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| | | Committee Date: 13.05.2025 |
| Tale Vale (Plymtree) | 23/1247/MOUT | Target Date: 22.09.2023 |
| Applicant: | Mr J Persey | |
| Location: | Land North Of Plymtree Primary School Plymtree | |
| Proposal: | Outline planning permission for the construction of up to 30 dwellings (including affordable housing), open space, car parking, building for community use and associated infrastructure. All matters reserved except access. | |

RECOMMENDATION:

APPROVE the application subject to a S106 legal agreement and conditions.

EXECUTIVE SUMMARY

This application is before Members because it represents a departure from the adopted Local Plan and a contrary view has been expressed by the Ward Member and Parish Council.

The proposal is not in accordance with the Local Plan, with Strategy 7 stating that new development in the countryside, and outside Built-Up Area Boundaries should be strictly controlled. As planning applications must be determined in accordance with the development plan this would suggest that planning permission ought to be refused, unless material considerations indicate otherwise.

The application has been submitted in outline form for the construction of 30 residential dwellings with public open space, SuDs systems, landscaping and associated infrastructure. The proposal includes the provision of affordable housing at 50% (35% on-site and 15% off-site contribution). Access is to be considered at this stage, with a new access road being created from the lane in the south eastern part of the site. The proposed access has been found to be acceptable from a highway safety perspective. The reserved matter of access, which is sought under this application is therefore considered to be acceptable.

The site lies adjacent to existing residential development to the south and west, and the village recreation ground to the east. It does not have any designated landscape or other protective designation, although there are a number of heritage assets, including the Grade I St Johns the Baptist Church, Grade II* Pencepool Farm, and Grade II Knights Cottage and Beech Cottage listed buildings

adjacent to the boundaries of the site. Any harm identified by the Conservation Officer is considered to be at the lower end of less than substantial harm and concerns their setting rather than any direct effect to those buildings. In this respect it is necessary to consider the public benefits of granting permission over any harm. The benefits identified above, particularly in terms of the delivery of additional dwellings and the provision of affordable housing, are considered, on balance, to outweigh any such harm.

The character and appearance of the site would change quite significantly from its current rural setting to a more urban built form, although it is proposed to retain the majority of trees, and to create large areas of landscaping within the site. The landscape and visual effects are generally localised, with limited views in and from the site. The submitted layout is illustrative, however it is considered to demonstrate that the suggested level of development can be accommodated on the site whilst having regard to the topography of the site and surrounding development.

The provision of a village shop/parking and a parking area for the school will be of benefit to local residents although they are not required as part of the wider development under any policy and therefore cannot be secured in any legal agreement with the council.

In applying the planning balance there is a need to weigh any harm caused by development outside of any defined development boundary, and consequently contrary to Strategy 1 (Spatial Strategy for Development in East Devon), 7 (Development in the Countryside) and 27 (Development at the Small Towns and Larger Villages), against the need for housing within the district. In this case the development is sustainably located adjacent to the centre of the village and consequently supported by Strategy 3 (Sustainable Development) and the provisions of the NPPF²⁴. It is also a preferred residential site allocation for 30 dwellings in the Regulation 19 Draft Local Plan having been considered and adopted by the Strategic Planning Committee.

It is recognised that the application has attracted a number of objections from the Parish Council, Ward Member and neighbouring residents. However, on balance, having regard to all planning issues and material considerations, the need for new and affordable dwellings to boost the future housing supply of the district is considered to justify a departure from the Local Plan.

It is recommended therefore that outline planning permission (with access approved) is granted subject to the completion of a S106 agreement and the conditions set out below.

CONSULTATIONS

Local Consultations

Tale Vale - Cllr Richard Jefferies – 15.08.23

This application is too large for the village.

I have concerns about the sustainability of the location, increased traffic on narrow lanes, flooding, sewerage and with the effect of a development of this scale on the character of the village.

Parish/Town Council – 27.06.24

The revised application does not materially respond to the concerns voiced in the Parish Council's response to the original application. We note that the current consultation proposes that building on that site is rejected.

Parish/Town Council – 27.07.23

Please be aware that Plymtree Parish Council held a consultation meeting about 23/1247/MOUT on Monday 17 July to elicit views from local residents and will hold a formal council meeting on 25 July, after which the council will provide a submission to the planning portal. It will not be possible to provide observations on such a major local development plan within the 23 days requested in the notification.

William Lines

Clerk to Plymtree Parish Council

The Parish Council objects to the development because of both the scale and the site.

1. The scale of the development is too large, with concerns about the volume of additional sewage as the existing sewerage system is observed locally to be insufficient for the current population, and an increase in volume of traffic, especially the safety concerns for traffic passing the school.

2. The site of the development, based on safety concerns for the proposed access point.

Summary of Technical Consultations (Full Responses in Appendix 1)

Housing Strategy/Enabling Officer - 17.06.24

SUPPORT

I note the percentage of affordable housing has been changed to 35%. Under current policy Strategy 34, a requirement of 50% affordable housing is required. However, given the lack of a 5 year land supply and under delivery of homes, I feel this is a reasonable offer.

Tenure - Strategy 34 sets a target of 70% for rented accommodation and 30% for affordable home ownership. For the proposed 10 affordable units, this would amount to 7 rented units and 3 units for affordable home ownership. The rented units should be provided as Social Rent as this is more affordable to local incomes in East Devon. Housing Mix - will be determined at Reserved Matters stage. All affordable units should also meet M4 (2) standards.

East Devon District Council recognises the challenges faced by many residents due to the high costs of both buying and renting. This application will provide 10 affordable homes, so will help us meet this challenge.

County Highway Authority – 23.07.2024

Observations:

I have visited the site in question and reviewed the planning documents of this planning application.

The application is outline only, therefore I will reserve commenting upon the internal site layout.

The application includes a speed survey which allows the visibility splay to be provided for the access to be tailored to the actual speed of the road, therefore we accept a visibility splay of 33m in both directions with an 'x' depth of 2.4m, in accordance to Manual for Streets 1 and 2, where the speed of the road has been established at 25 miles an hour, this will also need a vertical clearance of 0.6m and above.

I am satisfied that this access can be established in the south-east corner of the development which as the primary access will be better placed than the proposed emergency/ footway access, of where there is increased interaction of traffic. Therefore from a technical highway consultee perspective, I have no objection to this. The ATC traffic count carried out, showed that during peak hours one vehicle per minute passes the vicinity of this development, therefore, I am happy to accept that this planning application is unlikely to exacerbate the trip generation upon the local highway network to an unacceptable level. That being said, should this application come forward for a full application, I would advise that a comprehensive, Construction and Environment Management Plan (CEMP) is submitted to help mitigate against any construction impact upon the road network including wheel-washing, contractor car-sharing, 'just-in-time' deliveries and before and after road surveys. Together with secure cycle storage for each dwelling to encourage sustainable travel, especially to the local facilities, of the shop, church and school.

The proposed internal car park for the primary school is still being retained together with parking for knights cottage, both of these features will help alleviate on-street parking, which is a betterment on highway safety grounds.

Therefore, overall at this outline application stage, the County Highway Authority (CHA) has no objection to this planning application.

Addendum 23/07/2024

The CHA has reviewed the re-consulted plans and we satisfied that our stance remains the same.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

Conservation

AMENDMENTS

01.08.2024

The conservation assessment of the amendments should be read in conjunction with earlier comments provided on 19.09.2023 and those offered by Historic England dated 09.08.2023 and more recently 27.06.2024.

As discussed, the revised site layout plan goes towards addressing concerns regarding the 'erosion of a principal outward view from the identified listed buildings within the village as a result of the sites location.' Through reducing the number of dwellings within the plot to the north of the church and those to the east, which in turn allows for a larger green space.

Notwithstanding the revised layout, which is welcomed, there will inevitably be harm to views and experience from the identified assets, that fails to preserve the setting of the assets and to a lesser extent their significance, harm which needs to be weighed against public benefit through the planning assessment.

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant consent for any works to have special regard to the desirability of preserving the setting of heritage assets.

Paragraph 205 of the National Planning Policy Framework [NPPF] explains that great weight should be given to the conservation of designated heritage assets. Paragraph 208 states that any less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal.

In this respect the revised layout continues to fail to preserve the setting of the identified heritage assets and to a lesser extent results in less than substantial harm to their significance, harm which needs to be weighed against public benefit through the planning assessment.

Historic England – 27.06.24

Historic England previously provided advice in respect of the proposed application (dated 9 August 2023). This letter should be read in conjunction with our earlier correspondence. Historic England's interest relates to the grade I listed St John the Baptist and grade II* Pencepool Farmhouse.

The revised scheme has sought to create a clearer green open space that cuts across the site at its eastern end. Some development still remains to the north of the church with the development to the west has been set back from the previous building line.

Overall the scheme has reduced the extent by which the urbanising character would erode the setting of the identified heritage assets. However, some harm will still remain through the erosion of the green rural landscape by the proposed development. The council will need to consider any resulting harm within the planning balance, ensuring that sufficient public benefit have been provided to outweigh the proposed harm (NPPF, Para 208). They should also seek to ensure that all opportunities have been taken to enhance and better reveal the significance of the heritage asset (NPPF, Para 212).

Recommendation

Historic England has concerns regarding the application on heritage grounds.

02.10.2024 South West Water

Foul Water Flows

It is noted the applicant proposes to discharge to the mains sewer. There should not be any need for reinforcement on the waste network for this site.

The storm overflow at the treatment works will be investigated and receive investment. The foul flows from this site will be taken into consideration as part of that assessment.

It is noted the applicant will be seeking adoption of the network from SWWL. If this is the case, the applicant is reminded that SWWL requires the sewers to be design and constructed in accordance with the latest version of Design and Construction Guidance. SWWL offer a pre- design discussion/assessment service.

Surface Water Flows

SWWL comments relate to domestic run off from the site (run off from roofs and driveways (land appurtenant to buildings)), subject to the sewers being designed and constructed in accordance with the Design and Construction Guidance (DCG).

It is noted the applicant proposes to discharge to a sustainable drainage system using an attenuation basin and tanks system, followed by discharge to a watercourse.

Potable Water Supply

The existing water distribution network has sufficient capacity to supply this development.

DCC Flood Risk Management Team – 08.07.24

No objection subject to conditions

Police Architectural Liaison Officer . 14.06.24

Should the application progress, it would be beneficial if designing out crime is referenced in any future Design and Access Statement (DAS) or any addendum to the existing one, in order to detail how the scheme has considered and embedded designing out crime principles into its design.

NHS Local (Eastern Locality) 04.08.23

see report under "document" tab

EDDC Trees

21/06/24 - Previous comments still apply.

