

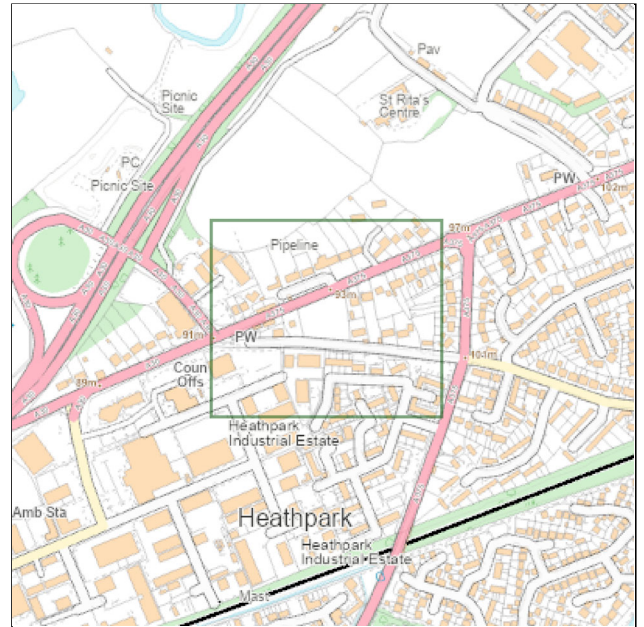
**Ward** Honiton St Michaels

**Reference** 24/0687/OUT

**Applicant** Yeo/Power Family c/o Mr Geoffrey Yeo

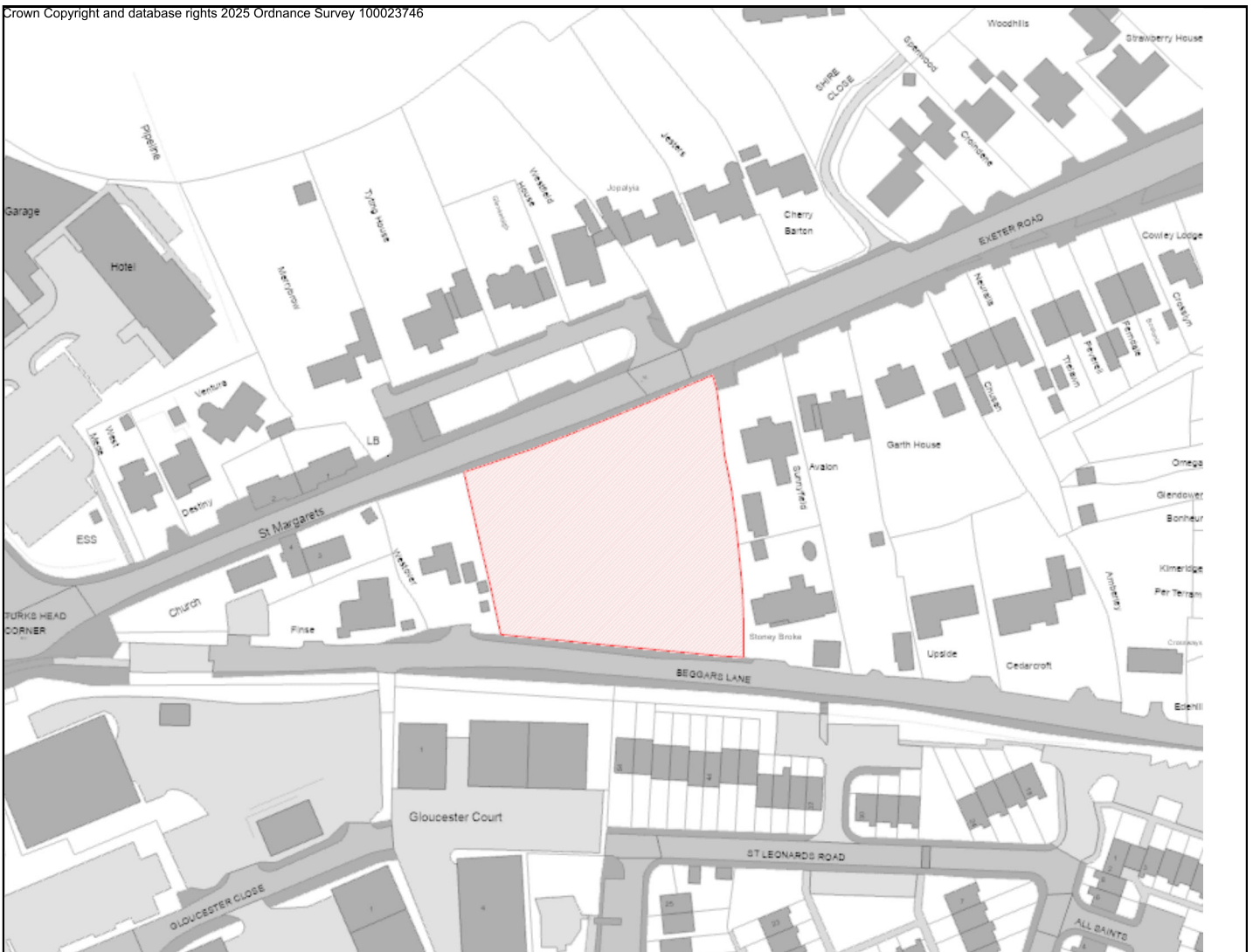
**Location** Land At Beggars Lane Honiton

**Proposal** Outline application (with all matters reserved apart from access) for the erection of up to 6 residential dwellings accessed from Beggars Lane and associated infrastructure on land to the north of Beggars Lane, Honiton.



## RECOMMENDATION: Approval with conditions

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|--------------------------------------|--|-----------------------------------|
|                                      |  | <b>Committee Date: 19.08.2025</b> |
| <b>Honiton St Michaels (Honiton)</b> | <b>24/0687/OUT</b>   | <b>Target Date: 22.05.2024</b>    |
| <b>Applicant:</b>                    | <b>Yeo/Power Family c/o Mr Geoffrey Yeo</b>  |                                   |
| <b>Location:</b>                     | <b>Land At Beggars Lane, Honiton</b>   |                                   |
| <b>Proposal:</b>                     | <b>Outline application (with all matters reserved apart from access) for the erection of up to 6 residential dwellings accessed from Beggars Lane and associated infrastructure on land to the north of Beggars Lane, Honiton.</b> |                                   |

**RECOMMENDATION: APPROVE subject to conditions**

#### **EXECUTIVE SUMMARY**

The application is referred to Planning Committee as the officer recommendation differs from that of one of the ward members.

The proposal seeks outline planning consent for the erection of up to 6 dwellings. Access is to be considered at this stage and plans have been submitted which show how access to the site, from Beggars Lane, would be achieved. All other matters are reserved for future consideration.

The application site lies within the built up area for Honiton where it is sustainably located for access to the town centre to the east and employment opportunities in Heathpark Industrial Estate to the west. There are also supermarkets nearby and good access to public transport options.

The proposal would represent an infill site between existing residential development and where the reduced quantum of development now proposed strikes an appropriate balance between respecting the low density character of its immediate surroundings and helping to boost the supply of housing.

The trees to the northern and southern boundary of the site are subject of individual, or group, Tree Preservation Orders. The proposal is to take access from Beggars Lane, to the south of the site and this would require the loss of one oak tree. However, the access plans have been amended to ensure other trees would not be impacted and where the tree to be removed grows close to another oak tree and is considered the lesser quality specimen. The loss of any tree of amenity value is regrettable but in this instance and subject to suitable

replacement planting being secured, the harm arising is considered to be outweighed by the benefits of additional housing provision, particularly in the light of a lack of a demonstrable five year housing land supply.

