

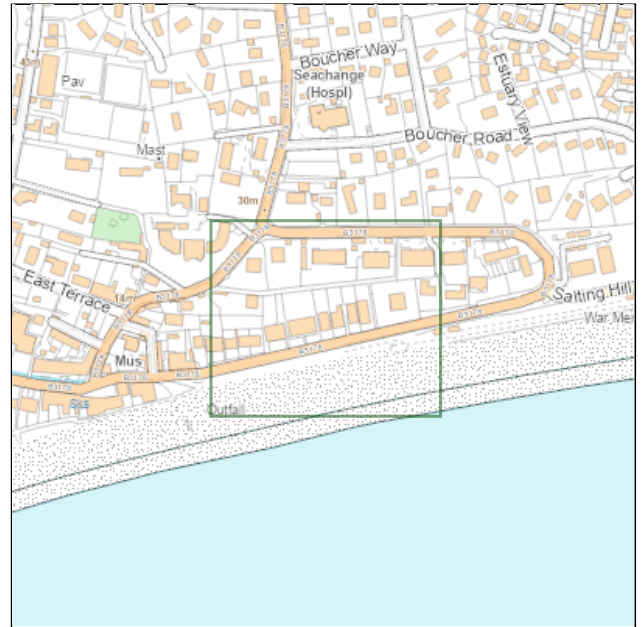
**Ward** Budleigh And Raleigh

**Reference** 25/1856/FUL

**Applicant** Dr Hugh McCormick

**Location** 10 Marine Parade Budleigh Salterton Devon EX9 6NS

**Proposal** Redevelopment of the site to provide 4no. maisonette dwellings, with associated parking and landscaping (revised scheme to planning application ref. 24/1832/FUL)



**RECOMMENDATION: To notify the Planning Inspectorate that the Council recommend that the planning appeal be allowed.**



		<b>Committee Date: 21.04.2026</b>
<b>Budleigh And Raleigh (Budleigh Salterton)</b>	<b>25/1856/FUL</b>	<b>Target Date: 12.11.2025</b>
<b>Applicant:</b>	<b>Dr Hugh McCormick</b>	
<b>Location:</b>	<b>10 Marine Parade Budleigh Salterton</b>	
<b>Proposal:</b>	<b>Redevelopment of the site to provide 4no. maisonette dwellings, with associated parking and landscaping (revised scheme to planning application ref. 24/1832/FUL)</b>	

**RECOMMENDATION:** To notify the Planning Inspectorate that the Council recommend that the planning appeal be allowed.

#### **EXECUTIVE SUMMARY**

This application is before members of the planning committee as the officer's recommendation is contrary to that of the Ward Member. The application is subject to an appeal against non-determination, therefore the Council cannot determine this application but can inform the Planning Inspectorate of its recommendation to approve or otherwise.

The application seeks permission to redevelop the site to provide 3 no. three-bedroom maisonette dwellings and one, four-bedroom maisonette dwelling with underground parking and cycle storage to the front. It is a revised scheme of the refused 24/1832/FUL. The walls of the building are to be constructed from render alongside reconstituted stone and would have a slate roof. The maisonette dwellings will be accessed from Marine Parade with alterations to the existing access to create a two-way flow of traffic and to house the four underground parking garages with cycle storage.

The proposal lies within the build-up area boundary, Budleigh Salterton Conservation Area and East Devon AONB/National Landscape and is lent support in principle by Strategy 6 of the Adopted East Devon Local Plan (2013-2031). Strategy 6 offers support to proposals that are compatible with the character of the site and the surrounding area (including the conservation area) and do not leading to unacceptable pressure on services, exacerbate flood risk or raise highway safety concerns. Compared to 24/1832/FUL the proposal has overcome the highway safety concerns and the harm to the conservation area which formed two of the three reasons for refusal. As for the impact on neighbouring amenity, the balconies to the rear on 24/1832/FUL have been removed and the windows in the East elevation now serve a bathroom and stairwell, neither of which are habitable rooms and both of which could be made

to be obscure glazed. The concern regarding poor internal light to the rear ground floor bedrooms has been overcome by terracing the rear garden and lowering a retaining wall.

Following the revised design submitted in November and following Conservations assessment of the amended plans, the proposal would continue to preserve the setting and significance of the Budleigh Salterton Conservation Area and would therefore comply with Policy EN10 of the Local Plan. In addition, the revised plans include adequate turning space for vehicles to turn off the carriageway overcoming any highway safety issues.

In the absence of a five-year housing land supply Paragraph 11 d) i) of the National Planning Policy Framework (the 'tilted balance') applies subject to there being no significant adverse impact on the Budleigh Salterton Conservation Area and/or East Devon National Landscape, both of which are '*protect areas or assets of particular importance*' within the Framework.

The proposal has overcome highway safety concerns, addressed amenity concerns and would preserve the setting of the conservation area in comparison to the previously refused application 24/1832/FUL. The development accords with the development plan taken as a whole and as such is recommended for approval.

## **CONSULTATIONS**

### Budleigh Salterton Town Council

15/10/25- This council does not support the application for the following reasons:  
Neighbourhood Plan Policies: The Town Council considered the proposal against the Budleigh Salterton Neighbourhood Plan and concluded that it did not fully meet the following policies:

Policy H1 ' Meeting Local Housing Need: The proposal is unlikely to provide housing that meets the needs of local residents and does not make a meaningful contribution to the town's affordable or accessible housing stock.

