

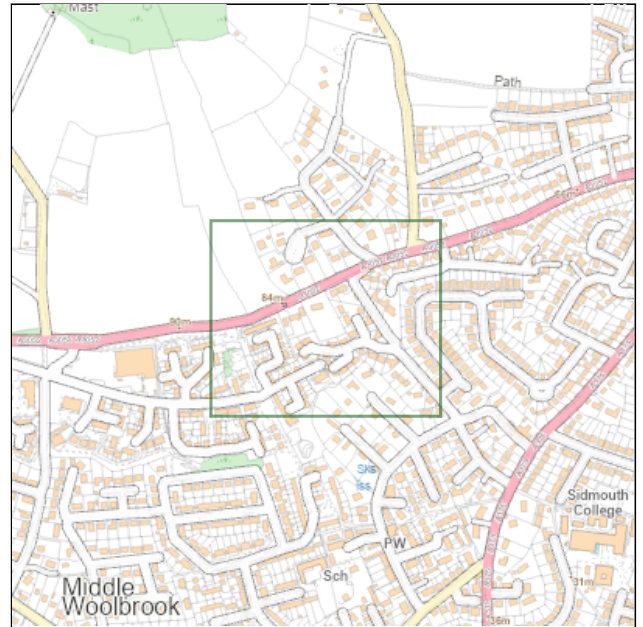
Ward Sidmouth Sidford

Reference 23/2385/FUL

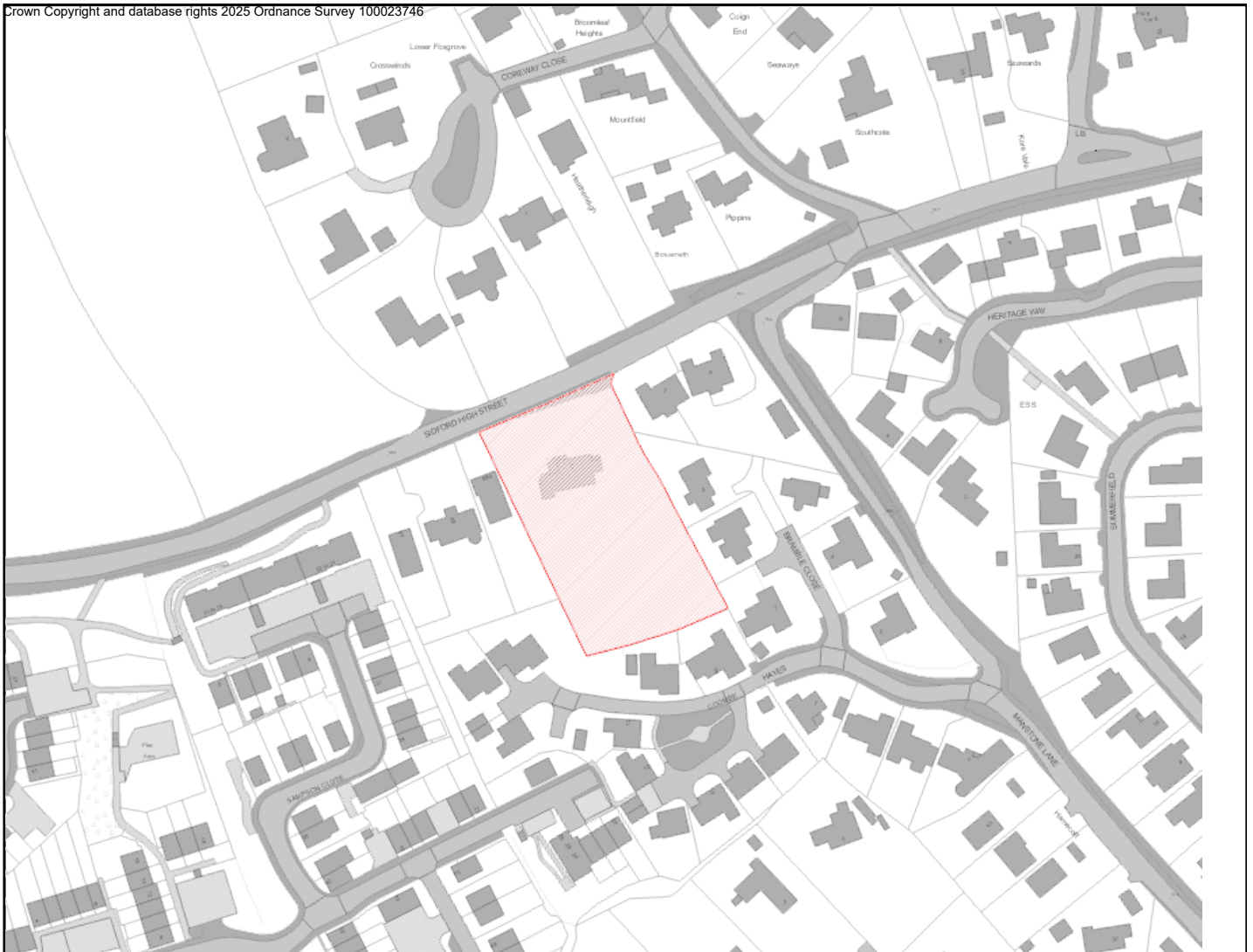
Applicant Mr Aldam

Location 87 Sidford High Street Sidford EX10 9SA

Proposal Demolition of the existing dwelling and redevelopment of the site to provide four dwellings and a new vehicular access



RECOMMENDATION: Approval with conditions



		Committee Date: 25.03.2025
Sidmouth Sidford (Sidmouth)	23/2385/FUL	Target Date: 12.02.2024
Applicant:	Mr Aldam	
Location:	87 Sidford High Street Sidford	
Proposal:	Demolition of the existing dwelling and redevelopment of the site to provide four dwellings and a new vehicular access	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is brought before the Planning Committee owing to the officer recommendation being in conflict with comments received from the Ward Councillor and the Town Council.

The application site is No. 87 Sidford High Street, which is a spacious site occupying 0.37 hectares on the western edge of Sidford. The site sits immediately adjacent to the A3052 / Sidford High Street and slopes gently down to the south. The site is enclosed by mature hedges and trees, several of which are protected by Tree Preservation Orders.

The proposal involves the demolition of the existing house and its replacement with 2 x 3.5 storey, five bedroom dwellings to the upper part of the site and two smaller dwellings to the lower part of the site. A new driveway is proposed off the High Street for the larger dwellings, and the smaller dwellings would use the existing driveway access.

The Parish Council has expressed concern about the overdevelopment of the site, as well as highways and ecological impacts. The Ward Councillor has also raised concerns regarding the potential overbearing of the two larger houses upon the adjacent bungalows along Bramble Close.

Although the upper houses are proposed as being 3.5 storey, the dwellings have been designed to suit the topography of the site with the lower ground floor storey effectively being below ground level from the street facing aspect therefore it is not considered that the height of these dwellings would be out of character for the area. The proposed design of the buildings includes the use of render and timber cladding and the use of good quality windows and doors, and it is considered that the design of the proposed dwellings would respect the

established character of the area. The plot is large, and the proposed subdivision would not result in development that would be out of character or cramped.

In response to EDDC Ecologist's objection to the scheme, the applicant has undertaken further survey work and the ecologist has confirmed the proposed mitigation is now acceptable, subject to the imposition of a number of conditions to ensure appropriate mitigation across the site.

The proposal has also been accompanied by a detailed arboricultural survey in respect of the protection of the existing trees and hedges on the site, to ensure the protection of these key features. Further enhancement of the site by way of additional tree and hedge planting is also proposed to enhance the biodiversity of the site and to help screen the proposed dwellings.

The Highway Authority have no objections to the proposal, subject to enhancement works to the footpath to the north of the site along the A3052 to ensure safe pedestrian access from the site.

