

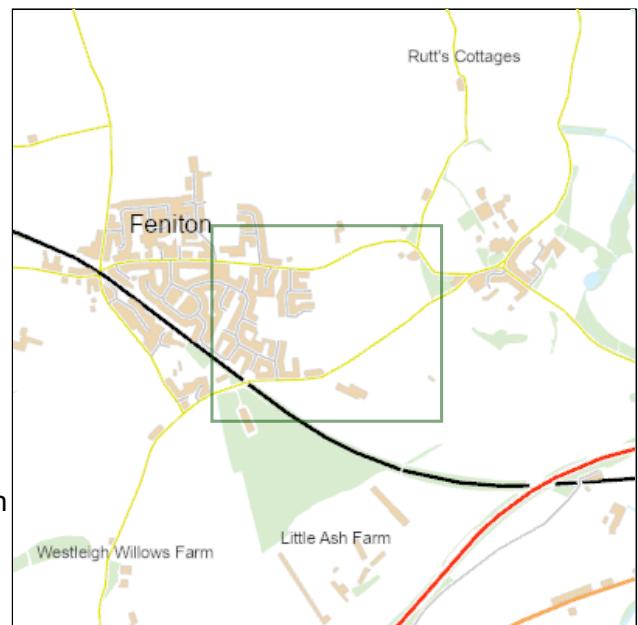
Ward Feniton

Reference 25/1060/MOUT

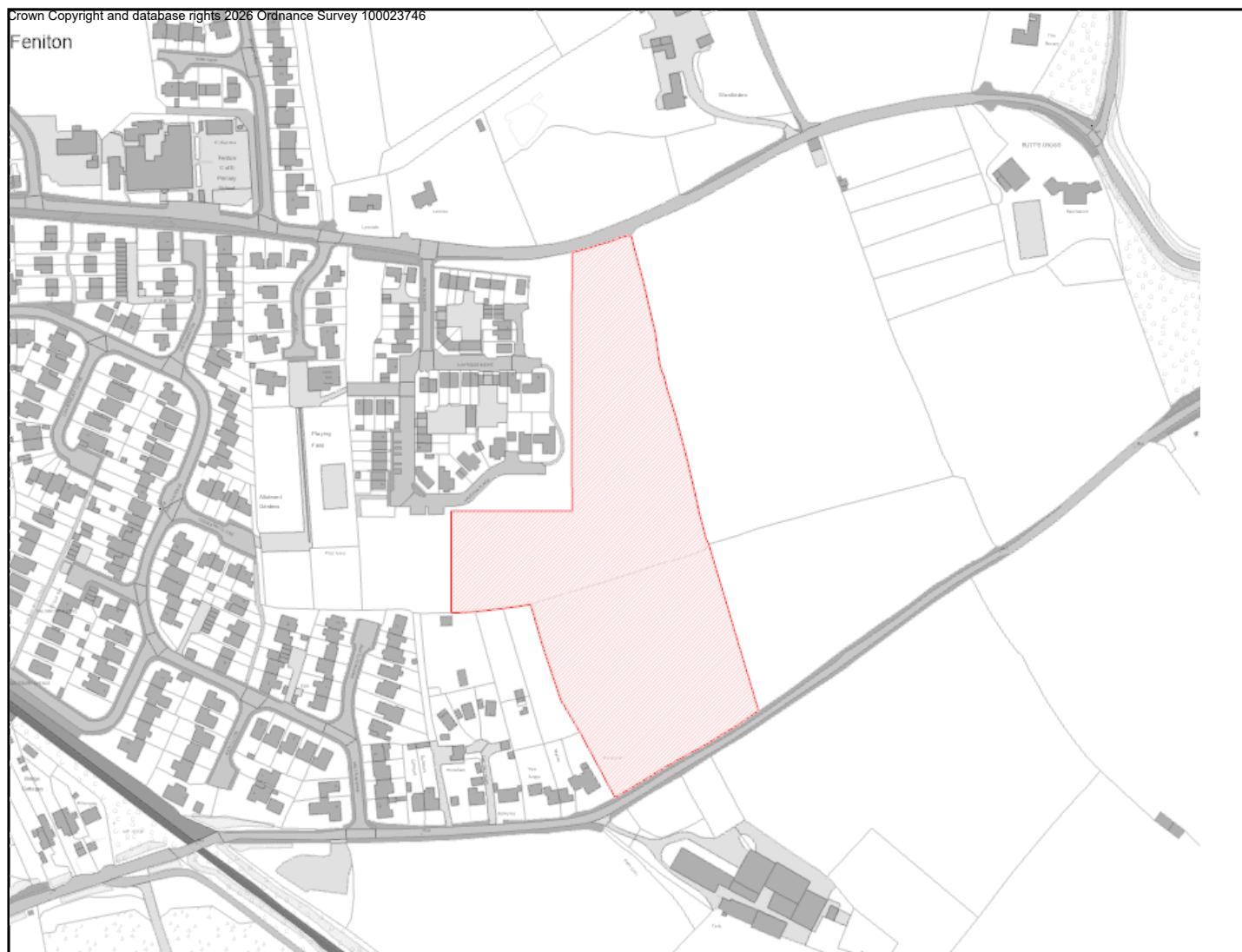
Applicant South West Strategic Developments Ltd

Location Land North Of Beechwood Farm Green Lane
Feniton

Proposal Construction of up to 60 dwellings (including affordable), provision of public open space (including dedicated ecological areas) and drainage and ancillary works (outline application with all matters reserved except for access)



RECOMMENDATION: Resolution to adopt the appropriate assessment, and approve subject to conditions and completion of a s106.



		Committee Date: 27.01.2025
Feniton (Feniton)	25/1060/MOUT	Target Date: 20.08.2025
Applicant:	South West Strategic Developments Ltd	
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RECOMMENDATION: Resolution to adopt the appropriate assessment, and approve subject to conditions and completion of a s106.

EXECUTIVE SUMMARY

This proposal seeks outline planning permission for the construction of up to 60 dwellings, including affordable housing, together with public open space, ecological areas, drainage infrastructure, and ancillary works on land north of Beechwood Farm, Green Lane, Feniton. All matters are reserved except for access, which is proposed via Green Lane.

The site lies outside the Built-Up Area Boundary defined in the adopted East Devon Local Plan and Feniton Neighbourhood Plan, resulting in a clear conflict with the spatial strategy of both plans. However, the site is identified as an allocation within the Regulation 19 draft of the emerging Local Plan, which, while indicative of the Council's intended direction of growth of this settlement, currently carries limited weight due to its stage in preparation.

The Council's inability to demonstrate a five-year housing land supply is a significant material consideration. The shortfall is substantial, and under paragraph 11 of the National Planning Policy Framework (NPPF), the presumption in favour of sustainable development applies. In such circumstances, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. The proposal would deliver a meaningful contribution to housing supply, including affordable housing through a combination of on-site provision and off-site contributions, which carries considerable weight in the planning balance.

The development would generate economic benefits during the construction phase and longer-term social benefits through the provision of market and affordable homes. The scheme incorporates sustainability measures such as renewable energy technologies, electric vehicle charging, and biodiversity enhancements, aligning with national and local policy objectives.

Notwithstanding these benefits, the proposal raises concerns regarding its impact on local character, infrastructure capacity, and flood risk. The site lies within a Critical Drainage Area. The applicant has submitted a comprehensive drainage strategy; the Lead Local Flood Authority has no raised objections to the scheme subject to conditions. The scheme would also be compatible with the Feniton Flood Alleviation Scheme. Foul drainage upgrades will also be required prior to occupation, secured through a Grampian condition.

Local opposition is significant, citing highway safety, school capacity, reliance on private car travel, and cumulative growth in Feniton. Technical consultees in the main, however, have not raised objections subject to conditions and mitigation measures. The County Highway Authority confirms that the proposed access meets design standards and that visibility splays are acceptable. Contributions towards affordable housing, play space and habitat mitigation will be secured via a Section 106 agreement, alongside affordable housing, biodiversity net gain, and open space provision.

While the development would extend the settlement into open countryside and result in some harm to landscape character and visual amenity, these impacts are assessed as moderate and capable of mitigation through landscaping and design controls. The site is well-related to existing development and offers reasonable connectivity to local services and public transport.

On balance, and having regard to the significant housing land supply shortfall, the benefits of delivering housing and affordable homes are considered to outweigh the identified harms. The recommendation is therefore to adopt the Appropriate Assessment and approve the application subject to conditions and completion of a Section 106 agreement securing the necessary mitigation and infrastructure.

CONSULTATIONS

Local Consultations

Feniton - Cllr Alasdair Bruce

Whilst recognising that this site is identified as a potential site allocated within the emerging local plan, it still represents a gross over development of the village of Feniton and, in my opinion, further harms the identity, character and sustainability of this village.

Once again, I find myself referring to the same issues that impact on Feniton every time a major development threatens. They do not go away . It is clear that this village has taken its fair share of development in the recent past and that which is currently

passed by planning. The school is still full with no means of expanding, there is still only one small spar shop, there is still only one pub. The lanes are still narrow and often clogged with traffic at peak times. Almost all journeys for employment, school drop offs and shopping are undertaken by car as there is reliable public service. More hard surfaces will exacerbate the problem of flooding in the village. I would urge the planning committee to look at Feniton again in the hard light of reality given what I and many others have said on this application. I remain convinced that, like a number of sites in the emerging local plan, this one has not been properly considered and is there simply to satisfy the government's demand for more and more housing irrespective of the long term harm it might cause.

I urge the committee to refuse this application.

Cllr Alasdair Bruce
Ward member

Parish/Town Council

The Parish Council strongly objects to this application.

With the recent approval of 36 houses at Burlands Mead, the addition of another 60 is far far higher than the village can cope with at this time. We are also awaiting the appeal decision on another 85 houses that EDDC failed to determine.

Although the site is included in the Reg 19 version of the Local Plan, it is envisaged that the allocations are for up 2040. It is already accepted, by EDDC, that the numbers of houses allocated to Feniton in the draft local plan are very much higher than any other tier 4 settlement, so to give permission to the whole of the 15 year allocation, before the Local Plan is even agreed would be totally unacceptable.

The absence of employment in the village will mean that there will be very high levels of out-commuting, increasing massively the carbon footprint of the village -- Contrary to the NPPF.

The lack of any medical facility and limited shopping and leisure opportunities in the village result in high levels of trip generation for these purposes.

The lack of reliable and frequent public transport in the village will mean that additional residents will be highly dependent on private car use generating more traffic on the wholly inadequate country lanes that serve the village.

