

		Committee Date: 24.02.2026
Exmouth Halsdon (Exmouth)	23/2740/OUT	Target Date: 14.02.2024
Applicant:	Mr B Penny	
Location:	Land South Of Courtlands Lane	
Proposal:	Outline permission for the construction of up to six dwellings sought with all matters reserved other than access	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application must be considered by the Planning Committee because the officer recommendation conflicts with comments received from Lympstone Parish Council, Exmouth Town Council and from Ward Councillors.

Under the current Local Plan, the application site is outside of the Built-up Area Boundary but is an allocated site in the emerging Local Plan, which now carries slightly greater weight in decision making owing to the Plan going through the second round of Regulation 19 Consultation.

A further material consideration is East Devon's housing land supply position which engages the presumption in favour of sustainable development.

The site is attractive with wide views across to the Exe Estuary. In terms of the coastal preservation area the proposal sits between existing development to the east and west which would limit damage to the open status of the area. Some adverse impacts are noted to the surrounding landscape character and in views from the south and east of the site where the development would break the ridge line. Again, this would be seen in the context of surrounding development. There is potential for vehicular access to be brought through the proposed allocated site to the north (Lymp-07) to reduce impacts to residents along Courtlands Lane, although DCC Highways raise no objection to the use of the existing lane to access the development.

In terms of the impact upon Grade II listed Lympstone Manor, there are a number of existing buildings between the listed building and the application site, which together with existing trees and vegetation would limit intervisibility between the two sites. It is considered that it would be possible for a scheme to come forward which would avoid any harm to the setting of Lympstone Manor.

Applying the tilted balance, the conflict with policies contained within the development plan aimed at protecting the landscape character does not significantly and demonstrably outweigh the benefits of the scheme, which would provide six dwellings immediately adjacent to the BuAB of Exmouth.

Accordingly, the officer recommendation is one of approval.

CONSULTATIONS

Local Consultations

Clerk To Lympstone Parish Council

26.01.2024

Recommendation: Object

Lympstone Parish Council object for the following reasons:

- o Impact on the Coastal Preservation Area - visual openness and views to and from the Estuary.
- o Outside BUAB.
- o Contravenes both Exmouth Neighbourhood Plan and East Devon Plan.
- o Lack of amenities.
- o Single lane access, no pavement.
- o Not in keeping with the surrounding area, and the established single line of neighbouring properties.
- o Disrupts the skyline.
- o Overdevelopment of area.

Lympstone Parish Council notes the following for a previous site application: 14/2752/FUL (for 2 houses) and the reasons cited for refusal, including reasons listed by Natural England, and the impact of suburban design, size and massing of the 6 properties and the site's close relationship with heritage listed buildings. The development of six dwellings would represent an unacceptable visual and physical intrusion into the surrounding countryside and is contrary to national and local policies designed to safeguard encroachment into open countryside and where special justification is required for new housing. The application also contravenes NPPF guidance that "development will only be permitted where it would not harm the distinctive landscape amenity and environmental qualities".

Lympstone PC would like to highlight the concerns raised in District Cllr Jung recent report in Exmouth Journal www.exmouthjournal.co.uk/news/24043851.east-devon-councillors-discuss-sewage-pipe-bursts-exmouth/

Exmouth Town Council

17.01.2024

Objection; this application lies outside the built up area boundary for Exmouth within the Coastal Preservation Area and therefore defined as development in the

Countryside. This proposal for the construction of 6 dwellings is an area where development is strictly controlled in order to safeguard from encroachment. The proposal was considered to be visually intrusive, interrupting the visual openness and views to and from the sea. The proposal was therefore contrary to Policy EN1 of the Exmouth Neighbourhood Plan which states that development will only be permitted where it would not harm the distinctive landscape or have an adverse disruption of a public view which forms part of the distinctive character of the area or otherwise causes significant visual intrusion. Concern was also raised regarding preserving the green wedge between Exmouth and Lympstone and the ecology on the site. Members shared the concerns of objectors to the application regarding highway safety. The proposal was considered to be unsustainable development due to its location on a narrow country lane and lead to dependence on the use of the private car as a primary means of transport contrary to policy TC2 of the EDLP.

Exmouth Town Council

Meeting 13.10.25

Objection sustained. The amended plans fail to address the concerns previously raised by the Town Council, Lympstone Parish Council, and other statutory consultees ' particularly those outlined by the EDDC Landscape Architect. Members also express concern regarding the comments from Devon County Highways. There appeared to be errors within the submitted plans. The number of proposed dwellings did not resolve the area's housing supply issues.

Clerk To Lympstone Parish Council

22.10.25

Recommendation: Strongly Object

Lympstone Parish Council strongly objects for the following reasons:

- o Impact on the Coastal Preservation Area - visual openness and views to and from the Estuary.
- o Outside BUAB
- o Contravenes both Exmouth Neighbourhood Plan and East Devon Plan.
- o Lack of amenities.
- o Single lane access, no pavement.
- o Not in keeping with the surrounding area, and the established single line of neighbouring properties.
- o Disrupts the skyline.
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Woodbury And Lympstone - Cllr Geoff Jung

I have viewed the further documents submitted for 23/2740/OUT. An outline permission for the construction of up to six dwellings sought with all matters reserved other than access on land south of Courtlands Lane Exmouth. The location is off Courtlands Lane which forms the boundary between Lympstone and Exmouth. This site was included in the new emerging EDDC Local Plan as site EXMO 23 and was considered to be appropriate for development. The officers comments were 'Some care will be needed to avoid and limit possible adverse landscape and heritage impacts.'

There are now 2 possible suggested layouts with one for 6 houses and another for 12 houses, although the applications was originally for 6 on a smaller plot but it now also suggests a possible 12 dwelling development for the whole of the EXMO 23 site.

As this site is included in the emerging local plan, I would support this application, but I do have serious concerns of the South West Waters ability to accommodate these further dwellings into the Exmouth infrastructure and treatment works at the present time.

I therefore unable to support this application at this time However, I reserve my final views on this application until I am in full possession of all the relevant arguments for and against

Woodbury And Lympstone - Cllr Ingham

I recommend this application for refusal because:

It is in the Green Wedge

In the Coastal Preservation Area

Has a compounding negative effect on the adjacent listed buildings

Outside the BuAB

Although the site was allocated through the eEDLP, I certainly do not subscribe to it, more does the local community.

I know Michael Caines of Lympstone Manor sees development in the Courtlands dip as a threat to the sustainability of his business

Approval of this application would fly in the face of public opinion and the environmental needs of Exmouth environs.

Exmouth Halsdon - Cllr Fran McElhone

In addition to the reasons outlined by Cllrs Jung and Ingham, with which I concur, I can't support this application because it appears that these are houses for houses sake, rather than addressing the actual need, which is for affordable homes, not for even more homes for the wealthy, for whom there are plenty of existing options.

Exmouth Halsdon - Cllr Tim Dumper

I wanted to register an objection to this application, together with a comment on the site plan.

Land in this area has been open countryside, assisted by the late Jack Long's bequest to the National Trust, close by. Land on both sides of Courtlands Lane have been maintained as undeveloped, to protect against coalescence between Exmouth and Lypstone, to protect local protected species eg Cirl bunting , and local heritage assets at Lypstone Manor (formerly Courtlands House). This area is also in or very close to the Coastal Preservation Area. For these reasons, I continue to see this site as unsuitable for development.

Previously the nature of Courtlands Lane and its unsuitability for further traffic increase has given rise to local objection. The figures given in the 2022 very brief DCC Highways survey are questioned locally and therefore the lack of objection from that body. It is felt this underrepresents the amount of traffic. Large numbers of "refuges " are cited as passing places towards the A376. These are people's gateways, and their use in this way has given rise to damage to property.

The suggestion that EDDC's 5 year land supply will be increased sufficient to justify developing this unsuitable site is almost laughable.

The site plan seems wrong, in that a building is shown close to the most westerly house existing neighbouring the site. No such building would appear to exist.

Technical Consultations

EDDC Trees – no objection

Conservation - Objection

Visibility splay may impact upon historic boundary wall to Lypstone Manor. Further ribbon development along this area of Courtland Lane being the east side of the access could be designed without affecting the setting of Lypstone Manor providing the standard is good; however a cul de sac design would introduce a suburban character to the lane that currently isn't there.

