

Ward Woodbury And Lymestone

Reference 24/0301/MOUT

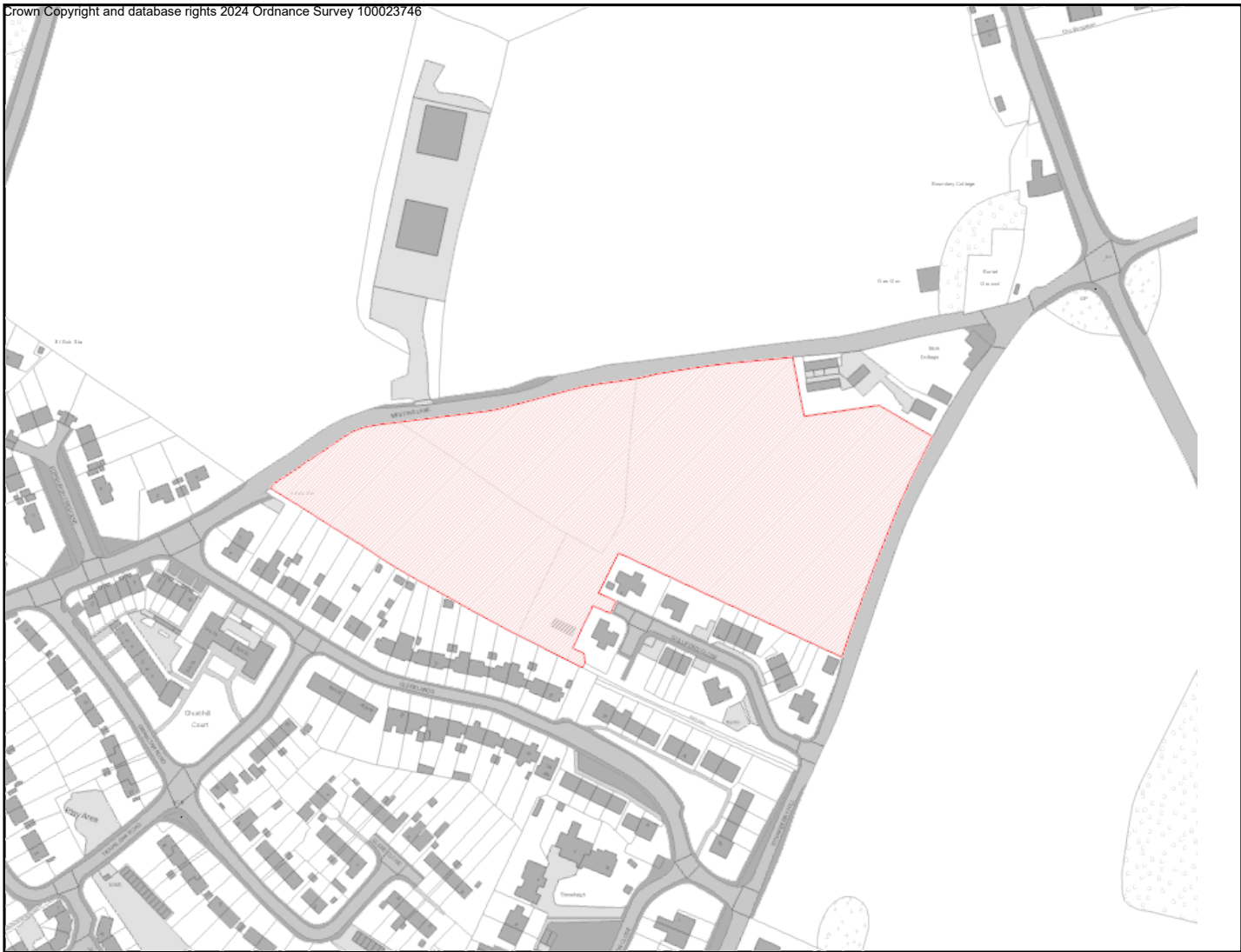
Applicant Mr Nick Yeo

Location Land South Of Meeting Lane Lymestone

Proposal Outline application (with all matters reserved apart from access) for the erection of up to 42 dwellings, affordable housing and associated infrastructure



- RECOMMENDATION:**
- 1. Adopt the appropriate assessment forming part of the report
 - 2. Approve subject to a legal agreement and conditions



		Committee Date: 19.11.2024
Woodbury And Lympstone (Lympstone)	24/0301/MOUT	Target Date: 13.05.2024
Applicant:	Mr Nick Yeo	
Location:	Land South Of Meeting Lane Lympstone	
Proposal:	Outline application (with all matters reserved apart from access) for the erection of up to 42 dwellings, affordable housing and associated infrastructure	

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EXECUTIVE SUMMARY

This application is before Members as it represents a departure from the adopted Development Plan and objections have been raised by Ward Members and the Parish Council.

The site is located adjoining the built-up area boundary for Lympstone, as identified in the Villages Plan, to its north eastern boundary and is currently gently sloping agricultural land in the countryside to the south of the northern access to the village, Meeting Lane.

The application seeks outline planning permission (with all matters reserved apart from access) for the erection of up to 42 dwellings on a site area of 2,58ha, proposing 35% affordable housing on site (14 units) and a 15% off site affordable housing contribution,

A new access to the site is proposed from Meeting Lane. Devon County Highways are in agreement with the Transport Assessment submitted with the application and consider the access to be safe and suitable, subject to provision of a right turn lane on the A376 and appropriate safeguarding conditions. Even though some impact upon the local highway network will result, this would not be considered by the Highway Authority to be severe enough to justify refusal of planning permission.

This application originally proposed a second access onto Strawberry Hill, this second access, which attracted significant local objections, has been omitted from the scheme.

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. Given the lack of significant constraints to development on this site, the sustainable location of the site and provision of 35% affordable housing on site and 15% contribution towards off site affordable housing, it is considered that the principle of development can, on balance, be supported.

It is noted that Strategic Planning committee have agreed to allocate this site for housing in the emerging Local Plan

Within the wider setting, the landscape and visual effects are limited due to topography and vegetation cover and where views are likely to be obtained the development would be seen against the backdrop of the existing settlement. As such the Landscape Architect considers that the proposal could be considered acceptable in principle for housing development in terms of landscape and visual impact, subject to conditions.

Matters of flood risk, ecology, archaeology, drainage and disturbance during the construction period can be adequately addressed through conditions.

The application is therefore recommended for approval subject to securing the appropriate obligations, including 35% on site affordable housing and an off site contribution of £292,925, on site open space, travel plan and habitat mitigation payment secured through a Section 106 Agreement, together with the provision of a right turn lane on the A376 secured by a suitable highways agreement.

CONSULTATIONS

Local Consultations

Woodbury And Lympstone - Cllr Geoff Jung 25.03.24
24/0301/MOUT

I have viewed the planning documents for 24/0301/MOUT for outline application (with all matters reserved apart from access) for the erection of up to 42 dwellings, affordable housing and associated infrastructure on land South of Meeting Lane Lympstone.

This is a very similar application to 23/1269/MFUL which I did not support. My previous comments were.

My view is this application should be determined on the current local plan policy which would consider the application outside the built-up area boundary and therefore not compliant to the existing local plan.

However, if this application is agreed by the planning authority, I do have a number of concerns with the present application.

I would prefer the development to be one estate and not separated by expensive houses accessing off Strawberry Hill and the remainder of the estate coming off

Meeting Lane. It should be one single estate with a singular access off Meeting Lane, thus avoiding the loss of a Devon hedge and bank on meeting lane.

There are no interconnecting footpaths links between this estate and the rest of the Lymptstone community other than exiting on the highway pavement, resulting in longer tedious walk to walk to neighbouring estates or the rest of the community infrastructure such as the playparks and school.

Therefore, I do not support this application However, I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

Parish/Town Council

24/10/24 - Recommendation: Object

NB: The relevant policies from Lymptstone Parish Council's current Lymptstone Neighbourhood Plan (LNP) are marked on our response, as EDDC Planning are no longer applying the 'tilted balance' and therefore our current adopted LNP should be considered. (The policies from our LNP are marked as 'LNP' and included in brackets).

Lymptstone Parish Council objects to the outline application due to the following reasons:

1. Not in current valid Lymptstone Neighbourhood plan.

(LNP: Ref P8 ' Development will not normally be permitted within the Green Wedge or Coastal Preservation Area unless it can be demonstrated that no harm to the character or purpose of these areas will occur and development is:

-Justified on agricultural, horticultural or forestry grounds; or

-Within a residential or employment site curtilage; or

-Justified on sustainability grounds; or

-Will provide a community facility or recreation route.)

2. Outside Lymptstone Built Up Area Boundary (BUAB).

(LNP: Ref P7' Other than through the conversion of suitable rural buildings, new housing will be not be permitted outside the Built up Area Boundary of Lymptstone or Exmouth.)

3. Not in the current valid EDDC local plan.

4. Flood Risk, esp. if water, run-off and waste water is directed into Wotton Brook catchment area via Jackson's Meadow.

(LNP: P25 ' All new development will include measures to ensure that there is no increase in flood risk through

the adoption of sustainable urban drainage schemes and the use of permeable surfaces for parking areas

and other hard landscaping. All applications for new development will contain a flood risk assessment and

details of compliance to these measures.)

5. Social rent/ affordable housing proportion should be 50% for a greenfield development.

(LNP: P9 ' A range of new housing sizes, types and tenures will be required, to ensure that all sectors of the community are catered for. There is particular need for:

-Affordable housing

-Two and three bedroom family homes

- Single storey homes adapted for the elderly

All planning applications for new development should demonstrate how these needs are to be met.)