EDDC Trees – 14.08.23

In principle I have no objection to the proposal, however the following 2 concerns are raised:

1) The location of parking area and hard landscaping within the RPA of T10 (Oak, categorised as B but considered potential A category). The no dig surface is unlikely to be feasible due to changes in ground levels. Parking and hard landscaping should be located wholly outside of the RPA.

2) The impact of the new access encroaching into the RPA of T8 (Silver Birch, C category but considered more appropriate as a B category tree). It appears that there space to route the new access road between the RPA's of T7 and T8.

Environmental Health – 04.07.23

A Construction and Environment Management Plan (CEMP) must be submitted and approved by the Local Planning Authority prior to any works commencing.

Contaminated Land Officer – 04.07.23

I have considered the application and do not anticipate any concerns in relation to contaminated land.

EDDC Landscape Architect – 28.09.23

The lack of highway details is of concern given that the application covers access. Detailed plans showing the proposed access arrangements and associated vegetation clearance and grading works are required prior to determination.

Notwithstanding the lack for highway information the proposal is likely to give rise to significant landscape and visual effects within the immediate vicinity of the site which should be weighed in the planning balance.

Other Representations

Sixty four representations have been received, 49 raising objections, 6 in support, and 9 making representation: these are summarised below

Objections

- The site is outside of any built up area boundary
- Unsustainable rural location
- Within an area identified as vulnerable to flooding
- Scale of development inappropriate to village location
- Existing road system unable to cope with scale of the development
- Lack of public transport to the village
- Access at dangerous point in the road
- Impact on setting of Grade I and Grade II* Listed Buildings
- Concerns regarding surface water runoff and the adequacy of foul drainage systems
- Ecological surveys are inadequate
- No Biodiversity Net Gain (BNG)

- Attenuation pond is health and safety risk
- Relocation of shop unsuitable, not visible and off the beaten track
- Unresolved pedestrian access into village
- Density out of character with village setting
- Impact on the character and appearance of the area
- Lack of infrastructure within the village
- Lack of clarity over management of attenuation pond
- Noise and disturbance from construction activities
- Potential light pollution
- Additional ongoing noise and disturbance from future residents
- No definition of affordable housing

Support

- The village needs new housing to encourage younger people
- Clear need for affordable housing
- Will provide safer footpath access from main residential areas to village hall and playground
- Will provide additional recreational space within the village
- Provision of off street parking for the school
- New development is needed to maintain existing facilities
- New development will support and sustain existing businesses

Neutral

- New community ship would be valuable to Plymtree Village Shop Association (PVSA), but needs to be visible to passing traffic and accessible
- Village has good range of facilities but shortage of people to manage and maintain them
- Connection from site to parish hall and recreation ground will require access over land leased to local charity and funding will be required for legal agreement and maintenance
- Support for new building but need more self-build dwellings
- Country lanes and restricted highway access is part of living in a rural community

PLANNING HISTORY

| Reference | Description | Decision | Date |
|------------------|---|-----------------|-------------|
| 86/P1955 | Residential Development To Include Open Space And Playing Field | Refuse | 09.12.1986 |

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)
Strategy 3 (Sustainable Development)
Strategy 5B (Sustainable Transport)
Strategy 7 (Development in the Countryside)
Strategy 27 (Development at the Small Towns and Larger Villages)
Strategy 34 (District Wide Affordable Housing Provision Targets)
Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)
Strategy 38 (Sustainable Design and Construction)
Strategy 43 (Open Space Standards)
Strategy 46 (Landscape Conservation and Enhancement and AONBs)
Strategy 47 (Nature Conservation and Geology)
Strategy 48 (Local Distinctiveness in the Built Environment)
Strategy 49 (The Historic Environment)
Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)
EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)
EN8 (Significance of Heritage Assets and their setting)
EN9 (Development Affecting a Designated Heritage Asset)
EN13 (Development on High Quality Agricultural Land)
EN14 (Control of Pollution)
EN16 (Contaminated Land)
EN21 (River and Coastal Flooding)
EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)
TC4 (Footpaths, Bridleways and Cycleways)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP01 - Spatial strategy Draft
Strategic Policy SP02 - Levels of Future Housing Development Draft
Strategic Policy SP06 - Development Beyond Settlement Boundaries Strategic Policy
Strategic Policy SP07 - Delivery of Infrastructure Draft

Strategic Policy SD25 - Development Allocation at Plymtree Draft

Strategic Policy AR01 - Flooding Draft

Strategic Policy HN01 - Housing to Address Needs Draft
Strategic Policy HN02 - Affordable Housing 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

Strategic Policy PB01 - Protection of Internationally and Nationally Important Wildlife Sites Draft
Strategic Policy PB04 - Habitats Regulations Assessment Draft
Strategic Policy PB05 - Biodiversity Net Gain Draft
Policy PB07 - Ecological Enhancement and Biodiversity in the Built Environment Draft
Policy PB08 - Trees, Hedges and Woodland on Development Sites Draft

Strategic Policy OS01 - Access to Open Space and Recreation Facilities Draft
Policy OS02 - Sport, recreation and open space provision in association with development Draft

Strategic Policy HE01 - Historic Environment
Policy HE02 - Listed Buildings

Government Planning Documents

NPPF (National Planning Policy Framework 2024)
National Planning Practice Guidance

Site Location and Description

The application site comprises a large irregularly shaped field to the north and east of the main body of the village of Plymtree. Plymtree is not identified as a sustainable settlement in the adopted Local Plan and has no built up area boundary .

The site extends to an area of around 2.94ha and is currently within an agricultural use, being laid to grass. It is located outside of any identified built-up area boundary although there are existing residential properties and the primary school adjoining the site to the south and west, and the village recreation ground adjoins the eastern boundary of the site. The south-eastern part of the site adjoins the public highway (Class C road) that leads from Tyes Cross into the village centre.

Three listed buildings are also adjacent to the site, with the Grade I St John the Baptist church and church yard abutting the south-western corner, and Knights Cottage and Beech Cottage adjacent to the southern boundary.

Plymtree village lies around 5km south of the nearest sizable town of Cullompton. The village has a limited number of services and facilities, including a community shop, church, primary school, public house, village hall and recreation ground.

Proposed Development

This application seeks outline planning permission, with all matters reserved except access, for the development of up to 30 dwellings, including 9 affordable units. The indicative layout shows a central spine road with housing on both sides within the central and eastern side of the site, leading to a village green and open space area, with a potential village shop adjacent to this and a further 2 houses and attenuation feature in the western side of the site.

In addition, it is proposed to create a car park to serve the village school which lies to the south of the site and parking to serve Knights Cottages

Vehicular access is taken from the southeastern side of the site, from the C class road which leads out of the village towards the recreation ground and village hall. A pedestrian access is indicated in the northwestern corner of the site providing a link to the northern side of the village, with a further pedestrian access in the southwest section of the site.

ANALYSIS

The main issues to be considered in the determination of this application relate to:

- Policy Position and The Principle of Development (including consideration of housing supply within the district)
- Affordable Housing
- Transport and Access
- Design and Layout
- Heritage Impact
- Landscape and Visual Impact
- Residential Amenity
- Arboricultural Impact
- Drainage and Flood Risk
- Ecology/Biodiversity
- Open Space
- Loss of Agricultural Land
- Planning Obligations
- Planning Balance and Conclusions

Policy Position and Principle of Development

East Devon Local Plan 2013-2031 (EDLP)

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

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

There are no other policies of the EDLP that provide the specific policy support required by Strategy 7, and there is no neighbourhood plan for Plymtree, as such the proposal represents a departure from the development plan.

Emerging East Devon Local Plan (Consultation draft)

A new East Devon Local Plan is under preparation and a Draft Local Plan has been produced and has been consulted upon; following on from this site allocations have been determined and agreed upon by the Council. The Emerging Plan has reached Regulation 19 stage, with the consultation period on the draft plan having closed on 31 March 2025.

At this stage proposed Strategic Policy 1 (Spatial Strategy) sets out the proposed strategic approach for delivery of new development which includes limited development at the Service Villages, which includes Plymtree.

Strategic Policy SD25: Development Allocation at Plymtree identifies and allocates the site (Land north of the School (Plym_03) for 30 new homes and a community facility.

Site selection work carried out to aid preparation of the emerging plan considered the site to be *“particularly sensitive in heritage terms and detailed assessment will be needed to ensure that an acceptable design solution is reached that respects the special character of the area and the setting of the heritage assets around the site. Footpath links to local facilities will be required as part of the development. The development will need to maximise opportunities for localised improvements/ contributions to enhance sustainable travel modes.*

This site has been considered by the Strategic Planning Committee and the originally proposed allocation of the site for 43 dwellings was agreed to be reduced to 30 dwellings. This is reflected in the Regulation 19 consultation documents.

The inclusion of the site as a future housing allocation demonstrates the Council's view of the suitability of the site in principle, however only very limited weight can be afforded to this draft plan at present.

National Planning Policy Framework (NPPF)

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

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

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

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

The most recent information indicates that the Council's 5 year housing land supply (YHLS) stands at 2.97 years and as such the presumption in favour of sustainable development applies unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed.

The policies of the adopted East Devon Local plan which are directly related to the supply of housing have evidently not maintained a suitable supply of housing within the district. These policies include, amongst others, establishing settlement boundaries to control sporadic development and a hierarchy of settlements and must now be considered to be out of date, carrying limited weight.

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

Affordable Housing

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

Strategy 34 (District Wide Affordable Housing Provision Targets) of the adopted EDLP (2016) states that affordable housing will be required on residential developments in East Devon. Areas to which higher (50%) affordable housing targets apply: Outside of the areas listed above (i.e. all other parts of East Devon including all settlements not

listed, coastal and rural areas and Budleigh Salterton and Sidmouth) 50% of the dwellings shall be affordable subject to viability considerations. The 50% figure applies to all areas that do not come under the 25% classification and which are permitted under Strategy 35 'Exceptions' policy. Strategy 34 sets a target of 70% for rented accommodation (social or affordable rent) and 30% for affordable home ownership.

The absence of a five year housing land supply however means that policies important for decision making in regard to housing delivery are considered to be out of date. As such less weight can be given to built up area boundaries.

Strategic Policy HN02: Affordable Housing of the Reg. 19 Plan requires affordable housing on all developments with a capacity of 10 or more in non-designated rural areas. On allocated sites within the new plan, such as the application site, the requirement is for 30% affordable housing, with the tenure mix of 65% Social Rent and 35% Intermediate or other forms of affordable housing. However, this draft policy has yet to be scrutinised and at the present time carries very limited weight, and as such the Councils position remains that 50% affordable housing is required to satisfy Strategy 34 (District Wide Affordable Housing Provision Targets).

As submitted the application proposed 35% affordable housing, however this figure has been amended to reflect the adopted policy requirement, with the provision of 35% on site affordable housing, and a 15% off site contribution, understood to be £115,832.

