

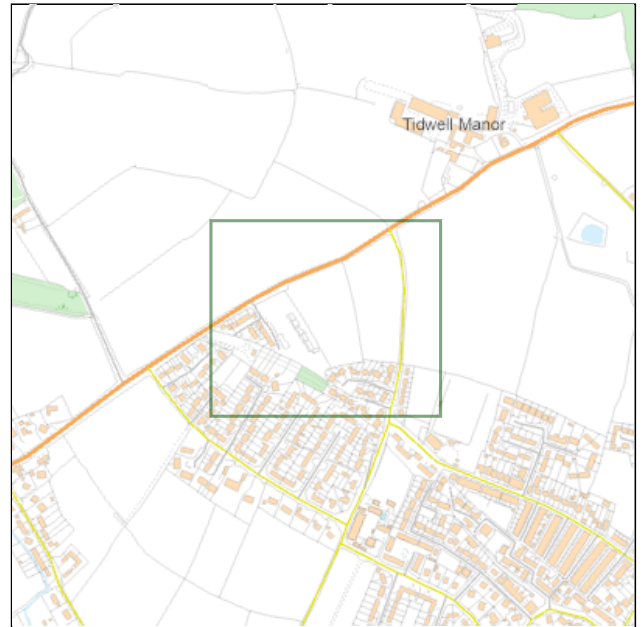
**Ward** Budleigh And Raleigh

**Reference** 25/0086/MFUL

**Applicant** Wain Homes (SW) Ltd

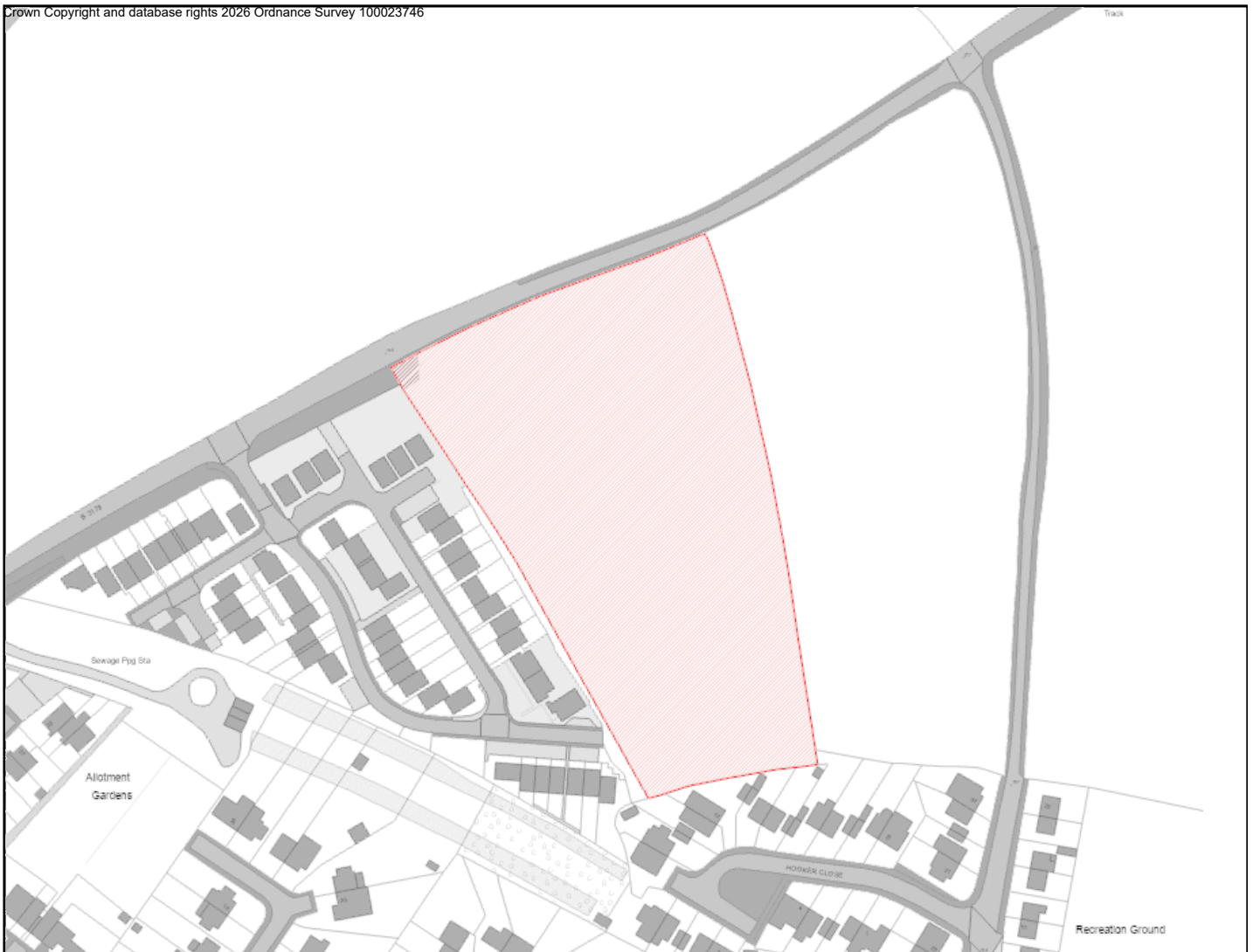
**Location** Land To The West Of Barn Lane Budleigh Salterton

**Proposal** Construction of 35 dwellings (including open market and affordable), access and associated landscaping, open space and SUDS drainage



**RECOMMENDATION: Approval with conditions subject to completion of s.106 obligations to secure affordable housing provision (including off site financial contribution), open space and SUDS provision and maintenance and habitat mitigation contribution) and adoption of an Appropriate Assessment**

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		<b>Committee Date: 12.05.2026</b>
<b>Budleigh And Raleigh (Budleigh Salterton)</b>	<b>25/0086/MFUL</b>	<b>Target Date: 29.04.2025</b>
<b>Applicant:</b>	<b>Wain Homes (SW) Ltd</b>	
<b>Location:</b>	<b>Land To The West Of Barn Lane</b>	
<b>Proposal:</b>	<b>Construction of 35 dwellings (including open market and affordable), access and associated landscaping, open space and SUDS drainage</b>	

**RECOMMENDATION:** Approval with conditions subject to completion of s.106 obligations to secure affordable housing provision (including off site financial contribution), open space and SUDS provision and maintenance and habitat mitigation contribution) and adoption of an Appropriate Assessment

#### **EXECUTIVE SUMMARY**

This application is brought before the Planning Committee as the proposal represents a departure from the adopted East Devon Local Plan. The officer recommendation is also contrary to the position of the town council regarding the proposal.

The site comprises a field extending to approximately 1.58 hectares in area to the south of the B3178 on the northern edge of Budleigh Salterton, the whole of which - along with the application site - is within the designated East Devon National Landscape (NL).

The application seeks full planning permission for the construction of 35 dwellings, including affordable housing, together with the provision of public open space, ecological buffer zones, drainage infrastructure and ancillary operations.

The site lies outside of the Built-Up Area Boundary of the town as defined in the adopted Local Plan and made Budleigh Salterton Neighbourhood Plan, resulting in a clear conflict with the spatial strategy of both plans. However, the site is identified as an allocation within the latest Regulation 19 draft of the emerging Local Plan, albeit, while indicative of the Council's intended direction of growth of the town, this currently carries limited weight due to its still comparatively early stage in the process towards adoption.

However, the Council's current inability to demonstrate a five-year housing land

supply is a significant material consideration and, under paragraph 11 of the National Planning Policy Framework (NPPF), notwithstanding the relevance of policies that seek to protect areas such as NLs that can mean that it need not be applied, there is a presumption in favour of sustainable development in such circumstances.

Paragraph 190 of the NPPF is also material to consideration of both the application proposal and the allocation of the site for housing development in this instance. Whilst presuming against 'major' development within NLs (and other designated landscape areas) it does allow for such development in 'exceptional circumstances' and where it can be demonstrated that it is in the public interest.

Although the Council's assessment categorises the proposal as 'major' development in this case, in applying the 'exceptional circumstances' test it has been found that the lack of availability of suitable alternative sites for housing development with less impact upon the NL and the plan's strategy of directing growth to the town (at a markedly lower rate of expansion in comparison with other 'Tier 3' service centres) justify the allocation in the emerging Local Plan.

Whilst the development would extend the settlement into open countryside and result in some harm to the landscape character of the NL, these impacts are considered likely to be moderate and capable of mitigation through the safeguarding of existing boundary hedges and trees and appropriate site landscaping.

It is therefore considered that the principle of residential development of the site would be acceptable in this case. The proposal would deliver a meaningful contribution to housing supply, including affordable housing through a combination of on-site provision and off-site financial contributions. It would also generate economic benefits during the construction phase and longer-term social benefits through the provision of the market and affordable housing. In addition, the scheme would incorporate sustainability measures such as biodiversity enhancements, aligning with national and local policy objectives.

In addition, there are no other significant contextual objections to the proposed development or technical issues that would outweigh the fundamental acceptance of the principle of development.

In combination, these factors are thought to carry considerable weight in favour of the proposal in the overall planning balance.

On balance and having regard to the significant housing land supply shortfall, the benefits of delivering housing, including affordable homes, are considered to outweigh the identified harms.

It is therefore recommended that the application be approved subject to conditions and completion of a Section 106 agreement to secure the necessary mitigation and infrastructure.

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council (Original consultation comments – 12/2/25)

This council does not support the application as it was felt that there was insufficient clarity on a range of areas, at the present time.

