

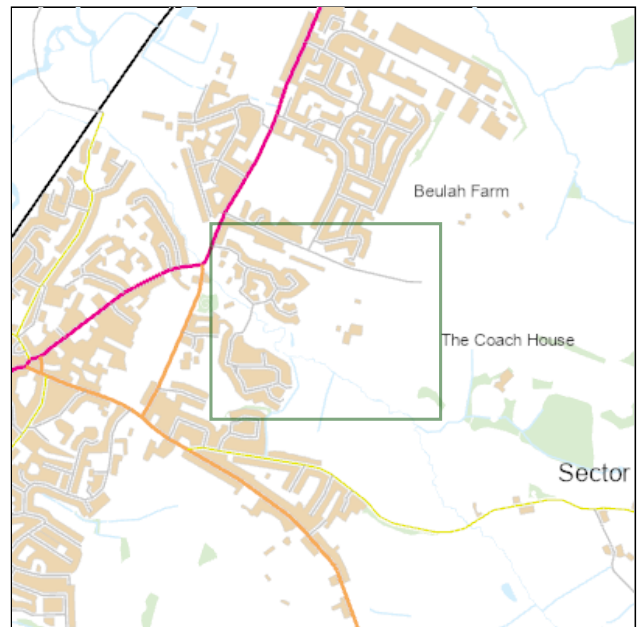
**Ward** Axminster

**Reference** 21/3025/MFUL

**Applicant** Neal Summerfield Homes

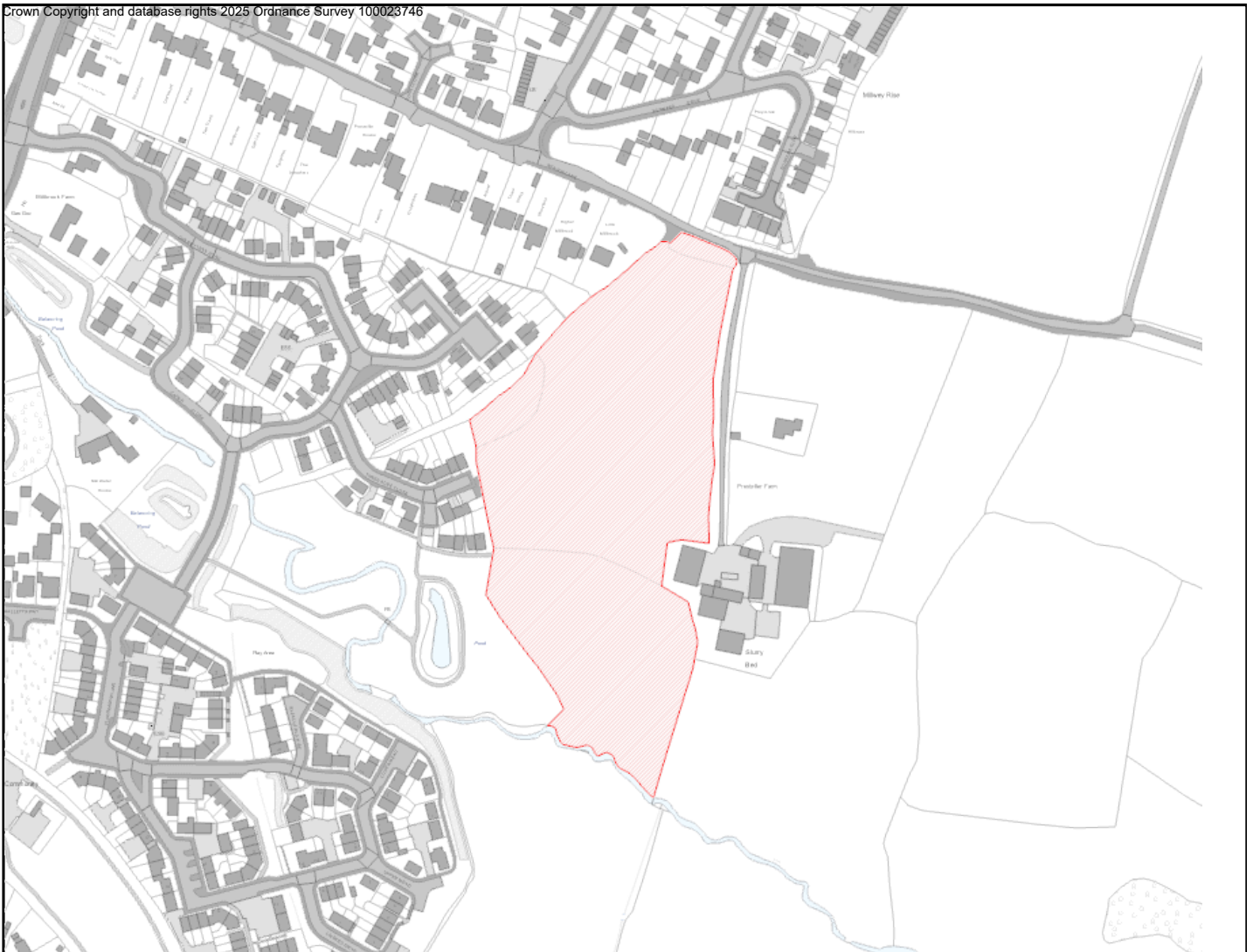
**Location** Land West Of Prestaller Farm Beavor Lane  
Axminster

**Proposal** Erection of 29 dwellings to include highways,  
drainage, landscaping and ancillary incidental  
works.



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 25.02.2025</b>
<b>Axminster (Axminster)</b>	<b>21/3025/MFUL</b>	<b>Target Date: 28.02.2025</b>
<b>Applicant:</b>	<b>Neal Summerfield Homes</b>	
<b>Location:</b>	<b>Land West Of Prestaller Farm Beavor Lane</b>	
<b>Proposal:</b>	<b>Erection of 29 dwellings to include highways, drainage, landscaping and ancillary incidental works.</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

The site is within the BUAB and the Strategy 20 allocation of the Local Plan. The principle of development is therefore acceptable. The development will provide 29 houses and associated infrastructure. The development provides the necessary proportion of affordable housing, taking into account viability, which will be secured via a S106 agreement. The layout, appearance, landscaping, scale and access arrangements are acceptable and appropriate in their context. The site lies within a Critical Drainage Area and part of the design includes SUDS basins of the required specification to ensure that no additional burden of surface water run-off is added to existing levels.

The site lies in the catchment of the River Axe SAC, which is suffering from excess phosphate levels. On the basis that the appropriate mitigation specified in the shadow Habitat Regulations Assessment can be secured, the development is acceptable. Confirmation of the Council's Appropriate Assessment from Natural England is expected but must be confirmed before permission is granted.

The development will deliver some much needed housing in Axminster where the wider Strategy 20 allocation has stalled, all material matters have been satisfactorily addressed and it is therefore recommended that permission be granted.

## **CONSULTATIONS**

### **Local Consultations**

Axminster - Cllr Paul Hayward

**18/10/23** - I regret that I am unable to support this application at the present time, having taken into account all of the planning information available to me.

Axminster - Cllr Andrew Moulding

**10/02/22** - At this stage and taking into account various comments from statutory consultees, I recommend that this application is refused.

Axminster - Cllr Sarah Jackson

**21/01/22** - Just a couple of initial observations from me as there does not appear to be adequate information to satisfy planning policy, or the wide range of concerns highlighted by other consultees and the public and so I cannot support this application.

This parcel of land is noted as a possible area of future expansion in the Axminster Masterplan; a plan which surely cannot progress without forward delivery of the necessary infrastructure including the relief road. With that in mind, it seems the intention would have originally been for this site to come forward at a later stage with access via one of the central Masterplan plots, rather than via Beavor Lane and Three Acre close. Indeed, the Masterplan document discounts access to further areas of development via Beavor Lane, and Three Acre Close appears utterly unsuitable as an access point for both construction vehicles or the traffic associated with 30 additional dwellings.

Further to this, the site is extremely steep, and constructions will required very disruptive works for those in surrounding dwellings both in terms of pile driving and transport of aggregates and building materials via these two potential access roads.

Whatever the committee's thoughts on the proposals at hand, I would strongly encourage them to undertake a site visit to properly appreciate the topography of the site which is incredibly challenging as well as to appreciate how unsuitable the potential access points are at Three Acre Close and Beavor Lane (particularly at a time where residents are at home and subsequently their vehicles too).

I would encourage the applicant, officers and the committee to give serious consideration to the impact of surface water runoff. Recent flooding in the area cannot be ignored. I understand that instances of sudden heavy rain are expected to become more frequent with climate change, and much of the flooding elsewhere was associated with the watercourses that this site would naturally feed into (specifically the Millbrook).

There have also been issues raised that may warrant further investigation such as the presence of protected species, the location of a previous quarry, and an alleged designation as "not fit for human habitation" in relatively recent history. I seek reassurance regarding these issues.

Clerk To Axminster Town Council

**14/03/23** - The Town Council met on 13th March 2023 to re-consider this application in light of new planning documents submitted by the agent/applicant.

At that meeting, it was resolved by a majority vote that the Council wished to maintain its objection (opposition) to the proposals for the same reasons as previously submitted (having reviewed and noted the new documents) but also wished to highlight that the documents failed to address one of the key concerns held by this authority ie the flooding impact of the site on properties lower down the Mill Brook valley as a result of surface water run-off. The documents have made it clear that the development site is not at risk from flooding, but members are already aware of this fact.

However, recent heavy rainfall events in the town have resulted in significant amounts of surface water off-flow which has caused highway flooding, property flooding along the lower Mill Brook and other associated issues. It is this worrying trend that the Council would wish to be dealt with and covered by further evidence and mitigation measures.

#### Clerk To Axminster Town Council

**15/11/22** - "The Town Council wishes to repeat our opposition to this application on the same grounds as per our comment submission in January 2022, given that the applicant has failed to sufficiently address the Town Council's concerns from that time.

Recommendation: Refusal.

#### Parish/Town Council

**11/01/22** - By a unanimous vote of the Town Council at their meeting of the 10th January 2022, it was resolved that the Council did NOT support this application (ie. that it wished to register its objection) on the following grounds:

- i) That the application contravenes EDDC Local Plan Strategy 20 in respect of potential harm to the River Axe and non-compliance with the developing Axe Nutrient Management Plan.
- ii) That the development (as proposed) has the potential to exacerbate flooding issues in the Millbrook area and that no measures have been proposed to mitigate or minimise flood risk in this area and in areas downstream/elsewhere in the town.
- iii) That the applicant has failed to provide either an Environmental Impact Assessment, or a Waste Audit Statement, to demonstrate how the proposed development would contribute towards the bio-diversity and climate change aims and objectives previously agreed as policy by this Town Council (there being no mention of provision for renewable energy services to the dwellings).
- iv) That the Council has been unable to establish the provision of data/evidence to demonstrate measures to safeguard habitats for protected species such as bats and dormice.
- v) That the applicant has failed to provide satisfactory evidence to demonstrate proposals to alleviate traffic and highway safety concerns within the housing

development to the west of the proposed development site which would form the primary point of access for new occupants.

vi) Finally, that Council would wish to see additional landscaping mitigation measures to compensate for the loss of hedgerows, trees and other native habitats.

## **Technical Consultations**

### **EDDC Ecologist**

28/02/24

The application is supported by a Nutrient Neutrality Assessment (NNA) Report and shadow Habitats Regulation Assessment (sHRA) screening opinion and appropriate assessment.

The sHRA considered that the development, in the absence of mitigation, could result in a Likely Significant Effect (LSE) on the qualifying features of the River Axe Special Area of Conservation (SAC) and provides an appropriate assessment based on a submitted nutrient mitigation scheme. The nutrient budget calculations are based on the 2022 Natural England methodology, River Axe SAC catchment calculator, and CIRIA 808 guidance for removal of phosphorus (P) using sustainable urban drainage systems (SUDS).

The submitted mitigation scheme to offset the residual P from the development required the replacement of two septic tanks with efficient (in terms of P removal) package treatment plants (PTPs). The locations of the proposed septic tank replacements have been screened against the small-scale thresholds criteria and are upstream of the development site within the River Axe affected catchment. Therefore, assuming suitable planning obligations and conditions are applied, the upgrade of the septic tanks would provide sufficient nutrient mitigation for the proposed development.

The sHRA has been submitted to Natural England as the statutory consultee for comment. If Natural England raise no objections to the proposed mitigation, it is considered that the conclusions of appropriate assessment could be adopted by the Local Planning Authority, in its role as the competent authority under the Habitats Regulations.

### **EDDC Landscape Architect**

**4/09/24 –**

Some further amendments would improve the scheme [some of these are already provided in the latest plans].

Submitted soft landscape details are generally acceptable.

Conditions recommended

## EDDC Trees

22/03/23 –

No objections but raises some queries over retention, access and maintenance of some hedges adjacent to particular plots.