The village school is already at capacity and unable to expand in its current location. The entrance to and exit from the site are onto Green Lane.

Green Lane itself is a narrow country lane which separates the village from open countryside. Along much of its length 2 vehicles cannot pass and there are no footways. At its western end the lane passes over two narrow humped railway bridges. At its eastern end it becomes a narrow sunken lane between high rock cliffs. Access along this lane is constrained and creating additional traffic here makes no sense and will increase danger and inconvenience. The western junction onto Ottery Road is unconventional, narrow and again without footways, causing danger to pedestrians using the route. The Parish Council therefore contends that access to the site is unacceptable and potentially unsafe.

The Parish Council do not believe the arrangements for storm and foul water are adequate.

The problems of both, in Feniton are well documented with known overloading of the sewerage system and pumping station at times of high rainfall. The incidence of raw sewage backing up into people's homes and discharging onto the highway and into

local watercourses cannot continue. The sewage treatment works for Feniton is noted as being in the top 5 of the most polluting works discharging into the River Otter. Works to deal with this are not scheduled until 2030. It would be unacceptable to allow further sewage into the current system until the upgrades to the treatment works are completed.

The efficacy of the incomplete and untested flood alleviation scheme is unknown at this stage and consent for any additional new dwellings in the village should not be granted until such time as the systems have been thoroughly tested and assessed.

Technical Summary

NHS (Eastern Locality) requests a £15,527 S106 contribution to mitigate the impact of the proposed development on local healthcare services, which are already operating at full capacity. They argue that new housing increases demand without corresponding funding, as NHS contracts are based on previous year activity and cannot account for future growth. Without mitigation, service quality and waiting times will worsen for all patients. The Trust cites national and local policy support for sustainable communities, which includes access to timely healthcare. They reference appeal decisions confirming such contributions meet CIL tests. The funding gap created by new residents must be addressed to maintain safe and sustainable service delivery. They ask for confirmation that the contribution will be secured via the S106 agreement.

NHS England - NHS Devon has reviewed the application from a primary care perspective and confirmed that local GP surgeries currently have sufficient capacity to accommodate the population increase generated by the proposed development. This assessment is based on existing infrastructure and does not reflect operational pressures or patient activity levels. However, NHS Devon notes that this position may change if other planning applications come forward before a decision is made, potentially increasing patient list sizes beyond current capacity. At present, no contribution towards NHS Primary Care is required, but the Council is advised to consider a contingency of £659 per dwelling in any viability assessments. NHS Devon reserves the right to reassess capacity and request contributions at a later stage should circumstances change. The assessment is based solely on infrastructure capacity and not on workforce or service delivery factors.

DCC Historic Environment Team confirm that the site contains archaeological remains of prehistoric and Romano-British origin, including field systems and possible burial activity. Although these features have been degraded by agriculture, they are still of interest and will be lost to development. The team recommends a staged programme of archaeological work, starting with trial trenching to assess significance. A Written Scheme of Investigation (WSI) should be submitted and approved prior to development. Conditions should also secure post-excavation analysis and publication of findings. These measures are necessary to comply with national and local heritage policies.

Devon County Council Waste Planning highlights that the proposal qualifies as major development and must comply with Policy W4 of the Devon Waste Plan. A Waste Audit Statement is required to ensure sustainable waste management during construction and operation. Although a Site Waste Management Plan has been

submitted for part of the application, it lacks detail on construction waste. The audit must include waste types, volumes, reuse and recycling targets, disposal methods, and monitoring arrangements. A pre-commencement condition is recommended to secure this. The aim is to reduce waste generation and promote on-site reuse. The Waste Planning Authority is available for further guidance.

Police Architectural Liaison Officer advises that crime prevention principles should be embedded in the detailed design. Rear parking courts are discouraged unless well-lit and overlooked, as they can attract anti-social behaviour. Boundary treatments should clearly define public and private space to prevent conflict and misuse. Pedestrian routes must be wide, well-lit, and free from concealment risks caused by planting. Communal parking should be in small, visible clusters near homes. Play areas should be safely accessible and overlooked. Lighting and defensible space are key to promoting safety and reducing fear of crime.

Devon and Cornwall Police state the proposed development of 60 dwellings is expected to increase the local population by approximately 136 residents, based on an average household size of 2.26 persons. This growth will generate additional demand on policing services across East Devon, including emergency and non-emergency responses, crime recording, anti-social behaviour management, and the deployment of technologies such as mobile CCTV and ANPR. The Police have indicated that these impacts cannot be absorbed within existing resources and will require additional officer deployment to maintain service levels comparable to other residential areas in the district. To mitigate these impacts, a financial contribution of £2,754.15 is sought, covering the cost of equipping new officers and providing additional vehicles. No contribution towards premises has been requested at this stage, as current facilities can accommodate the anticipated increase in usage, although this position may change in the future.

Devon County Education advise the proposed development of 60 family dwellings is expected to generate approximately 15 primary school pupils and 9 secondary school pupils, which will impact local education provision. Devon County Council has confirmed that existing primary and secondary schools have sufficient capacity to accommodate these pupils, so no contribution towards education infrastructure is sought on that basis. However, as the development is located more than 2.25 miles from The King's School, a contribution towards secondary school transport costs is required. This is calculated at £31,378, based on 9 pupils over five years at £3.67 per day for 190 academic days annually. All contributions will be subject to indexation and calculated in accordance with established educational formulae to ensure compliance with CIL Regulation 122. The County Council also reserves the right to recover legal costs associated with the preparation and completion of the agreement.

Conservation Officer raises no objection, noting that the site lies east of the modern settlement and is well separated from the historic core of Feniton. The nearest listed buildings, including St Andrew's Church, are buffered by agricultural land. The submitted heritage impact assessment concludes there will be no harm to the setting of these assets. As the application is in outline form with access only considered, no further comments are made. The proposal is not considered to affect

the significance of designated heritage assets. Therefore, the development is acceptable in conservation terms.

EDDC District Ecologist finds the ecological documentation broadly acceptable but recommends several conditions. The site supports protected species including dormice, bats, badgers, and slow worms, and lies within 10 km of sensitive European sites. Mitigation measures include dark corridors, advance planting, and habitat compensation. A dormouse licence will be required due to hedgerow removal, and bat activity surveys highlight the need for lighting controls. Biodiversity net gain is achievable, with significant onsite enhancements proposed. A long-term Habitat Management and Monitoring Plan and Construction Ecological Management Plan must be secured. Ecological enhancements such as bird boxes, bee bricks, and hedgehog highways are also recommended.

Natural England advises that the development lies within the zone of influence for recreational pressure on European protected sites. An appropriate assessment must be undertaken by the Local Planning Authority to confirm that strategic mitigation measures are secured. If confirmed, Natural England is likely to be satisfied that no adverse effect on site integrity will occur. They note that bespoke mitigation outside the strategic solution would require further consultation. Use of Impact Risk Zones is encouraged to streamline future consultations. General advice on protected species and natural environment issues is also provided. Natural England remains available for further comment if needed.

County Highway Authority raises no objection to the principle of development or the proposed access off Green Lane. Visibility splays exceed design standards and the site is well located near local services and public transport. The proposed footway improvements are welcomed, though further enhancements to sustainable travel links are encouraged. A connection to the adjacent development at Vineton Place is supported in principle. Conditions are recommended to secure drainage details, a Construction Management Plan, and cycle storage. The Authority expects continued dialogue to improve pedestrian and cycle connectivity. No highway safety concerns are identified based on traffic data.

Flood Risk Management Team Since our previous consultation response on 16 October 2025, the applicant has engaged with us through email correspondence and a meeting held on 18 December 2025. They have indicated that, should the development be delivered in phases, they will liaise with the Local Planning Authority to ensure conditions are appropriately worded. In such a scenario, they acknowledge that the surface water drainage system will need to reflect the impermeable areas being developed at each stage, which may require a temporary reduction in discharge rates. The applicant proposes to discharge surface water into the attenuation tank adjacent to the site and accepts that, at Reserved Matters stage, modelling will be required to demonstrate that this additional discharge will not adversely affect the existing system. They also recognise the need to assess sustainable drainage features such as rain gardens, tree pits, and permeable paving (potentially lined and underdrained) across the development, and confirm that soil types and planting for these SuDS features will be addressed at Reserved Matters stage.

In relation to the proposed ditches along the eastern edge of the site, the applicant understands that further discussion will be required if planning permission is granted, including consideration of the frequency of overland flows from upslope. They note that the basin includes 0.5m of freeboard, which provides 0.2m of additional capacity beyond the minimum requirement of 0.3m, and have suggested that bunding of the adjacent Public Open Space could help manage flows before they enter the basin. While they are aware that these ditches could connect into the drainage system, they accept that check dams would need to be incorporated if this occurs.

The applicant acknowledges that the proposed orifice control above the Hydro-Brake is very small and that measures will be necessary to reduce the risk of blockage, particularly if overland flows are permitted into the basin. They also confirm that re-profiling of the site will be required to avoid deep drainage and that swales can be underdrained if necessary. Finally, they have confirmed that exceedance flows will not be routed through rear gardens, and this commitment will need to be maintained in future Reserved Matters submissions. Condition suggested.

Housing Strategy/Enabling Officer objects to the proposed 30% affordable housing provision, which falls short of the 50% required by both the Local Plan and Neighbourhood Plan. The tenure mix should favour social rent, which is more affordable locally. The applicant is expected to engage with the housing team to ensure the mix meets identified needs. All affordable units must meet M4(2) standards, with some M4(3) provision welcomed. Affordable housing should be integrated across the site in small clusters to promote social cohesion. The Council's current plan prioritises increasing affordable housing availability. The proposal is not policy compliant in its current form.

Environmental Health Officer requires a Construction and Environmental Management Plan (CEMP) to be approved before works begin. The CEMP must address air quality, dust, noise, vibration, lighting, pollution control, and monitoring. Construction hours are restricted to weekdays and Saturday mornings, with no work on Sundays or bank holidays. Burning on site and high-frequency reversing alarms are prohibited. The CEMP must be implemented throughout the development. These measures are necessary to protect residential amenity. Compliance with the approved plan will be monitored.

EDDC Landscape Architect considers the proposal acceptable subject to conditions securing detailed landscape design and long-term management. The Landscape and Visual Appraisal is robust and identifies moderate adverse impacts reducing over time. Mitigation includes new hedgebanks, offsite tree planting, and improved pedestrian links. A green infrastructure strategy and Landscape and Ecology Management Plan (LEMP) are required. Lighting must be designed to protect dark skies and bat corridors. Soil management and SuDS details must be provided. The proposal integrates well with the surrounding landscape if recommended measures are implemented.