In relation to access the highway authority has confirmed that access visibility at the site is appropriate. In relation to increased movements through the junction of Beggars Lane with Sidmouth Road to the east, safety concerns have been raised by local residents and the ward member. Concerns have also been raised regarding the lack of separation of pedestrian and vehicular traffic along Beggars Lane. However, the highways authority has confirmed that they are satisfied that the development is acceptable in terms of traffic generation and highway safety, subject to off-site highway works to improve visibility of the Beggars Lane junction and its mini-roundabout being secured.

In all other respects, including heritage, ecological and amenity impacts the proposal is considered to be acceptable, or can be made so by conditions and the application is therefore recommended for approval.

## **CONSULTATIONS**

Consultation responses below are a summary of consultee comments received, the full wording of responses can be found in appendix 1 to the report

### **Local Consultations**

Honiton St Michaels - Cllr Jenny Brown

**09.05.24**

Sorry for the delay in responding.

At the present time I am not in favour of this application.

There are various issues. The site is proposed to gain access of the substandard Beggars Lane, used by cyclists and pedestrians and the few properties that are in this area.

This is a no through lane that comes out onto a busy roundabout. This is a notorious hotspot for accidents A375 Sidmouth Road, Rosemount Lane/Beggars Lane. Further traffic movements could worsen the situation.

I also feel that this could be overdevelopment of the site.

If my comments differ from the views of the planning officer then I would like this to go to committee where I will keep an open mind until I have heard all the debate for and against.

22/5/25

There are still various issues with this site.

The site is proposed to gain access of the substandard Beggars Lane, this is used by cyclists and pedestrians and the few properties that are in this area.

This is a non-through lane that comes out onto a busy roundabout. This is a notorious hotspot for accidents A375 Sidmouth Road, Rosemount Lane/Beggars Lane. Further traffic movements could worsen the situation.

I think it is very important that the County Highways respond as a consultee before any decision is made.

24/6/25

Thank you for the further information from highways. I have looked at the Town Council response and that was not unanimous.

I have personally seen a number of shunts take place that are unrecorded. I am still of the mind that I cannot support this at the present time. In my opinion I feel this should go to committee to get a balanced view.

Are they asking to remove trees with TPO's on them?

#### Honiton Town Council

Members considered the amended plans and RESOLVED to continue to SUPPORT the proposal.

For 3; Against 2; Abstentions 0

#### **Technical Consultations**

##### Devon County Archaeologist

In the light of the results of the archaeological field evaluation previous objection withdrawn and conditions recommended to a) secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI), and; b) require a post investigation assessment to be completed.

##### Conservation

Confirmation that the amended Heritage Statement submitted, addresses previous concerns regarding the potential impact on identified heritage assets and that the development proposal would continue to preserve the setting of those heritage assets.

##### District Ecologist

The scheme is unlikely to result in a net gain but is not subject to mandatory BNG. The report indicates it would result in neutral impact and covers all protected species issues satisfactorily. Ecology matters could be secured by conditions requiring compliance with the recommendations of the submitted ecology report and for provision of LEMP and CEMP.

### EDDC Trees

The arboricultural officer has confirmed that the proposals are acceptable from an arboricultural perspective subject to tree protection measures being put in place and replacement planting being secured to mitigate the loss of one of the trees.

### County Highway Authority

The application is outline only, therefore judgement is reserved on the internal site arrangements that are indicatively shown.

The proposed access can provide suitable visibility in both the east and west direction in accordance to our best practice design guidance, Manual for Streets 1 and 2. This includes the retention of tree T4.

Recorded road collision data, has been assessed in relation to the mini roundabouts on Sidmouth Road and it is recommended that some minor works (additional signage; some ghost white lining/build-out and roundabout repeater signs) would assist in improving visibility of the junction. Subject to conditions to secure a) Construction Management Plan; b) secure cycle storage, and; c) the off-Site Highway Works, no objection are raised.

### Other Representations

8 no. representations have been received raising the following objections:

- Overdevelopment of the site (8 dwellings too much for the site area)
- The introduction of two storey dwellings onto Beggars Lane is out of character with existing development
- Concerns over use of Beggars Lane as main point of access and of increased traffic on pedestrian/cyclist safety
- Improvements to the junction of Beggars Lane and Sidmouth Road should be considered as motorists do not give way at the roundabout junction and there are concerns with the safety of its use
- Impact on wildlife using the site
- Impact on and need for proper definition of the boundary with adjoining properties
- Concerns over impact of construction including need to maintain access to adjoining properties, noise impacts etc.
- Consideration should be given to formal street lighting in Beggars Lane as well as a dedicated cycle/pedestrian route
- If junction improvements cannot be provided access should move to the Exeter road frontage.

- Drainage concerns and need to adequately control drainage
- Potential for further military equipment remains to be on site given proximity to former Heathpark military site
- The timing of the Road Safety Audit is called into question and not representative of the usual conditions of use of Beggars Lane
- Potential impact on boundary trees of amenity value
- Impact on setting of grade II listed buildings – which could be reduced if restricted to single storey dwellings
- Concerns over the cost implications and need for maintenance of surface water drainage solutions
- Overlooking of adjoining bungalows by proposed 2 storey properties

## **PLANNING HISTORY**

There is no relevant planning history relating to the site.

## **POLICIES**

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

Strategy 3 (Sustainable Development) Adopted

Strategy 5 (Environment) Adopted

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

Strategy 23 (Development at Honiton) Adopted

Strategy 34 (District Wide Affordable Housing Provision Targets) Adopted

Strategy 38 (Sustainable Design and Construction) Adopted

Strategy 43 (Open Space Standards) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

D3 (Trees and Development Sites) Adopted

EN5 (Wildlife Habitats and Features) Adopted

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

EN9 (Development Affecting a Designated Heritage Asset) Adopted

EN21 (River and Coastal Flooding) Adopted

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

TC2 (Accessibility of New Development) Adopted

TC7 (Adequacy of Road Network and Site Access) Adopted

TC9 (Parking Provision in New Development) Adopted

Strategy 49 (The Historic Environment) Adopted

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

EN8 (Significance of Heritage Assets and their setting) Adopted

#### Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP05 (Development inside Settlement Boundaries) Draft

Strategic Policy CC01 (Climate emergency) Draft

Strategic Policy AR01 (Flooding) Draft

Strategic Policy AR02 (Water efficiency) Draft

Strategic Policy HN01 (Housing to address needs) 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

Policy PB03 (Protection of irreplaceable habitats and important features) Draft

Strategic Policy PB05 (Biodiversity Net Gain) Draft

Policy PB07 (Ecological enhancement and biodiversity in the built environment) Draft

Policy PB08 (Tree, hedges and woodland on development sites) Draft

Policy PB09 (Monitoring requirements for new planting scheme) Draft

Strategic Policy HE01 (Historic environment) Draft

Policy HE02 (Listed buildings) Draft

### Government Planning Documents

National Planning Policy Framework 2024 (as amended)

National Planning Practice Guidance

### **SITE LOCATION AND DESCRIPTION**

The application site relates to an undeveloped field laid to grass and extending to 0.38ha. The field is bounded by hedgerows with some mature trees, particularly to the southern boundary.

Exeter road and Beggars Lane adjoin the site to the north and south respectively with residential development to the east and west.

Exeter Road, is a main arterial route into the town and runs west to east connecting to the A30 to the west and to the A 375 and town centre to the east. Beggars Lane is a no through road without footway provision and serves as vehicular access to 8 no. existing residential properties and as a pedestrian route connecting through from the A375 (Sidmouth Road) to the east with the A30 to the west.

The neighbouring residential properties to the east and west of the site comprise a mix of single and two storey properties set in generous plots giving a low density character to the area between Beggars Lane and Exeter Road. To the south side of Beggars Lane and separated from it by mature hedge and tree planting is a mix of residential and commercial development. To the north side of Exeter road is further residential development.