Historic England - No comment

Housing Strategy/Enabling Officer - Objection - In the new emerging Local Plan, this site is allocated for 12 dwellings. Therefore, this application appears to be under development of the site in order to circumnavigate the Affordable Housing policy.

Exeter & Devon Airport - Airfield Operations+Safeguarding - No objection

EDDC District Ecologist - No objection subject to conditions

EDDC Landscape Architect

21/02/2024- The development of the site is likely to give rise to a number of direct and indirect adverse effects on the site and surrounding landscape character including the loss of green field to built development which, due to the ridgeline setting, would break the skyline in views from the south and southeast.

Conditions proposed if recommended for approval.

20/01/2026 - Potential to re-route access through Lymp 07 side to north. The illustrative layout is an improvement on that originally submitted.

Devon County Council Education Dept – contribution required towards secondary education

South West Water - sufficient capacity for flows from this site.

County Highway Authority - No objection

Environmental Health – No objection subject to a condition requiring a Construction and Environment Management Plan (CEMP)

Other Representations

63 third party representations have been received, with 59 representations of objection and 4 representations of support.

A summary of grounds for objection are as follows:

- The site is in the Coastal Preservation Area (Strategy 44) and the proposal would be detrimental to the undeveloped /open status of the area.
- The proposal would have a detrimental impact upon the setting of grade II Lympstone Manor.
- Light pollution would have a detrimental impact upon ecology.
- Highway and pedestrian safety concerns regarding the use of the narrow access lane which has no pavements or streetlight, no passing places and is well used walking route which could lead to further conflict between cars and pedestrians.
- Traffic data used within the application is insufficient to allow for a genuine assessment of traffic impacts.
- The proposal would be highly visible from National Trust land and other publicly accessible viewpoints.
- An application for 2 houses on the same site was rejected in April 2015 on the grounds that the scheme would represent an unacceptable physical and visual intrusion into the countryside.
- The development could set a damaging precedent for further encroachment into the Coastal Preservation Area.
- Approving the scheme for only six dwellings could prejudice the plan-making process and undermine the delivery of a comprehensive 12-dwelling development as envisaged in the draft allocation.
- The rural location may encourage car dependency with limited access to services, public transport, or amenities,
- The proposal does not make any provision for affordable housing and the application appears to be seeking to flout affordable housing thresholds.
- The proposal would increase the risk of surface water run off and localised flooding.

A summary of grounds for support are as follows:

- The proposal would provide much needed housing supporting the local economy.
- The site is close to transport links and is allocated in the forthcoming Local Plan.
- The site sits outside of the East Devon National Landscape and the Green Wedge.

PLANNING HISTORY

02/P1289	Change Of Use From Residential Home To Part Function Suite & 3 Flats, Approval 22.10.2002.
06/1050/COU	Change of use from function suite to single residence (Application 02/P1289). Approval , 20/06/2006
07/3141/COU	Conversion and extension of existing barn to form 4 no stables, tack room, hay/feed store and tractor store. Approval 15/02/2008.
08/2176/AGR	Erection of timber store for machinery/tools and greenhouse Approval , 03/10/2008
12/0211/PREAPP	Six detached dwellings. Response 03/12/2022.
14/2752/FUL	Construction of two detached dwellings and detached garages with new accesses off Courtlands Lane. Refusal, 10/04/2015.
23/0016/PREAPP	Response 23 June 2023.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development) Adopted

Strategy 5B (Sustainable Transport) Adopted

Strategy 7 (Development in the Countryside) Adopted

Strategy 34 (District Wide Affordable Housing Provision Targets) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

Strategy 48 (Local Distinctiveness in the Built Environment) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

D3 (Trees and Development Sites) Adopted

EN5 (Wildlife Habitats and Features) Adopted

EN9 (Development Affecting a Designated Heritage Asset) Adopted

EN14 (Control of Pollution) Adopted

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

EN22 (Surface Run-Off Implications of New Development) Adopted
TC2 (Accessibility of New Development) Adopted
TC7 (Adequacy of Road Network and Site Access) Adopted
TC9 (Parking Provision in New Development) Adopted

Exmouth Neighbourhood Plan (Made)

- Policy EN5: Impact from additional surface water resulting from development should be controlled and satisfactorily mitigated.
- Policy EB1: Development proposals should seek to conserve heritage assets.
- Policy EB2: New development should be mindful of surrounding building styles and ensure a high level of design.
- Policy GA3: All new housing and employment development proposals should, where feasible, seek to connect with the existing footway and cycle network or seek opportunities to further develop the network to ensure connectivity. Such proposals should be mindful of the Strategy for Cycle Routes in Exmouth.

Draft East Devon Local Plan 2020-2042 Policies

- Strategic Policy SP03 (Housing requirement by Designated Neighbourhood Area) Draft
- Strategic Policy SP02 (Levels of future housing development) Draft
- Strategic Policy SP05 (Development inside Settlement Boundaries) Draft
- Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft
- Strategic Policy SD01 (Exmouth and its development allocations) Draft
- Strategic Policy AR01 (Flooding) Draft
- Strategic Policy DS01 (Design and local distinctiveness) Draft
- Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport) Draft
- Policy TR04 (Parking standards) Draft
- Policy TR05 (Aerodrome safeguarded areas and Public Safety Zones) Draft
- Strategic Policy OL01 (Landscape features) Draft
- Strategic Policy OL03 (Coastal Preservation Areas) Draft
- Policy OL09 (Control of pollution) Draft
- Strategic Policy PB04 (Habitats Regulations Assessment) Draft
- Strategic Policy PB05 (Biodiversity Net Gain) Draft
- Policy PB07 (Ecological enhancement and biodiversity in the built environment) Draft
- Policy PB08 (Tree, hedges and woodland on development sites) Draft
- Policy HE02 (Listed buildings) Draft

Government Planning Documents

National Planning Policy Framework 2024 (as amended)

ANALYSIS

Site Location and Description

The site is an undeveloped agricultural field south of Courtlands Lane, part of a larger field immediately east of the entrance to Lypstone Manor (formerly listed as Courtlands House), a Grade II listed country house hotel on the eastern banks of the Exe estuary. A hedgerow boundary runs along the northern boundary frontage of the site, with a further beech hedgerow with evergreen oak trees and gaps for gates to the south.

There is currently a gated access into the field. The site occupies an elevated and open position with wide views back to the Exe Estuary. This part of Courtlands Lane is a very narrow single-track lane, and development is characterised by a linear pattern of development of detached and semi-detached properties fronting onto Courtlands Lane.

The site is accessed from the four-way crossroads off the A376. Courtlands Lane joins up with the Sustrans National Cycle Path just south of Lypstone.

The site is in the countryside, outside of but contiguous with the Built-up Area Boundary of Exmouth, as defined by the current East Devon Local Plan, and also falls within an area designated as a Coastal Preservation Area under the local plan. The land immediately to the north of Courtlands Lane is designated as a Green Wedge under the Local Plan. Lypstone Footpath 7 runs north from Courtlands Lane 100 metres west of the site, which forms part of the East Devon Way, a 40 mile route between Exmouth and Lyme Regis.

Proposed Development

Outline planning permission is sought for residential development on the site for up to 6 dwellings. Permission is sought for access only with matters of appearance, layout, scale and landscaping reserved for future consideration. An indicative site plan has been provided with the application which shows a site layout of 6 detached dwellings arranged in a cul-de-sac form with vehicular access taken from Courtlands Lane and a new access into the application site off the private access road into the Courtlands estate. The indicative site plan shows an attenuation pond to be provided to the south of the existing hedgerow in an adjacent field.

Analysis

The principal issues for consideration are

- The principle of development,
- Access to service and facilities
- Design impact on character of site including landscape impact
- Heritage
- Residential / Neighbour Amenity
- Highways, access and parking
- Ecology / biodiversity
- Biodiversity Net Gain

Principle of Development

Strategies 1 and 2 of the 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.

Under the adopted Local Plan, the application site sits outside of the Built-up Area Boundary (BuAB) and is therefore within the countryside in planning policy terms and therefore subject to the provisions of Strategy 7, 'Strategy 7 - Development in the Countryside'. This Strategy states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

Under the current local plan, there are no policies or neighbourhood plan policies that would permit the development of housing outside the BuAB.