Engineering Projects Manager supports the drainage proposals, noting they will reduce existing nuisance flooding in Feniton. The system will intercept overland flow

currently affecting Warwick Close, the allotments, and Wells Avenue. Runoff will be attenuated before discharge into the watercourse. The updated plans are considered effective in managing flood risk. The scheme complements the wider flood alleviation strategy. No objections are raised from an engineering perspective.

Other Representations

At the time of writing there have been 88 objections received— in summary;

Objections

- Green Lane is narrow, single-track in places, with blind corners and two humpback railway bridges; no pavements or lighting.
- Increased traffic (estimated 100–120+ vehicles plus service/delivery vans) would create severe safety risks for pedestrians, cyclists, horse riders, and schoolchildren.
- Junctions at Ottery Road and Broad Lane have poor visibility; congestion and reversing already common.
- Developer's traffic estimates (28 peak movements) considered unrealistic by residents.
- Construction traffic would worsen road damage and safety issues.
- Primary school full; secondary schools oversubscribed; no capacity or funding for expansion.
- No GP surgery in Feniton; surrounding practices and NHS dentists at capacity (local dentist closing).
- Public transport inadequate: trains every 2 hours, unreliable; buses infrequent (Sidmouth twice daily, Taunton weekly).
- Limited local amenities (one shop, pub, takeaway); residents rely on car travel for essentials.
- Flood alleviation scheme designed for existing housing only; untested and may redirect water to Ottery Road, cutting off access.
- Additional impermeable surfaces risk increasing runoff and flooding.
- Sewerage system already failing: frequent overflows, tankers removing waste, raw sewage discharge into roads and ditches.
- Development on greenfield land; loss of agricultural land and hedgerows.
- Impact on wildlife: bats (including protected species), hedgehogs, birds; concerns over habitat destruction and lighting effects.
- Would harm rural character and amenity value of Green Lane, used for recreation and safe walking routes.
- Feniton classified as Tier 4 settlement—intended for modest growth only.
- Previous Planning Inspector decisions (2014, 2024) deemed Feniton unsuitable for large-scale housing.
- Proposal conflicts with Local Plan objectives (sustainable transport, net zero, infrastructure provision).
- Heavy reliance on car travel undermines sustainability claims.
- Very limited community consultation (12 responses cited).
- Existing unfinished housing at Acland Park and approved Burlands Mead site—questioning the need for more development.

- Perception of opportunistic land-grabbing and speculative timing before effects of other developments assessed.

PLANNING HISTORY

Reference	Description	Decision	Date
24/0331/MFUL	Amendments to phase 4 of the Flood alleviation scheme (consented under ref; 14/2882/MFUL) - works comprising the construction of channels, culverts and swales and mitigation works including flood defences, inlet water storage areas, infrastructure and outfall structure.	Approve	09/08/2024
14/2882/MFUL	Flood alleviation works comprising the construction of channels, culverts and swales and mitigation works to individual properties including flood defences and by pass channel.	Approve	11.02.2015
13/0591/MFUL	Proposed erection of 83 no. residential dwellings and their associated roads, sewers, landscaping, open space, parking & garage	Dismissed at appeal	07.04.2014

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon) Adopted

Strategy 2 (Scale and Distribution of Residential Development) Adopted

Strategy 3 (Sustainable Development) Adopted

Strategy 4 (Balanced Communities) Adopted

Strategy 5 (Environment) Adopted

Strategy 5B (Sustainable Transport) Adopted

Strategy 7 (Development in the Countryside) Adopted

Strategy 27 (Development at the Small Towns and Larger Villages) Adopted

Strategy 34 (District Wide Affordable Housing Provision Targets) Adopted

Strategy 38 (Sustainable Design and Construction) Adopted
Strategy 43 (Open Space Standards) Adopted
Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted
Strategy 47 (Nature Conservation and Geology) Adopted
Strategy 48 (Local Distinctiveness in the Built Environment) Adopted
Strategy 49 (The Historic Environment) Adopted
Strategy 50 (Infrastructure Delivery) Adopted
D1 (Design and Local Distinctiveness) Adopted
D2 (Landscape Requirements) Adopted
D3 (Trees and Development Sites) Adopted
EN5 (Wildlife Habitats and Features) Adopted
EN13 (Development on High Quality Agricultural Land) Adopted
EN14 (Control of Pollution) Adopted
EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System) Adopted
EN21 (River and Coastal Flooding) Adopted
EN22 (Surface Run-Off Implications of New Development) Adopted
H2 (Range and Mix of New Housing Development) Adopted
RC2 (New Open Space, Sports Facilities and Parks) Adopted
TC2 (Accessibility of New Development) Adopted
TC7 (Adequacy of Road Network and Site Access) Adopted
TC9 (Parking Provision in New Development) Adopted

Draft East Devon Local Plan 2020-2042 Policies

Neighbourhood Plans

Feniton 'made' Neighbourhood Plan - made May 2018

Policy T1
Policy T2
Policy F1
Policy H1
Policy H3
Policy H4
Policy C2
Policy E1
Policy 02

Emerging East Devon Local Plan

CHAPTER 3. THE SPATIAL STRATEGY

Strategic Policy SP01: Spatial strategy
Strategic Policy SP02: Levels of future housing development
Strategic Policy SP03: Housing requirement by Designated Neighbourhood Area
Strategic Policy SP05: Development inside Settlement Boundaries
Strategic Policy SP06: Development beyond Settlement Boundaries

CHAPTER 5. DEVELOPMENT IN THE TOWNS AND VILLAGES

Strategic Policy SD18: Development allocations at Feniton

CHAPTER 6. MITIGATING CLIMATE CHANGE

Strategic Policy CC01: Climate emergency

Strategic Policy CC02: Moving toward Net-zero carbon development

Strategic Policy CC03: Promoting low carbon and renewable energy

CHAPTER 7. ADAPTING TO CLIMATE CHANGE

Strategic Policy AR01: Flooding

Strategic Policy AR02: Water efficiency

CHAPTER 8. MEETING HOUSING NEEDS

Strategic Policy HN01: Housing to address needs

Strategic Policy HN02: Affordable housing

Policy HN03: Housing to meet the needs of older people

Policy HN04: Accessible and adaptable Housing

Policy HN05: Self-build and custom build housing

CHAPTER 9. SUPPORTING THE ECONOMY AND TOWN CENTRES

Strategic Policy SE04: Resisting the loss of employment sites

Strategic Policy SE06: Town Centre Hierarchy

CHAPTER 10. HIGH QUALITY DESIGN

Strategic Policy DS01: Design and local distinctiveness

Policy DS02: Housing density and efficient use of land

CHAPTER 11. SUSTAINABLE TRANSPORT AND COMMUNICATIONS

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

Strategic Policy TR02: Protecting transport sites and routes

Policy TR03: Travel plans, transport statements and transport assessments

Policy TR04: Parking standards

CHAPTER 12. OUR OUTSTANDING LANDSCAPE

Strategic Policy OL01: Landscape features

Policy OL09: Control of pollution

Policy OL10: Development on high quality agricultural land

CHAPTER 13. OUR OUTSTANDING BIODIVERSITY AND GEODIVERSITY

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

Policy PB02: Protection of regionally and locally important wildlife sites

Policy PB03: Protection of irreplaceable habitats and important features

Strategic Policy PB04: Habitats Regulations Assessment

Strategic Policy PB05: Biodiversity Net Gain

Strategic Policy PB06: Local Nature Recovery Strategy and Nature Recovery Network

Policy PB07: Ecological enhancement and biodiversity in the built environment

Policy PB08: Tree, hedges and woodland on development sites

Policy PB09: Monitoring requirements for new planting schemes

CHAPTER 14. OPEN SPACE AND SPORTS AND RECREATION

Strategic Policy OS01: Access to open space and recreation facilities

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

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

Policy OS04: New allotments and avoiding the loss of existing ones

Policy OS05: Leisure and recreation developments in the countryside

Development Plan Documents

East Devon Villages Plan (2018)

Government Planning Documents

NPPF (National Planning Policy Framework 2024)

National Planning Practice Guidance

Site Location and Description

This site is on the eastern edge of Feniton, in the area of open countryside between this newer part of the settlement and 'old' Feniton to the east.

The site covers some 2.80 ha extending from Station Road, which adjoins its northern boundary, to Green Lane, which runs along its southern boundary. It is immediately adjacent to an area of land on which permission was granted in 2012 for 50 dwellings ("the Wainhomes Phase 1 scheme"). This development has since been completed.

The development would site is spread over two existing field parcels. Green Lane is a typical rural lane with hedge bank forming the boundary with the lane and the field parcel. To the south west of the site, also fronting Green Lane are a series of existing residential properties.

Proposed Development

The proposal for land north of Green Lane, Feniton, seeks outline planning permission for a residential development comprising up to 60 dwellings. All matters have been reserved except for access, which is to be considered at this stage.

The dwellings would include a mix of market and affordable homes, with 30% designated as on site affordable housing through shared ownership and social rent as well as an 15% off site affordable contribution. The housing mix would consist of 1 bedroom apartments and 2, 3, and 4-bedroom houses, all designed to meet or exceed nationally described space standards.

The development aims to integrate sensitively with the existing village, particularly the adjacent housing at Silverton Rise and Vineton Place. It would be accessed via a new vehicular, pedestrian, and cycle route from Green Lane, with additional pedestrian

connections to surrounding residential areas and public open spaces. The indicative layout seeks to promote permeability and connectivity, incorporating a hierarchy of streets, shared surfaces, and walking routes that link to the wider footpath network and local amenities.

Existing boundary hedgerows and trees will be retained and enhanced, with new planting introduced to create buffers and soften the village edge. A community orchard, attenuation basins, swales, and rain gardens would be incorporated into the landscape strategy, supporting biodiversity and sustainable drainage. Public open spaces will be provided throughout the site, including two local areas of play (LAPs), and will be well-overlooked to ensure safety and encourage community use.

Architecturally, the applicant puts forward that the scheme draws inspiration from the traditional character of Feniton, particularly Old Feniton, using materials such as white render, red brick, and slate roof tiles. Buildings will be predominantly two storeys in height, with occasional dwellings featuring rooms in the roof. The design will include features such as porches, chimneys, and varied rooflines to create visual interest and a sense of place.