## Environment Agency

23/11/22 -

Environment Agency position:

We recommend the application is not determined until it is clear how the proposal will satisfy Strategy 20 of the East Devon Local Plan and the requirement for nutrient neutrality from new housing which could affect European sites (in this case the River Axe Special Area of Conservation) already failing for nutrients.

## Environmental Health

04/11/22 - 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.

## Contaminated Land Officer

04/11/22 – Unexpected contamination condition recommended.

## Natural England

18 Mar 2024

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED.

## DCC Flood Risk SuDS Consultation

Comment Date: Tue 06 Jun 2023

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage subject to conditions.

## Housing Strategy/Enabling Officer

**16/11/22** - The number of dwellings has reduced to 29 which reduces the affordable housing provision to 7.25 units. This means 7 on-site and 0.25 as a commuted sum which will be £11,559. The applicant has sought to address the distribution of the affordable units so they are not all located in one area. The revised plan is acceptable, and the units are now better dispersed throughout the site.

## Devon County Council, Minerals & Waste

**22/12/21** – Recommend a Waste Audit Statement

## County Highway Authority

**04/05/22 -**

No objection

Police Architectural Liaison Officer - Kris Calderhead

03/01/22 - I have no objection in relation to the following planning application:

Devon County Archaeologist

**10/01/22 -**

I refer to the above application and your recent consultation. A programme of archaeological geophysical survey and field evaluation has demonstrated that this development site is of low archaeological potential. As such, no further archaeological mitigation is required and the Historic Environment Team has no comments to make on this planning application.

Historic England

04/01/22 – No comments.

Devon County Council Education Dept

**Comment Date: Thu 23 Nov 2023**

Please find an amended response for the above planning application. The number of family type dwellings has been reduced from 30 to 25 and the costs have been adjusted accordingly. The original response is attached for reference.

Regarding the above planning application, Devon County Council has identified that the proposed increase of 25 family type dwellings will generate an additional 6.25 primary pupils and 3.75 secondary pupils which would have a direct impact on primary and secondary schools in Axminster.

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

We have forecasted that there is currently not capacity at the nearest primary school for the number of pupils likely to be generated by the proposed development and therefore Devon County Council will seek a contribution directly towards additional primary education infrastructure at the local school that serves the address of the proposed development. The contribution sought for primary is £106,856 (based on the DfE extension rate of £17,097 per pupil). This will relate directly to providing education facilities for those living in the development.

We have currently forecast that there is enough spare capacity at the local secondary school for the pupils expected to be generated by this development and therefore a contribution towards secondary education would not be sought.

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

The amount requested is based on established educational formulae (which related

to the number of primary and secondary age children that are likely to be living in this type of accommodation). It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122. It is anticipated that these contributions would be provided for through CIL.

Royal Society For The Protection Of Birds  
04/01/22 -

Recommend swift bricks.

### Other Representations

19 letters of objection raising the following matters:

- Additional housing has affected existing infrastructure/services already, you can't keep adding more
- Will not help flooding problems due to the Mill Book culvert.
- Water seen running off the proposed development site already with the brook nearly bursting its banks
- Residents in Three Acre Close already see a worrying amount of water draining into the public space in front of the properties with the overspill pool bursting its banks, flooding public spaces, damaging footpaths and flooding some properties. Existing balance ponds make no difference.
- Concerns regarding construction access.
- Concerns over vehicular access as cars park on Three Acre Close as no off-road parking is available.
- Bats and birds seen on the site.
- Residents will have to drive to work which will raise emissions.
- A385 is incapable of handling extra traffic.
- The Kit Bridge is in a poor state and cannot cope with extra traffic.
- Concerns regarding noise, disturbance and loss of privacy during construction.
- What will happen to the public footpath?
- Many locals need affordable houses larger than 1 & 2 bed properties.

2 neutral letters raising the following matters:

- Exceeding Building Regulations is welcomed
- EV charging being 'available' at most plots welcome but with increased electricity prices, owners will want solar PV panels – where are they?
- Swift boxes would be welcome.
- An access from Beavor Lane would make more sense.

### PLANNING HISTORY

Reference	Description	Decision	Date
None			



## **POLICIES**

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

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 2 (Scale and Distribution of Residential Development)

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5 (Environment)

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 20 (Development at Axminster)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)

Strategy 38 (Sustainable Design and Construction)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)

EN8 (Significance of Heritage Assets and their setting)

EN13 (Development on High Quality Agricultural Land)

EN14 (Control of Pollution)

EN16 (Contaminated Land)

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

EN21 (River and Coastal Flooding)

H2 (Range and Mix of New Housing Development)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

**Draft East Devon Local Plan 2020 – 2042** (currently carry limited weight)

Strategic Policy SP01: Spatial strategy

Strategic Policy SP02: Levels of future housing development

Strategic Policy SP03: Housing requirement by Designated Neighbourhood Area

Strategic Policy SP04: Employment provision and distribution strategy

Strategic Policy SP05: Development inside Settlement Boundaries

Strategic Policy SP06: Development beyond Settlement Boundaries

Strategic Policy SP07: Delivery of infrastructure

Strategic Policy SP08: Phased Delivery of Infrastructure and Services

Strategic Policy SD02: Axminster and its development allocations

Strategic Policy CC01: Climate emergency

Strategic Policy CC02: Moving toward Net-zero carbon development

Strategic Policy CC03: Promoting low carbon and renewable energy

Strategic Policy CC06: Embodied carbon

Strategic Policy AR01: Flooding

Strategic Policy AR02: Water efficiency

Strategic Policy HN01: Housing to address needs

Strategic Policy HN02: Affordable housing

Policy HN03: Housing to meet the needs of older people

Policy HN04: Accessible and adaptable Housing

Policy HN05: Self-build and custom build housing

Strategic Policy DS01: Design and local distinctiveness

Policy DS02: Housing density and efficient use of land

Strategic Policy TR01: Prioritising walking, wheeling, cycling, and public transport

Policy TR03: Travel plans, transport statements and transport assessments

Policy TR04: Parking standards

Strategic Policy OL01: Landscape features

Policy OL09: Control of pollution

Policy OL10: Development on high quality agricultural land

Strategic Policy PB01: Protection of internationally and nationally important wildlife sites

Policy PB02: Protection of regionally and locally important wildlife sites

Policy PB03: Protection of irreplaceable habitats and important features

Strategic Policy PB04: Habitats Regulations Assessment

Strategic Policy PB05: Biodiversity Net Gain

Policy PB07: Ecological enhancement and biodiversity in the built environment

Policy PB08: Tree, hedges and woodland on development sites

Policy PB09: Monitoring requirements for new planting schemes

Strategic Policy OS01: Access to open space and recreation facilities

Policy OS02: Sport, recreation and open space provision in association with development

Policy OS03: Location of facilities for sport and recreation and open

Policy OS05: Leisure and recreation developments in the countryside

Strategic Policy HE01: Historic environment

Policy HE02: Listed buildings

Policy HE04: Archaeology and Scheduled Monuments

#### Devon Waste Plan 2011 – 2031

Policy W4 (Waste Prevention)

#### The East Devon First Homes Interim Guidance Note May 2022

#### East Devon Affordable Housing Supplementary Planning Document November 2020

#### Trees & Development Supplementary Planning Guidance April 2005

#### Site Location and Description

The site is located in the Mill Brook valley on the east side of Axminster. It is presently pastureland (2 fields) bounded by hedgerows typical of a pastoral setting. On its western side it abuts the 'Mill Brook' development with vehicular access proposed from Three Acre Close (presently a cul-de-sac). On the north side lies Beavor Lane, which is a single public road serving a few properties and terminating east of the site where it runs into a public footpath. To the south lies the Mill Brook itself and to the east lies Prestaller Farm and further pastureland.

The site lies in the E105 allocation for Axminster as defined in the Local Plan under Strategy 20. The most southerly parts of the site adjacent to the brook are designated as Flood Zones 2 & 3 while the whole site (as much of this valley) is designated as a Critical Drainage Area. A public footpath (Axminster footpath 19) runs from Beavor Lane, down the east side of the site and then joins up with another (Axminster Footpath 75) which runs east/west across the site. The site also falls in the catchment area for the River Axe (designated as a Special Conservation Area and Site of Special Scientific Interest) which has been classed as failing in terms of habitat quality by Natural England.

## ANALYSIS

### **Main Issues**

The main issues in the consideration of this application are:

- The principle of development
- Affordable Housing requirements
- Design, layout, appearance, landscape
- Flooding and drainage
- River Axe SAC and SSSI
- On site ecology
- Trees
- Highways & Public Rights of Way
- Effects on existing neighbouring properties
- Strategy 20 requirements
- 5 Year Housing Land Supply

### **Principle**

This site forms part of the allocation of development for Axminster under Strategy 20 of the Local Plan (site E105). While previous work has been undertaken in respect of drawing up a Master Plan for the allocation as required by Strategy 20, together with the other main interested parties (the Crown Estate and Persimmon Homes), this parcel of land was never included in that exercise as it did not appear that the land owner wanted to engage in that process at the time. The three major planning application submitted by the Crown Estate and Persimmon Homes have stalled and remain undetermined due to uncertainty over the funding of the relief road which is required under Strategy 20, and in part due to the unresolved matter of the effect of nutrients on the River Axe Special Area of Conservation and Site of Special Scientific Interest.

Notwithstanding the above the site is located where residential development is acceptable in principle under Strategy 20.

### **Affordable Housing**

The target under Strategy 34 is a provision of 25% affordable homes. The development proposed is for 29 houses (revised down from 30 originally), 7.25 of which were originally proposed to be affordable units. However, the developer has recently been requested to improve the number of dwellings that meet the Nationally Described Space Standards because 20 of them did not meet the standards initially. Revisions to the plans, and in some cases changes in house types, have meant that the viability of the scheme has been challenged through the submission of a viability appraisal. Cost increases since the application was submitted have also been a factor, as has the larger build costs associated with the relief, the access road and considerable SUDS requirements.

The Council has taken advice from an independent viability consultant and through negotiations between the parties the scheme can now provide for 4 units of affordable homes (discounted market sale) on the site and a £60,000.00 contribution towards affordable housing off-site. This is in accordance with the Strategy and the Council's Supplementary Planning Guidance on Affordable Housing. A Section 106 agreement would be required to secure delivery of the above.

Revisions to the layout have improved the distribution of the affordable units which are now better integrated into the layout of the site.

The Housing Enabling Officer has been party to the viability negotiations and has confirmed that the use of discounted market sale (30% of market price) is an acceptable tenure.

### **Design, Layout, Appearance**

All of the housing on this site is proposed in the northern field, which is mainly due to this being the most level of both of the fields within the site. The access road winds its way up to the housing from the adjacent Three Acre Close, first heading south through the northern field, through the hedge line before turning back north and breaching the hedge line again to re-enter the northern field where the houses are.

The western slopes of the northern field are to be retained as amenity land with both informal open spaces and hedgerow and woodland planting proposed. The southern field would contain a section of the access highway, informal open space with a greater emphasis on woodland planting than the northern field but also it would be dominated by two attenuation ponds which are required due the drainage sensitivities of the site (being a critical drainage area).

The site has been challenging in terms of providing a sustainable drainage solution due the sloping nature of the site near the bottom of a valley which is in a critical drainage area. The use of two attenuation ponds on the southern field (which itself is quite steep in places) will appear quite engineered but it is considered that the adjacent woodland planting will soften its appearance in time.

The existing public footpath that crosses the site just south of the hedgerow which separates the northern and southern fields will unfortunately be severed twice where the access road crosses it. There are limited options in terms of achieving vehicular access to the estate and the gradients have to an extent made this necessary. The route will be maintained on its current line but an additional pedestrian circulation route will be added through in between the attenuation ponds which links with the exiting footpath, providing an alternative route (Landscape Green Infrastructure Plan 3187.001 Rev F refers).

The site layout and design and layout have undergone some revisions since original submission. There is now a direct pedestrian route through the estate from Beavor Lane, which improves connectivity between the rest of the Strategy 20 allocation (if delivered) but also existing residential development to the north and the town centre. Between plots 27 and 28 the exit at the southern end of the footpath has been revised

to remove what was a previously slightly awkward alignment that conflicted with some parking spaces (a concern noted in the landscape officer's comments).

The location of the affordable housing has been revised which has reduced the original clustering of these units. Less units are now proposed close to the neighbouring farm which has enabled larger more useable gardens to be designed.

Various other minor revisions have been made improving the layout in terms of reducing unnecessary parking (in favour of larger gardens), not terminating view with fences or garages and clarifying the separation between private and public realms with quality means of enclosure (metal railings).

The appearance of the proposed dwellings follows a pleasing traditional form with traditionally proportioned windows, doors, pitched roofs and feature chimneys on selected properties. All properties will now have some form of solar PV panels provided which are required to improve the sustainability of the development.