However, the emerging Local Plan has reached the regulation 19 stage of production and consultation and is now open for the second Regulation 19 Local Plan Consultation, the first round of consultation having already been completed. This means that the emerging plan now carries slightly greater weight in decision making.

Emerging Strategic Policy SP01: Spatial strategy, seeks to direct new development towards the most sustainable locations in East Devon by focusing new development at the West End of the district, and other than at the West End, by promoting the most significant development levels at the Principal Centre of Exmouth. Emerging Strategic Policy SD01: Exmouth and its development allocations, identifies the site which is the subject of this application, as an allocated site, listed under Allocation Exmo_23.

The Policy states:

"Land to the South of Courtlands Lane (Exmo_23). This land, south of Courtlands Lane, will form a small-scale development on the northern side of Exmouth to accommodate around 12 new homes. The scheme will need to demonstrate how safe pedestrian access, avoiding on-road walking, will be achieved to surrounding and neighbouring areas".

Land to the north of Courtlands Lane is also allocated for housing under allocation (Lymp_07) Land at Courtlands Cross. This allocation looks to accommodate around 100 new homes and 0.4 hectares of employment land. The field to the west of Lymp_07 is allocated for delivery of sports pitch uses. The allocation states that that any development coming forward should provide safe off-street pedestrian and cycle access linking into adjacent areas including allocated site Exmo_23.

A further material consideration is East Devon's housing land supply position which currently stands at 3.5 years, which engages the presumption in favour of sustainable development, as at NPPF Para 11d, whereby permission for development proposals should be granted unless the application of policies within

the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development proposed; or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, and securing well-designed places.

In light of the presumption in favour of sustainable development, the principle of development could be seen to be acceptable subject to an assessment of the other impacts of the proposal, including the impact upon the Coastal Preservation Area.

Access to service and facilities

The site is considered to be in a broadly sustainable location on account of the fact that it is immediately adjacent to the BUAB of Exmouth and lies on the edge of the District's largest town. Courtlands Lane is narrow with no pavements or streetlighting however the crossroads to the A376 lie 250 metres to the east of the site. The road is straight which would allow for good visibility along the full length of the lane, which is currently well used by residents and walkers. The site has good access to sustainable modes of transport including bus, train and access to the Sustrans National Cycle Path.

The illustrative site plan submitted for application 25/1460/MOUT, which refers to allocation Lymp_07 to the immediate north of the site, shows a pedestrian route through the site from Courtlands Lane which could allow this application site to fully comply with the wording of the allocation to provide safe pedestrian access, avoiding on-road walking. However, this application has not been approved and until the Lymp_07 site is developed there would be no dedicated safe pedestrian route for the 250 metres stretch of road to the junction with the A376.

The lack of pedestrian access weighs negatively in the planning balance and means the proposal is not fully compliant with Local Plan Strategy 5B and Policy TC2.

Design impact on character of site including landscape impact

The site is a small paddock which slopes down to the south west. Land to the north, south and south east of the site is mixed farmland delineated by hedgebanks and trees, with much of the land to the south of the site being owned by the National Trust. As noted by EDDC's Landscape Architect the land is particularly attractive. From the site there are wide views over the Exe Estuary to the Haldon Ridge. The urban envelope of Exmouth is visible to the south and east, and the upper parts of Lympstone Manor and a few residential properties are visible to the west.

A permissive but well used pedestrian and cycle route runs approximately 250 metres south of the site, linking Exeter Road and the Exe Valley Trail. The site is clearly visible from this path. From Courtlands Lane and Exeter Road, views over the site to the Exe Estuary are only visible in glimpses and are heavily filtered by the hedgerow. The site is also visible over a short length of the A376 to the southeast of the site, and is also visible from properties along Seaford Avenue, approximately 550 metres south of the site.

The site lies within the Coastal Protection Area where, in accordance with the Local Plan Strategy 44, 'development or any change of use will not be allowed if it would damage the undeveloped/open status of the designated area or where visually connected to any adjoining areas.'

The site falls within the Exe Estuary Farmlands Landscape Character Area (LCA) as defined in the Devon Landscape Character Assessment. The overall strategy for this LCA seeks to protect extensive open views across the landscape to the estuary, coast and high ground of the Haldon Ridge and Woodbury Common; to protect and enhance the area's valued maritime character; to ensure that new development reinforces the historic settlement pattern and vernacular character.

The East Devon Landscape Character assessment (2019) places the site within Landscape Character Type (LCT) 3B, Lower rolling farmland & settled valley slopes, which is characterised as a predominantly agricultural landscape with a gently rolling landform, sloping up from valley floor which contains many hedgerow trees, various settlement sizes, building ages, patterns and styles and a variety of building materials, including stone, cob, whitewash/ render, slate, thatch and tile. The LCT is noted as being a productive, working but still attractive landscape containing numerous historic and archaeological features.

The prevailing pattern of development along Courtlands Lane is distinctly linear in form, with development along the existing lane showing individuality in the design of the houses. The applicant has submitted a revised indicative layout which seeks to demonstrate a more linear pattern of development that reflects the existing layout along Courtlands Lane whilst also providing suitable access to allow the future delivery of the full allocation of 12 houses on the site. The houses to the north of the site are laid out to respect the existing building line along the southern edge of Courtlands Lane, and the proposed plot widths are broadly comparable to the existing plot widths along Courtlands Lane. The illustrative arrangement indicates a cul-de-sac which would be extended to the south to provide access to the field to the south for the development of a further six houses, in line with Allocation Exmo_23 of the Emerging Local Plan. The application is also accompanied by a landscape strategy which seeks to reintroduce native field hedges to the south of the site, to reflect historic field boundaries as seen on the first edition Ordnance Survey map dated 1888.

Pedestrian access is shown along the north of the site, to link with the proposed pedestrian access through allocated site Lymp_07 immediately to the north of the site, which would reduce pedestrian movements along Courtlands Lane when the larger Lymp 07 site is developed.

The application is accompanied by a Landscape and Visual Appraisal which considers the impact of the proposal from identified viewpoints around the site. The development would break the skyline in views from the south and south east of the site, and would also lead to infilling of the undeveloped land between houses along Courtlands Lane and Lympstone Manor, which could lead to direct and indirect adverse impacts upon the landscape character and potential harm to the setting of Lympstone Manor, which is discussed in more detail later in the report. However,

visibility concerns also need to be seen in the context of the site abutting and falling between existing development to the east and west.

The development would likely lead to erosion of hedgebanks along Courtlands Way as vehicles reverse and manoeuvre to pass. As per EDDC's landscape architect's comments, there is an opportunity for access to be taken through the housing development site to the opposite side of Courtlands Lane (Lymp 07) where it could join the A376 at the new roundabout at the western end of the Dinan Way extension currently under construction. This would then allow the section of Courtlands Lane to the east to be closed to through traffic to the benefit of adjacent residents, cyclists and pedestrians.

The proposals as presented would introduce development into the designated Coastal Preservation Area that will be evident in views from within and around it and is likely to give rise to a number of impacts resulting in some landscape and visual harm, notwithstanding the proposed mitigation planting indicated by the landscape strategy. However the site lies between existing development to the east and west which would serve to reduce the impact of new development within the designated Coastal Preservation Area.

The proposed attenuation pond within the illustrative scheme is sited to the southeast of the six dwellings. The landscape architect's comments confirm this would be better sited to the southwest of the dwellings where it would be less prominent owing to the site topography and existing vegetation. The submitted red line site boundary would not permit the construction of the attenuation pond within the southwest corner however. This could only be carried out as part of any future development for the remaining proportion of the allocation of 12 dwellings on the site. The attenuation feature as presented within this application would result in a prominent man-made feature, albeit softened with landscaping, because of the site topography.

At reserved matters stage any designs coming forward would be expected to show individuality in the design of the houses to reflect the existing development along Courtlands Lane.

A number of conditions are proposed should the proposal be recommended for approval. These include the provision of a full set of hard and soft landscaping details, details of external lighting, site levels, details of surface water drainage, a soil resources plan, measures for protection of existing perimeter trees, and a Landscape and Ecology Management Plan to clarify ownership and responsibilities for management and maintenance.