The proposal respects the characteristics of the area, and complies with policies contained within the East Devon Local Plan and the Sid Vale Neighbourhood Plan. On this basis the scheme is recommended for approval, subject to conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council

DO NOT SUPPORT:

Members felt that this would be overdevelopment of the site. They were concerned with access issues and the potential volume of traffic from the proposed dwellings together with the welfare of dormice and slow worms on the site.

Sidmouth Sidford - Cllr Marianne Rixson

(NB. Comments subsequently rescinded on account of planning and appeal history of site)

Comments: Objections have been raised by several residents of Bramble Close including:

Martin Kemp who objects to two four storey town houses due to overlooking and the fact that these dwellings would not be in keeping with the existing area

Colin and Gwynneth Davis have also objected on the grounds of the dominating and overbearing dwellings proposed for Plots 1 and 2, together with concerns about the safety of two exits onto the busy A3052. I agree with this assessment, despite there being no objection raised by the Highways Authority. The speed limit seems to be optional for some drivers and is an 'accident waiting to happen'.

Mr Maynard criticised the adequacy of the footpath as it is narrow and unsafe due to the proximity of fast moving traffic. NB the footpath was also a concern for the Highways Authority.

Douglas and Jayne Smith also have concerns about overlooking by Plots 1 and 2, together with the proposed balcony. In addition, due to ash dieback, screening currently provided by trees will be much reduced as these trees are diseased and will have to be felled. They further commented on an existing agreement to replace felled trees but this has not taken place.

Therefore, the replacement of both the trees already felled and ash dieback trees should be made a condition of development whether or not planning consent is granted and a site inspection arranged to ensure it is carried out.

Comments from other consultees include:

Sidmouth Town Council which does not support this application as it represents overdevelopment. They were also concerned with access issues and the volume of traffic, together with the impact on protected species such as dormice and slow-worms (mentioned in the reports submitted by Encompass Ecology Ltd).

DCC Historic Environment Officer who stated that no development should take place until implementation of a programme of archaeological work had been submitted and approved in writing by the LPA - to accord with Policy EN6 (Local Plan) and paragraph 205 (NPPF, 2023).

In conclusion, I concur with the objections raised by local residents due to the overbearing nature of the proposed development, notably Plots 1 and 2. It appears that the owner is trying to maximize the development at the expense of amenity.

This site should be REFUSED on the grounds of overlooking, road safety, pedestrian safety and ecological grounds.

Sidmouth Sidford - Cllr Stuart Hughes

I agree with the representations of the Town Council re overdevelopment of the site. Also access on to the A3052 which is the primary route through east Devon carrying over 20,000 daily vehicle movements. The impact on protected species such as dormice and slow worms.

Therefore the application should be refused.

Technical Consultations

EDDC District Ecologist

15/05/2024. Objection – insufficient information.

EDDC District Ecologist

26/02/2025. Proposal acceptable subject to conditions.

South West Water

Proposal unacceptable. To be overcome by condition

County Highway Authority

Proposal acceptable subject to conditions.

DCC Historic Environment Officer

Proposal acceptable subject to conditions.

Other Representations

7 third party representations have been received, with 5 representations in objection to the proposal and 2 neutral representations.

A summary of grounds for objection are as follows:

- The current footpath is dangerous and too narrow, requiring pedestrians to step into the road. The footpath should be widened to ensure public safety.
- The 4-storey properties on Plots 1 and 2 are overbearing compared to the single-storey properties nearby.
- The house on Plot 1 should be moved further from the eastern boundary.
- Concerns about the safety of exits onto the busy A3052 road.
- The proposed 4-storey townhouses overlook existing properties, compromising privacy.
- The design should be more in keeping with the surrounding buildings.
- Concerns about the omission of a protected 30ft Holly tree in the latest tree survey.
- The Ecological Assessment has errors due to limited site access and the presence of slow worms, newts, and dormice are not fully accounted for.
- The proposed buildings are too close and high, compromising privacy.
- The development should be more in keeping with the existing single-storey bungalows.

A summary of Neutral Representations are as follows:

- The footpath on the south side of the A3052 is narrow and unsafe and should be widened to accommodate pedestrians, prams, buggies, and mobility scooters.
- The proposal for a bungalow in Plot 4 is appreciated as it reduces overlooking.
- Plot 3 should also be a bungalow to match the surrounding single-storey properties.
- The hedge along the southern and western boundaries should be reinstated to protect privacy and support wildlife

PLANNING HISTORY

Reference	Description	Decision	Date
-----------	-------------	----------	------

12/0899/OUT	Demolition of existing dwelling and construction of 4 no. single storey dwellings (outline proposal with details of appearance and landscaping reserved)	Approval with conditions	10.12.2012
16/1659/FUL	Demolition of dwelling and construction of two detached houses, a detached garage and new access to the highway.	Approval with conditions	04.10.2017
14/2058/FUL	Demolition of dwelling and construction of two detached houses with two detached garages and new access to the highway.	Withdrawn	19.02.2015
18/0792/TRE	T620 - T623, Monterey pine - dismantle and fell to as near ground level as possible. Reason: T620 has many cracked limbs and large diameter dead wood which if removed / shortened back will leave the tree with a large gap in the crown increasing the likelihood of further breakage in high winds. The remaining trees have asymmetric crowns having been suppressed and protected by T620.	Split Decision	04.07.2018

18/2023/FUL	Demolition of dwelling and construction of detached house and access to highway (revisions to upper house approved under reference 16/1659/FUL, including alterations to dormer and window configuration, enlarged rear bays and terrace, enlarged front porch and garage and alterations to the driveway)	Approval with conditions	05.12.2018
18/2544/TRE	Monterey Pine (621, 622 & 623) - fell and replace	Refusal	14.12.2018
18/2545/TRE	Monterey Pine (621, 622 & 623) - Remove deadwood; crown lift to 5m; crown reduce by 1.5m and reduce extended branches to match neighbouring crowns	Split Decision	14.12.2018
20/0567/TRE	T1 Field Maple: Prune to boundary. Reason: Growing against building. T2 Monterey Pine: Remove low branch to the west at 4m making a 250mm diameter pruning cut. Reason: Low branch is heavily extended over garden of 89a. Remove 2 x 75mm diameter branches on western side of tree at 12m. Reason: The two branches are chlorotic and declining. Remove significant dead wood over garden.	Approval with conditions	04.05.2020
20/2653/FUL	Demolition of the existing dwelling and redevelopment of the site to provide four dwellings and a new vehicular access.	Refusal	23.12.2021

APP/U1105/W/22/33 00692	Demolition of the existing dwelling and redevelopment of the site to provide four dwellings and a new vehicular access.	Dismissed	14.11.2022
----------------------------	---	-----------	------------

22/1041/TRE	Field maple on the western aspect of the site at 87 on the boundary with 89a. Identified as T8 on plan; propose coppicing the tree to prevent squirrels gaining access to the roof; no plan to replant tree in this location as coppicing will allow ongoing survival of the tree; squirrels have caused extensive damage to the property with the cost mounting into thousands of pounds and causing a fire hazard; whilst the squirrels can still access the roof space there is risk of ongoing damage despite having fitted rodent/bird protection to solar panels.	Approval with conditions	23.06.2022
-------------	---	--------------------------	------------

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries) Adopted

Strategy 26 (Development at Sidmouth) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

D3 (Trees and Development Sites) Adopted

EN5 (Wildlife Habitats and Features) Adopted

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

EN14 (Control of Pollution) Adopted

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

EN22 (Surface Run-Off Implications of New Development) Adopted

TC2 (Accessibility of New Development) Adopted
TC7 (Adequacy of Road Network and Site Access) Adopted
TC9 (Parking Provision in New Development) Adopted