Whilst not strictly policy compliant officers consider the offer to be reasonable when considering the policy context set out above.

Transport and Access

The site is within easy distance to a number of facilities including the village school and church which are adjacent to the site. The community village shop is accessible via a new pedestrian access on the western side of the site, and the recreation ground and parish hall are located to the east of the site, with a proposed crossing to the lane facilitating pedestrian access to the parish hall. The village pub lies to the south west of the site, within easy walking distance.

Strategy 5B (Sustainable Transport) of the EDLP (2016) states that development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport. Development will need to be of a form, incorporate proposals for and be at locations where it will encourage and allow for efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport.

Policy TC2 (Accessibility of New Development) of the EDLP (2016) states that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.

Policy TC4 (Footpaths, Bridleways and Cycleways) of the EDLP (2016) states that development proposals will be required to include measures to provide, improve and

extend facilities for pedestrians and cyclists commensurate with the scale of the proposal. Policy TC7 (Adequacy of Road Network and Site Access) of the EDLP (2016) states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy TC9 (Parking Provision in New Development) of the EDLP (2016) states that spaces will need to be provided for parking of cars and bicycles in new developments. All small scale and large scale major developments should include charging points for electric cars.

The application is submitted in outline with the only detailed matter for consideration relating to access to the site. Vehicular access is proposed from the existing highway at the southeastern part of the site with a new junction being created to the southwest of an existing field access. A 5.5m wide carriageway is proposed at the entrance, narrowing to 4.8m through the main body of the site with a 2m wide footway on the southern side of road. Pedestrian links are proposed through the southwestern part of the site adjacent to Keepers Cottages and a further pedestrian link to the northwest of the site. A further possible pedestrian route through the adjacent recreation ground to the village hall is also indicated within the supporting transport assessment.

Visibility splays would be achieved by the removal/relocation of part of the boundary hedging and one tree to provide 2.4m x 33m visibility in both directions.

The proposed access arrangements have been considered and found to be acceptable by the Highway Authority, finding the visibility splays appropriate to the speed of traffic using this road. It is further accepted, from the submitted traffic survey, that the additional volume of traffic is unlikely to result in an unacceptable level of trip generation arising from the development.

Off-street parking is proposed on the illustrative site plan, with the suggested provision in accordance with local planning policy. The provision of a school car park and parking for Knights Cottages will help to alleviate on-street parking, as will the additional parking for the school. By reducing on street parking pressures, particularly at school dropping off and picking up times this would result in a positive impact on highway safety which is considered to weigh positively in the planning balance. This is considered to be a betterment in highway safety terms and would comply with the provisions of Policy TC7 (Adequacy of Road Network and Site Access) of the Local Plan

It is recognised that the village of Plymtree is located in a relatively remote location, and served by limited public transport, and that for some essential services, such as secondary education, and doctors surgeries travel beyond the village which would entail the use of private transport. However, this is true of many such villages, and that whilst not all of the sustainability criteria can be met, there are sufficient facilities and services within the village and the local highway network is capable of accommodating the development without detriment to highway safety. such that the development is generally considered to comply with Strategy 5B (Sustainable Transport), TC7 (Adequacy of Road Network and Site Access) and TC4 (Footpaths, Bridleways and Cycleways) of the local plan.

Design and Layout

Section 12 of the NPPF, 2024 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development (para 131). In addition, development should function well and add to the overall quality of the area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and be sympathetic to local character and history, including the surrounding built environment and landscape setting (para 135). Development that is not well designed should be refused (para 139)

Strategy 48 (Local Distinctiveness in the Built Environment) of the adopted EDLP (2016) states that local distinctiveness and the importance of local design standards in the development process will be of critical importance to ensure that East Devon's towns and villages retain their intrinsic physical built qualities. Where towns or villages are or have been despoiled, we will seek to have qualities reinstated through good design. Use of local materials and local forms and styles will be essential to this distinctiveness.

Policy D1 (Design and Local Distinctiveness) of the Local Plan sets out detailed criteria to ensure that new development is of a high quality design and is locally distinctive. In particular, development should respect the key characteristics and special qualities of the area and ensure the scale, massing, density, height, fenestration and materials of buildings relate well to their context. In addition, development should not adversely affect the urban form in terms of significant street patterns, groups of buildings and open spaces.

The application has been submitted in outline, with matters of design, appearance, layout and scale forming reserved matters to be considered in detail should an outline consent be forthcoming. Nevertheless, an illustrative masterplan layout has been submitted which identifies, and seeks to address, the constraints of the site, both in physical terms and heritage impact.

The Design and Access Statement submitted makes reference to the topography of the site, surrounding development and adjacent listed buildings and offers a number of mitigating proposals including the creation of new public green space, additional planting, retention of field boundaries and suggested development avoiding the most prominent parts of the site.

During the course of the application the indicative layout has been amended in response to heritage concerns with the revised layout remaining rather basic, having limited reference to the form and layout of the existing village, although greater regard has been had to the setting of the heritage assets. However these plans are illustrative only and help to demonstrated the capacity of the site, rather than being prescriptive. Any reserved matters application would need to address specific concerns raised regarding layout and form as well as design and appearance of the built form.

Overall, it is considered that the level of development proposed could be accommodated on the site, by retaining existing landscape features and providing

additional areas of landscaping such that it would not result in a cramped form of development at odds with the grain of development within the village or surrounding built form. It is considered that the proposals would therefore comply with the provisions of Policies D1 (Design and Local Distinctiveness) of the Local Plan, and the advice contained within the NPPF23.

Heritage Impact

The statutory duty contained in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving listed buildings or their setting, or any features of special architectural or historic interest which they possess. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Section 72 requires the decision maker pay special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that development proposals should not adversely affect the distinctive historic or architectural character of the area.

Policy EN9 (Development Affecting a Designated Heritage Asset) of the Local Plan states that the Council will not grant permission for developments involving substantial harm or total loss of significance of a designated heritage asset unless it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site.
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.
- c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible.
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance should be wholly exceptional.

Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy EN9 reflects the guidance set out in paras 207 to 210 of the NPPF, 2024.

Paragraph 208 of the NPPF requires that Local Planning Authorities identify and assess the particular significance of any heritage asset. Paragraph 212 requires that great weight is given to the conservation of designated heritage assets and this position is further supported by EDLP Strategy 49 (The Historic Environment) and Policies EN8 (Significance Of Heritage Assets and Their Setting) and EN9 (Development Affecting A Designated Heritage Asset).

It is considered that whilst there is currently no public access to the site, and restricted visibility into it from its immediate surroundings, it may be visible from further afield, and that from the southern part of the site, views of the open countryside beyond the village can be afforded.

There are a number of identified Heritage Assets to the south and west/northwest of the site. The most important of these is St John the Baptist Church (Grade I) and its associated churchyard. The significance of this is very high, particularly in views from the west and from the main road through the village. From the site the area closest to the churchyard is the most sensitive, with views across the churchyard and of the church tower.

Pencepool Farm (Grade II*) and other associated buildings (Grade II) lie to the north west of the site, largely screened by existing vegetation and although the site was previously associated with both the church and the farmhouse, it is not considered that the site contributes to the setting or significance of these buildings, although it is noted that some open space along the north western boundary would be appropriate.

Other listed buildings, Rose Cottage (Grade II), Knights Cottage (Grade II) and Beech Cottage (Grade II) lie adjacent to the south, and are visible from within it, to varying degrees, although it is considered that with the maintenance of open space to the respective boundaries, any impact of the proposal would result in a only a low level of less than substantial harm, which needs to be balanced against the public benefits offered by the scheme.

It is acknowledged that the proposal would result in less than substantial harm to the setting of adjacent listed buildings through the introduction of new residential development, and the relationship between the heritage assets and change in the way the heritage assets are experienced. However, the final layout including landscaping and position of buildings would be a reserved matters application and it is expected that buffers are provided between heritage assets and built development to reduce the harm. Planting is proposed within and around the site which will help integrate and screen the development into the landscape but this will only go so far.

Where harm is identified, clear and convincing justification needs to be provided for any harm to, or loss of, the significance of a designated heritage asset including development within its setting (NPPF, Para 213).

In cases where the scheme will affect an element within the setting of affected assets, it should be considered as harmful. In the consideration of the application, any harm needs to be shown to be demonstrably outweighed by the public benefits offered by the scheme (NPPF, 215).

Landscape and Visual Impact

Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the Local Plan requires that development will need to be undertaken in a manner that is sympathetic to and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty (now known as National Landscapes (NLs)).

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that development proposals should not adversely affect important landscape characteristics or prominent topographical features.

Policy D2 (Landscape Requirement) of the EDLP (2016) states that existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. Measures to ensure safe and convenient public access for all should be incorporated. Measures to ensure routine maintenance and long term management should be included. Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping. The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

The site comprises an agricultural field, enclosed by mature hedging to the north and eastern boundary and by built development to the south and east. It is identified as Grade 4 agricultural land and 3E Lowland Plains Landscape Character. The land rises from around 62m at the northwestern boundary to 72.5m at its highest point adjacent to the southeastern corner at 72.5m.

The landscape impacts of the development have been assessed by the Council's landscape officer and his comments are appended to this report.

The development of the site as proposed would result in the loss of an open field to built-form but its sensitivity is considered to be reduced by the presence of existing residential development to the south and west. The location of the proposed access would result in the loss of hedgerow however it is considered that additional planting would be proposed to mitigate the loss.

Further mitigation measures to reduce any harm to the wider landscape include enhancing the existing hedgerows and boundaries, internal tree planting and improving pedestrian access. These measures are considered to be appropriate and would be reviewed as part of any reserved matters application.

The landscape and visual impacts of the proposals are likely to be limited to the site and local area and while the change in character along the lane at the access point would result in changes to the landscape, the site is well contained, and it is considered that the development could be accommodated without a significant adverse impact to the wider landscape character. Nevertheless, there will be some adverse landscape impact which needs to be weighed in the planning balance.

Residential Amenity

Section 12 (Achieving Well-Designed Places) of the NPPF (202) outlines that planning policies and decisions should ensure that development create places with a high standard of amenity for existing users.

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that development should not adversely affect the amenity of occupiers of adjoining residential properties.

Policy EN14 (Control of Pollution) of the Local Plan states that permission will not be granted for development which results in unacceptable levels of pollution including smell, fumes and dust; pollution of surface or underground waters; noise; vibration; light intrusion and fly nuisance

The primary school and a number of residential properties border the southern and east/northeastern side of the site. The indicative layout suggests that most of the proposed dwellings would be located towards the eastern side of the site and sited away from the boundaries with neighbouring dwellings.