6. Impact on adjacent, existing properties (noise and being overlooked).
7. Pedestrian access to the rest of the village (Meeting Lane is not an option; no pavements).
8. Insufficient pepper-potting of planned houses; big, private at one end, affordable/social housing at other end.
(LNP: P11 'Density of housing will reflect the existing grain/density/pattern of surrounding development.)
9. No visitor parking.
(LNP: P20 ' New Developments should provide off-road parking spaces to ensure that pressure on limited existing parking is not increased. 1 bed properties should have 1 parking space; 2 or more bedrooms should have a minimum of 2 spaces.)
10. Tree impact; tree root damage and existing trees shading new gardens.
11. Traffic coming through the village via Strawberry Hill and Longmeadow Road to Saddlers Arms junction to turn right into Exmouth. 17% uplift in village traffic, not 1% per plan.
12. Entry and Exit problems to the village.
13. Overdevelopment (2.6 hectares and 42 houses).
14. Loss and Damage to wildlife habitat and wildlife.
15. Loss of Lympstone 'Spirit of Place'.
16. Loss of rural and historic setting (Gulliford Burial Ground) adjacent.
17. No play areas on the development.

Parish/Town Council 27.03.24

see report with images/tables under document tab

Technical Consultations

DCC Climate Change/Environment And Transport 27.03.24

Regarding the above planning application, Devon County Council has identified that the proposed increase of 42 family type dwellings will generate an additional 10.50 primary pupils and 6.30 secondary pupils which would have a direct impact on Lympstone primary school and Exmouth Community College. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

We have forecast that there is enough primary capacity at the local primary schools for the number of pupils expected to be generated from this development and therefore a contribution towards primary education would not be sought. We have forecast that the nearest secondary school has not got capacity for the number of pupils likely to be generated by the proposed development and therefore Devon County Council will seek a contribution towards this additional education infrastructure to serve the address of the proposed development. The contribution sought for secondary would be £148,302 (based on the DfE secondary extension rate of £23,540 per pupil). These contributions will relate directly to providing education facilities for those living in the development.

Royal Society For The Protection Of Birds 27.03.24

Thank you for inviting the RSPB to comment on the above, we are happy to support the PROPOSED MITIGATION AND ENHANCEMENT works set out in section 5 of the Ecological Impact Assessment.

Conservation 24.04.24

On the basis of the information provided through the application, the proposed outlined development would result in slight harm to glimpsed views from Harefield House (St Peter's School), Thorne Farm and Gulliford Cottages, Grade II heritage assets located to the northeast and east of the site. In this respect, the development proposal is considered to continue to preserve the contribution the site as a setting makes to the significance of these heritage assets. Conservation do not therefore wish to offer any comments. Case Officer to assess on planning merit.

Housing Strategy/Enabling Officer - Cassandra Pressling 14.10.24

I have no further comments to make on these amended plans.

Housing Strategy/Enabling Officer - Cassandra Pressling 22.03.24

Support

Percentage of Affordable Housing - under current policy Strategy 34, a requirement for 50% affordable housing would be required. However, given the lack of a 5 year land supply and out of date policies, a pragmatic approach is being taken with sites adjacent to an existing built up area boundary and the level of affordable housing to be sought. The applicant is proposing to provide 33% affordable housing which equates to 14 units and this is acceptable.

Housing Mix - to be determined at Reserved Matters stage. All affordable units must meet national space standards.

EDDC Recycling & Waste Contract Manager 07.03.24

For Recycling & Waste we would ask for a version of the layout plan that shows -

1. Vehicle tracking
2. Indicates the collection point for each unit to confirm that they are kerb-side collections and/or shows the locations of any shared collection points

Natural England 21.03.24

SUMMARY OF NATURAL ENGLAND'S ADVICE
DESIGNATED SITES [EUROPEAN] - NO OBJECTION SUBJECT TO SECURING
APPROPRIATE MITIGATION FOR RECREATIONAL PRESSURE IMPACTS ON
HABITAT SITES (EUROPEAN SITES).

Environmental Health

18/10/24 - As per my previous comments

Environmental Health 11.03.24

A Construction and Environment Management Plan (CEMP) must be submitted and approved by the Local Planning Authority prior to any works commencing on site and shall 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. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. 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 and no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

Police Architectural Liaison Officer - Kris Calderhead

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

(Full comments in Appendix at the end of the report)

EDDC Landscape Architect

Please see scanned report under the documents tab.

EDDC Trees

Comments on original plans 9/4/24:

In principle I do not object to the development of the site based on sound arboricultural principles. However, the current outline application appears to be very similar to 23/1269/MFUL which I had significant concerns about and objected to.

In relation to the access points my previous comments still apply:

(please note these comments relate to the detailed application)

The entrance on northern boundary requires removal of T4 Oak, a B category tree with 'good future potential' as described within the arboricultural survey. However there is no mention of the impact of the removal of this tree within the AIA despite the AIA stating that there are 'a number of good quality individual category A and B Oak stems are present on site, offering good arboricultural and amenity value with a high

future potential'. Furthermore, this tree was recently retained as part of hedgerow management circa 2019 and has recently been protected as long-term it is considered an important tree which should be retained. The entrance should be moved east so that its located between T3 and T4 and therefore allowing both trees to be retained. The secondary access on eastern boundary appears unnecessary as it serves just 5 properties and requires a 30m section of hedge being removed. The hedge has been categorised as only C2 and 'heavily flailed' but should be surveyed in accordance with Hedgerow Regulation 1997 to establish if the hedge is considered important according to the criteria of the regulations. Similarly with the H1 along the western side of the development area adjacent to Meeting Lane.

It is noted that this application is outline with all matters except access reserved. However, it is considered appropriate to comment on the accompanying plans:

I would object to the current plans due to the likely detrimental harm that will be caused by the development on retained trees and resultant pressure to prune or fell trees due to proximity of dwellings to trees. The proposal is generally considered to be an over development of the site, resulting in dwellings in close proximity to trees, small gardens dominated by overhanging crowns and significant shading issues. It appears that the tree constraints have not been properly considered and the overall design is not considered sustainable and is contrary to BS 5837: 2012 and Local Planning Policy D3. As per BS 5837, where development is proposed in close proximity to trees, the objective is to achieve a harmonious relationship between trees and the proposed structures that can be sustained long term. At present, this proposal does not meet this.

Main issues

The RPA's have been offset for the trees growing along the boundary edge of Strawberry Hill and Meeting Lane due to the restricted rooting environment of the roads and more favourable rooting environment within the field side. However it is not clear whether the offset RPA include the appropriate increase of RPA on the field side. It does appear that some minor increase in the RPA has occurred but it is questioned whether this is enough. It is noted that there has been no change in the location of nearby plots in relation to previous plans to trees T1, T2 and T3 despite quite drastic changes in the RPA due to offsetting.

T11 Oak, (A category). T12, Ash (C category) - the crowns overhangs approx 1/3 of gardens of plot 19 & 20. These are tall trees, 18m in height with the crown of T11 being approximately 4m from the rear of the dwelling at plot 19 and T12, 3m distance from the dwelling at plot 20: the trees will dominate the gardens and dwelling resulting in pressure to prune or remove. At least 1/3 of the garden of these plots will be located beneath the crown of the trees with the RPA extending over approximately ½ of the rear gardens resulting in unnecessary compaction of rooting environment.

T8, Oak is described as a 'large historical specimen with veteran features' and categorised as A3. No gardens should be located beneath this tree and the tree should be located purely within public open space to reduce pressure for any pruning to the tree and to give space for the tree to grow. Features typical of veteran trees tend to be the same features that cause concerns to residents; deadwood, cavities, large heavy branches etc. The RPA of this tree also extends into the gardens of plots 4 and 17

which is likely to result in unnecessary risk of compaction and therefore harm to the rooting environment of the trees (as for T11 and T12). The footpath extending to the rear of plots 1 to 4 also needs to be located outside the RPA T8. Likewise the footpath through the RPA of T6(Cat A Oak) needs to be moved outside of the RPA.

The AIA states that pruning is required of adjacent trees; 'To enable functional amenity space within the southern gardens associated with the southern boundary stems, lateral pruning is required along the northern aspects of crowns, particularly in area A2 and group G3'. Pruning will help reduce the proximity of the trees though shading of plots along southern boundary in the late afternoon is still likely to be a significant issues - the height of G3 currently 15m and A1, 8m with corresponding levels of shadow over residents gardens. The shadow pattern through the main part of the day as shown on the TCP suggests shading covering at least half of the garden of units 11 to 15. Due to the height of G3, the majority of the garden of plot 10 will also be in shade through the main part of the day including what appears to be communal gardens for plots 5 to 9. It is considered that this southern boundary would benefit from being designated as a wildlife / ecological buffer and the location of gardens and dwelling moved further to the north to lessen the impact of shading and concerns of proximity. This wildlife buffer should also include T16, Ash, which is an important wildlife habitat with significant cavities throughout its main structure and as such should be retained albeit in a reduced size.

Between T15 & T16, running roughly north-east to south-west and from the east of T15 along the line of the new proposed access route, two hedgerows have recently been reduced to ground level (Winter 2020 / 2021). During a site visit at the time, both hedges were characterised by being overgrown, not stock proof with gaps and some individual trees. It was noted that little management had taken place and that appropriate management was required. Subsequently rather than coppicing and hedge laying as discussed, it appears that many of the shrubs and trees have been grubbed out and the bank re-profiled. Coppicing and layering should have resulted in dense regrowth in both hedges.

Both hedges have therefore in effect been removed and should be reinstated. Both hedgerow are marked on old Ordnance Survey maps dating from 1888-1890. It is considered that the proposed access route should be aligned adjacent to the original hedgerow.

The conclusion of AIA states that the proposals allow the retention of key trees with a 'negligible risk of any harm as a consequence of construction activities'. However no consideration has been given to the future pressures that will occur due to the unreasonable level of shading of private gardens and living rooms, debris fall, feeling of dominance and safety concerns due to the current juxtaposition between the dwellings and nearby trees. Despite the majority of trees on site being protected by a TPO, it is considered that the current design is likely to lead to undue pressure for the trees to be pruned which would be to the detriment to the health and amenity of the trees and character of the local area; appropriate design can avoid these pressures from occurring in the first place.