The proposed layout also incorporates sustainability measures, including the provision of solar PV panels, air source heat pumps, EV charging points, and cycle parking.

Overall, the development aims to create a well-connected, inclusive, and sustainable extension to Feniton, respecting its landscape setting and architectural heritage while delivering much-needed housing in a location well-served by transport and local facilities.

ANALYSIS

The principle of the development

Strategies 1 and 2 of the East Devon Local Plan set out the scale and distribution of residential development in the district for the period 2013-2031. The main focus is on the West End and the seven main towns. Development in the smaller towns, villages and other rural areas is geared to meet local needs and represents a much smaller proportion of the planned housing development. Feniton does however feature a Built up Area Boundary (BUAB) as designated within the Villages Development Plan Document.

The East Devon Villages Plan was adopted as part of the Development Plan by East Devon District Council on 26 July 2018. This plan, through its policy VP01 - Built-up Area Boundaries, established a boundary for Feniton, amongst other settlements.

The proposed development would comprise major development in the countryside, outside of the defined settlement boundary of Feniton, thereby conflicting with Strategy 7 and Strategy 27 of the local plan. Consequently, the site would not offer an appropriate location for the development proposed having regard to the development

plan's overall settlement strategy and expectation for such development to be contained within a designated built up area boundary.

Feniton has a 'made' neighbourhood plan. The date of 'making' this Plan is 19 July 2018. This was following the successful referendum on 17th May 2018, where 93.71% of residents who voted were in favour of adopting the Plan.

NP Policy H3 Housing developments states within Feniton's BUAB development will usually be supported where they include a range of house types. The NP policies do not specifically allow for any housing development outside of the BUAB.

Given the above residential development of this nature and within this location conflicts with the spatial approach to development as expressed within the adopted development plan. This conflict is attributed weight given that protection of the countryside, preventing sporadic development and ensuring suitable growth are amongst the main objectives of the local plan and National Planning Policy Framework.

The need to maintain a healthy housing supply and trajectory going forward

The need for housing over the next five years is a crucial consideration in planning decisions. According to the National Planning Policy Framework (NPPF) 2024, local planning authorities must identify specific sites for housing for the next five years and broader areas for growth for the subsequent 10-15 years.

If the Council cannot demonstrate a five-year housing supply when adopting a new local plan, it would conflict with paragraph 69(a) of the NPPF. Without an adequate supply of housing an Inspector would likely find such an emerging plan unsound and inconsistent with the requirements of the NPPF.

Based on current methodologies, the Council's housing land supply position is 3.5 years and this represents a substantial shortfall.

The council must address the housing supply deficit to align with NPPF standards and support the adoption of the emerging Local Plan by 2026.

There is a clear need for more housing, both market and affordable, within the district. The current and projected levels of housing delivery do not meet this need in the long term under the current policy climate. This unmet need is a significant factor for decision-makers in planning applications and appeals, particularly pertinent for otherwise sustainable sites outside current settlement boundaries.

The 2024 National Planning Policy Framework, as a material consideration

The National Planning Policy Framework (NPPF) dated December 2024 (as amended) is a material consideration in the determination of planning applications. The NPPF

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

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (footnote 8)

granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance (footnote 7) provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

As above paragraph makes clear that where the policies of the Local Plan are out of date, which is the case here in the absence of a 5 year housing land supply, then a so called 'tilted balance' is applied, i.e. to grant consent unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

However, it is relevant that areas of particular importance within para (i), as stated within footnote 7, include 'areas at risk of flooding'. As this proposal takes place within a Critical Drainage Area (CDA), an area at risk of flooding, it is necessary to ascertain whether this provides a strong reason for refusing the proposal. If it does, then the 'tilted balance' would be disengaged.

Paragraph 14 of the NPPF states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply: a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement. As the Feniton NP was adopted more than five years ago (2018) this would not affect the application of the presumption in favour of sustainable development.

The potential for flooding and dealing with surface water

Feniton NP records that the settlement has been badly affected by flooding, most notably in 2008 and on numerous occasions since. The first documented reference to flooding was in a parish council report of 1912, but probably the worst case of flooding was in 2008 when between 50 and 60 homes were flooded and elderly residents were forced to escape the rising water by climbing up into the attic of their bungalows. NP Policy F1 seeks a design and construction which seeks to minimise adverse impact on existing flooding (including, but not limited to measures such as permeable driveways and dedicated parking spaces, use of soakaways and planting to minimise run-off). Proposals should demonstrate that they have taken full account of and recognise the impact of flood risk, both in terms of fluvial and localised surface water flooding. Development should minimise and do not exacerbate existing surface water flooding issues beyond the site.

At a national level the National Planning Policy Framework (NPPF) clarifies that the sequential approach and associated tests must consider all sources of flood risk when allocating or permitting development. The Planning Practice Guidance (PPG) on Flood Risk and Coastal Change has been updated to reflect this position. This represents a notable shift in the application of the Sequential Test, which now explicitly applies to all areas at risk of flooding, including risks from rivers, the sea, surface water, groundwater, overwhelmed sewers and drainage systems, and artificial sources such as reservoirs and canals. Paragraph 23 of the flood risk section of the PPG now clearly states that the Sequential Test prioritises avoiding development in medium and high-risk flood areas from all sources, including surface water. It further emphasizes that even where a Flood Risk Assessment (FRA) demonstrates that a development can be made safe without increasing risks elsewhere, the Sequential Test must still be satisfied.

The sequential approach aims to direct development to areas with the lowest flood risk, minimising reliance on measures such as flood defences, warnings, and resilience features. This ensures that areas with little or no flood risk are developed first. By prioritising avoidance of high-risk areas, the approach effectively mitigates potential flooding impacts. Even with an FRA confirming the safety of a development throughout its lifespan, the Sequential Test must be applied to avoid placing unnecessary pressure on flood risk management systems. In summary a risk adverse approach is advocated.

The NPPF emphasises steering development toward areas with the lowest risk of flooding, both now and in the future. The August 2022 PPG revisions expanded the definition of "areas at risk of flooding" to now include, explicitly, areas designated as Critical Drainage Areas (CDAs). These revisions also clarified that Flood Zone 1 areas with critical drainage problems, as identified by the Environment Agency (EA), can be treated as flood risk areas. The site is situated within the CDA for Feniton which encapsulates not only the built form but much of the surrounding land.

The Sequential Test must be applied to both major and non-major developments proposed in areas at risk of flooding. However, it is not required if the site has been allocated for development and already assessed during the plan-making stage, provided there have been no significant changes to flood risk levels. This site is not allocated in the adopted Local Plan, although it has been identified for potential

allocation in the emerging Local Plan at regulation 19 stage which is indicative of the direction of travel.

A level 1 Strategic Flood Risk Assessment (SFRA) was carried out by our Policy department in the early part of last year. This process included assessment of this appeal site. It concluded that preferred allocations Feni 05 and Feni 08 (i.e. this site) were not shown to be a flood risk.

Existing flood risk management infrastructure should be excluded from initial considerations due to uncertainties regarding its long-term maintenance and funding. Therefore, limited weight can be attributed to these works in the current decision-making process.

LP Policy EN22 (Surface Run-off Implications for New Development) states Surface water in all major commercial developments or schemes for 10 homes or more (or any revised threshold set by Government) should be managed by sustainable drainage systems, unless demonstrated to be inappropriate. Planning permission for new development will require that the surface water run-off implications of the proposal have been fully considered and found to be acceptable. NP Policy F1 seeks to ensure no adverse impact on existing flooding and satisfactorily mitigate / accommodate surface water run-off arising from the development through the use of Sustainable Drainage Systems (SuDS) where appropriate.

The site is within Feniton's Critical Drainage Area, which requires stringent protective measures against development pressures.

South West Water (SWW) asset records confirm the presence of an adopted surface water sewer system serving the adjacent Silverton Rise development. Accordingly to the applicant SWW has agreed to accept surface water discharge into its network located to the west of the site, with correspondence confirming the point of connection. Discussions with EDDC indicate that the existing drainage arrangement downstream of the Silverton Rise attenuation tank will be modified to integrate with the Feniton Flood Alleviation Scheme (FAS). Under the proposal, flows will discharge from the attenuation tank into the Feniton FAS, and EDDC considers a connection upstream of the existing attenuation tank to be the most appropriate solution.

Surface water runoff from roofs, roads, and hardstanding will be collected and conveyed via a network of pipes and swales to a large attenuation basin located in the western part of the site. This basin includes a forebay, low-flow channel, and ponding areas to provide both storage and water quality benefits. It is designed to accommodate runoff from storms up to the 1 in 100-year event plus 45% climate change allowance, with a maximum water depth of around 1.0 m during a 30-year event and additional freeboard for extreme events.

Discharge from the basin will be controlled by a Hydrobrake flow control device, limiting outflow to greenfield runoff rates (approximately 5.0 l/s for the 100-year event). The controlled discharge would connect to the existing adopted surface water sewer serving the adjacent Wainhomes development. Highway runoff will be directed into conveyance swales underlain by gravel filter drains, which link to the attenuation basin,

while a linear drain along the north-eastern footpath will provide extra protection against exceedance flows. A cutoff ditch would intercept runoff from the northeast greenfield area and route it into the drainage system.

During exceptional rainfall events, any exceedance flows will be routed to open green spaces and the attenuation basin, ensuring that flood risk to properties is minimized. The strategy also includes allowances for urban creep and long-term storage, ensuring compliance with the requirements of the Feniton Critical Drainage Area and the forthcoming Feniton Flood Alleviation Scheme.

The plan states that surface water from the development would discharge into the existing adopted surface water sewer network at greenfield runoff rates, and that the downstream drainage arrangements will be modified to accommodate the new flood alleviation infrastructure being delivered by East Devon District Council. This means the site's controlled discharge would work in tandem with the wider scheme, ensuring that the development does not increase flood risk and supports the objectives of the Critical Drainage Area designation for Feniton.

EDDC's Engineering Projects Manager supports the surface drainage proposals, noting they would reduce existing nuisance flooding in Feniton. The updated plans are considered effective in managing flood risk. The scheme complements the wider flood alleviation strategy.

The proposed development includes a comprehensive drainage strategy designed to manage surface water runoff in accordance with national and local policy requirements. The applicant has confirmed that the system will operate on a sustainable basis, incorporating SuDS (Sustainable Drainage Systems) principles to reduce flood risk and improve water quality.

