

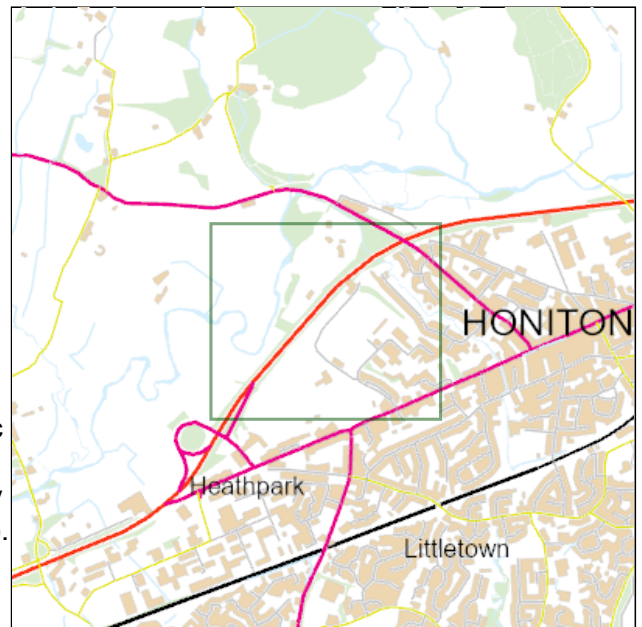
**Ward** Honiton St Pauls

**Reference** 23/1897/MOUT

**Applicant** C/o Agent

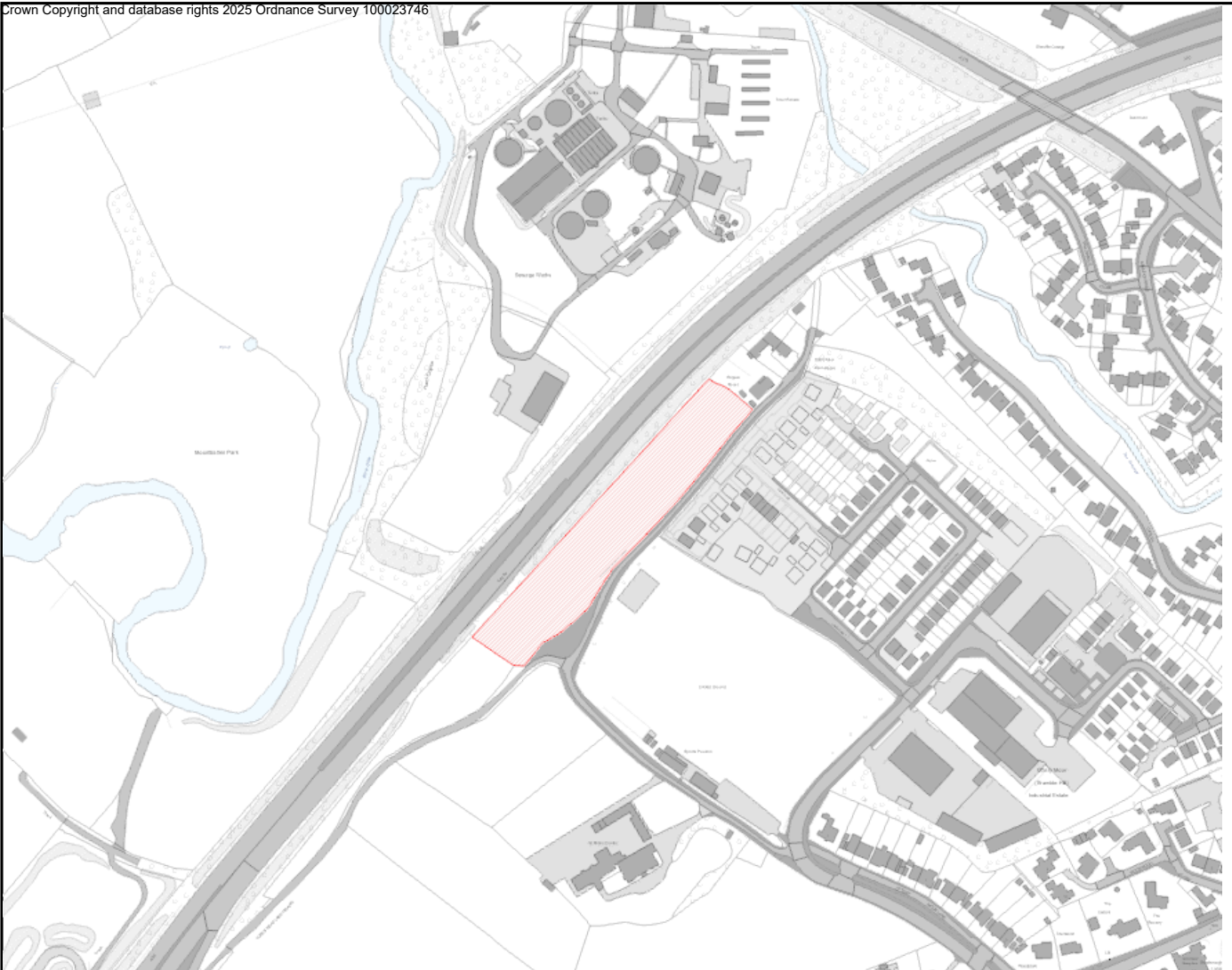
**Location** Land North West Of Ottery Moor Lane Honiton

**Proposal** Outline application for the construction of up to 21 dwellings, internal roads, landscaping, public open space, infrastructure and the creation of a new access and "ahead only" junction on Ottery Moor Lane (all matters except access reserved).



**RECOMMENDATION: Resolution to approve subject to conditions and completion of a S106.**

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		<b>Committee Date: 28.01.2025</b>
<b>Honiton St Pauls (Honiton)</b>	<b>23/1897/MOUT</b>	<b>Target Date: 11.12.2023</b>
<b>Applicant:</b>	<b>C/o Agent</b>	
<b>Location:</b>	<b>Land North West Of Ottery Moor Lane</b>	
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**RECOMMENDATION:** Resolution to approve subject to conditions and completion of a S106.

#### **EXECUTIVE SUMMARY**

The application is referred to Planning Committee as the application is for a Major development and officer recommendation differs from that of Honiton Town Council.

The proposal seeks outline planning consent for the erection of up to 21 dwellings with public open space, landscaping and associated infrastructure. Access is to be considered at this stage and plans have been submitted which show how access to the site would be achieved. The site area has been enlarged, subsequent to submission of the application, to incorporate a larger area of land to the west and forming part of the same field. This has not increased the number of dwellings proposed but has been provided to allow for on-site surface water attenuation measures.

The application site lies outside of but adjoins the built up area for Honiton and is therefore situated in the countryside and has been advertised as a departure from the development plan.

However, due to the current lack of a 5 year housing land supply within the district, government guidance, in the form of the National Planning Policy Framework, makes clear that restrictive policies of the development plan should be considered out of date. As a result the presumption in favour of sustainable development applies and a “tilted balance” assessment is required to assess whether any adverse impacts of granting consent would significantly and demonstrably outweigh the benefits.

The site is within easy walking distance of Honiton Town centre with good linkages to the wider highway network. The site would represent an infilling of land between recent residential development to the south and the A30 to the north and would be contained within this defining feature to the north edge of the town.

The proposals would, on the whole, retain existing landscape features and the landscape strategy indicates how this would be bolstered and landscaping enhanced. It has been demonstrated that surface water drainage can be appropriately managed and that ecological interests could be suitably protected. Heritage impacts (in particular below ground) can be appropriately mitigated through a programme of archaeological work that can be secured by conditions.