Previous comments on landscape proposals:

The socio economic benefit of trees within developments is well understood. Previous plans have shown a considerable lack of street tree planting. Within the

western section there is just one tree; a Sorbus Eastern promise for 20 units. Within the main eastern development there are just four trees in total for 17 units. It is noted that the smaller development to the east off Strawberry Lane has a higher number of planted trees but this needs to be reflected throughout the site. Better design layout will allow a greater degree of planting within gardens, car parking areas and verges etc. Using fastigate species will help make use of restricted spaces and minimise shading. Appropriate planting pits and soil volumes will be required.

Clerk To Woodbury Parish Council 26.03.24

As an adjoining Parish, please find below our observation for the planning application 24/0301/MOUT - Meeting Lane, Lymestone, please can this be added to the website.

On 11th July, we objected to the original application for this site ref. 23/1269/FUL and our objection remains for ref. 24/0301/MOUT.

(Full comments in Appendix at the end of this report)

Environment Agency

18/10/24 - As per my previous comments

Devon County Archaeologist 16.10.24

Application No. 24/0301/MOUT

Land South of Meeting Lane Lymestone - Outline application (with all matters reserved apart from access) for the erection of up to 42 dwellings, affordable housing and associated infrastructure: Historic Environment

My ref: ARCH/DM/ED/39345a

I refer to the above application and your recent consultation. The Historic Environment Team has no comments to make on this planning application.

Other Representations

56 representations have been received as a result of this application, of which 55 raise objections and 1 in support. These are summarised below

Objections

- Lymestone has no need for an estate of this scale;
- There needs to be a strategic approach to housing growth;
- This area is not highlighted for development in the Neighbourhood or Local Plans, both statutory document;
- The school is Victorian, has been extended with no further room for development and is at capacity;

- The train station is a long walk, including lack of footpaths, particularly around a narrow double bend. There is limited parking at the station and the busy cycle path also uses the station access road;
- Meeting Lane floods. There is also a natural spring on the site;
- Harefield Cross on the A376 is very dangerous with limited visibility;
- Narrow roads are not suitable to accommodate the increase in traffic;
- The doctor's surgery, built in the 1980's, has no room to extend, no parking and is a long walk from the site. It is unlikely that it could service an additional 100plus patients.
- Further urbanisation, interference with the natural ecosystem and the green corridor from Woodbury Common;
- Despite the analysis of village character this is a typical suburban scheme with no attempt to create a village type streetscape (as achieved in the development opposite the Church)
- The access to Strawberry Hill will result in the destruction of the hedge and the rural approach to the village . Access should only be from Meeting Lane.
- The sustainability report identifies that heat pumps and PV panels would be an appropriate means of providing carbon neutral energy. There are no indications that such measures are being incorporated in the scheme. There is also no indication of provision for recycling grey water;
- Surface water from the site drains to a culvert on the opposite side of Meeting Lane and then across the field to Nutwell Road and then across Nutwell Park to the Estuary. Meeting Lane frequently floods at the point where the site drains across to the culvert. The applicant has no control of the culvert and subsequent drainage route.;
- Impact on wildlife;
- Size and scale of buildings close to other existing residential properties;
- Noise and disturbance form footpath link;
- Impact on trees.

PLANNING HISTORY

Reference	Description	Decision	Date
23/1269/MFUL	Construction of 42 residential units, affordable housing, new vehicular accesses from Meeting Lane and Strawberry Lane, pedestrian access onto Meeting Lane, associated internal roadways, SUDS features and landscaping	Refusal	23.08.2024

This application was refused for the following reasons:

1. The site is located outside a Built-Up-Area-Boundary where residential development is restricted. The absence of convenient pedestrian footways, lighting and the distance between the site and the local services and facilities

in and around Lympstone would lead residents to rely on travel by private motor vehicles. The site does not therefore occupy a sustainable location for residential development. As such, the proposal would be contrary to the provisions of Strategy 5B (Sustainable Transport), Strategy 7 (Development in the Countryside) and Strategy 27 (Development at the Small Towns and Larger Villages) of the East Devon Local Plan, 2016 to 2031, Policy 3 (Development in a Coastal Preservation Area) of the Lympstone Neighbourhood Plan and the guidance set out in the National Planning Policy Framework which concerns actively managing patterns of growth in support of, the promotion of opportunities for walking, cycling and public transport in conflict with the environmental dimension of sustainable development.

2. The proposed layout of the development would site residential properties in close proximity to protected trees, particularly along the south-western boundary, the gardens of the properties, within the RPA of the trees, would be significantly affected by shading. It has not been demonstrated that the close proximity of the trees would not result in pressure to prune or fell due to concerns over safety, proximity, shading and debris fall, accordingly the proposal fails to deliver a harmonious and sustainable relationship between structures and trees contrary to the provisions of Policy D1 (Design and Local Distinctiveness), Policy D3 (Trees and Development Sites) of the East Devon Local Plan, 2016 to 2031.
3. The layout of the proposed development fails to adequately distribute the proposed affordable housing throughout the development, as they are all being grouped together in the south western part of the site, which would create an unbalanced community and promote social division. The proposal is therefore contrary to the provisions of Strategy 34 (District Wide Affordable Housing Provision Targets) of the East Devon Local Plan and the aims and objectives of Part 8 of the National Planning Policy Framework which seeks to promote healthy and safe communities.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

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

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)
EN22 (Surface Run-Off Implications of New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2023)

National Planning Practice Guidance

Government Planning Documents

Lympstone Neighbourhood Plan (Made)

ANALYSIS

Site Location and Description

The site lies on the edge of the settlement of Lympstone to the south of Meeting Lane which is the one of the main routes into the village when travelling from the north, it lies outside of the recognised built-up area boundary of the village.

The site comprises a single, L-shaped grazing field extending to 2.58 ha immediately to the south of Meeting Lane and west of Strawberry Hill.

The topography is slightly undulating, with a northerly aspect. The site is bounded by native hedgebanks and mature trees adjacent to the road boundaries to the north and southeast. There is belt of trees covered by a Tree Protection Order (TPO) to the west of the site and a handful towards the middle of the site. The southern boundary abuts the recent Gulliford Close housing development and the more established Glebelands development.

There is currently a field gate access to the site from the north and a closed off access through Gulliford Close that is in different ownership.

Proposed Development

This application seeks outline planning permission for the construction of up to 42 residential units with 35% on site affordable housing provision and a contribution 15% (£292,925) would be provided towards off site provision. The only matters to be considered at this stage are the principle of development and the means of access to the site, with matters of layout, scale appearance and landscaping reserved for subsequent approval.

A new vehicular access is proposed from Meeting Lane. The application as originally submitted included a second access off Strawberry Hill, there was significant local opposition to this and the scheme has been amended to propose a single access from Meeting Lane only.

The illustrative plans submitted with the application indicate that an attenuation pond would be formed on site to capture surface water and then release it at a controlled rate into an existing ditch to the north of the site.

Planning Considerations

The main considerations in the determination of this application relate to:

- The principle of the proposed development;
- Affordable housing;
- Agricultural land classification;
- Impact on highway safety;
- Residential amenity;
- Landscape and visual impact;
- Trees;
- Ecology and habitats;
- Flood risk and drainage;
- Heritage impacts; and
- Planning balance and conclusion.

Detailed (full) planning permission for a similar proposal was refused planning permission in August 2024. It is necessary to consider if this revised outline planning application overcomes the previous reasons for refusal which are set out earlier in this report..

Principle of Development

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

The proposed development would comprise major development in the countryside, outside of the defined settlement boundary of Lympstone, thereby conflicting with Strategy 7 of the local plan. Consequently, the site would not offer an appropriate location for the development proposed having regard to the development plan's overall settlement strategy and expectation for such development to be contained within a designated built up area boundary.

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

Residential development of this nature and in this location conflicts with the spatial approach to development as expressed within the development plan. This conflict is attributed significant weight given that this is one of the main objectives of the local plan.

Planning legislation is clear that planning applications should be determined in accordance with the development plan, unless other material considerations indicate otherwise. One such consideration is the National Planning Policy Framework (NPPF).

The NPPF states that plans and decisions should apply a presumption in favour of sustainable development.

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 currently 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.

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

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

The need for housing over the next five years is a crucial consideration in planning decisions. According to paragraph 69 of the National Planning Policy Framework (NPPF), local planning authorities must identify specific sites for housing for the next five years and broader areas for growth for the subsequent 10-15 years. This means that a responsible and proactive council should be looking beyond the mere 4 and 5 year timescales and should instead recognise the implications of decision making on both medium and longer term housing delivery.

If the Council cannot demonstrate a five-year housing supply when adopting a new local plan, it would conflict with paragraph 69(a) of the NPPF. Without an adequate supply of housing an Inspector would likely find such an emerging plan unsound and

inconsistent with the requirements of paragraph 35 of the NPPF. Therefore, on this basis alone the Council should not rely solely on a short-term, four-year housing supply, as providing robust reason enough for resisting further housing as a matter of principle.

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

National policy, prior to December 2023 required a continuous five-year housing supply. Some other authorities have struggled to maintain this, leading to weaker positions when trying to defend planning appeals. These decisions often relied on overly optimistic policy assessments, resulting in a compounded effect on future planning. The experience of these authorities shows that it takes time to recover (so to claw back an appropriate supply of housing) making it very hard to successfully defend against appeals for sites deemed by the Council to be wholly unacceptable.