The diversity of the materials used has increased with dwellings using a mix of red brick, white render and Lias stone facing. Roof tiles will include a mix of grey and brown roof tiles.

House Type	GIA (m2)	Bedroom Nos	No of dwellings	NDSS size (m2)	NDSS Compliance?
624 (AH)	58	1	4	58	Y
755 /OM)	70	2	3	70	Y
844 (OM)	79	3	2	84	N
878 (OM)	84	3	8	84	Y
1173 (OM)	109	4	2	97	Y
905 (OM)	84	3	6	84	Y
1900 (OM)	180	5	3	128	Y
1057 (OM)	100	4	1	97	Y

#### Nationally Described Space Standards

Revisions to the plans for the houses now mean that only 2 do not meet the NDSS requirements, those being house-type 844. The reasons given were that the plot sizes were awkward and that it was not felt that increasing the house-types was appropriate. The plot sizes don't appear to be a constraint so this is somewhat disappointing.

However, the scheme has been through a long period of design review and revisions, a process that pre-dated the Council's recent decisions on other planning applications concerning NDSS. Although the Council has won some appeals recently in relation to NDSS requirements, the Council still has not formally adopted these standards, although they are proposed in the emerging local plan. The scheme is much improved in terms of NDSS targets from its starting point (where 20 did not meet standards) and revisions have affected viability to a degree. The Council also finds itself with a very reduced five year housing land supply following the revisions

to the NPPF in December 2024 and to withhold permission at this point could risk a costly appeal for some modest shortfalls in floorspace.

Overall, the design layout and appearance of the development is considered acceptable.

## **Flooding and Drainage**

Much of the site lies outside of any flood zone, save for the areas immediately adjacent to the stream (Mill Brook) at the far southern boundary of the site where the banks of the stream fall into Flood Zones 2 and 3. Recent changes to the NPPF and NPPG confirm that areas proposed to be used for public open space, biodiversity and amenity areas that lie in the flood risk areas will not necessarily trigger the need for a sequential test. No development lies in the flood risk areas so a sequential test is not required.

The site lies in a Critical Drainage Area and the NPPG advises that 'areas at risk of flooding are those at risk from any source...'. Further, 'It can also include an area within Flood Zone 1 which the Environment Agency has notified the local planning authority as having critical drainage problems'. The guidance here simply says it 'can' include Critical Drainage Areas but gives not guidance on how to decide whether this applies or not. It is considered in this case that it does not include the site as explained below.

The NPPF says elsewhere that the Sequential Test should be applied to 'Major' and 'Non-major development' proposed in areas at risk of flooding, but it will not be required where 'The site has been allocated for development and subject to the test at the plan making stage (provided the proposed development is consistent with the use for which the site was allocated and provided there have been no significant changes to the known level of flood risk to the site, now or in the future which would have affected the outcome of the test).' In this case the site is allocated for housing in the current adopted Local Plan. The Local Plan was subject to a Strategic Flood Risk Assessment. The Axminster CDA information sheet published by the EA is dated May 2015. The date of the Planning Inspector's report into the adopted Local Plan is dated January 2016. It is therefore concluded that the site has been considered against and passed the sequential test.. The EA has advised it does not have any concerns regarding flood risk.

As the site lies in a Critical Drainage Area significant weight needs to be given to designing a suitable sustainable drainage system that will not give worsen the drainage characteristics of this area. The proposed drainage system includes a pair of large swales in the southern portion of the site, which will attenuate run-off. These will be landscaped/planted to provide pedestrian circulation routes around the site.

Several revisions to the SUDS features have been made to accommodate the requirements of the Sustainable Drainage Team at Devon County Council. With its objection now withdrawn and with the imposition of a pre-commencement planning condition requiring further information on the drainage, the management of surface water and silt run-off during construction, details of the adoption/management of the SUDS systems and details of how exceedance flows will be managed, the

development is considered acceptable in terms of drainage. It therefore complies with policies EN1 and EN22 of the Local Plan.

### **River Axe SAC and SSSI**

Natural England has recently issued guidance in relation to the current conservation status of the River Axe Special Area of Conservation (SAC) which is considered to be in an 'unfavourable condition'. The advice is that the condition status is affected by increased phosphate levels in the river. Excessive levels of such nutrients can lead to rapid growth of certain plants through the process of eutrophication, leading to a loss of biodiversity and the decline in the condition of designated sites. In order to achieve improvements in water quality it is advised that substantial reductions in nutrients are needed and that mitigation solutions will be needed to enable new development to proceed without causing further harm.

New residential development can increase the impacts on the designated sites due to wastewater discharge from water treatment works or from private treatment works that discharge within the catchment area and lead to increase in phosphate levels.

In this instance the application proposes three septic tank replacements (serving four properties). Two of these are located in Somerset but within the catchment of the River Axe. They would be replaced with GRAF OneClean PTP (with no chemical dosing) package treatment plants. All of the replacements would take place upstream of the development site as required by Natural England guidance.

The Council as the Competent Authority should only grant permission if they are certain at the time of Appropriate Assessment that a plan or project (in this case the proposed development) will not adversely affect the integrity of a habitats site i.e. where no reasonable scientific doubt remains as to the absence of effects. In this regard, new residential development, such as that proposed will, without appropriate mitigation, lead to increased phosphate loading (from greywater discharge) and as such should not be permitted.

The sHRA has been submitted to Natural England as the statutory consultee for comment. If Natural England raise no objections to the proposed mitigation, it is considered that the conclusions of appropriate assessment could be adopted by the Local Planning Authority, in its role as the competent authority under the Habitats Regulations. A response is expected in time for the meeting when members will be updated.

The mechanism for delivery of the mitigation would be via a S106 agreement between the developer, the Council and the third-party landowners whose septic tanks are being replaced. This may involve a separate S106 from the usual S106 used to secure affordable housing and other matters, as the third parties would not want to, nor need to be, bound up in liability for matters beyond the septic tank replacements. The development is in accordance with strategy 47 and policy EN5 of the Local Plan in relation to these matters.

### **On-site ecology**



A bat activity report has been submitted with the application. This concludes that the site is of no value to roosting bats and is of 'district' value for commuting and foraging bats. The southern, western and dividing boundary hedgerows form important features for foraging and commuting bats. These would be retained although the access road would pierce the central hedgerow in two places. The additional planting proposed is expected to mitigate the effect the development will have on bats and can be secured with planning conditions. It is not expected that the development will require a licence from Natural England in relation to bats.

A dormouse survey has demonstrated that dormice are present on the site. A licence from Natural England will be necessary for the development to go ahead (under the Conservation of Habitats and Species Regulations 2010).

However, 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:

*1. The activity is for a certain purpose*

The activities are required to develop the site which has been allocated for development in the Local Plan. This is to meet an identified and robustly tested housing need to meet the needs of the town and district, which is considered to be a matter of overriding public interest. Further, benefits to the local economy would be gained through the employment in relation to the construction works which will add a significant if temporary uplift to the economy.

*2. There is no satisfactory alternative to the activity that will cause less harm to the species*

The form of the site has dictated the proposed layout, with the access having to twice sever the central hedgerow, resulting in approximately 32m of habitat loss (this being the most substantial and obvious effect). The feasibility of an alternative road access has not been explored but the only realistic alternative would be from Beavor Lane. This would likely require the widening of Beavor Lane which would involve removing a far greater section of hedges. Most of these are in different ownerships anyway and so this option is far from being a practical alternative anyway.

In relation to other effects which relates to the proximity of the houses to habitats, given the site is allocated for housing there is little other option other than to ensure the mitigation proposed in the report.

*3. The development does not harm the long term conservation status of the species*

The proposed avoidance, mitigation and compensation measures for the dormice identified - including the provision of a new hedgerow, woodland planting and general landscaping, have been sympathetically designed, in consultation with suitably qualified experts, so as to appropriately safeguard their conservation status.

In conclusion, it is considered likely that a licence for the works affecting dormice would be granted and is therefore not a barrier to granting planning permission.

## **Trees**

Advice on the effect of the development on trees has been provided by both the landscape officer and two tree officers. Of concern to the tree officer however (and landscape officer) is the proposed vehicular access off Beavor Lane to serve 3 houses. This would entail the removal of a field maple (T4 - Category B), hawthorn (T5 – Cat C) and hedgebank whereas it has been suggested that the access could use the existing field access to the west. This access however does not appear to be a suitable width and would likely require some hedgebank to be removed along with three category C trees T1, T2 and T3 (field maple, common oak and ash respectively). In this context there is not considered to be a significant difference therefore in terms of effect and this element of the proposal is considered acceptable. 5 silver birch and four hornbeam trees are proposed to be planted along the Beavor Lane boundary to compensate for the two lost trees.

Some revisions have been made to address the relationship of the development to existing trees around the perimeter of the site and suitable tree protection measures are identified on the plans. The revised planting plans show a good number of new trees to be planted which are distributed around the site, along with new sections of hedgerow and enhancement to retained hedgerows. Subject to suitable conditions regarding tree and hedgerow protection and landscaping the development is considered acceptable in terms of trees and hedgerows. The development complies with policies D2 and D3 of the Local Plan in this respect.

## **Highways & Public Rights of Way**

Access is primarily provided by a continuation of the highways off Three Acre Close as previously described. Three dwellings will be accessed from Beavor Lane. Sufficient parking is provided. The development will lead to the alteration of the footpath crossing the site but will retain the same level of public access as before. Devon County Council raise no objection to the proposals. Sufficient parking is provided and the site is well related to the town in terms of sustainable travel, being 630m from the town centre. There are good links to the public rights of way network leading into the surrounding countryside. The development complies with strategies 3 and 5b and policies TC2, TC7 and TC9 of the Local Plan.

## **Effects on nearby dwellings**

The layout of the site is such that there are only three dwellings that would come close to existing neighbouring properties. These proposed properties would be orientated side by side to a degree which should minimise opportunities for overlooking. The site level itself is elevated above the existing neighbouring dwellings also. The substantial

landscaping proposals include tree planting along the north-west boundary of the site nearest the neighbouring dwellings which also assists in alleviating effects on these properties. There are no overriding reasons why the development cannot be supported on these grounds.

Amenity for occupants of the dwellings is acceptable. The garden spaces vary in size and are reasonably level in the main. While some gardens (notably the affordable units) are modest and tiered, the site has generous levels of open space and has good access to nearby recreation facilities and the public rights of way network leading into the surrounding countryside. The level nature of the area for houses permits good light levels in the dwellings.

A lot of the concerns raised include the existing drainage characteristics and the effectiveness of the existing SUDS schemes in the existing residential development. The proposed drainage system has been refined in accordance with the advice from the Sustainable Drainage team at DCC which has since removed its initial objection.

### **Strategy 20 requirements**

Strategy 20 brings with it a number of different land uses which are proposed to be delivered in the whole allocation area. This includes employment land, a range of social, community and open space facilities, a 210-pupil primary school (including nursery) and a north/south relief road for the town. This requirement falls equally developers in any of the allocated areas.

At the time of the master planning exercise for Strategy 20 the landowner of the subject site did not involve themselves although all interested parties were given an opportunity to do so. Work on the masterplan has stalled in part due to the Housing Infrastructure Fund bid resulting in a financial support package from the Government which was not what was expected, which appears to have made the delivery of the relief road unviable at present. Therefore, at present there is nothing for the applicant in this case to contribute towards and any funding secured would in all probability be clawed back at a later date, in line with standard clauses used in Section 106 agreement in relation to unspent contributions.

During the consideration of the planning applications (still live but dormant) on the adjacent sites in the allocated area Devon County Council advised that it no longer needed additional school places, with plans instead being agreed to make such provision at existing educational sites in the town. The recently received request from DCC's Education team outlined a contribution request. However, this is now secured via CIL, which the response acknowledges.

The site under consideration is not well suited to employment land provision as it is accessed through an existing residential area and would not make a good neighbour to existing houses nearby. The master plan for the allocation met all the required need for employment land provision on the other sites. It is not necessarily appropriate to seek an individual provision on every land owner's site within the allocation anyway. The master planning exercise identified the most suitable locations for each land use and although this site was not included in that exercise, sufficient land was found elsewhere in the allocation.

## **5 Year Housing Land Supply (5YHLS)**

The NPPF states that plans and decisions should apply a presumption in favour of sustainable development. Paragraph 11 of the Framework, in the decision-taking section states:

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; and

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 clear 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.

The National Planning Policy Framework (December 2024) (NPPF) states, at paragraph 78, that "local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old."

The most recent information indicates that the Council's 5-year housing land supply (5YHLS) stands at 2.97 years and as such the presumption in favour of sustainable development in paragraph 11 of the NPPF applies.