Members recognise the urgent need for affordable housing in the local area and do welcome some aspects of the plan including the attention given to drainage considerations and the proposed development of an Orchard Area. However, these are far outweighed by the concerns generated by this proposed development and its lack of connection to the Budleigh Salterton Neighbourhood Plan, The East Devon Local Plan, The East Devon Emerging Local Plan and the National Planning Policy Framework. These concerns are outlined as follows:

#### Access to Town/Pedestrian Safety:

This site has been allocated for development under Strategic Policy SD08 of the East Devon Emerging Local Plan which states that 'Site development will need to come forward with provision of safe footpath access to the Budleigh primary school'. Members did not see evidence of this in the application and were concerned that this development does not include a viable, safe route for residents to walk into the town.

The developer provides details of the town and its services in section 2.0 of their Design Statement, outlining the distances from the development to various amenities. However, there has been no provision made for safe pedestrian access to the town.

Furthermore, the development inaccurately claims in point 3.12 of the Design Statement that "the adjacent Evans Field development has delivered a new footway connection from their entrance to the previous footway end to the west of their site." This statement is repeated in point 4.3. In reality, it is widely known in the locality, by EDDC and Devon County Council that there is no footpath from Evans Fields to the town, and the claim made in the Design Statement is misleading.

Section 5.0 of the Design Statement refers to an "opportunity" to provide pedestrian access to the west of the development. While members welcome the idea of improving pedestrian access, they would like to see tangible plans and a clear commitment to implement safe and accessible routes. A firm proposal with a set timeline and design details is necessary to ensure that pedestrian safety is prioritised. The development of a safer route to access local transport would also support the NPPF - Point 9, Paragraphs 109 a & e and 111 d, regarding the promotion of sustainable transport withing planning development proposals:

109(a) making transport considerations an important part of early engagement with local communities.

109(e) identifying and pursuing opportunities to promote walking, cycling and public transport use; and

111(d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);

#### Level of Affordable Housing:

In accordance with Policy H1 of the Budleigh Salterton Neighbourhood Plan, Strategy 21 of the Local Plan, and Strategic Policy HN01 of the Emerging Local Plan, it is essential that this development adheres to the commitment to provide affordable homes. Members seek firm assurances that the number of affordable homes set to be built under the plan, 12, will be maintained and will not be subject to revision or reduction.

Further, Strategy 34 of the ED Local Plan determines that 50% of new development in Budleigh Salterton will be affordable. This plan does not meet this criterion. BSTC note the comments of the Housing Strategy / Enabling officer that the Developer must make up this shortfall with a 15.8% financial contribution towards affordable housing, locally.

#### National Landscape:

Members request assurance that this development will fully comply with Strategy 21 of the Local Plan and Strategic Policy OL02 of the Emerging Local Plan. This policy specifically highlights that Budleigh Salterton, being entirely located within the National Landscape, is to be afforded the highest level of protection. Furthermore, the policy extends to any development outside the National Landscape but affecting its setting or appearance, permitting such development only where it avoids harm and contributes to the protection, conservation, and enhancement of the special qualities, character, and natural beauty of the National Landscape.

Members seek confirmation that the proposed development will adhere to these policies and ensure no adverse impacts on the integrity of the National Landscape or its distinctive features. This is underpinned by the response EDDC has already received from Natural England, their guidance being that this site has the potential 'to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs), and that further information is needed'.

#### Protected Landscapes:

Members request that EDDC ensures they actively seek to further the statutory purposes of Protected Landscapes, as outlined within Strategic Policy OL02 of the Emerging Local Plan. This policy explicitly requires that these purposes are recognised and fully considered in the decision-making process, as well as in any activities that may impact these areas. Members would like to ensure that the development respects and aligns with the objectives of protecting and enhancing the special qualities of Protected Landscapes, consistent with the policy's aims.

#### Legacy of Evans Field:

There are significant ongoing concerns regarding the neighbouring development, known locally as Evans Field. This development remains unfinished and continues to cause considerable hardship for residents. While members acknowledged that this issue is not the responsibility of the developer, the proposed development has

highlighted broader issues, particularly the unfinished state of the neighbouring site and the extremely poor and unsafe access to this location.

Members seek to understand what steps EDDC can take to ensure the completion of the Evans Field development and as a minimum, to secure safe access for residents, particularly in relation to access to schools and local amenities. Ensuring that these concerns are addressed should be a priority for the overall development strategy in the area.

#### CIL Concerns: Allocation of Funds for Local Infrastructure

Members have expressed concern regarding the potential for Community Infrastructure Levy (CIL) funds to be directed outside the locality, which could undermine efforts to address local infrastructure needs and support the community. This concern is particularly relevant considering the letter from the Royal Devon and Exeter NHS Foundation Trust (RD&E), as a consultee, which highlights this issue. Members would appreciate clarification on how these funds will be managed and whether they will remain within the locality to directly benefit the area. It is important to note that this development is primarily intended to address the housing shortage within Budleigh Salterton and East Devon. Given this, any CIL funds generated from the development should be expected to be spent locally, supporting the town's resources, amenities, and infrastructure.

Members have additional concerns regarding the speed limit on the B3178 at this point, which is currently set at the National Speed Limit. Given the proximity of the development, BSTC would like to see the speed limit reduced to a maximum of 30 mph to improve safety for pedestrians and residents in the area.

Furthermore, it was noted that the access to the proposed development appears significantly narrower in comparison to the access for the neighbouring development. Members requested that the access be reviewed and improved to ensure adequate space for both vehicles and pedestrians, as well as to ensure that it meets safety and accessibility standards.

#### Parish/Town Council (Further consultation comments re. revised plans – 30/9/25)

This council does not support the application, in its current form.

While mindful of East Devon District Council's housing requirements, members considered the application to be over-intensive, environmentally harmful, and deficient in affordable housing, infrastructure, and safe access arrangements.

#### Affordable Housing

Strategic Policy HN01 of the emerging Local Plan seeks to maximise the delivery of affordable housing across East Devon to meet the identified needs of people who are unable to access the general housing market. This development does not currently meet these needs. Councillors expressed disappointment that the proportion of affordable housing has been reduced to 35% in line with Strategic Policy HN02. While it was noted that there is a tiered approach across East Devon, given the high cost of housing in Budleigh Salterton, it is reasonable to expect this development to provide an increased proportion of affordable homes to ensure local housing needs are met.

### Highways, Access & Safety

Concerns were raised regarding the anticipated increase in traffic and its impact on Barn Lane, Bedlands Lane, and Knowle Corner, all of which are narrow, constrained, and have limited capacity for additional vehicles.

The existing 30'mph speed limit must be extended from before the entrance to the Evens Field site to beyond Barn Lane to improve safety for all road users. Concerns were also raised about access for plant and machinery during the construction phase, and EDDC is requested to ensure that Devon County Council conducted a road condition survey to ensure that roads in the vicinity are protected and restored to standard, by the developer, once construction is complete.

Pedestrian infrastructure remains insufficiently detailed; councillors highlighted the need for clear, safe pedestrian routes, including the proposed connection from Evans Field.

The proposed Sustrans cycle route was assessed as unsafe and unsuitable in its current design, requiring substantial review to meet safety and accessibility standards.

### Drainage & Flooding

Members questioned whether the proposed attenuation basin will be sufficient to contain run-off and prevent surface water flooding and would like assurance that the basin will have the appropriate capacity. Concerns were also expressed about the wider drainage layout and its long-term maintenance.

### Environmental & Biodiversity Impact

The Arboriculture Impact Assessment was considered flawed, with key trees, for example T4 oak, underrepresented in terms of size and value. BSTC noted the report that the diameter of T4 may have been underrepresented by 50% and requests that East Devon review this, advise BSTC if it has been investigated further, and clarify the implications for the positioning of houses adjacent to this location and the development as a whole.

Disappointment was expressed regarding the 10% Biodiversity Net Gain (BNG) which was considered insufficient. Members requested greater protection for wildlife and flora, as well as the provision of green corridors and ecological wedges.

### Landscape & Key Vistas

The proposed development would interrupt important views including those towards Hayes Wood and Mutters Moor, as referenced in Policy B2 (Protection of Key Views and Vistas) of the Budleigh Salterton Neighbourhood Plan, which states that 'development should conserve identified significant views.'

Budleigh Salterton was included within the East Devon Area of Outstanding Natural Beauty (AONB\*) in 1963 due to the exceptional quality of its coastline and townscape. This is further supported by NPPF Paragraph 115: 'Great weight should be given to conserving landscape and scenic beauty in AONBs, which enjoy the highest level of protection.' The proposed development is therefore contrary to Policy

B2 and national guidance, as it would compromise the visual integrity of the AONB and local landscape character.

\*Now referred to as the Natural Landscape (NL).

#### Community Infrastructure & Services

Councillors noted the absence of detail regarding the impact of additional housing on school capacity. However, it was acknowledged that there is some capacity available in neighbouring primary schools in East Budleigh and Otterton.

There was no clear information on the maintenance and funding of the proposed footpath network within the development prior to adoption by Devon County Council. Concerns were raised regarding any future management company arrangements that residents could be subject to.

Accordingly, Budleigh Salterton Town Council does not support this application in its present form.

#### Budleigh And Raleigh - Cllr Charlotte Fitzgerald

I object to this application on the basis that safe access to the site, which is accessed from the main road (B3179), has not been achieved and will not be achieved within the scope of the proposed plan. Currently no proper footpath to the site exists via the adjacent development (Evan's Field), due to the footpath connecting that development to the town not having been completed, and the reduction of the speed limit and of street lighting not having been installed. I would like to see a Grampian conditioned imposed such that this development cannot be completed until this pedestrian access situation is resolved.