Policy H2 ' Maintaining Local Character: This policy states that new housing development 'should maintain the local distinctiveness of the town and its setting. New housing should have regard for scale and massing.' Members felt that the proposed design was not sufficiently sensitive to the established character and proportions of the surrounding buildings along the parade.

While there was some support for the principle of developing four maisonettes on the site, a preference was expressed for retaining the existing façade in order to preserve the architectural character of Marine Parade. Members also noted that the rear elevation, as viewed from Madeira Walk, would present a blank wall that would not contribute positively to the surrounding streetscape.

Policy H3 ' Parking Provision: This policy requires that development should 'have regard for the parking standards of the Local Plan. ' Local Plan Policy TC9 specifies that the development of homes with two or more bedrooms are guided to be provided with two parking spaces. The proposed allocation does not meet this

standard and was therefore considered insufficient. There was an overriding concern regarding the number of parking spaces allocated to this development. Members acknowledged that each property may reasonably be expected to have up to two vehicles. Given the existing parking congestion within Budleigh Salterton, it was felt to be inaccurate to suggest that sufficient on-street parking is available to accommodate additional demand generated by this proposal. The cumulative effect on parking availability and access was therefore a significant consideration. General Comments: Members reiterated the importance of adhering to the Neighbourhood Plan and questioned whether the site was of adequate size to accommodate four properties comfortably, without overdevelopment of the plot. It was acknowledged that attempts had been made to reflect the surrounding architectural style.

Public Correspondence: It was noted that Budleigh Salterton Town Council had been included in four items of correspondence from members of the public submitted to East Devon District Council in relation to this application.

#### Budleigh Salterton Town Council

25/11/25- This Council does not support this application for the following reasons:

- ' Members were unable to identify any significant difference between the revised plans and the earlier submission.
- ' The proposal places too much development within a limited space.
- ' The proposed dormer windows do not comply with Policies H2 and H3 of the Neighbourhood Plan.
- ' While the rear and side elevations were considered acceptable, the proposed front windows were not regarded as being in keeping with the surrounding street scene.
- ' Only one parking space per maisonette has been provided. Previous concerns regarding inadequate parking provision have not been addressed and remain valid.
- ' Although some alterations have been made, the proposal still fails to maintain the character of the locality.
- ' The proposal does not meet local housing needs nor preserve local character.
- ' Concerns remain regarding the ability to turn into and out of the site safely from the highway.
- ' The principal issue relates to the proposed façade. Members questioned whether the existing façade could be retained with development constructed behind it, as the proposed frontage does not reflect the established street scene.
- ' The existing building is considered to be unique, and its demolition would be regrettable.
- ' The revised proposal includes a narrower footprint intended to improve turning geometry, but this is not considered to offer any meaningful improvement.
- ' The proposed building would be smaller than the existing one; however, it is noted that the conservation consultation report produced by EDDC does not support the application.
- ' It was noted that repeated applications with only minor amendments are unhelpful. The Council supports EDDC's ability to refuse such applications under Section 70A of the Town and Country Planning Act 1990, which allows a planning authority to decline to determine an application when:
  - ' The application is similar to one previously submitted, and
  - ' At least one statutory condition is met.
  - ' The statutory conditions include:

A similar application has been refused by the Secretary of State within the past two years, or

An appeal relating to a similar application has been dismissed by the Secretary of State within the same period.

Application of Section 70A to This Case

' It is the view of BSTC that these conditions are met. The current submission is substantially similar to previous applications; no material change in relevant considerations has been identified; and the authority has already refused more than one similar application within the statutory two-year period. The authority is therefore legally entitled to decline to determine the present application

#### Budleigh And Raleigh - Cllr Charlotte Fitzgerald

13/10/25- I object to this application. It is clear that the proposed development would not enhance the character of the surrounding conservation area. The case for demolishing the existing building is not obvious. In addition, the proposed design of the replacement building is incongruous to the vernacular of the street; the increased massing of the building is inappropriate for the plot; and I have concerns about the sufficiency of, and feasibility of safe access into, the proposed off-road parking spaces.

#### Budleigh And Raleigh - Cllr Charlotte Fitzgerald

01/12/25- Further to my previous comment, I cannot see that sufficient improvement has been made in the latest design amendment for me to change my position. Furthermore I am not comfortable with the reliability of the applicant's assurance of safe vehicular access to the on-site parking.

#### Budleigh And Raleigh - Cllr Henry Riddell

03/11/25- As one of the East Devon District Councillors for Budleigh and Raleigh, I take my responsibilities to represent the community seriously, but the way in which previous applications at this property have been pursued has resulted in my feeling unable to comment and needing to leave it to my fellow ward members to represent the interests of our ward.

Transparency and openness are essential to the planning process. Consequently, I feel unable to provide an impartial comment on this application and will remain neutral, trusting that the planning authority will carefully assess the matter with fairness and integrity.

#### County Highway Authority

21/10/25- The revised plans (44/2501/PL\_1010) from the 24/1832/FUL application has set-back the dedicated parking spaces and removed the individual cycle parking units. Whilst still retaining a communal secure bike store.

Therefore there is now sufficient space for vehicles to turn off-carriageway and avoid not upholding the through-flow of traffic.

As such our response is now one of no objection.