## **Planning Obligations**

A S106 will be required to secure the affordable housing provision. This includes 4 units on-site plus a commuted sum (£60,000.00) payable to be used in affordable housing provision off-site.

This is in accordance with the Strategy and the Council's Supplementary Planning Guidance on Affordable Housing.

Nutrient mitigation measures will also need to be included in the obligation(s).

## **CONCLUSION**

The site is within the Built Up Area Boundary and the Strategy 20 allocation of the Local Plan. The principle of development is therefore acceptable. The development provides less than the expected proportion of affordable housing, but instead an amount which can be delivered while maintaining the viability of the development. This will be secured via a S106 agreement. The layout, appearance, landscaping, scale and access arrangements are acceptable and appropriate in their context.

On the basis that appropriate mitigation can be secured in respect of avoiding excess nutrients discharging into the River Axe SAC can be secured, the development is acceptable. Confirmation of the Council's Appropriate Assessment from Natural England has been confirmed.

The development will deliver some much-needed housing in Axminster where the wider Strategy 20 allocation has stalled, all material matters have been satisfactorily addressed and it is therefore recommended that permission be granted.

## **RECOMMENDATION**

That the Council adopts the shadow Habitat Regulations Assessment as its Appropriate Assessment.

That subject to the completion of a S106 agreement which secures:

- The nutrient mitigation measures outlined in the shadow Habitats Regulation Assessment; and
- The provision of 4 on-site affordable housing units (Discounted Market units with minimum 30% discount in perpetuity) and a commuted sum of £60,000.00 for affordable housing provision off-site.

that permission be GRANTED subject to the following conditions:

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

Dormouse Presence/Absence Survey Report Revision 01 December 2021  
(Ecological Services Ltd)  
Bat Activity Report Revision 01 December 2021 (Ecological Services Ltd)

Written confirmation from a suitably qualified expert that the required mitigation and enhancement has been carried out across the whole site shall be provided to the Local Planning Authority prior to the first occupation of the final dwelling to be completed.

(Reason: To ensure that adequate mitigation and enhancement for bats and dormice are provided in accordance with Strategies 3 (Sustainable

Development), 5 (Environment) and 47 (Nature Conservation and Geology) of the East Devon Local Plan 2013 - 2031).

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

(Reason - 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.)

5. Prior to the commencement of the development, the tree protection details on the plans hereby approved shall have been implemented. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details of which shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development. The development shall be carried out strictly in accordance with the agreed details.

In any event, the following restrictions shall be strictly observed:

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

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - The conditions is a pre-commencement condition because it concerns how the development is carried out. To ensure retention and protection of trees on the site prior to and during construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2016.)

6. Prior to any construction above foundation level, details of materials to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
  
7. 1) Prior to the commencement of the development details of proposed SuDS basins and associated inlets/ outlets, forebays, check dams etc. shall have been submitted to, and approved in writing by, the Local Planning Authority. Submitted details shall include detailed plans and sections of the basins showing proposed soil make up, forebays etc. and a detailed method statement for construction of the outlet to the watercourse to prevent adverse impact on intervening trees and hedgebank. In accordance with the CIRIA SuDS design manual the design of the basins and headwalls should have a positive or neutral impact on amenity.
  
- 2) Prior to the commencement of development and notwithstanding the landscape details submitted, no development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 20 years has been submitted to and approved in writing by the Local Planning Authority which should include the following details:
  - o Extent, ownership and responsibilities for management and maintenance.
  - o Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
  - o A description and evaluation of landscape and ecological features to be created/  
managed and any site constraints that might influence management.
  - o Landscape and ecological aims and objectives for the site.
  - o Detailed maintenance works schedules covering regular cyclical work and less  
regular/occasional works in relation to:
    - o Existing trees, woodland and hedgerows.
    - o New trees, woodland areas, hedges and amenity planting areas.
    - o Grass and wildflower areas.
    - o Biodiversity features - hibernaculae, bat/ bird boxes etc.
    - o Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
  - o Arrangements for Inspection and monitoring of the site and maintenance practices.
  - o Arrangements for periodic review of the plan.
  
- Management, maintenance, inspection and monitoring shall be carried out in accordance with the approved plan.
  
- 3) 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.

4) 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 - The conditions is a pre-commencement condition because it concerns how the development will affect existing and proposed ecology and landscape features. In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

8. Prior to the commencement of the development hereby approved a Waste Audit Statement shall be submitted to, and agreed in writing by, the Local Planning Authority. The Statement shall explain how waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy contained within Devon County Council's Waste Management and Infrastructure Supplementary Planning Document (July 2015) , with a clear focus on waste prevention in the first instance.

(Reason: The conditions is a pre-commencement condition because it concerns how the development is carried out. In the interests of minimising waste in accordance with Strategy S3 (Sustainable Development) of the East Devon Local Plan 2013 - 2031 and policy W4 (Waste Prevention) of the Devon Waste Plan 2011 - 2031).

9. Prior to the commencement of development a Construction and Environment Management Plan (CEMP) must be submitted to, 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: The conditions is a pre-commencement condition because it concerns how the development is carried out. 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 policy EN14 of the East Devon Local Plan 2013 - 2031.)



10. Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

(Reason: To ensure that any contamination existing and exposed during the development is identified and remediated in accordance with policy EN14 of the East Devon Local Plan 2013 - 2031.)

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement of the dwellings hereby permitted under Schedule 2 Part 1 Classes A or D, no buildings under Class E nor hard surfaces under Class F shall be erected or constructed.

(Reason - The site lies in a Critical Drainage Area where surface water runoff needs to be strictly controlled in order to reduce the risk of flooding and such developments will require careful consideration in terms of these effects in accordance with policies EN21 (River and Coastal Flooding) and EN22 (Surface Water Run-Off Implications of New Development) of the East Devon Local Plan 2013 - 2031.)

12. Prior to the commencement of development and the following information shall have been submitted to and approved in writing by the Local Planning Authority:
- (a) A detailed drainage design based upon the approved Drainage Strategy Drawings (Drawing No. 141332C.101-01, Rev. P6, dated 13th March 2023, Drawing No. 141332C.101-02, Rev. P6, dated 13th March 2023 and Drawing No. 141332C.101-03, Rev. P08, dated 20th March 2023).
  - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
  - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - (d) A plan indicating how exceedance flows will be safely managed at the site.

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

(Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and NPPG, and effects in accordance with policies EN21 (River and Coastal Flooding) and EN22 (Surface Water Run-Off Implications of New Development) of the East Devon Local Plan 2013 - 2031. 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.)

Plans relating to this application:

141332_SK.03- 01 P3 : vehicle tracking-fire 1 of 2	Other Plans	01.11.22
141332_SK.03- 02 P3 : vehicle tracking-fire 2 of 2	Other Plans	01.11.22
141332_SK.04- 01 P3 : vehicle tracking-refuse 1 of 2	Other Plans	01.11.22
141332_SK.04- 02 P3 : vehicle tracking-refuse 2 of 2	Other Plans	01.11.22
141332_SK.06- 01 P2 : visibility splay	Other Plans	01.11.22
141332_SK.08- 01 P3 : highway cross sections	Sections	01.11.22
141332_SK.10- 01 P3 : highway dimensions	Other Plans	01.11.22
141332_SK.10- 02 P3 : highway dimensions	Other Plans	01.11.22
141332_SK.11- 01 P2 : site sections	Sections	01.11.22
302 D : house type 755	Proposed Combined Plans	01.11.22
311 D : house type 844	Proposed Combined Plans	01.11.22

312 F : housetype 1173	Proposed Combined Plans	01.11.22
313 D : housetype 1057	Proposed Combined Plans	01.11.22
318 B : housetype 1900 brick	Proposed Combined Plans	01.11.22
P204 : E + H	Sections	01.11.22
	Sustainability Statement	01.11.22
P105 J : Enclosures	Other Plans	20.01.25
05657.TPP. AIA. Rev D 03.02.23	Tree Protection Plan	14.06.23
05657.TPP Rev D 03.02.23	Tree Protection Plan	14.06.23
P102 rev J: Including Southern POS	Proposed Site Plan	20.01.25
P103 M : Development Area Only	Proposed Site Plan	20.01.25
P104 K : Materials	Other Plans	20.01.25
P106 H : Surfaces	Other Plans	20.01.25
P107 H : Parking	Other Plans	20.01.25
P108 H : Refuse Collection	Other Plans	20.01.25
P109 E : PV location	Other Plans	20.01.25
P202 E : A + B	Street Scene	20.01.25
P203 D : C+D	Street Scene	20.01.25

P205 A : G +F	Sections	20.01.25
303 E: Proposed Housetype 878	Proposed Combined Plans	20.01.25
304 E: Proposed Housetype 878 SA	Proposed Combined Plans	20.01.25
305 E: Housetype 878 Bay Window Brick	Proposed Combined Plans	20.01.25
306 E: Housetype 878 Bay Window Stone	Proposed Combined Plans	20.01.25
308 E: Housetype 878 Hipped Roof Render	Proposed Combined Plans	20.01.25
316 B: Housetype 1900	Proposed Combined Plans	20.01.25
317 D: Housetype 1900 Render	Proposed Combined Plans	20.01.25
321: Housetype 624	Proposed Combined Plans	20.01.25
322: Housetype 905 Brick	Proposed Combined Plans	20.01.25
323: Housetype 905 Render	Proposed Combined Plans	20.01.25
351 D : Double Garage	Proposed Combined Plans	20.01.25
141332C.100-01 P10: External Levels 1 of 3	Other Plans	27.01.25
141332C.100-02 P8: External Levels 2 of 3	Other Plans	27.01.25

141332C.100-03 P4: External Levels 3 of 3	Other Plans	27.01.25
3187.001 rev I: Landscape Green Infrastructure Plan	Landscaping	27.01.25
3187.002.I rev I: Planting Sheet 1 of 3	Landscaping	27.01.25
3187.002.2 rev I: Planting Sheet 2 of 3	Landscaping	27.01.25
3187.002.3 rev I: Planting Sheet 3 of 3	Landscaping	27.01.25
Dormice	Protected Species Report	18.11.21
Bat Survey	Protected Species Report	18.11.21
350 B : PROPOSED CARPORT - 2 SPACE	Proposed Combined Plans	18.11.21
352 B : PROPOSED CARPORT - 3 SPACE	Proposed Combined Plans	18.11.21
P100 A	Location Plan	18.11.21
141332_C.102- 01 P1 : long sections	Sections	21.03.22
Travel Plan	General Correspondence	18.11.21
141332_C.300 P1 : highway	Construction Details or Drawings	21.03.22

141332_C.102-02 P2 : Long Sections	Sections	25.03.22
141332_C.300 P2	Construction Details or Drawings	25.03.22
05657.AIA.TPP. Rev D 03.02.23.S1	Tree Protection Plan	04.04.23
05657.AIA.TPP. Rev D 03.02.23.S2	Tree Protection Plan	04.04.23
141332-01-P3	Flood Risk Assessment	14.02.23
141332_C.101-01 P5 : drainage strategy 1 of 3	Other Plans	14.02.23
141332-GFRR - FEH Method : micro drainage	General Correspondence	26.04.23
141332_C.101-01 P6 : drainage strategy 2 of 3	Other Plans	26.04.23
141332_C.101-01 P6 : drainage strategy 1 of 3	Other Plans	26.04.23
141332-100plus 40 plus urban 20.03.23 : micro drainage	General Correspondence	26.04.23
141332-Southern Swale (2) : micro drainage	General Correspondence	26.04.23
141332C.101-03 : drainage strategy 3 of 3	Other Plans	26.04.23
141332_SK.07.0 1 P4 : flood exceedance	Other Plans	26.04.23

141332_SK.07.0 2 P4 : flood exceedance	Other Plans	26.04.23
141332_SK.09- 01 P4 : pond	Sections	26.04.23
141332_SK.12- 01 P2 : impermeable area	Other Plans	26.04.23

### List of Background Papers

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

### Natural England

Comment Date: Mon 18 Mar 2024

Thank you for your consultation on the above dated 28 February 2024.

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

### SUMMARY OF NATURAL ENGLAND'S ADVICE:

#### NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of River Axe Special Area of Conservation (SAC).
- damage or destroy the interest features for which River Axe Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- runoff from the urban element of the proposed development to be routed to an attenuation pond.
- replacement of two septic tanks, which serve three properties in the River Axe catchment, with package treatment plants.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Further advice on mitigation:

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

European sites - River Axe SAC:

Based on the plans submitted and mitigation proposed, Natural England considers that the proposed development will not have likely significant effects on the River Axe SAC and has no objection.

River Axe SSSI:

Based on the plans submitted and mitigation proposed, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Protected species:

We have not assessed this application and associated documents for impacts on protected species.

Natural England has produced standing advice

(<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>) to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.