The Council's Housing Monitoring Update shows that the forthcoming five-year housing trajectory will fall below the required numbers and it is notable that affordable housing delivery has also been below the required levels. Currently, about 6,000 households are on the Council's housing register. The district's identified affordable housing need is 272 dwellings per year, totalling 4,896 dwellings over the 18-year plan period. Delivery in recent years has fallen well short of this annual target.

This issue was considered by Strategic Planning Committee on 15/7/2024 following the receipt of advice from Kings Counsel. The committee resolved to advise Planning Committee that in considering planning applications for housing developments that would deliver homes within the next 5 years in a sustainable way, significant weight should be given to the need to bolster the council's housing land supply position. This is in order to ensure that the council has a robust housing land supply and as a result a sound local plan in respect of housing land supply for examination of the Local Plan.

It is also notable that Strategic Planning committee have recently confirmed this site as a site to be allocated as a housing site in the emerging Local Plan.

Summary

There is a clear need for more housing, both market and affordable, within the district. The current and projected levels of housing delivery do not meet this need in the long term under the current policy climate. This unmet need is a significant factor for decision-makers in planning applications and appeals, particularly pertinent for otherwise sustainable sites outside current settlement boundaries.

To be in a strong position now, and remain so in the future, the Council must boost its supply of market and affordable housing and develop a local plan that ensures the realistic delivery of sufficient homes over the plan period. A robust approach in this regard would mean the adoption of a local plan which both expresses and reflects the

needs of the district, provides the ability to defend unsustainable sites for development at appeal, prevent speculative planning applications afflicting local communities and meet the social elements at a national scale by delivering the right type of housing at the right time. Accordingly, the need to boost the supply of housing is a material consideration that can be attributed significant weight given the strategic importance maintaining a healthy supply of housing means to the council and its ability to retain control over key planning decisions.

Affordable housing

Lack of affordable housing is a critical issue in East Devon and in order to retain younger people in our neighbourhoods and communities, as well as housing others in need, we need more affordable homes.

Strategy 34 of the EDDC Local Plan indicates that in villages and rural areas applications should provide 50% affordable housing on site. It further elaborates by stating:

Where a proposal does not meet the above targets, it will be necessary to submit evidence to demonstrate why provision is not viable or otherwise appropriate. An overage clause will be sought in respect of future profits and affordable housing provision, where levels of affordable housing fall below policy targets.

The application in its heads of terms indicates that the proposal would provide 35% affordable housing to be built on site and pay a 15% off site contribution, equating to a total affordable blended housing percentage of 50%.

The Housing Enabling Officer has the following comments to make:

Housing Need - There are 5857 households on the East Devon district wide waiting list, Devon Home Choice. This application would help meet some of this need.

Tenure - Strategy 34 sets a target of 70% for rented accommodation (social or affordable rent) and 30% for affordable home ownership. For the proposed 14 units, this would amount to 10 rented units and 4 units for affordable home ownership. We require at least 4 of the rented units to be provided as Social Rent as this is more affordable to local incomes in East Devon.

Housing Mix - to be determined at Reserved Matters stage. All affordable units must meet national space standards.

Council Plan 2021-2023 – East Devon District Council wants to increase access to social and affordable homes and this is one of the Council's highest priorities. This application will provide 14 affordable homes so will help us meet this priority.

Accordingly, whilst the proposal fails to achieve a strictly policy compliant level of affordable housing on site, the addition of a contribution to achieve the 50% provision overall must be seen as a benefit especially at a time where there is a critical need for more affordable homes, it will be a matter than needs to be weighed in the planning balance at the end of the report.

Agricultural land classification

The site is currently an agricultural field, and where the loss of agricultural land is proposed an assessment must be made as to whether it is the best and most versatile agricultural land (Grades 1, 2 and 3a). Policy EN13 of the EDDC Local Plan and advice contained in the NPPF suggest that agricultural land falling in Grade 1, 2 or 3a should not be lost where there are sufficient areas of lower grade land available or the benefits of development justify the loss of the high-quality land.

The majority of the site constitutes grade 3 agricultural land (with a small pocket of grade 2) which is not the highest-grade land but one where an on-site survey would be needed to determine whether it is 3a or 3b. No such survey has been submitted with this application and so a cautious approach is to consider that the site could be Grade 3a, which does fall within the category of best and most versatile agricultural land. The field is currently farmed but is constrained by housing developments on 3 sides and a water course on the other side and therefore is not connected to other similar grades of land which reduces its agricultural viability and value.

Whilst it is considered that the loss of 2.58 hectares of the agricultural land is regrettable, where it is not physically connected to land of a similar quality or higher quality (as in this instance) and as there are large amounts of other land in the locality of higher quality, it is considered that the loss would not significantly harm agricultural interests or the national food supply. Nevertheless, the loss of this agricultural land weighs negatively in the planning balance.

Highway Impact and Access

The proposal for 42 residential units would be accessed through new access from Meeting Lane, through what is presently a roadside verge and mature hedgerow to an agricultural field. The existing hedgerow would be removed to create the access and appropriate visibility splays, and a footway provided adjacent to the road to enable access to and through the estate, linking up with the existing footpath to the western corner of the site further down the lane. A further footway would extend to the southeastern corner adjacent to the end of Gulliford Close, from which it would form a further pedestrian route into the village. A new bank with planting on which follows the line of an historic bank would be re-provided to the south of the access point running towards a group of mature trees and surround the attenuation pond area. Once the access road has entered the site in a southerly direction, adoptable standard roads are shown on the site plan that serve all of the proposed units.

In terms of the accesses and the development's impact on the wider road network where it generates additional vehicular traffic onto Meeting Lane, which is a C class road which runs along the northern edge of Lymptone close to its junction with the A376, the Highway Authority have considered the scheme in detail and the additional details that have been provided by the applicant's agent. The County Council as Highway Authority recommend approval of the scheme with specific conditions applied to create an off site dedicated right turning lane on the A376 when approaching from the north, this would be dealt with by a Section 278 agreement between the applicant and the Highway Authority and would need to be provided and capable of use prior to

first occupation of any dwelling on this site. A further condition is required to agree a suitable construction management plan for routing of construction vehicles prior to any development on site taking place.

The development will inevitably generate additional vehicular activity on local roads. This traffic will accumulate at pinch points with the new traffic being generated by this development, and by other recent development in the village and further afield. The Highway Authority are satisfied that the new estate junction onto Meeting Lane will not suffer undue congestion at peak flows and has appropriate visibility that can be controlled and maintained with the new dedicated right turn lane onto Meeting Lane towards the site from a northerly direction. They specifically do not consider there will be a significant denigration of highway safety. For these reasons the proposals are considered to accord with Policy TC7.

In terms of wider accessibility, Policy TC2 and the NPPF seek residential development that is located where there are viable alternatives to the private car allowing pedestrian, cycle and public transport access to jobs, services and amenities. The application site is accessible to a range of services including bus services, schools, church, village hall and jobs (predominantly in further afield settlements by bus or train). There are suitable and safe walking routes into the village centre, the development would join into the pedestrian network in the far western side onto Meeting Lane and to the southeast onto Gulliford Close. In short, the site is considered to be accessible and future residents would have viable and attractive sustainable alternatives to using the private car both on foot or by bus or train.

In conclusion, the proposals are considered to be in an accessible location with suitable and safe access. Vehicular traffic would enter an, at times, busy local road network, but these trips would naturally dissipate onto alternative routes that are safe and appropriate. There are viable alternatives to the use of the car with pedestrian and cycle links as well as walkable bus stops and train station with regular services in the locality. The submitted Transport Assessment and the Residential Travel Plan are considered acceptable by Devon County highway Authority and the overall the scheme considered to accord with Policies TC2 and TC7 of the EDDC Local Plan and the guidance in the NPPF.

The assessment above is the officer viewpoint. It should be noted that application 23/1269/MFUL was refused for reasons that included the site being unsustainable due to lack of access to local services with inadequate pedestrian links. This is at odds with the view of Strategic Planning committee who have concluded the site to be in a sustainable location for the reasons set out on the officer viewpoint above. Members will need to weigh the previous reason for refusal on grounds of unsustainability of location in the planning balance.

Residential amenity

The proposal site adjoins the existing built up area boundary of Lymptone where gardens of existing houses back onto the proposal site, such that it will be important, at the reserved matters stage, to consider the impact that the proposal would have on

the living conditions of existing occupiers, it will also be important to consider the living conditions of potential future occupiers of the proposed residential units to ensure that they have a good standard of living. There would undoubtedly be an impact upon the outlook from properties in Gulliford Close with a change from an agricultural field to an estate of houses, and from other neighbouring properties, however this will need to be further considered at the reserved matters stage when matters of layout, scale, appearance and landscaping will be fully considered.

The illustrative layout however gives officers sufficient information to be able to conclude that it would be possible to develop the site for the proposed quantum of development without a significant adverse impact on neighbours and that a scheme of suitable quality could be delivered.

Landscape and Visual Impact

The application site is currently a pleasant green field, sloping gently up as it leaves the edge of Lympstone. Development of the site would result in the loss of an open and relatively prominent field on its northern periphery when viewed from Meeting Lane however landscape sensitivity is reduced by the presence of existing modern residential development to the south. Gradients are sufficiently gentle not to entail major terracing of the site. The location of the proposed access would result in the removal of some of the existing roadside hedge, the proposed highway works would lead to a change in character along Meeting Lane creating a much wider highway corridor and changing its character from semi-rural to urban.

The Council's Landscape Architect comments by stating:

'The proposals are likely to introduce built elements and alter existing historic hedgebanks that will erode the rural character of Meeting Lane although with a more sensitive design approach these impacts could be reduced.'

The proposals give rise to significant concerns in relation to the impact of development on the character of the adjacent rural lanes and existing important site trees.

Generally, the landscape and visual impacts of the proposals are likely to be limited to the site and immediate surrounds, and while acknowledging the change in character along Meeting Lane, the development can be accommodated without wider significant adverse impact to the host landscape character. Specific comments on the layout of the development, the scale of the proposed dwellings and their appearance together with proposed landscaping will be matters to be examined in detail at the reserved matters stage.

