exceptional quality. The proposed building is planned as a contemporary and minimalist country house.**

**The scheme has been informed by several design concepts. The building is planned as an 'upside down' house to maximise the views from the first floor living spaces. The ground floor of the house is proposed as being constructed from hemp, which is similar to cob construction but has the advantage that it sequesters carbon unlike cob. The first floor of the building is conceived of as a lightweight Devon oak framed glazed pavilion. A central theme of the building is water, used as a design element to engage with the senses through light and sound, through a series of pools which allow water to travel through the building and into the landscape. The water is also harvested for used within the building as grey water and for the irrigation of the proposed landscaping. The building proposes a muted palette of colours to allow the building to blend with the**

## **landscape setting.**

The proposed landscaping scheme is a significant part of the proposal which aims to frame vistas from the building throughout the landscape. A circular route travels through the landscape and links different 'rooms' within the landscape. The scheme provides an open grassed area at the centre, around which are planned vegetable growing beds, orchard areas with Devon species of trees, reed beds, a wildlife pond and areas of wildflower planting. The proposed hard landscaping uses locally sourced material.

The proposed dwelling would be constructed to very high standards of sustainability to reduce its carbon footprint and energy consumption. The dwelling would be constructed to passivehaus standards of air tight construction and thermal insulation values in excess of those required by the building regulations. The building proposes the use of photovoltaic panels to the roof, waste water heat recovery, a ground source heat pump and several energy storage methods including Lithium Ion batteries and newer technology including Hydrogen-Oxygen Fuels cells and phase change materials.

The scheme has been reviewed by 'The Design Review Panel', an independent national multi-disciplinary panel, three times in the course of its development and during the final review the panel stated that it considered the proposal was truly outstanding, and as such the local authority should have regard to the outcome from this process.

It is considered that the application reflects the highest standards in architecture and would significantly enhance its immediate setting. As such, it is considered that subject to appropriate conditions the application meets the necessary standards set within Paragraph 84 of the NPPF and the application is recommended for approval.

## **CONSULTATIONS**

### **Local Consultations**

#### **Parish/Town Council**

The Council object to this application which is outside of the built up area and in open countryside, not a settlement. The Council support the holding objection from Exeter Airport for a wildlife hazard assessment to be completed and a management plan submitted. The Council is concerned this house would be directly in the path of the aircrafts.

### **Technical Consultations**

#### **South West Water**

Proposal acceptable

#### **Environmental Health**

Proposal acceptable subject to condition

### DCC Historic Environment Officer

Proposal acceptable subject to conditions

### EDDC Trees

Proposal acceptable subject to condition

### Exeter & Devon Airport - Airfield Operations+Safeguarding

Holding objection pending submission of suitable Wildlife Management plan

### Other Representations

One third party representation has been received, in objection to the proposal. A summary of grounds for objection are as below:

- The gross size and relatively simple aesthetics of the dwelling would not meet the required standard as an exceptional example of innovative design quality with unprecedented levels of sustainability.
- Whether the architect is capable of completing such a project
- Potential damage to beech trees and devon hedge during the construction phase
- There has been no consultation with the owners of the land over the proposed widening of the entrance way.

### **PLANNING HISTORY**

22/0009/PREAPP - Construction of a dwelling at Land East of Spilsby House

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### **POLICIES**

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

Strategy 3 (Sustainable Development)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 38 (Sustainable Design and Construction)

Strategy 39 (Renewable and Low Carbon Energy Projects)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

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

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

TC12 (Aerodrome Safeguarded Areas and Public Safety Zones)

### 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: Ecological Impacts

Policy NP11: Small Scale Renewable and Low-carbon Energy Projects

Policy NP13: Accessible and Adaptable Homes

### Government Planning Documents

NPPF (National Planning Policy Framework 2023)

### Site Location and Description

The application site is a field 2 miles west of the centre of Ottery Saint Mary, and around 900 metres by road from the Daisymount junction onto the A30 dual carriageway. As the crow flies the site sits 300 metres to the south east of the A30. Around the site are a number of individual houses, most of which are set within large plots. The site itself is approximately 0.85 hectares, with the southern part of its western boundary adjacent to the boundary of the existing Spilsby House. A narrow lane runs along the northern boundary that connects at either end to the B3174 Exeter Road and then on to the A30 forming a triangle of land within which this cluster of plots sit.

The area is surrounded by large mature trees, mainly beech. There are several open areas among the plots which appear not to be put to any particular agricultural or other commercial use and remain as open grassed areas that provide private recreational spaces for their owners. The proposed site would be one of those spaces and is currently used by the owners of Spilsby House to walk their dog.

The site is on a south-facing slope and falls around 8 metres from the northwest corner to the southeast corner. Just off the northwest corner is a neighbouring house, upper Spilsby, separated by a hedge along the boundary. Spilsby House is off the southern part of the western boundary, where the boundary comprises a hedge with large mature trees that form a substantial screen. These boundary trees are protected by a Tree Preservation Order.

The site is not subject to any landscape designations.

### Proposed Development

Planning permission is sought for the construction of a new five bedroom dwelling and garage and associated landscaping works. The application is proposed under the exceptions criteria for new homes in the country set out at Paragraph 84 of the National Planning Policy Framework which allows for the development of homes in the countryside where the design is of exceptional quality.

The proposed building is planned as a contemporary and minimalist country house, which is designed to integrate into the landscape through planned views.