Surface water will be attenuated on-site through a combination of permeable paving and underground storage tanks, ensuring that discharge rates do not exceed existing greenfield run-off rates. The system is designed to accommodate a 1 in 100-year storm event plus climate change allowance, in line with Environment Agency guidance. Discharge will be controlled via a flow restriction device before connecting to the existing public surface water sewer network.

As surface water is proposed to discharge into the adjacent attenuation tank at Reserved Matters stage, modelling will be required to confirm this does not adversely affect the system.

There would be the need to assess SuDS features such as rain gardens, tree pits, and permeable paving (possibly lined and underdrained) at Reserved Matters stage.

In relation to the proposed ditches along the eastern edge of the site, the applicant understands that further discussion will be required if planning permission is granted, including consideration of the frequency of overland flows from upslope. They note that the basin includes 0.5m of freeboard, which provides 0.2m of additional capacity beyond the minimum requirement of 0.3m, and have suggested that bunding of the adjacent Public Open Space could help manage flows before they enter the basin. While they are aware that these ditches could connect into the drainage system, they accept that check dams would need to be incorporated if this occurs.

The applicant acknowledges that the proposed orifice control above the Hydro-Brake is very small and that measures will be necessary to reduce the risk of blockage, particularly if overland flows are permitted into the basin. They also confirm that re-profiling of the site will be required to avoid deep drainage and that swales can be underdrained if necessary. Finally, they have confirmed that exceedance flows will not be routed through rear gardens, and this commitment will need to be maintained in future Reserved Matters submissions.

Given this the Lead Local Flood Authority raise no objection to this proposal, subject to conditions.

Taking all of the above into account the above the surface water drainage can be adequately dealt with and so the critical drainage area designation should not be a restriction to disengage the 'tilted balance'.

Foul Drainage

The Feniton wastewater treatment works will need to be upgraded and this work is planned to be completed by 2030. Depending upon the progression of other housing developments in the area, the wastewater network may also need to be upgraded for this development. This upgrade is proposed to be a surface water separation scheme, which is planned to be completed 18 months from when a development is given planning permission.

Foul drainage will be managed separately, with connection to the mains sewer subject to agreement with the statutory undertaker.

Foul water flows are intended for disposal via mains sewer. In principle, SWW does not currently hold any objection to foul water disposal through a connection to a public foul Sewer. Further hydraulic modelling on the network needs to be undertaken by SWW to see if there would be need for some further network improvements to be undertaken. If network improvements are needed it is likely to be in the form of surface water separation. SWW have advised it would take 3 months to complete this hydraulic modelling which would then confirm the scope of any relevant improvements. Grampian style conditions are recommended to secure this and any necessary mitigation prior to the occupation of any dwelling.

Unbalanced Communities

Past emerging local plan consultation has shown substantive levels of community objection to larger scales of growth at Feniton, this is likely to be the case in feedback on the current consultation. Though it is acknowledged that those with an interest in promoting sites for development at Feniton may take a counter view. It is highlighted that the Regulation 19 local plan provides for development across East Devon to 2042, but also provides for levels of development beyond this period at the planned new community, taking its development to at least 10,000 new homes. The new plan is, therefore setting policy for housing growth far into the future. The emerging local plan

applies a consistent broad spatial policy approach to development that is in alignment with that of the existing adopted Development Plan, and it is an approach consistent with the National Planning Policy Framework. The emerging local plan is supported and has been informed by a comprehensive Role and Function of Settlement study.

The emerging local plan states at Strategic Policy SP01: Spatial strategy of the emerging plan;

E. Allowing limited development at the Service Villages of Beer, Branscombe, Broadhembury, Chardstock, Clyst St Mary, Dunkeswell, East Budleigh, Exton, **Feniton**, Hawkchurch, Kilvington, Musbury, Newton Poppleford, Otterton, Payhembury, Plymtree, Sidbury, Stoke Canon, Tipton St John, Uplyme, Westclyst, West Hill and Whimple."
(authors emphasis)

Clear and reasoned logic sets Feniton in the lowest tier of settlements for growth and development. To accord with the spatial strategy of the new local plan three sites are allocated for development at Feniton (two for housing and one for employment). Emerging Strategic Policy SP05: Development inside Settlement Boundaries, helps set the spatial basis for policy and beyond boundaries is "open countryside" where (as with the existing adopted Development Plan) significant limitations on development apply. The application site falls beyond the new plan settlement boundary for Feniton, in the open countryside where Emerging Strategic Policy SP06: Development beyond Settlement Boundaries applies .

Those settlements that are lower in the hierarchy, specifically including Feniton, should accommodate less. They should accommodate, as Strategic Policy SP01: Spatial strategy of the emerging plan states, under item E, "limited development".

In the new emerging local plan Feniton falls in the Tier 4 settlement category, this is the lowest tier of grouped settlements identified as appropriate for development. Beyond this tier settlements fall in the open countryside where more restrictive policy approaches apply. Feniton, however, one of the less well served by facilities settlements afforded this Tier 4 status, it also has high car dependency. It is correctly appropriate for lower growth levels.

Feniton itself (excluding Old Feniton which is not within a reasonable walking distance) does not benefit from the following services that mean that residents are reliant upon travel outside of Feniton to access, use or buy a wide range of goods and services:

- o a supermarket or large food store
- o a doctor's surgery
- o a church
- o a secondary school
- o a post office
- o a pharmacy
- o a bakers
- o a butchers shop
- o a petrol station

- o a vets
- o a sports hall
- o tennis courts
- o a range of other retail shops
- o a wide range of employment premises.

However, it does need to be recognised in the balance that Feniton does contain a primary school, pub, community centre, sport facilities, train station with linkages and bus stops. Whilst transport methods are of limited service in terms of frequency, together with rail use, there would be some degree of choice of transport mode over the car, albeit cars would likely be dominant.

Although there is some local accessibility to facilities and services and limited public transport links to wider destinations, these constraints reflect the Council's strategy of focusing new development in the most sustainable locations and restricting growth within villages. The proposal would increase housing, placing greater demand on existing services and facilities and likely worsen current deficiencies in public transport. Combined with the limited employment opportunities in the village, this would further disrupt the balance between jobs, housing and community infrastructure.

The existing Local Plan does not allocate sites for development at Feniton. The small scale and limited facilities at the village did not substantiate and generate the need for or appropriateness for allocation. This was specifically so even though fully objectively assessed housing needs, under a deliberate 'policy-on' high employment driven growth agenda (resulting in higher housing provision than trend based data at the time indicated as appropriate) was applied in the district for the existing local plan. The high levels of strategic employment growth under plan policy were directed to the western side of the district close to the city of Exeter.

Emerging Local Plan policy SP06 states that in locations outside of the defined settlement boundaries development will not be permitted unless it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development. Policy SD18 sets out development allocations at Feniton. In terms of preferred allocations for Feniton under the emerging local plan reg 19 stage the following sites Feni 05 (42 dwellings) and Feni 08 (60 dwellings) equalling a total of 102 dwellings. This is expressed through policy SD18 of the emerging Local Plan. Feni 08, this site, was considered to be positioned with good suitable links along the main road to services and facilities.

The recent appeal decision at Colestocks Road, Feniton as a material consideration which given its location within Fenton, its recency and relation to East Devon's local plan and emerging local plan has direct relevancy to the decision making process.

At the time of allowing the Colestocks appeal the quantum for housing in Feniton would have been;

Burlands Mead (application with a resolution to approve) = 35 dwellings
 Colestocks (appeal allowed) = 86 dwellings
 Completions in Feniton = 25
 Total for Feniton = 156 dwellings

It should also be noted that a planning application at Ottery Road, Feniton - 25/0509/MOUT for 85 dwellings was refused earlier this year, but notably before the decision at Colestock Road was issued. One of the reasons the planning application at Ottery Road was refused was that it would, by virtue of the 86 dwellings proposed, unbalance the local community of Feniton. At that time allowing the Ottery Road development would have resulted in;

Burlands Mead (application with a resolution to approve) = 35 dwellings
Completions = 25 dwellings
Feni_08 allocation (still in the emerging local plan at that time) = 60 dwellings
Ottery Road (if approved) = 86 dwellings
Total for Feniton = 206 dwellings

Were this planning application at Beechwood now granted planning consent for up to 60 dwellings then this would now mean;

Burlands Mead (application with a resolution to approve) = 35 dwellings
Completions = 25 dwellings
Colestocks (appeal allowed) = 86 dwellings
Beechwood (this planning application) = 60 dwellings
Total to date granted consent for Feniton = 206 dwellings

How then is this position to be reconciled were planning consent to be forthcoming on this site at Beechwood, as this would now result in the same quantum of development which was previously considered to unbalance the community under the Ottery Road refusal?

The answer lies in the material change brought about by the Colestocks appeal and subsequent reassessment of allocations within the Emerging Local Plan. The Strategic Planning Committee, on 2nd September 2025, considered this shift and recommended retaining the Feni_08 allocation, noting that the site performed well in assessment terms and that deletion could be vulnerable to challenge.

This paper to Strategic Planning Committee reported that the allocation site Feni_08 was found to perform well in assessment terms, alongside other potential sites in Feniton. However, there is notable local opposition to the scale of development proposed for the village, including objections specific to this site. Despite these concerns, officers concluded that policy amendments were not warranted based on the objections received. The recent appeal decision at Colestocks Road introduced a new dynamic: with that site approved and Feni_05 already allocated, there was an argument that Feniton's housing needs are met, potentially justifying the deletion of Feni_08. Nevertheless, officers cautioned that such a deletion could be vulnerable to challenge, particularly if objections are based on site-specific concerns rather than broader strategic planning issues.

It was reported that, in his appeal decision, the Planning Inspector acknowledged that the proposed development conflicted with both adopted and emerging spatial strategy

policies, stating: "it is not disputed between the main parties that the proposed development would conflict with the adopted and emerging development plan policies relating to the Council's spatial strategy and I have no basis to find otherwise" (para 14). However, he also highlighted the uncertainty surrounding the emerging Local Plan, noting: "there is no certainty that the emerging allocations will become adopted, given that the second round of Regulation 19 consultation and the examination itself remains to be conducted" (para 15).

The Inspector further observed that the cumulative housing figure for Feniton—206 dwellings, including the appeal site and other commitments—would exceed that of any other Tier 4 settlement. Despite this, he allowed the appeal, citing the development's benefits, particularly its contribution to housing supply and the provision of 50% affordable housing (para 86 onward). He remarked that these benefits outweighed the policy conflict and uncertainty.