Sid Valley Neighbourhood Plan (Made)

Policy 1 Sid Valley Development Principles
Policy 6 Infill Development, Extensions and Trees
Policy 7 Local Distinctiveness
Policy 9 Residential Development
Policy 21 A Safe Town

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP05 (Development inside Settlement Boundaries) Draft
Strategic Policy CC02 (Moving toward Net-zero carbon development) Draft
Strategic Policy AR01 (Flooding) Draft
Strategic Policy AR02 (Water efficiency) Draft
Policy HN04 (Accessible and adaptable Housing) Draft
Strategic Policy DS01 (Design and local distinctiveness) Draft
Policy DS02 (Housing density and efficient use of land) Draft
Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport) Draft
Policy TR04 (Parking standards) Draft
Strategic Policy OL01 (Landscape features) Draft
Policy OL09 (Control of pollution) Draft
Policy PB03 (Protection of irreplaceable habitats and important features) Draft
Strategic Policy PB04 (Habitats Regulations Assessment) Draft
Policy PB07 (Ecological enhancement and biodiversity in the built environment) Draft
Policy PB08 (Tree, hedges and woodland on development sites) Draft
Policy PB09 (Monitoring requirements for new planting scheme) Draft
Policy HE04 (Archaeology and Scheduled Monuments) Draft

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

Site Location and Description

The application site is 87 Sidford High Street, which lies on the western edge of Sidford, and sits immediately to the south of the A3052. The site occupies an area of 0.37 hectares, and slopes gently down to the south away from the A3052. Access to the site is in the north west corner directly off the A3052. The existing house, which sits on the upper part of the site, is set back from the road by just under 20 metres.

There are some significant trees in the west and north of the site, as well as along the north eastern boundary, some of which are protected by a Tree Preservation Order. The house is unoccupied and the garden is now significantly overgrown. The surrounding area is largely residential in nature. To the east of the site, 4 bungalows along Bramble Close share the eastern boundary of the site. To the south and south west there is a development of bungalows and houses, known as Coombe

Hayes and immediately to the west is a relatively new dwelling which sits slightly further forward of the existing house at No. 87.

The site is within the Built-up Area Boundary of Sidford. No other landscape designations apply to the site, but the site is within 20 metres of the boundary of the East Devon National Landscape.

Proposed Development

The application seeks approval for the demolition of the existing dwelling, and its replacement with 4 dwellings on the plot. The application is the same as the earlier 20/2653/FUL, which was refused on the grounds of insufficient information in respect of loss of habitat for protected species. The proposal was also dismissed at appeal for the same reason and this application seeks to overcome the previous reason for refusal.

The proposal includes two no. five bed 3.5 storey dwellings, with area 270 of square metres each, which includes an integral double garage to each dwelling. These dwellings would be sited on approximately the footprint of the existing house and a new access would be created off the A3052 in the middle of the highway frontage.

Two smaller dwellings are proposed on the lower part of the plot which would be accessed via the existing driveway which would be extended down the eastern edge of the site. These would sit perpendicular to the two larger dwellings at the top of the site. A 3 bed 2 storey dwelling with an area of 90 square metres is proposed for the northern of the two dwellings, and a 2 bedroomed bungalow with an area of 70 square metres would occupy the most southerly portion of the site.

The proposed dwellings would have tiled roofs, and a mixture of render and timber cladding to the elevations. Windows and doors are proposed in polyester powder coated aluminium. New hedge and tree planting is proposed to supplement to existing trees on site.

Analysis

The main issues to consider in the determination of this application are; the principle of replacing one dwelling with four in this location, the impact on the character and appearance of the area, the impact on the living conditions of the occupants of surrounding properties, the impact on the retained trees, the level of amenity to be provided for future occupiers and the impact on wildlife habitats.

It is relevant to note that the previous refused application was identical to this proposal except that now ecological information is provided. Previously the Council and planning inspector deemed the proposal was acceptable in all respects except with regard to impact on protected species. There have been no material changes in circumstances since the appeal decision except the Council has a reduced housing land supply and the emerging local plan is further advanced.

Principle of Development

The site is located within the Built-up Area Boundary (BuAB) of Sidmouth and as such Local Plan Strategy 6 applies. Its provisions permit development within BuABs where, among other things it would be compatible with the character of the site and its surroundings; would not lead to unacceptable pressure on services and would not adversely affect flood risk; would not damage and, where practical, support promotion of wildlife or townscape interests, and would not impair highway safety or traffic flows.

The application also needs to be considered in the light of East Devon's housing land supply position. As a result of the publication of the revised National Planning Policy Framework on 12 December 2024, the housing land supply position now stands at 2.97 years. As such in the absence of a 5 year housing land supply, the tilted balance (as at NPPF Para 11d) in favour of sustainable development applies and permission for development proposals should be granted unless the application of policies within the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development proposed; or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, and securing well-designed places. In addition, Policy 9 of the Neighbourhood Plan for the Sid Valley lends support to residential development on land within the BuAB, subject to the scale and design of the development being compatible with the characteristics of the character area as described in the Place Analysis and subject to compliance with other policies in this neighbourhood plan.

Emerging Local Plan Strategic Policy SP05: Development inside Settlement Boundaries also states that development within settlement boundaries will be supported in principle.

As such, the principle of development is acceptable and in line with Local Plan Strategy 6, Neighbourhood Plan Policy 9, and Emerging Local Plan Strategic Policy SP05, subject to an assessment of the other impacts of the proposal.

Design impact on character of site

The proposed two detached dwellings to the upper portion of the site have been designed to be at a similar ridge height to the house approved under the earlier 18/2023/FUL application, and the proposed ridge reflects the height of the neighbouring house to the west of the site at 89A Sidford High street. Although they are 3.5 storeys, the proposed dwellings have been designed to take advantage of the topography of the site, with the street facing elevation being two storeys within an additional storey of accommodation within the roof space. The lower ground storey effectively sits below street level but would be level with the rear gardens of the two northerly dwellings.

There is a significant difference in height between the two dwellings to the front of the site and the bungalows to the north of Bramble Close to the east of the proposed

dwelling. Beyond the bungalows there are further two storey dwellings further to the east of Bramble Close therefore the proposed dwelling would not be out of context with the height of other dwellings which face the A3052.

Turning to the development on the lower part of the site, rear garden development is not a characteristic feature of the area but the site at no. 87 is considerably larger than any of the neighbouring plots and each of the four new plots would still be comparable to those in the surrounding area. The subdivision of the site into four smaller plots would not therefore result in an uncharacteristically cramped form of development. The relatively modest dwellings have been designed to reduce any potential overbearing of the dwellings on the houses along Combe Hayes to the south of the site, steeping down from a two storey dwelling in the middle of the site to a bungalow at the very south end of the site. The roof of the bungalow is designed to slope away from the southern boundary to further reduce the visual impact of this house and any potential for overbearing.

The proposed elevational treatment of the upper street facing houses, of render, timber cladding and tiled roofs, reflect the characteristics of the area and the scheme proposes good quality windows and doors. The smaller houses to the south of the site are relatively bland in their elevational treatment but the proposed finishes of render for the two storey house and timber cladding for the bungalow would also not be out of keeping with the materiality surrounding the site.

In terms of the new access to the two upper houses, there are few properties accessed from the A3052 in the immediate area but an additional access would not significantly change the character of the road in this location. This element of the scheme is therefore considered acceptable.

The existing trees and hedges, which are discussed in more detail later in the report, are proposed as being retained, which would also help to screen the development and retain the character of the site. Further details would be required by way of condition in respect of the proposed external materials of the dwelling should the scheme be recommended for approval.