The building is orientated due south towards distant views of Peak Hill and the coast. The building is also planned as an 'upside down house' so that the views from the living space at first floor level are maximised.

The proposed dwelling is 'L' shaped with dimensions of approximately 30 metres wide by 23 metres deep at its largest point, and has a flat roof with a height of 7.1 metres. The building has 4 bedrooms, a double garage, and a plant room to the ground floor, and a large open plan living space to the first floor containing living dining and kitchen areas, as well as a self-contained one bedroom apartment. A terrace and balcony wraps around the south elevation of the living space. The proposed dwelling would provide 678 square metres of living accommodation.

The ground floor of the dwelling is constructed of hemp, finished in a lime render. The first floor of the dwelling is a lightweight oak framed and glazed pavilion. The proposed building has a flat roof which is designed to capture water for use within the landscaping scheme and as grey water within the building. The roof is also designed to accommodate a large array of photovoltaic panels.

The site is accessed via a curved driveway with access from a widened existing access to the north east of the site. The driveway terminates under a porte cochere to the north elevation of the building.

The application is accompanied by a detailed landscaping scheme which frames views from the house towards the landscape. The scheme includes orchards containing native Devon species, new devon hedgebanks, and vegetable planting beds.

The proposal also includes a reflecting pool which wraps around the south elevation of the house, and also extends through to the main entrance of the house. The proposal also includes below ground attenuation tanks, reed beds and a pond. A number of sustainability measures have been incorporated into the scheme to reduce the carbon footprint of the building both during its construction and for the long term.

### Analysis

The principal issues for consideration are:

- The principle of the proposed development
- Design and impact on the character and appearance of the area and wider landscape impact
- Sustainability Credentials
- Ecology and BNG
- Impact upon existing trees
- Heritage Impacts
- Highway Issue

## Principle of Development

The site lies in the open countryside where there is a presumption against new residential development. This is set out in Strategy 7 (Development in the Countryside) of the Adopted East Devon Local Plan which only permits development in the countryside where it is in accordance with a specific Local or Neighbourhood Plan policy and where it would not harm the distinctive landscape amenity and environmental qualities within which it is located. Bearing this in mind the proposal is considered to be contrary to Local Plan policy and has been advertised as such.

However, Government Guidance, as set out in the National Planning Policy Framework (NPPF) makes provision at paragraph 84 for special circumstances whereby new isolated country homes might be acceptable. The full text of paragraph 84 is as below:

*Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential building;*  
*or*
- e) the design is of exceptional quality, in that it: - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

## Isolated

It is necessary to consider whether the site is considered 'isolated' in order to ascertain whether paragraph 84 of the NPPF is applicable. The meaning of 'isolated' within the context of paragraph 84 of the NPPF is addressed in *Bramshill Ltd v SOS, CLG & Ors* (2021). The court concluded that the concept of "isolated homes in the countryside" requires the decision maker to consider whether the development would be physically isolated, in the sense of being isolated from "a settlement" rather than being isolated from "other dwellings". As such it is therefore a matter of planning judgement for the decision-maker to assess;

- What is a 'settlement'.
- Whether the development would be isolated from a settlement.

The site is physically separated from the nearest settlement of West Hill which is located approximately 1.2 kilometres south east. However the site is located near a number of properties, some of which adjoin the site, with Upper Spilsby and Stables Cottage having windows that overlook the site.

Despite the proximity of existing development however, taking into account the findings of the Bramshill case, the site is physically separate from any settlement and is considered to be 'isolated' in the context of the provision of Paragraph 84 of the NPPF.

### Exceptional Design Quality

This proposal is submitted under the exceptional quality of the dwelling.

In this respect a number of additional criteria are imposed that must all be met for a proposal to meet the very high benchmark that this policy sets, these are considered below and expanded on as necessary elsewhere in the report, and, must meet both criteria of paragraph 84:

- *The design is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas;*
- *The design would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

In terms of being truly outstanding, this is necessarily a subjective judgement, however, in an aim to apply some measure of objectivity the scheme was presented to 'The Design Review Panel', an independent National review panel, pursuant to paragraph 138 of the NPPF, which suggests that Local authorities should have regard to the recommendations from Design Review Panels.

The proposal has been presented to the local Design Review Panel three times, in December 2021, July 2023, and April 2024, with the design having changed considerably since its original iteration.

The final feedback from the Design Review Panel stated that the panel commended the intellectual rigor and considerable effort that is evident in the proposal, with multiple influences and references informing the scheme. In terms of the scale of the building, the panel noted that the scale of the architecture reflected the purpose of the creation of a country house.

The panel concluded that the first criteria had been met and that the design was truly outstanding. The panel also concluded that the design would significantly enhance its immediate setting. The panel did consider however that the landscape design could give further clarity as to how the proposed landscape design relates to the local landscape characteristics. This has been addressed within the planning submission and is discussed in more detail further in the report.

As per the provisions of the NPPF, the local authority should have regard to the outcome from this process. A further assessment of the design and impact on the



character and appearance of the area is made within the report, but the principle of development under Paragraph 84 of the NPPF is therefore given weight through the support of the Design Review Panel.

#### Design impact on character of site

There are several themes that run throughout the design of the scheme.