The proximity of the site to the A30 gives rise to background noise impacts that could result in amenity harm to future residents. National Highways, as operator of the A30, has raised concern in this regards and that the proposal has not shown that WHO (World Health Organisation) guidelines could be met. This issue has been considered by the Council's own Environmental Health team who are satisfied that significant adverse impacts can be avoided subject to appropriate mitigation, which can be secured by condition. In other regards the County Highways Authority has confirmed that the access proposal are appropriate and the proposal would provide the requisite quantum of affordable housing (25%).

The concerns of the town council and local residents are noted in relation to the loss of this undeveloped greenfield site and change to and impact on the character of Ottery Moor Lane but there are no outstanding technical objections to the scheme and any harm arising is considered to be limited and outweighed by the benefits that would be wrought in terms of housing provision particularly against the backdrop of a lack of a 5 year housing land supply

Boosting the supply of housing is one of the main thrusts of government policy and the proposal would bring this forward in a sustainable manner. As such the recommendation is for an approval subject to the completion of a s106 agreement.

## **CONSULTATIONS**

### **Local Consultations**

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

**13.11.24** - Members considered the amended plans and unanimously **RESOLVED** to continue to **OBJECT** to the application for the following reasons:

- Loss of green wedge between Mountbatten Mews and the A30
- Development of a greenfield site in contrast to Mountbatten Mews which was a brownfield site.
- Concerns re additional traffic along Ottery Moor Lane with doubts raised regarding the enforcement of the proposed access
- Adverse impact on the adjoining residential properties.

- Adverse impact on existing wildlife and ecology
  - Removal of two Devon banks
  - The additional traffic through Mountbatten Mews to access the new development was considered unacceptable.
  - Adverse noise and pollution impact on the residents of the new development.
- Members noted that the noise and pollution reports addressed only the impact of noise and pollution during the construction process.

## **Technical Consultations**

### **National Highways**

Have confirmed that their interest relates to the impact of the proposed development on the continued safe and efficient operation of the A30 and its assets. In earlier responses to the application they have raised concerns in relation to drainage, landscaping and noise and issued a holding recommendation whilst further information was provided to address those issues. In their most recent response they have confirmed that their drainage comments have been addressed and that landscaping can be dealt with by pre-commencement condition.

In relation to noise they advise that they remain concerned about noise impacts from the operation of the A30 on future residents owing to the proximity of the site to the trunk road. They have made explicit their concern about noise levels and that National Highways cannot be held liable for any adverse noise impact arising from the operation of the strategic road network should the development fail to deliver measures which adequately mitigate noise to levels as set out in British Standard BS8233:2014 and WHO guidelines. However, they recognise that it is for the Local Planning Authority to determine whether the 'desirability' of the development offsets any likely adverse noise impact upon the intended site users and whether they consider the development is sustainable in accordance with NPPF and Local Plan policies.

Subject to Pre-commencement conditions to control landscape planting and management, boundary treatment and maintenance and tree protection and method statements their earlier holding objection is overcome. **Full consultation response included as an appendix.**

### **County Highway Authority**

No objection in principle. Conditions recommended to secure cycle storage, a Construction and Environment Management Plan (CEMP) and signage at the entrance to both the east and west spurs to Dairy Close (within existing development at Mountbatten Mews) to identify these as no-through roads.

Detailed comments on access arrangements discussed within Highways section below but no objections raised to these.

### **DCC Flood Risk Management Team**

No in-principle objection subject to pre-commencement planning condition being imposed to manage construction and operational phase surface water management

based on the submitted drainage strategy and the adoption and ongoing maintenance of the same.

DCC Historic Environment Officer

No in principle objection raised but comments provided in relation to the archaeological potential of the site, the impact groundworks could have on archaeological remains and the need for this to be mitigated through the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. In the absence of such details a pre-commencement condition to secure these is recommended.

Police Architectural Liaison Officer - Kris Calderhead

No objection in principle but some recommendations made for consideration in relation to layout, landscaping, boundary treatments and lighting in order to help design out crime.

South West Water

No in-principle objection, confirmation of availability of foul drainage and mains water connection and comments on need to consider surface water drainage hierarchy to ensure that surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable.

NHS Local

No in-principle objection, confirmation that GP surgeries within the affected catchment area currently have sufficient infrastructure capacity to absorb the population increase that the development would generate.

However, have also advised that the capacity assessment is time sensitive and could change dependent on the position when the application is determined. Were this to be the case it is advised that an estimated sum of £580 per dwelling towards NHS Primary Care should be factored into any viability assessments.

Blackdown Hills AONB Project Partnership

Thank you for seeking comments from the Blackdown Hills AONB Partnership on this application.

In this case taking account of the location and relationship to adjacent development and land uses, together with surrounding topography and vegetation we do not wish to comment further on this occasion.

Environmental Health

I have considered the noise impact from traffic movements on the A30 and if the sound mitigation measures detailed within the applicants NIA Addendum (Ref: 073090) are implemented, I do not anticipate any significant adverse effects.

Recommendation for a Construction and Environment Management Plan (CEMP) condition.

Housing Strategy/Enabling Officer

**Comments on latest amendments:**

No further comments to make on these amended and additional plans. Please see comments dated 29th September 2023.

**Original comments:****SUPPORT**

Percentage of Affordable Housing - under current policy Strategy 34, a requirement of 25% affordable housing will be required. This application if approved, will provide 25% affordable housing which equates to 6 units and this is acceptable to the Housing department.

Additional comments provided relating to: the high level of unmet affordable housing need across the district; how tenure split should accord with Strategy 34 i.e. 70% for rented accommodation and 30% for affordable home ownership with the rented units to be provided as social rent (4 rented units and 2 units for affordable home ownership); housing mix, and; layout.

**EDDC Trees**

Having viewed the amended proposals I can confirmed that in principle I have no arboricultural concerns.

**EDDC District Ecologist**

The application has been supported by a revised metric, ecology response letter, and revised plans. The submitted documents seek to address comments previously raised regarding the application.

There is a question over whether the development would result in a net gain based on the provision of medium sized trees and interpretation of guidance, however this application would not be subject to statutory Biodiversity Net Gain.

A significant issue that has been addressed is the location of the north-west boundary hedgerow. This has now been moved to the south-east elevation (in front of) of the acoustic barrier fencing which would allow suitable management and conditions for the hedge to be established and maintained.

Submitted ecological survey information including ecological avoidance, mitigation, and enhancement measures are generally considered acceptable assuming suitable conditions are imposed and the successful implementation of the mitigation and enhancement measures.

**EDDC Landscape Architect**

No objection in principle and scheme is considered to be acceptable in terms of landscape design/impact subject to imposition of conditions.

**Other Representations**

14 no. representations were received to the original application with a further 24 comments received to the amended scheme, those objections are summarised as follows:

- Ottery Moor Lane provides a calm and quiet sanctuary for people;
- Impact on wildlife through loss of habitat;
- Loss of natural space that could be better used as public amenity space or sports pitch/recreation provision;
- Concerns that the priority junction will be misused;
- Flood risk issues to existing properties caused by junction ramp;
- Access would be better located at the St. Rita's end of the lane;
- Impact on existing neighbouring properties from degradation of Ottery Moor Lane (sole access to existing properties), potential lighting of junction, boundary treatment;
- The layout and access route should be rethought and involve land adjoining Mountbatten Playing field avoiding construction traffic impact on the occupiers of residential properties;
- Concerns over whether the proposed junction will function and be able to accommodate right hand turns and that parking will overspill into the lane;
- Loss of mature trees;
- Development outside of the built-up area boundary of the town and contrary to proposed policies for development in such locations;
- Loss of historic hedgebank and species rich hedgerow;
- Loss of 'green lung' as the sole remaining section of agricultural land between the east and west 'gateways' to Honiton;
- The new access route is not necessary as the existing lane provides suitable access including for lorries, HGVs etc.
- The raising of levels on the Mountbatten Mews site has led to the need for the ramped access and resulting drainage issues/potential flood risk;
- The acoustic mitigation measures will deflect noise increasing impacts on existing neighbouring properties;
- Unclear how the new traffic route priority system will work or how this can be monitored or enforced;
- Lack of traffic calming measures employed and concerns over pedestrian and non-vehicle traffic safety;
- Impact of additional traffic on road safety, relating to reversing manoeuvres required by occupiers/visitors to Dairy Close (existing development on opposite side of Ottery moor Lane) due to lack of turning provision
- Overlooking of and loss of privacy to existing properties in Dairy Close
- Impact on amenity of existing occupiers of additional traffic generation through residential estate, particularly during construction period.
- Increased drainage impact for existing residents of Dairy Close where drainage concerns are already reported.
- Proposed revised drainage works are not sufficiently detailed and don't consider downstream implications.
- Submitted plans incorrectly define the boundary with Rogues Roost.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
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22/2470/FUL	Temporary change of use of grazing field to parking to accommodate contractor cars and welfare units.	Withdrawn	15.05.2023
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## **POLICIES**