As such it is considered that the proposal would conserve the established character of the street scene and would not have any adverse impacts to the setting of the National Landscape close to the site, and therefore complies with Local Plan Strategy 6, Policy D1, Neighbourhood Plan Policy 9 and emerging Local Plan Strategic Policy DS01.

Heritage

There are no listed buildings anywhere near the site therefore the proposal would not lead to any adverse impacts upon any listed buildings.

In terms of below ground heritage, Devon County's Historic Environment Officer has commented that the proposed development site lies in an area where previous archaeological work undertaken in advance of other housing developments has revealed evidence of prehistoric settlements as well as associated artefacts such as flint tools and potsherds. Given the proximity of this proposed new development to

the sites of known prehistoric settlement, the groundworks associated with the construction of the four new dwellings have the potential to expose and destroy archaeological and artefactual material derived from the prehistoric settlement in the vicinity. It is recommended therefore that the impact of development upon the archaeological resource should be mitigated by a programme of archaeological work to investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

A written scheme of investigation would be required by way of condition upon any approval to ensure that an appropriate record is made of archaeological evidence that may be affected by the development.

In addition, the Historic Environment Team have also recommended the imposition of a second condition in respect of the required post-excavation works to ensure these are undertaken and completed to an agreed timeframe and that the record becomes publicly accessible.

With the required conditions in place, the proposal would comply with local plan policy EN6 and draft local plan policy Policy HE04.

Landscape Impact

The site has a number of significant trees, some of which are protected by Tree Preservation Orders. The proposal allows for the retention of all significant trees on site which is discussed in more detail later in the report.

As well as retaining key trees, the scheme allows for improvements to the existing banked hedgerows along the north western boundary with Sidford High Street, to the north eastern boundary to the rear of Bramble Close and to the south eastern boundary to the rear of Combe Hayes. These existing boundary hedges would be restored to include hedge laying, coppicing and gapping up with new hedge planting, subject to the agreement of joint boundary owners. New tree planting is also proposed along the south western boundary of the existing drive, and along the north eastern and south western boundary of the site. New hedges are proposed on the site to provide delineation between the upper and lower plots, and between plots 3 and 4.

Further detail would be required by way of condition in respect of the detailed landscaping scheme to include species of hedging plants, boundary treatments, details of materials of proposed hard landscaping including paths, driveways, proposed external gates and external steps.

The scheme proposes the retention and enhancement of the existing landscape features on the site. With the required condition in place therefore, the proposal would comply with Local Plan Policy D2, and draft Local Plan Strategic Policy OL01.

Residential / Neighbour Amenities

The existing house sits just over approximately 11 metres from the north eastern site boundary and between 18 and 17 metres from the north western boundary from Sidbury High Street. The proposed dwelling would sit slightly further back from the

road, at between 19 - 18 metres away from the High Street but would come closer to the north eastern boundary, being just under eight metres away. The side elevation of Plot 1 would be aligned with the side/rear garden of no. 5 and the front/side garden of no. 7. No. 7 Bramble Close is orientated with its principal rooms facing north west and south east, and only has a small en-suite bathroom window facing the application site. Plot 1 has no windows to its side elevation so there are no concerns in respect of overlooking of adjacent plots. The proposed dwelling is significantly taller than No. 7 Bramble Close, with a ridge height of approximately 90.2m AOD, the same as the ridge height of previously approved applications 16/1659/FUL and 18/2023/FUL, which is slightly above the existing ridge height of 89.24 at its highest. The previously approved schemes had hipped roofs whereas the proposal is for a gable roof. However the minimum distance between the flank elevations of proposed Plot 1 and No. 7 Bramble Close is 10.8 metres, therefore it is not considered that the dwelling would dominate the gardens of No. 5 and No. 7 Bramble Close owing to the separation distances between the dwelling and the existing and proposed soft landscaping which would screen the new dwelling. There would be no windows in the side elevations of plots 1 and 2 and although there would be rear balconies, they are not sufficient wide enough to be used for seating purposes and would be used as access to the steps and rear garden only. Any views from the rear windows to the windows in properties surrounding the site would be at an oblique angle and a distance of at least 20m. Similarly views to the north towards properties on the north side of the A3052 would be at a distance of about 27m to the boundary. Given these characteristics, the relationship between plot 1 and the neighbouring properties is acceptable.

On the other side, plot 2 would be a similar distance from the western boundary but would be in line with and a similar height to the neighbouring house at 89A. The relationship between these properties would be typical of what would be expected in an urban area and would not give rise to an adverse amenity impact.

The two lower dwellings, plots 3 and 4, would be smaller and oriented east to west rather than north to south. Both would have their main outlook to the front and rear, with the front facing the rear elevations of 1, 3 and 5 Bramble Close. Again, there is no comparison between the height of the new dwellings and those in Bramble Close but the difference would be much less stark and would not create an unacceptable relationship. Window to window distances would be around 24-25 metres and therefore would provide acceptable privacy.

The rear elevations of the lower dwellings would face the lower part of the garden of 89A Sidford High Street and the side garden of 17 Coombe Hayes but the separation distance of 20-21 metres to the boundary would avoid any intrusive impact. With regard to 18 and 19 Coombe Hayes which are situated to the south, the reduced scale of plot 4 means it would not appear overbearing or give rise to a loss of privacy.

Within the site, the four dwellings would have a close relationship with each other but for the most part the level of mutual overlooking would be within the tolerances that are typical of an urban area. However, the rear garden of plot 3 would have four storeys of accommodation looking down on it from plot 2. To mitigate this a hedge at the bottom of the gardens of plots 1 and 2 is shown on the site plan and the section

drawing indicates that it would be about 3.6m high, which is necessary to achieve a good level of privacy. This would be on top of a bank that would be around 2m higher than the garden at the rear plot 3. Although the combined height of the bank and hedge would be 5.6 metres, it would be on the north side of the garden of plot 3 and therefore would not cast a shadow. Moreover, it would not appear overbearing given that there would be a more open outlook to the south and west. In contrast, the hedge is likely to shade the garden of plot 2 but given that the house itself would be elevated and would have a raised balcony, there would be sufficient good quality amenity space.

In respect of noise, the intensification of use would be likely to add to existing levels of noise but there would be no material impact on any surrounding properties. In addition, subject to an appropriate surface treatment, the new driveway following the eastern boundary would not give rise to unacceptable levels of noise.

For the above reasons it is considered that the four new dwellings would have an acceptable relationship with the neighbouring properties and with each other.

All of the dwellings, including the smaller dwellings to the south of the site would comply with the National Described minimum space standards and it is considered that the dwellings would provide a good standard of amenity for future occupiers.

Given the above, the proposal would comply with Local Plan Policy D1 and draft Local Plan Strategic Policy DS01.

Highways, access and parking

Highways have commented that the proposed redevelopment would not create an unacceptable trip generation impact upon the local highway network, and that the proposed driveway access to Plots 1 and 2 can achieve the required visibility in both directions. The existing driveway visibility is also acceptable in both directions, and the proposed layout allows for vehicles to park and turn-off carriageway to re-enter the carriageway in a forward facing motion.

It is noted that the current footpath link to this site is very narrow and highways have recommended widening this into the verge of the A3052 to achieve a minimum standard of at least 1.5m, which would avoid the re-construction of the kerbline. Widening the existing footway would prioritise walking from the site, which is encouraged through both the local plan and draft local plan. Whilst it is acknowledged that the proposed widening would be of benefit to the site, this would only occur across the frontage of the site and the rest of the footway along the A3052 would be unaltered. The widening also needs to be balanced against the loss or partial loss of the hedgerow boundary to the site. The limited benefits of the proposed widening or therefore not considered to outweigh the harm to the loss of the hedgerow or the harm to the character of the site through the loss of the hedgerow. It is also of note that Highways considered the previous application for the same scheme acceptable, and did not request the widening of the footpath.