### Conservation

20/11/25-

On the basis of the information provided through the amended plans dated 18.11.2025, the proposed redevelopment of the site to provide 4no. maisonette dwellings, with associated parking and landscaping (revised scheme to planning application ref. 24/1832/FUL). Would on account of the development proposals addressing previous concerns, continue to preserve the setting and significance of Budleigh Slaterton Conservation Area as a heritage asset.

In this respect conservation do not wish to offer any further heritage comment, beyond the need for conditions. Case Officer to assess on planning merit.

Support subject to materials condition

### Environmental Health

01/10/25- No objection subject to a CEMP condition.

### South West Water

04/12/25- The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

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

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

### South West Water

11/11/25- Surface Water Management

Please note - the public sewer in Marine Parade is a Combined sewer and not a Surface Water sewer as referred to in Appendix A - Surface Water Drainage Strategy.

It is noted the applicant proposes to attenuate on site, using permeable surfacing to the forecourt/ drive aisle and porous build-ups within the rear garden to promote

infiltration, before discharging to the public sewer in Marine Parade. Should infiltration prove unviable in some areas of the site, they propose to use sub-base attenuation or modular crates from which flow can be controlled.

As this sewer is a Combined sewer, this arrangement will need to be agreed by SWW before any development permitted by this application connects to the network.

#### EDDC District Ecologist

06/01/26- No objection subject to a Construction and Ecological Management Plan (CECoMP) condition, compliance with the ecology report and no external lighting

#### Biodiversity Net Gain (BNG)

Metric calculations indicate the development will result in a quantified biodiversity loss of 69.09% for area habitats with a unit deficit of 0.08. The EclA acknowledge that offsite

provision will be required to meet the biodiversity net gain objective and given the limited opportunities for onsite enhancement, this is considered acceptable.

However, it is recommended that local (within East Devon or surrounding area) offsite BNG provision is committed to, in accordance with BNG Good Practice Principles for Development and Principle 8 of the Biodiversity Net Gain User Guide.

#### Other Representations

54 letters from third parties have been received, 47 of objection and 7 in support.

The objections raise concerns regarding:

- The harm to the conservation area
- The design, mass and bulk of the proposal
- Harm to residential amenity
- Highway safety and parking
- Land stability, excavation and structural risk
- Sustainability of demolition and reconstruction
- The need for this type of housing

The letters of support praise:

- The improvements compared to the previous scheme
- The reuse of a brownfield site
- The support from consultees and overcoming the previous reasons for refusal
- The economic benefits of the scheme
- Being in-keeping with its surroundings

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
24/2680/FUL	Single storey rear extensions and new 2nd floor extension with conservation rooflights and second storey side windows (with translucent glazing)	Refusal	05/03/2025 (Appeal Dismissed 22/07/2025)
24/2661/FUL	Terraced landscaping to rear garden	Approval with conditions	27/02/2025 (Appeal Allowed [no conditions] 22/07/2025)
24/2409/CPL	Certificate of Proposed Lawful Development for the construction of single storey rear extensions (Permitted Development Class A) and alterations to existing roof (Permitted Development Class C).	CPL Refuse Part 1	28/11/2024
24/2164/CPL	Lawful development certificate for construction of outbuilding (Permitted Development Class E)	CPL Refuse Part 1	12/11/2024
24/1832/FUL	Replacement of existing single family dwelling and creation of 4 no. apartments.	Refusal	18/11/2024 (Appeal Dismissed 22/07/2025)
24/1823/FUL	Proposed self-build dwelling.	Refusal	15/11/2024 (Appeal Dismissed 22/07/2025)

## **POLICIES**

### **National Planning Policies**

National Planning Policy Framework  
National Planning Policy Guidance

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

Strategy 6: Development within Built-up Area Boundaries  
Strategy 21: Budleigh Salterton  
Strategy 46: Landscape Conservation and Enhancement and AONBs  
Policy D1: Design and Local Distinctiveness  
Policy D2: Landscape Requirements

- Policy D3: Trees and Development Sites
- Policy EN5: Wildlife Habitats and Features
- Policy EN9: Development Affecting a Designated Heritage Asset
- Policy EN10: Conservation Areas
- Policy EN19: Adequacy of Foul Sewers and Adequacy of Sewage Treatment System
- Policy EN21: River and Coastal Flooding
- Policy EN22: Surface Run-Off Implications of New Development
- Policy EN25: Development Affected by Coastal Change
- Policy TC2: Accessibility of New Development
- Policy TC7: Adequacy of Road Network and Site Access
- Policy TC9: Parking Provision in New Development

### **East Devon Local Plan 2020 to 2042 Regulation 19 Publication Draft February 2025**

*\*Please note the following policies currently hold limited weight\**

- Strategic Policy SP05: Development inside Settlement Boundaries
- Strategic Policy SP07: Delivery of infrastructure
- Strategic Policy CC01: Climate emergency
- Strategic Policy CC06: Embodied carbon
- Policy HN06: Sub-dividing or replacing existing buildings and dwellings
- Strategic Policy DS01: Design and local distinctiveness
- Policy DS02: Housing density and efficient use of land
- Strategic Policy TR01: Prioritising walking, wheeling, cycling, and public transport
- Policy TR04: Parking standards
- Strategic Policy OL01: Landscape features
- Strategic Policy OL02: National Landscapes (Areas of Outstanding Natural Beauty)
- Policy OL09: Control of pollution
- Strategic Policy PB05: Biodiversity Net Gain
- Policy PB07: Ecological enhancement and biodiversity [...]