The site lies to the west side of the town and within the built-up area boundary. The site itself falls within an area defined as Flood Zone 1 but both Exeter Road to the north and Beggars Lane to the south are within areas defined as having a 1 in 100-year chance of surface water flooding.

To the northwest of the site on either side and fronting onto Exeter Road (1 St Margarets to the north side and 3 St Margarets and Chapel to the south side) are a small group of grade II listed buildings.

### **PROPOSED DEVELOPMENT**

The current application seeks outline planning permission with all matters, save access, reserved.



Permission was originally sought for up to 8 no. dwellings but this has been amended down to up to 6 no. dwellings. A site plan has been provided setting out how the site could be developed. Although not specifically labelled as such the site plan is taken to be indicative only, given that layout is a reserved matter.

The indicated layout provides for a range of units around the edge of the site served by a single estate road leading to shared parking court and garaging on plot parking provision is also indicated.

Access is shown in the southwest corner of the site from Beggars Lane with 1 no. tree indicated for removal to facilitate this.

## **ANALYSIS**

The principle issues with the application are considered to be:

- The principle of development and compliance with policy
- Impact on the character and appearance of the area
- Heritage Impacts
- Highway Issues
- Flooding and Drainage
- Arboricultural Impact
- Ecology Issues
- Amenity Impact
- Other matters

### **The principle of development and compliance with policy**

The site lies within the defined built-up area boundary of the town in an area of existing residential development and where the town centre and its shops, services and facilities are accessible by a variety of modes of transport including walking and cycling. Strategy 6 of the East Devon Local Plan (EDLP) supports development in such locations subject to consideration of a number of listed criteria:

1. It would be compatible with the character of the site and its surroundings and in villages with the rural character of the settlement.
2. It would not lead to unacceptable pressure on services and would not adversely affect risk of flooding or coastal erosion.
3. It would not damage, and where practical, it will support promotion of wildlife, landscape, townscape or historic interests.
4. It would not involve the loss of land of local amenity importance or of recreational value;
5. It would not impair highway safety or traffic flows.
6. It would not prejudice the development potential of an adjacent site.

Stgy 23 deals with development at Honiton and encourages the building of additional new homes within the Built-up Area Boundary.

Of the listed criteria under Stgy 6, the principle of residential development is considered to be in character with the surrounding character of development – however the development density indicated is higher than that in the immediate vicinity of the site and this issue is considered further below. In relation to criteria 2, the site itself lies outside of any areas identified to be at flood risk. Again, the relevant parts of criteria 3 are discussed in the sections below. Criteria 4 is not relevant and criteria 6 is not considered to be applicable. The highway impacts (criteria 5) are considered in further detail below.

The proposal site is considered to be sustainably located and where residential development is acceptable in principle subject to specified criteria being met and compatibility with other policies of the development plan, such matters are considered further below.

In relation to the draft policies of the emerging Local Plan, policy SP05 supports, in principle development within built-up area boundaries.

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

Although located within the built-up area boundary of the town and surrounded by development (mainly residential) on all sides, the site and Beggars Lane in general maintains a verdant suburban character. Properties accessed from the lane are located exclusively to its north side. These properties are set back from the lane, often behind established boundary planting and where the density of development is low. To the south side, the lane is bounded by a mature hedgeline featuring a number of mature trees. There is a pedestrian access, broadly at the midpoint of the southern side of the lane and which leads into the residential estate to the south but the southern hedge boundary is otherwise unbroken and provides effective screening to the residential and industrial development to the south. As a result, Beggars Lane is perceived in isolation to the denser development to its south side and is distinct in character from it.

The application site itself is a small undeveloped field or paddock which contributes positively to the low density and almost semi-rural character of this part of the lane. Mature trees on the site boundary strengthen this effect.

Policy D1 of the EDLP seeks to ensure that new development respects the key characteristics and special qualities of the area in which it is proposed and ensures that, amongst other things, the density of development relates well to its context. Furthermore, it requires that development does not adversely affect trees worthy of retention.

As an outline application with matters of scale and layout reserved it is not possible to fully assess the impacts of development and where this would be undertaken at reserved matters stage. However, it is necessary to consider whether the quantum of development proposed could be satisfactorily accommodated on the site whilst respecting the key characteristics of the area.

At pre-application stage the applicant proposed up to 9 no. dwellings but was advised that a reduction in the number of units proposed to a maximum of 6 would be considered more appropriate. In the event a reduction of one unit, so up to 8 no. units, was originally proposed but this has subsequently been amended so that the indicative layout and application description now relates to 'up to 6' dwellings. The amended site plan shows indicatively how 6 no. units could be provided on the site.

Notwithstanding any arboricultural impacts that could occur as a result of the proposed access position, and which are separately considered below the quantum of development now proposed, whilst representing a higher density of development than that to the immediate east or west of the site, is considered to be appropriate and to provide a balance between respecting the character and appearance of the area and seeking to achieve effective use of land on a sustainable site within the built-up area boundary of the town.

In relation to the draft policies of the emerging Local Plan, policy DS01 has similar requirements to policy D1 and policy DS02 requires residential development to optimise the density of the site in a manner that conserves or enhances the character of the area and makes efficient use of land. The proposal allows the potential to achieve these aims

Impacts on the character and appearance of the area are acceptable.

### Heritage Impacts

The site does not lie within a designated conservation area and there are no listed buildings on or immediately adjoining the site. There is though a small group of listed buildings to the northwest of the site either side of Exeter Road. This group consists of: St Margaret's Charity Almshouses, (North block); St Margaret's Charity Almshouses, (South block), and; Chapel (South side). All of these assets are physically separated from the site by either the existing residential property to the west of the site 'Westover', or Exeter Road. The properties are closely related to and viewed primarily in the context of Exeter Road with limited intervisibility with the site, particularly if the boundary planting along the site's Exeter Road boundary were to be maintained. Nevertheless, given the proximity to the site the potential for harm to arise to those assets as a result of development within their wider setting needs to be considered.

In response to comments raised by the conservation officer the applicant has commissioned and submitted a Heritage Statement which assesses the significance of nearby heritage assets (as identified above) including the contribution played by their setting to their significance. In this respect the contribution is considered to be low compared with that derived from their architectural and historic value and where it is concluded that such setting would not be harmed by the proposed development. The conservation officer has reviewed the submitted statement and concurs with its conclusion.

In addition to the potential for impact on the above identified heritage assets, Devon County Council's Historic Environment Service has commented on the archaeological

potential of the site given its location in relation to the assumed alignment of the roman road to Exeter, proximity to medieval buildings and historical association of the land with those assets.

Given the unknown potential for survival and significance of any below ground archaeological deposits associated with the Roman road and nearby medieval leper hospital, chapel and almshouses and in the absence of sufficient archaeological information, the Historic Environment Team originally raised objection. Such objection was based on failure to comply with policy EN7 of the EDLP which requires an appropriate assessment of sites considered to potentially have remains of archaeological importance and reflects national policy set out at para. 218 of the NPPF (2024).

In response the applicant has provided a report outlining the results of an archaeological trial trench evaluation. The results of the archaeological field evaluation revealed the presence of an earlier field system within the application area and some finds indicating activity from the Late Iron Age or Roman period. Groundworks for the construction of the development could therefore expose and destroy any archaeological and artefactual deposits associated with these heritage assets. However, the Historic Environment Team has advised that they do not consider that the significance of these heritage assets is such that it precludes development of all or part of the application area. Instead they have recommended that the impact of development upon the archaeological resource should be mitigated by a programme of archaeological work to investigate, record and analyse the archaeological evidence. This programme of works should be set out in a Written Scheme of Investigation (WSI). As no WSI has been submitted this would need to be secured by a pre-commencement condition. An additional condition to ensure that post-excavation works are undertaken and completed to an agreed timeframe would also be required.