Trees

There is a belt of protected trees on the western boundary of the site, together with a number of mature oak trees set to the east of this belt of trees.

The Council's tree officer raised objections to the application as originally submitted where it included 2 access points, but with much of the objections relating to the detail of the layout. Layout is a reserved matter in this case so many of these concerns are not directly relevant.

Overall, it is considered that the proposal site is large enough to accommodate 42 residential units without impacting detrimentally on trees although it is acknowledged that there will be some impact arising from the new access. This relatively modest impact needs to be weighed in the planning balance.

It is also noted that impact on trees as a consequence of the new access onto Meeting Lane was not a reason for refusing the previous full planning application.

Ecology and Habitats

An ecological impact assessment has been submitted in support of this application which builds upon an initial preliminary ecological assessment undertaken on the site in 2021. Bat activity transect and static surveys were subsequently undertaken from August 2023 to October 2023. The following comments on protected species is relevant in the determination of this application:

Bats - At least eight species of bat have been recorded foraging and commuting over the site during manual and static bat detector survey, however there was no evidence of roosting bats on the site was found.

Badgers - There are no badger setts on the site or suitably close to pose a potential constraint to development, however, badgers do forage across the site and therefore mitigation would be required especially during the construction period. The long-term retention of grassland within the landscape plan surrounding the site and around the attenuation basin will likely benefit badger foraging.

Breeding birds - The trees on site offer opportunistic nesting habitat for common species birds especially in the mature oak trees, the grassland due to it being grazed offers little opportunity for ground nesting.

Dormice - It is not considered that dormice use the site, however, that is the present situation which may change, therefore a dormice licensed ecologist will need to make a fingertip search of the hedgerow prior to any works taking place to them.

Hedgehogs - There are no hedgehog setts on the site or suitably close to pose a potential constraint to development, however, hedgehogs do forage across the site and therefore mitigation would be required especially during the construction period. The provision of planted bunds within the landscape plan will likely benefit hedgehog foraging.

The loss of 20 m of species-poor hedgerow for access into the site is considered likely to result in a minor adverse ecological impact at the site level. The hedgerow removal and some potential translocation could result in the killing or injury of dormice, though at present there is no evidence to suggest that there are any dormice on site if any are

found a European protected species licence (EPSL) from Natural England would be required. Applicants can only apply for an EPSL once planning approval has been granted and any conditions pertaining to protected species, which are capable of being discharged, have been discharged.

Mitigation and ecological enhancement measures include (based on the illustrative layout submitted):

- retention of grassland areas around site boundaries together with a new SuDS drainage pond
- the provision of ecological buffers to avoid the illumination of hedgerows,
- ecological supervision of hedgerow removal and translocation,
- sensitive timing of works to avoid harm to nesting birds and dormice,
- angled planks across any excavations to assist in foraging badgers and hedgehogs,
- a lighting plan, including lux contours across the site, will be required. Lighting design should be in accordance with 'Bats and artificial lighting in the UK' (BCT and ILP 2018) to minimise light spill and potential negative effects upon foraging and commuting bats.
- bat boxes (on 50% of the dwellings) and bird boxes (one box on each house)
- Payment of a standard Habitat Mitigation Contribution per house (£367.62) would also be payable to 'deliver' mitigation for recreational impacts on the nearby SPAs.

A Landscape and Ecological Management Plan (LEMP) should be produced, at reserved matters stage, detailing the planting specifications and the ongoing management of the proposed and retained habitats.

The proposed development would not require a European Protected Species Licence from Natural England for bats as no roosting habitats would be lost, however, similarly to the dormice, if any roosting bats are found that are likely to be affected by the works a European protected species licence (EPSL) from Natural England would be required.

The Council's Ecologist has commented on the proposal as follows:

The submitted ecological survey information including ecological avoidance, mitigation, and enhancement measures are generally considered acceptable notwithstanding the above comments regarding the likely loss in habitat value of the site once developed. It is recommended that the site design/landscaping be revisited to achieve a realistic net gain for habitat provision to make the proposal acceptable.

A condition requiring submission of further biodiversity calculations has been agreed between the ecologist and the applicant to overcome his concerns to provide a quantifiable enhancement to biodiversity across the site.

Accordingly, as a package of protection and biodiversity enhancement, the site during and following development would benefit from a net gain and the measures are

suitable mitigation. These measures are encapsulated in the Ecological Impact Assessment dated July 2023 and submitted with the application.

Habitats Regulation Assessment

The nature of this application and its location close to the Exe Estuary and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and a financial contribution will be secured through an appropriately worded legal agreement. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

For these reasons the proposals are considered to accord with Policy EN5 of the EDDC Local Plan, the NPPF and the stipulations of the Habitat Regulations.

Flooding and Drainage

The site lies in Flood Zone 1 and is therefore not prone to flooding. Residential development is 'more vulnerable' to flooding, but is directed to Flood Zone 1 in national guidance and the development as proposed is considered appropriate. There is a roadside ditch down the northern side of the site which has been confirmed to be of no substantive flood risk to the site.

Devon County Flood Risk department originally objected to the proposal stating the following:

'At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered'.

On submission of additional information, DCC Flood Risk Team have removed their objection subject to conditions with the following comments to make:

The applicant have revised Land off Strawberry Hill, Lympstone Flood Risk Assessment (Report Ref. 1414, Rev. C, dated 6th October 2023).

The outcome of the ground investigation carried out in August 2022 has preclude the use of soakaways option as mean to manage the surface water runoff from this development site. The applicant are proposed a detention basin with attenuated discharge to the 'onsite surface water ditch' in the lower reaches of the shallow valley. This ditch feeds through a piped connection to an existing highway gully immediately outside the site. This connection was objected by Devon Highways due to liabilities and the involvement of third party land north of Meeting Lane.

The runoff from Plots 1 to 4 is impractical to discharge to the new detention basin and it is proposed to drain to a small private cellular attenuation with separated controlled discharge rate of 1l/s to the ditch. The applicant subsequently submitted a covering letter entitled 23/1269/MFUL - Land South of Meeting Lane, Lympstone (Letter Ref. 1414, dated 24th November 2023) stating that the controlled discharge is to outfall to an existing on-site watercourse. We disagreed to their reference that the current easement is a watercourse.

The applicant sought legal advice regarding this connection and it was agreed with Devon Highways that the proposed drainage arrangements would require further discussion. The Advice Note from the applicant's legal team is yet to be reviewed and it is advisable that Devon Highways review this piece of information.

Due to the above uncertainty, the applicant proposed a backup pump surface water runoff option to pump the water to the existing adopted surface water network at Jackson Meadow. This option has been agreed with South West Water (SWW) and could be implemented if all other options are exhausted. Devon Lead Local Flood Authority (LLFA) are not keen for this unsustainable option to be implemented.

The applicant confirmed that the freeboard capacity within the proposed SuDS pond is far exceeds the emergency storage required for a pumped arrangement and therefore would be easily accommodated by the current proposal. No supporting calculation has been submitted at this stage and hence this piece of information has not been reviewed at this stage.

The applicant should also review the Long Term Storage (LTS) calculation and confirm how the LTS is incorporated into the detention basin.

The proposal is therefore considered acceptable in principle, the detailed comments form DCC FRMT are based on the illustrative layout which may change as part of the proposed development such that is it considered necessary to seek the layout of the final surface water drainage proposals as part of a reserved matters submission, subject to appropriate conditions to provide a detailed design strategy in relation to Policy EN22 of the EDDC Local Plan.

In terms of foul water drainage, the proposal would connect into the mains system. South West Water have not objected to the proposal but have commented that this and other local development sites are being assessed to determine whether they will have a significant impact on the pumping station downstream from this development. If any upgrades are required it will take South West Water approximately 18 months to complete them. It is important that we have confidence about the need for any upgrade works before any development should commence and that any upgrades to

the sewage system that may be identified to be necessary are implemented in full prior to occupation of any dwelling. As such a Grampian style condition is proposed to secure this.

Subject to the proposed conditions the proposal is considered acceptable, at this stage, and in accordance with Policy EN19 of the EDDC Local Plan.

Heritage Impact

As well as the policies of the Development Plan, the Planning Authority must give special consideration to the significance of any Listed Buildings or Conservation Areas affected by this development as required by Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

On the basis of the information provided through the application, the proposed development, based on the illustrative layout, would result in slight harm to glimpsed views from Thorn Farm and Gulliford Cottages, Grade II heritage assets located to the northeast and east of the site. In this respect however the impact will be minimal and overall the development proposal is considered to continue to preserve the contribution the site as a setting makes to the significance of these heritage assets.

There are 2no. Grade II Listed Buildings Thorn Farm and Gulliford Cottages, Grade II heritage assets located to the northeast and east of the site.

Accordingly, whilst there would be a slight impact on the setting of the heritage assets, through the introduction of built development on this site, where weight should be given to the preservation of the significance of the assets, this impact would be a less than substantial harm, in such circumstances Paragraph 208 of the NPPF indicates that this harm should be weighed against the public benefits of the proposal. In this instance the less than substantial harm needs to be measured against the provision of much needed housing in the district including a blended 50% affordable housing provision such that the benefits of the proposal are considered to outweigh the slight harm identified.

The Planning Balance and Conclusion

Having taken all of the previous comments into consideration, the NPPF requires Planning Authorities to apply a planning balance, where the social, environmental and economic factors of the scheme are attached relative weight with regard to the guidance of the NPPF and the up to date policies of the Development Plan.