### **Budleigh Salterton Neighbourhood Plan 2017-2031 (Made 2017):**

- Policy H1: Meeting Local Housing Need Over the Period of the Plan
- Policy H2: Maintaining Local Character
- Policy B1: Identity of Town and Seafront
- Policy B2: Protection of Key Views and Vistas
- Policy B3: Heritage Assets

### **Site Location and Description**

Marine Parade runs along the seafront of Budleigh Salterton and No. 10 is a detached Victorian property which sits to the north of the road, in a prominent location facing the main town beach. The house is a generously proportioned villa with projecting canted bay windows with bracketed gabled roofs over, and has a slated veranda enclosed by glazing to the ground floor, and a balcony above at first floor level. The ground floor is set above the road level and the land rises steeply to the rear of the building up to Madeira Walk, a pedestrian walkway to the rear of the site.

The site is within the Budleigh Salterton Conservation Area and also sits within the East Devon National Landscape. The view of the seafront, which includes 10 Marine Parade, is identified as a key view of the town within the Neighbourhood Plan. No. 10 Marine Parade also sits opposite, but outside of the boundary, of the Jurassic Coast World Heritage site.

### **Proposed Development**

Permission is sought to redevelop the site which includes demolition of the existing dwelling and replacement with 4 no. maisonette dwellings. It is a resubmission of the previously refused 24/1832/FUL. The design and access statement provided claims the intension is to provide *four energy efficient maisonette dwellings and generous amenity space on*

*previously developed land'*, whilst also *'maintaining the character of Marine Parade and the Conservation area, and minimising impact on neighbouring dwellings'*. The proposal will remain on the same footprint as the existing building and would retain a similar building line. As for its form and mass these too will be comparable to that of the existing building, emulating its existing roof slope and largely copying the fenestration on the existing façade. As for materials the proposed building will utilise render and reconstituted stone for the walls and have a slate roof with metal framed windows. The replacement building will also include four underground parking spaces, cycle parking and bin storage on the lower ground floor.

## ANALYSIS

### Housing Land Supply Position

As a result of the publication of the government's proposed reforms to the National Planning Policy Framework, East Devon can currently demonstrate a 3.50 housing land supply for the district against the local housing need. This indicates that there is a clear need to deliver more (market and affordable) housing in the district, and in the absence of a five-year housing land supply the 'tilted balance' is applicable. This directs decision makers to grant planning consent unless the harm significantly and demonstrably outweighs the benefits. In addition, as this site lies within the East Devon AONB/National Landscape and Budleigh Salterton Conservation area both of which are 'protected areas' within the framework it must also overcome policies within the framework that specifically protect these areas.

### Principle of Development

As the site lies in the built-up area boundary the relevant policy is Strategy 6 of the Adopted East Devon Local Plan (2013-2031). Strategy 6 states:

*'Built-up Area Boundaries are defined on the Proposals Map around the settlements of East Devon that are considered appropriate through strategic policy to accommodate growth and development. Within the boundaries development will be permitted if:*

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

Each of these statements will be assessed in turn below:

- 1. *It would be compatible with the character of the site and its surroundings and in villages with the rural character of the settlement***

The proposal would replace the existing dwelling with 4 maisonette flats with underground parking to the front. While the height of the dwelling from the South Elevation would be no higher than the existing, as the site lies on sloping land and in order to accommodate the lower ground floor it would involve excavating the North, East and West elevation. Although there would be significant excavation involved, the amended design would be comparable with the

surrounding properties in terms of its height, mass and form, with the conservation team confirming that it would also preserve the character of the conservation area. This is discussed in more detail below.

**2. *It would not lead to unacceptable pressure on services and would not adversely affect risk of flooding or coastal erosion.***

The proposal would result in a +3 net increase in dwellings within the town when compared to the existing dwelling. While this is a noticeable increase, Strategy 21 of the Local Plan states Budleigh Salterton will '*secure modest housing development*'. Being within a 10-minute walk of services within the town and given the numerous bus stops nearby will reduce the dependency on a car to reach everyday services. As for flood risk and coastal erosion the replacement dwelling will sit on the same parcel of land as the existing dwelling and retain the similar building line. As the site lies entirely in flood zone 1 at the lowest risk of flooding the proposal will not worsen flood risk or coastal erosion.

**3. *It would not damage, and where practical, it will support promotion of wildlife, landscape, townscape or historic interests.***

The application is supported by an Ecological Impact Assessment (EIA) which has identified the potential impacts on protected species as a result of the proposal. In the interest of supporting wildlife, the EIA has provided some ecological enhancement measures that should the application be approved would support local wildlife. With regards to the impact on landscape and townscape the site does lie within the East Devon AONB/National Landscape and as such is afforded additional protection under Strategy 46 of the Local Plan. In addition, the site forms a key view within the Budleigh Salterton Neighbourhood plan and therefore is also protected under Policy B2. A more detailed assessment on any landscape harm and heritage harm is included below.

**4. *It would not involve the loss of land of local amenity importance or of recreational value;***

The proposal would not involve the loss of land of local amenity importance or of recreational value.