Water is used throughout the scheme to engage with the senses through light and sound. Water is collected off the roof and descends down chains into pools either side of the front entrance door. The pools extend throughout the entrance hall of the building and are on axis with the garden pond. The water also extends to the reflecting pools which sit in front of the bedrooms, providing privacy to the bedrooms from users of the terrace beyond, as well as providing attractive reflections upon the rendered hempcrete walls. The use of water throughout the house is intended to provide a calming environment which is deeply connected to nature.

The ground floor of the proposed building would be constructed out of cast in-situ hempcrete walls to create intimate interiors that have a connection to the landscape. This is a low carbon material with excellent acoustic and thermal properties, and would be finished with a hand floated lime render. The south facing ground floor walls have a concertinaed form which allows each room to be oriented towards a particular views whilst retaining privacy between the bedrooms.

The enclosed and very solid nature of the ground floor of the building provides a strong contrast to the lightweight first floor. The first floor of the building has a visual connection to the tree line and is conceived of as a delicate timber pavilion to reflect this connection. The irregular and non-uniform patterns of trees surrounding the site have inspired the non-uniform structural pattern at first floor and the irregular timber structure has also been designed to 'baffle' traffic noise from the nearby A30. The use of natural oak continues throughout the interior of the building with exposed ceiling joists which add interest and character to the interior spaces. In line with the country house tradition, the proposal aims to provide sweeping vistas from the piano noble towards the surrounding coast, Woodbury Common and Peak Hill.

The porte cochere to the north of the dwelling forms part of the arrival sequence. The Design Review Panel stated that 'The introduction of a double height covered courtyard provides a bold and innovative architectural solution, enhancing the spatial hierarchy and bringing appropriate scale to the house'.

The building would have a colour palette of muted natural colours to blend with the landscape setting. The flat roofed form of the building is uncharacteristic of the setting, which is surrounded by predominately pitched roofed buildings, but is however more typical of a contemporary modern and minimalist country house. The form is also dictated by the sustainability aspirations of the scheme, through the collection of the rainwater and the provision of solar photovoltaic panels to provide power for the dwelling.

The use of lime render and devon oak in the external elevations of the house, which are all locally distinctive materials, are considered to respect the key characteristics

and special qualities of the area in which the development is proposed. The overall footprint of the house is large, but is not completely out of kilter with other, larger houses within the vicinity of the plot. In the context of the creation of the dwelling as a contemporary country house, the massing is considered appropriate.

A condition would be imposed requiring details of all materials to be used externally in the proposed dwelling to ensure the quality of the finished building. With the condition in place, the proposal is considered to be in line with policy D1 of the local plan and Policy NP2 of the Ottery St Mary and West Hill Neighbourhood Plan.

### Landscape Impact

The East Devon and Blackdown Hills Landscape Character Assessment places the site within Landscape Character Type (LCT) 1C. Pebblebed Heaths. This LCT is unique within Devon, and forms a north-south ridge running north from Budleigh Salterton. Since the 1930s the majority of the area has been managed for recreation and wildlife conservation, with much of the LCT being internationally-designated for its nature conservation importance. It is also rich in archaeology. The site itself falls outside of the boundary of the Sites of Special Scientific Interest (SSSI). The LCT is a naturally beautiful rural setting.

In line with the characteristics of the LCT, the site contains many beech and oak trees to its boundaries. The scheme looks to retain and enhance the existing planting to the boundaries of the site as part of an overall landscaping scheme for the site.

The proposed scheme has been designed to frame vistas throughout the landscape, out towards the surrounding countryside and coast, and back towards the house. The entrance driveway to the house is hidden from the views, and the landscaping is designed around an open meadow heart at the centre of the garden that will be preserved as an open meadow, which will be punctuated by vernacular tree planting and mown paths through the grass to accentuate the vistas from the house. A circular route has been created around the house which also contains a series of framed views back to the house, and also provides a route between the different 'rooms' within the landscape.

Run off rainwater and greywater would be used on site through a system of pools and a reed bed filtration system. The scheme provides growing spaces in the form of raised vegetable beds, and orchards planted with Devon species of apple trees. Alongside this, the flora and fauna of the site will be enhanced through the planting of species rich woodland, wetland and meadow across the site. The woodland wildlife pool which is directly on access with the front entrance to the house at the end of a long vista will provide wetland and aquatic habitat.

The hard landscaping proposed for the site would allow for a high degree of water permeability and would use locally sourced materials with a conscious reference to the underlying geology of the site, used in both traditional and more contemporary ways within the scheme. A detailed outline hard landscaping plan has been submitted with the scheme which includes the specification of the proposed materials. The terrace around the house is proposed in recycled Plymouth Limestone, with pedestrian footpaths in self binding gravel paths, also of Plymouth

limestone. The driveway is proposed as resin bound gravel with a drainage swale running alongside which is to be infilled with wildflower meadow seed mix. Areas around the raised vegetable beds would be treated with recycled reinforced grid infilled with grass or seeding mix. The landscaping scheme includes sustainable hardwood benches, softwood raised planters, cold frames and composting bins, and an area of decking to the pool.

The proposal also looks to introduce a mosaic of indigenous low maintenance wildflower to support human wellbeing, invertebrate populations and foraging corridors for bats. The proposals include details of the various seed mixes proposed throughout the landscape design. This includes wildflower meadow seeding mix, woodland wildflower seeding mix, wildflower footpath mix and amenity lawn seeding. New trees and areas of woodland would also be planted to frame the vistas through the landscaping.