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

Strategy 3 (Sustainable Development)

Strategy 2 (Scale and Distribution of Residential Development)

Strategy 7 (Development in the Countryside)

Strategy 5B (Sustainable Transport)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 23 (Development at Honiton)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 38 (Sustainable Design and Construction)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

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

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### Government Planning Documents



### Site Location and Description

The site relates to a narrow field laid to pasture and extending to just under 1.39ha. The site is relatively level but falls toward the southwest end. It is currently enclosed by native hedge planting with a belt of native tree planting growing off-site on the embankment to the A30. There are further trees within the hedgeline to the southeast side of Ottery Moor Lane. The site is accessed via a field entrance from Ottery Moor Lane.

The site is located to the northwest of the town centre and outside of the designated built-up area boundary. It lies between Ottery Moor Lane to its southeast side and the A30 to the northwest, which is set below site level. Close to the northeast corner of the main site, the site extends across Ottery Moor Lane to link with the residential estate under construction on the other side of the lane. There are 2 no. existing residential properties to the northeast of the site and land in recreational use to the south of the site. Beyond the A30 to the north are the sewage treatment works that serve the town.

The site falls entirely within Flood Zone 1 but there is a small area of surface water flooding in the southwest part of the site. The site does not lie within any areas designated for heritage or landscape value. The southern edge of the Blackdown Hills Area of Outstanding Natural Beauty lies approximately 290 metres to the north of the site, at its closest point.

### Proposed development

Outline permission is sought for development of up to 21 dwellings. All matters save access are reserved for future consideration.

The application details how the site would be accessed through the provision of an 'Ahead Only' junction which would direct travel through the adjoining residential development of Mountbatten Mews. Whilst this would encourage the use of this route by occupiers of and visitors to the development site it would not affect the use of the existing access route to existing neighbouring properties accessed by Ottery Moor Lane. A separate pedestrian/cycle access is indicated further to the south onto Ottery Moor Lane.

Indicative site layout details have been provided to show how the site could be laid out to provide a mix of 2, 3 and 4 bedroomed properties arranged so that their principle amenity/garden areas are to the southeast side and principle elevations to the northwest onto the estate road. The scheme includes the provision of 6 no. affordable units.

The indicative masterplan also indicates areas for the provision of on-site amenity open space; surface water attenuation areas and additional landscaping

### ANALYSIS

The principle issues for consideration in the determination of the application are as follows:

- The principle of the development (including consideration of housing supply within the district)
- Accessibility of the site in relation to services and facilities
- Affordable Housing provision
- The impact on the character and appearance of the area (including the setting of the AONB)
- The impact on highways
- Surface water and foul drainage
- Residential Amenity
- Impact on trees
- Heritage Impacts
- Archaeological Impact
- Ecological Impacts and Biodiversity Net Gain
- Other Issues
- S.106 matters

#### Principle

#### **East Devon Local Plan 2013-2031 (EDLP)**

The application site lies outside of the built-up area boundary of the town, as defined in the EDLP, and as such, and in accordance with Strategy 7 of the plan, it falls to be considered as open countryside.

Within the open countryside Strategy 7 only permits development where such development is explicitly permitted by another policy of the Local Plan or, where relevant, Neighbourhood Plan.

There are no other policies of the EDLP that provide the specific policy support required by Strategy 7 as such the proposal represents a departure from the development plan.

#### **Emerging East Devon Local Plan (Consultation draft)**

A New East Devon Local Plan is under preparation and a Draft Local Plan has been produced and has been consulted upon, following on from this site allocations have been determined and agreed upon. The Emerging Plan has reached Regulation 18 Stage with consultation due to take place shortly on a Regulation 19 version of the Plan.

At this stage proposed Strategic Policy 1 (Spatial Strategy) sets out the proposed strategic approach for delivery of new development which includes the Main Centre of Honiton.

Strategy 21 (Honiton and its future development) identifies the site as capable of accommodating small scale development of up to 21 new homes. Further site

selection work carried out to aid preparation of the emerging plan considered the site to have '*Limited impact upon the historic environment and minor ecological and landscape impact*' but recognised that vehicle noise would represent a major impact to be addressed, it was recommended that the site should be allocated and the site was identified as a preferred allocation.

As part of the process of site allocation a series of meetings were held to consider sites for employment and housing purposes. The land relating to the current application site was considered as part of this process (Honi\_10) at Strategic Planning Committee on 20<sup>th</sup> September and where committee unanimously recommended the site be included as an allocation for housing development for up to 21 dwellings in the Regulation 19 draft of the emerging Local Plan. Whilst there is still some way to go until a new Local Plan can be considered for adoption the inclusion of the site as a future housing allocation demonstrates the considered suitability of the site in principle.

### **National Planning Policy Framework (NPPF)**

The NPPF has recently been updated (December 2024) and the new version has removed the ability of authorities to be able to demonstrate a four year supply of housing land where emerging plans have reached Regulation 18 or 19 stage.

The new NPPF (para. 78) requires authorities to be able to demonstrate a minimum five year supply of '*specific, deliverable sites*' against their housing requirements (including a requirement to demonstrate a further buffer where there has been significant under delivery). Where such supply can't be demonstrated the presumption in favour of sustainable development, as set out at para.11 of the NPPF applies, this states that,

*For **decision-taking** this means:*

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - i the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
  - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

The most recent information indicates that the Council's 5 year housing land supply (YHLS) stands at 2.97 years and as such the presumption in favour of sustainable development applies.

The policies of the adopted East Devon Local plan which are directly related to the supply of housing have evidently not maintained a suitable supply of housing within the district. These policies include, amongst others, establishing settlement boundaries to control sporadic development and a hierarchy of settlements. Whether a policy is out-of-date or not can be assessed against the way in which it operates in relation to the determination of the particular proposal, rather than solely in a generic manner.

Clearly the definition in planning terms between settlement and the countryside beyond concerns policies which are most important to the determination of this application.

In this case, the application site is sustainably located, lies adjacent to the built-up area boundary of Honiton and it is proposed as a site allocation in the New Local Plan. There is a clear need for more housing, both market and affordable, within the district and the current shortfall in supply is a significant factor in determining planning applications. Accordingly, in applying the tilted balance unless there are adverse impacts that would 'significantly and demonstrably' outweigh the benefits of the development (when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination) permission should be granted.

#### Site Accessibility

The site is located to the northwest of the town centre which is accessed via Ottery Moor Lane and then Honiton High Street. The distance to the edge of the town centre shopping area being just over 800 metres (via Ottery moor Lane). The route is relatively level and served by dedicated footways, for most of the route.

The town has a wide variety of commercial, retail, community and leisure uses in the town centre and elsewhere with the built-up area boundary and which are in a reasonable walking/cycling distance of the site.