**5. *It would not impair highway safety or traffic flows.***

Following an assessment by county highways whose response is '*now one of no objection*' there are no highway safety or traffic concerns. The proposal provides on-site parking and secure cycle storage in accordance with local plan policies. A more comprehensive assessment of highway impacts is included in the section below.

**6. *It would not prejudice the development potential of an adjacent site***

Notwithstanding the concerns received from third parties the proposal is not preventive of either neighbour expanding or improving their home.

As such the principle of development would be lent support by strategy 6 of the Local Plan.

**Design, Landscaping and impact on character of site**

To assess the design implications of the proposal attention is directed towards Policy D1 of the local plan. Policy D1 states:

*'Proposals will only be permitted where they respect the key characteristics and special qualities of the area in which the development is proposed' and 'ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context'.*

Sited within the conservation area and given its beachfront location, no 10 makes a positive contribution to the character and appearance of the area and as such it is imperative its replacement preserves or enhances this character. Marine Parade is characterised by large, detached properties set back from the road with most featuring balconies or large bay windows facing out towards the sea. The existing building at No 10 is no exception to this rule, contributing towards a cohesive and *'unashamedly seaside frontage'* as noted in the conservation area appraisal. The materials, form, mass and height of the buildings along Marine Parade are largely consistent, giving the area a strong sense of identity when looking up or down the street. While its loss is unfortunate its replacement largely replicates the materials and form of the existing building and emulates design features seen on the existing building and those along Marine Parade.

The proposed building would be 12.6 metres high, 10.6 metres wide and 8.1 metres deep and would consist of 4 maisonette dwellings with 3/4 bedrooms each. It will be constructed using render and reconstituted stone for the walls and have a slate roof. When compared to the existing dwelling and neighbouring properties which are of a similar height, mass and form, the proposed *'scale, massing, density, height, fenestration and materials'* would not be harmful to its character or appearance. The replication of the existing fenestration, roof slope and to some extent the chimneys on the proposed building would largely preserve the existing character of the area. While the replacement building is more modern in appearance it does not detract from the character of the conservation area, diminish the significance of the property itself or that of its neighbours. The proposal is therefore in accordance with Policy D1 and Policy EN10 of the Local Plan.

As the proposal lies within the East Devon AONB/National Landscape it is also needs to comply with strategy 46 of the Local Plan. Strategy 46 states *'development will only be permitted where it conserves and enhances the landscape character of the area; does not undermine landscape quality; and is appropriate to the economic, social and well-being of the area'*. As the site lies within the town and built-up area boundary the addition of new residential development would continue to enhance its landscape character and not undermine landscape quality which is already characterised by a mixture of dense residential development. With regards to being appropriate to the economic, social and well-being of the area. The proposal would result in a +3 net increase in dwelling improving the local housing stock and providing employment during the construction phase. As such the proposal complies with Strategy 46 of the Local Plan.

Policy B2 of the neighbourhood plan adds that *'key views and vistas should be protected this includes any development or building which impacts on the skyline (e.g. public visible elevations) or removal of trees; of particular importance is the northern ridge and skyline of the town where this is the boundary to the conservation area'*. The proposal will be the same height as the existing building although the building line will be slightly further forward when compared to the existing, it would not have an adverse impact on the skyline.

On the basis of the above there are no design or landscape concerns associated with the proposal which complies with relevant development plan policies.

#### Heritage

The site lies in the Budleigh Salterton Conservation Area, with Marine Parade (and Lower Fore Street) being noted in the Conservation Area Appraisal for having an *'unashamedly seaside frontage with large villas, and flats but with low key evidence of commercial use'*. The appraisal also notes the *'cohesive townscape of walled gardens, mature landscaping and well*

*set gardens*'. In the interest of assessing its historic significance the conservation team have been consulted on the proposal. The conservation team initially raised objection to the scheme on account that the *'proposed replacement dwelling introduces a visually incompatible dwelling. The composition of the principal façade creates an awkward relationship between solid and void, disrupting the rhythm and balance evident in the existing streetscape'*. Adding that *'the inclusion of prominent canted bay dormers within the roofscape represents a significant departure from the traditional gabled forms characteristic of the area. These features dominate the upper elevation and erode the architectural coherence that underpins the setting's contribution to the Budleigh Salterton Conservation Area'*.

Subsequent amendments have been received which replace these canted bay dormers with more traditional gable features which complement the existing and surrounding roof profiles. Upon receipt of these amendments' conservation have stated he development proposals addresses previous concerns and would *'continue to preserve the setting and significance of Budleigh Salterton Conservation Area as a heritage asset'*. Policy EN10 of the Local Plan states *'proposals for development, including alterations, extensions and changes of use, or the display of advertisements within a Conservation Area, or outside the area, but which would affect its setting or views in or out of the area, will only be permitted where it would preserve or enhance the appearance and character of the area'*. Following conservations assessment, the proposal would preserve the character of the conservation area and therefore is in accordance with this policy.

#### Residential / Neighbour Amenity

There have been 47 letters of objection received in regards to proposal which raise concerns about the harm the works would have on residential amenity. Policy D1 states *'proposals will only be permitted where they do not adversely affect the amenity of occupiers of adjoining residential properties'*. These letters focus on the proposal being overbearing, causing overlooking, loss of light, increase in noise and poor living conditions for any future occupiers should the application be approved. Each of these will be assessed in turn below.