Areas of new and refurbished Devon bank hedgebank are proposed to the north and north east of the site around the entrance and the proposal includes the detailed specification for the construction of this element. This would help to screen the building in views from the north and would also use native tree species.

The proposed landscaping scheme would help to bed the proposed building into its surroundings and would make considerable biodiversity enhancements to the existing site. As such it is considered that the proposal would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area as required by Para 84e of the NPPF.

### Sustainability

As part of demonstrating the highest standards of architecture, the proposal has set high standards for the sustainability of the scheme.

The proposed building would be designed to Passivhaus standards, which set a very high bar in terms of both the thermal standards of the building and in terms of the level of air tightness and thermal bridging. The proposal would use a Waste Water Heat Recovery System (WWHRS) to ensure that energy from waste hot water is not lost. A mechanical ventilation with heat recovery system (MVHR) would also be installed which would recover at least 75% of residual heat energy compared to a standard dwelling.

The photovoltaic panels to the roof are estimated to generate up to 27,000kWhr per annum. Thermodynamic panels (a form of air source heat pump) are proposed for heat energy generation for hot water, and space heating will be provided using a ground source heat pump.

During the summer months the building would be a net exporter to the grid. The proposal also includes power storage within the scheme, which takes a number of different forms. TESLA Powerwall Lithium-Ion home storage batteries are proposed, with 3 fully charged packs providing 7kWhr of electricity which would be sufficient energy to run the house for one day. Electrical Energy Storage is also proposed by means of Proton Exchange Membrane (PEM) Fuel Cells (hydrogen-oxygen fuel

cells), which are now becoming commercially viable and have the advantage of providing a longer storage life than lithium ion batteries. Thermal storage would also be provided through the use of Phase Change Materials such as Du Pont's Energain, which allow the storage of energy in a material that changes from a solid to a semi-liquid state when it absorbs heat. The proposal for the building includes a plant room to house water storage tanks, fuel cells and batteries.

The building materials proposed have also been designed to reduce the embodied carbon of the scheme. Unlike cob, hemp has the added benefit that it sequesters massive amounts of carbon from the atmosphere whilst growing. The use of a locally grown oak for the first floor framing, and the use of low carbon concrete for the foundations, which uses lower cement content than standard concrete would also lower the environmental impact of the building.

The re-use of water is also central to the energy strategy of the building. Grey water from the building will be fed into the reed bed treatment system. Rainwater run-off from the roof will be directed by gravity towards an underground tank, where it will be treated with UV light and silt filters before being fed into the reflecting pools and other storage pools within the garden. Any overflow from the storage pools will be channelled to the reedbed system and be used to dilute the domestic grey water, or to provide irrigation of the fruit and vegetable garden. Water from the reed beds is directed back towards the existing borehole where it is re-treated and re-used within the house.

As such it is considered that in terms of the sustainability of the proposal the scheme demonstrates the highest standards of architecture and would comply with paragraph 84 E of the NPPF, as well as Strategy 39 of the local plan and Policy NP11 of the Ottery St Mary and West Hill Neighbourhood Plan.

### Heritage

There are no listed buildings in the vicinity of the application site therefore it is not considered that the proposal would have the potential to adversely impact the setting of any listed buildings.

In terms of below ground heritage, the proposed new dwelling lies in an area of archaeological potential with regard to known prehistoric settlement in this landscape. It is therefore recommended that the impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development. The Historic Environment Team have recommended that should the proposals be recommended for approval, the archaeological work should be conditioned in accordance with Policy EN6 of the East Devon Local Plan. A second condition has been suggested to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe.

With the required conditions in place to ensure the necessary archaeological work is undertaken, the proposal therefore complies with Policy EN6 of the local plan.

## Residential / Neighbour Amenity

The sound of traffic from the nearby A30 causes above average noise disturbance. The design and construction of the house aims to mitigate the impact of this noise. The house is designed with the habitable rooms facing predominately south and east away from the source of the noise. The timber structure to the first floor forms a 'baffle' against the noise and the semi-irregular spacing of the structure has a higher success rate of sound absorption compared to regularly spaced timber sections.

From an amenity perspective, both the building and the landscaping scheme has been designed with accessibility in mind. The landscaping scheme has considered the topography of the site and where there are changes in level, gently sloping access routes have been provided in addition to any stepped access. The house also includes provision for a lift to be installed in the future if required.

The proposed building is placed sufficiently away from the existing plot boundaries to the extent that it is not considered that the proposed would give rise to any adverse impact to the residential amenity of any neighbouring dwellings. Upper Spilsby to the north east of the site would be the closest dwelling to the proposed building, which would be 26 metres away at its closest point. New tree planting is proposed to the boundary within this corner of the site although it is acknowledged that it would take time for new trees to grow.

Environmental Health have commented that as the site is close to nearby residents who may be impacted during the construction process, working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. The applicant is also requested to consult and follow the council's Construction Sites Code of Practice prepared by Environmental Health and adopted by the council in order to ensure that any impacts are kept to a minimum. This is available on the council's website.

With the required condition in place in respect of working hours, the proposal would comply with policy D1 and EN14 of the local plan.

## Highways, access and parking

The proposal looks to use an existing access within the north east corner of the site. Highways have commented that the trip generation of a single family dwelling on the site is considered to be negligible and therefore the proposal would be acceptable. The proposal would provide two parking spaces, and bicycle parking would be provided within the garage.