#### Technical Consultations

**N.B.: The following comprise the most recent consultation comments made by consultees, further to three rounds of consultation owing to scheme revisions.**

#### Housing Strategy/Enabling Officer - Liam Reading

Policy Requirements:

Strategy 34 of the East Devon Local Plan 2013 - 2031 states 50% affordable housing is required on planning applications for new homes in Budleigh Salterton. This application is offering 34.2% on site affordable housing, which is not policy compliant. They need to make up the remaining 15.8% as a financial contribution towards affordable housing. This is in line with similar applications. The amount is £144,790.

There are currently 132 households registered on Devon Home Choice living in Budleigh Salterton.

Tenure Mix: The applicant is offering 35% Shared Ownership tenure and 65% Social Rented tenure. This is acceptable.

Unit Size Mix: The proposed Shared Ownership mix is: 1 x 2 bed house, 2 x 3 bed houses and 1 x 4 bed houses. The Social Rent mix is: 6 x 1 bed apartments, 1 x 2 bed house and 1 x 3 bed house. This meets an identified housing need.

Design of Scheme: Affordable housing in East Devon is expected to meet high standards of design and quality, and to be visually indistinguishable from open market housing. I note all dwellings will meet national space standards. When considering scheme design options, the following should be taken into account:

Clustering / Distribution: The Affordable Housing units should be evenly dispersed across the site, in small clusters of no more than 10 dwellings.

Parking: Electric Vehicle Charging Points or infrastructure should be provided for each affordable home to meet current building regulation and local requirements. The scheme layout should be designed to have as much in-curtilage parking as possible in order to facilitate the provision of on-plot Electric Vehicle Charging Points for the Affordable dwellings wherever possible. Parking courts are not considered suitable for affordable homes (other than for blocks of flats).

All affordable units should also meet M4(2) standards, which this application does.

I note the parking for plots 20 - 22 is designed as tandem parking. This is not ideal as in reality only one car is parked here, and the second car is often parked on the highway causing obstructions.

#### Environmental Health

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.

#### Contaminated Land Officer

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

#### Police Architectural Liaison Officer - Kris Calderhead

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

I appreciate the inclusion of a Crime and Disorder Statement within the Design and Access Statement and that designing out crime principles have been considered in the design of the scheme.

My main concern from a designing out crime perspective is the accessible space to the rear boundaries of plots i.e. the ecology corridors around the edges of the development. I appreciate the efforts made to reduce the risk posed to plots with the inclusion of hedging along fences to prevent easy access to rear gardens. However, the spaces are somewhat devoid of surveillance opportunities and if left easily accessible, there is the risk that they will be misused, attract behaviours such as fly-tipping, anti-social behaviour, unwanted gatherings etc. which will be of detriment to the whole area.

How is it foreseen that this risk will be mitigated? Can access be restricted or at the very least deterred as presumably use of such space is not to be encouraged given its secluded nature.

#### DCC Flood Risk Management Team

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that recommended pre-commencement planning conditions are imposed on any approved permission.

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

Observations:

The applicants have revised Land at Barn Lane, Knowle, Budleigh Salterton Flood Risk Assessment (Report Ref. 2043-C-FRA-0001, Rev. P7, dated 21st January 2026).

The total site area is 16,044m<sup>2</sup>. The overall impermeable area for the site is stated to be 6,156m<sup>2</sup> (6,338m<sup>2</sup> with 10% urban creep) 6285m<sup>2</sup>, as shown in the Impermeable Area Plan (Drawing No. 0120, Rev. P8, dated 21st January 2026).

The applicant has provided several reasons for why infiltration is unfeasible at this site, including the site being within a source protection zone (SPZ).

It is proposed to manage surface water at the site via an attenuation basin and tank, prior to discharging to the surface water sewer at the Qbar rate of 1.6l/s via a Hydrobrake. A swale is also proposed on the site. The tank / attenuation crate is situated beneath the basin as shown in Drainage Layout (Drawing No. 0500, Rev, P14, dated 21st January 2026).

Despite the constraints highlighted by the applicant, partial infiltration systems (e.g. permeable paving with underdrainage, rain gardens or shallow infiltration trenches) may still offer benefits and should be considered where feasible. The applicant has noted rainwater butts, filter drains and permeable surfaces can be considered at the detailed design stage if required. We would like to see these additional features to be incorporated into the detailed design.

It is unclear the methodology used to calculate the greenfield runoff rate.

The surface water systems are stated to remain private and will be maintained in accordance with CIRIA guidance from C753. However, the basins inflow is to be public, and the headwall and outfall are proposed to be adopted. The applicant shall finalise the adoption and maintenance responsibilities during the detailed design.

#### EDDC Landscape Architect

I have reviewed the amended details in respect of the above application and make the following comments:

## Layout

Amendments to the site layout in response to my previous comments are acceptable.

## Enclosures

The enclosure treatments indicated on the Enclosures Plan PL104 rev. P are generally acceptable, subject to the following minor changes:

Omit proposed estate railings to west side plot 1 and replace with rustic bollards. The verge between plot 1 and the adjacent access road should be retained in communal ownership and not transferred to private ownership of plot 1.

Add estate railings to the frontages of plots 6, 7 and 8.

Construction details for all boundary treatments indicated on the Enclosures Plan PL104 rev. P should be provided. These could be secured by condition if not provided prior to determination.

## Planting plans

Sheet 2 of 4 - Add native hedge mix to the outside face of close-board fencing to the rear gardens of plots 29 and 31.

## Drainage details

Details of proposed inlet and outlet headwalls to the attenuation basin are required. Given the location at the front of the site within the National Landscape a high standard of design is required for these. Headwalls should be of minimum size required to accommodate inlet/ outlet pipe diameter and should be stone faced without surrounding railings. Their appearance should have a positive or neutral impact on site amenity. Details could be secured by condition if not available prior to determination.

## Site ownership plan

A site ownership plan should be provided indicating areas to be adopted, maintained by management company and passed to private ownership. This could be secured by condition if not provided prior to determination.

## Connectivity

I remain concerned that pedestrian and cycle links are not being provided from the southwest and southeast corners of the site, but particularly to the southwest connecting to Barn Lane. I consider this to be an essential requirement to enable a convenient active travel link to the school.

Provision should be made for land at the end of the eastern spur road to be included in the highway adoption area to ensure that potential future development of land to

the east can be provided from the application site rather than necessitating creation of a further new access from the existing highway.

Should the application be approved, conditions are recommended.

### EDDC Trees

The amended plans have taken on board arb concerns raised in relation to plots 23 & 24 to T3 and moved these further to the east. Likewise, plot 30 has been moved further north away from T4. I therefore confirm that I have no objection to the proposal but recommend conditions be put in place to ensure the retained trees are afforded protection during construction.

### County Highway Authority

Observations:

I have visited the site and reviewed the planning application documents.

The Design and Access Statement (REV A DECEMBER 2024) outlines how the existing access does not lean itself well towards the proposed development but that a more centralised access with better visibility is viable.

A footway is proposed along the frontage of the development of which there is currently none, this will extend the recently completed Evans Field development footway.

The Parking Layout Plan, (1788-PL106 REV E), shows successful parking manoeuvres and that the dwellings from this proposed development are unlikely to cause high levels of on-carriageway parking on the highway network.

The Refuse store and collection plan, (1788-PL107 REV E) shows that the free-flow of traffic and pedestrians will not be affected from the storage and collection of refuse from this proposed development.

The Surfaces Plan, (1788-PL105 REV E) shows clear delineation of the private and adoptable highway areas with only sporadic areas of block paving, note that should the development enter a Section 38 highway adoption (separate to the planning process) we do not allow visitor parking to be adopted.

The Fire vehicle swept path plan (0780 REV P3), shows that emergency vehicles can successfully manoeuvre this proposed development estate.

The proposed dwelling numbers is below our threshold requirement for a Travel Plan, Travel Plan contribution and Travel Plan Co-Ordinator). I am also satisfied that the creation of 35 dwellings will not create an unacceptable vehicle trip generation, however I do recommend that should this be application be approved, secure cycle storage is provided per dwelling to encourage sustainable travel and help mitigate vehicle trip generation, along with a Comprehensive Construction and Environment Management Plan (CEMP) to help mitigate the effects of construction upon the wider highway network.

I have also reviewed our previous collision data, a rolling 5-year period, currently January 2019 to December 2023 and have seen no direct collisions within the vicinity of this access.

Therefore, in summary the County Highway Authority (CHA) has no objection to this planning application subject to recommended conditions to secure a Construction Management Plan and provision of bike stores.

Addendum 14/04/2026

The CHA has reviewed the amended plans and has no further comments to add.

Recommendation:

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

#### LPAE-Devon (Torbay+South Devon NHS Foundation Trust) Housing

The GP surgeries within the catchment area that this application would affect, currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate.

However, due to the nature of the planning process, please be advised that this response from NHS Devon is a snapshot of the capacity assessment at the date of this letter. Should there be any change to this position, as a result of any current planning applications that may or may not affect the capacity at Budleigh Salterton Medical Centre - Budleigh Salterton Health Centre, Haldon House Surgery, Imperial Surgery and Rolle Medical Partnership - Exmouth Health Centre being approved prior to a final decision on this particular development, then this will potentially initiate a further review on the NHS's position. Such factors could include but are not limited to:

- o Increases in the patient list size which then exceed the practices' capacity during the period between this application being validated and prior to a planning decision
- o Consideration for future 'consented or commenced' planning applications that lead to an increase in the patient list size which then exceed the existing practices' capacity during the period between this application being validated and prior to a planning decision

Therefore, at this stage, it is important to highlight the NHS reserve the right to re-assess and respond to this application at any time, as a result of any planning application(s) received and approved subsequently by the Council that will have an associated impact on the assessed GP Practice(s) linked to this application, which in turn, could have the potential to initiate an NHS contribution request in accordance to regulatory and legislative obligations.