Some concern has been raised that the proposed siting and proximity of dwellings to the boundary of the site will have an unacceptable impact on residential and other amenity, however the proposals are in outline and do not include detailed plans for the housing proposed. The exact location and design of residential dwellings would be determined at the reserved matters stage. However based on the illustrative masterplan submitted, it is considered that the number of dwellings and other development being proposed could be accommodated on the site without having an unacceptable impact on the residential amenities of those living adjacent to the site in terms of overlooking, loss of privacy or nuisance.

In terms of Environmental Health, the District Council's Environmental Health Officer reviewed the application and recommended a Construction and Environment Management Plan (CEMP) condition to any approval.

The proposed dwellings would be expected to comply with the Nationally Described Space Standards (NDSS). Whilst these are not adopted planning policy within the Local Plan, they are nevertheless a useful guide and Policy D1 seeks to ensure that development does not adversely affect the living conditions of occupants of proposed future residential properties and that development includes features that maintain good levels of daylight and sunlight into buildings. These requirements also accord with the P.135 (f) of the NPPF's requirement for a high standard of amenity for existing and future occupiers.

The proposed development at outline stage is therefore considered to be acceptable and would comply with Policy D1 and Policy EN14.

Arboricultural Impact

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that development should not adversely affect trees worthy of retention.

Policy D3 (Trees and Development Sites) states that permission will only be granted for development, where appropriate tree retention and/or planting is proposed in conjunction with the proposed nearby construction. The council will seek to ensure, subject to detailed design considerations, that there is no net loss in the quality of trees or hedgerows resulting from an approved development. The development should deliver a harmonious and sustainable relationship between structures and trees. The recommendations of British Standard 5837:2012 (or the current revision) will be taken fully into account in addressing development proposals.

Para 136 of the NPPF24 states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change; opportunities should be taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures should be in place to secure the long-term maintenance of newly-planted trees, and that existing trees should be retained wherever possible.

None of the trees on the site are protected the only removal would be of an elm and sycamore tree to create the proposed vehicular access. Whilst the loss of any trees is regrettable, it is considered that additional planting, subject to conditions, can mitigate any loss and that overall the development would comply with Policy D3 (Trees and Development Sites) of the Local Plan.

Drainage and Flood Risk

Policy EN21 (River and Coastal Flooding) of the EDLP (2016) states that a sequential approach will be taken to considering whether new developments excluding minor developments and changes of use will be permitted in areas subject to river and coastal flooding. Wherever possible, developments should be sited in Flood Zone 1. The policy sets out a sequential approach whereby if there is no reasonably available site in Flood Zone 1, only then will locating the development in Flood Zone 2 and Flood Zone 3 be considered.

Policy EN22 (Surface Run-Off Implications of New Development) of the adopted Local Plan (2016) states that planning permission for new development will require that:

1. The surface water run-off implications of the proposal have been fully considered and found to be acceptable, including implications for coastal erosion.
2. Appropriate remedial measures are included as an integral part of the development, and there are clear arrangements in place for ongoing maintenance over the lifetime of the development.
3. Where remedial measures are required away from the application site, the developer is in a position to secure the implementation of such measures.
4. A Drainage Impact Assessment will be required for all new development with potentially significant surface run off implications.

5. Surface water in all major commercial developments or schemes for 10 homes or more (or any revised threshold set by Government) should be managed by sustainable drainage systems, unless demonstrated to be inappropriate.

The NPPF (2023) states at Paragraph 168 that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

The majority of the site is within Flood Zone 1 where there is a very low risk of flooding however, the land adjacent to the northern boundary lies within an area identified as being at risk of fluvial flooding being within Flood Zones 2 and 3. The illustrative masterplan indicates that the built development will completely avoid these areas, with all new development being sited within Flood Zone 1.

In relation to surface water run-off, a Flood Risk Assessment (FRA) has been submitted as part of the application including a surface water drainage strategy developed in accordance with DCC's 'SuDS Guidance for Devon' with an additional allowance of 45% additional capacity made for climate change.

The application was reviewed by DCC Flood Risk, as the Lead Local Flood Authority who raise no objections to the amended proposed drainage strategy, subject to appropriate conditions relating to a detailed drainage design, management of the surface water drainage system as well as information on the existing surface water drainage systems. The proposal is considered to be acceptable at this stage in relation to surface water subject to conditions.

In relation to Foul Sewage, South West Water were consulted on the application and do not object to the principle of the proposed outline application subject to conditions. They requested conditions in relation to Surface Water Management and a Water Conservation Strategy. The strategy shall include a water efficiency specification for each dwelling type, demonstrating that all the dwellings (when considered as a whole) are able to achieve a typical water consumption standard of no more than 110 litres per person per day.

Having regard to the above the proposal is considered to comply with NPPF23 and Policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development) of the Local Plan.

Ecology and Biodiversity

Strategy 47 (Nature Conservation and Geology) of the Local Plan states that all development proposals will need to conserve the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats; maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate

beneficial biodiversity conservation features. The aims of this Strategy are reinforced in paras 187 to 188 of the NPPF, 2024.

Policy EN5 (Wildlife Habitats and Features) of the adopted Local Plan (2016) states that wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would result in the loss of or damage to their nature conservation value, particularly where these form a link between or buffer to designated wildlife sites. Where potential arises positive opportunities for habitat creation will be encouraged through the development process. Where development is permitted on such sites mitigation will be required to reduce the negative impacts and where this is not possible adequate compensatory habitat enhancement or creation schemes will be required and/or measures required to be taken to ensure that the impacts of the development on valued natural features and wildlife have been mitigated to their fullest practical extent.

Policy PB07 (Ecological enhancement and biodiversity in the built environment) of the Emerging East Devon Local Plan 2020 to 2024 (Regulation 19 Plan February 2025) states that in addition to features required as part of biodiversity net gain, mitigation or compensation, all proposals are required to incorporate features of biodiversity value tailored to the specific proposals, relevant local receptors and in accordance with best practice to maximise potential benefits.. This emerging policy carries limited weight at the time of determination.

The application is supported by an Ecological Impact Assessment, including an Extended UK Habitat Classification Survey and bat activity, dormouse and Great Crested Newt surveys were undertaken. The site comprises modified grassland, bound by native hedgerows and a watercourse. It was found to have evidence of or potential for a range of protected and notable species, including breeding birds, common reptile, common amphibians, dormouse, hedgehog and community/foraging bats. There are no statutory, or non-statutory designated sites of nature conservation interest within or adjacent to the site.

Policy EN5 requires that where development is permitted on sites that are host to important wildlife habitats or features, mitigation will be required. In terms of protected species, mitigation is proposed for possible impacts on birds, bats, dormice and badgers to include:

Birds – Hedgerow habitat has been retained where possible, however approximately 14m of the southern hedgerow is proposed to be removed to provide road access. This should be removed outside the bird breeding season and additional planting, and integrated bird boxes provided.

Bats – To ensue bats can continue to use the hedgerow and watercourse boundary features for foraging and commuting during construction, no site lighting will be permitted. Dark buffers of a minimum of 3-5m along the eastern and western boundaries, and approximately 10m at the northern boundary to the watercourse will be maintained. The creation of new hedgerows, as well as additional tree planting, species-rich grassland within the buffers and SuDs will provide enhanced foraging habitat.

Dormice – A Natural England EPS licence will be required prior to the removal of hedgerow. A detailed mitigation plan will be developed as part of the EPS licence with mitigation implemented to maintain the conservation status of dormice on site.

In these circumstances the Local Planning Authority has a statutory duty under Regulation 3(4) to have regards to the requirements of the Habitats Directive in the exercise of its functions when dealing with cases where a European Protected Species maybe affected.

The species protection provisions of the Habitats Directive, as implemented by the Habitats Regulations, contain three 'derogation tests' which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would otherwise lead to an offence under provisions protecting species in the Habitats Regulations: The Woolley court judgment makes it clear that the Local Planning Authority must apply these same three tests when determining a planning application and that failing to do so will be in breach of the Habitats Regulations. The three tests are:

1. the activity must be for imperative reasons of overriding public interest or for public health and safety;

In this case it is considered that the imperative reasons of overriding public interest are as follows:

- The delivery of housing on a sustainable site without any landscape harm.
- The development would make a positive contribution towards the Council's 5 year housing land supply
- The development would secure 35% on site affordable housing and an off site contribution of £115,832

2. there must be no satisfactory alternative;

There is an identified need for additional housing, and there is no alternative suitable site within the vicinity of the area. The access cannot be created at point with lesser impact.

3. favourable conservation status of the species must be maintained.

To mitigate for the loss of 14m of hedgerow enhancement of the remaining hedgerow, including a detailed mitigation plan as part of the EPS licence. This could include ecological supervision for the removal of hedgerows, timing of hedgerow removal to avoid sensitive periods for dormice, ensuring hedgerow breaches are no wider than necessary for road access, compensating hedgerow loss with native species-rich hedgerow planting and making new owners/occupiers aware of the potential harm caused by domestic cats, with an emphasis on encouraging cats to be kept indoors at night. Monitoring of dormice will be required as part of the mitigation licence actions to ensure the species favourable conservation status in the long term.

Having regard for the above assessment, it is considered that the three tests can be met and that Natural England are likely to grant an EPS licence.

Badgers – The mammal holes will be monitored to determine whether they are used by badgers. If a badger sett is discovered on site a licence from Natural England will be applied for before construction begins if any impact to the sett is likely.

As the majority of the hedgerow is being maintained, no significant impacts on invertebrates are envisaged. Habitat creation including trees, species-rich grassland and species-rich hedgerow planting is likely to be of benefit to invertebrate species.

There is limited potential for reptiles to be present on the site along the hedgerows and within the watercourse. There is the possibility that hedgerow removal to allow the road access will cause injury/kill individual reptiles, therefore suitable hand searching hedgerow bases be undertaken prior to any removal.

The development as proposed (at outline) will result in the loss of approximately 2.76ha modified grassland and 14m species-rich hedgerow.

The mitigation proposed as part of this application as well as a CEMP and LEMP will need to be secured and this can reasonably be achieved through a suitably worded condition in the form of the requirement for the approval of an Ecological Mitigation Strategy based on the proposed mitigation in the Environmental Report.

Biodiversity Net Gain (BNG)

As this application was submitted in June 2023, the legal requirements under the Environment Act 2021 do not apply to this application however the application is proposing a net gain which can be secured via a condition.

The site baseline comprises 6.02 habitat units and 7.67 hedgerow units

As part of this planning application, a Biodiversity Net Gain Assessment was submitted. The proposed development (at outline - to be confirmed at detailed design) will comprise 7.36 habitat units and 9.33 hedgerow units, resulting in a net gain of 1.34 habitat units (22.21%) and an increase in hedgerow units of 1.65 (21.56%)

In addition, the following enhancements for protected species are recommended

- integrated bat and bird boxes at an average of one per dwelling
- one invertebrate brick per unit
- habitat piles in hedgerow buffers

Whilst the final landscaping scheme would be secured as part of a reserved matters application and the BNG needs to be secured via a condition and then be evidenced in the subsequent reserved matters, it is considered that the application site would result in a quantifiable BNG.