Overall it is considered that the proposal would give rise to some landscape and visual harm contrary to Local Plan Strategy 7 and Strategy 44 which weighs negatively in the planning balance.

Heritage

Grade II listed Lympstone Manor (referred to in the Statutory List Entry as Former Courtlands House) lies to the west of the site and is accessed by Courtlands Lane.

The garden wall between Courtlands Lane and Courtlands, which sits within 30 metres of the site, is also Grade II listed. The wall comprises stone to the lower section and brick to the upper portion and is approximately 8 feet high.

Between the listed building and the site there are a number buildings, some older and some more modern. The buildings, together with existing trees and vegetation, limit intervisibility between the site and the listed building.

The comments received from EDDC's conservation officer confirm that whilst further ribbon development along this area of Courtland Lane could be designed without affecting the setting of Lympstone Manor providing the standard is good, a cul de sac design would introduce a suburban character to the area. All matters are reserved apart from access and the current site plan is illustrative only. Any reserved matters application coming forward should seek to avoid harm through the use of appropriate site boundaries, ensuring the density of development respects the existing character and ensuring the individuality of the houses seen along Courtlands Lane is continued through to the application site. A high standard of design would be required to avoid adverse impacts in line with NPPF paragraphs 210, 212 and 215.

Concerns have also been raised by the Conservation Officer regarding the potential impacts to the listed wall as a result of the requirement to provide adequate visibility splays at the entrance to the site. The submitted Highways Technical Note illustrates that a visibility splay of 2.4 metres by 33 metres, in line with guidance contained within Manual for Streets as being suitable for the road speeds of 25 mph as recorded on site, can be achieved without any impact to the listed boundary wall. The proposed access into the field would require the loss of hedgerow to the site's western boundary. The illustrative scheme proposes additional tree planting in mitigation for the loss of the existing vegetation.

Lympstone Manor is referred to in a previous appeal, reference APP/U1105/A/11/2161479, on a site immediately north of the application site. The Inspector stated at Para 58 that 'Although accessed from Courtlands Lane to the north, this building appears to have been designed so that it gradually reveals itself along the entrance drive and in effect, 'turns its back' on this lane. The main and historic designed views to and from this building are to the south and west across the open fields and the Exe Estuary. There are no important or significant views of this building from Courtlands Lane'.

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant consent for any works to have special regard to the desirability of preserving the setting of the listed buildings. It is not considered the proposal would have an impact on Chatterpark, a locally listed building approximately 300 metres to the north of the site, or upon A La Ronde, a Grade I listed building approximately 450 metres east of the site.

Given that above, it is considered that it would be possible for a scheme to come forward which would maximise the enhancements and avoid any harm to the setting of Lympstone Manor and the adjacent garden boundary wall, and the proposal would

therefore be in line with Local Plan Policies EN8 and EN9 and NPPF Paragraphs 210, 212 and 215.

Residential / Neighbour Amenity

The illustrative layout submitted indicates the proposal would provide a minimum of 12 metres between the side elevations of the nearest proposed dwelling to Earlham House to the east of the site. The distance between the existing and proposed dwellings allows for a three-metre easement either side of the existing adopted sewer which runs parallel to the eastern site boundary.

Appearance is a reserved matter but there is no reason to believe that it would not be possible to design a scheme that would protect the amenity and privacy of existing occupiers whilst providing a good standard of residential amenity for future residents.

Environmental Health have recommended that given the proximity of the application site to existing dwellings and businesses, a Construction and Environment Management Plan (CEMP) is submitted prior to any works commencing on site in the interests of the amenity of nearby residents.

Given the above, subject to the proposed condition, the proposal would not lead to any adverse impacts to the amenity of adjoining residential properties and therefore would be in accordance with Local Plan Policy D1.

Highways, access and parking

The application is supported by a Highways Technical Note. Courtlands Lane is mainly single vehicle width however the first 14 metres of Courtlands Lane at the eastern end of the A376 is at least 4.8 metres wide and sufficiently wide to accommodate two-way traffic. Traffic speeds were recorded at 25mph in both directions on Courtlands Lane, therefore at the point of access the visibility splays should be based upon coordinates of 2.4m x 33m to accord with the relevant design guidance set out in Manual for Streets, Measured to a point 1m off the nearside carriageway edge.

Local Plan Policy TC7 states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network. County Highways have stated that it is not considered that the increase in traffic arising from development of an additional 6 houses would create an unacceptable trip generation impact upon the local highway network.

The site is sufficiently spacious to allow 2 parking spaces for each of the plots, as well as space to allow vehicles to turn and re-enter the carriageway in a forward facing gear. A condition should be imposed requiring details of secure cycle storage in accordance with the East Devon Local Plan.

Given the above, subject to the necessary condition the proposal would comply with Local Plan Policy TC7 and TC9.

Affordable Housing

Concerns have been raised that the application, through the provision of only 6 dwellings on a site allocated for 12, is seeking to circumnavigate the Affordable Housing policy. Sites delivering 10 units or more, are required to provide 25% on site affordable housing. On-site affordable housing is required in Exmouth as it is the area of greatest housing need in the district.

The current application for six houses would not trigger the requirement for affordable housing, however should the next phase of the allocation come forward both sites would be taken into account and the requirement for affordable housing would apply to the whole of the allocation as per the requirements of Local Plan Strategy 34.

A Section 106 agreement would also be required to ensure that the remaining southerly portion of the site remains available for development in the future following the completion of this development to enable the full allocation to be utilised. This would require an unfettered access road to the south of the site, with no ransom strips.

Ecology / biodiversity

The application is accompanied by an Ecological Impact Assessment (EclA). The Site comprises of a 0.52ha moderate condition modified grassland field bound by a 79m species rich hedgerow to the north, 18m of single-species beech hedgerow to the northwest, and a 96m single species beech hedgerow with evergreen oak trees and gaps for gates to the south. Two medium-sized lime trees are situated in the western side of the field. A 0.07ha section of poor condition other neutral grassland field to the south of the southern hedgerow will also be impacted.

Surveys for curlew buntings, bats, great crested newts (GCN), and reptiles are included within the EclA. The ecological surveys identified that the site supports foraging and commuting bats and a small population of slow worms. The habitats also offer potential for badgers, nesting birds, dormice, hedgehogs, and common invertebrates. The EclA concludes that the habitats present are of relatively low ecological value and that any predicted adverse impacts can be mitigated, with measures proposed to deliver ecological enhancements. These measures are considered broadly proportionate to the anticipated level of impact, provided they are fully implemented.

The proposal includes the removal of 18 m of beech-dominated hedgerow, which is a Priority Habitat, and the visibility splay would also require management of the northern boundary species-rich hedgerow to a height of 0.6 m.

The bat survey confirms that the southern boundary hedgerow is used by light-averse horseshoe, barbastelle, long-eared, and myotis bats. The EclA recommends measures to avoid lighting impacts, both for external lighting and during construction.

Ecological enhancements are proposed in the form of one bird or bat box and one bee brick per dwelling, and hedgehog holes should be cut into the base of solid wooden fences. A habitat pile/reptile hibernaculum constructed from the brash removed during development will be installed within the retained other neutral grassland near to the attenuation pond.

A number of conditions are therefore proposed in connection with any approval, requiring the submission of a detailed external lighting design to ensure the southern boundary hedge remains as a dark corridor, i.e., at or below 0.5 lux (considering internal and external lighting), to avoid impacts to protected species. The submission of a landscape and ecological management plan (LEMP) is also required, to include a description and evaluation of features to be managed and the aims and objectives of management, as well as details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer. A further condition is required to ensure the proposed ecological mitigation and enhancement features are provided prior to occupation of the site.

With the appropriate conditions in place the proposal would comply with Local Plan EN5 and EN14.

Biodiversity Net Gain

The application is exempt from the provisions of Biodiversity Net Gain owing to the application having been submitted to the Local Planning Authority prior to 12 February 2024.