A neighbour comment related to the access, stating that they had not been made aware of the application. Notice has subsequently been served by the applicant upon the owner of the land and the correct ownership certificates submitted.

As such it is considered that the proposal would comply with policies TC7 and TC9 of the local plan.

## Ecology / biodiversity

The application is accompanied by a Preliminary Ecological Appraisal (PEA). The site was surveyed in July 2021 and again in March 2024. The report states that the proposals would result in the loss of approximately 0.26 ha of neutral grassland and approximately 20 native tree saplings.

In terms of the proposed mitigation, the landscape design would provide habitat enhancements for protected and notable species. The design includes the planting of at least 66 individual native trees, approximately 18 indigenous fruit trees, enhancement of the existing young woodland, the creation of a 84 square metre wildlife pond with native aquatic planting, and over 0.52 hectares of enhanced wildflower grassland throughout the site.

The report makes recommendations regarding the management of the existing hedgerows on site. In addition, the report also makes recommendations about the proposed lighting, and states that any proposed internal and external lighting should follow the guidance in 'Bats and artificial lighting in the UK' (BCT and ILP, 2023) to avoid potential impacts on foraging and commuting bats. It is also recommended that the boundaries of the site remain dark, to avoid impacts on foraging and commuting bats, and that external lighting is minimised to where strictly required. A lighting study has also been provided with the application, demonstrating that even in the worst case scenario with no curtains fitted to the dwelling, the site boundaries would still be below the recommended light level to avoid disturbance to wildlife.

The report recommends the provision of bat roosting provision to mature trees on the boundaries of the site. The report also recommends keeping the grass at a low height prior to works to reduce the risk to reptiles and amphibians, and that during works, excavations should be covered to prevent wildlife becoming trapped. Controls should also be put in place to prevent the spread of cotoneaster and rhododendron.

The recommendations of the ecology report shall be conditioned as part of any approval to ensure that the works are carried out in accordance with the requirements of the report. With the required condition in place the proposal would be in compliance with policy EN5 of the local plan and policy NP8 of the Ottery St Mary and West Hill Neighbourhood Plan.

## Biodiversity Net Gain

Although the proposed dwelling is a self build development, the site area is over 0.5 hectares and as such the exemption for self build within the provisions of the Biodiversity Net Gain legislation would not apply to the scheme.

The applicant has provided a pre and post development statutory biodiversity metric calculation which demonstrates a 10% uplift in biodiversity across the site. However, the statutory biodiversity metric guidance states that land within private garden has no public access, therefore biodiversity net gains cannot be legally secured. As such it has not been demonstrated that the proposal would provide the required 10% uplift in biodiversity net gain.

Planning Practice Guidance states that it would be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain objective will not be met, however decision makers may need to consider more broadly whether the biodiversity gain condition is capable of being successfully discharged. As stated above it would not be possible for the gains to be secured on site given that the application boundary would all be within private gardens, but it would be entirely feasible for the condition to be met through the purchase of statutory biodiversity credits. Therefore, the proposal is considered acceptable subject to the determination of the Biodiversity Gain Plan following the grant of any planning approval.

### Appropriate Assessment

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

### Trees

An Arboricultural Report to BS5832:2012 has been provided in support of the application, confirming that overall, the proposal is likely to have limited impact upon the retained trees. The proposals have been designed to complement the existing tree stock and allow for the retention of all key specimens. There is minor incursion into the RPA from the drive and a wall adjacent to the parking area. Ideally given the size of the site, these could have been located outside the RPA, though as the incursion is only minor EDDC's tree officer has not raised any objection to the proposal.

The tree report includes a detailed tree protection plan and arboricultural method statement, which shall be conditioned as part of any approval to ensure compliance with the submitted document. As such, with the recommended condition in place, the proposal complies with policy D3 of the local plan and Policy NP1 of the Neighbourhood Plan.

## Drainage

Foul waste will be dealt with by a package treatment plant with the system having been designed to discharge to a drainage field designed and constructed in accordance with BS 6297:2007. The water supply to the site is via an existing on site borehole. Surface water will be disposed or recycled as discussed under 'Sustainability' above. As such the proposal complies with local plan policies EN19 and EN22.

## Other matters

The proposal is within 4 miles of Exeter Airport, who raised a holding objection to the scheme in respect of Aerodrome Safeguarding. The development is situated within an area of higher ground in the Type A airspace, and the creation of new permanent water bodies risks the increase of bird activities within the airspace. Exeter Airport requested a Wildlife Hazard assessment management plan be submitted in respect of the proposed water features.

The ecologist has prepared a statement in response. This states that flocking or large birds present the highest likelihood of resulting in flight safety concerns. The common hazardous birds found in the UK include waterfowl, large birds of prey and flocking species such as starlings, lapwings, pigeons and gulls.

The pools in question are the series of six individual reedbed parcels, one smaller reflecting pool with an area of 32 square metres and a larger pond of 90 square metres. These are in addition to the reflecting pools around the house.

The ponds have been designed following guidance produced in association with Natural England 'Designing wildlife ponds to minimise the risk of birdstrike', which advises the creation of a series of smaller ponds varying in size from 1 square metre to 300 square metres rather than a single large pond, and creating shallow ponds with tall marginal vegetation, in sheltered locations.