In terms of public transport provision the town is well served by regular bus services to Exeter, Axminster, Seaton, Sidmouth and Beyond. The town's railway station is on the main Exeter to London (Waterloo) line with approximately an hourly service in each direction.

#### Affordable Housing

In considering residential development such as this, outside identified Built Up Area Boundaries (BUAB) strategy 34 of the Local Plan states that an affordable housing target of 50% applies. If the proposal was situated within the BUAB of Honiton a 25 % affordable target would be sought as per the same policy. The absence of a five year housing land supply however means that policies important for decision making in regard to housing delivery are considered to be out of date. As such less emphasis can be placed on built up area boundaries and it is therefore reasonable to assess affordable housing requirements for sites immediately adjoining BUAB's, such as this,

as if they were within the boundary which in this case would require a 25% affordable housing provision.

The Planning Statement submitted with the application confirms the development would make provision of 25% affordable housing in accordance with the requirements outlined in East Devon's Adopted Local Plan. The Indicative Master Plan shows the provision of 6 no. affordable units.

The Council's Affordable Housing Enabling Officer has confirmed support in principle for the development. They advise that the September 2022 East Devon Local Housing Needs Assessment identified a current unmet affordable housing need of 971 households across the district and that East Devon Council's housing register Devon Home Choice has over 5000 households registered. The provision of affordable housing would therefore assist in meeting this need.

Strategy 34 sets a target of 70% for rented accommodation and 30% for affordable home ownership. This would require 4 rented units and 2 units for affordable home ownership. The rented units should be provided as Social Rent as this is more affordable to local incomes in East Devon.

In terms of housing mix this would be secured at reserved matters stage but the applicant would be expected to engage with the housing team to ensure a mix that aligns with housing needs.

For the reasons set out above this level of affordable housing is considered to be acceptable and weighs in favour of the development meeting one of the social objectives in providing a much needed range of homes.

#### Impact on character and appearance of the area/Landscape Impact

The application site is a narrow field located to the north side of Ottery Moor Lane and which provides a visual buffer between the development to the south side of the lane and the A30 to the north. Together with land to the south/southwest it forms part of a wider area of undeveloped green space to the Northwest side of the town. It is clear from comments received to the application that the undeveloped nature of the site and tranquil character of Ottery Moor Lane is valued by local residents. Although it should be noted that there is no public access to the site itself. The development of the site would introduce built form on to the site and a crossing point from the recent residential development to south (Mountbatten Mews) across Ottery Moor Lane to the application site. As a result there would be harm to the undeveloped character of the site and the lane.

The outline nature of the application means that there are limited details to be considered at this stage but the submitted Indicative Masterplan indicates one way in which the site could be developed and this includes for the retention of the majority of the existing boundary hedges (other than where access is proposed). The proposed access arrangements would also seek to route vehicular traffic associated with the site via Mountbatten Mews to the south, thereby limiting use of Ottery Moor Lane and helping to maintain its existing lightly trafficked nature. The details provided therefore demonstrate that the site could be developed in a relatively low density manner whilst

retaining existing landscape features which would reduce the extent of landscape harm that would occur. It is also recognised that the site is located close to the existing built up edge of the town and within the physical boundary to the north side of the town which is formed by the A30.

In terms of wider landscape impact the site lies outside of the designated Blackdown Hills National landscape (which lies to the north of the A30). The Blackdown Hills AONB Project Partnership has confirmed that they do not wish to comment on the application, having taken account of the location, relationship to adjacent development and land uses, topography and vegetation.

The original indicative masterplan included the planting of a hedgerow to the north of an acoustic fence that would run parallel to the northern boundary of the site with the A30. This was proposed to provide screening of the fence from the A30 side. However, the view of the Council's Ecology and Landscape officers were that the fence would struggle to establish in this location, to the north of the fence and between it and established planting on the A30 embankment. The revised masterplan therefore shows this hedge relocated to the site side of the fence where growing conditions would be more favourable and it would screen the fence from the site side. From the A30 views of much of the fencing are likely to be filtered by established planting on the roadside embankment. Whilst the comments of National Highways are acknowledged in that their own soft estate should not be relied upon to provide screening of the site, it remains the case that such planting is present and that the planting of additional hedgerow within the site and to north of the required acoustic fencing would likely fail to establish. Control over the finish to the acoustic fence can be secured by condition.

The Council's Landscape Architect has raised no in principle objections and concurs with the conclusions of the applicant's own Landscape and Visual Assessment that the landscape and visual effects of the proposed development would be low to neutral and very localised. Subject to conditions to control landscape planting, hard landscaping, site level changes and soil management as well as methods for protection of existing trees and hedgerows the proposal is considered to be acceptable in terms of its landscape and visual impact.

### Access and Highways Impacts

At present the site is accessed via Ottery Moor Lane, however this is a narrow, single carriage width unclassified road that is considered to be unsuitable to provide vehicular access to the site.

The application proposes to provide vehicular access instead from and through the adjoining residential estate to the south of the site. This would involve the removal of sections of hedgerow on either side of Ottery Moor Lane to provide a link to the site. A priority junction is proposed with vehicles travelling to and from the site directed as 'ahead only' and levels raised within Ottery Moor Lane to facilitate this. Either side of the access route the levels would be ramped down to existing road levels within Ottery Moor Lane.

A number of concerns have been raised in relation to the proposed means of access to the site. These include concerns that the priority access route won't work, or won't be used; that it is unnecessary, as access could be achieved direct from Ottery Moor Lane itself, and; that the proposal would cause highway safety issues in Dairy Close. On this last point the concern being that at present vehicles visiting properties via the spur to either side of Dairy Close can reverse out and turn in relative safety but that with the access proposals this would require reversing out onto a two way junction.

The County Highway Authority (CHA) has reviewed the access proposals and has confirmed that they have no objection to them. Although they acknowledge that enforcing the ahead only use of the access route would be difficult they note that the directness and nature of the route, with greater width and passing provision would make it the preferred option for drivers. In addition, the access radii with Ottery Moor Lane would also encourage the straight ahead route to be taken. The alternative route proposed via Ottery Moor Lane itself would increase traffic using this route and where there are limited passing places. In relation to the concerns regarding reversing manoeuvres from the east and west spurs to Dairy Close the CHA has recommended a condition to secure additional signage at the entrance to each spur emphasising no-through route would help avoid un-necessary turns and that otherwise the properties served by these spurs have sufficient driveway to allow delivery vehicles to turn and re-join the carriageway in a forward facing motion.

National Highways, as the operator of the A30 have commented that in terms of traffic impacts they are satisfied that the development is unlikely to result in an unacceptable impact on the safe operation of the A30 trunk road.

A separate pedestrian and cycle access is proposed between the residential development and attenuation basin, as indicatively shown on the masterplan. This would provide an alternative link onto Ottery Moor Lane and separate pedestrian and cycle traffic from the main vehicular route.

#### Surface water and foul drainage

The application has been amended since the original submission to include additional land at the western end of the site to provide for surface water attenuation in the form of a shallow basin with connection to an existing stormwater pipe that runs under the A30. The submitted Drainage Strategy indicates that surface water from the development will be directed via the sewer network to this attenuation basin from where surface water would be attenuated to not exceed greenfield run-off rates and including allowances for climate change and urban creep. The strategy identifies that part of the stormwater pipework, upstream of an existing manhole on site has collapsed and that further survey work would be required and any necessary repairs undertaken before it could be considered for adoption.

Devon County Council as the Lead Local Flood Authority has reviewed the revised drainage strategy and have withdrawn an earlier objection which raised concerns over provision of insufficient information. At this stage they advise that they have no in-principle objections to the proposed development subject to the imposition of pre-commencement conditions to secure: soakaway testing and groundwater monitoring; submission of a detailed drainage design based on the submitted drainage strategy;

details of the management of surface water and silt run-off during the construction phase of development; details of the adoption and maintenance of the permanent surface water drainage system; details of how exceedance flows will be safely managed, and; assessment and repair of any existing surface water drainage system that would be affected by the development.