Open Space

Strategy 43 (Open Space Standards) of the adopted EDLP (2016) states that developments proposing net new dwellings will be expected to provide for open space on-site where there is a demonstrable need for such open space in the vicinity. Developments will be assessed against existing provision in the parish in which they are proposed. Where existing provision of specific typologies exceeds quantity standards, on-site provision will only be required where the existing open space typology is of poor quality or is in some other manner deficient such as not matching up to the accessibility standard. Developments will be expected to provide open space on-site through a Section 106 Agreement in line with the following thresholds:

- 9 dwellings or less will not be required to provide any specific open space typologies onsite, however developers may choose to make such provision.
- 10 - 49 dwellings will be required to provide amenity open space on-site.
- 50 - 199 dwellings will be required to provide amenity open space, and children's and youth play space on-site.
- 200+ dwellings will be required to provide for all open space typologies on-site.

The application would include up to 30 residential dwellings meaning that amenity open space is required on site by Strategy 43. Strategy 43 sets out that in rural locations developments should include 3.0m² per person of amenity open space. As detailed layouts are not known it is considered that the application could include up to 75 residents. The requirement for up to 75 residents would be for 225m² of amenity open space.

The detailed site layout would be reviewed as part of the reserved matters application however based on the submitted illustrative site plan, which includes a village green with open space to the north and west, it is considered that there is sufficient room to include the provision of amenity open space required, such that the proposal would accord with the requirements of Strategy 43.

Agricultural Land

Paragraph 180 (b) of The NPPF (2023) requires that planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality. In addition, the planning system should contribute to and enhance the natural and local environment, including protecting and enhancing soils.

Policy EN13 of the adopted Local Plan aims to protect from development the higher quality agricultural land unless there is an overriding need for the development and there is insufficient lower grade land available (or has environmental value) or the benefits of the development justify the loss of the high quality agricultural land.

The application site measures around 2.94ha and is currently used for agricultural purposes. Where the loss of agricultural land is proposed an assessment must be made as to whether it is the best and most versatile agricultural land (Grades 1, 2 and 3a). Policy EN13 of the EDDC Local Plan and advice contained in the NPPF suggest

that agricultural land falling in Grade 1, 2 or 3a should not be lost where there are sufficient areas of lower grade land available, or the benefits of development justify the loss of the high-quality land.

The vast majority of the site is Grade 4 (poor) agricultural land, with a small area to the south western corner identified as being Grade 3 land. It is understood to have been grazed, but due to the neighbouring residential development to the south and west, recreation ground to the east and watercourse to the north it is of very limited agricultural value.

The proposed development would result in the permanent loss of this agricultural land starting at the construction stage, and whilst the loss of nearly 3 ha of any agricultural land is regrettable, it is not considered that the loss would significantly harm wider agricultural interests.

Health Care

The Royal Devon University Healthcare NHS Foundation Trust has commented on the planning application. It seeks a £18,801 contribution towards health services. However the request is not considered to be robustly justified to warrant such a contribution, at this time.

Planning Obligations

Strategy 50 (Infrastructure Delivery) of the adopted Local Plan (2016) states that the Council produced and consulted (in June/July 2013) on an Infrastructure Delivery Plan to set out how the implementation of Local Plan policies and proposals will be supported through the timely delivery of infrastructure improvements. It identifies schemes, sets out how much they will cost, indicates potential funding sources and establishes a funding gap. Developer contributions will be sought to ensure that the necessary infrastructure improvements are secured to support the delivery of development and mitigate any adverse impacts. The failure to provide or absence of relevant infrastructure will be grounds to justify refusal of permission.

As set out throughout this report, the following obligations are required for this development via a S106 legal agreement:

1. Delivery of 35% on site affordable housing
2. 15% off-site affordable housing contribution of £115,832
3. Pedestrian/Cycle connections to the east of the site to the Parish Hall, to the south adjacent to Knights Cottages, and to the north adjacent to Pencepool Cottages.
4. Provision and maintenance/management arrangements for on-site school parking.
5. Provision and maintenance/management arrangements for on-site communal open space
6. Monitoring fees

If this application were to be approved a S106 would be required which captured the above. However, if this application is refused the lack of a legal mechanism to secure

these contributions should also form a reason for refusal as the proposal would fail to be in accordance with Strategy 34 (District Wide Affordable Housing Provision Targets), and Geology) and Strategy 50 (Infrastructure Delivery) of the adopted Local Plan (2016) and the East Devon Affordable Housing Supplementary Planning Document (November 2020).

Other Matters

The potential village shop/parking would be of benefit to the community, and of wider public benefit. However there is no evidenced demand for these works and there is no policy requirement to lend support to these proposals.

Planning Balance and Conclusions

It is a requirement of planning law that planning decisions are determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The site is not allocated for development and is located in open countryside meaning that the proposal would be contrary to Strategy 1, 7 and 27 of the adopted Local Plan which sets the spatial strategy for development and seeks to restrict development in the countryside unless explicitly supported by other local or neighbourhood plan policies.

Whilst the site lies outside any Built-up Area Boundary (BUAB), it adjoins the village of Plymtree and would be within walking and cycling distance of the services, albeit limited, within the village. The proposal would therefore have some support from Strategy 3 of the adopted Local Plan and the NPPF which supports sustainable development, and the development would appear to accord with the overarching principles of delivering sustainable development.

A material consideration in the decision of this application is the need to bolster housing supply especially affordable housing and the proposal would result in additional housing adjacent to Plymtree which should be given significant weight in the decision. Strategic Planning Committee have advised that in considering planning applications for housing developments that would deliver homes within the next 5 years in a sustainable way, significant weight should be given to the need to bolster the council's housing land supply position. The application site has been identified in the emerging East Devon Local Plan, currently at Regulation 19 stage as being suitable to accommodate up to 30 dwellings. This allocation, ratified by the Councils Strategic Planning Committee, and included in the Regulation 19 consultation draft weighs in favour of the proposal given the council's current housing land supply shortfall, although the draft local plan designation carries very limited weight at present.

The proposal would include 50% affordable housing (35% on site and 15% via an off-site contribution) which meets the requirements of Strategy 34 and should be given significant weight in the determination of this application.

The identified harm to heritage assets needs to be weighed against any public benefits. The proposal would result in additional dwellings adjacent to the centre of

Plymtree which would help support employment and services in the local area and 35% of the on-site dwellings would be affordable. The proposal would result in public open space and play space as well as pedestrian connections, the provision of parking for the school and potential community building. There are also employment opportunities associated with the construction of the development.

It is considered that whilst the proposed development would result in some visual harm to the setting of heritage assets, this harm is considered to be less than substantial and the positive benefits of the development, in terms of providing new housing and much needed affordable housing, and creating public access to the site and new vistas of the heritage assets are considered to weigh heavily in favour of the development such that overall it comply with the requirements of policy EN9 (Development Affecting a Designated Heritage Asset) of the Local Plan and paragraph 215 of the NPPF24.

The proposed layout has reduced the extent by which the urbanising character would erode the setting of the identified heritage assets, however some harm will remain through the erosion of the green rural landscape by the proposed development, and results in less than substantial harm to their significance. This weighs negatively in the planning balance and must be outweighed by public benefit.

This application has been submitted in outline form for up to 30 residential units seeking approval for access only. Matters of layout, appearance, scale and landscaping have been reserved for future consideration, however the submitted indicative layout, as amended is considered to be appropriate to demonstrate that it would be possible to accommodate up to 30 residential units whilst respecting the constraints of the site.

The application has a number of associated benefits including housing delivery and the provision of affordable homes, highway works and public open space which are given weight in the decision. The sustainable location and access to services and infrastructure is also a benefit. The proposal would include economic benefits from construction to operation and benefits to local businesses and services as well as CIL payments of which a proportion would go to the parish council. These are all considered to be benefits of the development which align with the NPPF's three overarching objectives (economic, social and environmental). Some less than substantial harm to the landscape and heritage assets is acknowledged which weighs negatively in the planning balance.

The proposal has been assessed in relation to design, highways, trees, ecology, contamination, sustainability and amenity and officers have concluded that the proposal would not result in significant harm. The proposal would also result in a Biodiversity Net Gain and the provision of public and play space exceeds the local plan requirement.

When taking all of the above into account the conflict with residential development in the countryside, and visual impact on the character of the immediate area and less than substantial harm to heritage assets, this not considered to significantly and demonstrable outweigh the benefits (noted above), when assessed against the policies of the framework as a whole.

In summary, whilst the proposal would sit in the countryside, outside of any built-up area boundary and would not align with the spatial strategy for development in East Devon, the proposal has some support from Strategy 3 and the principles of the NPPF and would benefit from day-to-day services within Plymtree. Furthermore, the need for housing, especially affordable housing within the district is a material consideration and is given significant weight in the decision-making process. The balance between unregulated development in the countryside and supply of homes is finely balanced however given the need to bolster supply for the longer term, the proximity to the centre of the village and other community benefits, and level of affordable housing proposed, the material considerations in this instance would on balance justify a departure from the Adopted Local Plan subject to the satisfactory resolution of all planning issues. Every planning application is determined on its own merits and the precise context of every site is different, in this case the approval of this application does not set any precedent for development in the countryside.

This proposal is considered to benefit from the presumption in favour of sustainable development which, as a material consideration, outweighs the limited conflict with the development plan. As such a recommendation of approval is made, subject to completion of a Section 106 Agreement and appropriate conditions.

RECOMMENDATION

APPROVE the application subject to the completion of a S106 Agreement and conditions

1. Time Period for Submission

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

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

2. Reserved Matters

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

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

3. Approved Plans

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

(Reason – For the avoidance of doubt).

4. Construction and Environmental Management Plan (CEMP)

Prior to commencement of development a Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority and shall be implemented and remain in place throughout the development.

The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. The plan shall also consider construction vehicle routing and delivery arrangements.

Construction working hours and all site deliveries shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays.

There shall be no burning on site.

There shall be no high frequency audible reversing alarms used on the site.

(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution from the outset (required to be pre-commencement) in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan.)

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

5. Construction Management Plan (CMP)

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

(Reason - To promote sustainable travel in accordance with the East Devon Local Plan 2013-2031.