The reed beds would be infilled with planting therefore the only open water bodies, at 32 square metres and 90 square metres respectively, are significantly less than the 300 square metre maximum area recommended within the Natural England guidance. The larger pond also has a timber deck extending over it, reducing the area to 84 square metres. The ponds would be edged with planting to reduce access to the water's edge and trees are also proposed as being planted around the ponds to interfere with lines of flight. The site itself is also surrounded by tall trees.

The reflective pools around the house are extremely unlikely to be attractive to any bird species, given their position adjacent to the building and associated disturbance from human activity in and around the building. The report concludes that the ponds are therefore extremely unlikely to attract any bird species that would contribute to a significant increase in the risk of birdstrike over the current background risk.

However Exeter Airport have maintained their holding objection that due to the development's location and height above sea level, any potential increase in bird



activities cannot be supported and must be mitigated by way of a Wildlife Management Plan.

EDDC consider that given the size of the proposed ponds and the mitigation already in place to dissuade hazardous birds from using the ponds, the potential hazard could be mitigated by imposing a pre-commencement condition requiring the completion of a Wildlife Management Plan prior to the commencement of any development, to secure appropriate mitigation and minimise any risks associated with the water features.

With the required condition in place, it is considered that the proposal would comply with Policy TC12 of the local plan.

### Conclusion

The NPPF allows for the development of isolated homes in the countryside when the design is of exceptional quality and would enhance the immediate setting. The proposal has been presented to the Design Review Panel who concluded that the proposal did meet the criteria of the policy.

There are several themes running throughout the design of the building, such as the use of water, to engage the senses and as a resource to be used in the building, the connection with the landscape, and the use of high quality locally sourced materials throughout both the building and the landscaping scheme to anchor the building to the site and to ensure the proposal is locally distinctive. The proposal seeks to achieve the highest standards in terms of the construction of the dwelling to reduce the energy consumption of the building and to maximise opportunities for the building to use renewable energy.

The holding objection requesting a Wildlife Management Plan from Exeter Airport is considered unreasonable given the size of the proposed pond and the number of existing and proposed trees and planting around the pond.

The proposal seeks to create a high quality contemporary country dwelling with strong links to nature and its surroundings. With the required conditions in place, the proposal complies with Paragraph 84 of the NPPF and policies contained within the local plan and the Ottery St Mary and West Hill Neighbourhood Plan and is recommended for approval.

### **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. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.  
(Reason: A pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works. To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 211 of the National Planning Policy Framework (2023), that an appropriate record is made of archaeological evidence that may be affected by the development.)
4. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.'  
(Reason: To comply with Paragraph 211 of the NPPF (2023), which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.)
5.
  - a) Prior to commencement of any works on site (including demolition), the Tree Protection measures including site monitoring and supervision shall be carried out as detailed within the Arboricultural Report and Arboricultural Method Statement submitted by Advanced Arboriculture on the 18th April 2024. All works shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed, no changes 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 - A pre-commencement condition is required 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).

6. Prior to their installation, details of the materials, finishes and colours to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. This should include the hemp walling, low carbon concrete foundations, external windows and doors, lime render coating, oak frame and infill timber cladding, rooflights, eaves cladding and roofing membrane. The development shall be carried out in accordance with the approved details.

(Reason - The site is located in a rural area where planning permission for new housing would not normally be allowed. The proposed use of locally distinctive materials and the sustainability credentials of the development provide special justification for the development, and 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 paragraph 84 of the National Planning Policy Framework and Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

7. Prior to their installation, the following details shall be submitted to an approved in writing by the Local Planning Authority. This should include; elevation and section drawings of photovoltaic panels and framing, and details of any external vents, vent grilles, flues and meter boxes. The photovoltaic panels shall be installed in accordance with the approved details prior to the occupation of the development.

The 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.)

8. The landscaping scheme hereby approved shall be carried out in the first planting season after completion of the groundworks and the building construction works or prior to first occupation whichever is the earlier unless otherwise agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)
9. No works for the construction of the development hereby permitted shall be undertaken on Sundays or Public Holidays. On other days no construction work shall be undertaken outside of the following hours: 08:00 hours and 18:00 hours Mondays to Fridays inclusive and 08:00 hours and 13:00 hours on Saturdays.  
(Reason - To protect adjoining occupiers from excessive noise in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)
10. The development shall be carried out in accordance with the recommendations and mitigation measures contained within the Preliminary Ecology Appraisal carried out by Richard Green Ecology dated March 2024.  
(Reason - In the interests of ecology in accordance with Policy EN5- (Wildlife Habitats and Features) of the East Devon Local Plan.)
11. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Development shall be carried out in accordance with the approved details.  
(Reason - In the interest of the character and appearance of the locality, to protect habitats and to limit light intrusion within the countryside in accordance with Policy D1 -Design and Local Distinctiveness, Policy EN5 - Wildlife Habitats and Features and Policy EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)
12. No development shall take place until the developer has prepared and submitted a Wildlife Management Plan which should be approved in writing by the Local Authority. The plan should ensure the risks to aviation associated with the proposed ponds have been mitigated to an acceptable level and that a plan is in place to deal with any issues arising. The development shall be carried out in accordance with the approved details.  
(Reason –A pre-commencement condition is required to ensure that risks are mitigated to an acceptable standard prior to construction, and to ensure the development does not compromise air safety in accordance with Policy TC12 -

Aerodrome Safeguarded Areas and Public Safety Zones of the Adopted East Devon Local Plan 2013-2031).