Subject to such conditions the heritage impact of the development is considered to be acceptable and to comply with the requirements of policy EN7 and EN9 of the Local Plan and draft policies HE02 and HE04 of the emerging plan and which have similar aims.

### Highway Issues

The application is in outline form but matters of access are to be considered at this stage. The proposal shows a single point of access in the southwestern part of the site onto Beggars Lane which would provide for both pedestrian and vehicular access. The access, as proposed, has been amended during the course of the application to move it slightly further to the west so as to avoid impacts on a second tree on the southern boundary, however the proposal would still require the removal of 1 no. tree and the arboricultural impacts are considered separately below.

Concerns have been raised by local residents and one of the ward members in relation to the safety of the increased use of the junction of Beggars Lane with Sidmouth Road and the lack of dedicated footway provision along Beggars Lane to provide separation of pedestrian and vehicular traffic. It has been suggested that access from Exeter Road would be more appropriate.

In relation to the appropriateness of the proposed access provision and the highway safety impacts of the development, a Highways Technical Note and Stage 1 Road Safety Audit have been submitted. The Stage 1 Road Safety Audit does not identify any specific safety concerns with the access proposals. The Highways Technical Note considers recorded accidents within the vicinity of the site and concludes that the level of incidents is not unusual for a built-up area and that there are no inherent deficiencies in the existing highway layout or infrastructure. It also sets out how access to the site by various modes of transport, including access by pedestrians and larger vehicles could be safely achieved. It concludes that the proposal would not result in adverse impacts in terms of highway safety on the safe operation of the highway network.

With regards to alternative access from Exeter Road this has been considered by the applicant but dismissed over concerns that visibility splay requirements on the Exeter road frontage would require control over third party land affecting potential deliverability.

Devon County Council as the local highway authority has reviewed the access proposals and visited the site. They advise that the proposed access would provide suitable visibility in both the east and west directions in accordance with best practice design guidance. They have also reviewed recorded road collision data (available on a rolling 5 year period, currently January 2018 to December 2022) and which they advise shows that there has been 2 slight and 1 severe recorded collisions on the mini roundabout of Beggars Lane and 1 slight collision on the Sidmouth Road Roundabout. However they advise that not all of these are necessarily directly influenced from Beggars Lane. Nevertheless, they have recommended that some additional signage and 'ghost' white lining/build-out would help improve the visibility of the Beggars Lane arm of the roundabout. Such measures could be secured by a Grampian style condition requiring these off-site works to be delivered prior to the occupation of any of the approved dwellings. Otherwise the highways authority has confirmed that the development would not create an unacceptable trip generation intensification upon the local highway network.

In terms of accessibility the proposal is considered to be sustainably located with relatively level access to the town centre and train station to the east and commercial development to the west. Bus stops are located close by on Exeter and Sidmouth roads providing connections further afield. It is notable that Beggars Lane has no pavements and is not lit and this in many circumstances would be likely to increase reliance on use of the private car. In this case however Beggars Lane is a no through road for cars and only 8 dwellings currently take access from the lane. Traffic levels will therefore be low and suitable for the lane to be used as a shared surface.

The proposal is therefore considered to be compliant with policies TC2 and TC7 of the Local Plan and TR01 of the emerging Local Plan.

### Flooding and Drainage

The application site lies entirely within an area defined as Flood Zone 1 and therefore with a low probability of flooding, however both Exeter Road to the north and Beggars Lane to the south of the site are susceptible to surface water flooding (1 in 100 year

events). As none of the application site, including the access, is within the area of risk of flooding, the sequential approach does not need to be applied.

The application is accompanied by a Drainage Statement setting out a number of options for managing surface water related to the development, these options consider the drainage hierarchy with infiltration being the preferred method of management. The strategy recognises the limitations on such provision but considers this could be achieved through use of a communal soakaway and permeable surfacing for driveways if infiltration testing demonstrates that ground conditions would make this feasible. If infiltration cannot be achieved then it is proposed to connect to existing South West Water surface water drains at an attenuated rate. Consideration of different SuDS features to achieve appropriate attenuation rates are considered but below ground storage is considered to be the most feasible due to the size constraints of the site. The Statement confirms that there is agreement in principle with SWW to allow such connection should infiltration not be feasible.

At this stage, where the quantum, form and layout of the development is not fixed it is not possible to agree detailed surface water management measures, however, the application is supported by sufficient information to demonstrate that an appropriate drainage solution could be provided and in the event the application was otherwise found to be acceptable further drainage details could be secured by condition. The details provided are considered appropriate for an outline approval so as to meet the requirements of Policy EN22 of the Local Plan and AR01 of the emerging Local Plan.

Foul drainage is proposed to be connected into the existing combined SWW sewer in Exeter road and where the applicant states SWW has confirmed there is sufficient capacity to accommodate additional flows arising from the site.

### Arboricultural Impact

There are individual and group Tree Preservation Orders (TPOs) covering all of the trees on site, these being trees growing along the northern and southern site boundaries with Exeter Road and Beggars Lane respectively.

On the Beggars Lane frontage the trees are, from left to right, A Cherry, 2 no. oaks and a Field Maple. Both the Cherry and the Field Maple are considered to be A category trees and the Oaks B category (in accordance with BS5837:2012) . Given the positioning of the trees it would not be possible to provide vehicular access to the site without detrimental impact on at least one of these trees.

As originally proposed, with the access further to the east, there were concerns that this could detrimentally impact on both of the Oaks (T3 and T4 in the submitted survey) and in order to avoid impact on both trees the site access has been amended by being moved further to the west. As a result, T3 would still require removal but impact on T4, and other onsite trees, could be avoided, subject to securing tree protection measures by condition. T3 is assessed as being the lowest value of the trees on the Beggars Lane frontage and whilst its removal would be regrettable the Council's arboricultural officer has raised no objection to the is subject to a condition to secure re-planting.

Policy D3 of the Local Plan requires development to result in no net loss in the quality of trees or hedgerows resulting from an approved development. It will take some considerable time for the loss of a mature oak to be mitigated by replacement planting but its removal would remove suppression of the other nearby oak (T4) and should allow this tree to flourish. Overall, in the short term there would be some net loss in the quality of trees on site but in the longer term this quality would be maintained.

It should be noted that the grant of planning permission would override the TPO relating to T3.

Impact on trees is considered to be acceptable.

### Ecology Issues

An Ecological Assessment has been carried out of the site. The report considered the ecological potential of the site, the impact of the proposed development and makes recommendations in terms of mitigation, and enhancement measures. Generally the site was found to be of low ecological importance consisting primarily of poor quality grassland but surrounded by species poor hedge planting and some mature trees. In terms of protected, priority and notable species the site was found to be of negligible interest in relation to amphibian and reptiles, of site level interest for birds, Hazel dormouse, Hedgehog and Badgers with the site generally being considered to have low roosting potential or foraging interest for bats. A number of recommendations were made including for the provision of Landscape Ecological Management and Construction Ecological Management Plans for appropriate soft landscaping for a sensitive lighting strategy and for enhancement measures including provision for bat and bird boxes.

The District Ecologist on review of the submitted assessment considered that the proposed enhancement and mitigation measures were generally found to be suitable but that the site displayed some areas of habitat suitable for reptiles and where there are records of slow worms being present within 350 metres of the site. As such a reptile survey was recommended.

A reptile survey of the site has subsequently been carried out and a report setting out the results of this submitted. The survey confirmed a low/small population of slow worms considered to be of site importance, this being the case, a reptile mitigation strategy for the translocation of slow worms to a suitable off-site habitat would be required. It is suggested that this could be controlled by a Construction and Ecological Management Plan secured by condition.