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

6. Tree Protection Measures

a) Prior to the commencement of any works on site (including demolition and site clearance or tree works), a full tree survey based on BS5837:2012, including a Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement for the protection of retained trees, hedges and shrubs growing on or adjacent to the site, [including trees which are the subject of a Tree Preservation Order currently in force], shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

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

d) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

e) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

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

g) The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

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

7. Water Conservation Strategy

Each Reserved Matters applications for a phase of development pursuant to this outline permission which include a residential component shall be accompanied by a Water Conservation Strategy to be submitted for the approval of the Local Planning Authority. The strategy shall include a water efficiency specification for each dwelling type, based on the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition or any future successor) demonstrating that all dwellings (when considered as a whole) are able to achieve a typical water consumption standard of no more than 110 litres per person per day, in line with Building Regulations Optional Requirement G2. The approved strategy for each residential dwelling shall be subsequently implemented in full accordance with the approved details prior to first occupation of that residential dwelling and thereafter shall be retained.

(Reason - To ensure that the development makes efficient use of water and promotes the principles of sustainable construction in line with Paragraph 154 of the NPPF and adopted policy Strategy 3 of the East Devon Local Plan (January 2016). This aligns with the joint statement produced by SWWL and the EA).

8. Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- (a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy (Report Ref.E06146-CLK-XX-XX-RP-FH-0001 , Rev.P4 , dated 6th June 2023).
- (b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (d) A plan indicating how exceedance flows will be safely managed at the site.
- (e) Evidence there is agreement in principle from the landowner/DCC highways/SWW.
- (f) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals.

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

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

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

9. Lighting Scheme

A Lighting Design including lux contours, based on the detailed site design, most recent guidelines (currently GN08/23 and DCC 2022), and the proposed lighting strategy has been submitted and approved in writing by the Local Planning Authority as part of any reserved matters application. The design should clearly demonstrate where dark corridors (<0.5 lux) are provided without the attenuation of habitat features which long-terms management cannot be guaranteed. All lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

10. Landscaping

No development work shall commence on site until the following information has been submitted to and approved by the LPA:

a) A full set of hard landscape details for proposed walls, fencing, retaining structures, hedgebanks, pavings and edgings, site furniture, play equipment and signage.

c) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls at 1:250 scale or greater. This shall be accompanied by a minimum of 3 sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.

d) A landscape and green infrastructure strategy plan showing existing trees, hedgerow and habitat to be retained and removed; proposed tree and structure planting and new habitat to be created; existing and proposed watercourses, ponds and wetland areas; pedestrian and cycle routes through the site and how they connect to the existing network beyond.

f) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, which should include:

- a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
- methods for stripping, stockpiling, re-spreading and ameliorating the soils.
- location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
- schedules of volumes for each material.
- expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
- identification of person responsible for supervising soil management.

g) A full set of soft landscape details including:

i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.

ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.

iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.

iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.

h) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective

measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

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

11. Landscape and Ecological Management Plan (LEMP)

No development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 30 years has been submitted to and approved in writing by the Local Planning Authority which should include the following details:

- Extent, ownership and responsibilities for management and maintenance accompanied by a plan showing areas to be adopted, maintained by management company or other defined body and areas to be privately owned/ maintained.
- Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
- A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- Landscape and ecological aims and objectives for the site.
- Condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
- Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
 - o Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgelink guidance.
 - o New trees, woodland areas, hedges and amenity planting areas.
 - o Grass and wildflower areas.
 - o Biodiversity features - hibernaculae, bat/ bird boxes etc.
 - o Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- Arrangements for inspection and monitoring of the site and maintenance practices.
- Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.

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

(Reason - In the interests of enhancing and preserving the amenity of the area in accordance with Policy D2 (Landscape Requirements) of the East Devon Local Plan.)

12. Landscaping Replacement

The landscaping works approved as part of the reserved matters application(s) or as part of an advance planting scheme shall be undertaken in accordance with the approved scheme within 12 months of completion of development or during the next planting season following completion whichever is the sooner unless an alternative timetable for delivery has been agreed by the local planning authority.

If within a period of 10 years from the date planted any tree, plant, grass area or shrub dies, is removed or becomes seriously damaged or diseased it shall be replaced in the next planting season with other(s) of similar size and species by the developer.

If within a period of 10 years of the commencement of development, any part of any retained/translocated hedgerow dies or becomes diseased, it shall be replaced by the developer before the end of the next available planting season in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

(Reason - In the interests of enhancing and preserving the amenity of the area in accordance with Policy D2 (Landscape Requirements) of the East Devon Local Plan.)

13. All reserved matters applications for layout shall be accompanied by Waste Audit Statement to ensure that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance.

Development must be undertaken in accordance with the agreed details.

(Reason: To ensure waste generated by the construction and operational phases is in accordance with Policy W4 of the Devon Waste Plan which requires major development proposals to be accompanied by a Waste Audit Statement.)

14. Pedestrian Footpath

The reserved matters application for layout shall include details of:

- (i) Pedestrian route to the east of the site connecting the village to the Parish Hall via the site and recreation ground;
- (ii) Pedestrian link to the south into the village adjacent to Knights Cottages; and
- (iii) pedestrian link from the north of the site adjacent to Pencepool Cottages.

The details shall include the design of the link, lighting, and surface materials. The footpath(s) shall be provided in accordance with the approved details prior

to occupation of the 10th dwelling and shall be retained and maintained as publically accessible routes for the lifetime of the development.

(Reason - To promote active modes of travel and to ensure the development is permeable to ensure assimilation into the village as a whole. To reduce car dependency for travel within and outside of the development in accordance with Policy TC4 (Footpaths, Bridleways and Cycleways) and Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan

Plans relating to this application:

| | | |
|------------|---------------------|----------|
| PL10 REV B | Location Plan | 13.06.23 |
| | Transport Statement | 13.06.23 |
| APPENDIX E | Transport Statement | 13.06.23 |

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

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

Equality Act:

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

APPENDIX 1

Housing Strategy/Enabling Officer - Cassandra Pressling – 17.06.24

23/1247/MOUT | Outline planning permission for the construction of up to 30 dwellings (including affordable housing), open space, car parking, building for community use and associated infrastructure. All matters reserved except access. | Land North Of Plymtree Primary School Plymtree Cullompton

SUPPORT

Further to my comments of 26th September 2023 on this application, I note the percentage of affordable housing has been changed to 35%. Under current policy Strategy 34, a requirement of 50% affordable housing is required. However, given the lack of a 5 year land supply and under delivery of homes, I feel this is a reasonable offer.

Housing Need - the September 2022 East Devon Local Housing Needs Assessment identifies a current unmet affordable housing need of 971 households across the district. The East Devon Council's housing register Devon Home Choice has over 6000 households registered.

Tenure - Strategy 34 sets a target of 70% for rented accommodation and 30% for affordable home ownership. For the proposed 10 affordable units, this would amount to 7 rented units and 3 units for affordable home ownership. The rented units should be provided as Social Rent as this is more affordable to local incomes in East Devon.

Housing Mix - will be determined at Reserved Matters stage. However, I expect the applicant to engage with the housing team early on to ensure a mix that meets housing needs. All affordable units should also meet M4 (2) standards.

Council Plan 2024 - 2028 - East Devon District Council recognises the challenges faced by many residents due to the high costs of both buying and renting. Housing is a key driver of wider inequalities in the district and we are committed to helping more residents into affordable, sustainable homes. This application will provide 10 affordable homes, so will help us meet this challenge.

Cassandra Pressling
Housing Enabling Officer

Housing Strategy/Enabling Officer - Cassandra Pressling – 26.09.23

Objection

Percentage of Affordable Housing - Strategy 34 in the adopted East Devon Local Plan 2013 - 2031 requires 50% affordable housing. This application is only offering 25% affordable which is not policy compliant. They have not submitted a viability appraisal to state why they are only offering 25% affordable housing so I object to this application.

Regards,
Cassandra Harrison
Housing Enabling Officer - East Devon District Council

County Highway Authority – 23.07.2024

Observations:

I have visited the site in question and reviewed the planning documents of this planning application.

The application is outline only, therefore I will reserve commenting upon the internal site layout.

The application includes a speed survey which allows the visibility splay to be provided for the access to be tailored to the actual speed of the road, therefore we accept a visibility splay of 33m in both directions with an 'x' depth of 2.4m, in accordance to Manual for Streets 1 and 2, where the speed of the road has been established at 25 miles an hour, this will also need a vertical clearance of 0.6m and above.

I am satisfied that this access can be established in the south-east corner of the development which as the primary access will be better placed than the proposed emergency/ footway

access, of where there is increased interaction of traffic. Therefore from a technical highway consultee perspective, I have no objection to this.

The ATC traffic count carried out, showed that during peak hours one vehicle per minute passes the vicinity of this development, therefore, I am happy to accept that this planning application is unlikely to exacerbate the trip generation upon the local highway network to an unacceptable level. That being said, should this application come forward for a full application, I would advise that a comprehensive, Construction and Environment Management Plan (CEMP) is submitted to help mitigate against any construction impact upon the road network including wheel-washing, contractor car-sharing, 'just-in-time' deliveries and

before and after road surveys. Together with secure cycle storage for each dwelling to encourage sustainable travel, especially to the local facilities, of the shop, church and school.

The proposed internal car park for the primary school is still being retained together with parking for knights cottage, both of these features will help alleviate on-street parking, which

is a betterment on highway safety grounds.

Therefore, overall at this outline application stage, the County Highway Authority (CHA) has no objection to this planning application.

Addendum 23/07/2024

The CHA has reviewed the re-consulted plans and we satisfied that our stance remains the same.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking

place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with the East Devon Local Plan 2013-2031.

County Highway Authority – 13.10.2023

Observations:

I have visited the site in question and reviewed the planning documents of this planning application. The application is outline only, therefore I will reserve commenting upon the internal site layout.

The application includes a speed survey which allows the visibility splay to be provided for the access to be tailored to the actual speed of the road, therefore we accept a visibility splay of 33m in both directions with an 'x' depth of 2.4m, in accordance to Manual for Streets 1 and 2, where the speed of the road has been established at 25 miles an hour, this will also need a vertical clearance of 0.6m and above.

I am satisfied that this access can be established in the south-east corner of the development which as the primary access will be better placed than the proposed emergency/ footway access, of where there is increased interaction of traffic. Therefore from a technical highway consultee perspective, I have no objection to this.

The ATC traffic count carried out, showed that during peak hours one vehicle per minute passes the vicinity of this development, therefore, I am happy to accept that this planning application is unlikely to exacerbate the trip generation upon the local highway network to an unacceptable level. That being said, should this application come forward for a full

application, I would advise that a comprehensive, Construction and Environment Management Plan (CEMP) is submitted to help mitigate against any construction impact upon the road network including wheel-washing, contractor car-sharing, 'just-in-time' deliveries and before and after road surveys. Together with secure cycle storage for each dwelling to encourage sustainable travel, especially to the local facilities, of the shop, church and school.

The proposed internal car park for the primary school is still being retained together with parking for knights cottage, both of these features will help alleviate on-street parking, which is a betterment on highway safety grounds.