13. The foul and surface water treatment is to be installed in accordance with the approved details prior to the occupation of the development hereby approved and shall be maintained and retained as such for the lifetime of the development.  
(Reason - The site is located in a rural area where planning permission for new housing would not normally be allowed. The proposed use of innovative technologies and the sustainability credentials of the development provide special justification for the development in accordance with paragraph 84 of the National Planning Policy Framework.)
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule Part 1 Classes A, B, C, D, E, F, G or H for the enlargement, improvement or other alterations to the dwellings hereby permitted, the provision of hard surfaces, chimneys, flues or microwave antennae, or for the provision within the curtilage of any building, enclosure or storage tank [other than any enclosure approved as part of the landscape management scheme]  
(Reason - To enable the Local Planning Authority to retain control over the provision of any such development in the interests of the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 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 site other than any agreed under any approved landscaping scheme.  
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the Adopted East Devon Local Plan 2013 - 2031.)
16. The attached apartment hereby permitted shall be used only in conjunction with, and incidental to, the use of the single dwelling house and shall not be used as a separate dwelling, or for any commercial, industrial or business purpose.  
(Reason: To ensure that the accommodation hereby permitted may not be used as a separate dwelling in this open countryside location where new development is restricted and a commercial use could cause undue noise to adjoining occupiers in accordance with the requirements of Strategy 7 - Development in the Countryside and Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013 - 2031.)
17. The building hereby approved shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

(Reason - In the interests of highway safety in accordance with the requirements of Policy TC7 – Adequacy of Road Network and Site Access of the Adopted East Devon Local Plan 2013-2031.)

18. The building hereby approved shall be constructed in accordance with the Energy Strategy prepared by EDP Environmental dated 26<sup>th</sup> May 2023 unless otherwise approved in writing by the Local Planning Authority.  
(Reason - The site is located in a rural area where planning permission for new housing would not normally be allowed. The proposed use of innovative technologies and sustainability credentials of the development provide special justification for the development in accordance with paragraph 84 of the National Planning Policy Framework.)

## 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.

### Biodiversity Net Gain

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

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

The BG conditions states that development may not begin unless:

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

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

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

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 applies (planning permission for development already carried out).
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
  - (ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
  - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
    - i) the application for planning permission was made before 2 April 2024;
    - ii) planning permission is granted which has effect before 2 April 2024; or
    - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).
  - 4.2 Development below the de minimis threshold, meaning development which:
    - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
    - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
  - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
  - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another

development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

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

#### Irreplaceable habitat

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

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

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

Where there are losses or deterioration to irreplaceable habitats a bespoke compensation package needs to be agreed with the planning authority, in addition to the Biodiversity Gain Plan.

For information on how to prepare and submit a Biodiversity Gain Plan please use the following link: Submit a biodiversity gain plan - GOV.UK ([www.gov.uk](https://www.gov.uk))

#### Plans relating to this application:

A.01	Proposed Block Plan	21.06.24
A.02	Proposed Site Plan	21.06.24
A.04 : ground	Proposed Floor Plans	21.06.24
A.05 : first	Proposed Floor Plans	21.06.24
A.06	Proposed roof plans	21.06.24
A.07 : A-A	Sections	21.06.24



A.08 : B-B	Sections	21.06.24
A.09 : C-C	Sections	21.06.24
A.10 : D-D	Sections	21.06.24
A.11 : north	Proposed Elevation	21.06.24
A.12 : south	Proposed Elevation	21.06.24
A.13 : east	Proposed Elevation	21.06.24
A.15 : courtyard	Proposed Elevation	21.06.24
A.15 : west	Proposed Elevation	21.06.24
A.16 : NW	Proposed Elevation	21.06.24
A.17 : back lane (summer)	Proposed Elevation	21.06.24
A.19	Proposed Elevation	21.06.24
A.20	Proposed Elevation	21.06.24
A.21 : coloured	Proposed Elevation	21.06.24
A.22 coloured	Proposed Elevation	21.06.24
A.23 coloured	Proposed Elevation	21.06.24
A.24 : coloured	Proposed Elevation	21.06.24
A.25 : coloured NW	Proposed Elevation	21.06.24
A.26 : coloured back lane	Proposed Elevation	21.06.24
A.27 : proposed external view facing west	Perspective Drawing	21.06.24
SH23 S2 REV 1- 7 11 2023 ILLUSTRA TIVE SITE SECTION C-C	Other Plans	21.06.24
SH23 M1 REV	Landscaping	21.06.24

11-24 03 2024  
LANDSCAPE STRATEGY  
MASTERPLAN

SH23 M2 REV 11-24 03 2024 HARD LANDSCAPE SURFACING LANDFORM + FURN	Landscaping	21.06.24
SH23 M3 REV 10-07 12 2023 SITE GROUNDWATER R/GREY WATER TREATMENT	Other Plans	21.06.24
SH23 M4 REV 10-07 12 2023 TREE + SHRUB PLANTING MGT MASTERPLAN	Landscaping	21.06.24
SH23 M5 REV 11-24 03 2024 SEEDING + SWARD MGT MASTERPLAN	Other Plans	21.06.24
SH23 S1 REV 2 10-07 12 2023 DEVON HEDGEBANK SCREEN BUND/SWALE	Other Plans	21.06.24
T.02	Location Plan	21.06.24

List of Background Papers

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

**Technical Consultations**

South West Water

Proposal: Construction of a new dwelling and associated landscaping

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

#### Surface Water Services

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

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

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

I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: [DeveloperServicesPlanning@southwestwater.co.uk](mailto:DeveloperServicesPlanning@southwestwater.co.uk).