Importantly, the Inspector did not offer a definitive view on whether the spatial strategy for Feniton would be appropriate or what level of growth would be acceptable. Instead, he acknowledged the strategic framework of both the existing and emerging plans and concluded that, given the uncertainty, the appeal's approval was not unacceptable.

In light of these considerations, the Strategic Planning Committee was invited to reflect on the implications for site Feni_08. Officers advised that, when assessed independently, the site performs well and does not appear to produce a disproportionate or strategically harmful outcome. Therefore, in view of the Inspector's decision and the broader planning context, the recommendation was to retain the allocation. This position was endorsed by the Strategic Planning Committee and now constitutes a material consideration in evaluating the current application.

On balance, and considering the Inspector's reasoning, the evolving status of the emerging Local Plan, and the Strategic Planning Committee's endorsement of this allocation, it is concluded that the proposed development at Beechwood is acceptable insofar that it would not result in an unbalanced or unsustainable level of growth for Feniton given the quantum of growth it has experienced. This accounts for previous planning consents recently granted in and around Feniton.

Impact on character and appearance

NP Policy E1 acknowledges Feniton's unique topography, its status as a rural farming settlement of long standing and it a sense of 'remoteness' (to quote the Planning Inspectorate's report following the Joint Inquiry). These all contribute to making Feniton the unique place that it is. Accordingly, development proposals which change the characteristics and essential qualities of the natural environment (including biodiversity, habitats, built heritage and landscape) will only be supported under the NP where they: i) demonstrate no adverse impact on those characteristics or that any adverse impacts are satisfactorily mitigated (for example, through appropriate landscaping, habitat creation or replacement and natural planting consistent with local biodiversity and species); ii) enhance the natural environment where there is the opportunity to do so.

The site lies on the eastern edge of Feniton, positioned on the opposite slope of the landscape “bowl” to the west. It occupies an area of open countryside between this part of the settlement and ‘old’ Feniton further east.

The site extends from Station Road along its northern boundary to Green Lane on its southern boundary. Indicative layouts show approximately 60 dwellings of one to two storeys, designed to reflect the form and character of the adjacent development.

According to the Landscape Character Assessment (LCA), the site falls within character type 4D: “Valley floors – lowland plains.” This area exhibits many of the key characteristics of that type, including mixed farmland, gently sloping landform, and a “surprising feeling of remoteness” along sections of Green Lane between the older and newer parts of Feniton.

Further east, the landscape transitions to character type 3B: “Valley slopes – lower rolling farmed and settled slopes.” The area around the site shares some features of this classification.

As noted by a previous Inspector, Green Lane and Station Road resemble the “winding, often sunken lanes” typical of LCA type 3B rather than the “wide low roadside hedges and banks” associated with type 4D. There is little evidence of the “long views over low hedges” expected in 4D; views from Green Lane and Station Road are largely confined to gated gaps in boundary hedges.

Feniton is largely contained within a natural bowl, meaning most existing buildings are screened from wider views. The Wainhomes Phase 1 scheme is more visible as it occupies rising ground. The proposed site sits at a higher level still, offering only limited views of the village to provide visual context for the new dwellings. Development here would advance the settlement edge eastward, reducing the open countryside that currently separates it from old Feniton and diminishing the sense of remoteness experienced along Green Lane.

From Public Footpath FP8 at the top of Long Park Hill, panoramic views eastwards include the appeal site. Due to the topography, much of Feniton remains hidden, though the Wainhomes Phase 1 dwellings are visible. From this vantage point, the existing estate would form the foreground to the proposed development, with a clear gap retained between the new housing and the wooded ridge separating old and new Feniton. Nevertheless, the new dwellings would extend built development into previously open countryside, eroding its rural character.

The Wainhomes Phase 1 development, now completed, has already removed a corner of the adjoining northern field, leaving it irregular and uncharacteristic of the locality. The current proposal would restore rectilinear proportions by “squaring off” the built form, meaning it would not significantly harm the traditional field pattern.

However, the scheme would alter the character of this part of Feniton by replacing open countryside with housing, encroaching into the gap between the two settlement areas, and bringing development closer to Green Lane. This would reduce the sense of remoteness and adversely affect views from Green Lane, Station Road, FP8, the

proposed “Green Link” between Green Lane and Station Road, and from the allotments and recreation ground on Feniton’s eastern edge.

The Landscape Officer accepts the Landscape and Visual Appraisal (LVA) findings:

- Landscape effects: Moderate adverse on the site, reducing to minor adverse after 10 years; negligible on wider landscape character.
- Visual effects: Moderate adverse for non-motorised users of Green Lane, reducing to minor adverse after 10 years; low-negligible for other receptors.
- Residential receptors: Not assessed in the LVA, but likely no more than moderate-low adverse after 10 years, given limited views (4 dwellings) and reasonable separation distances.

In terms of mitigation it is suggest that a new hedgebank should be created and planted along the eastern edge of the southern portion of the development.

While the proposal would restore a more regular field pattern and integrate with the adjacent Wainhomes Phase 1 development, it would nonetheless result in the loss of open countryside and a noticeable eastward extension of the settlement. This would diminish the rural character of the area, reduce the sense of remoteness along Green Lane, and introduce adverse visual impacts from several public viewpoints. Although these effects are predicted to lessen over time with mitigation, the development would overall conflict with Policy D1 of the Local Plan by eroding important landscape characteristics.

Whether the proposed occupiers are in suitable range of services and facilities so as to not be reliant on private modes of transport

The government published Manual for Streets states 'walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to 800m) walking distance of residential areas which residents may access comfortably on foot'. Not only is the distance of important but so too is the nature and character of the route.

The provisions of Local Plan Strategy 5B (Sustainable Transport) require that development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport and would need to be of a form, incorporate proposals for, and be at locations where it would encourage and allow for efficient, safe and accessible means of transport with low environmental impact, including (among other things), walking and cycling. These provisions are largely supplemented by those of Policy TC2 (Accessibility of New Development) which require new development to be located so as to be accessible by pedestrians and cyclists, as well as public transport, and also well related to compatible land uses so as to minimise the need for car travel.

Taking into account positions of bus stops, services to other settlements and close proximity of the railway there are considered suitable modes of transport to facilities and services. These are accessible via pavements with street lighting. The route is relatively levels which good passive surveillance. In terms of sheer distance it is

approximately 700m to the crossing junction with the railway and this is around the core of the settlement where other shops and transport connectivity nodes are.

The indicative layout shows several pedestrian link points along its west boundary. What development would be needed to be provided meaning connectivity on the 'phase 1 Wainhomes' side is not clear. However, these are required to suitably integrate this development and therefore a s106 should set out how these links would be facilitated and secure these in perpetuity.

The proposal therefore complies with policy TC2 in this regard.

Impact on trees

There are few arboricultural constraints on site and it is considered that the site offers a significant potential for a net gain in green infrastructure. Any forthcoming design should be based on BS 5837.

The Arboricultural Impact Assessment for land off Broad Road, Feniton, has been prepared in accordance with BS5837:2012 and relates to an outline application for up to 60 dwellings and associated infrastructure. The site comprises agricultural fields bordered by mature hedgerows and trees. The tree stock is generally of moderate arboricultural merit, with the most significant features being three Category A oaks located on the western and northern boundaries and an off-site Category A Monterey pine to the south. Several Category B trees also contribute positively to the site's character. One tree and one tree group within the site are protected by Tree Preservation Orders (references 18/0138/TPO T1 and T2). The site is not within a conservation area.

To facilitate the proposed development, sections of hedgerows H1, H5 and H8, all categorised as C, will need to be removed. These removals will result in some short-term loss of amenity, but this will be mitigated through a comprehensive landscaping scheme that includes replacement planting of trees and hedgerows. In addition, one tree, T1 (Beech), will require crown lifting to five metres on its southern side to achieve visibility splays and highway clearance. All pruning works would be undertaken in accordance with BS3998:2010 and have to be agreed with the local planning authority's arboricultural officer.

The assessment notes that regrading works associated with the drainage scheme may encroach into root protection areas along the western boundary. A detailed Arboricultural Method Statement will therefore be required at the reserved matters stage to ensure that level changes do not adversely affect retained trees. The routing of services has not yet been confirmed, and any future proposals will need to comply with NJUG Vol. 4 and BS5837 guidance to avoid harm to tree roots.

Other considerations include minor shading from retained tree groups, which is not considered significant, and seasonal leaf fall, which can be managed through routine maintenance. Future pressure on retained trees is expected to be minimal, although cyclical pruning of T1 will be necessary to maintain highway clearance. All trees should

be checked for protected species such as bats and nesting birds prior to any works to avoid contravening wildlife legislation.

The report concludes that the proposed development can be accommodated without unacceptable harm to arboricultural interests, provided that mitigation measures and best practice standards are implemented. Conditions should secure the retention of Category A and B trees and those subject to TPOs, the submission of an Arboricultural Method Statement for works within root protection areas would mitigate the impact of the development.

Subject to the mitigation as recommended above the application would accord with LP Policy D3.

Ecology

Protected species are a material consideration, and their presence and extent of use should be determined prior to issuing a planning decision. 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."

BS 42020:2013 Biodiversity — Code of practice for planning and development, states in section 6.4.5: ...where a PEA contains recommendations that further detailed survey work is necessary in order to inform a planning application, this work should be undertaken before determination of the planning application.

The Ecology Officer has reviewed the ecological documentation submitted in support of the outline planning application for up to 60 dwellings at Land North of Beechwood Farm. The application includes an Ecological Impact Assessment (EIA), Biodiversity Net Gain Assessment, and a draft Habitat Management and Monitoring Plan. The site lies within 10 km of sensitive Special Protection Areas (SPAs), necessitating a Habitat Mitigation payment to offset recreational impacts. Surveys confirm the presence of protected species including dormice, badgers, bats, nesting birds, slow worms, and potentially hedgehogs and amphibians, with particular emphasis on the importance of hedgerows H3 and H7 for bat activity.

Key ecological concerns focus on the need for robust mitigation and enhancement measures. Hedgerow H3 is identified as a critical commuting route for the light-sensitive barbastelle bat, requiring a minimum 10 m dark corridor on both sides. Lighting design must adhere to strict lux limits to preserve these corridors. Dormouse habitat loss due to hedgerow removal necessitates a mitigation licence and compensatory planting, ideally undertaken in advance using mature plants to minimise habitat delay. Additional recommendations include precautionary methods for reptiles and amphibians, and the integration of biodiversity features such as bird and bat boxes, bee bricks, and hedgehog highways.