Therefore, overall at this outline application stage, the County Highway Authority (CHA) has no objection to this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

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

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with the East Devon Local Plan 2013-2031.

Conservation AMENDMENTS

01.08.2024

The conservation assessment of the amendments should be read in conjunction with earlier comments provided on 19.09.2023 and those offered by Historic England dated 09.08.2023 and more recently 27.06.2024.

As discussed, the revised site layout plan goes towards addressing concerns regarding the 'erosion of a principal outward view from the identified listed buildings within the village as a result of the sites location.' Through reducing the number of dwellings within the plot to the north of the church and those to the east, which in turn allows for a larger green space.

Notwithstanding the revised layout, which is welcomed, there will inevitably be harm to views and experience from the identified assets, that fails to preserve the setting of the assets and to a lesser extent their significance, harm which needs to be weighed against public benefit through the planning assessment.

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant consent for any works to have special regard to the desirability of preserving the setting of heritage assets.

Paragraph 205 of the National Planning Policy Framework [NPPF] explains that great weight should be given to the conservation of designated heritage assets. Paragraph 208 states that any less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal.

In this respect the revised layout continues to fail to preserve the setting of the identified heritage assets and to a lesser extent results in less than substantial harm to their significance, harm which needs to be weighed against public benefit through the planning assessment.

Conservation – 19.09.23

CONSERVATION CONSULTATION FOR AN OUTLINE PLANNING APPLICATION AFFECTING THE SETTING OF SEVERAL HERITAGE ASSETS.

23/1247/MOUT

Land North of Plymtree Primary School, Plymtree, Cullompton

Outline planning permission for the construction of up to 30 dwellings (including affordable housing), open space, car parking, and building for community use and associated infrastructure. All matters reserved except access.

Significance

The development site is proposed within an open rural site, stretching east of the village core, and in close proximity to several listed buildings that form part of the village, namely;

- o Pencepool Barn - Grade II - north of the site
- o Pencepool Farm - Grade II* - north of the site
- o Rose Cottage - Grade II - west of the site
- o St John The Baptist Church - Grade I - southwest of the site
- o Knights Cottage - Grade II - south of the site
- o Beech Cottage - Grade II - south of the site.

In character the village is built to a mediaeval plan, reminiscent of a historic 'grid-iron' layout of a main street intersected by other streets, the linear form of which is still evident today, which contributes to the setting of the identified heritage assets and the Grade I listed 15th century parish church, St John the Baptist Church, sited within the core of the village, and southwest of the development site.

In context of the built form within the village this is mostly set back along the main route(s) into and out of the village, with small scale later development in the form of cul-du-sacs to the north-east and south of the village. The location of these allows for the central core of the village sited around the Grade I parish church and the listed buildings to remain open, allowing for immediate and wider key views towards the east and neighbouring village or hamlet of Fordmoor. The culmination of which provides the context in which the village and setting of the listed buildings are experienced.

The value of this undeveloped view beyond the village is further appreciated when considered against partially obstructed and or glimpsed wider views of the open countryside from within the built environment of the village, an experience which provides relief from the built form of the village.

Additionally, views on approaching the village from the north and south-east includes development abutting the road, however as a result of its low density and mainly vegetated verges, the village presents an evolved semi-rural character.

In this respect the open character of the proposed development site allows for a mostly unobstructed view from the public and private domain, towards the east and south of the site, with partially obscured views from the north. Identified views that have evolved, and add to the experience of a small community in a rural landscape, which makes a positive contribution to the character and appearance of the village itself that forms the setting of several listed buildings.

Proposed works

The works as proposed are for an outline planning application for the construction of up to 30 dwellings (including affordable housing), open space, car parking, building for community use and associated infrastructure. All matters reserved except access.

The potential harm to the heritage asset (conservation area) and identified setting as a result of the proposed development works, has been balanced against paras. 202 and 206 of the NPPF21 and the New East Devon Local Plan (2013-2031), as discussed in the assessment of harm which forms part of this report.

Assessment of harm

In character and as discussed through the assessment of significance, Plymtree as a village represents a small community in a rural area, with open countryside surrounding the boundaries of the built form providing the rural context in which the identified heritage assets are experienced.

Whilst some development, in the form of cul-du-sacs branching off the principle route through the village to the north and south has previously been considered acceptable through planning. The current application is for a more significant amount of development, which would result in the erosion of a principal outward view from the identified listed buildings within the village as a result of the sites location.

The increase in built density of the urban grain which contributes to the experience of the village would in an adverse impact on the setting and the contribution this makes to the significance of the heritage assets resulting in less than substantial harm (NPPF para 202).

Furthermore, where development falls within the setting of a listed building, opportunities should be sought to enhance or better reveal their significance of the affected heritage assets (NPPF, Para 206).

In this respect and to reiterate Historic England's position as to questions over whether there are opportunities by which the potential impact could be minimised further through the reduction of the urbanising elements that affect the setting of the church and the farmhouse. In so doing, would ensure the tranquillity of both sites is better revealed through the proposed development (NPPF, Para 195 and 206).

In summary, the principal of introducing 30 new homes to the east of the village core within open landscape as proposed, would result in a moderate level of less than substantial harm to the significance of the identified heritage assets and how these are experienced through setting. Therefore failing to preserve, enhance or better reveal the significance of the heritage assets resulting in less than substantial harm through paras. 202 and 206 of the NPPF21 and Policies EN9 & EN8 of the New East Devon Local Plan (2013-2031), as discussed in the assessment of harm which forms part of this report.

Recommend refusal

Historic England – 27.06.24

Thank you for your letter of 13 June 2024 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Historic England previously provided advice in respect of the proposed application (dated 9 August 2023). This letter should be read in conjunction with our earlier correspondence. Historic England's interest relates to the grade I listed St John the Baptist and grade II* Pencepool Farmhouse.

The revised scheme has sought to create a clearer green open space that cuts across the site at its eastern end. Some development still remains to the north of the church with the development to the west has been set back from the previous building line.

Overall the scheme has reduced the extent by which the urbanising character would erode the setting of the identified heritage assets. However, some harm will still remain through the erosion of the green rural landscape by the proposed development. The council will need to consider any resulting harm within the planning balance, ensuring that sufficient public benefit have been provided to outweigh the proposed harm (NPPF, Para 208). They should also seek to ensure that all opportunities have been

taken to enhance and better reveal the significance of the heritage asset (NPPF, Para 212).

Recommendation

Historic England has concerns regarding the application on heritage grounds.

Although steps have been taken to minimise the harm, some harm still remains. The council should be satisfied that all opportunities have been taken to enhance and better reveal the significance of the heritage asset. They should ensure in their deliberations that any harm is outweighed by the public benefit offered by the scheme

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs [insert para. numbers] of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Historic England – 09.08.23

Thank you for your letter of 19 July 2023 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Significance of the affected heritage assets

The application site sits on a green swathe of land that reaches at its western end into the core of the village of Plymtree. In close proximity to the boundary of the site to the south-west is the grade I listed St John the Baptist, a well preserved example of a rural Devon church with 15th century origins. While to the north is the grade II* Pencepool Farmhouse, a vernacular cob building with a cross passage arrangement.

In respect of both the assets, they have experience some development within their setting. However, they still retain a connection to the green tranquil surrounding through the application site, which contributes to their experience of place and therefore, their significance.

Impact of the proposed works

The proposal is to develop the site for 30 residential units. To the west and falling within the setting of the church and farmhouse, a modest area of village green has been introduced along with an attenuation pond; however, some residential

development within the proximity of the assets, introducing a more urbanising character into the green and tranquil setting.

Policy Context

Within Para 195, NPPF, it highlights that opportunities should be sought to avoid and minimise any development that causes conflict with the conservation of the heritage asset.

Furthermore, where development falls within the setting of a listed building, opportunities should be sought to enhance or better reveal their significance of the affected heritage assets (NPPF, Para 206).

Historic England's Position

The introduction of housing into the rural setting of St John the Baptist and Pencepool Farmhouse, would introduce an urbanising character into what has previously been open and green fields.

We appreciate that some degree of a green buffer has been retained. However, there are questions over whether there are opportunities by which the potential impact could be minimised further through the reduction of the urbanising elements that affect the setting of the church and the farmhouse. In so doing, would ensure the tranquillity of both sites is better revealed through the proposed development (NPPF, Para 195 and 206).

Recommendation

Historic England has concerns regarding the application on heritage grounds.

These concerns relate to the introduction of urbanising features into the green and rural setting of the Church of St John the Baptist and Pencepool Farmhouse. The council with input from their conservation officer, should identify whether there are opportunities by which the impact could be avoided and minimised in order to better reveal the significance derived from the affected asset's setting.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 195 and 206 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

02.10.2023 South West Water

SWWL notes that according to your website, we were not consulted previously over this application.

Foul Water Flows

It is noted the applicant proposes to discharge to the mains sewer. There should not be any need for reinforcement on the waste network for this site.

The storm overflow at the treatment works will be investigated and receive investment. The foul flows from this site will be taken into consideration as part of that assessment.

It is noted the applicant will be seeking adoption of the network from SWWL. If this is the case, the applicant is reminded that SWWL requires the sewers to be design and constructed in accordance with the latest version of Design and Construction Guidance. SWWL offer a pre- design discussion/assessment service. Further details on sewer adoption can be found at <https://www.southwestwater.co.uk/building-and-development/services/sewer-services-connections/Adoption-of-new-sewers>

Surface Water Flows

SWWL comments relate to domestic run off from the site (run off from roofs and driveways (land appurtenant to buildings)), subject to the sewers being designed and constructed in accordance with the Design and Construction Guidance (DCG). The applicant should make separate arrangements to deal with:-

a. Land Drainage - SWW is not a land drainage authority. As such, no connection of land drainage will be permitted into the public sewerage networks.

b. Highway Drainage - SWW is the not the Highway Authority and the applicant should liaise with the Highway Authority in relation to this drainage.

It is noted the applicant proposes to discharge to a sustainable drainage system using an attenuation basin and tanks system, followed by discharge to a watercourse.

Potable Water Supply

The existing water distribution network has sufficient capacity to supply this development.

The applicant is strongly advised to consider maximising the use water efficiency opportunities within the design of their proposals, as supported by adopted Planning Policy Strategy 3 and 38. The current average water use in the UK is approx. 142 litres/person/day [l/p/d] (Water UK, 2020), with the South West experiencing a higher-than-average consumption rate than the rest of England. With climate change progressing with trends set

to add further stress upon available water resources, SWWL would support the LPA imposing a condition requiring the optional Building Regulations requirement (G2) of 110 l/p/d for the proposed residential development.

Draft wording of a condition securing the G2 optional requirement is set out below.