#### Environmental Health

I have considered the application and note that this site is close to nearby residents who may be impacted during the construction process. 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. We would request the applicant to consult and follow the council's Construction Sites Code of Practice prepared by Environmental Health and adopted by the council in order to ensure that any impacts are kept to a minimum. This is available on the council's website.

#### DCC Historic Environment Officer

I refer to the above application. The proposed new dwelling lies in an area of archaeological potential with regard to known prehistoric settlement in this landscape. Prehistoric flint artefacts have been found in the field to the north of the application area and excavations in advance of the construction of the A30 revealed the presence of a substantial Iron Age settlement some 300m to the north-west. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the known prehistoric activity here. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work

that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

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

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

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

#### Reason

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

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

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

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

#### Reason

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

I would envisage the programme of archaeological work for this scheme as taking the form of the archaeological control and supervision of topsoil stripping and ground reduction across the area(s) affected by the proposed development to the depth at which the supervising archaeologist establishes either (i) archaeological deposits and/or features are present (to allow for their identification, investigation and recording of these and any associated artefacts) or (ii) undisturbed natural ground is exposed. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

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

Yours faithfully,  
Stephen Reed  
Senior Historic Environment Officer

#### EDDC Trees

The application is supported by an arboricultural report provided by Advanced Arb dated the 18/04/2024 which includes a tree survey, AIA, TPP and AMS. Together these show that overall the proposal is likely to only have a limited impact on retained trees. It is noted that there is minor incursion into the RPA from the drive and a wall adjacent to the parking area. Ideally with the size of the site, these could be easily located outside the RPA, though as the incursion is only minor no objection is raised.

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

- a) Prior to commencement of any works on site (including demolition), the Tree Protection measures including site monitoring and supervision shall be carried out as detailed within the Arboricultural Report and Arboricultural Method Statement submitted by Advanced Arboriculture on the 18th April 2024. All works shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed, no changes 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).

#### Exeter & Devon Airport - Airfield Operations+Safeguarding

Proposal: Construction of a new dwelling and associated landscaping

Location: Land Adjacent Upper Spilsby Exeter Road Ottery St Mary

Grid Ref: 306580,95566

The development is located within the aerodrome safeguarding area in a position on high ground located within the type A airspace. Due to the development's location and AMSL height any potential increase in bird activities cannot be supported and must be mitigated by way of a wildlife management plan.

Exeter Airport has received and reviewed the provided assessment of Birdstrike. While this is accepted as an assessment of potential risk it is not accepted as a wildlife management plan and as such maintains its holding objection till a wildlife management plan is submitted to negate the potential risk of increased bird activities in the airspace.

This is supported as stated in the provided report by ASAN3 as a building development that has manmade landscaping features that have the potential to attract flocks of birds and/or large birds.

The report makes note of DCC/3944/2017 planning application for Straitgate Quarry as a reference in the area. Straitgate Quarry has a robust provided wildlife habitat management plan (WHMP) including planning conditions of routine site visits, onsite pumping equipment and no new permanent bodies of water to be created therefore can not be used as evidential reasons for the creation of new permanent water bodies within the area. Also, of note straitgate Quarry is situated at lower ground level to proposed development.

While as report has stated the development is low risk in creating a risk of birdstrikes action must still be taken to negate all risk to aircraft within the area due to the potentially fatal consequences. The aerodrome is happy to provide reference and contacts to assist in the creation of the required Wildlife Management Plan.

Regards

Aaron Kitcherside  
Airfield Operations Duty Manager

Exeter & Devon Airport - Airfield Operations+Safeguarding

This proposal has been examined from an Aerodrome Safeguarding aspect and it does appear to conflict with safeguarding criteria.

In brief Aerodrome Safeguarding is a process of checking proposed developments so as to:

- 1 Protect blocks of air through which aircraft fly, by preventing penetration of surfaces created to identify their lower limits.
- 2 Protect the integrity of radar and other electronic aids to air navigation, by preventing reflections and diffraction of the radio signals involved.
- 3 Protect visual aids, such as Approach and Runway lighting, by preventing them from being obscured, or preventing the installation of other lights which could be confused for them. In brief, lighting for the site should be designed in such a way that it is not confusing or dazzling to pilots or air traffic control. Generally, all lights should be directed away from approaching aircraft and the air traffic control tower with no light spill above the horizontal.
- 4 Avoid any increase in the risk to aircraft of a birdstrike by preventing an increase in hazardous bird species in the vicinity of the aerodrome and, whenever the opportunity arises, to reduce the level of risk.

Reasons for objection with explanation and mitigation requirements.

- o Increased bird activity

The development is situated within an area of higher ground in the Type A airspace. The creation of new permanent water bodies risks the increase of bird activities within the airspace.

As such a Holding Objection would like to be submitted till a Wildlife Hazard assessment has been completed and a management plan submitted.

Regards

Aaron Kitcherside  
Airfield Operations Duty Manager

### **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.