4/09/24 –

## 1 INTRODUCTION

This report forms the EDDC's landscape response to amended details recently submitted in respect of the application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, conditions of the outline approval, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

## 2 REVIEW OF SUBMITTED INFORMATION

### 2.1 Layout

The proposed vehicular access on to Beavor Lane entails the loss of two trees including a B category field maple and a section of hedgebank and will result in an increase in vehicular traffic onto the existing bridleway. There is scope to provide a vehicular access from the south instead as indicated in the over-marked plan extract with just a pedestrian/ cycle link onto Beavor Lane at the location of the existing field access as indicated in the over-marked plan extract below:



The latest plans retain a vehicular access onto Beavor Lane but provide a pedestrian/ cycleway link connecting the northern housing area (plots 27 – 29) with the southern part of the site but access at its southern end is awkward and narrow. If this was to be accepted the pathway should be adjusted by swinging the southern end westwards to align with the end of the roadway as indicated in the over-marked extract below:



## 2.2 Boundaries

The surfaces and enclosures plans indicate the soft landscape areas between the parking bays to plots 24-26 are to be part of the individual plot curtilages as highlighted in plan extract below. This will jeopardise the retention of the proposed street trees and plot boundaries should be amended so these areas are retained by the management company. Additional street trees should be provide as indicated by red circles.



Similarly land to the east of plots 17-18 between the garden boundaries and road edge and the existing hedge to the west of plots 15 and 27 should be communal maintained by the management company.

### **2.3 SuDS attenuation basins**

As currently proposed the location of the proposed attenuation basins will channel footpath users along a narrow route around or between them which is consequently likely to become poached and muddy particularly in winter. If the current design is to be constructed a surfaced path in bound gravel should be provided between the two SuDS basins to address this and provide all-season access for footpath users.

There are water runoff issues that affect the path immediately to the east and west of the site boundaries and these should be addressed as part of the scheme proposals to prevent path erosion.

The outlet from the attenuation basin discharges via a new sewer through the southern boundary hedgebank to the tree lined watercourse to the southwest. This has potential to adversely impact the hedgebank and the RPAs of riparian trees which does not appear to have been considered in the arboricultural assessment. A detailed method statement should be provided to cover this and the tree protection plan amended accordingly.

### **2.4 Soft landscape proposals – Drawings 3187.002.1, 2 and 3 Rev F**

Submitted soft landscape details are generally acceptable.

The plant schedule on dwg. 3187.002.1 should be amended to included type of rootstocks for proposed fruit trees. The planting density of native hedge and woodland mixes should also be indicated.

The specification on dwg. 3187.002.2 should be amended as follows:

Tree planting – to be in accordance with BS8545 - Trees from nursery to independence in the landscape. Tree pits to be excavated to a depth sufficient to accommodate depth of roots. Backfill with excavated soils to match surrounding soil horizons.

The specification should include for over-seeding existing grass sward with wildflower seed mixes. This should include harrowing/ scarifying to create bare areas of ground. Maintenance regime for wildflower/tussock/ retained grass land should be provided.

## **3 ACCEPTABILITY OF PROPOSALS**

Further amendments are required to address the above points.

Should the application be approved the following conditions should be attached:

1) No development shall take place until details of proposed SuDS basins and associated inlets/ outlets, forebays, check dams etc. have been submitted and approved. Submitted details shall include detailed plans and sections of the basins showing proposed soil make up, forebays etc. and a detailed method statement for construction of the outlet to the watercourse to prevent adverse impact on intervening trees and hedgebank. In accordance with the CIRIA SuDS design manual the design of the basins and headwalls should have a positive or neutral impact on amenity.

2) Notwithstanding the landscape details submitted, no development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 20 years has been submitted to and approved in writing by the Local Planning Authority which should include the following details:

- Extent, ownership and responsibilities for management and maintenance accompanied by a site plan showing private curtilages areas to be adopted, and areas to be maintained by the management company.
- Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
- A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- Landscape and ecological aims and objectives for the site.
- Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
  - Existing trees, woodland and hedgerows.
  - New trees, woodland areas, hedges and amenity planting areas.
  - Grass and wildflower areas.
  - Biodiversity features - hibernaculae, bat/ bird boxes etc.
  - Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- Arrangements for Inspection and monitoring of the site and maintenance practices.
- Arrangements for periodic review of the plan.

Management, maintenance, inspection and monitoring shall be carried out in accordance with the approved plan.

3) 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.

4) 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 LPA.

(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. The landscaping scheme is required to be approved before

development starts to ensure that it properly integrates into the development from an early stage.)

**10/5/23 –**

## **1 INTRODUCTION**

This report forms the EDDC's landscape response to amended details recently submitted in respect of the application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, conditions of the outline approval, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

## **2 REVIEW OF SUBMITTED INFORMATION**

### **2.1 Layout**

The proposed vehicular access on to Beavor Lane entails the loss of two trees including a B category field maple and a section of hedgebank and will result in an increase in vehicular traffic onto the existing bridleway. There is scope to provide a vehicular access from the south instead as indicated in the over-marked plan extract with just a pedestrian/ cycle link onto Beavor Lane at the location of the existing field access as indicated in the over-marked plan extract below:







The proposed retaining wall in the southeast corner of the rear garden to plot 7 is too close to the existing hedgebank and should be repositioned at least 1m clear of it.

## 2.2 Boundaries

The enclosures plan indicates the soft landscape areas between the parking bays to plots 24-26 are to be part of the individual plot curtilages as highlighted in plan extract below. This will jeopardise the retention of the proposed street trees and plot boundaries should be amended so these areas are retained by the management company. Additional street trees should be provide as indicated by red circles.



### 2.3 SuDS attenuation basins

Due to the relatively steep slopes the attenuation basins have a very engineered appearance and their location obstructs the direct line and easiest gradient which footpath users currently take across the field. Consideration should be given to providing some underground storage capacity to reduce the extent of the attenuation basins and allow them to be better sited and more naturalistic in appearance.

As currently proposed the location of the proposed attenuation basins will channel footpath users along a narrow route around them which is consequently likely to become poached and muddy. If the current design is to be constructed a surfaced path in bound gravel should be provided to address this and provide all-season access for footpath users.

There are water runoff issues that affect the path immediately to the east and west of the site boundaries and these should be addressed as part of the scheme proposals to prevent path erosion.

The outlet from the attenuation basin discharges via a new sewer through the southern boundary hedgebank to the tree lined watercourse to the southwest. This has potential to adversely impact the hedgebank and the RPAs of riparian trees which does not appear to have been considered in the arboricultural assessment. A detailed method statement should be provided to cover this and the tree protection plan amended accordingly.

### 2.4 Soft landscape proposals – Drawings 3187.002.1, 2 and 3 Rev F

Submitted soft landscape details are generally acceptable.



The plant schedule on dwg. 3187.002.1 should be amended to include type of rootstocks for proposed fruit trees. The planting density of native hedge and woodland mixes should also be indicated.

The specification on dwg. 3187.002.2 should be amended as follows:

Tree planting – to be in accordance with BS8545 - Trees from nursery to independence in the landscape. Tree pits to be excavated to a depth sufficient to accommodate depth of roots. Backfill with excavated soils to match surrounding soil horizons.

Native woodland and hedge mixes should be planted into cleared ground by mechanical stripping or herbicide application and provided with weed suppressant mulch mats or bark mulch.

The specification should include for over-seeding existing grass sward with wildflower seed mixes. This should include harrowing/ scarifying to create bare areas of ground. Maintenance regime for wildflower/tussock/ retained grass land should be provided.

### **3 ACCEPTABILITY OF PROPOSALS**

Further amendments are required to address the above points.

Should the application be approved the following conditions should be attached:

1) No development shall take place until details of proposed SuDS basins and associated inlets/ outlets, forebays, check dams etc. have been submitted and approved. Submitted details shall include detailed plans and sections of the basins showing proposed soil make up, forebays etc. and a detailed method statement for construction of the outlet to the watercourse to prevent adverse impact on intervening trees and hedgebank. In accordance with the CIRIA SuDS design manual the design of the basins and headwalls should have a positive or neutral impact on amenity.

2) Notwithstanding the landscape details submitted, no development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 20 years has been submitted to and approved in writing by the Local Planning Authority which should include the following details:

- Extent, ownership and responsibilities for management and maintenance.
- Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
- A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- Landscape and ecological aims and objectives for the site.
- Detailed maintenance works schedules covering regular cyclical work and less regular/occasional works in relation to:
  - Existing trees, woodland and hedgerows.

- New trees, woodland areas, hedges and amenity planting areas.
  - Grass and wildflower areas.
  - Biodiversity features - hibernaculae, bat/ bird boxes etc.
  - Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- Arrangements for Inspection and monitoring of the site and maintenance practices.
  - Arrangements for periodic review of the plan.

Management, maintenance, inspection and monitoring shall be carried out in accordance with the approved plan.

3) 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.

4) 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 LPA.

(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. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

**22/03/22 -**

## **1 INTRODUCTION**

This report forms the EDDC's landscape response to the full application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

The site is situated to the south of Beavor Lane which provides the present means of access. It comprises two fields under pasture extending to 2.5Ha and set between recent housing development to the west and southwest, older housing areas to the north and northwest and the Prestaller Farm building complex to the southeast. The site has a southwesterly aspect and falls to an unnamed stream just beyond the southern boundary. The fields are surrounded by hedgerow with some trees. Land to the northeast, east and southeast is presently undeveloped but is included in a large housing allocation within the current Local Plan, as is the site itself.

A public footpath runs in an east-west line through the southernmost field, continuing eastwards with a spur off northwards linking to Beavor Lane to the far side of the eastern site boundary.

Proposed access will principally be taken from the adjoining housing estate to the west with a further access formed off Beavor Lane serving units adjacent to the northern site boundary.

## **2 REVIEW OF SUBMITTED INFORMATION**

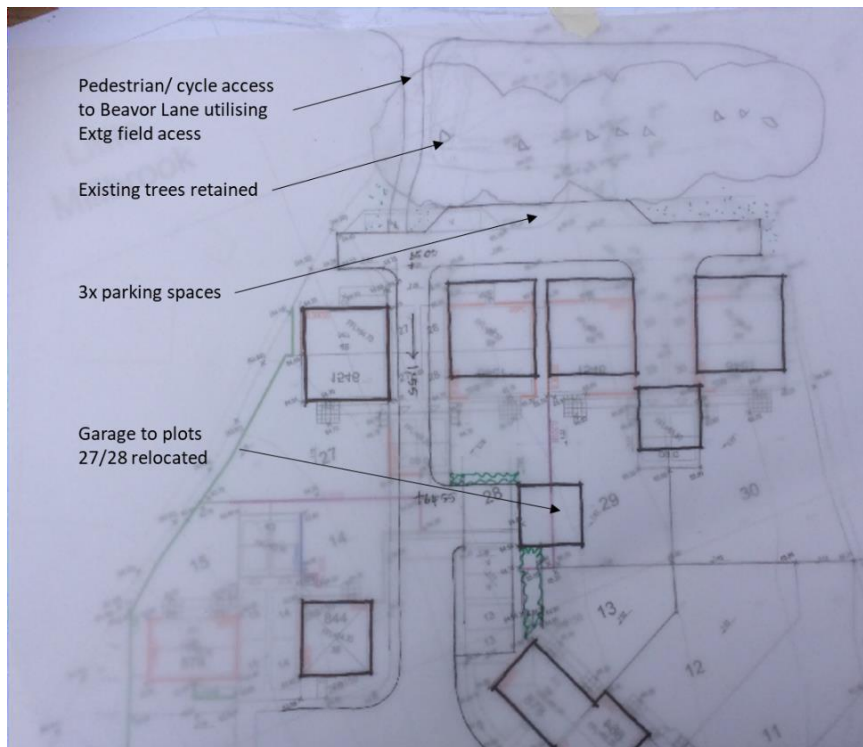
### **2.1 Layout**

#### 2.1.1 Generally

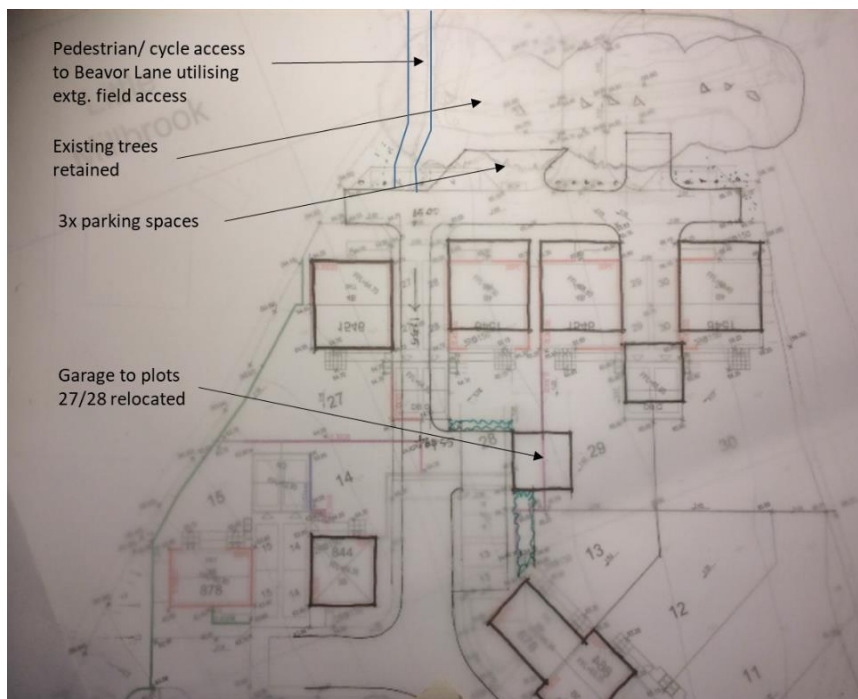
The site design is a suburban type layout of mostly detached units fronting standard width roadways with driveway parking to the sides in a generally geometric arrangement in contrast to the more informal layout of the recent Millbrook housing estate to the west and southwest. Development is concentrated towards the northeastern side of the site where ground slopes are less steep leaving a swathe of undeveloped land, barring the proposed access road, on the steeper slopes to the west and south. The opportunity to create an informal layout appropriate to the rural-edge setting of the site and possibly incorporating a small village green type space in the heart of the scheme has been missed.