#### - Overbearing/Loss of Light -

In terms of width the proposed building would sit slightly further away from the side elevations of both number 1-7 Marine Court and number 11 Marine Parade, but the extension at the rear would put it much closer to the rear gardens of both numbers 1-7 Marine Court and 11 Marine Parade. In terms of height the building would remain at the same height as the existing building however similarly its rear projection would extend its vertical spread further towards the rear garden and bring the built form closer to numbers 1-7 Marine Court and 11 Marine Parade rear gardens. The design and access statement shows the rear projection in relation to the neighbouring properties and shows it would extend 2.5 metres beyond the rear wall of number 11 (see below):



As the height of the building will remain in keeping with its surroundings and match that of the abutting properties it would not raise overbearing/loss of light concerns. While the projection is deeper into the rear garden it only extends 2.5 metres beyond the rear of number 11 Marine Parade. As the rear gardens along Marine Parade extend all the way back to Maderia Walk there would still be plenty of outdoor amenity space away from the extension at number 10. The development would not be unduly overbearing nor would it result in a significant loss of light to neighbours.

- Overlooking -

In comparison to 24/1832/FUL the balconies have been removed from the rear elevation however the proposal still introduces multiple new windows in the rear elevation. As mentioned above as the proposal extends beyond the rear elevation of number 11 and 1-7 Marine Court it would not result in overlooking of the property itself but would result in some overlooking of the rear gardens, however the degree of overlooking would be no worse than the ability of number 11 or 1-7 to look into the rear garden of number 10 and is a typical relationship in built up areas. As for the side facing windows on the upper floors of the building these serve as windows for bathrooms and the stairwells. As such should the application be approved these could be conditioned to be obscure glazed.

Impacts on privacy/overlooking are therefore considered to be acceptable

- Noise -

To assess the noise implications of the proposal Environmental Health have been consulted on the proposal. With the exception of raising the submission of a CEMP should the application be approved they have raised no environmental health concerns. Policy EN14 of the local plan states *'permission will not be granted for development which would result in unacceptable levels, either to residents or the wider environment of noise and/or vibration'*. As no concerns have been raised by environmental health the proposal is in line with this policy.

- Unsuitable living conditions -

In response to the unsuitable living conditions for future occupiers have been raised on account of the lack of natural daylight particularly reaching the ground floor North facing rooms and the utilitarian staggered garden with extensive retaining walls. Policy D1 states that proposals should *'have due regard for important aspects of detail and quality and should incorporate features that maintain good levels of daylight and sunlight into and between buildings to minimise the need for powered lighting'*. While the three ground floor rooms to the North all serve as bedrooms the terracing of the garden would not prevent sunlight reaching these rooms particularly in the summer months.

All of the proposed dwellings meet Nationally Described Space Standards with maisonettes 1 & 2 having a floor area of 110 square metres, maisonette 3 with a floor area of 125 square metres and maisonette 4 with a floor area of 115 square metres. All of these exceed the minimum requirements for their respective bedrooms based upon maximum occupancy.

#### Highways, access and parking

The proposal is to reuse the existing access from Marine Parade but will add an island to the driveway and underground garage parking with cycle storage. County Highways have commented that *'the revised plans (44/2501/PL\_1010) from the 24/1832/FUL application has set-back the dedicated parking spaces and removed the individual cycle parking units. Whilst still retaining a communal secure bike store. Therefore there is now sufficient space for*

vehicles to turn off-carriageway and avoid not upholding the through-flow of traffic'. They confirm that 'as such our response is now one of no objection'. Policy TC7 of the local plan requests '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'. As traffic is able to safely enter and leave the site as confirmed by County Highways there are no highway safety concerns stemming from the proposal.

With regards to parking, Policy TC9 of the Local Plan asks 'spaces will need to be provided for Parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home'. On the plans provided there are four garage parking spaces to serve 4, 3/4 bed maisonettes which falls below the parking requirements of Policy TC9. Nevertheless, Policy TC9 makes exceptions 'in town centres where there is access to public car parks and/or on-street parking lower levels of parking and in exceptional cases where there are also very good public transport links, car parking spaces may not be deemed necessary'. In this instance there is street parking available across from the site and furthermore, as the site is less than a 10 minute walk into the centre of Budleigh Salterton down paved and lit streets a car is not essential to access everyday services. As such there are no parking or highways concerns stemming from the proposal.

#### Ecology / biodiversity

As the proposal will impact over 25 metres squared of habitat with a baseline value greater than zero the proposal is subject to delivering the 10% uplift in biodiversity net gain. As such a small sites metric has been submitted with the proposal which shows that there will be a -64% loss in area habitats as a result of the proposal. EDDC Ecology 'acknowledge that offsite provision will be required to meet the biodiversity net gain objective and given the limited opportunities for onsite enhancement, this is considered acceptable'. They add that 'local (within East Devon or surrounding area) offsite BNG provision is committed to, in accordance with BNG Good Practice Principles for Development and Principle 8 of the Biodiversity Net Gain User Guide'. As required by law a biodiversity gain plan will be required before development commences.

As for the Impact on protected species the application is supported by an Ecological Impact Assessment (EIA) by Richard Green Ecology Ltd. The EIA states that 'the house is still considered to be of negligible suitability for roosting bats'. As for the garden 'given the size of the site and the prevalence of other favourable bat commuting and foraging habitat in the wider landscape, it is considered that the rear garden is of no more than local value for bats'. With regards to nesting birds 'much of the overgrown vegetation had been cleared since the first survey was undertaken, however, there were still areas of dense vegetation where birds could nest'. The presence of hedgehogs, amphibians and reptiles are considered unlikely.