Appropriate Assessment

The nature of this application and its location close to the Exe Estuary and Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of the designation. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

Trees

The submitted indicative layout and landscape strategy plan shows the retention of the existing hedge along Courtlands Lane and the retention of the existing hedgerow and trees along the site's southern boundary. A small amount of hedge loss would be required to facilitate vehicular and pedestrian access to the site. EDDC's tree officer has raised no objections to the proposal as long as the development is based on sound arboricultural principles and an appropriate soft landscaping scheme. Any detailed scheme coming forward should allow for the retention of any existing site boundary trees.

There is no reason to believe that any detailed design coming forward could not comply with the requirements of British Standard 5837:2012 to deliver a harmonious and sustainable relationship between structures and trees.

A condition would be imposed upon any approval requiring details of measures for the protection of existing perimeter trees, and to ensure that any protection is in place prior to the commencement of works on site. Further conditions would also be imposed requiring the submission of soft landscaping details including the planting of new trees and shrubs.

Subject to the imposition of the above conditions, the proposal would comply with Local Plan Policy D3.

Drainage

The application documents state that foul waste would be dealt with via mains sewer.

SWW's Development Evaluation Team have modelled the impact of flows from 12 houses on the downstream network (the proposed application is for six houses) and have confirmed there is enough treatment capacity for the flows from this site at the current sewage treatment works. SWW highlight that the Sewage Treatment Works is also being upgraded between 2025-2030.

Local Plan Policy EN22 'Surface Run-Off Implications of New Development' states that 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. Surface water would be disposed of via a sustainable drainage system, either via attenuation or via infiltration. A proposed drainage basin would sit to the south of the proposed houses, with the attenuation option requiring an outfall to the small watercourse running along the southern boundary of the site. As noted by the landscape officer, the indicative location of the drainage basin is on relatively steep ground which would require construction of a retaining embankment to the lower side of the basin which would appear as an engineered feature. The SuDS basin would be better located in the southwest corner of the southern field where the ground is level and a naturalistic basin could be readily created that could incorporate permanent standing water.

Further details of the surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc. would be required by condition should the scheme be recommended for approval.

A water conservation and efficiency strategy should also be submitted to the LPA prior to the commencement of any development on site to minimise impacts upon foul and surface water drainage and to ensure that appropriate remedial measures are included as an integral part of the development.

Subject to the imposition of the above conditions, the proposal is considered to accord with policies EN19 and EN22 of the local plan.

Education Contributions

Devon County Council has identified that 6 additional family dwellings will generate approximately 1.5 primary pupils and 0.9 secondary pupils. Primary schools in Exmouth have sufficient capacity, so no primary contribution is required. The nearest secondary school does not have sufficient capacity, therefore a secondary education contribution of £21,186 is sought (based on the DfE rate of £23,540 per pupil) to mitigate the development's impact.

Infrastructure provision in EDDC is however provided for via CIL payments, so it is not possible to include this financial contribution as a S.106 obligation.

Other matters

The site is within flood zone 1 therefore no concerns in respect of flooding. Exeter Airport have confirmed the application does not appear to conflict with safeguarding criteria, and as such the application complies with Local Plan Policy TC12.

Conclusion

Under the current Local Plan, the application site is outside of the Built up Area Boundary, but is an allocated site in the emerging Local Plan, which now carries slightly greater weight in decision making owing to the Plan going through the second round of Regulation 19 Consultation.

A further material consideration is East Devon's housing land supply position which engages the presumption in favour of sustainable development.

The site is attractive with wide views across to the Exe Estuary. In terms of the coastal preservation area the proposal sits between existing development to the east and west therefore would not damage the open status of the area. Some adverse impacts are noted to the surrounding landscape character and in views from the south and east of the site where the development would break the ridge line. Again, this would be seen in the context of surrounding development. There is potential for

vehicular access to be brought through the proposed allocated site to the north (Lymp-07) to reduce impacts to residents along Courtlands Lane, although DCC Highways raise no objection to the use of the existing lane to access the development.

In terms of the impact upon Grade II listed Lympstone Manor, there are a number of existing buildings between the listed building and the application site, which together with existing trees and vegetation would limit intervisibility between the two sites. It is considered that it would be possible for a scheme to come forward which would avoid any harm to the setting of Lympstone Manor.

There are significant objections to the scheme from residents, Exmouth Town Council, Lympstone Parish Council and from local Ward Councillors. However as noted by the second regulation 19 Local Plan consultation, EDDC has had to make some difficult decisions to allocate sites to meet Government housing targets.

Applying the tilted balance, the conflict with policies contained within the development plan aimed at protecting the landscape character does not significantly and demonstrably outweigh the benefits of the scheme, which would provide six dwellings immediately adjacent to the BuAB of Exmouth.

Accordingly, the officer recommendation is one of approval.

RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

(Reason - The application is in outline with all matters reserved).

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

(Reason - For the avoidance of doubt.)

4. No development work shall commence on site until the following information has been submitted and approved:

- a) A full set of hard landscape details for proposed walls, fencing, retaining structures, pavings and edgings, site furniture and signage.
- b) 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 three 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.
- c) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.
- d) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites - DEFRA September 2009, which should include:
 - o a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
 - o methods for stripping, stockpiling, re-spreading and ameliorating the soils.
 - o location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
 - o schedules of volumes for each material.
 - o 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.
 - o identification of person responsible for supervising soil management.
- e) A full set of soft landscape details including:
 - i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.
 - ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
 - iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.
 - iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.
- f) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

(Reason - The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage, in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3

(Trees in relation to development) of the adopted East Devon Local Plan 2013-2031.)

5. No development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 30 years has been submitted to and approved in writing by the Local Planning Authority which should include the following details:
 - o Extent, ownership and responsibilities for management and maintenance accompanied by a plan showing areas to be adopted, maintained by management company or other defined body and areas to be privately owned/ maintained.
 - o Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
 - o A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
 - o Landscape and ecological aims and objectives for the site.
 - o 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.
 - o Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
 - o Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
 - o New trees, woodland areas, hedges and amenity planting areas.
 - o Grass and wildflower areas.
 - o Biodiversity features - hibernaculae, bat/ bird boxes etc.
 - o Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
 - o Arrangements for Inspection and monitoring of the site and maintenance practices.
 - o Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.

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

(Reason - The LEMP scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage, in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the adopted East Devon Local Plan 2013-2031.)

6. The development hereby approved 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 Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the adopted East Devon Local Plan 2013-2031.)

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

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the adopted East Devon Local Plan 2013-2031.)

8. No development shall take place on site until a Construction and Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be implemented and shall remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site and no high frequency audible reversing alarms used on the site.

(Reason - A pre-commencement condition is required 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) and D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031).

9. Prior to the commencement of the development hereby approved details of a water conservation and efficiency strategy shall have been submitted to and approved in writing by the Local Planning Authority. The strategy shall make provision for the use of water butts of a minimum capacity of 110 litres per bedroom and these shall be installed and brought into use prior to the first occupation of the dwellinghouse to which they relate and thereafter maintained and retained.

(Reason : A pre-commencement condition is required in order that details are considered at an early stage of the development in the interest of water conservation and to reduce potential surface water run-off from the site in line with policy EN22 (Surface Run-off Implications of New Development) of the adopted East Devon Local Plan 2013-2031); SuDS for Devon Guidance (2017)

and national policies as set out in the National Planning Policy Framework and associated Planning Practice Guidance).

10. Prior to the commencement of the development hereby approved a Lighting Design including lux contours, based on the detailed site design and most recent guidelines (currently GN08/23 and DCC 2022), shall have been submitted and approved in writing by the local planning authority. The design should clearly demonstrate that the southern boundary hedge remains as a dark corridor, i.e., at or below 0.5 lux (considering internal and external lighting), without the attenuation of habitat features which long-term management cannot be guaranteed. All external 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: A pre commencement condition is required to ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031).

11. The development shall not be occupied until the local planning authority has been provided with evidence, including photographs, that all ecological mitigation and enhancement features, including bat boxes, bird boxes, bee bricks, permeable garden fencing, reptile hibernacula, and hedge planting have been installed/constructed, and compliance with any ecological avoidance measures, such as reptile dissuasion, in accordance with the submitted LEMP and EclA report (GE Consulting, October 2023).

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

12. No dwelling approved as part of the permitted development shall be occupied until details of secure cycle storage facilities to serve it have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the occupation of the dwelling(s) to which the storage facilities relate.