Subject to the recommended condition requirements set out by Devon County Council requiring submission of further details as part of, or prior to any reserved matters application, it is considered that an acceptable surface water drainage solution can be provided for the site and that the requirements of policy EN22 of the EDLP could therefore be met.

The works to Ottery Moor Lane to raise levels and create the priority crossing point will require the separate agreement of the highway authority (s.278 agreement) which would address matters of highways drainage.

In relation to foul drainage this is proposed to connect to existing combined public sewer which crosses the site. South West Water in their original response to the application confirmed that they are able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site and in response to the most recent round of consultation have confirmed that they have no further observations to make.

#### Residential Amenity

As an outline application details of the scale, layout and external appearance, as well as how the site might be appropriately landscaped are reserved for future consideration. Therefore how such matters might affect the impact of development on existing and future occupiers cannot be fully considered but will need to be taken into account in the preparation and determination of any subsequent reserved matters application.

At this stage, the indicative master plan shows one way in which the site could be developed and demonstrates that this could be achieved in a manner that would provide suitable separation to existing residential properties so as not to harm the amenity of the occupiers of those properties.

In terms of amenity impacts on future occupiers the proximity to and traffic noise from the A30 are recognised as a significant constraint to development.

Policy EN14 of the Local Plan states that permission will not be granted for development which would result in unacceptable levels of, amongst other things, noise either to residents or the wider environment. This reflects guidance in the NPPF at para. 187 e) that seeks to prevent new (and existing) development from being put at unacceptable risk from noise pollution and para 198 which states,

*“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well*



*as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

*a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life....”*

The application was submitted with a Noise Impact Assessment (NIA) prepared by consultants on the applicant's behalf and which considers existing noise sources and attenuating factors. As a result, it proposes design measures to minimise the impact of the existing noise environment on future occupiers these include:

- orientating all of the units to face toward the A30 providing shielding to the private amenity spaces to the rear;
- the provision of a 2.2 metre high acoustic barrier between the A30 and the site (along the northwest site boundary);
- the use of appropriate mechanical ventilation systems to enable windows and doors on the elevation facing the A30 to be kept shut.

An additional Addendum report has been provided that has sought to respond to specific noise related comments raised during the initial consultation period and where National Highways had raised specific concerns in relation to data indicating that noise levels in outside amenity areas would exceed recommended levels set out in World Health Organisation Environmental Noise Guidelines (WHO) and British Standard 8233:2014 which advise that,

*“To protect the majority of people from being seriously annoyed during the daytime, it is recommended that the sound pressure level on balconies, terraces, and outdoor living areas should not exceed 55dB LAeq for a steady continuous noise. To protect the majority of people from being moderately annoyed during the daytime, the outdoor noise level should not exceed 50dB LAeq.”*

The addendum report provides further review of the impacts from road traffic noise from the A30 on future occupiers of the development as well as responding to previous comments raised by National Highways, EDDC's Environmental Health team and adjoining residents to the site.

Taking the resident comments first, occupiers of nearby properties had suggested that the installation of acoustic fencing at the application site could have an amplifying impact on noise levels at their own properties. The addendum report states that modelling undertaken indicates that the impact would be within the range of negligible to slightly beneficial.

In relation to noise levels on site, the further acoustic modelling work undertaken has considered external noise levels for properties (based on the indicative Masterplan layout) for both ground and first floor levels and day and night time scenarios and used this to consider how noise impacts could be appropriately reduced. The mitigation measures identified include the orientation of properties to face the A30 and to provide protection to rear amenity areas; provision of 2.2 m acoustic fence within the site and parallel to the A30 boundary.

To reduce impacts internally measures such as consideration of window opening size, internal room layout and mechanical means of ventilation are recommended. The report demonstrates how appropriate internal amenity standards (with regards to noise levels) could be achieved through applying different mitigation measures. However in order to accord with relevant Building Regulations relating to overheating mechanical extract ventilation would be required, this would be controlled under the Building Regulations.

In relation to external areas, the report advises that the acoustic limits which National Highways are seeking to be met are not achievable at the site but that industry guidance - in ProPG (Professional Practice Guidance on Planning & Noise) which has been prepared by a Working Group consisting of representatives of the Association of Noise Consultants (ANC), Institute of Acoustics (IOA) and Chartered Institute of Environmental Health (CIEH) – recognise that the WHO levels will not always be achievable where development might be desirable and that in such circumstances development should be designed to achieve the lowest practicable noise levels in external areas. The report argues that this is the case with the proposed development and that the scheme has been designed in line with industry guidance so that each plot would maintain a relatively quiet façade and parts of each external amenity space would conform to the ProPG guidance.

In reviewing the addendum report National Highways has previously commented that,

*“...residential property built at this location with private amenity space having noise levels that exceed the ‘desirable’ threshold is unsustainable with respect to traffic noise, and conflicts with NPPF ...”*

They have gone on to state that,

*“Should the Local Planning Authority consider that the development does not conflict with adopted national, regional and local policies on ensuring the health and wellbeing of residents in new developments, and the development as currently proposed is warranted in that it offers “convenience of living in these locations or making efficient use of land resources to ensure development needs can be met”, then the Local Planning Authority should ensure that prospective buyers are fully aware of the noise situation and bear responsibility to act on any future complaints of traffic noise. National Highways can not be held liable for any adverse noise impact arising from the operation of the strategic road network should the developer fail to deliver measures which adequately mitigate noise to levels as set out in British Standard BS8233:2014 and WHO guidelines.”*

In their most recent comments National Highways, whilst raising no objection on the basis of noise impact, have advised that this is **strictly on the basis** that their position is fully documented in any decision notice, so that any exceedance of noise levels as set out in British Standard BS8233:2014 and The World Health Organisation (WHO) Environmental Noise Guidelines are expressly identified for the benefits of any prospective future purchasers.

In respect of noise considerations, officers rely for technical advice on the Council's Environment Health Team. In this case the relevant officer has reviewed both the

initial NIA and the subsequent addendum report and reviewed the comments of National Highways, they have advised that,

*“I have considered the noise impact from traffic movements on the A30 and if the sound mitigation measures detailed within the applicants NIA Addendum (Ref: 073090) are implemented, I do not anticipate any significant adverse effects.”*

The EHO has also confirmed that the guideline values detailed within BS8233 2014 are not achievable at the site due to background noise from the A30. Where this is the case the ProPG guidance states,

*These guideline values may not be achievable in all circumstances where development might be desirable. In such a situation, development should be designed to achieve the lowest practicable noise levels in these external amenity spaces.”*

On the basis of the advice received, it is considered that it has been demonstrated that acceptable levels of internal and external amenity could be achieved. As layout is a reserved matter the orientation of the units is for consideration at reserved matters stage, as is the detailing of providing the acoustic barrier/fence as part of the landscaping of the site. However at this stage, it is considered that sufficient information has been provided to demonstrate how appropriate mitigation could be provided so that acceptable internal and external noise levels could be achieved.

In the event of an approval, a condition could be imposed to: require a further Noise Impact Assessment to be submitted at reserved matters stage to demonstrate how acceptable internal and external noise levels would be achieved and to secure the provision and maintenance of a noise barrier to the A30 boundary. An informative could also be added to advise/inform future prospective residents/developers of National Highways position.

### Arboricultural Impact

The application would require the removal of a section of hedge either side of Ottery Moor Lane to provide access from Mountbatten Mews. The removal of this hedge would have some limited and localised impact. Elsewhere other trees and hedgerow around the perimeter of the site would be retained and protected and landscaping conditions could secure replacement and additional tree and hedgerow planting which would result in an overall increase in coverage post development. The Council's arboricultural team has raised no objections to the proposed development.