The District Ecologist has reviewed the additional ecological information and confirmed that the submitted reports covers all protected species issues satisfactorily. It is therefore considered that subject to conditions requiring compliance with the recommendations of the submitted ecological reports and which include requirements for a Landscape and Ecological Management Plan and a Construction Ecological Management Plan as well as the provision of enhancements including: provision of nest and swift nest boxes and bat tubes/boxes, that the proposal would comply with strategy 47 and policies EN5 of the Local Plan and PB03 of the emerging Local Plan.

In relation to Biodiversity Net Gain (BNG), requirements brought forward under the Environment Act 2021 and amendments to the Town and Country Planning Act 1990, mean that, subject to some exemptions, all planning permissions will be subject to a conditional requirement to provide a minimum 10% increase in biodiversity value. The Biodiversity Net Gain (BNG) can be delivered on site or off-site through a registered credit scheme. In this case, the application has been submitted with the biodiversity metric complete and a BNG assessment indicating that the proposal would result in a net loss of habitat units but a net gain in hedgerow units, as such it would normally be necessary to secure off-site BNG credits in order to meet the mandatory BNG requirement. However in this instance the proposal is considered be exempt from the requirement as the application was made prior to the date when the legislation came into effect for non-major development, as ecological enhancements are proposed (as noted above) the requirements for exempt development, set out in draft policy PB05 of the emerging Local Plan could be met.

### Amenity Impact

The site has immediately adjoining residential properties to both its east and west sides with to the north and south existing development being separated by Exeter Road and Beggars Lane respectively. At this stage, where details of layout, scale and external appearance are reserved it is not possible to fully consider potential impacts on neighbouring properties and such consideration is rightly reserved for the reserved matters stage. However, the reduction in maximum number of units now proposed is welcomed and this reduction in density will allow more scope to achieve a layout with suitable separation between existing and proposed dwellings and appropriate landscaping. Some concerns have been raised in relation to the provision of 2 storey properties on the site and their relationship with existing bungalows, however, there are a mix of single and two storey properties along Beggars Lane and as such there is no reason at this stage to seek to restrict the development to single storey only. Should outline permission be granted it would be for any future developer to demonstrate through a Reserved Matters application how the scale, layout and appearance of properties proposed are appropriate for the site context.

In relation to construction impacts of development a Construction Management Plan can be imposed which would control hours of construction and deliveries as well as construction traffic movement with the aim of minimising disruption.

### Other matters

**Upgrades to Beggars Lane** – It has been suggested that street lighting and a dedicated cycle/pedestrian route should be provided in Beggars Lane. These are matters to be considered by Devon County Council as the highways authority but they have not suggested these are required in connection with this application to make it acceptable.

**Military remains** – It is understood that unexploded ordinance has previously been found at properties close to the site and where the nearby Heathpark Estate formed part of a former military camp. Whilst there is no evidence of the presence of any military remains on the site itself any development should proceed with an awareness



of the former military use nearby. This however would be a matter for the contractors to consider and respond to appropriately.

### **Affordable Housing**

There is no policy requirement to provide affordable housing for this scale of development in this location.

### **Conclusion/Planning Balance**

The proposal site lies within the defined built-up area boundary of the town and where it is readily accessible by sustainable modes of transport with good pedestrian and cycle links to the town centre to the east and to employment opportunities at the Heathpark Industrial Estate to the west. As such, the site is considered to be a sustainable location for residential development and would deliver social benefits as a result.

Given the shortfall in supply measured against the authority's 5 year housing supply requirement and the NPPF aim to significantly boost the supply of housing, the delivery on new dwellings, albeit a relatively modest amount in this instance, weighs strongly in favour of the proposal.

The proposal would also deliver economic benefits through the support of construction and associated supply chain jobs as well as the longer term benefits arising from additional resident spend.

In terms of environmental impacts the proposal would result in the loss of one protected tree on the Beggars Lane frontage but would otherwise seek to protect boundary habitats and provide ecological enhancements, albeit being exempt from statutory BNG. Conditions are suggested to secure ecological mitigation and enhancement measures, to secure tree protection and replacement planting and to control construction impacts in the interest of amenity

In other regards the proposal has been assessed by the highways authority and is considered to be acceptable in highways safety terms with a requirement for off-site highway improvements to be secured by condition.

The proposal is therefore found to be in accordance with the development plan and where the benefits of delivering the site for housing are considered to outweigh any harm that may arise. The application is therefore recommended for approval, subject to the conditions set out below.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

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

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

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

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

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

(Reason - For the avoidance of doubt.)

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

(Reason - To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 218 of the National Planning Policy Framework (2024), that an appropriate record is made of archaeological evidence that may be affected by the development. A pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.)

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

(Reason - To comply with Paragraph 218 of the NPPF (2024), which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.)

6. Prior to commencement of development the Local Planning Authority shall have received and approved a Construction and Environment Management Plan (CEMP) including:
  - (a) the timetable of the works;
  - (b) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements and construction working hours being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 8.00am to

1.00pm Saturdays, with no such vehicular movements or construction work taking place on Sundays and Bank/Public Holidays;

- (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;
- (o) There shall be no burning on site and no high frequency audible reversing alarms used on the site.
- (p) 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

Reason - To protect the amenities of existing and future residents in the vicinity of the site and to minimise the impact of the development on the highway network in accordance with policies TC7 (Adequacy of Road Network and Site Access), D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031 and national policies as set out in the National Planning Policy Framework and associated Planning Practice Guidance. A pre-commencement condition is required to ensure that the required works can be considered and delivered in advance of any increased traffic impacts associated with the development.)

7. No development shall take place on site until off-site highway works to include additional signage and ghost white lining/build-out at the junction of Beggars Lane with Sidmouth road have been provided in accordance with details that have previously been submitted to and agreed in writing with the local planning authority in conjunction with Devon County Council as the highway authority

(Reason - To minimise the impact of the development on the highway network in accordance with policy TC7 of the East Devon Local Plan 2013-2031 and national policies as set out in the National Planning Policy Framework and associated Planning Practice Guidance. A pre-commencement condition is required to ensure that the required works can be considered and delivered in advance of any increased traffic impacts associated with the development.)

8. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, [including trees which are the subject of a Tree Preservation Order currently in force], shall be submitted to and approved in writing by the Planning Authority. The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturist, and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures.

The development shall be carried out in accordance with the approved TPP and AMS and on completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturist and submitted to the Planning Authority for approval and final discharge of the condition.

Notwithstanding these requirements the following restrictions shall be adhered to:

- 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.
- 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.
- 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.
- Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed plan showing layout of any existing, replacement or new above and below ground services, foul and surface water drainage and other infrastructure - insofar as they may affect existing trees - shall be submitted to and approved in writing by the Local Planning Authority (notwithstanding any additional approvals or compliance which may be required under any other Legislation e.g. NJUG Vol. 4 Guidelines). Such layout and design and implementation shall provide for the long term retention of the trees and hedgerows. Any unavoidable but necessary root severance and soil disturbance is to be minimised by providing a specification for root pruning in accordance with BS 3998: 2010. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement / approved service / drainage/infrastructure layout.

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

9. A Landscape and Ecological Management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development based on the submitted Ecological Assessment (Luscinia Ecology, 29/08/24) and informed by a detailed landscaping plan. It should include details of the reptile translocation, including methodology and receptor site, locations and design of biodiversity features including bird boxes (at a ratio of 1 per unit), bat boxes, bee bricks, permeable fencing, and other features clearly to be shown on submitted plans.

The content of the LEMP shall also include the following.