(Reason : To promote sustainable travel in accordance with Strategy 5B (Sustainable Transport) and policy TC9 (Parking Provision in New Development) of the adopted East Devon Local Plan 2013-2031 and national policies as set out in the National Planning Policy Framework and associated Planning Practice Guidance).

NOTE FOR APPLICANT

Informative:

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

Biodiversity Net Gain 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 **not require the approval of a biodiversity gain plan** before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

In this case exemption 1 from the list below is considered to apply:

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

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

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

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

- (i) the application for planning permission was made before 2 April 2024;
- (ii) planning permission is granted which has effect before 2 April 2024; or
- (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

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

- (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

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

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

4.5 Self and Custom Build Development, meaning development which:

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

Irreplaceable habitat

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

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

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

Plans relating to this application:

8562-LP	Location Plan	20.12.23
8562-02 F	Proposed Site Plan	20.12.23

List of Background Papers

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

Technical Consultations

EDDC Trees

In principle I have no objection with the outline proposal as long as the development is based on sound arboricultural principles and an appropriate soft landscaping scheme. It is noted that there are a number of young established trees particularly along the western and southern boundary which should be retained (rather than relying on replacement planting).

Conservation

CONSULTATION REPLY TO WEST TEAM
LISTED BUILDING CONSENT/CONSERVATION AREA
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Land South Of Courtlands Lane, Exmouth

GRADE: II APPLICATION NO: 23/2740/OUT

CONSERVATION AREA: no

PROPOSAL: Outline permission is sought for the construction of up to six dwellings with all matters reserved other than access

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

Lympstone Manor grade II lies to the west of the site and is accessed by Courtlands Lane. The site is bounded by hedgerow which would be lost and to the east are modern detached dwellings. It is not considered the proposal will have an impact on Chatterpark

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

All matters are reserved, and the number of dwellings and position of access can be agreed on reserved matters.

There are concerns over the scheme. The existing development along Courtland Lane is ribbon development of modern houses with Lympstone manor (Courtlands) to the west side. Further ribbon development along this area of Courtland Lane being the east side of the access could be designed without affecting the setting of Lympstone manor providing the standard is good; however a cul de sac design would introduce a suburban character to the lane that currently isn't there; without the cul de sac it isn't clear that 6 houses can be reasonably achieved on this site. The 1933 OS map shows how ribbon development has been one house deep only. There is an established hedgerow on the northern boundary of the site which could be lost to a visibility splay and passing place; its removal would alter the character of the lane.

The proposed site plan is vague at the access. The existing field access the historic rear access to Lympstone manor (OS 1888 and 1903) with the lodge on the west side of the access. With all matters reserved even the access, and proposed visibility splays of 37m the visibility splay it may adversely affect the historic boundary wall. It is recommended that a detailed design is submitted for this.

The heritage statement states the impact on the listed walls steps and kitchen garden would be negligible, however the impact should not be adverse however low and the number of dwellings and standard of design should reflect this (NPPF 197, 199, 202).

There are concerns over the development and further information is recommended to determine its impact around the entrance.

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant consent for any works to have special regard to the desirability of preserving the setting of the listed buildings. Here taking account of the above this has been taken into consideration.

POLICIES

Listed Buildings and Conservation Areas Act 1990, section 66 and 72

NPPF section 16
East Devon District Council, EN9

PROVISIONAL RECOMMENDATION - PROPOSAL

Holding response

DATE: 26/2/24
INITIALS: M.Pearce
Conservation Officer

Historic England

Thank you for your letter of 4 January 2024 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

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

Yours sincerely

Harish Sharma
Assistant Inspector of Historic Buildings and Areas

Housing Strategy/Enabling Officer - Liam Reading

This application for 6 homes falls below the Affordable Housing threshold for Exmouth so we do not seek an off-site financial contribution.

In the new emerging Local Plan, this site is allocated for 12 dwellings. Therefore, this application appears to be under development of the site in order to circumnavigate the Affordable Housing policy. Sites delivering 10 units or more, are required to provide 25% on site affordable housing.

On-site affordable housing is required in Exmouth as it is our area of greatest housing need in the district.

Exeter & Devon Airport - Airfield Operations+Safeguarding

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

Accordingly, Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport.

EDDC District Ecologist

The application is supported by an Ecological Impact Assessment (EclA), including surveys for cirl buntings, bats, great crested newts (GCN), and reptiles. Ecological surveys determined the site supports foraging and commuting bats and a low population of slow worms. The habitats also provide potential habitat for badgers, nesting birds, dormice, hedgehogs, and common invertebrates. The EclA considered that the habitats on the site are of relatively low ecological value and that predicted adverse impacts could be mitigated for, and measures recommended to provide ecological enhancement. The proposed measures are generally proportionate for the predicted scale of impact, assuming fully implemented.

No biodiversity metric calculation has been submitted with the proposals to quantify whether the development would result in a loss in habitats and hedges. The habitat survey is stated to have followed the metric condition assessment criteria. The proposal includes the removal of 18 m of beech dominated hedge, a Priority Habitat, and the proposed visibility splay would also result in the management of the northern boundary species-rich hedgerow to 0.6 m.

The bat survey demonstrates the southern boundary hedge is used by light adverse horseshoe, barbastelle, long-eared, and myotis bats. The EclA makes recommends for avoiding lighting impacts in regard to external lighting, and lighting during construction.

If minded for approval, the following conditions are recommended:

o 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 the southern boundary hedge remains as a dark corridor, 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 external 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.

o A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development based on the submitted Ecological Impact Assessment (GE Consulting, October 2023) and informed by a detailed landscaping plan.

The content of the LEMP shall also include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum 30-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

o The development shall not be occupied until the local planning authority has been provided with evidence, including photographs, that all ecological mitigation and enhancement features, including bat boxes, bird boxes, bee bricks, permeable garden fencing, reptile hibernacula, and hedge planting have been installed/constructed, and compliance with any ecological avoidance measures, such as reptile dissuasion, in accordance with the submitted LEMP and EclA report (GE Consulting, October 2023).

Reason:

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

William Dommett MSc MCIEEM
District Ecologist

EDDC Landscape Architect - 21/02/2024

1 INTRODUCTION

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

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

2 SITE DESCRIPTION, RELEVANT POLICY AND LANDSCAPE CHARACTER

2.1 Site description

The site comprises a small paddock bounded by hedgerow/ hedgebanks and a small intake of a larger field parcel immediately to the south, amounting to 0.5ha in total. Access is from Courtlands Lane to the northern boundary. Courtlands Lane is a very narrow, single-track lane with no footways and enclosed by hedgebanks/ garden boundaries to either side.

The site has a gently sloping southwesterly aspect, rising to an east-west ridgeline just beyond the northern boundary. To the south the land drops to a small watercourse in a shallow valley.

The surrounding landscape is open, gently rolling mixed farmland to the north, south and southeast, within a strong framework of hedgebanks and frequent trees but affording wide views to and over the Exe estuary from higher ground. Much of the agricultural land to the south of the site belongs to the National Trust owned Lower Halsdon Farm and is particularly attractive.

Directly to the east of the site is a line of detached dwellings which front onto Courtlands Lane and houses along the A376 Exeter road a further field away mark the western edge of Exmouth. To the west is a small cluster of lower set recent detached properties beyond which is Lympstone Manor. Despite the proximity of nearby residential development the site retains a strong rural character. There is no public access within the site but a permissive and very popular pedestrian and cycle route runs through the valley bottom connecting between Exeter Road and the Exe Valley Trail and associated rights of way network along the estuary.

There are fine views from the site over the Exe Estuary to the Haldon ridge. The urban envelope of Exmouth is visible to the south and east. The upper parts of Lympstone Manor and a few residential properties are visible to the west. Views to the north are restricted by vegetation cover to the site boundary.