With this in mind, whilst at this time there is no requirement for a Section 106 contribution towards NHS Primary Care from this application, as a contingency, we

would recommend you take this into consideration, factoring in an estimated sum of £680 per dwelling towards NHS Primary Care to any viability assessments.

Furthermore, please note this does not reflect any operational pressures, such as workforce or patient activity levels, that might be affecting the surgery/ies and is purely based on an assessment in relation to the current premises' capacity for infrastructure only.

## EDDC District Ecologist

### 1 Introduction

This report forms an updated EDDC Ecology response to the full application for the above site in response to amended ecological documents. It should be read in conjunction with the previous ecology response from 21/11/2025.

### 2 Review of amended details

I've reviewed the amended Ecological Impact Assessment, Biodiversity Net Gain Statement, Amended Statutory Metric, and the draft Habitat Management and Monitoring Plan (HMMP) all undertaken by GE Consulting, dated January 2026. The amended Lighting Strategy (dwg. 2900-DFL-ELG-XX-RP-EO-13001-S3-P05) was also reviewed.

The updated ecology reports and metric have addressed my previous concerns.

There are a few minor inaccuracies/omissions within the draft HMMP, which can be addressed with the submission of the biodiversity gain plan and final metric, post consent. These include:

O Sections 3.3.1 and 4, reference is made to F5; F5 was not visible on the post development plans nor in the metric

O Section 4 should include hedgerow management of H1 and H2 to be a minimum of 3 m in height

It is recommended that the number and location of integral bat, bird and insect bricks are clearly identified on elevation plans to ensure these features are not overlooked by contractors.

### 3 Conclusions and recommendations

The submitted ecological survey information including ecological avoidance, mitigation, and enhancement measures proposed, are considered acceptable.

Should the application be minded for approval, conditions should be applied to secure development in accordance with the ecology report, no external lighting without prior consent, a construction and ecological management plan and a Habitat Management and Monitoring Plan (HMMP) and Landscape and Ecological Management Plan (LEMP).

## Natural England

Natural England has previously commented on this proposal and made comments to the authority in our response dated 10 February 2025 reference number 501348, attached.

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

#### Historic England

Does not wish to comment.

#### Police Architectural Liaison Officer - Kris Calderhead

I have no objection to the scheme and appreciate that fencing has been added along the ecology corridors in an attempt to control movement to the rear boundaries of plots.

The only recommendation I would like to make is that the two areas of open space are afforded a knee rail to help define the space, deter vehicle access and control movement. (Please see plan in documents tab)

#### Conservation

Following my previous comments, the application has been amended, and the following is a response to these amendments.

The proposed development is within the setting of the Grade II\* listed Tidwell Manor and associated Grade II listed stables, coach house and gate piers.

As observed previously, it is concerning that the rural setting is being gradually eroded. A dense line of hedgerows and mature trees on the eastern boundary will shield the development from view to some extent, and this will go some way towards reducing harm to the setting, although that there will be some intervisibility between the two sites due to the topography, proximity to the listed house and height of the proposed dwellings. Further development on this hillside will not preserve or enhance the setting of the Grade II\* listed building, and therefore it is important that the planning balance is weighed up carefully to ensure that the harm to the setting is outweighed by the public benefits of the proposal.

I previously recommended that, if the application is supported, any elevations (particularly those facing north and east) which will be visible in context with Tidwell Manor, are faced in dark colours such as red brick rather than white render as proposed.

Following amendments, the east elevations of the dwellings closest to the east boundary are still predominantly in white render, with small areas picked out in artstone and occasional brickwork. A hedgerow and tree planting are proposed but will not sufficiently obscure these elevations, particularly in the short and medium term, and therefore my previous recommendation still applies.

Recommendation: Weigh up the harm against the public benefits, and if supported, mitigate as far as possible to preserve the setting of the listed building

#### Contaminated Land Officer

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

#### Devon County Council Waste Planning

It is noted that a Waste Management section is included in the Construction Method Statement dated February 2025 which summarises the duty of waste contractors. However, in order to meet the requirements of Policy W4 of the Devon Waste Plan, it is considered that a Waste Audit Statement should be submitted that addresses the following points:

Identify measures taken to avoid all waste occurring.

Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.

The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.

Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.

The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site, and justification as to why this waste cannot be managed more sustainably.

#### Other Representations

34 representations of objection, 1 representation of support and 3 'neutral' representations have been received across three rounds of consultation. These include objections from the Otter Valley Association.

#### Summary of Grounds of Objection

1. Proposal constitutes development in the open countryside outside of the built-up area boundary and is in conflict with various planning policies in national, local and neighbourhood plans.
2. Site is within the East Devon National Landscape and the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in these areas which have the highest status of protection and, when considering

applications for major development, permission should be refused other than in exceptional circumstances, and only if in the public interest.

3. Site is classified as Grade 1 agricultural land; development would be contrary to policy that the best and most versatile land should not be used for development purposes but kept for agricultural use.

4. Development design would not be of the highest standard, as required by the NPPF, and would be generic and unsuited to a sensitive edge of town site.

5. Proportion and type of affordable housing does not comply with local and neighbourhood plan requirements or meet the required need and should include family size dwellings.

6. Granting permission would set a precedent for the earmarking of the adjacent field for future development.

7. Increased traffic generation along the B3178 and Bear Lane; the former is already dangerous with no street lighting and a 60mph speed limit.

8. A further junction close to the bend in the road at Tidwell will present safety issues.

9. Inadequate sewage, education and health infrastructure to cope with further developments.

10. Proposal is premature pending adoption of new local plan; current policies in emerging plan have limited weight.

11. No public transport connections to the town.

12. Development equates to urban sprawl extending the town into the countryside and creeping towards Kersbrook.

13. Scale of development would be better suited to a site south of Bedlands Lane.

14. Detrimental effect upon wildlife.

15. 15% biodiversity net gain should be enforced to reflect the importance of Budleigh Salterton within the National Landscape.

16. Arboricultural Impact Assessment underestimates the diameter of protected Oak tree (T4) and root protection area.

17. Proximity to N2 cycle route and footpath to Exmouth is frequently mentioned as an asset to the site but there is no safe crossing of the busy B3178 for either pedestrians or cyclists.

18. Overlooking from plots 29-31.

19. Limited benefits from 35 houses outweighed by harm to the National Landscape.

20. Detrimental impact upon light and views of open countryside.

21. Permission was refused ten years ago and there are now more reasons for refusing development.

22. Empty houses in the Evans Field development prove there is no need for further development.

23. NPPF presumption in favour of sustainable development does not apply.

24. Concerns regarding safety and opportunities for criminal activity and opportunities such as fly-tipping and anti-social behaviours.

#### Summary of Grounds of Support

1. EDDC have been tasked with finding sites in towns and villages to accommodate the houses set by Government and houses have to go somewhere.

2. This site was found to have the least impact compared with other sites and, based on all the evidence, is deemed the most feasible and suitable.

#### Summary of 'neutral' representations

1. Concern over adding to already overloaded sewage system.
2. New build house prices in Budleigh Salterton and the impossibility for local people to buy locally; could at least half of the houses have a local connection requirement?

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
15/1118/MOUT	Erection of 60 bed care home, 30 no. houses (40% affordable), 7 no. bungalows, 12 no. affordable retirement apartments and 2 no. live/work units (outline application with all matters reserved)	Non-determination on appeal dismissed	24.11.2015
14/1520/MOUT	Erection of 60 bed care home, 30 dwellings (including 40% as affordable) 7 bungalows, 12 retirement apartments and 2 live work units with associated works. (Outline proposal with all matters reserved)	Withdrawn	20.01.2015

## **POLICIES**

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

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

Strategy 3 (Sustainable Development) Adopted

Strategy 5B (Sustainable Transport) Adopted

Strategy 7 (Development in the Countryside) Adopted

Strategy 21 (Budleigh Salterton) Adopted

Strategy 34 (District Wide Affordable Housing Provision Targets) Adopted

Strategy 38 (Sustainable Design and Construction) Adopted

Strategy 43 (Open Space Standards) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

Strategy 48 (Local Distinctiveness in the Built Environment) Adopted

Strategy 50 (Infrastructure Delivery) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

D3 (Trees and Development Sites) Adopted

EN5 (Wildlife Habitats and Features) Adopted

EN8 (Significance of Heritage Assets and their setting) Adopted

EN9 (Development Affecting a Designated Heritage Asset) Adopted

EN13 (Development on High Quality Agricultural Land) Adopted

EN14 (Control of Pollution) Adopted

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

EN21 (River and Coastal Flooding) Adopted

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

H2 (Range and Mix of New Housing Development) Adopted

TC2 (Accessibility of New Development) Adopted

TC7 (Adequacy of Road Network and Site Access) Adopted

TC9 (Parking Provision in New Development) Adopted

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

Strategic Policy SD08 (Development allocations at Budleigh Salterton) Draft

Strategic Policy SP01 (Spatial strategy) Draft

Strategic Policy SP02 (Levels of future housing development) Draft

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft

Strategic Policy SP07 (Delivery of infrastructure) Draft

Strategic Policy AR01 (Flooding) Draft

Strategic Policy HN01 (Housing to address needs) Draft

Strategic Policy HN02 (Affordable housing) Draft

Policy HN04 (Accessible and adaptable Housing) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft

Policy DS02 (Housing density and efficient use of land) Draft

Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport) Draft

Policy TR03 (Travel plans, transport statements and transport assessments) Draft

Policy TR04 (Parking standards) Draft

Strategic Policy OL01 (Landscape features) Draft

Strategic Policy OL02 (National Landscapes (Areas of Outstanding Natural Beauty)) Draft

Policy OL10 (Development on high quality agricultural land) 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 PB09 (Monitoring requirements for new planting scheme) Draft

Policy OS02 (Sport, recreation and open space provision in association with development) Draft

Strategic Policy HE01 (Historic environment) Draft

Policy HE02 (Listed buildings) Draft

Made Budleigh Salterton Neighbourhood Plan (2017-2031) (made 12/10/17)

H1 (Meeting local housing need over the period of the plan)

H2 (Maintaining local character)

H4 (Built-up area boundary)

B1 (Identity of town and seafront)

NE1 (Conservation of the Natural Environment)

NE3 (Conservation of Biodiversity)

NE4 (Maintain Trees and Hedgerows)

### Government Planning Documents

National Planning Policy Framework 2024 (as amended)

## **ANALYSIS**

### Site Location and Description

The application site comprises a single agricultural field, approximately 1.58 hectares in area, located on the north western side of Budleigh Salterton within open countryside outside of, but adjacent to, the edge of the Built-up Area Boundary (BuAB) of the town as defined in the adopted Local Plan.

The site has mature hedgerows and banks around its northern, eastern and western boundaries and slopes from south to north down to a highway frontage with the B3178 to the north, access from which is positioned at the north western corner via a field gateway. The southern boundary is contiguous with the rear boundary of existing residential properties in Hooker Close and is defined by close boarded and post and rail fencing.

It exhibits a tapering configuration with the width at its northern end (where it fronts the B3178) almost double that of the southern end where it borders the rear of the Hooker Close dwellings (approximately 120 metres against 60 metres, respectively).

To the immediate west is the Evans Field housing development, comprising 59 units, whilst a further field of similar area and configuration to the east of the site separates it from Barn Lane.

A footway alongside the B3178 approved as part of the Evans Field development, forming a continuation of an existing footway that extends to the south west before turning into Bedlands Lane, extends as far along the frontage of that scheme as far as the north western corner of the application site.

The site and surrounding area are within the designated East Devon National Landscape (NL) (formerly Area of Outstanding Natural Beauty) which also washes over the entirety of the built-up area of the town. In addition, the site forms part of a larger area of Grade 1 agricultural land that extends around the north western part of the edge of the built-up area.

### Proposed Development

The application seeks full planning permission for a residential development of the site comprising 35 dwellings together with the provision of open space and a SUDS

(Sustainable Urban Drainage) scheme for the management of surface water drainage.

The proposals include a mix of 1-5 bedroom units, comprising flats, detached, semi-detached and terrace dwellings, all designed to meet nationally described space standards. 12 of the units (34.2%) would be affordable, based on a tenure split of 65% Social Rented and 35% Shared Ownership. The balance of the 50% requirement set out in adopted Local Plan Strategy 34 (District Wide Affordable Housing Provision Targets) would be achieved by way of an 'off-site' financial contribution.

The submitted site layout details show the development arranged around a single, essentially centrally positioned spine road extending off the B3178. This is shown initially as a tree-lined street with a 5.5 metre width road carriageway, flanked by 2 metre width footways to either side, with a section of the footway along the western side segregated from the road by a 2 metre wide verge including street trees.

The road carriageway reduces in width to 4.8 metres nearer to the southern site boundary with a single sided footway to the south of a short spur road extending to the east off of the principal spine road.

This would itself terminate in a 'T' junction in front of 3no detached units. At each end of the turning head land would be retained for the inclusion of potential future pedestrian footpaths to Barn Lane (via the neighbouring field to the east of the site) and the end of the spine road serving the Evans Field development to the west.

Areas of informal open space, incorporating tree planting, totalling 370 square metres in area would be laid out on both the northern and southern corners of this junction.

The frontage with the B3178 would be largely landscaped with the nearest dwellings set back from it, a proposed surface water drainage attenuation basin laid out to the east of the spine road and a communal parking area comprising 9no spaces provided for plots 15-19 (2 flats and 3no dwellings) set out to its west with both elements screened by extensive tree planting.

A shared private driveway extending off the spine road immediately to the rear of the attenuation basin would serve plots 1-5, consisting of a terrace of 3no units flanked at each end by detached dwellings. A further shared private driveway would extend north off of the turning head at the end of the proposed spur road and serve plots 13 and 14.

The layout details also include an 'ecology buffer' of, typically, 5 metres width inside the western, southern and eastern site boundaries so as to safeguard the hedging that defines these. This strip of land would be outside of any individual plot areas and would be the responsibility of a management company, along with the central informal open space areas, roadside verges and land safeguarded for the footpath linkages referenced above.

The existing footway alongside the B3178 would be continued along the front of the site as far as the entrance to the proposed spine road so as to provide continuous pedestrian connectivity with Bedlands Lane.

The materiality of the scheme would predominantly consist of white painted render and face brick external wall finishes with slate roofs throughout. This aims to draw mainly upon much of the more traditional 19th century building elsewhere within the town.

Individual dwelling forms and designs would also essentially be simple so as to reflect the traditional character and identity of the town and, to this extent, would incorporate architectural details such as roof chickets, lean-to and gabled fronted porch canopies and bay windows.

In terms of boundary treatments, and so as to retain a rural character to the development, it is proposed that the plot frontages to the main spine road be defined by ornamental hedge planting or left open with low level planting. Elsewhere, close boarded fencing would largely separate individual plots from one another as well as from the proposed 'ecology buffer'. These would be supplemented by a mix of native species hedging, post and wire mesh fencing and low timber bollards. A knee rail would separate the private driveway serving plots 1-5 from the attenuation basin while brick and stone boundary walls, 'hit and miss' fencing, estate railings and timber and metal post and rail fencing would also feature throughout the scheme.

#### Considerations/Assessment

The proposal falls to be considered having regard to the following material issues that are discussed in turn.

#### Principle of Development/Five Year Housing Land Supply

Strategies 1 (Spatial Strategy for Development in East Devon) and 2 (Scale and Distribution of Residential Development) of the adopted East Devon Local Plan set out the scale and distribution of residential development in the District for the period 2013-2031. The main focus is on the West End and the seven main towns. The latter include Budleigh Salterton, which has a BuAB defined in the Plan, as referenced above.

As stated above, the proposal would in this case comprise development outside of the BuAB of Budleigh Salterton as defined in the Local Plan. In policy terms therefore, it would constitute development within the countryside where the provisions of Strategy 7 (Development in the Countryside) of the Plan apply.

These only allow for development where it would be in accordance with specific local or neighbourhood plan policy(ies).

Among these, the provisions of Local Plan Strategy 27 (Development at the Small Towns and Larger Villages) allow for schemes that are promoted either via a neighbourhood plan and/or as 'community led' development (e.g. via community land trusts) justifying how and why, in a local context, the development would promote sustainable development objectives.

Whilst Strategy 27 sets out a number of named settlements, these specific provisions apply to all settlements.

However, the proposal in this case is not 'community led' nor facilitated by any policy contained within the made Budleigh Salterton Neighbourhood Plan (NP).

The site would not therefore provide an appropriate location for the proposed development having regard to the development plan's overall settlement strategy and expectation for such development to be contained within a designated BuAB.

On account of the above, residential development in this location conflicts with the spatial approach to development as expressed within the development plan. This conflict is attributed weight given that protection of the countryside (and more especially the National Landscapes), preventing sporadic development and ensuring suitable growth, are amongst the main objectives of the Local Plan.

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

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

If the Council cannot demonstrate a five-year housing supply when adopting a new local plan, it would conflict with paragraph 78 of the NPPF. Without an adequate supply of housing, an Inspector would likely find such an emerging plan unsound and inconsistent with the requirements of the NPPF.

Appeal decisions over the course of the last couple of years have shown that even if a site is not allocated in the current plan or is outside development boundaries, housing proposals can still nevertheless be considered as 'sustainable development' if there is no identified contextual conflict, they would not unbalance communities and are within reasonable reach of an appropriate level of services and facilities.

East Devon can currently only demonstrate a housing land supply of 3.5 years in line with the revised standard methodology for calculation introduced via the revised NPPF, thereby falling significantly short of the current five-year requirement.

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

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

The Council must boost its supply of market and affordable housing and develop a local plan that ensures the realistic delivery of sufficient homes over the plan period. A robust approach in this regard would mean the adoption of a local plan which both

expresses and reflects the needs of the District, provides the ability to defend unsustainable sites for development at appeal, prevent speculative planning applications afflicting local communities and meet the social elements at a national scale by delivering the right type of housing at the right time. Accordingly, the need to boost the supply of housing is a material consideration that can be attributed great weight given the strategic importance that maintaining a healthy supply of housing means to the Council and its ability to retain control over key planning decisions.

#### The 2024 NPPF as a material consideration

The NPPF is a material consideration in the determination of planning and related applications. Paragraph 11d) states that plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless:
  - the application of policies in (the) Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

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

Paragraph 14 of the NPPF states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.

However, the Budeigh Salterton NP, having been 'made'/adopted in October 2017, has formed part of the development plan for around 8/9 years. Furthermore, the document does not contain policies and allocations that meet the identified housing requirement. It is not therefore considered that it can be argued, on the basis of

NPPF paragraph 14, that any adverse impacts of permitting the development in this case (in conflict with the NP) would significantly and demonstrably outweigh the benefits.