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

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

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

(Reason -To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031 and national policies as set out in the National Planning Policy Framework and associated Planning Practice Guidance. It is necessary to require the details pre-commencement as it is essential that these are considered at an early stage to ensure that ecological/biodiversity interests are

properly considered and protected from any construction impacts of the development.)

10. No development shall take place (including ground works or vegetation clearance) until a Construction and Ecological Management Plan (CECoMP) has been submitted to and approved in writing by the local planning authority based on the details within the submitted Ecological Assessment (Luscinia Ecology, 29/08/24). The CECoMP shall include the following.
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices and to include provision for a sensitive lighting strategy.) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication, including reporting compliance of actions to the LPA
  - g) The role and responsibilities on site of an ecological clerk of works (ECow), including any licence requirements.
  - h) Use of protective fences, exclusion barriers and warning signs. The approved CECoMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Development shall proceed in accordance with details as agreed.

(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) of the Adopted East Devon Local Plan 2013-2031 and national policies as set out in the National Planning Policy Framework and associated Planning Practice Guidance. It is necessary to require the details pre-commencement as it is essential that these are considered at an early stage to ensure that ecological/biodiversity interests are properly considered and protected from any construction impacts of the development.)

11. 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) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
  - (b) A detailed surface water drainage design based on SuDS principles and the results of the information submitted in relation to (a) above.

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

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

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

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

(Reason: 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 policy EN22 (Surface Run-off Implications of New Development); SuDS for Devon Guidance (2017) and national policies as set out in the National Planning Policy Framework and associated Planning Practice Guidance. It is necessary to require the details pre-commencement as 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.)

12. Prior to, or as part of, any Reserved Matters application for landscaping or layout (whichever is submitted sooner), details of replacement tree planting, in compensation for the loss of the oak (T3) (as defined in the Arboricultural Impact Assessment prepared by GE Consulting services Ltd. and dated 20<sup>th</sup> March 2024) shall have been submitted to the Local Planning Authority for approval. Such details shall provide for:

- Planting of a heavy standard, native broadleaf tree, to be located within or adjacent to the hedgerow on the Beggars Lane frontage of the site;
- Details of the long term maintenance of the tree and requirements for its replanting with a tree of the same size and species during the next planting season in the event that the tree dies or becomes diseased or incurs unacceptable damage in the opinion of the LPA.

Development shall proceed in accordance with details as agreed with the planting being undertaken prior to the initial occupation of any of the dwellings hereby permitted, unless an alternative timetable for delivery has previously been agreed with the Local Planning Authority in writing.

(Reason - To ensure adequate compensatory planting is provided for the loss of trees required as part of the development, in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

13. Prior to their installation, a schedule of materials and finishes, including British Standard or manufacturer's colour schemes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for

the external walls, roofs and ground surface materials of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

14. The development shall not be occupied until the local planning authority has been provided with evidence, including photographs, that all ecological mitigation and enhancement features as identified within the Ecological Assessment (Luscinia Ecology, 29/08/24) have been installed/constructed, and compliance with any ecological method statements, in accordance with details within the submitted LEMP and CEcoMP. The enhancement and mitigation features shall thereafter be retained.

(Reason -To ensure that the mitigation and enhancement measures have been appropriately delivered in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031 and national policies as set out in the National Planning Policy Framework and associated Planning Practice Guidance.)

15. No dwelling approved as part of the permitted development shall be occupied until details of secure cycle/scooter storage facilities to serve it 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 Stgy 5B (Sustainable Transport) and TC9 (Parking Provision in New Development) of the East Devon Local Plan 2012-2031 and national policies as set out in the National Planning Policy Framework and associated Planning Practice Guidance.)

16. The landscaping scheme approved at the reserved matters stage shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - 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 D4 (Landscape Requirements) of the East Devon Local Plan.)

Plans relating to this application:



|                              |               |          |
|------------------------------|---------------|----------|
| 826 001                      | Location Plan | 27.03.24 |
| 052: Proposed<br>Access Plan | Other Plans   | 19.05.25 |

#### 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 – Consultee comments in full**

### **Honiton Town Council**

#### **06.06.25**

Members considered the amended plans and RESOLVED to continue to SUPPORT the proposal.

For 3; Against 2; Abstentions 0

#### **17.09.24**

Members considered the amended plans and RESOLVED to continue to SUPPORT the proposal.

For 3; Against 2; Abstentions 0

#### **17.04.24**

SUPPORT subject to a reduction in the number of proposed dwellings to a maximum of 6 dwellings in line with the pre-application advice received from the District Authority and subject to the agreement of Devon County Highways.

For 3, Against 1, Abstentions 0.

### **Devon County Archaeologist**

#### **28.06.24**

My ref: ARCH/DM/ED/39398c

I refer to the above application and the report setting out the results of the archaeological field evaluation undertaken here.

The results of the archaeological field evaluation have revealed the presence of an earlier, probably medieval, field system within the application area. The finds recovered from these investigations include a small quantity of Late Iron Age or Roman pottery indicating activity from this period near or within the application area. As such, groundworks for the construction of the proposed development have the potential to expose and destroy any archaeological and artefactual deposits associated with these heritage assets within the area affected by the construction of the new dwellings here. However, the Historic Environment Team do not consider that the significance of these heritage assets is such that it precludes development of all or part of the application area. The impact of development upon the archaeological resource should instead be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

In the light of the results of the archaeological field evaluation I would like to withdraw the Historic Environment Team's previous objection and instead recommend that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 211 of the National Planning Policy Framework (2023) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

#### Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 211 of the National Planning Policy Framework (2023), that an appropriate record is made of archaeological evidence that may be affected by the development.'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

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

#### Reason

'To comply with Paragraph 211 of the NPPF (2023), which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

I would envisage the programme of archaeological work as taking the form of the archaeological supervision of all groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

**17/04/24**

My ref: ARCH/DM/ED/39398b

Thank you for your recent email. The proposed development lies in an area of archaeological potential with regard to roadside development adjacent to the alignment of the Roman road and by virtue of its proximity to the adjacent medieval leprosy hospital, St Margaret's almshouses and St Maragaret's Chapel.

National and local policy on heritage and planning is clear in the requirement for planning applications to be supported by sufficient heritage information.

Paragraphs 200 and 201 of the NPPF (2023) requires that:

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

The East Devon Local Plan Policies on heritage require a consideration of heritage in the planning process. Strategy 49 - The Historic Environment states:

"The physical and cultural heritage of the district, including archaeological assets and historic landscape character, will be conserved and enhanced and the contribution that historic places make to the economic and social well-being of the population will be recognised, evaluated and promoted. We will work with our partners and local communities to produce or update conservation area appraisals and conservation area management plans."

While EN7 - Proposals Affecting Sites which may potentially be of Archaeological Importance requires that:

"When considering development proposals which affect sites that are considered to potentially have remains of archaeological importance, the District Council will not

grant planning permission until an appropriate desk based assessment and, where necessary, a field assessment has been undertaken."

The information submitted in support of this planning application contained no consideration of the potential for the site to contain heritage assets with archaeological interest and, as such, it is not possible to determine the significance of any heritage assets with archaeological interest that may be present, the impact upon any such heritage assets by the proposed development or to determine how any impact can be avoided or minimised - if conservation or preservation in situ is required.

With regard to the reference to the Historic Environment Team's specification for archaeological excavation in the agent's email as a justification for undertaking the archaeological work, contrary to the above policies, through the application of a condition to any consent granted: a recommendation for a programme of archaeological work through the application of a condition is only made when there the planning application is supported by sufficient heritage information or sufficient information is available in the county Historic Environment Record to enable the Historic Environment Team to make an informed comment on the planning application. It would be more appropriate to refer to our specification for archaeological field evaluation which "sets out the scope of the archaeological works required to either (i) inform the submission of a planning application or (ii) as the first stage of archaeological work required by an archaeological condition that has been applied to a planning consent." In this case the field evaluation is required to inform the submission of a planning application as per the above policies.