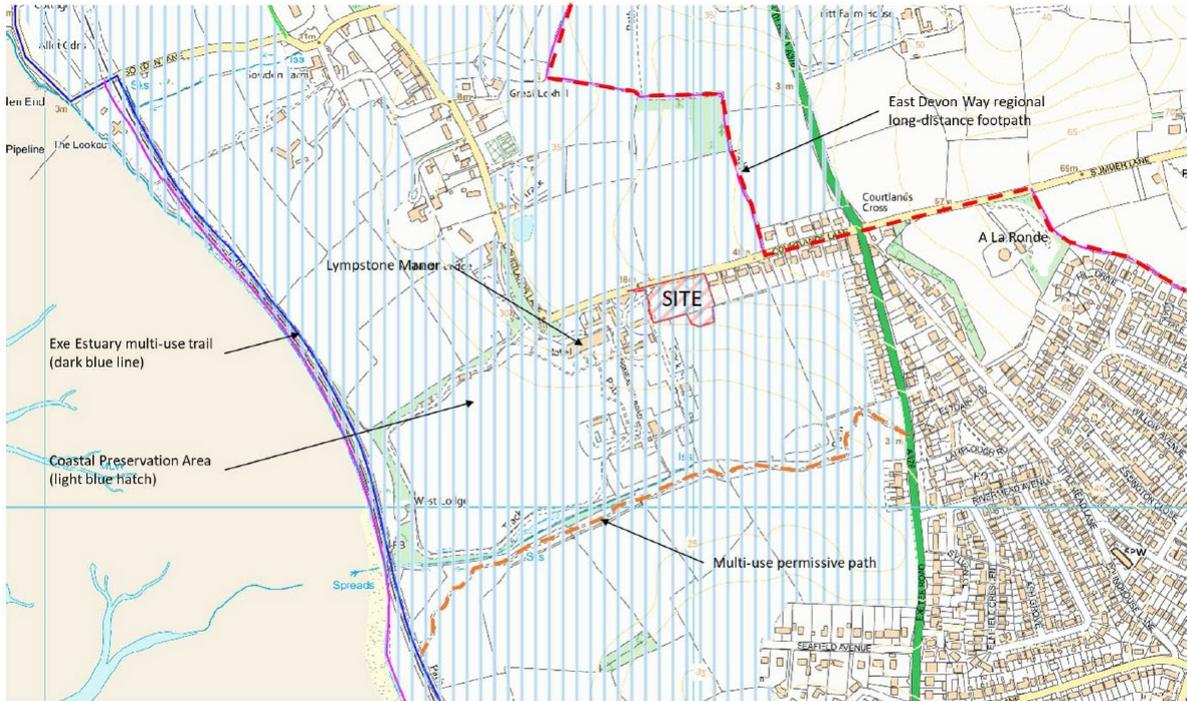


Figure 1 - Context map

There are glimpse and heavily filtered views through hedgerow over the site to the Exe estuary from Courtlands Lane and Exeter Road. Along most of the Courtlands Lane frontage boundary hedging is predominantly elm which has been allowed to grow up over the last few years greatly restricting views over the estuary which were previously extensive as seen in the 2008 Google Streetview image, fig. 3 below. Elm hedging, if allowed to grow unchecked, is susceptible to Dutch Elm Disease and the hedge is likely to need cutting back in the short term either as a preventative or recovery treatment revealing an expansive view of the estuary which would be lost if the site was developed.

The site is clearly visible from a number of locations along the permissive path and from the western end of Sea View Terrace to the south. Residents on the west side of Exeter Road and north side of Seaview Terrace have views over the site as well as residents of the adjacent properties on Courtlands Lane. The site is visible over a short length of the A376 to the southeast. The site is also visible in long distance views from locations along the estuary edge such as Shelley Beach, Exmouth from where the proposed development would be seen breaking the skyline albeit at a distance of 2.5km.

2.2 Landscape related designations

The site lies within the Coastal Protection Area where, in accordance with the Local Plan Strategy 44, 'development or any change of use will not be allowed if it would damage the undeveloped/open status of the designated area or where visually connected to any adjoining areas.' The site is situated beyond the BUAB in open countryside where Local Plan Strategy 7 applies.

Lymptstone Manor is grade II listed and associated parkland lies 100m to the west. The National Trust owned grade I listed A La Ronde lies 350m to the east.

2.3 Published Landscape Character Assessment

The site falls within the Exe Estuary Farmlands Landscape Character Area (LCA) as defined in the Devon Landscape Character Assessment. The key characteristics given for this LCA of relevance to the site are:

- Extensive open, low-lying estuary opening onto south coast flanked by undulating farmland.
- Deep red, fertile underlying soils that support intensive mixed farming and are visible within ploughed fields and as red sandstone cliffs at the coast.
- Shallow valleys with small rivers and streams draining into the estuary, a landscape shaped by natural processes which changes with the tides.
- Mixed woodland and notable areas of mature parkland concentrated within designed landscapes.
- Few farm woods, but tree cover along streams or within occasional old orchards.
- Patchwork of medium to large-scale fields delineated by hedgerows (often gappy).
- Settlement pattern of nucleated villages, hamlets, farms and houses with cob, thatch, stone, render and slate and some brick; settlement denser on the eastern than the western bank.
- Network of sunken, winding lanes with often dense, high hedgebanks connecting historic settlements and contrasting with modern infrastructure of M5 and railway.
- Enclosed and sheltered landscape with expansive views across open water and intertidal mudflats from estuary edge and adjacent slopes.
- Views to major urban areas including Exeter and Exmouth which lie adjacent.
- Recreational influences seen in small boats, boatyards, moorings, quays and slipways and the Exeter Canal along the estuary shore as well as in nature reserves and walking routes and notable tourism development at Dawlish Warren.
- Variable sense of tranquillity: tranquil in inland valleys and parts of the estuary where there is a serene quality, but disturbed close to settlements, railway and main roads.

The overall strategy for this LCA is stated as:

To protect extensive open views across the landscape to the estuary, coast and high ground of the Haldon Ridge and Woodbury Common; and to protect and enhance the area's valued maritime character. Historic settlement pattern and vernacular character are reinforced in new development; and the pattern of fields, woodlands, hedgerows and narrow lanes is managed and enhanced.

Hedgerows, woodlands, historic parkland and other historic features area all sensitively managed. The natural and cultural heritage of the estuary is conveyed through sensitive interpretation, and local communities are involved in planning for future landscape change as a result of sea level rise and change in coastal erosion. Key guidance given on future planning relevant to the site includes:

- Plan for appropriate, distinctive design of new development – particularly new residential development on the edges of villages or conurbations – and provide green infrastructure links to recreational routes.
- Plan to enhance and restore rural character and tranquillity through sensitive siting of any new development avoiding prominent ridges, valley sides and shoreline

locations, with enhancement of hedgerows, woodlands and roadside planting to major road corridors.

Beyond the BUAB the surrounding landscape generally conforms with the LCA descriptions and is of good quality and high scenic value with few modern detractors.

3 REVIEW OF SUBMITTED DETAILS

Submitted details

The submitted LVA comprises a baseline landscape and visual appraisal with some commentary on likely landscape and visual effects and recommendations for mitigation without attempting to assess sensitivity, magnitude or level of effects. Selected viewpoints are appropriate and generally representative. However, photographs are all taken in summer with trees and hedgerow in full leaf. In most instances visibility of the proposed development would be noticeably greater in winter.

In respect of viewpoint 2 (East Devon Way), while it is accepted that the development would currently be screened by intervening boundary hedgerow to either side of Courtlands Lane, as noted above these hedgerows are predominantly elm which has been allowed to grow up in recent years. It is likely that they will need cutting back in the short term which would result in the development being visible over a short section of the path approaching Courtlands Lane from the north, as well as from Courtlands Lane itself where it passes the site.

Along the permissive multi-use path to the south of the site the LVA considers only a single viewpoint from a field gateway and states it is 'the only opportunity to take in the site from the path.' This is very much not the case. The site is visible in open and glimpse views over a 450m length of the path particularly towards the top but also lower down to the west of viewpoint 5. In views from the path the site is seen as an undeveloped section of ridgeline in which proposed development would appear as a skyline feature (refer photos, figs 4 and 5 in Appendix below).

Indicative site plan

The site plan indicates a cul-de-sac development of 6 large, detached properties served from the existing access off Courtlands Lane. The cul-de-sac layout does not reflect the adjacent linear settlement pattern to the east.

The site plan does not reflect the principles set out in the accompanying landscape strategy which provides for a 5m landscape buffer with trees to the inside of the northern boundary hedge and the extension of the eastern boundary hedgerow down to the field bottom which would recreate an historic hedge line.