#### Impact upon National Landscape and Presumption in Favour of Sustainable Development

As set out above, the 'tilted balance' applied by NPPF paragraph 11d) is qualified by policies in the Framework that protect areas or assets of particular importance where these provide a strong reason for refusing development.

Among these policies are those that relate to National Landscapes.

Within such areas (as well as areas subject to other landscape designations), paragraph 189 of the NPPF requires that great weight should be given to conserving and enhancing their landscape and scenic beauty and confers upon them the highest status of protection in relation to these issues.

Furthermore all relevant authorities, including local planning authorities, have a statutory duty under section 245 of the Levelling-up and Regeneration Act to seek to further the conservation and enhancement of natural beauty of the area in carrying out their functions.

Paragraph 190 of the NPPF states that, when considering applications for development within these areas, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

For these purposes, whether a proposal is 'major development' is a matter for decision makers, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated.

In this case, the application site is shown as a Housing Allocation in the 'Regulation 19' version of the Draft Emerging East Devon Local Plan 2020-2042, the second draft of which was the subject of public consultation late last year/earlier this year.

The provisions of Strategic Policy SD08 (Development allocations at Budleigh Salterton) reflect this and allocate the site for 35 dwellings.

Its inclusion within the document follows the assessment of sites for allocation carried out by the Council's Strategic Planning Committee in 2024.

The assessment's reasons for allocating the site were summarised as follows:  
'Well related to existing services and facilities in Budleigh Salterton and provides an opportunity for additional homes to meet local needs. Scale of development would be compatible with the local plan strategy for a tier 3 settlement to support development to meet local needs and those in the immediate surrounding area. Although the site is major development in the context of the National Landscape, there are considered to be exceptional circumstances to justify it.'

Sitting behind the Publication draft of the emerging Plan is a topic paper titled 'Major Development in National Landscapes'. It sets out how 'major development' in the context of a National Landscape has been identified and assessed in relation to site allocations.

As is evident from paragraph 190 of the NPPF, referred to above, the identification of 'major development' in a National Landscape in this context is open to interpretation by decision makers to take into account local factors.

The topic paper sets out how the NPPF has been interpreted for the Local Plan in light of the particular characteristics of the National Landscapes within East Devon.

The assessments consider whether development of the allocation sites have the potential to have a serious adverse impact on the natural beauty of a National Landscape by reason of its scale, character or nature. This has been necessary to avoid a situation where an allocation could be undeliverable because it was incapable of meeting the NPPF tests on 'major development'.

However, it does not mean that no further assessment is necessary as part of the development management process because the precise nature of the proposed development will have an impact on planning judgements about the actual impact on a National Landscape.

Where it is concluded that an allocation would constitute 'major development' in the context of a National Landscape, the NPPF (at paragraph 190, as referred to above) requires an assessment of whether there are 'exceptional circumstances' to justify the development 'in the public interest'.

The NPPF sets out three tests to assist such an assessment:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The topic paper also therefore includes this assessment.

In relation to the application site, the principal conclusions are that:

- in terms of setting the site is open and rural, albeit on the edge of the town. However, trees and hedgerows screen the site from the settlement edge to some extent
- the landscape is semi-enclosed with clear views from the settlement edge, to which the site makes a limited positive contribution
- although the landscape forms part of the wider rural setting for the town, its landscape quality is diminished by its relationship with the existing urban edge and a lack of special qualities representative of the NL
- the landscape assessment found the site to have a medium scenic quality
- the adjoining housing and traffic on the adjacent B3178 restrict levels of tranquillity

- development of the site has the potential to affect the setting of the Grade II\* listed Tidwell House, but this impact could be mitigated through careful design and landscaping
- development would not result in a significant adverse impact on the purposes for which the NL has been designated
- the allocation would constitute 'major' having regard to certain specified criteria with development accordingly amounting to 'major development'

The proposal is therefore considered in this instance to constitute 'major development' for the purposes of paragraph 190 of the NPPF.

However, as alluded to above, in such circumstances it is necessary for an 'exceptional circumstances' assessment to be undertaken to justify the need for the development having regard to the wider public interest.

This too is incorporated within the topic paper. Its principal findings/conclusions are as follows:

- in terms of the need for the development, the scale of development is below the level that would be expected through the spatial strategy of the plan
- the percentage increase in the number of homes as a result of the allocation would, at around 1.4%, represent a significantly lower rate of expansion than the other local centres (tier 3 settlements)
- two other Budleigh Salterton sites considered for inclusion in the local plan were discounted due largely to potential impacts upon the NL
- there are therefore no suitable alternative sites identified; all sites in Budleigh Salterton are within the NL
- as such, there would be no cumulative impacts on the NL from other proposed housing allocations
- whilst the landscape is sensitive to change detrimental impacts can be mitigated to some extent
- ecological impacts are minimal and there are no other environmental impacts noted
- there are 'exceptional circumstances' that would justify development in the 'public interest' insofar as the plan strategy to direct local growth to the town and surrounding areas has been reduced in the interests of the NL and there is a lack of alternative sites with less impact upon it

#### Principle of Development - Conclusion

It may be argued that the 'tilted balance' presumption in favour of sustainable development set out at paragraph 11d) of the NPPF is not engaged in this case owing to policies that seek to protect the NL, notwithstanding the Council's lack of the requisite five year supply of available housing land. This depends on whether the harm to the National Landscape is significant, this is discussed later in this report.

However, whilst comprising 'major' development within such an area when considered against NPPF paragraph 189, the site in this case is an allocated site for housing within the emerging Local Plan. Its inclusion within this Plan follows the necessary assessment against the 'exceptional circumstances' test set out in NPPF paragraph 190 having been carried out. This has found that there are exceptional circumstances that justify the allocation (and therefore housing development) and,

moreover, that the development is in the public interest. This is in turn owing to the need to increase housing land supply and, within the Budleigh Salterton context, it being the only allocated site owing to other sites having been found to be unacceptable given the sensitivity of the NL designation that washes over the built-up area of the town as well as its rural setting.

In the circumstances therefore it is considered that the principle of residential development of the site could be acceptable subject to other material planning considerations.

#### Impact upon Character and Appearance of National Landscape

Paragraph 189 of the NPPF confers upon NLs, along with other designated landscape areas, the highest status of protection in relation to the conservation and enhancement of its landscape and scenic beauty and states that great weight should be given to these objectives in the control of development within them.

This is reinforced by the provisions of adopted Local Plan Strategy 46 (Landscape Conservation and Enhancement and AONBs) as well as, more generically, Policy D1 (Design and Local Distinctiveness) which, among other criteria, require that proposals respect the area's key characteristics and special qualities and do not adversely affect important landscape characteristics.

The principal views of the site that are available are those from the B3178 immediately adjacent to the northern boundary and from various points along this road from the north east, including from junctions with both Bear Lane and Kersbrook Lane, for a distance of approximately 600 metres. The aspect from the junction with Kersbrook Lane is just below a point at which the main road ascends through a cutting in a hillside.

From both these more elevated and lower viewpoints, the site is visible on a slope within a wider shallow valley landscape, albeit via views that are filtered owing to the presence of the existing established hedge and tree screening along the roadside (northern), eastern and western boundaries of the site. In addition, the largely shallow gradient of the slope coupled with the angle of view from this section of the B3178 is such that from this aspect towards the development it would appear less intrusive within these views.

The scheme would also be viewed from the B3178 against the backdrop of the neighbouring Evans Field development that occupies more elevated land to the south west slightly further up the slope as well as more established development on the edge of the town at and beyond the localised ridge line to the south.

Views of the site are also available from a section of a public footpath (no. 4) that extends northwards from the B3178 to the west of Tidwell House and Tidwell Barton around 300 metres to the north east.

However, owing to a combination of existing built development, the established boundary tree and hedge screening around the site and the manner in which the

B3178 rises and then falls away to the south west beyond the junction with Bedlands Lane, the site is not readily visible in views upon approach from this direction.

Given the balance of the above factors alongside the site allocation in the emerging Local Plan, which has itself followed application of the 'major development' and 'exceptional circumstances' tests described above, it is not considered that the scheme would fail to conserve the landscape and scenic beauty of this part of the wider NL or, more broadly, mean that the Council has failed to fulfil its statutory duty to 'further the purposes' of NL designation.

The conclusions set out in the applicants' Landscape and Visual Impact Assessment report, which has been reviewed by the Council's Landscape Architect, are largely consistent with the above findings, although there is some disagreement as to both the likely level of impact at year 1 and the level of change up to to year 15 once planting has reached semi-maturity.

Whilst the report categorises these as 'moderate/minor adverse' and 'minor/negligible', respectively, the Landscape Architect considers such effects to be likely to be 'major/moderate' at year 1 reducing to 'moderate' at year 15.

This aside, the findings of the LVIA are broadly accepted.

As such, it is thought overall that the scheme would meet with the policy requirements set out above.

#### Design/Layout/Scale/Appearance

The site layout details have been reviewed closely in liaison with the Council's Landscape Architect and subsequently amended.

Many of the latest changes to some of the boundary treatment recommended by the Landscape Architect have been incorporated within a revised enclosures plan. A site ownership plan, defining the proposed affordable housing, land to be under the control of a management company and adopted and private roads, has also been supplied.

Whilst there remain some outstanding issues in relation to the construction detail of some of the proposed boundary treatment within parts of the scheme, it is considered that these would be capable of being addressed by means of a condition attached to any grant of permission requiring the submission for approval of a scheme of both hard and soft landscaping of the site more widely.