In this scheme, weight is attached to the offer of 14 affordable housing units (35%) to be built on site that would provide social sustainability benefits, whilst not strictly a policy compliant level of affordable housing 14 units a significant benefit, added to this the applicant has indicated that they are willing to pay an off site contribution equating to the remaining 15% affordable housing. Similar importance is attached to the 42 new residential units. Strategic Planning Committee have advised that in considering planning applications for housing developments that would deliver homes within the next 5 years in a sustainable way, significant weight should be given to the need to bolster the council's housing land supply position. This is in order to ensure that the

council has a robust housing land supply and as a result a sound local plan in respect of housing land supply for examination of the Local Plan.

The economic benefits of building, furnishing and living in 42 new homes and the filter down effect this would have on the local and regional economy weigh in favour of the proposal.

The development would be accessible by a range of transport means to Lymington's amenities and facilities without the need to place sole reliance on the private car, together with transport links to further afield settlements. Although the local road network would receive additional pressure, the impact is not considered severe and there are no objections from the County Highway Authority. This also weighs in favour of the proposal.

There is not a significant adverse impact on the local and wider rural landscape and the setting of the village. Although there will be an inevitable erosion of the countryside with the new housing being built, the Landscape Officer's assessment does not consider the visual impact to be significantly adverse. A similar conclusion is drawn on local heritage assets where special consideration has been given and whose significance would not be harmed.

Ecological impacts are fully mitigated ensuring compliance with planning policy and the Habitat Regulations. There would be retention of the primary hedgerows around the site save for some loss of the roadside hedge with minimal tree or hedge removal overall.

The development could result in the loss of Grade 2/3 agricultural land and this weighs negatively in the planning balance.

The development is outside of the floodplain with a site that can be drained by sustainable means (subject to conditions).

The proposals offer an appropriate package of mitigating measures to offset the impact that the new housing would have on local infrastructure through payment of CIL which is also of benefit to the parish of Lymington through receiving 15% of the total CIL monies to use in the parish.

It is considered that there are substantial social and economic benefits to development. The 35% provision of affordable housing on site plus 15% contribution off site, the open market housing and the benefit to the local economy should be given great weight. The environmental impacts are limited, the most significant being the erosion of countryside on the edge of Lymington and possible loss of BMV agricultural land. However, given the current housing and affordable housing supply position, and given that the impact is not so harmful in light of the comments from the Landscape Officer, the environmental impact is not so adverse that it outweighs the substantial housing offer to help meet the current identified need for housing.

Previous reasons for refusal of 23/1269/MFUL included (i) the sustainability of the location, (ii) the siting of houses leading to pressure to prune or fell trees and (iii) the failure to pepper pot the affordable housing. As this is an outline application the

detailed siting of houses is yet to be agreed, as such reasons (ii) and (iii) are matters which could be considered at reserved matters stage. Regarding reason (i) the officer view is that the site is in a sustainable location and this has been affirmed by Strategic Planning Committee who have agreed to include this site as a housing allocation in the emerging Local Plan. This is a matter for Members to weigh in the planning balance.

On balance the proposals are considered to represent sustainable development in the light of the guidance in the National Planning Policy Framework and the up-to-date policies of the Development Plan and the significant public benefit of providing additional housing, including affordable housing is a material consideration that justifies approving this development as a departure to Strategy 7 of the Local Plan.

RECOMMENDATION

- 1. Adopt the appropriate assessment.**
- 2. APPROVE subject to a legal agreement securing the following matters:**
 - **Habitat mitigation contribution of £367.62 per residential unit.**
 - **35% affordable housing to be 9 social rented units and 5 units for affordable home ownership.**
 - **15% off site affordable housing contribution of £292,925**
 - **Management company to maintain common areas on site.**
 - **Travel Plan.**

APPROVE subject to the following conditions:

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

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

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

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

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

(Reason - For the avoidance of doubt.)

4. Prior to commencement of development a Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority, and shall 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. The plan shall also consider construction vehicle routing and delivery arrangements. Construction working hours and all site deliveries 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: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution from the outset (required to be pre-commencement) in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan.)

The conditions should be pre-commencement since it is essential that the proposed details are provided before any construction impacts on the environment commence.

5. As part of any reserved matters application the site's drainage output in so far as it relates to the highway shall be submitted to in consultation with the County Highway Authority. The development shall thereafter be carried out in accordance with the agreed details.

Reason: To minimise the impact of the development on the highway network before any development commences in accordance with Policy TC7 of the East Devon Local Plan 2013-2023.

6. Prior to commencement of development of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

- (k) details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
- Reason: To minimise the impact of the development on the highway network in accordance with Policy TC7 of the East Devon Local Plan 2013-2023.

The conditions should be pre-commencement since it is essential that the proposed details are provided before any construction impacts commence.

7. As part of any reserved matters application the following information shall be submitted:

(a) A detailed drainage design based upon the approved Land off Strawberry Hill, Lymptone Flood Risk Assessment Outline Application) Land South of Meeting Lane, Lymptone

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

(e) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals, the scope of which shall be agreed with the local planning authority in consultation with the lead local flood authority. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

(f) Evidence there is agreement in principle from SWW/ landowner/DCC Highways to connect into their system.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) above and the approved drainage system shall be retained and maintained as such for the lifetime of the development

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG.

7.

8. As part of any reserved matters application for layout, external appearance and/or landscaping a Lighting Impact Assessment (LIA) including lux contours, based on the detailed site design, most recent guidelines (currently GN08/23 and

DCC 2022), and recommendations within the Ecological Impact Assessment (Encompass Ecology, October 2023), shall be submitted. The LIA should clearly demonstrate that dark corridors are achievable without the attenuation of habitat features which long-term management cannot be guaranteed. All lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. No other external lighting be installed unless otherwise agreed in writing with the local planning authority.

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

9. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The LEMP shall include biodiversity measures as referred to in the Ecological Impact Assessment (Encompass Ecology, October 2023), in particular those that refer to a Biodiversity Enhancement Plan (BEP), and shall also include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum 30-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

This needs to be a pre-commencement condition to ensure any environmental impacts are mitigated from the onset of development.

10. Prior to the commencement of any works on site (including any ground works, site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural

Method Statement(AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

11. No development shall commence until a Biodiversity Management Plan to ensure that there is a quantifiable net gain in biodiversity of at least 10% within a 30-year period as a result of the development has been submitted to, and approved in writing by, the Local Planning Authority.

The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity metric as applied in the area in which the site is situated at the relevant time, and the Biodiversity Management Plan shall include:

1. Proposals for on-site biodiversity net gain (full details of which will be provided in relation to each phase of development (where applicable) and/or for off-site offsetting);
2. A management and monitoring plan for any on-site and off-site biodiversity net gain, including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of development, demonstrating how the biodiversity net gain is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed;
3. A methodology for the identification of any site(s) to be used for offsetting measures and the identification of any such offsetting site(s); and/or
4. Details of any payments for offsetting measures including the biodiversity unit cost and the agreed payment mechanism.

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Management Plan and shall be retained as such thereafter.

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

12. No development shall take place (including ground works) until a Construction and Ecological Management Plan (CEcoMP) has been submitted to and approved in writing by the local planning authority. The CEcoMP shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication, including reporting compliance of actions to the LPA
 - g) The role and responsibilities on site of an ecological clerk of works (ECow), including any licence requirements.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEcoMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: In the interests of ensuring protection of biodiversity in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

The condition should be pre-commencement since it is essential that the proposed details are provided before any construction impacts commence and any biodiversity/ecological features are removed from the site

13. Each dwelling shall not be occupied until the dwelling specific ecological mitigation and enhancement features (where applicable) have been installed/constructed in accordance with the submitted LEMP and CEcoMP. Prior to the Occupation of 80% of the residential units, the site wide ecological measures must be installed/constructed in accordance with the submitted LEMP and CEcoMP

Reason - To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology)

and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

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

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

Plans relating to this application:

PL100 B	Location Plan	05.03.24
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NOTE FOR APPLICANT

Informative:

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

Informative:

The Local Planning Authority (LPA) has a statutory duty under Regulation 3(4) to have regard to the requirements of the Habitats Directive in the exercise of its functions when dealing with cases where a European Protected Species (EPS) may be affected. The species protection provisions of the Habitats Directive, as implemented by the Habitats Regulations, contain three 'derogation tests' which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would otherwise lead to an offence under provisions protecting species in the

Habitats Regulations. Having regard to the three tests, the LPA considers that the three tests would not be met and that Natural England are unlikely to grant an EPS licence.

Informative - Biodiversity Net Gain:

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

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

The BG conditions states that development may not begin unless:

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

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

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

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

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

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

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

- 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
- (i) the application for planning permission was made before 2 April 2024;
 - (ii) planning permission is granted which has effect before 2 April 2024; or
 - (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
- 4.2 Development below the de minimis threshold, meaning development which:
- (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
- 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
- 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
- 4.5 Self and Custom Build Development, meaning development which:
- (i) consists of no more than 9 dwellings;
 - (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
 - (iii) consists exclusively of dwellings which are self-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.

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

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

Equality Act:

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

23/1600/MOUT – APPENDIX 1

Technical Consultation Responses in Full

DCC Climate Change/Environment And Transport

27/03/24 - Regarding the above planning application, Devon County Council has identified that the proposed increase of 42 family type dwellings will generate an additional 10.50 primary pupils and 6.30 secondary pupils which would have a direct impact on Lypstone primary school and Exmouth Community College. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

We have forecast that there is enough primary capacity at the local primary schools for the number of pupils expected to be generated from this development and therefore a contribution towards primary education would not be sought. We have forecast that the nearest secondary school has not got capacity for the number of pupils likely to be generated by the proposed development and therefore Devon County Council will seek a contribution towards this additional education infrastructure to serve the address of the proposed development. The contribution sought for secondary would be £148,302 (based on the DfE secondary extension rate of £23,540 per pupil). These contributions will relate directly to providing education facilities for those living in the development.

All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on June 2020 prices and any indexation applied to contributions requested should be applied from this date.