Highways have also recommended a Construction and Environment Management Plan (CEMP) be required by way of condition to help mitigate the effects of construction upon the local highway network.

The proposal contains 9 parking spaces, which is sufficient for the number of dwellings proposed. In addition, the local plan requires at least one bicycle parking space per dwelling therefore a condition would be imposed upon any approval requiring details of secure bicycle parking for plots 3 and 4. Draft local plan policy TR04 requires 1 bicycle space per bedroom but only limited weight can be given to emerging policy presently.

With the required conditions in place, the proposal would comply with Local Plan policy TC2, TC7 and TC9.

Ecology / biodiversity

The application is supported by protected species survey reports in respect of reptiles, dormice and bats. In response to a request for further information from EDDC's ecologist, a further Ecological Impact Assessment has also been submitted in respect of the scheme.

It is noted within the report that the site is overrun with bramble, but there is no evidence of Japanese knotweed or any other invasive weed species. The application is supported by an updated bat survey including three emergence surveys, which indicate that the building on site supports a day roost for common pipistrelle bats and low numbers of brown long-eared bats. A Protected Species Licence will therefore be required for the demolition of the existing house.

Mitigation, compensation and enhancement measures for bats include the provision of external bat boxes on two dwellings and boundary trees, and a dedicated bat loft within the roof space of plot 4. Bat mitigation guidelines recommends that compensatory long-eared bat lofts should be 5 m x 5 m x 2.8 m (loft floor to ridge), with a minimum ridge void no smaller than 2 m, therefore the loft void above Plot 4 is sufficiently sized to accommodate a suitable bat loft. Details of both internal and external lighting would be required by way of condition to ensure lighting levels on the site do not deter bats from accessing bat roosting features.

The development of the site would require a European Protected Species Licence (EPSL) for dormice. There is limited scope to provide suitable habitat for nesting dormice on a constrained residential site. Habitat clearance would need to be supervised by suitably licenced ecologist.

The site also supports an 'exceptional' population of slow worms on site and the mitigation strategy proposed includes a translocation exercise and supervised destructive search. This is considered acceptable subject to satisfactory detail being provided including details of a suitable site for translocation of the slow worms.

The proposal is considered to be acceptable, subject to a number of conditions to ensure that the works are undertaken in strict accordance with the submitted

Ecological Impact Assessment report, and to ensure that the mitigation and enhancement measures are in place prior to occupation of the site. A Landscape and Ecological Management Plan (LEMP) is also required prior to commencement on site to include full details of biodiversity measures referred to in the Ecological Impact Assessment. In addition to this a Construction and Ecological Management Plan (CECoMP) is also required prior to the commencement of any works on site, which would include details of the timings of proposed works and details of the proposed reptile translocation receptor site. A condition is also recommended in respect of lighting.

Natural England can only issue a licence if the following tests have been met:

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

Whilst decision makers should have regard to the 3 tests above it should be noted that the LPA is not expected to duplicate the licensing role of NE. An LPA should only refuse permission if the development is *unlikely* to be licensed pursuant to the derogation powers *and* Article 12 of the Habitats Directive was likely to be infringed.

In terms of public interest this proposal as a matter of principle accords with the national level of significantly boosting housing supply from which some economic and social benefits could accrue. Alternative scenarios are not easily discernible. Given what has been reported for this site (see above), the fact suitable mitigation measures are proposed and these elements have been found acceptable by the council's ecologist, there is no reason why a license would not be issued or why Article 12 would be infringed.

Consequently, there is no reason to suggest that, from the LPA's perspective, the proposal would be likely to offend Article 12 of the Habitat Directive or that a licence would be withheld by Natural England as a matter of principle.

With the required conditions in place, the proposal would comply with Local Plan Policy Strategy 47, Policy EN5, and Policy EN14 and Draft local Plan Policy PB03 and Policy PB07.

The application is exempt from the provisions of Biodiversity Net Gain owing to the application having been received prior to April 2024.

Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designation is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District

Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of the designation. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

Trees

The application is accompanied by an arboricultural appraisal and the report notes that the site hosts a significant number of trees, though many of these are largely inaccessible due to the dense bramble growth that proliferates across the lower, south-eastern half of the site.

The most important trees from a landscape perspective are those on the Sidford High Street frontage, with the key specimens comprising a Copper Beech, a Cedar and an Oak. The Cedar is protected under a Tree Preservation Order (TPO). Smaller specimens of Monterey Cypress, Sycamore and Field Maple sit between the larger specimens but have limited future potential due to the larger dominant trees therefore a number of these smaller trees are proposed for removal.

These trees sit within a banked hedgerow containing several species. The north eastern hedgerow boundary is also banked and contains hazel, ash, holly, elm and ferns on the hedgebank. The north eastern boundary contains one Ash and one Hawthorn tree which may be in third party ownership. These are covered by a TPO and are both retained within the scheme.

There are three large Monterey Pines to the upper lawn of the existing dwelling, which are under TPOs, and are noted as having a limited safe useful life expectancy and the report states that their removal will be almost inevitable in the next ten years. They have been retained within the scheme. The report states that space has been left within the layout to accommodate the unconstrained growth of a new tree to the south-east of the Monterey Pines, with this effectively forming the replacement under the Tree Preservation Order legislation for the recently felled fourth Monterey Pine.

There is also a significant Eucalyptus tree just beyond the south west boundary of the site, also protected by a TPO, which is a large and dominant specimen which may need to be managed by reduction in due course in order to maintain it at an appropriate size for its host garden.

Within the residential garden area itself, a Lombardy Poplar will be retained on plot 4, whilst an existing Willow tree would be retained on Plot 1. An area of overgrown apple trees to the south west of the site, which would form the rear garden of plot 4, would be removed due to their poor-quality.

'No dig' surfaces are proposed in places, including the driveway incursion into the root protection area of Cedar T3 and the driveway incursion into the root protection area of Ash T15.

Overall, the proposals allow for the retention of all of the key trees with a manageable risk of any harm as a consequence of construction activities. Any hard landscaping within the root protection area of any retained trees which includes changes in ground levels (cut or fill), new walls or new paths will require further arboricultural review to ensure that any detrimental impact is limited. As such it is considered appropriate to remove permitted development rights of the houses in respect of hard surfaces to safeguard the existing trees on site.

EDDC's tree officer has not commented upon the application, however the proposed scheme is the same as the previously submitted 20/2653/FUL application. The arboricultural appraisal has been re-undertaken for this application with the Arboricultural Method Statement and Tree Protection Plan having been revised to account for growth in the time between the submission of the two applications. The tree officer previously considered the proposal to be acceptable, subject to a condition to ensure appropriate tree retention and protection.

As such, should the scheme be recommended for approval a condition should be imposed in respect of the protection of the existing trees on site requiring compliance with the submitted Arboricultural Method Statement and Tree Protection Plan. With the required condition in place, the proposal would comply with Local Plan policy D3, draft Local Plan Policy PB08 and Sid Valley Neighbourhood Plan Policy 6.

Drainage

The application indicates that both foul and surface water drainage would be via mains drainage. Surface water disposal via mains drainage would not be acceptable in the absence of clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted. A condition would therefore be imposed upon any approval requiring surface water to be drained via soakaways unless otherwise agreed with the LPA.

With the appropriate condition in place the proposal would comply with Local Plan Policy EN22 and Draft Local Plan Strategic Policy AR01.

Other matters

The site is not within flood zones 2 or 3 therefore there are no concerns in respect of flooding. The application site sits within the Airport Safeguarding Area, however as the proposal is for housing rather than for any form of development that would attract bird life such as waste disposal sites, reservoirs, sewage works, major landscaping schemes, areas of water and bird sanctuaries, there are no concerns that the proposal would lead to an increase in bird activity on the site.