Similarly, it is thought that details as to the inlet and outlet headwalls to the proposed attenuation basin could reasonably be secured in conjunction with the recommended condition requiring the submission for approval of details of the means of surface water drainage (see below).

In all other respects, there are no objections to the general approach taken with regard to the layout, scale, design and appearance of both individual dwellings and unit groups.

Indeed, given the site constraints, not least in relation to its tapering configuration, and the allocation of the site for the number of dwellings proposed, the scheme is thought to respond largely positively. The layout design consciously seeks to provide development of a slightly lower density towards the more elevated southern end of the site so as to reflect its likely more visible presence in future views from the B3178 north east.

The absence of any proposals to provide footway connections from the development to Barn Lane to the east of the site, so as to provide more direct connectivity to the town's primary school, and Hooker Close to the west highlighted by a number of consultees is acknowledged.

However, both would involve third party land, in the form of a portion of the field between the application site and Barn Lane in the case of the former, that is outside of the applicant's control.

Whilst it is recognised that the alternative option available of walking along the B3178 and Bedlands Lane to access the school would be of greater distance and less direct and convenient than any potential route that would connect to Barn Lane, this route does equally incorporate a good level of footway provision.

Furthermore, at around 800 metres between the application site and the school, it would be in line with the recommended walking distances to services and facilities set out in Manual For Streets 2.

Strategic Policy SD08 of the emerging Local Plan requires that "site development will need to come forward with provision of safe footpath access to the Budleigh primary school". However, it is not specific in describing **how** or **where** this should be achieved.

In the circumstances therefore and having regard to the wider planning balance in this case, given the level of connectivity that the existing footway provision along the B3178 and Bedlands Lane described above would provide it is not considered that the explicit failure of the scheme to bring forward pedestrian connections to Barn Lane or Hooker Close should be regarded as weighing against the proposal.

In addition, it is also highlighted again that the submitted layout details include the reservation of land within the site at both ends of the turning head at the end of the spine road for the laying out of footway connections to the adjacent land on both sides of the site.

Notwithstanding the concerns raised, in light of the overall balance of factors that weigh in favour of the proposed development, it is not considered that the absence of these pedestrian connections would represent a sustainable ground upon which to refuse the proposed development of this allocated site.

The scheme would comprise two storey development throughout with all buildings modelled on gabled forms, some with front projecting elements. It would include

12no different house types in total, some with render and brick or stone variations, in addition to the proposed flats. All would feature slate roofs.

As stated above, building forms would be largely devoid of any overt complexity so as to reflect to some extent the town's character and identity with the inclusion of a variety of architectural detailing, including small roof gables that breach eaves, gabled and lean-to porches and front bay windows.

It is considered, in combination, that the variety of house types, mainly open landscaped frontage to the B3178, inclusion of central open spaces, the presentation of predominantly open frontages to the main spine road and its own slightly curved alignment would result in an attractive development that would comply with the provisions of Local Plan Strategy 6 (Development Within Built-up Area Boundaries) and Policy D1 (Design and Local Distinctiveness).

#### Impact upon Neighbour Amenity

It is considered that, in combination, the 'rear to rear' separation distances between plots 20-28 and existing properties in the Evans Field development to the west, at between 25 and 30 metres, and the level, height and robustness of the hedge and tree screening that defines the boundary between them would sufficiently mitigate against any adverse overlooking/privacy impacts arising from this part of the development.

Moreover, it is thought that the same would largely apply in terms of the relationship between plots 29-31 at the southern end of the site and the existing adjacent properties in Hooker Close.

The northern and eastern site boundaries are bordered by the B3178 - with open countryside beyond it to the north - and an open field, respectively.

In the circumstances therefore, it is felt that the proposed development would be acceptable from a neighbour amenity impact standpoint and, as a consequence, compliant with one of the key provisions of Local Plan Policy D1 that requires that development proposals avoid adversely affecting the amenity of occupiers of adjoining residential properties.

#### Amenity for Future Occupiers

As referenced above, all of the proposed units would meet with the respective nationally described space standards for their sizes, number of bedrooms, etc. Furthermore, individual plot sizes are considered to be adequate for the respective sizes and types of accommodation that they would serve. Individual units and unit groups would also be orientated so as to gain the benefit of appropriate levels of natural light.

Overall, given the constraints of the site, not least in relation to its tapering configuration, alongside the allocation for 35 dwellings set out in emerging Local Plan Policy SD08 and the need to incorporate above ground surface water attenuation infrastructure, it is considered that the site layout would be appropriate in

terms of providing a good level of amenity for prospective occupiers of the development.

As previously alluded to, the scheme has undergone the scrutiny of the Council's Landscape Architect with many elements of the detailed layout subsequently amended to address specific issues in relation to matters such as plot sizes and open space provision so as to secure a higher standard of design for the development itself, the wider character of the NL and the living conditions of future occupiers.

As such, the scheme is now considered to meet with other relevant provisions of Local Plan Policy D1 in this regard.

### Highways/Access/Parking

No objections are raised to the proposals by the County Highway Authority (CHA) in regard to the impact of the proposed access arrangements and visibility levels available both from and of vehicles emerging from the development in relation to safety matter nor in relation to the internal scheme layout.

It is accepted that the proposed more centrally positioned access, relative to the existing field entrance at the north western corner of the site, would enable better visibility standards to be achieved; albeit that collision data from the period 2019-2023 shows no record of direct collisions in the vicinity of the existing entrance.

Moreover, there are no objections to the proposed extension of the Evans Field development footway along the site frontage as far as the entrance to the spine road.

Although local representation that has been raised to suggest that it should be extended even further along the site frontage (i.e. to the east of the entrance to the spine road) is recognised, there is not considered to be sufficient justification for this. Moreover, it is not a requirement of the CHA.

Parking layout and refuse storage and collection plans that form part of the application particulars have been reviewed by the CHA. It is accepted that the former satisfactorily demonstrates successful parking manoeuvres and that the development would be unlikely to trigger high levels of on-carriageway parking on the highway network. It is also considered that the latter evidences that the free flow of pedestrians and traffic would not be affected from the storage or collection of refuse from the development.

It has also been highlighted that the submitted surfaces plans shows clear delineation of the private and adoptable highway areas with only sporadic areas of block paving.

A fire vehicle swept path plan also demonstrates that emergency vehicles would be able to successfully manoeuvre around the proposed development.

More widely, there is acceptance that the quantum of development would not create an unacceptable level of vehicle trip generation nor trigger a requirement for the submission of a travel plan or contribution alongside or in lieu.

However, conditions are recommended to ensure the provision of secure cycle storage facilities per dwelling, so as to mitigate vehicle trip generation and encourage sustainable travel, alongside a Construction and Environment Management Plan (CEMP) to help mitigate the effects of construction upon the wider highway network.

The submissions include draft heads of terms for a section 106 agreement that sets out obligations relating, among other things, to a Traffic Regulation Order to extend the existing 30mph speed limit along the B3178 to the north east of the point at which it currently ends.

Whilst not an explicit requirement referenced within the CHA's consultation response, there are obvious safety benefits to this proposal and therefore, subject to the CHA's involvement in the preparation of the relevant obligations, this is supported.

In conclusion, the proposals would satisfy the requirements of Local Plan Policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development).

#### Foul and Surface Water Drainage

It is proposed to discharge foul drainage from the development via an existing mains sewer in the B3178 to the north of the site.

The proposed surface water drainage strategy, as stated above, involves both above and below ground attenuation in the form of the proposed attenuation basin at the front of the site and an attenuation tank, respectively, prior to discharge to a surface water sewer. It is also proposed to provide a swale along the inside of part of the length of the eastern site boundary.

The scheme has been designed to accommodate the 1 in 100 plus 45% climate change event plus 10% urban creep and calculations to demonstrate this have also been provided.

It has been demonstrated to the satisfaction of Devon County Council's Flood Risk Management Group, as Local Lead Flood Authority (LLFA), that rainwater harvesting, as one of the sequentially most preferred options in the hierarchy of means of surface water runoff discharge solutions, would not be feasible for the scale of development proposed.

However, water butts could be considered for each unit.

Furthermore, infiltration testing has demonstrated that discharge to ground (principally via soakaways) would not be feasible either owing to it recording very low rates coupled with the location of the site within a source protection zone.

The proposed attenuated discharge therefore represents the next sequentially preferred means of discharge and is acceptable to the LLFA.

However, there would be an opportunity to also incorporate partial infiltration systems, such as permeable paving with underdrainage, rain gardens or shallow infiltration trenches, that may still offer benefits and should be considered where feasible. Indeed, it is advised that rainwater butts, filter drains and permeable surfaces can be considered at the detailed design stage if required.

A condition is therefore recommended by the LLFA to secure the submission for approval of, among other things, a detailed drainage design based upon the submitted flood risk assessment. It is expected that these measures be incorporated within the required design.

On this basis, it is accepted that the proposals would comply with the provisions of Local Plan Policy EN22 (Surface Run-Off Implications of New Development).

### Ecology and Biodiversity Net Gain

The application is accompanied by an ecological impact assessment (EclA) report together with a biodiversity net gain (BNG) statement, statutory metric and draft Biodiversity Gain Plan and Habitat Management and Monitoring Plan (HMMP) that, along with a Lighting Strategy report, has been reviewed by the Council's Ecologist.

The EclA report sets out both measures for the mitigation of the impacts of the proposed development and ecological enhancement.