Derogation tests

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

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

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

In terms of public interest this proposal as a matter of principle accords with the national level of significantly boosting housing supply from which some economic and social benefits could accrue. Alternative scenarios are not easily discernible. There is also a consensus that in order to provide housing, thereby meeting a public interest, greenfield sites such as this would need to be developed. Given what has been reported for this site (see above), the fact suitable mitigation measures are proposed and both of these elements have been found acceptable by the councils ecologist there is no reason why a license would not be issued (if one would be needed) or why Article 12 would be infringed.

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

Based on the information received and proposed mitigation measures the council ecologist raises no objection. Taking into account all of the above the proposal is considered to accord with policy EN5 of the East Devon Local Plan, NP8 of the NP, the NPPF and reflective of guidance within circular 06/2005.

The Biodiversity Net Gain assessment indicates a potential onsite gain of over 12% for both habitat and hedgerow units, subject to compliance with trading rules. However, several enhancements are considered significant and will require a final Habitat Management and Monitoring Plan (HMMP), secured via a Section 106 agreement. The draft HMMP is broadly acceptable but must be refined based on final site design. Long-term ecological management will be governed by a Landscape and Ecology Management Plan (LEMP) and a Construction and Ecological Management Plan (CEcoMP), both of which must be approved prior to commencement.

The ecological response supports the application subject to strict adherence to mitigation and enhancement measures, particularly regarding lighting, dormouse habitat compensation, and biodiversity features. A series of planning conditions have been recommended to ensure compliance with ecological best practice and local policy, including detailed monitoring and reporting requirements over a 30-year period. These measures aim to secure biodiversity net gain and safeguard protected species throughout the development life time.

Biodiversity Net Gain (BNG) and BMV land

If consented, the development would be subject to the mandatory biodiversity net gain (BNG) general condition. As such, it would need to demonstrate it can provide at least 10% gain for all habitat types within the redline boundary, which includes habitats and hedges.

Affordable Housing

For the proposal to be compliant with the existing local plan, and given that it is outside of any identified Built Up Area Boundary (BUAB), then under strategy 34 of the Local Plan an affordable housing target of 50% applies.

Strategy 34 sets a target of 70% for rented accommodation (social or affordable rent) and 30% for affordable home ownership. Policy H2 of the adopted Feniton Neighbourhood Plan requires Social Rent tenure. Therefore, the rented units should be provided as Social Rent tenure as this is more affordable to local incomes in East Devon. This needs to be secured in the Section 106 agreement. There are currently 5857 households registered on the Council's housing register Devon Home Choice in Bands A - E. Housing need is increasing in East Devon. This application would help meet some of this need provided this contribution can be suitably secured.

The initial offer was for 30% affordable housing. However, after negotiations the potential for a split 35% onsite and 15% offsite affordable housing contribution. Our housing enabling officer was content to support the principle of this approach and this offer has been confirmed by the applicant. As this is inline with our recent approach the proposal is considered acceptable in this regard.

The impact on highway safety and the road network

NP Policy T1 Proposals for new development will only be supported where they demonstrate that they will, in proportion to the scale of development proposed: i) minimise any adverse impact of additional traffic, such as increased volume of traffic at peak times which could lead to congestion, increased levels of pollution or increased speeds which may compromise pedestrian and cyclist safety; ii) improve accessibility to and safe use of pedestrian and cycle routes through enhancement of existing or provision of new routes. Additionally, proposals should not exacerbate existing parking problems in and around old and new Feniton.

Devon County Council have been consulted on this proposal and have raised no objections. They have identified that visibility splays exceed design standards and the site is well located near local services and public transport. The proposed footway improvements are welcomed, though further enhancements to sustainable travel links are encouraged. A connection to the adjacent development at Vineton Place is supported in principle. Conditions are recommended to secure drainage details, a Construction Management Plan, and cycle storage. No highway safety concerns are identified based on traffic data.

Therefore, the proposal is considered acceptable in terms of highway safety and connectivity.

Open Space

With regards to public open space strategy 43 of the local plan states for the quantum of development proposed on site space within a rural area is to be provided.

Population increase will be used to determine the relative demand created by different developments. For residential development contributions these will be on a per-dwelling basis and the level of contribution will be higher for larger housing than for small houses or flats. This will be determined by the average occupancy rates where the average occupancy acts as a multiplier reflecting population increase. The assumed average occupancy rates are as follows:

- o a 1 bed dwelling = 1.5 persons,
- o a 2 to 4 bed dwelling = 2.22 persons,
- o a 5+ bed dwelling = 2.5 persons.

A s106 should secure that provision of amenity open space should be provided at reserved matters stage and secure its ongoing maintenance. The LPA reserve the right to enter into negotiations with the appellant regarding the provision of any formalised play space areas. The indicative plans show areas dedicated to open space and this should be feasible when it comes to assessing the overall layout. Therefore, at this stage there is no reason why open space could not be provided and so this would not conflict with strategy 43.

Archaeology

Policy EN7 of the LP establishes 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 county Archaeologist has suggested conditions to require a staged programme of archaeological work, starting with trial trenching to assess significance. A Written Scheme of Investigation (WSI) should be submitted and approved prior to development. Conditions should also secure post-excavation analysis and publication of findings. Subject to conditions the proposal would accord with policy EN7.

Mitigation secured via a S106

Strategy 50 (Infrastructure Delivery) of the LP seeks to ensure that the necessary infrastructure improvements are secured to support the delivery of development and mitigate any adverse impacts. NP Policy C2 states developer contributions generated from Section 106 planning obligations or the Community Infrastructure Levy (CIL),

where relevant and feasible, should contribute towards the local priority amenity and facility projects identified to East Devon District Council by Feniton Parish Council.

A s106 should secure the following in order to mitigate the impact of this development;

- o Affordable housing, 35% on site and 15% off site contribution
- o Travel Plan
- o Habitat Mitigation on Pebblebed Heaths
- o Open space and management of.
- O Pedestrian connections

Any recommendation would therefore comprise of a resolution to approved subject to completion of a s106 to secure the above.

It is noted that Education and the NHS have requested monitory contributions to mitigate the development. However, it needs to be made clear that this is dealt with via CIL in accordance with these regulations.

The correspondence from the Police has also made clear that they require a contribution citing case law as justification. Officers are currently considering whether this meets with CIL regulations and shall provide an update to members.

Planning Balance

Planning legislation establishes that planning applications must be determined in accordance with the development plan unless other material considerations indicate otherwise.

The proposed development conflicts with the development plan as it seeks to build residential housing in the countryside outside the defined Built-Up Area Boundary (BUAB) for Feniton. Consequently, the proposal conflicts with adopted Local Plan. It also conflicts, as a matter of principle, with the requirements of the NP and villages SPD. Whilst it is an allocation within the emerging local plan, and so indicative of the direction of travel, limited weight can be placed on this at this time due to its stage in adoption.

Some moderate harm has been identified to the character and appearance of the area, however the landscape architect has identified that landscaping conditions can mitigate this to an acceptable degree.

The National Planning Policy Framework emphasises the need to significantly boost the supply of housing across England. This proposal would deliver a meaningful number of dwellings, including affordable housing, addressing the need for housing in the district. It would also generate short-term economic benefits during the construction phase and longer-term social benefits by providing much-needed housing. The provision of affordable housing, a key priority of the NPPF and government policy, carries substantial weight in the planning balance.

It is also widely accepted that releasing additional greenfield sites will be necessary to meet the Council's ongoing housing trajectory. While the proposal conflicts with both the Local Plan and the Feniton Neighbourhood Plan by developing outside the BUAB, the district cannot currently demonstrate a sufficient five-year housing land supply and the identified shortfall is significant. This is a compelling material consideration in favour of the development.

The cumulative impact of allowing the development, in addition to the other recently approved development at Burlands Mead and Colestocks, has been taken into account. It has been recognised that increase of private modes of transport is likely. However, bringing forward this site is in line with the allocation of the emerging local plan and significant weight should be given to meeting the district supply of housing and provision of affordable housing. Taking this into account the development has not been found to demonstrably unbalance the community and so this does not weigh against the proposal.

The site lies within a Critical Drainage Area (CDA) raising potential flood risk and there have been concern raised regarding the ability of surface water to be adequately dealt with. However, the lead local flood team are satisfied that suitable details could be submitted at reserved matters stage and the proposal would work in tandem with the Council's own flood mitigation strategy to facilitate disposal of surface water. As demonstrated at the Colestocks appeal, comprehensive surface water conditions can ensure the suitable details are secured prior to commencement. This CDA designation should not withhold consent being granted.

Accordingly, in this case the so called 'tilted balance' of the NPPF is engaged and this directs decision makers to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

This site, although outside of a BUAB, nevertheless can demonstrate good linkages with the services and facilities in offer within Feniton. Whilst leading to encroachment into the countryside the harm to the character and appearance, can be mitigated to an acceptable degree. The construction phase and ecological impact can be controlled via condition, as can impact on trees, archaeology and highway issues.

Those benefits relating to additional housing generally in the district and the affordable dwellings would be substantial.

Further, the proposed development would also be likely to generate moderate economic benefits, particularly during the construction phase, including through providing direct and indirect jobs, albeit only for the duration of that phase.

Therefore, acknowledge the conflict with the development plan the resulting harms would not significantly and demonstrably outweigh the benefits of the proposal. The officer recommendation is a resolution to approve subject to conditions, adopting the following AA and completion of a s106.

Appropriate Assessment

An Appropriate Assessment is required for development as it is within 10k of these designated sites the proposed development and could give rise to recreation activity. The Appropriate Assessment must consider the conservation objectives for the affected European site(s) and the effect the proposed development would have on the delivery of those objectives. In the light of the conclusions about the effects on the delivery of the conservation objectives the competent authority must decide if the integrity of the site would be affected. There is no definition of site integrity in the Habitats Regulations - the definition that is most commonly used is in Circular 06/2005 is '(...) the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified'.

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. An Appropriate Assessment (AA) is required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation would be secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations.

The draft heads of terms submitted within this application makes clear that such contributions would form part of the s106

RECOMMENDATION

A resolution to adopt the Appropriate Assessment and APPROVE subject to the following conditions and completion of a s106:

1. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission. The development hereby permitted shall commence not later than two years from the date of approval of the last of the reserved matters.

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990.