Conclusion

The proposed subdivision of the existing site would provide four dwellings on plot sizes that would not be out of character with the overall characteristics of adjacent development. Concerns have been raised that the houses to the upper portion of the plot would be overbearing and could result in overlooking of adjacent houses. The proposed heights of these houses is similar to that approved under earlier applications on the site, and the proposed location of windows together with the distance from neighbouring plot boundaries together with existing and proposed tree and hedge screening means that opportunities for overlooking would be minimised. The proposal respects the characteristics of the area and with the proposed conditions in place in respect of ecology, highways improvements to ensure improved pedestrian access to the site, and adequate tree protection, the proposal is considered to comply with policies contained within the East Devon Local Plan and the Sid Vale Neighbourhood Plan. On this basis the scheme is recommended for approval, subject to conditions.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.

(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

(Reason - For the avoidance of doubt.)

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

(Reason: A pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan 2013-2031, Policy HE04 (Archaeology and Scheduled Monuments) of the Draft East Devon Local Plan 2020 - 2042, and paragraph 205 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development.)

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

(Reason - To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.)

5. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), the following tree protection measures as identified in the submitted Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) dated 29th day of November 2023 will have been completed:

- a) The tree protection fencing shall be in place and in accordance with the agreed specification.
- b) The installed tree protection will have been inspected by an appropriately experience and qualified Arboricultural Consultant commissioned to act as the project Arboricultural Supervisor.
- c) The findings of the Arboricultural Supervisors initial site inspection shall be forwarded to Local planning Authority prior to the commencement of works on site.

During the development hereby approved, the following tree protections measures identified in the above AMS and TPP will be undertaken:

- d) The AMS and TPP dated 29th day of November 2023 shall be strictly followed.
- e) Ad-hock monthly site inspections shall be undertaken by a suitably qualified tree specialist and the finding recorded in the site monitoring log.
- f) Any departures from the approved TPP and AMS shall be reported to the Local Planning Authority in writing within five working days of the site inspection.

On completion of the development hereby approved:

- g) A completed site monitoring log shall be submitted to the Planning Authority for approval and final discharge of the tree protection condition.

(Reason: A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031, and Policy PB08 (Tree, hedges and woodland on development sites) of the Draft East Devon Local Plan 2020 - 2042, Policy 6 (Infill Development, Extensions And Trees) of the Sid Valley Neighbourhood Plan 2018-2032 and pursuant to section 197 of the Town and Country Planning Act 1990.)

6. Prior to the commencement of the development hereby approved, details of the construction of the access including details of the hedgerow to be removed shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. All other elements of the hedgerow are to be retained for the lifetime of the development.

(Reason – A pre-commencement condition is required to ensure that the access works are planned and provided in good time in the interests of highway safety for construction and other vehicles, and to preserve the character of the area in accordance with the requirements of Policy D1 (Design and Local Distinctiveness), Policy D3 (Trees and Development Sites) and Policy TC7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan 2013-2031 and Strategic Policy DS01 (Design and Local Distinctiveness) and Policy PB08 (Tree, hedges and woodland on development sites) of the Draft East Devon Local Plan 2020 - 2042.)

7. No development shall take place on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include the following:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.

(Reason: A pre-commencement condition is required to ensure that adequate facilities are available for construction and other traffic attracted to the site in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan 2013-2031.)

8. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The LEMP shall include biodiversity measures as referred to in the Ecological Impact Assessment (Encompass Ecology, December 2024), Proposed Biodiversity Enhancement Plan (Figure 7) and shall also include the following:
- Description and evaluation of features to be managed.
 - Ecological trends and constraints on site that might influence management.
 - Aims and objectives of management.
 - Appropriate management options for achieving aims and objectives.
 - Prescriptions for management actions.
 - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum 10-year period).
 - Details of the body or organization responsible for implementation of the plan.
 - Ongoing monitoring and remedial measures.

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

The approved plan will be implemented in accordance with the approved details.

(Reason: A pre-commencement condition is required to ensure that suitable mitigation is in place prior to commencement on site to ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031 and Policy OL09 (Control of pollution) and Policy PB03 (Protection of irreplaceable habitats and important features) of the Draft East Devon Local Plan 2020 - 2042.)

9. No development shall take place (including ground works) until a Construction and Ecological Management Plan (CECoMP) has been submitted to and approved in writing by the local planning authority. The CECoMP shall include the following.
- Risk assessment of potentially damaging construction activities.

- Identification of "biodiversity protection zones".
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication, including reporting compliance of actions to the LPA.
- The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements, i.e., for reptiles, dormice and bats.
- Use of protective fences, exclusion barriers and warning signs.

For the avoidance of doubt, the CEcoMP shall include a detailed reptile mitigation strategy including a site clearance methodology (including reptile fencing), and details of a secured reptile translocation receptor site in accordance with .GOV standing advice.

The approved CEcoMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

(Reason: A pre-commencement condition is required to ensure that suitable mitigation is in place prior to commencement on site to ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031 and Policy OL09 (Control of pollution) and Policy PB03 (Protection of irreplaceable habitats and important features) of the Draft East Devon Local Plan 2020 - 2042.)

10. The development hereby approved shall proceed strictly in accordance with the Ecological Impact Assessment report (Encompass Ecology Ltd, December 2024), in particular the ecological mitigation and enhancement measures detailed in Section 5, the Summary Impact Table in Section 5.18, and the Proposed Biodiversity Enhancement Plan (Figure 7). Prior to occupation, a written record shall be submitted to the local planning authority including a toolbox talk sheets detailing the results of reptile translocation and compliance with other licenced works (bats and dormice). The record shall also include photographs of the installed ecological mitigation and enhancement measures, including bat loft, bat and bird boxes, integrated bee bricks, hedgehog highways, and enhanced hedgerow planting.

(Reason: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031 and Policy OL09

(Control of pollution) and Policy PB03 (Protection of irreplaceable habitats and important features)
of the Draft East Devon Local Plan 2020 - 2042.)

11. Prior to the occupation of the development hereby approved, a sensitive lighting plan in accordance with BCT/ILP Guidance Note 08/2023 and Section 5.28 of the EclA (Encompass Ecology Ltd, December 2024), including a lux contour plan (considering internal and external lighting), shall be provided and agreed in writing by the Local Planning Authority. Under no circumstances should any additional (to the approved lighting plan) external lighting be installed without prior consent from the local planning authority.

(Reason: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031 and Policy OL09 (Control of pollution) and Policy PB03 (Protection of irreplaceable habitats and important features) of the Draft East Devon Local Plan 2020 - 2042.)

12. Prior to their installation details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. This should include the colour and finish of the roofing tiles, eaves and soffits, timber cladding, render, dormer roof and cheek finish, rainwater goods, and external doors, windows and cills and balcony details including deck, balustrade and external steps. The development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031 and Strategic Policy DS01 (Design and Local Distinctiveness) of the Draft East Devon Local Plan 2020 - 2042 and Policy 7 (Local Distinctiveness) of the Sid Valley Neighbourhood Plan 2018-2032.)

13. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any hard landscaped areas including driveway / turning areas and paved / patio area and external steps, as well as proposed boundary treatments and external gates to the site and adjacent proposed driveway. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the details are planned and considered at an early stage 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) D2 (Landscape Requirements) and D3 (Trees and Development Sites) of the Adopted East Devon Local Plan 2013-2031 and Strategic Policy OL01 (Landscape features) and Policy PB08 (Tree, hedges and woodland on development sites) of the Draft East Devon Local Plan 2020 - 2042.)