In the interest of mitigation and compensation a list of ecological enhancement measures are recommended within the EIA including controlling lighting, installing bat and bird boxes and avoiding clearance works in the nesting season. Should the application be approved a condition complying with these measures could be added to the application.

The report also acknowledges the presence of Montbretia Crocosmia x crocosmiiflora- an invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981. To prevent its spread 'an invasive non-native invasive species (INNS) management plan should be produced and followed to avoid the spread of montbretia during the works'. This too can be conditioned

EDDC Ecology confirm 'the proposed mitigation and enhancement measures are considered

*appropriate and proportional to the predicted impacts for the proposed scale of development, assuming they are fully implemented*'. As such the proposal is acceptable from an ecological point of view in accordance with Strategy 47 and Policy EN5 of the Local Plan.

### Trees

There are no trees on site that would be affected by the alterations and as such there are no tree concerns.

### Drainage

The application form states that surface water and foul sewage is to be dealt with via means of the main sewer. Drainage into the combined sewer is the least preferred method of drainage in the NPPF's drainage hierarchy. South West Water have commented that *'having reviewed the applicant's current information as to proposed surface water disposal for its development (domestic roof and driveway run off only) Please note that discharging to the public combined sewerage network is not an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant'*. No such evidence has been provided however as the applicant has appealed against non-determination a pre commencement condition requiring the use of soakaways or the submission of further details of an alternative means of surface water shall be imposed. As for foul drainage this too is to be dealt with via means of main sewer. No concerns have been raised from South West Water with regards to the sewer connection and as such there are no foul sewage concerns.

### Flood risk

The site lies in flood zone 1 at the lowest risk of flooding, while close to flood zone 2 and 3 the alterations proposed would not increase flood risk on site or elsewhere.

### Other Matters

Concerns have been raised by third parties regarding the extent of excavation and potential impact the works could have on the stability of nearby dwellings. Notwithstanding a grant of planning permission the developer would still need to comply with legislation under building regulations, guidance from the HSE (health and safety executive) alongside other relevant legislation.

## **CONCLUSION**

As East Devon District Council is unable to demonstrate a five-year housing land supply the *'tilted balance'* applies provided there is no significant harm to the AONB/National Landscape and /or conservation area. It is concluded that there is no significant harm to either of these protected area and as such the titled balance in favour of sustainable development applies.

In this instance the design is appropriate in scale, height, mass and form and would not harm the conservation area. Highways and access, ecology and residential amenity impacts can be made acceptable through the implementation of appropriate conditions and it is recommended that the Council advise the Planning Inspectorate that the application be approved subject to the conditions listed below.

## **RECOMMENDATION**

The Council advise the Planning Inspectorate that the application be approved subject to the conditions listed below.:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. Prior to the occupation of the maisonettes hereby approved the access, turning space, garaging and parking shown as shown on the approved plan will have been provided. These shall thereafter be retained and kept available for those purposes at all times.  
(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policy TC7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan 2013-2031.)
4. Notwithstanding the submitted plans, a plan showing the excavation and redistribution of soil levels across the site and finished floor levels of the dwellings, relative to an identified datum shall be submitted to and approved in writing by the local planning authority prior to commencement. Such a plan shall illustrate the existing and proposed levels. Development shall take place in accordance with the approved details.  
(Reason- A pre-commencement condition is required to ensure that the excavation needed will conserve and enhance the landscape character of the area and does not undermine the distinctive landscape associated with the East Devon AONB/National Landscape and Budleigh Salterton Conservation Area in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policy EN10 (Conservation Areas) of the Adopted East Devon Local Plan 2013-2031).
5. Before installation of the items specified below, the following details and specification for these items shall be submitted to and approved in writing by the Local Planning Authority:
  - a) Roofing materials (all) including product details, sample and method of fixing.
  - b) Windows including sections, mouldings, profiles and colour. Sections through casements, frames and glazing bars should be at a scale of 1:2 or 1:5.
  - c) Doors including sections, mouldings, profiles and colour. Sections through panels, frames and glazing bars should be at a scale of 1:2 or 1:5.
  - d) External vents, flues and meter boxes.
  - e) Details of metal work to front canopy / porch and finish.

The works shall be carried out in accordance with the approved details and specification.

(Reason - In the interests of the architectural and historic character of the building in accordance with Policy EN9 (Development Affecting a Designated Heritage Asset) of the Adopted East Devon Local Plan 2013-2031.)

6. A Construction and Environment Management Plan must be submitted to 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. 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. There shall be no high frequency audible reversing alarms used on the site.

(Reason: A pre-commencement condition is required to ensure that the details are agreed before the start of works 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 Policies D1 – Design and Local Distinctiveness and EN14 – Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)

7. Works shall proceed strictly in accordance with the mitigation and enhancement measures detailed in Section 4.3 to 4.5 of the submitted Ecological Impact Assessment (Richard Green Ecology, Dec 2025). A written record shall be submitted to the local planning authority demonstrating compliance with the recommendations, to include photographs of the installed enhancement measures for bats and nesting birds prior to occupation of the development.

(Reason - In the interests of biodiversity enhancement in accordance with Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013-2031.)