### Heritage Impact

The site is not located where it is close to or would be likely to impact on the setting of any listed buildings. The nearest such property being over 300 metres to the northeast of the site and separated from it by existing development and belts of mature tree planting.

In terms of archaeological impacts Devon County Council's Historic Environment team have advised that, map evidence suggests that the field system, which survived until the construction of the A30, pre-dates the construction of the Roman road leading

eastward to Exeter and has origins in the later prehistoric period. Although most of the above ground elements of the field system has been removed by late 20<sup>th</sup> century development there is potential for the survival of infilled ditches associated with these early boundaries.

This being the case any groundworks for the construction of the proposed housing development would expose and destroy any such heritage assets that may be present within the site. This impact therefore needs to be mitigated and it is recommended that a programme of archaeological work is undertaken to investigate, record and analyse the archaeological evidence that would otherwise be destroyed by the proposed development.

The Historic Environment Team has recommended that the application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. As such a report has not been submitted to accompany the application, it is considered necessary to impose a pre-commencement condition to ensure that archaeological works are agreed and implemented prior to any disturbance of archaeological deposits. A further condition is required to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe.

Subject to securing archaeological works and recording by appropriately worded conditions the proposal could be considered to be in accordance with the requirements of Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and the relevant guidance as set out in the NPPF.

### Ecology

The application is accompanied by an Ecological Baseline report and Ecological Impact Assessment. The reports describe the site as comprising of modified grassland and tall ruderal vegetation with boundary native species-rich hedgerows, including some trees, along the eastern, northern and western boundaries. Surveys undertaken found the site to have evidence of a range of protected and notable species, including: slow worms, dormouse, breeding birds and commuting/ foraging bats, as well as the potential to be used by badger, common amphibians, hedgehog and a wide range of invertebrates.

The proposal would result in the loss of some 0.86ha of modified grassland and approximately 40 metres of hedgerow. To compensate and mitigate for this loss a number of measures are proposed including a reptile translocation programme and additional checks prior to the removal of hedgerow which will be timed to avoid sensitive times of the year. The development itself would create new habitat, including species rich hedgerow, trees and natural SuDS features and would result in some biodiversity gain, although it is not subject to statutory BNG requirements (see below). The Council's Ecologist has reviewed the scheme and considers the proposals to be acceptable subject to imposition of suitable conditions to secure mitigation and enhancement measures.

### **Derogation Test**

As Dormouse are a European Protected Species (EPS) the hedgerow removal will need to be undertaken under a mitigation licence from Natural England. Natural England can only issue a licence if the following tests have been met:

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

An outline mitigation strategy has been developed which includes the requirement for hedgerow removal being overseen by a licensed ecologist; removal of hedgerows to only take place at specified time of the year (when dormice are active but not breeding); keeping removal of hedgerow to a minimum and maintaining access to the wider hedgerow network. Compensation and enhancement would be provided by the planting of a significant length of new native species-rich hedgerow and provision of dormouse boxes within retained hedgerows prior to hedge removal works.

Planning Practice Guidance (PPG) requires that the Local Planning Authority is satisfied that a licence is likely to be granted before it grants planning permission.

To this end, it is required to consider proposals against three licensing tests for European protected species. If these are not satisfied, a licence cannot be issued and the developer may not be able to implement a grant of planning permission.

The proposals are assessed against the three tests as follows:

The activities are required to develop the site which whilst not allocated for development in the current Local Plan is nevertheless considered to be a suitable and sustainable location for residential development. In terms of public interest the proposal, as a matter of principle, accords with the national objective of significantly boosting housing supply and from which economic and social benefits would arise

The enclosed nature of the site has dictated the proposed access arrangements and the resulting required loss of hedgerow and habitat loss. There are no alternative feasible access arrangements which would negate the loss of hedgerow. In wider terms alternative scenarios are not readily apparent and given the level of housing provision required to meet the district's need greenfield sites such as this will need to be developed.

The proposed avoidance, mitigation and compensation measures for the dormice identified - including the provision of a significant extent of new hedgerow, timing of works and provision of nesting boxes have been developed by suitably qualified experts and are considered appropriate by the council's own ecologist so as to appropriately safeguard their conservation status.

In conclusion, there is no reason to consider that a licence would be withheld by Natural England as a matter of principle, or why Article 12 would be infringed, and is therefore not a barrier to granting planning permission.

Taking into account all of the above the proposal is considered to accord with strategy 47 and policy EN5 of the East Devon Local Plan and guidance in the NPPF.

### Other Issues

**Open space provision** - Strategy 43 of the Local Plan gives rise to a requirement to provide 'amenity open space' on the site, with the amount calculated on the basis of population increase and based on average occupancy, for the indicatively shown size and number of units this would equate to an area of approx. 167 m<sup>2</sup>. The exact amount would need to be determined on the number and size of units forming part of any reserved matters approval, however the indicative details indicate that the site is capable of providing sufficient land for this use, with an area for this indicated at the north-eastern end of the site.

**Biodiversity Net Gain** – In relation to Biodiversity Net Gain (BNG), requirements brought forward under the Environment Act 2021 and amendments to the Town and Country Planning Act 1990, mean that, subject to some exemptions, all planning permissions will be subject to a conditional requirement to provide a minimum 10% increase in biodiversity value. The Biodiversity Net Gain (BNG) can be delivered on site or off-site through a registered credit scheme. In this case, the application has been submitted with the biodiversity metric complete and a BNG assessment indicating that a net gain of just over 10% could be achieved in both habitat and hedgerow units. The District Ecologist has considered the completed biodiversity metric and raised some questions in relation to how this accounts for tree growth over the 30 year maintenance period. However, in this instance the proposal is considered be exempt from the requirement to demonstrate the statutory 10% net gain as the application was made prior to the date when the legislation came into effect. Nonetheless, subject to conditions to secure appropriate landscaping the development would bring forward some biodiversity enhancement.

**Police architectural liaison officer comments** – These largely relate to a request for provision of appropriate boundary treatments to individual properties and to the open space area at the northern end of the site to respectively provide appropriate security and to prevent vehicular access. In addition, it is recommended that consideration is given to the width, lighting and planting layout in respect of the pedestrian/cycle route to ensure this provides a safe route. As boundary treatments and planting would be covered by the approval of any subsequent reserved matters application for Landscaping these issues can be addressed at that time. This is also the case in relation to lighting of communal parking, turning and access areas.

### S.106 matters

**Affordable housing** –Provision of on site affordable housing (25% of the total number of houses) equating to 6 units if 21 are constructed. In line with Strategy 34 this should provide a tenure mix of 70% for rented accommodation and 30% for affordable home ownership, with the rented units being for Social Rent.

**Open space/Drainage** – Provision and maintenance of an appropriate area of amenity open space and including maintenance and management of any

grassland/drainage/communal areas and the maintenance strip between the application site and the A30 by a management company to be established for this purpose.

**Highways** - Agreement to secure alterations to the public highway to accommodate the access works

**NHS Contribution** – The Local NHS trust has advised that at present there is sufficient capacity at the local GP surgeries within the application site catchment and that as such no contribution is currently required.

At the time of writing a S106 legal agreement securing the above requirements has not been secured. Accordingly, the recommendation to Members is that of a resolution to approve, subject to the completion of the S106 with the requirements listed.

### **Conclusion and Planning Balance**

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

There has been an identified conflict with the policies of the adopted local plan – in this instance principally with strategy 7 which seeks to prevent expansions of settlements into the countryside and policy D1 due to the harm to the existing character of the site.