In the absence of sufficient heritage information for the above reasons I would therefore reiterate the Historic Environment Team's previous comments that given the unknown potential for survival and significance of any below ground archaeological deposits associated with the Roman road and nearby medieval leper hospital, chapel and almshouses and the absence of sufficient archaeological information, the Historic Environment Team objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application on the basis of insufficient heritage information contrary to the above national and local planning policies.

I hope this clarifies my previous comments, though do get back to me if you need any additional information. I would be happy to discuss this further with you, the applicant's agent or the applicant if it would be helpful.

**10/04/24**

My ref: ARCH/DM/ED/39398a

I refer to the above application. The proposed development lies in an area of archaeological potential adjacent to the putative alignment of the Roman road leading westward towards Exeter, and just to the east of the complex of grade II listed medieval buildings comprising of the 14th century leprosy hospital, St Margaret's almshouses and St Maragaret's Chapel - both dating from the 16th

century. In addition, the mid-19th century Tithe Apportionment refers to this parcel of land as "Saint Margarets Land" indicating it, as well as several other fields to the east, belonged to the almshouses - representing the last remaining parcel of land belonging to St Margarets to be developed. Given the location of the proposed development site, there is the potential for the area under consideration site to contain archaeological and artefactual deposits associated with the known medieval and early post-medieval activity here, as well as any roadside development on the Roman road. However, the information submitted in support of this application is not sufficient to enable an understanding of the significance of any heritage assets with archaeological interest within the application area or of the impact of the proposed development upon these heritage assets.

Given the unknown potential for survival and significance of any below ground archaeological deposits associated with the Roman road and nearby medieval leper hospital, chapel and almshouses and the absence of sufficient archaeological information, the Historic Environment Team objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application on the basis of insufficient heritage information. The requirement for this information to be submitted in support of this planning application is in accordance with East Devon Local Plan Policies EN7 - Proposals Affecting Sites Which May Potentially be of Archaeological Importance - and EN8 - Significance of Heritage Assets and their Setting, and paragraphs 200 and 201 of the National Planning Policy Framework (2023).

The additional information required to be provided by the applicant would be the results of a programme of intrusive archaeological field evaluation.

The results of these investigations will enable the presence and significance of any heritage assets within the proposed development area to be understood as well as the potential impact of the development upon them, and enable an informed and reasonable planning decision to be made by your Authority.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice on the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

## Conservation

### **19.07.24**

In response to the amended Heritage Statement submitted, this has sufficiently addressed conservations concerns on the potential impact the proposed development would have on the setting of the three identified heritage assets.

Conclusion: The development proposal would continue to preserve the setting of the heritage assets, in accordance with para. 212 of NPPF23.

**30.04.2024**

Land At, Beggars Lane, Honiton

Outline application (with all matters reserved apart from access) for the erection of up to 8 dwellings and associated infrastructure.

Despite the pre-application advice offered, that the site is unlikely to result in any heritage impacts, and the subsequent Planning Statement suggesting 'there are no immediate listed buildings, and it is outside of the Conservation Area.'

Following a quick assessment of the surrounding area, there are three listed buildings, as identified below, located within 35m to the west of the development site. These assets are considered close enough to the site, where the proposed development has the potential to change these asset's setting and in turn significance, details of these assets is provided below.

- o St Margaret's Charity Almshouses, (North block) - 35m west of development site.

Central cottage of North block is original, 2 storey, 2 3-light casement at 1st floor, central entrance with casement each side; the 2 side wings with stone rubble walls and gothic leaded casements, were added in 1807. Thatched roofs. St Margaret's Charity Almshouses and Chapel form a group.

- o St Margaret's Charity Almshouses, (South block) - 35m west of development site.

Leper hospital dating from circa 1530. 3 cottages on south side of road form L-shaped block with brick and rubble walls and thatched roof. Some early C16 doors and woodwork remain including an oak door frame with shouldered arch. 2 early C19 Gothic windows similar to those across the road have been inserted. St Margaret's Charity Almshouses and Chap form a group.

- o Chapel (South side)- 54m west of development site.

Chapel recently in occasional use, stone rectangular gabled building with 2 windows each side and waggon roof. Built early C16, restored. Coursed stone including flint. Quoins. Slate roof. St Margaret's Charity Almshouses and Chapel form a group.

There is a strong presumption against works that would result in harm to heritage assets through the workings of s.16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 205 of the Framework explains that great weight should be given to the conservation of designated heritage assets.

Furthermore, and in determining applications through paragraph 200 of the Framework, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

In this respect an assessment of the identified heritage assets values and their setting must be undertaken and provided through a heritage statement. The requested assessment should be in accordance with the 'stepped' approach provided by Historic England in 'The setting of heritage assets' (GPA3) which will allow for a clearer understanding on the level of harm, the proposed development would have on the contribution the setting of the identified Grade II assets would have on the significance of the heritage assets within its vicinity.

If there is a level of harm identified through the requested assessment this should be clearly identified and in accordance with Paragraph 208 of the framework weighed against the public benefits of the proposal.

### District Ecologist

#### **20.09.24**

The scheme is unlikely to result in a net gain but is not subject to mandatory BNG. The report indicates it would result in neutral impact and covers all protected species issues satisfactory. Other than reducing the amount of housing on the site, e.g., with areas of POS with tree planning, there is unlikely to be any gains in habitats due to the size of the site. Therefore, if minded for approval ecology matters could be subject to condition, e.g., follow recommendations of report/compliance condition, LEMP and CEMP.

#### **05.06.24**

##### **1. Introduction**

This report forms the EDDC's Ecology response to the outline application for the above site. The report provides a review of ecology related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

##### **2. Review of submitted details**

##### **Ecological Assessment (EA)**

The application is supported by an Ecological Assessment (EA) including a desk study, Biodiversity Statement and Biodiversity Gain Plan (BS&BGP), and a Statutory Biodiversity Net Gain (BNG) Calculation Tool.

Ecological surveys undertaken include an extended phase 1 habitat survey, a visual badger survey and ground level tree assessment bat survey. The habitat survey was undertaken at the end of October 2023, which is outside the optimal botanical survey period, however acceptable justification has been provided.

##### **Ecological receptors**

The site is bounded by hedgerows and trees on all sides, with the majority of the site comprised of modified grassland. The EA report considers the modified grassland to have negligible ecological value, apart from some limited value for commuting and foraging badgers with the boundary hedgerows and trees providing potential to support commuting and foraging bats, nesting birds, dormice and hedgehogs.



## Ecological impacts

There are no predicted impacts on any designated sites for wildlife interest.

The proposals involve the removal of approximately 0.38 ha of modified grassland and 13 m of species-poor native hedgerow and a single oak tree on the southern boundary. Although this application is not in scope for mandatory biodiversity net gain (BNG), the indicative BNG calculations include a baseline of 3.84 area units and 2.41 hedge units; post intervention calculations include 1.92 area units (-49.99%) and 6.11 hedge units (+154.11%). Therefore, the development would result in a quantified biodiversity loss.

The removal of 13 m of hedgerow on the southern boundary has the potential to negatively impact dormice, hedgehogs and nesting birds and reptiles (see below). Habitat clearance methodology, contained within the EA report, is considered appropriate and acceptable for the scale of the impact.