Each Reserved Matters applications for a phase of development pursuant to this outline permission which include a residential component shall be accompanied by a Water Conservation Strategy to be submitted for the approval of the Local Planning Authority. The strategy shall include a water efficiency specification for each dwelling type, based on the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition or any future successor) demonstrating that all dwellings (when considered as a whole) are able to achieve a typical water consumption standard of no more than 110 litres per person per day, in line with Building Regulations Optional Requirement G2. The approved strategy for each residential dwelling shall be subsequently implemented in full accordance with the approved details prior to first occupation of that residential dwelling and thereafter shall be retained.

Reason: To ensure that the development makes efficient use of water and promotes the principles of sustainable construction in line with Paragraph 154 of the NPPF and adopted policy Strategy 3 of the East Devon Local Plan (January 2016). This aligns with the joint statement produced by SWWL and the EA.

DCC Flood Risk Management Team – 08.07.24

Recommendation:

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy (Report Ref.E06146-CLK-XX-XX-RP-FH-0001 , Rev.P4 , dated 6th June 2023).

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

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

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

(e) Evidence there is agreement in principle from the landowner/DCC highways/SWW.

(f) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

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

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

commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:

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

Urban creep should be added to the storage calculations.

Ruilin Jiao
Flood and Coastal Risk Intern

DCC Flood Risk Management Team – 19.07.23

Recommendation:

At this stage, we object to the above planning application because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome our objection, the applicant will be required to submit some additional information

Observations:

The applicant has submitted Flood Risk Assessment & Drainage Strategy (Report No. E06146-CLK-XX-XX-RP-FH-0001, Rev. 0, dated 6th June 2023) to clarify the surface management of the site.

The applicant proposed to discharge the surface water into an above ground attenuation basin located in the north west of the site before discharging into the watercourse located in the north of the site.

The applicant shall confirm the side slope of the proposed attenuation basin.

Ruilin Jiao

Police Architectural Liaison Officer - Kris Calderhead

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application.

I appreciate that the layout of the site is only illustrative at this stage however, I would like to make the following comments and recommendations for consideration. They relate to the principles of Crime Prevention Through Environmental Design (CPTED)

and should be embedded into the detailed design of the scheme to reduce the opportunity for crime and anti-social behaviour (ASB).

- o Should the application progress, it would be beneficial if designing out crime is referenced in any future Design and Access Statement (DAS) or any addendum to the existing one, in order to detail how the scheme has considered and embedded designing out crime principles into its design.

- o Detailed design should include a layout that provides overlooking and active frontages to the new internal streets with accessible space to the rear of plots avoided. I note some plots abut fields but the mature boundaries will be retained with a 'generous buffer' which is supported. There must not be easy access to the rear boundaries of plots.

- o I note the school car parking area. This essentially appears to be a rear parking court which generally are not recommended for the reasons discussed below. If they are unavoidable, they should be afforded some surveillance opportunities, be well lit and abut as few rear plot boundaries as possible.

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

- o Boundary treatments to the front of dwellings are important to create defensible space to prevent conflict between public and private areas and clearly define ownership of space. The use of low-level railings, walls, hedging for example would be appropriate.

- o Treatments for the side and rear boundaries of plots should be adequately secure (min 1.8m height) with access to the rear of properties restricted via lockable gates.

Kris Calderhead
Designing Out Crime Officer
Exeter Police Station
Sidmouth Road
EX2 7RY
West Team
Planning Office
East Devon Council

2

Defensible space should also be utilised where private space abuts public space in order to reduce the likelihood of conflict and damage etc.

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

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

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

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

o Play areas / village green should be well overlooked and located so as not to cause disturbance or conflict with nearby dwellings. They should also be afforded an appropriate boundary treatment to prevent vehicle access.

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

Kris Calderhead
Designing Out Crime Officer

Police Architectural Liaison Officer - Kris Calderhead

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

NHS Local (Eastern Locality)

see report under "document" tab

EDDC Trees – 14.08.23

In principle I have no objection to the proposal, however the following 2 concerns are raised:

- 1) The location of parking area and hard landscaping within the RPA of T10 (Oak, categorised as B but considered potential A category). The no dig surface is unlikely to be feasible due to changes in ground levels. Parking and hard landscaping should be located wholly outside of the RPA.

2) The impact of the new access encroaching into the RPA of T8 (Silver Birch, C category but considered more appropriate as a B category tree). It appears that there space to route the new access road between the RPA's of T7 and T8.

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

(a) Prior to the commencement of any works on site (including demolition and site clearance or tree works), a full tree survey based on BS5837:2012, including a Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement for the protection of retained trees, hedges and shrubs growing on or adjacent to the site, [including trees which are the subject of a Tree Preservation Order currently in force], shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

(b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

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

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

(e) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(f) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

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

h) The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

(Reason - To ensure retention and protection of trees on the site prior to and during construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031).

Environmental Health – 04.07.23

A Construction and Environment Management Plan (CEMP) must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site and no high frequency audible reversing alarms used on the site. Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

Contaminated Land Officer – 04.07.23

I have considered the application and do not anticipate any concerns in relation to contaminated land.

EDDC Landscape Architect – 28.09.23

1 INTRODUCTION

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

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

2 SITE CONTEXT

The main village of Plymtree lies to the west, northwest and southwest of the site and sits discretely within the landform with a well-established green edge of trees and hedgerow that largely screens it from views particularly from the east.

The site location makes it an obvious candidate for infill development with ready access to the school, church, village hall and playing field and offering potential to provide enhanced pedestrian and cycle links to these facilities from other parts of the village.

The site is presently pasture with irregular boundaries comprising thick hedgebanks to the northern and eastern sides, the former well treed with a water course to the site side. There are numerous trees along other boundaries. Most of the site is gently sloping, rising more steeply to a high point where it meets the northeast corner of the adjacent property Blampions where gradients are in the region of 1:8. Historic mapping dating to 1860 shows the site as two fields with the western field planted to orchard and numerous other orchards around the perimeter of the settlement.

The site sits within a gently rolling well treed landscape and visual effects of development are likely to be contained for the most part to the immediate site environs, although there are some long distance views from the site to the Blackdown Hills AONB and Hembury Fort (scheduled monument) in particular.

Plymtree is remotely situated some miles from the nearest A or B road within an attractive, deeply rural landscape with a high degree of tranquillity and time depth. Although there is a significant amount of late 20th century development within the village itself, the proposed development would represent a further significant expansion.

Development of the site is likely to give rise to adverse effects on local landscape fabric and character and some loss of tranquillity due to increased activity within and around the site, introduction of built form and associated infrastructure and increased light spill within an area noted for dark night skies. Effects are likely to be greatest in the vicinity of the site entrance and the highest portion of the site to the west of this (plots 22-23 on illustrative masterplan) where proposed housing will be prominent for some distance on the road approach from the east. The proposal is also likely to result in secondary impacts due to increased traffic on the narrow winding lanes which serve it and resultant damage to adjacent hedgebanks where vehicles attempt to pass each other.

3 REVIEW OF SUBMITTED DETAILS

An application of this scale should have been accompanied by a landscape and visual appraisal prepared by a suitably qualified professional in accordance with Guidelines for Landscape and Visual Impact Assessment 3rd Edition.

The application is outline only with all matters reserved except access.

However, there are no drawings detailing the proposed access or associated visibility splays. Given the location of the site entrance on a bend onto a narrow lane with high-sided hedgebanks, the access requirements could entail the loss of a substantial section of hedgebank. In order to ascertain the impact of this, detailed plans are required prior to determination of the application showing the extent of hedgebank removal, junction details and visibility splay and proposed mitigation for any hedgebank loss.

While the submitted site plan is for illustrative purposes only, the following comments are made:

- The proposed housing density appears appropriate for the site.
- The layout seems rather suburban in character, largely comprising fairly regimented lines of semi-detached units with parking bays and set back garages between them, to either side of a uniform width road and footway. The previous layout iteration shown on page 11 of the DAS provides a more informal and softer arrangement more appropriate to this rural edge setting.
- Consideration should be given to providing a shared access roadway extending from the site entrance with varying road width reflecting the character of the existing village. The use of standard BS road kerbs should be avoided.
- A minimum 5m width buffer should be provided between private gardens and the southern edge of the ditch to the northern boundary and also to the face of the hedgebank to the eastern boundary.
- There is opportunity to include off-site tree planting along the eastern boundary of the playing field to help screen the proposed development in views from the east which should be considered.
- The proposed pedestrian/ cycle connections indicated on page 19 of the DAS should be delivered as part of the scheme to enhance connectivity and reduce reliance on cars.
- Can consideration be given to adoption of public open space within the site by the parish council with appropriate commuted sum payment?

4 CONCLUSION & RECOMMENDATIONS

The lack of highway details is of concern given that the application covers access. Detailed plans showing the proposed access arrangements and associated vegetation clearance and grading works are required prior to determination.

Notwithstanding the lack for highway information the proposal is likely to give rise to significant landscape and visual effects within the immediate vicinity of the site which should be weighed in the planning balance.

Proposals for pedestrian / cycle connections indicated on page 19 of the DAS should be secured through appropriate legal agreement.

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

- 1) No development work shall commence on site until the following information has been submitted to and approved by the LPA:
 - a) A full set of hard landscape details for proposed walls, fencing, retaining structures, hedgebanks, pavings and edgings, site furniture, play equipment and signage.

b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.

External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes.

c) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls at 1:250 scale or greater. This shall be accompanied by a minimum of 3 sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.

d) A landscape and green infrastructure strategy plan showing existing trees, hedgerow and habitat to be retained and removed; proposed tree and structure planting and new habitat to be created; existing and proposed watercourses, ponds and wetland areas; pedestrian and cycle routes through the site and how they connect to the existing network beyond.

d) Surface water drainage strategy incorporating an appropriate SuDS treatment train and details of SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc. The SuDS scheme shall be designed to enhance bio-diversity value and engineered elements should have a positive or neutral impact on visual amenity.

f) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, which should include:

- a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
- methods for stripping, stockpiling, re-spreading and ameliorating the soils.
- location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
- schedules of volumes for each material.
- expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
- identification of person responsible for supervising soil management.

g) A full set of soft landscape details including:

i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.

ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.

iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.

iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.

h) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

3) No development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 30 years has been submitted to and approved in writing by the Local Planning Authority which should include the following details:

- Extent, ownership and responsibilities for management and maintenance accompanied by a plan showing areas to be adopted, maintained by management company or other defined body and areas to be privately owned/ maintained.

- Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.

- A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.

- Landscape and ecological aims and objectives for the site.

- Condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.

- Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:

- o Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.

- o New trees, woodland areas, hedges and amenity planting areas.

- o Grass and wildflower areas.

- o Biodiversity features - hibernaculae, bat/ bird boxes etc.

- o Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.

- Arrangements for inspection and monitoring of the site and maintenance practices.

- Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.

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

4) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.

5) Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

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

28 September 2023