The NPPF seeks to significantly boost the supply of housing across England and recent changes to it have solidified the government's intentions to deliver on this aim. The proposal would provide for a limited number of dwellings but where these would nevertheless help to bolster the much needed supply of housing in the district. This proposal would bring about some shorter term economic benefits through the construction phase as well as longer lasting social benefits in making housing available at a time when this is much needed. This provision of housing (including affordable housing), is one of the main thrusts of the NPPF and accordingly is given significant weight in the planning balance.

It also should be made clear there are no outstanding objections raised by technical consultees, and subject to conditions.

In terms of the social benefits, the scheme would deliver additional housing, in a sustainable location adjacent to the built-up area boundary of Honiton and in line with the Framework's aim to significantly boost the supply of housing.

It has been identified that the site would provide an accessible location relative to local services and facilities thereby encouraging active travel modes and public transport. The trees and hedgerows around the perimeter contribute to the character of the area and would largely be retained and enhanced by additional planting. A suitable SuDS scheme can be provided and DCC's Lead Flood team are satisfied that this can be accommodated. No objections are raised by the Council's ecologist or landscape architect, subject to conditions. The highway officer has also not raised any objection

to the proposed access arrangements or resulting increased traffic on the existing highway network. The proposed development does require careful consideration of layout and provision of mitigation measures to ensure that appropriate noise levels for future residents, with respect to proximity to the A30, can be achieved and in this regard the council's environmental health officer considers this is possible. As an outline scheme with most matters reserved some amendments to the indicative layout could occur but the applicant has demonstrated that an appropriate scheme could be brought forward at reserved matters stage.

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

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

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

### **RECOMMENDATION**

Resolve to APPROVE subject to the following conditions, and completion of a s106 agreement:

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 external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
(Reason - The application is in outline with one or more matters reserved.)
3. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a



written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.

(Reason - To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 212 of the National Planning Policy Framework (2024), that an appropriate record is made of archaeological evidence that may be affected by the development.)

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

(Reason - To comply with Paragraph 212 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.)

5. Prior to the commencement of the development hereby permitted, a Landscape Management Plan, Planting Schedule and details of implementation and future maintenance shall be submitted to and approved by the Local Planning Authority (in consultation with the strategic highway authority). Planting shall be undertaken in accordance with the agreed plan and maintained as such thereafter.

(Reason: In the interest of safe and efficient operation of the Strategic Road Network and to protect the highways soft estate in accordance with para 115 of the National Planning Policy Framework (2024).)

6. Prior to or as part of the Reserved Matters for layout, the following information shall be submitted to and approved in writing by the Local Planning Authority:
  - (a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.

(b) A detailed drainage design based upon the approved Mountbatten View Drainage Strategy (Report Ref. 09708-HYD-XX-XX-RP-C-0011, Rev. P03, dated 18th October 2024) and the results of the information submitted in relation to (a) above.

(c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.

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

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

(f) 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 assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) above.

(Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.)

7. As part of any reserved matters application for layout and/or external appearance, an updated Noise Impact Assessment report based on the final layout and design of properties shall be submitted. The report shall demonstrate how the mitigation measures set out in the submitted Noise Impact Assessment Addendum Report, prepared by SLR Consulting Ltd and dated 10th June 2024, have been taken into account to mitigate the impacts of road noise associated with the operation of the A30, and shall include the following:
- Details of the level of façade mitigation proposed to meet with the desirable internal ambient noise levels set out within BS8233 (2014);
  - The measures proposed to minimise as far as reasonably practicable external noise levels for each property through the use of good acoustic design as detailed within ProPG (Professional Practice Guidance on Planning & Noise) . Development shall then proceed in accordance with the submitted details unless any alternative details have previously been submitted to and agreed in writing by the local planning authority. All noise mitigations measures shall be implemented prior to occupation of the dwellings to which they relate and shall be retained and maintained as such for the lifetime of the development.

(Reason - To protect the amenity of future residents from noise impacts associated with operation of the adjoining A30 in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

8. 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 in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)

9. As part of any reserved matters application for layout details of an acoustic barrier to be installed parallel to the northwestern boundary of the site (as indicatively shown on Indicative Masterplan drawing no. P19-3039\_05 Rev. K and Indicative Site Section drawing P19-3039\_10B) shall be submitted for the written approval of the Local Planning Authority. Such details shall include the type, layout and positioning and length of any barrier and details of its finished appearance. In addition and unless alternative details have previously been agreed in writing the acoustic barrier shall be constructed to a minimum specification of:

- o Height of 2.2m above adjoining ground level;
- o A surface mass of 10 kg/m<sup>2</sup> and be of solid construction with no air gaps

No residential unit approved, as part of this permission, shall be occupied until the barrier has been completed in accordance with details as approved by the Local Planning Authority (in consultation with the strategic highway authority). Following its construction the barrier shall thereafter be retained and maintained for that purpose in perpetuity.

(Reason - To protect the amenity of future residents from noise impacts associated with operation of the adjoining A30 in accordance with policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

10. No hedgerow removal shall commence on site unless the local planning authority has been provided with a copy of the dormouse mitigation licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead. Any mitigation and compensation measures should be in accordance with an agreed Landscape and Ecological Management Plan (LEMP), unless otherwise amended by Natural England.

(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 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

11. No works shall commence on site until a Lighting Design including lux contours, based on the detailed site design and most recent guidelines (currently GN08/23 and DCC 2022), has been submitted and approved in writing by the local planning authority. The design should clearly demonstrate where dark corridors are provided, especially the western boundary, without the attenuation of habitat features which long-term management cannot be guaranteed. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

12. 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 based on the submitted Ecological Impact Assessment (GE Consulting, 2023) and informed by a detailed landscaping plan and updated Biodiversity Net Gain (BNG) calculation using the current (at the time of submission) biodiversity metric. It should include details of the reptile translocation, including methodology and receptor site, locations and design of biodiversity features including bird boxes (at a ratio of 1 per unit), bat boxes, bee bricks, permeable fencing, and other features clearly to be shown on submitted plans.

The content of the LEMP 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 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

13. No development shall take place (including ground works or vegetation clearance) until a Construction and Ecological Management Plan (CECoMP) has been submitted to and approved in writing by the local planning authority based on the details within the submitted EclA (GE Consulting, 2023). 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: 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 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

14. The ecological mitigation measures relating to each residential unit shall be provided prior to the initial occupation of that unit. Furthermore, prior to the initial occupation of the final unit to be occupied, evidence (including photographs of all ecological mitigation and enhancement features, including bat boxes, bird boxes (1 per dwelling), bee brick, permeable garden fencing and reptile hibernacula) shall be provided to the local planning authority that demonstrate all mitigation measures have been installed/constructed, and ecological method statements complied with, in accordance with details within the submitted LEMP and CECoMP. (Reason: To ensure that the identified ecological mitigation and enhancement features are provided 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 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

15. As part of any reserved matters application for layout and landscaping the following information shall be submitted for approval:
- a) A full set of hard landscape details for proposed walls, fencing, retaining structures, pavings and edgings, site furniture and signage.
  - b) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by two sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.
  - c) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, which should include:
    - o a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
    - o methods for stripping, stockpiling, re-spreading and ameliorating the soils.
    - o location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
    - o schedules of volumes for each material.
    - o expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
    - o identification of person responsible for supervising soil management.
  - d) A full set of soft landscape details including:
    - i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.
    - ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
    - iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.
    - iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.
  - e) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with

the exception of planting which shall be completed no later than the first planting season following first use. Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

16. No other part of the development hereby approved shall be commenced until the access and no-through route sign have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

(Reason- To ensure the appropriate management of traffic in the interest s of highway safety in accordance with Policy TC7 - Adequacy of Road Network and Access of the Adopted East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

17. As part of any reserved matters application for layout and external appearance, details shall be provided of how secure cycle/scooter storage facilities adequate to serve each residential unit will be provided. Development shall then proceed in accordance with details as agreed with the approved parking provision made available for use prior to the initial occupation of the unit to which it relates.