8. Under no circumstances should any external lighting be installed without prior consent from the local planning authority. Any lighting design should be fully in accordance with BCT/ILP Guidance Note 08/2023 to include the following:

- i. Maximum of one external LED downlighter above or beside each external door and below eaves height;
- ii. Colour Corrected Temperature not exceeding 2700K;
- iii. Every such light shall be directed downwards with a 0-degree tilt angle and 0% upward light ratio; and
- iv. Every such light shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute.

(Reason - In the interests of biodiversity enhancement in accordance with Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013-2031.)

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

- i. Risk assessment of potentially damaging construction activities.
- ii. Identification of "biodiversity protection zones".
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- iv. An invasive non-native species management plan to avoid the spread of Montbretia.

- v. The location and timing of sensitive works to avoid harm to biodiversity features.
- vi. The times during construction when specialist ecologists need to be present on site to oversee works.
- vii. Responsible persons and lines of communication, including reporting compliance of actions to the LPA.
- viii. Use of protective fences (including buffer distances), exclusion barriers and warning signs.

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

(Reason- A pre-commencement condition is required to ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and 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).

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

(Reason - In the interests of adapting to climate change and managing flood risk, and in order to accord with Policy EN22 (Surface Run-Off Implications of New Development) of the adopted East Devon Local Plan 2013-2031.)

11. Prior to occupation of the maisonette dwellings hereby approved the windows on the East and West elevations on the upper ground floor and second floor shall be obscured glazed to Pilkington level 4 or equivalent standard, and non-opening below 1.7 metres and retained as such for the lifetime of the development.

(Reason- to protect the amenity of existing and future residents in accordance with Policies D1 – Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

12. Prior to occupation of the maisonette dwellings hereby approved the cycle parking and bin storage facilities indicated on proposed lower ground floor plan (44/2501/PL\_1100 A) shall be provided. These facilities shall thereafter be permanently retained and maintained for those purposes.

(Reason - To ensure that adequate cycle storage and refuse facilities are available for future occupiers in accordance with Policy D1- Design and Local Distinctiveness and Policy TC2- Accessibility of New Development of the Adopted East Devon Local Plan 2013-2031.)

13. Prior to occupation of the maisonette dwellings hereby approved a landscaping scheme detailing hard and soft landscaping including details of retaining walls and boundary treatments to be used on site shall be submitted to an approved by the

Local Planning Authority. The landscaping scheme shall be carried out and maintained in accordance with the approved details.  
 (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 and Policy D2- Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

Plans relating to this application:

44/2501/PL_1010 A	Proposed Site Plan	18.11.25
44/2501/PL_1100 A: Lower Ground Floor	Proposed Floor Plans	18.11.25
44/2501/PL_1101 A: Upper Ground Floor	Proposed Floor Plans	18.11.25
44/2501/PL_1102 A: First Floor	Proposed Floor Plans	18.11.25
44/2501/PL_1103 A: Second Floor	Proposed Floor Plans	18.11.25
44/2501/PL_1104 A	Proposed roof plans	18.11.25
44/2501/PL_1200 A: Sections and Elevation	Sections	18.11.25
44/2501/PL_1201 A	Sections	18.11.25
44/2501/PL_1202 A	Sections	18.11.25
44/2501/PL_1300 A: N&S	Proposed Elevation	18.11.25
44/2501/PL_1301 A: (W)	Proposed Elevation	18.11.25
44/2501/PL_1302 A: (E)	Proposed Elevation	18.11.25
44/2501/PL_1400 A	Landscaping	18.11.25

**Biodiversity Net Gain Informative:**

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

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

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

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

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

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

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

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 applies (planning permission for development already carried out).
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
  - (ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
  - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
    - i) the application for planning permission was made before 2 April 2024;
    - ii) planning permission is granted which has effect before 2 April 2024; or
    - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).
  - 4.2 Development below the de minimis threshold, meaning development which:

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

#### *Irreplaceable habitat*

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

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

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

Where there are losses or deterioration to irreplaceable habitats a bespoke compensation package needs to be agreed with the planning authority, in addition to the Biodiversity Gain Plan.

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

#### **Community Infrastructure Levy (CIL):**

Financially important information that may affect you.

If permission is granted for the development of any new dwelling(s), house extensions of least 100 square metres of new-build gross internal area (GIA) (including replacement of existing GIA), residential annexes and/or new retail floorspace over 100 sq m outside of a town centre, it will usually become liable for a Community Infrastructure Levy (CIL) payment under East Devon District Council's charging schedules. If your development is liable, you will be sent a liability notice that will provide details of the charge. This will be recorded to the register of Local Land Charges as a legal charge upon your property and will become payable upon commencement of development. Information on the payment process will be provided with the liability notice or upon request.

Please note that CIL paperwork needs to be completed before development commences, including any demolition, or penalties of 20% of the CIL amount due, up to a maximum of £2,500 for commencing without submitting a valid commencement notice and/or £50 for not assuming liability will be incurred and the facility to pay in 4 instalments over 24 months will be lost. If you are seeking to claim an exemption do not start work until you receive your grant of exemption as this would invalidate your claim and CIL would be payable in full. Further information about CIL is available at Community Infrastructure Levy (CIL) - East Devon

#### List of Background Papers

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

### **Statement on Human Rights and Equality Issues**

#### Human Rights Act:

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

#### Equality Act:

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