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

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

Royal Society For The Protection Of Birds

27/03/24 - Thank you for inviting the RSPB to comment on the above, we are happy to support the PROPOSED MITIGATION AND ENHANCEMENT works set out in section 5 of the Ecological Impact Assessment.

We are particularly pleased that para:

5.14 Additional specific bird nesting opportunities will be provided within the proposed development area, in the form of 1 in-built bird nestbox to be provided within each dwelling proposed. This should be fully described within a Biodiversity Enhancement Plan (BEP), to be secured by further planning condition.

which follows the recommendations set out in BS42021:2022

Section 9.2: details how much detail will be required in the proposed BEP.

Integral nest boxes - installation plan Details for the selection, siting, positioning and installation of integral nest boxes shall be prepared and submitted to the local planning authority, to include:

- a) the total number of integral nest boxes to be installed on site;
- b) a list of recommended integral nest boxes selected for installation, i.e. manufacturer(s) and model(s) along with illustrations, where available;
- c) elevations showing typical locations into which boxes are to be installed.

Our monitoring programs have found that house sparrows tend to prefer single boxes at least one metre apart and that other species seldom use terraces.

So we recommend using "Universal Boxes" with an entrance hole of at least 30X65 mm, see attached which are used by

- o House Sparrows
- o Starlings
- o House Martins
- o Swifts
- o Assorted others

and provide additional accommodation for bats on a case by case basis as per our most recent advice from the Bat Conservation Trust

We would appreciate the opportunity to review this at the next stage of the planning process.

see swifts local network guidance under document tab

Conservation

24/04/24 - On the basis of the information provided through the application, the proposed outlined development would result in slight harm to glimpsed views from Harefield House (St Peter's School), Thorne Farm and Gulliford Cottages, Grade II heritage assets located to the northeast and east of the site. In this respect, the development proposal is considered to continue to preserve the contribution the site as a setting makes to the significance of these heritage assets. Conservation do not therefore wish to offer any comments. Case Officer to assess on planning merit.

Housing Strategy/Enabling Officer - Cassandra Pressling

14/10/24 - I have no further comments to make on these amended plans.

Housing Strategy/Enabling Officer - Cassandra Pressling

22/03/24 - Support

Percentage of Affordable Housing - under current policy Strategy 34, a requirement for 50% affordable housing would be required. However, given the lack of a 5 year

land supply and out of date policies, a pragmatic approach is being taken with sites adjacent to an existing built up area boundary and the level of affordable housing to be sought. The applicant is proposing to provide 33% affordable housing which equates to 14 units and this is acceptable.

Housing Need - There are 5857 households on the East Devon district wide waiting list, Devon Home Choice. This application would help meet some of this need.

Tenure - Strategy 34 sets a target of 70% for rented accommodation (social or affordable rent) and 30% for affordable home ownership. For the proposed 14 units, this would amount to 10 rented units and 4 units for affordable home ownership. We require at least 4 of the rented units to be provided as Social Rent as this is more affordable to local incomes in East Devon.

Housing Mix - to be determined at Reserved Matters stage. All affordable units must meet national space standards.

Council Plan 2021 - 2023 - East Devon District Council wants to increase access to social and affordable homes and this is one of the Council's highest priorities. This application will provide 14 affordable homes, so will help us to meet this priority.

EDDC Recycling & Waste Contract Manager

07/03/24 -

For Recycling & Waste we would ask for a version of the layout plan that shows -

1. Vehicle tracking
2. Indicates the collection point for each unit to confirm that they are kerb-side collections and/or shows the locations of any shared collection points

Natural England

21/03/24 - GH0911R

Thank you for your consultation on the above dated 07 March 2024 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

DESIGNATED SITES [EUROPEAN] - NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION FOR RECREATIONAL PRESSURE IMPACTS ON HABITAT SITES (EUROPEAN SITES).

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

For all future applications within the zone of influence identified by your authority, please only consult Natural England once the HRA has been produced.

FURTHER INFORMATION REGARDING RECREATIONAL PRESSURE IMPACTS ON HABITAT SITES (EUROPEAN SITES).

Natural England considers that this advice may be used for all applications that fall within the parameters detailed below.

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as Exe Estuary Special Protection Area (SPA), East Devon Pebblebed Heaths Special Area of Conservation (SAC) & East Devon Heaths Special Protection Area (SPA). It is anticipated that new residential development within this zone is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development and therefore such development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts through a strategic solution which we have advised will (in our view) be sufficiently certain and effective in preventing adverse impacts on the integrity of those European Site(s) within the ZOI from the recreational impacts associated with such development.

However, following the People Over Wind ruling by the European Court of Justice, mitigation may not be taken into account at screening stage when considering 'likely significant effects', but can be considered at appropriate assessment. In the light of this, these measures) should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing adverse effects on the integrity of the relevant European Site(s) from recreational impacts for the duration of the development proposed within the relevant ZOI.

Providing that the appropriate assessment concludes that the measures can be secured [with sufficient certainty] as planning conditions or obligations by your authority , and providing that there are no other likely significant effects identified (on this or other protected sites) which require consideration by way of appropriate assessment, Natural England is likely to be satisfied that your appropriate assessments will be able to ascertain with sufficient certainty that there will be no adverse effect on the integrity of the European Site from recreational pressure in view of the site's conservation objectives. In this scenario, Natural England is unlikely to have further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

Natural England should continue to be consulted on all proposals where provision of site specific SANGS (Suitable Alternative Natural Green Space) or other bespoke

mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal. We would also strongly recommend that applicants proposing site specific infrastructure including SANGs seek pre application advice from Natural England through its Discretionary Advice Service. If your consultation is regarding bespoke site-specific mitigation, please reconsult Natural England putting 'Bespoke Mitigation' in the email header.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the Strategic Solution, should also be subject to the requirements of the Habitats Regulations and our advice above applies.

Other Protected Sites

European Sites

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on other statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on other statutorily protected sites and has no objection to the proposed development.

Other Advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Annex A -Natural England general advice

Protected Landscapes

Paragraph 182 of the National Planning Policy Framework (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. Section 245 of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities (including local planning authorities) to seek to further the statutory

purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

Wider landscapes

Paragraph 180 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

Biodiversity duty

The local planning authority has a duty to conserve and enhance biodiversity as part of its decision making. Further information is available [here](#).

Designated nature conservation sites

Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites. Both the direct and indirect impacts of the development should be considered. A Habitats Regulations Assessment is needed where there is a likely significant effect on a habitats site and Natural England must be consulted on 'appropriate assessments'. Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via Impact Risk Zones or as standard or bespoke consultation responses.

Protected Species

Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species licence may be required in certain cases.

Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre,

Annex A -Natural England general advice

wildlife trust, geoconservation groups or recording societies. Emerging Local Nature Recovery Strategies may also provide further useful information.

Priority habitats and species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. A list of priority habitats and species can be found on Gov.uk.

Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. Major development (defined in the NPPF glossary) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is expected to be extended to smaller scale development in spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

Further information on biodiversity net gain, including draft Planning Practice Guidance, can be found [here](#).

The statutory Biodiversity Metric should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites, the Small Sites Metric may be used. This is a simplified version of the Biodiversity Metric and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered. Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

Natural England's Environmental Benefits from Nature tool may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the Biodiversity Metric and is available as a beta test version.

Further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain can be found in government Planning Practice Guidance for the natural environment.

Ancient woodland, ancient and veteran trees The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account when determining relevant planning applications. Natural England will only provide bespoke

advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

Annex A -Natural England general advice

Further information is contained in GOV.UK guidance Agricultural Land Classification information is available on the Magic website and the Data.Gov.uk website

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, separate guidance on soil protection for site restoration and aftercare is available on Gov.uk website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Workings.

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Green Infrastructure

Natural England's Green Infrastructure Framework provides evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the 15 Green Infrastructure Principles. The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

GI mapping resources are available [here](#) and [here](#). These can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 104 and 180 of the NPPF highlight the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information

including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.
Further information is set out in Planning Practice Guidance on the natural environment

Environmental Health

18/10/24 - As per my previous comments

Environmental Health

13/03/24 - A Construction and Environment Management Plan (CEMP) must be submitted and approved by the Local Planning Authority prior to any works commencing on site and shall 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. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. 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 and no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

EDDC Landscape Architect

26/04/24 - Please see scanned report under the documents tab.

Police Architectural Liaison Officer - Kris Calderhead

16/10/24 - Thank you for consulting with me with regards to the revised plans of this planning application.

I have no additional comments to my initial response.

Police Architectural Liaison Officer - Kris Calderhead

07/03/24 - Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application.

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

- o Detailed design should include a layout that provides overlooking and active frontages to the new internal streets (which appears to have been applied) with accessible space to the rear of plots avoided. Should the rear boundaries of plots abut public space they should be afforded a buffer to prevent easy access / damage etc.

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

Public, accessible space to the rear of plots is not recommended.

It increases the risk of damage, burglary attempts and ASB, which an effective buffer may mitigate somewhat, but it also reduces surveillance opportunities of public space.

o Boundary treatments to the front of dwellings and around any potential apartment blocks are important to create defensible space to prevent conflict between public and private areas and clearly define ownership of space. The use of low-level railings, walls, hedging for example would be appropriate. This is important throughout the development but particularly in the examples below.

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

o Pedestrian routes throughout the development must be clearly defined, wide, well overlooked and well-lit. Planting immediately abutting such paths should generally be avoided as shrubs and trees have a tendency to grow over the path creating pinch points, places of concealment and unnecessary maintenance.

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

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

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

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

SEE REPORT WITH IMAGE UNDER DOCUMENT TAB

EDDC Trees

09/04/24 - In principle I do not object to the development of the site based on sound arboricultural principles. However, the current outline application appears to be very similar to 23/1269/MFUL which I had significant concerns about and objected to.