## Reptiles

The EA report considers the site provides negligible potential to support reptiles. However, photographs within the EA report, specifically photographs 3, 4 and 6, show several areas of unmanaged tussocky grassland with a varied sward, particularly along the hedgerows. It also notes bramble encroachment, and the site is surrounded by residential gardens and banked hedges, which provides suitable reptile habitat. There is an exceptional population of slow worms recorded within 350 m of the site (not within the DBRC data search - from a recent planning submission). Therefore, the site could offer suitable reptile habitat and there are records of reptiles in the wider area.

Given the diverse habitat types present and potential suitability to support reptiles, it is recommended that reptile survey be undertaken to determine presences/absence prior to determination. All native reptiles are listed as rare and most threatened species under Section 41 of the Natural Environment and Rural Communities Act (2006). Planning authorities must have regard for the conservation of Section 41 species when making planning decisions.

A reptile survey should include a refuge survey with reptile mats/tins (500 mm x 500 mm) deployed in suitable habitat over the site, left to bed in for at least a week, and checked on seven separate occasions in suitable weather conditions in accordance with best practice guidelines.

Should reptiles be confirmed as present then an avoidance and mitigation strategy will need to be submitted and approved, which may include habitat manipulation or a translocation exercise.

## Ecological mitigation, compensation, and enhancement

The proposed hedgerow creation and enhancement on site is welcome. However, all boundary hedgerows will be within private gardens, and therefore, their long-term management cannot be guaranteed.

The metric calculations quantify that the proposal would result in a net loss of area habitats post development with proposed habitat creation limited to buildings and vegetated gardens. The BNG report highlights that for the development to be compliant with national planning policy would require the purchase of off-site biodiversity units.

The EA report mentions a sensitive lighting strategy will be required. Any lighting design will need to be in accordance with BCT/ILP 2023 Guidance Note 8.

Enhancement measures for nesting birds are proposed to install nest boxes on four of the eight new buildings with additional nest boxes installed on boundary trees. Integral nest boxes should be installed within each dwelling (ratio of 1:1) in accordance with BS42021:2022. The provision of swift boxes is welcome.

Mitigation and compensation measures for badgers, bat roosts, and hedgehogs are considered acceptable.

### 3. Conclusions and recommendations

I would add a holding objection pending the results of the recommended reptile survey and (if present) mitigation strategy.

#### Reason

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

In absence of the necessary information identified above, it has not been demonstrated that the proposals would not result in an adverse impact on protected and priority species. In absence of this information, the proposal is not in accordance with Policies EN5, and Strategy 47 of the East Devon Local Plan 2013 to 2031.

William Dommett MSc MCIEEM  
District Ecologist - East Devon District Council

#### EDDC Trees

##### **19.06.25**

I have reviewed the revised access proposals that shows T3 would be removed to allow the new access, it appears the stem of T4 would be within the visibility splay to the east of the proposed access. However, I understand that as the actual canopy of the T4 would not be within the visibility splay the highways officer has indicated that this would be acceptable (though this is yet to be confirmed in writing).

That being the case, if T4 is retained I consider the revised access plans to be satisfactory from an arboricultural perspective, subject to there being a suitable replacement planting for T3. Also a Tree protection plan and arboricultural method statement to show how retained trees and hedges will be safeguarded should be

required. I would advise this should be required by a condition attached to any potential subsequent reserved matters scheme, if the outline application is approved.

#### **15.05.24**

I have reviewed the submitted plans & the BS5837 tree report & arboricultural impact assessment(AIA) prepared by GE.

I have also viewed the trees from Beggars Lane and Exeter Road, there was no access to the site itself. I note the tree survey plan is based on an ariel image rather than a topographical drawing, the implications of this is that the stem locations of the trees may not be as accurate as on a topo survey.

There are 4 good quality trees growing in the hedge (H2) next to Beggars Lane, 2 oaks (B category in the survey), a cherry and a field maple(both A category), they all contribute positively to the green character of Beggars Lane and to significantly to public amenity.

The other trees on the site are growing in the northern boundary with Exeter Road, and consist of 3 beeches, a field maple, an oak and some smaller hedgerow trees, they have been recorded in the tree survey as mostly good quality B category features. They provide screening from the road and add appreciably to public amenity along this section of the extremely busy highway into and out of Honiton.

The tree retention plan prepared by GE indicates that T3, oak would be removed to form the new access into the site off Beggars Lane, but that T4, the other oak would be retained. However the proposed access details (Access visibility and splay plan) appear to indicate that T4 would also be removed, in addition to the majority of the hedgerow, to achieve the 2.4m x 43m visibility splay.

This anomaly between the plans ought to be explained and ensure the tree locations are plotted accurately to determine the impacts on the trees next to Beggars Lane.

In terms of future impacts, the proximity of plots 4, 5 and 7 to trees T1, T4 and T5 respectively would likely affect the amenity of future residents due to issues with associated with shading, leaf fall and proximity, and result in pressure on the trees to be substantially pruned or felled. The same would apply to the proximity of plot 3 to T11, but the issues would be less acute because the tree is located to the north of the proposed dwelling and would not cause direct shading of sunlight to the dwelling. However, the rear elevation of the plot encroaches on the RPA of T3 and this would result in potential root damage during construction.

While the application is for outline planning these issues need to be addressed at this stage to ensure the houses can be constructed without damage to the root systems and promote a future harmonious relationship between the trees on the site and the potential new dwellings.

I would object to the outline application due to the potential loss of important tree, T3 and T4, the detrimental impact that would result on the character and amenity of Beggars Lane and the future pressure that would result on retained trees. Potential replacement new planting for T3 and T4 would likely consist of small canopy tree species within private gardens, due to the lack of space within the site to accommodate new large canopy species. Therefore in this case potential

replanting is unlikely to compensate sufficiently for the loss of these 2 good quality oaks.

### County Highway Authority

#### **23.06.25**

The amendment letter and plan has been reviewed along with discussions with the applicant to understand the issues regarding the successful retention of the T4 tree. I am satisfied that utilising the Manual for Streets Clause (MFS 1 and 2) of allowing the visibility splay to come out 1m from the kerb-line into the running edge of vehicle swept paths will help create greater clearance of the T4 tree and be suitable upon this road with reduced speed/vehicle numbers particularly after the access of this development.

We do not accept the slim-line nature of a tree trunk as a visibility obstruction and I am satisfied that after discussions with the Tree-Officer, this type of tree will have a tree canopy that is out of the way of the vertical clearance required for the visibility envelope.

#### **10.06.24**

I have visited the site and reviewed the planning documents.

The application is outline only, therefore I will reserve judgement upon the internal site until a reserved matters application, should come forward.

The proposed access however can provide suitable visibility in both the east and west direction in accordance to our best practice design guidance, Manual for Streets 1 and 2.

I have checked the vicinity on our recorded road collision data, which is a rolling 5 year period, currently January 2018 to December 2022 and there are 2 slight and 1 severe recorded collisions on the mini roundabout of Beggars Lane and 1 slight collision on the Sidmouth Road Roundabout, whilst I do not believe that all of these collisions are directly influenced from Beggars Lane, I do believe some minor works in context with 8 additional dwellings would help highlight the Beggars Lane arm on the mini roundabouts, including additional signage and some ghost white lining/build-out to help improve the visibility of this junction arm upon the roundabout.

Additional roundabout repeater signs on the Sidmouth Road roundabout would also help highlight the junction arm of Sidmouth Road and reduce 'straight-through movements from the High/Street/Dual-Carriageway.

However, overall, I do not believe the addition of 8 dwellings will create an unacceptable trip generation intensification upon the local highway network, supported by the availability of local services and facilities within walking/cycling distance of this site, together with the sustainable travel options of Honiton include a regular train and bus service.

Recommendation:

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

1. 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;

2. 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 2012-2031.

3. Off-Site Highway Works No development shall take place on site until the off-site highway works as described above have been constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with policy TC7 of the East Devon Local Plan 2013-2031.