#### 2.1.2 Treatment of Beavor Lane

The proposal to create a new vehicular access from Beavor Lane to serve plots 27-30 will entail the loss of existing mature trees to the frontage with Beavor Lane and will increase vehicular traffic along it. Beavor Lane is a narrow, historic lane which is also a public bridleway. The loss of trees and increase in vehicular traffic will have an adverse impact on the character of the lane. Increase in vehicular use could also affect safety of bridleway users. The need for a vehicular access from Beavor Lane seems unnecessary as this could be provided by extending the main site access road from Three Acre Close northwards and providing only a cycle/ pedestrian link onto Beavor Lane via the existing field access in the northwest corner. The sketch overlays (figures 1 and 2) below show how this could be achieved by relocating the garage to plots 27/28 and extending the access road northwards at a gradient of 1:55.



*Figure 1 - Alternative access arrangement for plots 27-30 from the south*



*Figure 2 - Alternative access arrangement for plots 27-30 from the south*

### 2.1.3 Plots 19-22

a) Plot 21 has a double garage and four additional parking spaces allotted to it. With the exception of plot 20, which has four spaces, no other plot has more than 3 spaces. The need for plot 21 to have six spaces is unclear, especially as the arrangement results in a relatively small rear garden for the property.

b) The arrangement of plots 19-22 is dominated by parking, while the straight access road serving them leads the eye to a framed opening between plots 21 and 22 which goes nowhere. It would seem more appropriate to close down this opening by relocating the garage to plot 22 into it to create a more enclosed courtyard as indicated in fig. 3 below.



*Figure 3 – Possible alternative arrangement to frontages plots 19-22*

#### 2.1.4 Plots 1-7

Plots 1-7 appear to be shoe-horned into the southwest corner of the site, pressed against existing boundary trees and hedgerow which are likely to overshadow their rear gardens.

As noted in the submitted tree survey these trees are principally outgrown elm. As such they are likely to be short lived and require felling in the near future. Their loss would expose the somewhat dilapidated agricultural building to views from the adjacent dwellings. The layout and landscape proposals should account for this and provide an appropriate green buffer to screen views of the farmyard and buildings from the dwellings.

## **2.2 Public rights of way**

### 2.2.1 Access to Beavor Lane

A new right of access for pedestrians and cyclists should be provided through the site along the site access road from Three Acre Field to connect through to Beavor Lane.

### 2.2.2 Diversion of Axminster footpath 75

The proposed diversion of the existing public footpaths should follow the natural desire line across the southern field between the eastern and western access gates with a spur heading up along the eastern boundary to the gateway access on footpath 19 leading through Prestaller Farm as this provides a more natural, level route for users of footpath 75, compared to that shown on the site plan.

It is noted that there are drainage issues resulting in erosion and ponding on the existing footpath (Axminster 75) at the eastern and western boundaries of the site. The proposals should include for appropriate drainage works to direct surface water off the path and improve access for pedestrians.

### **2.3 SuDS and Drainage**

a) Proposed drainage detail do not include plots 27-30. Drainage details for these plots should be provided.

b) The proposed land drain between inspection chambers LD6 and LD8 appears to compromise the existing boundary hedgerow and should be adjusted to avoid this.

c) There are a number of trees adjacent to the watercourse beyond the southern site boundary which are not shown on the submitted tree survey or tree constraints plan. Proposed outlets to the watercourse west of LD9 and from the southernmost SuDS basin could compromise the RPAs of these trees. Further assessment of the potential arboricultural impact of this should be provided and the drainage adjusted accordingly as necessary.

d) The proposed SuDS attenuation basins have an over engineered appearance that also interrupts the natural desire line for users of footpath 75. The design of the basins should be reworked to provide a more naturalistic solution that respects this and works and marries better with existing site levels.

e) There is an opportunity to include some SuDS drainage provision in the open space area in the northern field linking to the SuDS basins in the southern field which would help in making the proposed basins more naturalistic.

f) Details of proposed inlets and outlets to SuDS basins should be provided.

g) Water butts should be provided to rear gardens to collect roof runoff for garden watering purposes.

### **EDDC Trees**

**22/03/23** - I note the amendments/comments made by the applicant and these address the following points raised:

- o The additional tree planting and tree protection adjacent to Beavor Lane
- o I accept the point regarding trying to maintain character of Beavor Lane.
- o The addition of tree protection adjacent to the riparian woodland to the south of the site.

- o Additional details relating to the hedgerow removal/retention running east to west through the site.
- o Point noted regarding the ownership of the additional access on Beavor Lane.

With regards to the management of the boundary hedgerows and their suburbanisation, possible loss and future management, where they abut residential curtilage. I have reviewed the Enclosures plan Drawing No. 1629/P105 Rev E, as suggested and I note the following:

- o The hedgerow adjacent to plots numbers 7 to 11 and 29 is bordered by a 1100mm high post and rail fence. This which will allow light to the hedgerow and maintain photosynthetic function. It is unclear how the hedgerow will be maintained.
- o The hedgerow adjacent to plots 6, 15 and 27 is shown being bordered by a brick faced retaining wall, with an 1800mm high closeboard fence adjacent to the hedgerow. This will reduce light reaching the hedgerow, negatively impacting on its long-term physiological condition. It is unclear how the hedgerow will be maintained adjacent to these plots.
- o The hedgerow to the rear of plots 1 to 6 seem to form the actual residential curtilage. It is unclear how hedgerow is going to be maintained adjacent to these plots, or what is to stop the new occupants removing the hedgerow to extend their garden space.

With respect of and in addition to the above I would refer to my earlier comments:

"If these hedgerows form part of domestic curtilage, there will be a gradual urbanisation of these boundary features. There is also insufficient space for mechanised equipment to access these areas, for the continued management of these features. How will the internal faces of these hedgerows be managed post development?"

Ideally these old local landscapes features would be retained and enhanced within scheme's public open space, and their ongoing management secured as part of an approved landscape management plan"

One additional minor point which I missed on my earlier consultation, can we have the dimensions showing the offset of the tree protection fencing annotated on the tree protection plan, so that it is clear where the protective fencing will be installed?

Best regards,

Stuart Baker Bsc (Hons) M.Arbor.A  
Arboricultural Officer

**14/12/22 –**

#### **Site Access Northern Boundary Adjacent to Beavor Lane.**

The short section of grass verge, hedgerow and small trees located between the two agricultural access tracks (Image 1), contribute to the general rural character of the eastern end of Beavor Lane. I have undertaken a TPO assessment and a copy of



this is attached. The trees fall short of the necessary amenity score to justify their protection with a TPO. That said there would be a harm to the rural character of the lane if the new access was constructed as proposed. I also note one of the trees proposed to be removed is a BS5837:2012 category B Field maple.



**Image 1:** Google Street View image showing section of grass verge, hedgerow and trees.

Whilst it may not be possible to object to the loss of these trees purely on tree grounds, I do note the lack of new soft landscaping planting on this boundary in mitigation for the tree loss and harm to the rural character of Beavor Lane (Image 2):



**Image 2.** Extract from the application's Landscape and Green Infrastructure Plan.

Would it be possible to infill the existing agricultural access on the western end of the site's northern boundary with new grass verge, hedgerow and tree planting to



compensate for the loss of amenity. In addition establish proactive management of this boundary, as an traditional hedgerow with standard trees?

### **Ongoing management of Eastern and Western boundary hedgerows.**

The proposed plans show the construction of dwellings and garden boundaries in close proximity to the eastern and western boundary hedgerows. I have marked these areas (blue) in images 3 and 4 below. If these hedgerows form part of domestic curtilage, there will be a gradual urbanisation of these boundary features. There is also insufficient space for mechanised equipment to access these areas, for the continued management of these features. How will the internal faces of these hedgerows be managed post development?

Ideally these old local landscapes features would be retained and enhanced within scheme's public open space, and their ongoing management secured as part of an approved landscape management plan.



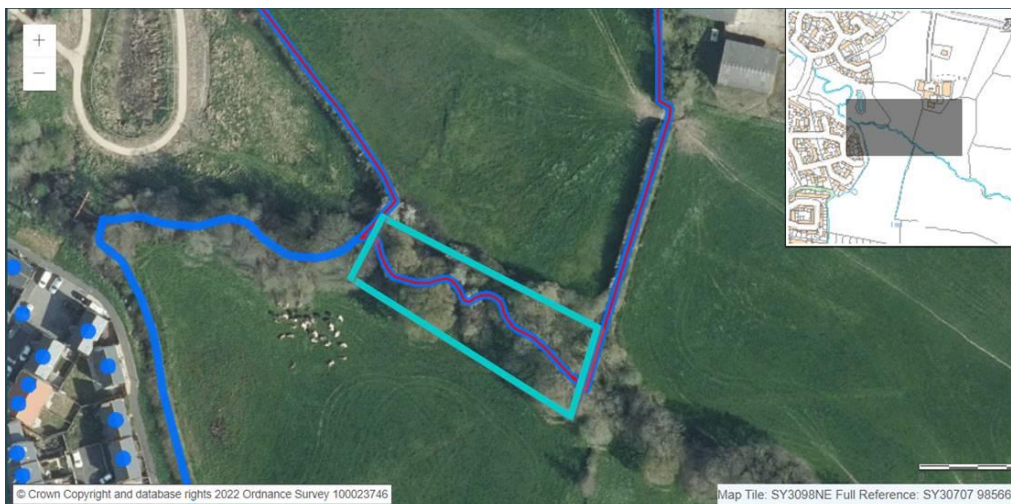
**Image 3.** Northern half of site with areas of hedgerow management concern marked in light blue.



**Image 4.** Southern half of site with areas of hedgerow management concern marked in light blue.

#### **Southern Site Boundary Adjacent to Attenuation Basin.**

There is a lineal riparian wooded strip of trees, growing along / adjacent to the sites southern boundary (Image 5) and stream. These trees are not included within the site's existing arboricultural survey. The proposed attenuation basin may impact on the Root Protection Area of these trees. Prior to any planning approval these trees will need to be surveyed in accordance with BS5837:2012 and the finding of which added to the arboricultural report, AMS and TPP. The extent of their RPA may impact on the design and layout of the adjacent attenuation basin.