The proposed layout places houses too close to the existing boundary hedge to Courtlands Road where they would be most prominent and likely to adversely impact the hedge.

A SuDS retention basin is included within the adjacent field to the south of the site. The location is on a relatively steep ground which would require construction of a

retaining embankment to the lower side of the basin which would appear as an engineered feature. The SuDS basin would be better located in the southwest corner of the southern field where the ground is level and a naturalistic basin could be readily created that could incorporate permanent standing water.

Landscape Strategy

The creation of a new hedgerow to divide the field to the south as identified in the landscape strategy would recreate an historic hedgerow that would provide some landscape and biodiversity benefit but this is outside of the red line application boundary.

4 CONCLUSIONS & RECOMMENDATIONS

4.1 Acceptability of proposals

The site and host landscape is sensitive to development due its topography, undeveloped character, relationship with the Exe Estuary and proximity to Lymphstone Manor.

The development of the site is likely to give rise to a number of direct and indirect adverse effects on the site and surrounding landscape character including the loss of green field to built development which, due to the ridgeline setting, would break the skyline in views from the south and southeast. While development would be seen partly in the context of existing development to the east along Courtlands Lane it would also have the effect of filling in the undeveloped gap between Lymphstone Manor and Exmouth which could adversely impact its setting in which it is perceived as a manor house in its country estate.

There appears to be no intervisibility between the site and A La Ronde and development would be unlikely to affect its setting.

Development would result in the loss of glimpse and filtered views from Courtlands Lane across the site to the Exe Estuary.

The proposed development would be visible from a number of locations along the permissive path through the valley to the south and would impact on its rural character and sense of tranquillity.

Other near-mid distance visual receptors include residents of Courtlands Lane, road users and residents on the west side of Exeter road (A376) to the east of the site and residents of Seaview Terrace to the south who would have clear views of the development. Effects on more distant receptors are likely to be slight to negligible. The reinstatement of former hedgerows as indicated in the landscape strategy would in the medium term help to mitigate visual impact of the development and have some positive impact in the wider landscape.

The proposals are likely to have an impact on safety of walkers and cyclists using Courtlands Lane due to the increase in vehicular use that it would generate. It is also

likely to lead to erosion of hedgebanks to either side as vehicles reverse and manoeuvre to pass.

The proposals as presented would introduce development into the designated Coastal Preservation Area that will be evident in views from within and around it and is likely to give rise to a number of impacts as noted above resulting in some landscape and visual harm notwithstanding proposed mitigation planting identified in the accompanying landscape strategy.

4.2 Landscape Conditions

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

1) No development work shall commence on site until the following information has been submitted and approved:

- a) A full set of hard landscape details for proposed walls, fencing, retaining structures, pavings and edgings, site furniture and signage.
- b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.

External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 – Guidance notes for the reduction of obtrusive light and GN 08/18 – Bats and Artificial Lighting in the UK.

- c) 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 three sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.

- d) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.

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

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

- f) A full set of soft landscape details including:

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

- ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
- iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.
- iv) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.
- g) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

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

- Extent, ownership and responsibilities for management and maintenance accompanied by a plan showing areas to be adopted, maintained by management company or other defined body and areas to be privately owned/ maintained.
- Details of how the management and maintenance of habitats, open space and associated features will be funded for the life of the development.
- A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- Landscape and ecological aims and objectives for the site.
- Condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
- Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
 - o Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.

- o New trees, woodland areas, hedges and amenity planting areas.
- o Grass and wildflower areas.
- o Biodiversity features - hibernaculae, bat/ bird boxes etc.
- o Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.

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

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

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

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

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

EDDC Landscape Architect - 20/01/2026

1 INTRODUCTION

This report is an addendum to the previous landscape response for the above application following submission of amended site layout and drainage information. The report provides a review of landscape related information submitted with the enquiry in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information and previous response.

2 REVIEW OF AMENDED INFORMATION

2.1 Clarification of Application Extent

Although there is an allocation for 12 dwellings in the draft local plan covering the application site and the northern end of the field immediately to the south (Exmo 23), the application is clearly stated to be the construction of 6 dwellings. Although details have recently been submitted for a second phase for a further 6 dwellings it is understood this is for information only and approval is sought for the original 6 dwellings.

The original flood risk assessment submitted with the application (ref. - E06202-CLK-XX-XX-RP-FH-0001) shows an attenuation basin just outside the field in which the original 6 dwellings were proposed. In the amended drainage strategy (ref. 0500 rev A) this is located to the south of the phase 2 development and therefore outside of the current red line area. Clarification is required as to whether this is the intended revised location f2.2 or phase 1 also in which case the application red line requires amendment.

2.2 Drainage

The proposed location of the attenuation basin in both the original phase 1 and the phase 2 areas sits awkwardly with existing site levels and is relatively prominent. The eastern end of the basin also conflicts with the proposed new hedge line indicated on the Landscape Strategy Plan. In any case it would be better located to the southwestern

corner of the field where the gradients are much gentler and the basin would be better screened by existing vegetation.

2.3 Layout

The phase 1 layout is an improvement on the original layout setting the dwellings back from Courtlands Lane in line with existing housing to the east. However, plots 4 and 5 need to be set 1.5 – 2m further south to provide enough turning space for vehicles in/ out of their driveways.

2.4 Access

I have concerns about the effects of increased traffic arising from the development on Courtland Lane, which is narrow single track, both in respect of damage to hedgebanks from vehicle manoeuvring and conflicts with pedestrians and cyclists along it. This would be further exacerbated should phase 2 be constructed in the future. There is however opportunity for access to be taken through the housing development site to the opposite side of Courtlands Lane (Lymp 07) where it could join the A376 at the new roundabout at the western end of the Dinan Way extension currently under construction. In addition to traffic from the application this could also become the route to Lymptone Manor and properties to the north. This would then allow the section of Courtlands Lane to the east to be closed to through traffic to the benefit of adjacent residents, cyclists and pedestrians.

Devon County Council Education Dept

Regarding the above planning application, Devon County Council has identified that the proposed increase of 6 family type dwellings will generate an additional 1.50 primary pupils and 0.90 secondary pupils which would have a direct impact on primary and secondary schools within Exmouth. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

We have forecast that there is enough primary capacity within Exmouth for the number of pupils expected to be generated from this development and therefore a contribution towards primary education would not be sought. We have forecast that the nearest secondary school has not got capacity for the number of pupils likely to be generated by the proposed development and therefore Devon County Council will seek a contribution towards this additional education infrastructure to serve the address of the proposed development. The contribution sought for secondary would be £21,186 (based on the DfE secondary extension rate of £23,540 per pupil). These contributions will relate directly to providing education facilities for those living in the development.

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

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation). It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.

South West Water

Our Development Evaluation Team have modelled the impact of flows from 12 houses on the downstream network. This does not show any risk of external flooding occurring so from a network point of view, there is no concern about this site.

Essentially, there is enough treatment capacity for the flows from this site at the current sewage treatment works. The STW is also being upgraded this AMP 2025-2030.

County Highway Authority

I have visited the site and reviewed the planning documents.

The site has undertaken two forms of traffic surveys to ascertain trip generation along Courtlands Lane, in late 2022, which we accept as being outside of the Covid anomaly window.

As recorded by the ATC, there were a total of 44 two-way movements (both directions) past the site during the AM peak hour and 41 two-way during the PM peak hour.

Whereas the Classified Link Count, recorded the AM peak hour on Courtlands Lane, 08:00-09:00 during which there were 20 vehicles travelling eastbound and 31 travelling westbound - a total of 51 two-way movements.

Therefore I do not believe the addition of 6 dwellings will create an unacceptable trip generation impact upon the local highway network.

The proposed access plan shows that a visibility splay in accordance with Manual for Streets (MFS) 1 and 2, for a speed of around 30mph can be ascertained. I believe this speed would be appropriate to the typical speeds currently associated with this section of Courtlands Lane.

This would include a visibility envelope of 2.4m by 37m and 33m accordingly with a verge height of less than 0.6m high.

As this application is outline with all matters reserved except for access I will reserve comments of the internal layout for any future reserved matters application.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Environmental Health

Due to the number of residential properties in proximity to the site I would recommend the following condition:

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

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

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.