(Reason - To promote sustainable travel and ensure adequate provision for such is made in accordance with policies TC2 (Accessibility of New Development) and TC9 (Parking Provision in New development) of the East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

18. Prior to commencement 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;

Development shall take place in accordance with the agreed CEMP.

(Reason - To ameliorate and mitigate against the impact of the development on the local community and to ensure that any impact on the highway network is kept to a minimum in accordance with policies TC7 - Adequacy of Road Network and Site Access and EN15 (Control of Pollution) of the East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

- 19.. Unless alternative details have previously been agreed in writing by the Local Planning Authority, The development shall be carried out in accordance with the approved Tree Protection Plan and Arboricultural Method Statement details prepared by Aspect Tree Consultancy and shown on drawing nos. 05116 AIA (revised 23.10.24); 05116.TPP rev D (23.10.24). These details include the requirement for the submission of a further Arboricultural Method Statement in relation to drainage design to be submitted as part of any reserved matters application.

(Reason - The condition is required in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

## NOTE FOR APPLICANT

### 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 exemption1 from the list below is 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.

**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:**

Prospective developers/residents are advised to review the consultation response from National Highways, as the operators of the adjoining A30, with regards to their views on noise impact of the development. The consultation response is available to view on the Council's website under the application reference number.

Plans relating to this application:

09708-HYD-XX-XX-DR-TP-0001 REV P01: Junction Arrangement	Other Plans	04.09.23
09708-HYD-XX-XX-SK-C-0101 REV P02: Site Access Levels	Other Plans	04.09.23
P19-3039-04 rev D	Location Plan	10.07.24

List of Background Papers

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

**Statement on Human Rights and Equality Issues**

**Human Rights Act:**

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the

applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

**Equality Act:**

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



## National Highways Planning Response (NHPR 24-02) Formal Recommendation to an Application for Planning Permission

From: Regional Director, South West Operations Division, National Highways,  
planningsw@nationalhighways.co.uk

To: East Devon District Council  
Planning – FAO East Team

CC: [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk)  
[spatialplanning@nationalhighways.co.uk](mailto:spatialplanning@nationalhighways.co.uk)

Council's Reference: 23/1897/MOUT

National Highways Ref: NH/23/02700

Referring to the notification of an Outline planning application referenced above (all matters reserved except access) for the construction of up to 21 dwellings, internal roads, landscaping, public open space, infrastructure and the creation of a new access and "ahead only" junction on Ottery Moor Lane, at land north west of Ottery Moor Lane, Honiton, notice is hereby given that National Highways' formal recommendation is that we:

- ~~a) offer no objection (see reasons at Annex A);~~
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- ~~c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is not relevant to this application.<sup>1</sup>

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

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<sup>1</sup> Where relevant, further information will be provided within Annex A.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk) and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to [PlanningSW@nationalhighways.co.uk](mailto:PlanningSW@nationalhighways.co.uk)

**Signature:** Sally Parish

**Date:** 23 December 2024

**Name:** Sally Parish

**Position:** Highways Development Management

**National Highways:** Level 1, Ash House, Falcon Road, Sowton Industrial Estate, Exeter EX2 7LB

**Email:** [sally.parish@nationalhighways.co.uk](mailto:sally.parish@nationalhighways.co.uk)

## **Annex A National Highways' recommended Planning Conditions**

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 01/2022 "The Strategic Road Network and the Delivery of Sustainable Development" and the National Planning Policy Framework (NPPF). This response represents our formal recommendations with regards to planning application reference 23/1897/MOUT.

## **Statement of Reasons**

The application seeks outline permission (all matters reserved except access) for the construction of up to 21 dwellings, internal roads, landscaping, public open space, infrastructure and the creation of a new access and "ahead only" junction on Ottery Moor Lane, at land north west of Ottery Moor Lane, Honiton. The 0.89ha site is located immediately adjacent to the A30 trunk road boundary and approximately 400m north east of the A30/Exeter Road Turks Head junction.

The site proposes the creation of a new access onto Ottery Moor Lane which forms part of the local road network and as such falls under the responsibility of Devon Country Council. National Highways is responsible for managing and maintaining the A30 trunk road which forms part of the strategic road network. Our interest therefore relates to the impact of the proposed development on the continued safe and efficient operation of the A30 and its assets.

It is understood the site is not allocated for development in the adopted Local Plan and is therefore considered to be speculative.

### **Previous Response**

Following consultation on the application in September 2023 National Highways issued a holding recommendation on 3 October 2023 to provide time for the applicant to address matters relating to drainage, landscaping and noise. Our holding recommendation has subsequently been extended, most recently on 27 June 2024, and this response should therefore be read in conjunction with our previous responses.

### **Position Update**

Subsequent to the issue of our June 2024 response National Highways has been engaging with the applicant's consultants regarding the above matters and based on information provided are satisfied our comments relating to drainage have been addressed.

We have agreed with the applicant that we content matters relating to landscaping and boundary treatment can be dealt with by pre-commencement planning condition and have set out our required conditions later in this response.

In respect of noise National Highways remains concerned regarding the likely noise levels future residents may be subject to owing to the proximity of the site to the adjacent A30 trunk road.

We are of the view that development which fails to mitigate noise to levels set out in British Standard BS8233:2014 and The World Health Organisation (WHO) Environmental Noise Guidelines cannot be considered sustainable in noise terms, contrary to NPPF. We wish to make clear that National Highways can not be held liable for any adverse noise impact arising from the operation of the strategic road

network should the development fail to deliver measures which adequately mitigate noise to levels as set out in British Standard BS8233:2014 and WHO guidelines.

However we acknowledge it is for the Local Planning Authority to determine whether the 'desirability' of the development offsets any likely adverse noise impact upon the intended site users and whether they consider the development is sustainable in accordance with NPPF and Local Plan policies. On this basis we offer no objection to the application on the basis of noise however this is **strictly on the basis** that our above position is fully documented in any decision notice so that any exceedance of noise levels as set out in British Standard BS8233:2014 and The World Health Organisation (WHO) Environmental Noise Guidelines are expressly identified for the benefits of any prospective future purchasers.

National Highways are therefore withdrawing our holding recommendation dated 27 June 2024 and replacing it with a response recommending the below planning conditions.

## Recommendation

National Highways has no objection in principle to application 23/1897/MOUT subject to planning conditions being attached to any consent the planning authority is minded to grant to the effect that:

1. Prior to the commencement of the development hereby permitted, a Landscape Management Plan, Planting Schedule and details of implementation and future maintenance shall be submitted to and approved by the Local Planning Authority (in consultation with the strategic highway authority). Planting shall be undertaken in accordance with the agreed plan and maintained as such thereafter. **Reason:** In the interest of safe and efficient operation of the Strategic Road Network and to protect the highways soft estate.
2. Prior to commencement of the development hereby permitted, a detailed Boundary Treatment Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the strategic highway authority). The plan shall include as a minimum:
  - a. details of the proposed boundary fencing, location, type, height, construction method and future maintenance;
  - b. details of any proposed boundary planting to include an Arboricultural Tree Survey and Tree Protection Plan with a Method Statement for any works required to address the removal, retention and management of trees along the site boundary.

All works shall be undertaken in accordance with the agreed plan prior to occupation and maintained in perpetuity as such thereafter. **Reason:** For reasons of safety, liability and maintenance in accordance with paragraph 57 DfT Circular 01/2022.



## **Standing advice to the local planning authority**

The Climate Change Committee's [2022 Report to Parliament](#) notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 74 and 109 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 108 and 114 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the Switch and Improve criteria as set out in clause 4.3 of PAS2080:23 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.