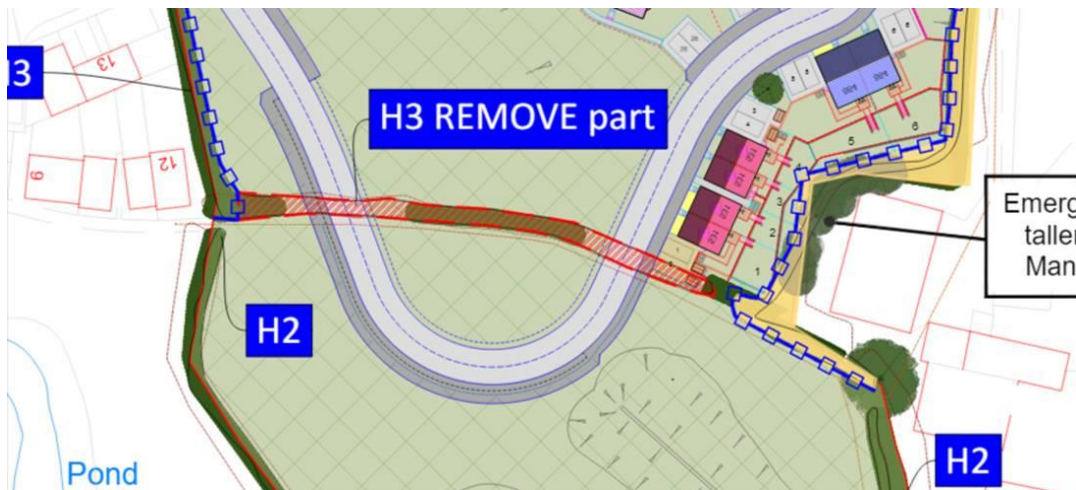
**Image 5.** Location of trees adjacent to the proposed attenuation basin marked in blue

#### **Amendments to Tree Protection Plan (TPP).**



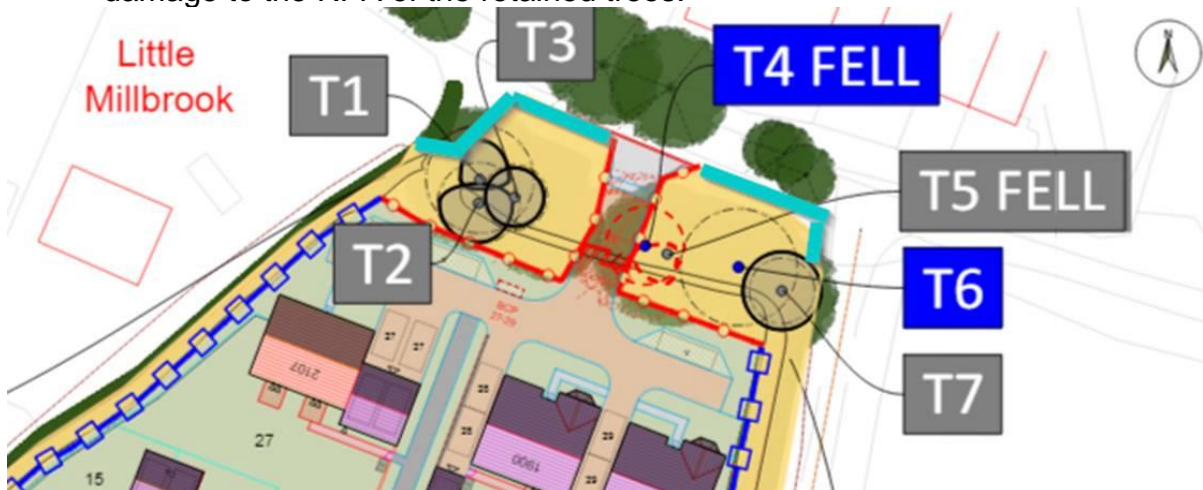
Should the existing scheme be approved a number of minor amendments should be sought to the TPP.

- a) Can the red hatching on the TPP be updated to show only the two sections of hedgerow to be removed. This could be made more explicit by including the dimensions of the retained and removed sections of hedgerow. There is also no tree protection fencing show around the retained section of hedgerow.



**Image 6.** Extract from the TPP with the entire hedgerow marked in red hatching. According to the adjacent key, this whole hedgerow is to be removed.

- b) Can the tree protection fencing be extended to include the grass verges on the site's northern boundary. This will avoid them becoming martials drop-off point, or a contractors parking area, causing compaction of the ground and damage to the RPA of the retained trees.



**Image 7.** Suggest extension to Tree Protection Fencing marked in blue.

### **Planning conditions.**

Should the scheme be approved (and subject to the above changes), any planning approval should also include a condition requiring the submission of and compliance with, a detailed Arboricultural Method Statement and TPP. This should include provision for the following arboricultural site monitoring visits:

- i) Inspection of and signing off, of the correctly installed tree protection measures.
- ii) Monthly Ad-hock arboricultural inspection of tree protection measures.
- iii) Arboricultural sign off of the completion of construction works, prior to the removal of the tree protection measures.

**04/08/22** - I agree with the comments provided by the landscape officer dated 22nd March in regards to the access off Beavor Lane to plots 27 to 30. This appears unnecessary, resulting in the loss of tree cover and fragmentation of habitat. The alternative proposed by the officer is considered more appropriate. The current proposal involves the loss of T4, a Field Maple which has been classified as a B category tree with an estimated remaining contribution of 40 years and a Hawthorn. Due to the low number of trees on site, it is considered even more appropriate to retain these trees. No justification has been provided to substantiate why it is appropriate to remove T4 especially when there is a category C tree (T3, an Ash, 10 years contribution) located to the west: moving the entrance west is another option, though as already stated the suggestion provide by the landscape officer is more suitable.

#### Environment Agency

10/01/22 - Thank you for consulting us on this application.

#### Environment Agency position:

We recommend that this application is not determined until it has been demonstrated that the proposed development is consistent with the Axe Nutrient Management Plan. This position is consistent with Strategy 20 of the East Devon District Council Local Plan.

#### Reason - Nutrient Management:

The site is located within the area allocated for mixed use development, E105, under Strategy 20 of the East Devon District Council Local Plan. Strategy 20 indicates that new growth in Axminster will need to propose adequate mitigation to negate the additional phosphate load that would be caused by development. This links to the Nutrient Management Plan which has been created in line with Strategy 20. We therefore recommend that you consult with Natural England on this matter also.

#### Advice - Flood Risk:

Notwithstanding the issue of nutrient management, we advise that we do not have concerns relating to flood risk. Where the development is carried out in accordance with the submitted plans, the residential units will be located in Flood Zone 1 (low probability of flooding) and on considerably higher ground than the area remaining undeveloped in flood zone 3 (high probability of flooding). If the proposed site layout (including residential properties or SuDS) changes we request to be re-consulted, to ensure that the new development will remain safe from flooding.

Please contact us again if you require any further information.

#### Environmental Health

04/11/22 - 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.

#### Contaminated Land Officer

04/11/22 - Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.

#### DCC Flood Risk SuDS Consultation

**Comment Date: Tue 06 Jun 2023**

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

- No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
  - (a) A detailed drainage design based upon the approved Drainage Strategy Drawings (Drawing No. 141332C.101-01, Rev. P6, dated 13th March 2023, Drawing No. 141332C.101-02, Rev. P6, dated 13th March 2023 and Drawing No. 141332C.101-03, Rev. P08, dated 20th March 2023).
  - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
  - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - (d) A plan indicating how exceedance flows will be safely managed at the site.

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

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

**Observations:**

The applicant have confirmed that infiltration is unviable for this development site.

The derived greenfield runoff rate,  $Q_{bar}$  is 7.8l/s for an impermeable area of 0.679ha. The 10% urban creep shall be allowed for during the detailed design.

The proposed volume for the northern swale is 298.26m<sup>3</sup> and 516.23m<sup>3</sup> for the southern swale.

The applicant are proposing additional features like low flow channel and land drain along the western boundary of the proposed development site to cope with the existing overland flow and exceedance flow.

Any temporary or permanent works need to take place within this watercourse to facilitate the proposed development would require Land Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing. Details of this procedure can be found at: <https://new.devon.gov.uk/floodriskmanagement/land-drainage-consent/>.

**14/3/23 -Recommendation:**

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

**Observations:**

The applicant have confirmed that infiltration is unviable for this development site. The derived greenfield runoff rate,  $Q_{bar}$  is 7.8l/s for an impermeable area of 0.679ha. The 10% urban creep shall be allowed for during the detailed design.

The model output results indicated that a storage volume of 498.2m<sup>3</sup> is required to provide a 1 in 100 years event. Looking at the submitted Drainage Strategy Sheet 3 of 3, the proposed Northern Swale storage volume is 133.18m<sup>3</sup> and 220.23m<sup>3</sup> for the Southern Swale, giving a total of 353.41m<sup>3</sup>. This is below the required storage volume of 498.2m<sup>3</sup>. The applicant shall clarify this and make the necessary amendment.

The applicant are proposing additional features like low flow channel and land drain along the western boundary of the proposed development site to cope with the existing overland flow and exceedance flow.

We would be happy to provide a further review if additional information is submitted to the local planning authority.

**06/01/22 - Recommendation:**

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

**Observations:**

Although the applicant has submitted three drainage layout drawings we would require further information at this stage:

- The applicant should fully assess the use of infiltration at this site in line with the preferred option outlined in the surface water management hierarchy. On site tests to BRE 365 standard should be undertaken. Please note that if infiltration results indicate that soakaways are viable at the site, we have a requirement for groundwater monitoring.
- We would require calculations/model outputs clearly demonstrating the existing greenfield runoff rates at the site. Please note we only accept impermeable areas only for the runoff rate calculations. We would require attenuation calculations to provide evidence that the attenuation has been sized for the 1 in 100 year plus 40% event. We also have a requirement for FEH rainfall to be used rather than FSR and for 10% urban creep to be included within the attenuation calculations.
- We are aware of an existing overland flow path from this site which has resulted with flooding nearby. The applicant should carefully consider the exceedance flow paths from this site and provide this information in a plan. We would welcome any additional features along the western boundary such as double road gullies and/or cut off drain to reduce the risk of runoff leaving this steep site.
- We would require information on who is likely to maintain the drainage proposed at the site as well as typical maintenance schedule for the basins.
- The applicant should provide further information on the basins at this stage. The basins should be designed to fulfill the 4 features of SuDS and to be sympathetic to the wider landscape. We would recommend a landscape officer comments on the design of the proposed basins. We would require that the basins have varied side slopes with no side steeper than 1 in 3 in line with the Ciria SuDS Manual. We would recommend that the basins have a freeboard of 300 mm on top of the maximum water table.

- The applicant should confirm that the basins are located outside of flood zone 2 and 3 when considering the latest Environment Agency climate change allowances for watercourse.

We would be happy to provide a further review if additional information is submitted to the local planning authority.

**29/11/22 - Recommendation:**

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

**Observations:**

Following our previous consultation response FRM/ED/3025/2021, dated 20th April 2022, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

- Drainage Layout Sheet 1 of 3 (Drawing No. 141332C.101-01, Rev. P4)
- Drainage Layout Sheet 2 of 3 (Drawing No. 141332C.101-02, Rev. P4)
- Drainage Layout Sheet 3 of 3 (Drawing No. 141332C.101-03, Rev. P4)
- Flood Exceedance Plan (Drawing No. 141332\_SK.07-01, Rev. P2)
- Flood Exceedance Plan (Drawing No. 141332\_SK.07-02, Rev. P2)

Although the above additional information has been submitted, it does not answer the queries raised previously in our formal response dated 20th April 2022. I have re-listed the queries below for information:

- The applicant should fully assess the use of infiltration at this site in line with the preferred option outlined in the surface water management hierarchy. On site tests to BRE 365 standard should be undertaken. Please note that if infiltration results indicate that soakaways are viable at the site, we have a requirement for groundwater monitoring.
- We would require calculations/model outputs clearly demonstrating the existing greenfield runoff rates at the site. Please note we only accept impermeable areas only for the runoff rate calculations. We would require attenuation calculations to provide evidence that the attenuation has been sized for the 1 in 100 year plus 40% event. We also have a requirement for FEH rainfall to be used rather than FSR and for 10% urban creep to be included within the attenuation calculations.
- We are aware of an existing overland flow path from this site which has resulted with flooding nearby. The applicant should carefully consider the exceedance flow paths from this site and provide this information in a plan. We would welcome any additional features along the western boundary such as double road gullies and/or cut off drain to reduce the risk of runoff leaving this steep site.



- We would require information on who is likely to maintain the drainage proposed at the site as well as typical maintenance schedule for the basins.

- The applicant should provide further information on the basins at this stage. The basins should be designed to fulfill the 4 features of SuDS and to be sympathetic to the wider landscape. We would recommend a landscape officer comments on the design of the proposed basins. We would require that the basins have varied side slopes with no side steeper than 1 in 3 in line with the Ciria SuDS Manual. We would recommend that the basins have a freeboard of 300 mm on top of the maximum water table.

- The applicant should confirm that the basins are located outside of flood zone 2 and 3 when considering the latest Environment Agency climate change allowances for watercourse.

We would be happy to provide a further review if additional information is submitted to the local planning authority.

**20/04/22 - Recommendation:**

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

**Observations:**

Following my previous consultation response FRM/ED/3025/2021, dated 06.01.22, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

- Drainage Layout Sheet 1 of 3 P2
- Drainage Layout Sheet 2 of 3 P2
- Drainage Layout Sheet 3 of 3 P3

Although the above additional information has been submitted, it does not answer the queries raised previously in my formal response dated 06.01.22.

I have re-listed my queries below for information:

- The applicant should fully assess the use of infiltration at this site in line with the preferred option outlined in the surface water management hierarchy. On site tests to BRE 365 standard should be undertaken. Please note that if infiltration results indicate that soakaways are viable at the site, we have a requirement for groundwater monitoring.