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. Prior to occupation of the first dwelling the access shall be constructed in accordance with plan no. 01-PHL-1001 REV A. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 20 metres back from its junction with the public highway. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with plan no. 2007-039-SK05-E where the visibility splays provide intervisibility at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway shall be 43 metres in both directions.
REASON: To ensure a safe and satisfactory means of access, to provide adequate visibility from and of emerging vehicles and prevent mud and other debris being carried onto the public highway, in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.
5. Works shall proceed strictly in accordance with the Ecological Impact Assessment conducted by GE Consulting Services and dated 2nd May 2025, in particular the ecological mitigation and enhancement measures detailed therein. No dwelling shall be occupied until the local planning authority has been provided with evidence, including photographs, that all ecological mitigation and enhancement features, including bat boxes tubes and bird boxes (1 bat or bird box per dwelling per 2 dwellings), bird boxes (1 per dwelling), and permeable fencing has been installed/constructed, and compliance with any ecological method statements in accordance with details within the submitted LEMP and CEoMP.
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), Strategy 5 (Environment), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.
6. A landscape and ecological management plan (LEMP) for a minimum 30 year period following completion of the development (or relevant phase thereof) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. It should include the location and design of biodiversity features including bird boxes and bat boxes (1 bat or bird box per dwelling at a ratio of 1 per dwelling), integrated bat tubes (1 tube per 2 dwellings), permeable fencing, and other features to be shown clearly on submitted plans. The LEMP shall include biodiversity measures as referred to in the Ecological Impact Assessment and shall include the following:

- a) Details of the body or organisation responsible for implementation of the plan accompanied by a site plan showing areas to be adopted; maintained by management company or other defined body; and areas to be privately owned/maintained.
- b) 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/ bodies responsible for its delivery.
- c) A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- d) Landscape and ecological management aims and objectives for the site.
- e) A condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
- f) Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period). in relation to:
 - Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgelink guidance.
 - New trees, woodland areas, hedges and amenity planting areas.
 - Grassland, wildflower and any other habitat areas proposed.
- g) The location and design of biodiversity features including bird boxes, bat boxes, and other features, e.g., permeable fencing, to be shown clearly on accompanying plans.
- h) Details regarding the proposed reptile translocation, including receptor site details in accordance with .GOV guidance
- i) Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- j) Arrangements for inspection and monitoring of the site and maintenance practices.
- k) Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.
- l) The Plan shall also set out (where the results from monitoring show that its conservation aims and objectives 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.
- m) A Green infrastructure/ Landscape strategy plan showing existing vegetation to be retained and removed, new tree and native structure planting and other habitat creation areas, existing watercourses and new SuDS drainage provision together with public open space and foot/ cycle path routes and connections.
- n) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by a minimum of 4 sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.

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

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

7. A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. This should include:

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

The development shall be carried out in accordance with the approved soil resources plan.

Reason – Pre commencement is required to evaluate soil conditions prior to construction in order to protect soil sources and contribute towards meet sustainability targets, in accordance with Strategy 47 (Nature Conservation and Geology), Strategy 5 (Environment), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

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

- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication, including reporting compliance of actions to the LPA.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements.
- h) Use of protective fences, exclusion barriers and warning signs. The approved CSWEcoMP 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.
- i) Construction Surface Water Management Plan (no land drainage from the development site shall be permitted to connect, directly or indirectly, to the public sewerage network).

The development shall be carried out in accordance with the approved CSWEcoMP.

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), Strategy 5 (Environment), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031 and to prevent inappropriate connection to the public sewerage system, to protect the health & safety of existing and future residents, and prevent pollution of or detriment to the environment. Such details are need prior to the construction phase.

9. No works shall commence on site until a Lighting Design including lux contours, based on the detailed site design and most recent guidelines (currently GN08/23 and DCC 2022), has been submitted and approved in writing by the local planning authority. The design should clearly demonstrate that all boundary hedges and specified buffer zones remain as dark corridors, i.e., at or below 0.5 lux (considering internal and external lighting), without the attenuation of habitat features which long-terms management cannot be guaranteed. All lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

10. Prior to, or as part of the first reserved matters application for layout a detailed surface water drainage strategy for the site, based on the principles within the Flood Risk Assessment and providing for the highest type of system within the SuDS hierarchy, has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following details:
 1. Updated surface run-off calculations for rate and volume for pre and post development using the appropriate methodology;
 2. Updated soakaway test results in accordance with BRE365, ground water monitoring results in line with DCC groundwater monitoring policy, and evidence of the level of risk for groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins;
 3. The detailed design of Sustainable Drainage Systems (SuDS) to be used on the site in accordance with best practice and the CIRIA SuDS Manual (C753) as well as details on the delivery, maintenance and adoption of those SuDS features, such features shall not exceed existing run off rates;
 4. Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients ;
 5. Details and evidence that an appropriate right of discharge for surface water has been obtained. Details of an appropriate right of discharge - with Further, evidence that the receiving system is in suitable condition and has capacity to accept surface water flows from the site - to include gullies, connections and soakaways, together with means of attenuation on site ;;
 6. Detailed hydraulic calculations for all rainfall events, including those listed below. The hydraulic calculations should take into account the connectivity of the entire drainage system including the connection with the system/watercourse/culvert that will be affected by the proposals. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same reference as the drainage layout;
 7. Evidence that runoff exceeding design criteria has been considered. Calculations and exceedance flow diagram/plans must show where above ground flooding might occur and where this would pool and flow;
 8. Evidence that Urban Creep has been considered in the application and that a 10% increase in impermeable area has been used in calculations to account for this;
 9. Information evidencing that the correct level of water treatment exists in the system in accordance with the Ciria SuDS Manual C753;
 10. No surface water from the development approved shall be permitted to connect, directly or indirectly, with the public sewerage network, unless with the prior written agreement of the Local Planning Authority;
 11. Details of an implementation and management plan (including timetable). This shall include the anticipated arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure

the effective operation and management of the sustainable drainage system of the sustainable drainage system.

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

The surface water drainage strategy shall be managed and maintained in accordance with the approved details for the lifetime of the development.

REASON: In order to ensure satisfactory disposal of surface water in accordance with policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid adverse impacts of inadequate drainage.

11. No development shall commence until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to ensure satisfactory disposal of surface water. To ensure compliance with Adopted East Devon Plan Policies EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) and EN22 Surface Run-Off Implications of New Development), and to prevent risk of introduction of hydraulic overload and consequent flooding or pollution arising from this development.

12. Prior to commencement of development a strategy detailing the provision to be made for foul water drainage and the disposal of sewage from the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- o The estimated volume of waste water from the development at full occupation;
- o Any temporary arrangements and the final foul drainage scheme and its management and operation;
- o A construction quality control plan ;
- o A timetable for construction;
- o No foul sewage flows from the development approved shall be permitted to connect, directly or indirectly, with the public sewerage network without confirmation to the Local Planning Authority that improvements necessary to accommodate the development within the public sewerage system have been completed. If it is identified that upgrade works are required to ensure adequate foul sewage capacity, no dwelling shall be occupied until the upgrades to the

public foul sewerage infrastructure have been completed and confirmed in writing to the Local Planning Authority.

There shall be no occupation within the development until foul sewerage provision has been completed in accordance with the approved foul drainage strategy.

Reason: To ensure compliance with Adopted East Devon Plan Policies EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) and EN22 (Surface Run-Off Implications of New Development), and to prevent risk of introduction of hydraulic overload and consequent flooding or pollution arising from this development. This is pre commencement to ensure the strategy is incorporated at an early stage.

13. Prior to development continuing above slab level on any dwelling a Water Conservation Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a water efficiency specification for each dwelling type, based on the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition or any future successor) demonstrating that all dwellings shall be able to achieve a typical water consumption standard of no more than 110 litres per person per day, in line with Building Regulations Optional Requirement G2. The approved strategy shall be implemented in full accordance with the approved details prior to first occupation of any residential dwelling and thereafter shall be retained.

Reason: To ensure that the development makes efficient use of water and promotes the principles of sustainable construction in line with Paragraph 161, 163 and 164 of the NPPF and adopted policy Strategy 3 (Sustainable Development) of the East Devon Local Plan. The details secured by this condition are considered essential to be agreed prior to the commencement of development of any dwelling on the site so that appropriate measures are put in place to achieve the strategy.

14. 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. 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 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, that an appropriate record is made of archaeological evidence that may be affected by the development, and that any record which advances understanding of heritage assets is made

public available. This is required prior to the commencement phase which could disturb the site.

15. Prior to commencement of development the Planning Authority shall have received and approved a Construction Management Plan (CMP) which shall be implemented and remain in place throughout the development. The CMP shall include:

1. Traffic Management elements to include:

- (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. Environmental elements to include:

- a. Air Quality
 - b. Dust
 - c. Water Quality
 - d. Lighting
 - e. Noise and Vibration
 - f. Pollution Prevention and Control
 - g. Monitoring Arrangements

Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CMP. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays

or Bank Holidays. There shall be no burning on site and no high frequency audible reversing alarms used on the site.

REASON: To minimise the impact of the development on the highway network in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 - 2031 and to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution, in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan.

16. Prior to occupation of any of the dwellings hereby approved details of secure cycle/scooter storage facilities shall be submitted to and approved in writing by the Local Planning Authority. No individual dwelling shall be occupied until the cycle and bin storage facilities for that dwelling has been provided in accordance with the approved details.

REASON: To promote sustainable travel in accordance with policy TC2 (Accessibility of New Development) the East Devon Local Plan.

17. Prior to the commencement of development, a waste audit statement shall be submitted to, and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The following points shall be addressed in the statement:

- o Identify measures taken to avoid all waste occurring.
- o Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
- o The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
- o Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- o The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site, and justification as to why this waste cannot be managed more sustainably.
- o The predicted annual amount of waste, in tonnes, that will be generated once the development is occupied.
- o Identify the main types of waste generated when development is occupied.

The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. This information is required pre-commencement to ensure that all waste material is dealt with in a sustainable way from the outset of the

development including any groundworks, demolition, construction and operation.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Biodiversity Net Gain Informative:

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

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

The BG conditions states that **development may not begin unless:**

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

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

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

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may begin (the overall plan), and before each phase of development may begin (phase plans).

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 applies (planning permission for development already carried out).
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - (i) the application for planning permission was made before 2 April 2024;
 - (ii) planning permission is granted which has effect before 2 April 2024; or
 - (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

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

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Irreplaceable habitat

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

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

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

For information on how to prepare and submit a Biodiversity Gain Plan please use the following link: Submit a biodiversity gain plan - GOV.UK (www.gov.uk)

Plans relating to this application:

01-PHL-1001 Other Plans 15.05.25

Rev A Highway
Access Plan

13225/001 Location Plan 15.05.25

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.