14. Plots 3 and 4 hereby approved shall not be occupied until provision for secure bicycle parking has been installed on site in accordance with details that have previously be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

(Reason - To ensure that adequate cycle parking is available in accordance with Policy TC9 (Parking Provision in New Development) of the Adopted East Devon Local Plan 2013-2031 and Policy TR04 (Parking standards) of the Draft East Devon Local Plan 2020 - 2042.)

15. Surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 45% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to installation. To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations. The development hereby approved shall not be occupied or brought into use until the agreed drainage scheme has been provided and it shall be retained and maintained for the lifetime of the development.

(Reason - In the interests of adapting to climate change and managing flood risk, and to accord with Policy EN22 - Surface Run-Off Implications of New Development of the East Devon Local Plan 2013 to 2031 and Strategic Policy AR01 (Flooding) of the Draft East Devon Local Plan 2020 - 2042.)

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule 2 Part 1 Classes E (the provision of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse) or F (provision of hard surfaces) or within Schedule 2 Part 2 Class A (gates, fences, walls).

(Reason - To prevent damage to retained trees in the site and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D1 (Design and Distinctiveness) and Policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031, and Strategic Policy DS01 (Design and local distinctiveness), and Policy PB08 (Tree, hedges

and woodland on development sites) of the Draft East Devon Local Plan 2020 - 2042.)

NOTE FOR APPLICANT

Informative:

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

Biodiversity Net Gain

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

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

The BG conditions states that development may not begin unless:

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

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

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

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

In this case exemption 4.1(i) from the list below is considered to apply:

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or

(ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

(i) the application for planning permission was made before 2 April 2024;

(ii) planning permission is granted which has effect before 2 April 2024; or

(iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

(i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

(ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

(i) consists of no more than 9 dwellings;

(ii) is carried out on a site which has an area no larger than 0.5 hectares; and

(iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Irreplaceable habitat

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

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

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

Plans relating to this application:

PP(02)-00 Rev B	Proposed Combined Plans	08.11.23
PP(02)-10 Rev A	Proposed Elevation	08.11.23
PP-20 Rev A A-	Sections	08.11.23
PP-21 Rev B B-	Sections	08.11.23
PP-22 Rev B C-	Sections	08.11.23
PP-SLP Rev B	Combined Plans	08.11.23
PP-SP Rev E	Proposed Site Plan	08.11.23
	Location Plan	05.12.23
PP(01)-00	Proposed Floor Plans	08.11.23
PP(01)-01	Proposed Combined Plans	08.11.23
PP(01)-10	Proposed Elevation	08.11.23
PP(01)-11	Proposed Elevation	08.11.23

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.

Key consultation responses appended in full:

EDDC District Ecologist

15/05/2024

1 Introduction

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

The report provides a review of ecology 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.

2 Review of submitted details

The application is supported by a Bat Survey Assessment letter report (Encompass Ecology, December 2023), Reptile Assessment report (Encompass Ecology, November 2023a), and Dormouse Assessment report (Encompass Ecology, November 2023b).

The current survey reports indicated the site supports an 'Exceptional' population of slow worms and nesting dormice, a European protected species. The bat

assessment letter report considers that bats are no longer roosting in the building on the site.

Dormice

The development of the site will require a European protected species licence (EPSL) for dormice. There is limited scope to provide suitable habitat for nesting dormice on a constrained residential site including the proposed measures of new hedging, hedge management, and nest boxes. Habitat clearance would need to be supervised by suitably licenced ecologist.

Reptiles

The reptile report is sufficiently detailed, and a reptile mitigation strategy will be required as a planning condition and to inform the clearance of the site. Reptiles will need to be translocated to a suitably secured receptor site.

As well as providing sufficient details regarding clearance methods, any mitigation strategy will also be required to provide details regarding any receptor site proposed. Translocation of reptiles is considered as a last resort and any translocation site will need to be suitable to support the 'Exceptional' population of reptiles and not be at the detriment to an existing wild population. It is expected that any mitigation strategy will be fully in accordance with .GOV standing advice on reptile translocations, including the receptor sites suitability and provisions for its long-term retention and future management.

Bats - roosts

The 2023 bat report considered that the building does not support roosting bats and the proposed demolition of the building would be unlikely to adversely impact roosting bats. This is based on a single bat emergence survey undertaken in late-August 2023 and a daytime survey. The report also references several other site visits between 2012-2020.

The report considers the building has deteriorated significantly since a previous bat emergence survey on 08/09/2020, when no bats were seen to emerge. The letter report also references 2016 and 2018 surveys, which from a review of previous planning applications only consisted of daytime surveys.

In 2014 the hanging tiles on the site supported a day roost used by at least two common pipistrelle bats and states that a European protected species licence will be required for the demolition of the house, as it would result in the destruction of a bat roost. This is reiterated in the 2016 and 2018 applications.

The 2014 report also states the further deterioration of the house would increase the 'potential for bat occupation'. The planning inspectorate comments (ref: APP/U1105/W/22/3300692) also allude to the site becoming more suitable for protected species, as the habitats develop into more semi-natural habitat.

In 2023, the house is noted have several missing hanging tiles and broken windows, offering multiple potential bat access points into the building. The survey did not include an inspection for bat droppings in the internal areas of the house (including the loft).

Insufficient details regarding the bat emergence surveys have been provided, such as number and location of surveyors, use of night vision aids (NVAs), as required for dusk emergence surveys in accordance with Bat Conservation Trust Interim Guidance (May 2022). Only two surveyors were used during the 2014 surveys and no details provided regarding subsequent surveys. The large house has multiple pitched roofs, with several valleys, and is surrounded by dense vegetation, such as trees. Therefore, there is also some concern over whether sufficient coverage of the building was provided for the surveys.

Bats - foraging and commuting habitats / Beer Quarry and Caves SAC

The 2023 letter report indicates some occasional use of the site by pipistrelle and serotine bats. Previous surveys of the site also recorded light adverse myotis bats, and barbastelle bat, an Annex II species.

The site is also located within a bat consultation zone associated with Beer Quarry and Caves Special Area of Conservation (SAC), and no mention of this or measures to reduce impacts on foraging and commuting bats are made.

Other protected and notable species

The site has been subject to several planning applications and number of ecological survey visits. Previous reports submitted to the various planning applications have identified the presence of legally protected and notable species including nesting birds, foraging badgers, and hedgehog, none of which are addressed in this planning submission.

3 Summary

The planning applications lacks sufficient details regarding ecological matters, in particular ecological impacts, mitigation, compensation, and enhancement measures provided for designated sites, legally protected and notable species including bats (roosts, foraging and commuting habitat), nesting birds, badgers, and hedgehogs.

The submitted reptile and dormouse reports are considered sufficiently detailed.

The application should be supported by an Ecological Impact Assessment (EclA) report in accordance with CIEEM (2018) guidance and .GOV standing advice for protected species. The EclA should cover the points raised above and refer to the most up to date survey guidance and policy including Devon County Council, e.g., dark skies, and East Devon Beer Quarry and Caves HRA guidance, and other best practice including the provision of integral nest boxes in accordance with BS42021:2022.

The EclA should refer to previous survey data, but the mitigation, compensation, and enhancement measures must be detailed in the report, cross referenced in plans, and be specific to this planning application.

Until such information is provided, I would object to the proposals.

Reason

ODPM Circular 06/2005 states: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

The application lacks sufficient information to determine that impacts on designated sites, legally protected and notable species are suitably mitigated and compensated for and lacks details of how the development will deliver ecological enhancement.

Therefore, the current submission would not be in accordance with National Planning Policy Framework Para 180(d), Strategy 47 - Nature Conservation and Geology, Policy EN5 - Wildlife Habitats and Features and Policy EN14 - Control of Pollution of the adopted East Devon Local Plan 2013-2031.

William Dommett MSc MCIEEM
District Ecologist

EDDC District Ecologist
26/02/2024

1 Introduction

This report forms the EDDC's Ecology response to the full application for the above site. It should be read in conjunction with the previous consultation response from 15/05/2024.