- We would require calculations/model outputs clearly demonstrating the existing greenfield runoff rates at the site. Please note we only accept impermeable areas only for the runoff rate calculations. We would require attenuation calculations to provide evidence that the attenuation has been sized for the 1 in 100 year plus 40%

event. We also have a requirement for FEH rainfall to be used rather than FSR and for 10% urban creep to be included within the attenuation calculations.

- We are aware of an existing overland flow path from this site which has resulted with flooding nearby. The applicant should carefully consider the exceedance flow paths from this site and provide this information in a plan. We would welcome any additional features along the western boundary such as double road gullies and/or cut off drain to reduce the risk of runoff leaving this steep site.
- We would require information on who is likely to maintain the drainage proposed at the site as well as typical maintenance schedule for the basins.
- The applicant should provide further information on the basins at this stage. The basins should be designed to fulfill the 4 features of SuDS and to be sympathetic to the wider landscape. We would recommend a landscape officer comments on the design of the proposed basins. We would require that the basins have varied side slopes with no side steeper than 1 in 3 in line with the Ciria SuDS Manual. We would recommend that the basins have a freeboard of 300 mm on top of the maximum water table.
- The applicant should confirm that the basins are located outside of flood zone 2 and 3 when considering the latest Environment Agency climate change allowances for watercourse.

We would be happy to provide a further review if additional information is submitted to the local planning authority.

#### Housing Strategy/Enabling Officer -

**16/11/22** - The number of dwellings has reduced to 29 which reduces the affordable housing provision to 7.25 units. This means 7 on-site and 0.25 as a commuted sum which will be £11,559. The applicant has sought to address the distribution of the affordable units so they are not all located in one area. The revised plan is acceptable, and the units are now better dispersed throughout the site.

**03/02/22** - This site is located within the Axminster built up area boundary and is allocated for mixed use development. Under strategy 34 a target of 25% affordable housing is required. The applicants are proposing to provide 7 units on-site and a commuted sum of £23,118 for the 0.5 of a unit. The commuted sum amount is correct and the 7 on-site units meets policy requirements. The affordable units comprise 4 x 1 bedroom houses for rent and 3 x 2 bedroom houses for a discounted market tenure referred to as 'My Home'. Strategy 34 sets a target of 70% for rent and 30% for affordable home ownership which includes discounted market units. This would result in 5 rented units and 2 units for affordable home ownership. The tenure split proposed is more weighted to affordable home ownership however it meets the requirement in NPPF for 10% of all properties to be for affordable home ownership. Whilst the need for 1 bedroom affordable units to rent is very high in the district it is also important to get a good balance of unit/bedroom sizes. The 1 bedroom units will meet a need and houses are preferable to flats however it would provide a better mix if there were also some 2 bedroom houses.

The discount level for the 'My Home' tenure have not been confirmed stating that it could be 70%, 75% or 80% discount on market prices. In line with recent changes to Government policy for First Homes (see below) these units should have a discount of 30% (70% of Market Value). This will be secured through a S106 agreement to ensure the discount remains in perpetuity. Eligibility for these units should also be covered in the S106 agreement.

The affordable units are all grouped together and are not dispersed throughout the development. They are also located on the steep part of the site with split level gardens and are backing onto agricultural buildings.

As the developer will be responsible for selling the affordable home ownership units and will not be transferring them to a registered provider I am concerned that the 4 x rented units may not appeal to a registered provider as there are too few of them. Early discussions should be had with a provider, it may be the case the interest would be improved if the discounted market units were shared ownership instead. Therefore flexibility is recommended with the affordable home ownership products to ensure delivery of the rented units.

The government have introduced through a written ministerial statement and planning policy guidance a new affordable housing tenure called First Homes. First Homes are for eligible first time buyers and are sold with a 30% discount on market price in perpetuity. On initial sale a price cap of £250,000 (after discount) is applied. Eligibility includes an income cap for purchasers and requirement to fund the purchase with a 50% mortgage. First Home should account for 25% of affordable housing provision and is the governments preferred discounted market tenure. EDDC have produced an interim guidance note which will be going to strategic planning committee in February. This will confirm our approach to dealing with First Homes. Whilst this guidance and the introduction of First Homes does not supersede policy within our local plan it is a material consideration in any planning decision and will be weighted accordingly. The application whilst not mentioning First Homes is intending to provide a very similar product.

Devon County Council, Minerals & Waste  
**22/12/21** - Dear Sir/Madam,

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.

This application is not supported by a Waste Audit Statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement in advance of the commencement of development.

Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at:  
<https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document>

Please do not hesitate to get in touch should you have any queries in relation to our comments.

Kind regards,

Kate Broad  
Planning, Transportation and Environment  
Devon County Council

County Highway Authority

**04/05/22 - Observations:**

The County Highway Authority (CHA) has visited the site and examined all documents within the application and has the following comments:

Strategy 20,

The proposed site lies within the E105 Mixed Use Allocation (Strategy 20) on the Proposals Map for development and should therefore be subject to the provisions laid down in the Local Plan for Strategy 20 - Development at Axminster, which are:

- a) North and East of the town (E105) for mixed uses to incorporate;
  - i) Around 650 new homes;
  - ii) 8 Hectares of land for mixed job generating commercial and employment uses;
  - iii) a range of social, community and open space facilities to support development;
  - iv) a 210 pupil primary school (1.5ha site - which forms part of the overall 8 hectare employment allocation), including a nursery and accommodation to support children's centre services; and
  - v) a North South relief road for the town will be delivered as part of this development linking Chard Road (A358) to Lyme Road (B261).

A Masterplan will be required for this site and development will be subject to improved public transport provision. and Prior to the granting of planning permission for any major residential schemes at Axminster, the Council will agree, with the Environment Agency and Natural England, a timetable for the review or development of a Nutrient Management Plan for the River Axe.

This plan will set out detailed actions that allow for new growth at Axminster to progress with adequate mitigation in place to negate the additional phosphate load that would be caused. The Nutrient Management Plan will work in collaboration with the diffuse Water Pollution Plan, and will seek to restore water quality for the River Axe SAC to enable it to meet its conservation objectives within a specified timescale,

and in accordance with commitments to European Directives Depending on the findings of the plan, growth will only proceed in accordance with the mitigation delivery set out within that plan.

Growth at Axminster will also be informed by the current status of the relevant discharge consents for waste water treatment works, and any upgrade required to support new growth will be the subject of Habitats Regulations Assessment prior to planning permission being given. The determination of such development applications will be informed by Habitat Regulations Assessment that takes account of the consent requirements.

**Addendum 20/04/2022:**

The CHA has reviewed the amended and additional plans submitted, including the cross-sections, long-sections and visibility splays, as well as the provided Transport Statement. We are now happy to raise no objection to this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON  
BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY,  
HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Officer authorised to sign on behalf of the County Council  
20 April 2022

**11/01/22 - Observations:**

The County Highway Authority (CHA) has visited the site and examined all documents within the application and has the following comments:

**Strategy 20**

The proposed site lies within the E105 Mixed Use Allocation (Strategy 20) on the Proposals Map for development and should therefore be subject to the provisions laid down in the Local Plan for Strategy 20 - Development at Axminster, which are: a) North and East of the town (E105) for mixed uses to incorporate; i) Around 650 new homes; ii) 8 Hectares of land for mixed job generating commercial and employment uses; iii) a range of social, community and open space facilities to support development; iv) a 210 pupil primary school (1.5ha site - which forms part of the overall 8 hectare employment allocation), including a nursery and accommodation to support children's centre services; and v) a North South relief road for the town will be delivered as part of this development linking Chard Road (A358) to Lyme Road (B261).

A Masterplan will be required for this site and development will be subject to improved public transport provision. and Prior to the granting of planning permission for any major residential schemes at Axminster, the Council will agree, with the Environment Agency and Natural England, a timetable for the review or development of a Nutrient Management Plan for the River Axe. This plan will set out detailed actions that allow for new growth at Axminster to progress with adequate mitigation in place to negate the additional phosphate load that would be caused. The Nutrient Management Plan will work in collaboration with the diffuse Water Pollution Plan, and will seek to restore water quality for the River Axe SAC to enable it to meet its

conservation objectives within a specified timescale, and in accordance with commitments to European Directives. Depending on the findings of the plan, growth will only proceed in accordance with the mitigation delivery set out within that plan. Growth at Axminster will also be informed by the current status of the relevant discharge consents for waste water treatment works, and any upgrade required to support new growth will be the subject of Habitats Regulations Assessment prior to planning permission being given. The determination of such development applications will be informed by Habitat Regulations Assessment that takes account of the consent requirements.

**Submitted Documents:**

The proposed development application does not contain sufficient details, in the form of:

Access Road Long Sections

Access Road Cross Sections

Access Road Dimensions

Access Drainage Proposals

Access Road Street Lighting

Development Transport Assessment or Transport Statement

**Conclusion:**

At this stage, we object to the application because it does not comply with Strategy 20 of the East Devon Local Plan 2013 to 2031 and the of the lack of suitable information which has been submitted.

**Recommendation:**

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION

1. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, visibility splays, road layout, road construction, road gradients, surface water drainage.

Officer authorised to sign on behalf of the County Council

11 January 2022

Police Architectural Liaison Officer - Kris Calderhead

03/01/22 - I have no objection in relation to the following planning application:

21/3025/MFUL | Erection of 30 dwellings to include highways, drainage, landscaping and ancillary incidental works | Land West Of Prestaller Farm Beavor Lane Axminster

Many thanks

Kris Calderhead

Designing Out Crime Officer

#### Environment Agency

23/11/22 - Thank you for your consultation of 03 November 2022 in respect of the above planning application.

#### Environment Agency position:

We recommend the application is not determined until it is clear how the proposal will satisfy Strategy 20 of the East Devon Local Plan and the requirement for nutrient neutrality from new housing which could affect European sites (in this case the River Axe Special Area of Conservation) already failing for nutrients. Our advice regarding nutrient neutrality is set out below.

#### Advice - Nutrient neutrality:

The 'Dutch N judgement' by the Court of Justice of the European Union on 7 November 2018 put a significant constraint on Local Planning Authorities' ability to approve housing development where additional nutrients in effluent from new housing will affect European sites (such as Special Areas of Conservation/SACs), which are already failing to achieve favourable status due to nutrient levels. In essence the nutrients from new housing must be offset so that it can be considered 'nutrient neutral' and therefore not make the situation worse.

The River Axe SAC is such a site which is not in a favourable condition and the waterbody is failing to achieve good ecological status due to excess sedimentation and phosphorus, which is partially attributed to waste water discharges. Natural England (NE) is responsible for promoting nature conservation and protecting biodiversity, including ensuring that the network of European sites is appropriately maintained or restored to favourable conservation status. As such we defer to NE on this matter and we note that they too have requested further information in this regard. Nonetheless, we are responsible more generally for protecting and improving the water environment and hold a great deal of evidence on the condition of waterbodies and therefore have a keen interest in supporting NE's position.

#### Devon County Archaeologist

**10/01/22** - My ref: Arch/DM/ED/37239a

I refer to the above application and your recent consultation. A programme of archaeological geophysical survey and field evaluation has demonstrated that this development site is of low archaeological potential. As such, no further archaeological mitigation is required and the Historic Environment Team has no comments to make on this planning application.

#### Historic England

04/01/22 - Thank you for your letter of 17 December 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Yours sincerely

Rhiannon Rhys

### Other Representations

#### Royal Society For The Protection Of Birds

04/01/22 - The RSPB would like to comment on this application.

We note that it is a low-density development and with significant areas of "green space", that the mature hedgerows and trees will be retained and a mitigation plan to conserve hazel dormice will be put in place.

We are however concerned that no consideration has been given to the species that normally share our homes and gardens.

House sparrows, starlings, swifts and house martins are included (category red) in the most recent list of species of conservation concern, they all nest/roost in cavities found in older properties and mature trees, as do crevice roosting bats.

The only way to conserve them is by creating artificial nest/roost sites, this is an easy, inexpensive and effective solution supported by both National Government see

<https://www.gov.uk/government/news/brookshire-orders-house-builders-to-protect-wildlife>

<https://www.gov.uk/guidance/natural-environment>

<https://www.endsreport.com/article/1591661/net-gain-guidance-8-things-need-know>

and the Construction Industry

<https://www.nhbcfoundation.org/publication/biodiversity-in-new-housing-developments-creating-wildlife-friendly-communities/>

We recommend integral swift/universal "bricks" which will be used by all the avian species referred to above see attached.

An average of a minimum of one of the above per residential unit is currently accepted as best practice !!

There are also strong cases for making garden boundaries hedgehog "friendly", installing bat tubes or similar for crevice roosting bats and "bee bricks" for solitary bee species.



We recommend that plans with details and locations of the above are made a condition of the consent if granted.

Stephen Fitt

RSPB England, Exeter Office.

## **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.