In relation to the access points my previous comments still apply:

The entrance on northern boundary requires removal of T4 Oak, a B category tree with 'good future potential' as described within the arboricultural survey. However there is no mention of the impact of the removal of this tree within the AIA despite the AIA stating that there are 'a number of good quality individual category A and B Oak stems are present on site, offering good arboricultural and amenity value with a high future potential'. Furthermore, this tree was recently retained as part of hedgerow management circa 2019 and has recently been protected as long-term it is considered an important tree which should be retained. The entrance should be moved east so that its located between T3 and T4 and therefore allowing both trees to be retained. The secondary access on eastern boundary appears unnecessary as it serves just 5 properties and requires a 30m section of hedge being removed. The hedge has been categorised as only C2 and 'heavily flailed' but should be surveyed in accordance with Hedgerow Regulation 1997 to establish if the hedge is considered important according to the criteria of the regulations. Similarly with the H1 along the western side of the development area adjacent to Meeting Lane.

It is noted that this application is outline with all matters except access reserved. However, it is considered appropriate to comment on the accompanying plans:

I would object to the current plans due to the likely detrimental harm that will be caused by the development on retained trees and resultant pressure to prune or fell trees due to proximity of dwellings to trees. The proposal is generally considered to be an over development of the site, resulting in dwellings in close proximity to trees, small gardens dominated by overhanging crowns and significant shading issues. It appears that the tree constraints have not been properly considered and the overall design is not considered sustainable and is contrary to BS 5837: 2012 and Local Planning Policy D3. As per BS 5837, where development is proposed in close proximity to trees, the objective is to achieve a harmonious relationship between trees and the proposed structures that can be sustained long term. At present, this proposal does not meet this.

Main issues

The RPA's have been offset for the trees growing along the boundary edge of Strawberry Hill and Meeting Lane due to the restricted rooting environment of the roads and more favourable rooting environment within the field side. However it is not clear whether the offset RPA include the appropriate increase of RPA on the field side. It does appear that some minor increase in the RPA has occurred but it is questioned whether this is enough. It is noted that there has been no change in the location of nearby plots in relation to previous plans to trees T1, T2 and T3 despite quite drastic changes in the RPA due to offsetting.

T11 Oak, (A category). T12, Ash (C category) - the crowns overhangs approx 1/3 of gardens of plot 19 & 20. These are tall trees, 18m in height with the crown of T11 being approximately 4m from the rear of the dwelling at plot 19 and T12, 3m distance from the dwelling at plot 20: the trees will dominate the gardens and dwelling resulting in pressure to prune or remove. At least 1/3 of the garden of these plots will be located beneath the crown of the trees with the RPA extending over approximately 1/2 of the rear gardens resulting in unnecessary compaction of rooting environment.

T8, Oak is described as a 'large historical specimen with veteran features' and categorised as A3. No gardens should be located beneath this tree and the tree should be located purely within public open space to reduce pressure for any pruning to the tree and to give space for the tree to grow. Features typical of veteran trees tend to be the same features that cause concerns to residents; deadwood, cavities, large heavy branches etc. The RPA of this tree also extends into the gardens of plots 4 and 17 which is likely to result in unnecessary risk of compaction and therefore harm to the rooting environment of the trees (as for T11 and T12). The footpath extending to the rear of plots 1 to 4 also needs to be located outside the RPA T8. Likewise the footpath through the RPA of T6(Cat A Oak) needs to be moved outside of the RPA.

The AIA states that pruning is required of adjacent trees; 'To enable functional amenity space within the southern gardens associated with the southern boundary stems, lateral pruning is required along the northern aspects of crowns, particularly in area A2 and group G3'. Pruning will help reduce the proximity of the trees though shading of plots along southern boundary in the late afternoon is still likely to be a significant issues - the height of G3 currently 15m and A1, 8m with corresponding levels of shadow over residents gardens. The shadow pattern through the main part of the day as shown on the TCP suggests shading covering at least half of the garden of units 11 to 15. Due to the height of G3, the majority of the garden of plot 10 will also be in shade through the main part of the day including what appears to be communal gardens for plots 5 to 9. It is considered that this southern boundary would benefit from being designated as a wildlife / ecological buffer and the location of gardens and dwelling moved further to the north to lessen the impact of shading and concerns of proximity. This wildlife buffer should also include T16, Ash, which is an important wildlife habitat with significant cavities throughout its main structure and as such should be retained albeit in a reduced size.

Between T15 & T16, running roughly north-east to south-west and from the east of T15 along the line of the new proposed access route, two hedgerows have recently been reduced to ground level (Winter 2020 / 2021). During a site visit at the time, both hedges were characterised by being overgrown, not stock proof with gaps and some individual trees. It was noted that little management had taken place and that appropriate management was required. Subsequently rather than coppicing and hedge laying as discussed, it appears that many of the shrubs and trees have been grubbed out and the bank re-profiled. Coppicing and layering should have resulted in dense regrowth in both hedges.

Both hedges have therefore in effect been removed and should be reinstated. Both hedgerow are marked on old Ordnance Survey maps dating from 1888-1890. It is considered that the proposed access route should be aligned adjacent to the original hedgerow.

The conclusion of AIA states that the proposals allow the retention of key trees with a 'negligible risk of any harm as a consequence of construction activities'. However no consideration has been given to the future pressures that will occur due to the unreasonable level of shading of private gardens and living rooms, debris fall, feeling of dominance and safety concerns due to the current juxtaposition between the dwellings and nearby trees. Despite the majority of trees on site being protected by a TPO, it is considered that the current design is likely to lead to undue pressure for the trees to be pruned which would be to the detriment to the health and amenity of the

trees and character of the local area; appropriate design can avoid these pressures from occurring in the first place.

Previous comments on landscape proposals:

The socio economic benefit of trees within developments is well understood. Previous plans have shown a considerable lack of street tree planting. Within the western section there is just one tree; a Sorbus Eastern promise for 20 units. Within the main eastern development there are just four trees in total for 17 units. It is noted that the smaller development to the east off Strawberry Lane has a higher number of planted trees but this needs to be reflected throughout the site. Better design layout will allow a greater degree of planting within gardens, car parking areas and verges etc. Using fastigate species will help make use of restricted spaces and minimise shading. Appropriate planting pits and soil volumes will be required.

Clerk To Woodbury Parish Council

26/03/24 - As an adjoining Parish, please find below our observation for the planning application 24/0301/MOUT - Meeting Lane, Lympstone, please can this be added to the website.

On 11th July, we objected to the original application for this site ref. 23/1269/FUL and our objection remains for ref. 24/0301/MOUT.

Both Parish Council's and residents raised a number of issues and this application has not changed from the original to mitigate concerns and does not include any of the suggestions raised.

This development is situated on the boundary of the Parishes of Lympstone and Woodbury.

Currently this is outside the existing built-up area boundary of Lympstone; it's within the Coastal Preservation Area and is not in the East Devon District Council Local Plan.

The proposal is somewhat failing in being a well-designed development, it is not sympathetic nor of benefit to Lympstone village, its residents or to those in the neighbouring parish of Woodbury.

We have major concerns with the drainage of this site; the potential levels and if the original proposal to culvert a watercourse remains then this is against DCC culvert policy (culverts only permitted for essential access).

Discharge is into a watercourse within the site boundary, but there does not appear to be any information about the downstream drainage system in relation to the ownership, capacity and condition. With the history of flooding within Lympstone and issues with the current old infrastructure, this development could exacerbate the current issues or if there is not capacity add to it.

This proposal is actually two developments in one with poor access to the site, additionally,

- Strawberry Hill is a narrow lane that cannot accommodate an additional access which is also unnecessary and would ruin an existing Devon Bank / ancient hedgerow.

- Lowering biodiversity and wildlife corridor between the river Exe SSSI site and the Pebble Bed Heath (AONB)
- Layout is Incohesive, with an us / them divide
- No footway link with existing village along Strawberry Hill.
- Strawberry Hill is extremely narrow and this access would be dangerous to other road users and pedestrians.
- Meeting Lane is slightly wider, but access and visibility is still of concern.
- Harefield cross is a difficult junction to navigate, with a number of known accidents at the location, this proposed development will increase traffic at this junction.

If this development is favoured by EDDC then this site should be one cohesive development with the access point off Meeting Lane using the existing entrance. Exclusivity can still be achieved by an improved layout that preserves the Devon Bank / ancient hedgerow in Strawberry Hill, which would then also alleviate some safety concerns with pedestrian access on Strawberry Hill.

This proposal is of unimaginative basic design, the layout is lacking thought; with the open space not planned to its fullest potential, neither does it bring additional facilities to enhance the existing village.

The Community would benefit from speed calming measures (funding for a 20-mph scheme across the village); an enhanced gateway to the village incorporating the 17th Century historic Dissenters Gulliford Burial Ground as well as facilities on site.

Woodbury Parish Council will not be supporting this application on the above grounds and will also be supportive of Lympstone Parish Council with their observations.

Devon County Archaeologist

16/10/24 - Land South of Meeting Lane Lympstone - Outline application (with all matters reserved apart from access) for the erection of up to 42 dwellings, affordable housing and associated infrastructure (amended plans): Historic Environment

My ref: ARCH/DM/ED/39345b

I refer to the above application and your recent re-consultation. The Historic Environment Team has no comments to make on this planning application.

Stephen Reed

Senior Historic Environment Officer

Devon County Archaeologist

20/03/24 -

Application No. 24/0301/MOUT

Land South of Meeting Lane Lympstone - Outline application (with all matters reserved apart from access) for the erection of up to 42 dwellings, affordable housing and associated infrastructure: Historic Environment

My ref: ARCH/DM/ED/39345a

I refer to the above application and your recent consultation. The Historic Environment Team has no comments to make on this planning application.

Stephen Reed

Senior Historic Environment Officer