The report provides a review of the updated ecology 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.

2 Review of submitted details

Ecological Impact Assessment (EcIA)

The updated EcIA (Encompass Ecology Ltd, December 2024) addresses some of the comments raised by the District Ecologist in May 2024. Further information regarding ecological impacts, mitigation and enhancement measures for badgers, nesting birds and hedgehogs have been provided and are considered acceptable. Additional enhancement measures for invertebrates are welcome.

There is likely to be a minor negative impact on habitats on the site, rather than neutral (Table 5.28 of the EcIA), however, as the application was made prior to the introduction of mandatory biodiversity net gain (BNG) this cannot be quantified.

Bats

The application is supported by an updated bat survey including three emergence surveys undertaken in the optimal survey period in 2024. Survey methodology deviates from current guidelines (BCT Bat Conservation Trust's Bat Surveys for

Professional Ecologists Good Practice Guidelines (Collins (ed.), 2023), which recommends surveys are spaced at least three weeks apart for structures with high roost suitability.

The report considers the building supports a day roost for common pipistrelle and brown long-eared bats (low numbers). No DNA test has been undertaken to determine whether the long-eared bats are grey or brown long-eared bats. An EPSL will be required for the demolition works.

Mitigation, compensation and enhancement measures for bats include the provision of external bat boxes on two dwellings and boundary trees. Section 5.27 and the Biodiversity Enhancement Plan (Figure 7) notes that '*a dedicated loft provision to mitigate loss of long-eared bat roost*' will be provided in the loft of House Type 2 within Plot 4. The EclA describes the bat loft as,

This bat loft is proposed to be at least 5 metres in length, will be full height and lined with a traditional type 1F bitumen felt rather than a modern breathable modern roof membrane. The bat loft will be accessed through the gable end wall of the house via a Schwegler 1FE bat box located at the top of the western gable end wall.

Bat mitigation guidelines recommends that compensatory long-eared bat lofts should be 5 m x 5 m x 2.8 m (loft floor to ridge), with a minimum ridge void no smaller than 2 m. The loft void above Plot 4 has sufficient size to accommodate a suitable bat loft. As indicated in the EclA a lighting plan will be required to demonstrate that lighting levels on the site do not deter bats from accessing bat roosting features on the site, including the bat loft. Any lighting plan will need to encompass all buildings (both internal and external lighting) on the site especially given the amount of glazing proposed on the east elevations of Plot 1 and 2 and glazing on the south elevation of Plot 4.

Beer Quarry and Caves SAC

The site is within a landscape connectivity zone (LCZ) for all three qualifying species (greater horseshoe bat, lesser horseshoe bat and Bechstein's bat) associated with Beer Quarry and Caves Special Area of Conservation (BQ&C SAC). Given the small scale of the proposed development, it is considered the development is unlikely to result in a Likely Significant Effect (LSE) on the qualifying features of the BQ&C SAC. Therefore, it is considered that the proposal could be screened out of an appropriate assessment under the HRA process.

Dormice

The development of the site will require a European protected species licence (EPSL) for dormice. There is limited scope to provide suitable habitat for nesting dormice on a constrained residential site including the proposed measures of new hedging, hedge management, and nest boxes. Habitat clearance would need to be supervised by suitably licenced ecologist.

Reptiles

The site supports an 'exceptional' population of slow worms on site and a mitigation strategy proposed includes a translocation exercise and supervised destructive search. This is considered acceptable subject to a satisfactory detail being provided and a translocation site being secured in accordance with .GOV standing advice on reptiles which advises (summary below):

If translocating reptiles, the proposal needs a receptor site:

- close to the development site, and within the same LPA if possible*
- that is at least the same size as the habitat that will be lost, and larger if the lost habitat is of high quality*
- that will serve the same function as the habitat to be lost, for example it has hibernation features*
- with similar habitat to the area that will be lost, including water bodies*
- that does not currently support the same species, but can be improved to make it suitable*
- that will be safe from future development and managed in the long term*

3 Recommendations

If minded for approval, the following conditions are recommended:

-Works shall proceed strictly in accordance with the Ecological Impact Assessment report (Encompass Ecology Ltd, December 2024), in particular the ecological mitigation and enhancement measures detailed in Section 5, the Summary Impact Table in Section 5.18, and the Proposed Biodiversity Enhancement Plan (Figure 7). Prior to occupation, a written record shall be submitted to the local planning authority including a toolbox talk sheets detailing the results of reptile translocation and compliance with other licenced works (bats and dormice). The record shall also include photographs of the installed ecological mitigation and enhancement measures, including bat loft, bat and bird boxes, integrated bee bricks, hedgehog highways, and enhanced hedgerow planting.

-A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The LEMP shall include biodiversity measures as referred to in the Ecological Impact Assessment (Encompass Ecology, December 2024), Proposed Biodiversity Enhancement Plan (Figure 7) and shall also include the following:

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum 30-year period).
- Details of the body or organization responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP

are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

- No development shall take place (including ground works) until a Construction and Ecological Management Plan (CECoMP) has been submitted to and approved in writing by the local planning authority. The CECoMP shall include the following.

- Risk assessment of potentially damaging construction activities.

- Identification of "biodiversity protection zones".

- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

- The location and timing of sensitive works to avoid harm to biodiversity features.

- The times during construction when specialist ecologists need to be present on site to oversee works.

- Responsible persons and lines of communication, including reporting compliance of actions to the LPA.

- The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements, i.e., for reptiles, dormice and bats.

- Use of protective fences, exclusion barriers and warning signs.

For the avoidance of doubt, the CECoMP shall include a detailed reptile mitigation strategy including a site clearance methodology (including reptile fencing), and details of a secured reptile translocation receptor site in accordance with .GOV standing advice.

The approved CECoMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- A sensitive lighting plan in accordance with BCT/ILP Guidance Note 08/2023 and Section 5.28 of the EclA (Encompass Ecology Ltd, December 2024), including a lux contour plan (considering internal and external lighting), shall be provided prior to occupation. Under no circumstances should any additional (to the approved lighting plan) external lighting be installed without prior consent from the local planning authority.

Reason:

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

Therese Goodwin MA
Ecology Officer

South West Water

Proposal: Demolition of the existing dwelling and redevelopment of the site to provide four dwellings and a new vehicular access

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

Surface Water Services

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

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

Having reviewed the applicant's current information as to proposed surface water disposal for its development (domestic roof and driveway run off only) Please note that discharging to the public combined sewerage network is not an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

For Highway run off please contact the Highway Authority to agree disposal method. I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: DeveloperServicesPlanning@southwestwater.co.uk

County Highway Authority

Observations:

I have visited the site and reviewed the planning documents.

The demolition of the existing dwelling and re-development of the site of four dwellings will result in a net gain of three dwellings, of which I am satisfied will not create an unacceptable trip generation impact upon the local highway network.

The Sidford House driveway access can achieve visibility to standard in both the north and south direction, The existing, Garden House visibility is also acceptable in both the north and south direction. The site layout allows for vehicles to park and turn-off carriageway to re-enter the carriageway in a forward facing motion.

The site would be in a short walking distance to the facilities at Waitrose, however the current footpath link to this site, is of a narrow width and sub-standard. This footway could be widened into the verge of A3052 to achieve a minimum standard of at least 1.5m and would avoid the re-construction of the kerbline.

Should the application be approved, I would also recommend the provision of a Construction and Environment Management Plan (CEMP) to help mitigate the effects of construction upon the local highway network. Together with secure cycle storage to encourage sustainable travel.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. Off-Site Highway Works No development shall take place on site until the off-site highway works as shown on drawing no. **** have been constructed and made available for use.

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.