The former includes:

- A qualified Ecologist search of the road frontage hedge bank for reptiles, hedgehog and amphibians prior to the removal of the section to form the proposed entrance to the site/spine road
- A scheme for the landscaping of the area surrounding the proposed attenuation pond to include higher value habitats, such as meadow grassland and scrub
- Retention of hedgerows to ensure ongoing management in accordance with the HMMP
- Retention and buffering of all suitable dormouse habitat
- Retention of dark corridors along the western and eastern boundary hedges and implementation of a sensitive lighting scheme
- The incorporation of hedgehog holes within all garden boundaries to create hedgehog highways
- Protection of retained trees and hedgerows during construction

The latter comprises the installation of integrated bird nest and bat boxes and bee/insect bricks on each dwelling

In relation to BNG, the baseline units for the site comprise 3.31 habitat units, 5.10 hedgerow units and 0.00 watercourse units. An indicative BNG assessment suggests that the development is likely to be capable of delivering the requisite 10% net gain on site.

A grant of planning permission would be subject to the statutory Biodiversity Gain Condition as well as the conditions recommended by the Ecologist relating to the

carrying out of the mitigation and enhancement measures set out in the EclA and the provision of a Construction and Ecological Management Plan, Landscape and Ecological Management Plan and HMMP.

#### Impact upon Trees/Hedges

Revisions to the site layout details have been negotiated in order to address issues raised by the Council's Tree Officers in regard to the proximity of plots 23 and 24 to trees on the western site boundary and plot 30 to the protected Oak on the southern boundary.

As a consequence, the proposals are now acceptable from an arboricultural standpoint. However, a condition is recommended to ensure that a scheme for the protection of trees and hedges during the course of the development is submitted for approval and thereafter implemented accordingly. Such a condition would also include other measures for the safeguarding of trees, including the avoidance of burning within proximity of trees and the avoidance of any works within the agreed protective fencing and

Subject to these provisions the development would comply with Policies D2 (Landscape Requirements) and D3 (Trees and Development Sites) of the adopted Local Plan.

#### Affordable Housing

As stated, the scheme would provide 12no units of affordable housing alongside an 'off-site' financial contribution so as to satisfy the Local Plan Strategy 34 requirement for 50% provision.

These would comprise 8no social rented units, in the form of 6no one bedroom flats (plots 9, 10, 11, 12, 15 and 16), 1no two bedroom dwelling (plot 17) and 1no three bedroom dwelling (plot 18), and 4no shared ownership units comprising 1no two bedroom dwelling (plot 20), 2no three bedroom dwellings (plots 21 and 22) and 1no four bedroom dwelling (plot 19).

They would be arranged broadly into two groups; one - of eight units - located along the western side of the spine road near to the entrance to the development off the B3178 with the remaining four dwellings to the north of the spur road extending off the spine road to the east.

It is considered, given the overall quantum of development and the number and proportion of affordable units proposed, that this represents an appropriate level of dispersal ('pepper-potting') throughout the scheme.

The proposed tenure and accommodation mix are acceptable to the Council's Housing Enabling Officer.

The required 'off site' financial contribution would amount to £144,790.

Both the on-site provision and financial contribution would be incorporated within obligations forming part of a section 106 agreement.

### Loss of High Quality Agricultural Land

As stated, the site occupies part of a wider area of the best and most versatile agricultural land (BMV), classified as Grade 1. Paragraph 187 of the NPPF states, among other things, that planning decisions should recognise the wider benefits from natural capital, including the economic and other benefits of BMV agricultural land.

Policy EN13 (Development on High Quality Agricultural Land) of the adopted Local Plan protects BMV from development not associated with agriculture or forestry and states that permission will only be granted for development affecting such land exceptionally if there is an overriding need for the development and either sufficient land of a lower grade is unavailable or has an environmental value recognised by a statutory wildlife, historic, landscape or archaeological designation and outweighs agricultural considerations or the benefits of development justify the loss of high quality agricultural land. If BMV needs to be developed and there is a choice between sites in different grades, land of the lowest grade available must be used except where other sustainability considerations, including nature conservation value, outweigh land quality issues.

For the reasons set out in the preceding paragraphs, it is considered that there are material factors that weigh significantly in favour of allowing development of the site as an exception to these policies of restraint; in particular the overriding need for the development to address housing land supply issues.

### Impact upon Setting of Listed Buildings

The site is located within approximately 300 metres of Tidwell House, a large and locally prominent 18th century Grade II\* listed manor house, to the north east. The adjacent stables, coach houses and gate piers are separately listed Grade II.

It is considered, owing to the topography of the local landscape and the degree of natural screening, that there is very little intervisibility between these buildings and the application site. As such, the direct impact of the proposed development upon the significance of these heritage assets as contributed by their setting would be restricted. The degree of any harm would therefore be less than substantial.

The retention of the present hedge screening and reinforcement with further tree planting would be important in both assimilating the development into the rural landscape and reinforcing the existing rural setting of the listed buildings within the present shallow valley landform that it occupies.

In the circumstances therefore, it is thought that the proposals would comply with the requirements set out in Local Plan Policy EN9 (Development Affecting a Designated Heritage Asset).

### Section 106 agreement obligations

The application submissions include draft heads of terms for a section 106 agreement to secure the following:

- o Affordable housing - on site provision and 'off site' financial contribution

- o Traffic Regulation Order to relocate the speed limit
- o Travel Plan
- o On site open space implementation and management
- o Sustainable Urban Drainage system implementation and management
- o Habitat Regulations financial contribution

### Planning Balance

The site lies outside of the Built-Up Area Boundary of the town as defined in the adopted Local Plan and made Budleigh Salterton Neighbourhood Plan, resulting in a clear conflict with the spatial strategy of both plans. However, the site is identified as an allocation within the latest Regulation 19 draft of the emerging Local Plan, albeit, while indicative of the Council's intended direction of growth of the town, this currently carries limited weight due to its still comparatively early stage in the process towards adoption.

However, the current inability to demonstrate a five-year housing land supply is a significant material consideration and, under paragraph 11 of the National Planning Policy Framework (NPPF), notwithstanding the relevance of policies that seek to protect areas such as NLs that can mean that it need not be applied, there is a presumption in favour of sustainable development in such circumstances.

Paragraph 190 of the NPPF is also material to consideration of both the application proposal and the allocation of the site for housing development in this instance. Whilst presuming against 'major' development within NLs (and other designated landscape areas) it does allow for such development in 'exceptional circumstances' and where it can be demonstrated that it is in the public interest.

Although the Council's assessment categorises the proposal as 'major' development in this case, in applying the 'exceptional circumstances' test it has been found that the lack of availability of suitable alternative sites for housing development with less impact upon the NL and the plan's strategy of directing growth to the town (at a markedly lower rate of expansion in comparison with other 'Tier 3' service centres) justify the allocation.

Whilst the development would extend the settlement into open countryside and result in some harm to the landscape character of the NL, these impacts are considered likely to be moderate and capable of mitigation through the safeguarding of existing boundary hedges and trees and appropriate site landscaping.

As the impacts are not significant the tilted balance in favour of sustainable development is applicable.

It is therefore considered that the principle of residential development of the site would be acceptable in this case. The proposal would deliver a meaningful contribution to housing supply, including affordable housing through a combination of on-site provision and off-site financial contributions. It would also generate economic benefits during the construction phase and longer-term social benefits through the provision of the market and affordable housing. In addition, the scheme would

incorporate sustainability measures such as biodiversity enhancements, aligning with national and local policy objectives.

In addition, there are no other significant contextual objections to the proposed development or technical issues that would outweigh the fundamental acceptance of the principle of development.

In combination, these factors are thought to carry considerable weight in favour of the proposal in the overall planning balance.

#### Habitat Regulations Appropriate Assessment

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

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

The draft heads of terms submitted within this application makes clear that such contributions would be the subject of obligations for inclusion within the proposed section 106 agreement.

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, it can be concluded that this proposal would not give rise to Likely Significant Effects.

## **RECOMMENDATIONS**

1. That the Habitat Regulations Appropriate Assessment be adopted.
2. That the application be APPROVED subject to completion of a Section 106 Agreement and the following conditions:

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. No development shall commence until the following has been submitted to and approved in writing by the Local Planning Authority:
  - (a) A detailed drainage design based upon the approved Land at Barn Lane, Knowle, Budleigh Salterton Flood Risk Assessment (Report Ref. 2043-C-FRA-0001, Rev. P7, dated 21st January 2026).
  - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
  - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - (d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above in so far as they serve that building.

(Reason - To ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The condition should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign/unnecessary delays during construction when site layout is fixed in accordance with Policy EN22 (Surface Run-Off Implications of New Development) of the adopted East Devon Local Plan (2013-2031).

4. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a scheme for the protection of the retained trees, hedges and shrubs shall be produced in accordance with the principles embodied in BS5837 :2012, which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, [including trees which are the subject of a Tree Preservation Order currently in force], shall be submitted to and approved in writing by the Local Planning Authority. No

development or other operations shall take place except in complete accordance with the approved protection scheme.

The following restrictions shall also be strictly observed:

- a) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.
- b) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.
- c) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.
- d) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
- e) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
- f) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason - To ensure retention and protection of trees on the site prior to and during construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the adopted East Devon Local Plan 2013-2031). This needs to be a pre-commencement condition to ensure tree protection from the outset of development.

5. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;

- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8.00am and 6.00pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

(Reason - A pre-commencement condition is required to ensure that adequate facilities are available for construction and other traffic attracted to the site in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)

6. No development shall continue above slab level until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and no dwelling shall be occupied until the approved storage facilities related to that dwelling have been provided.

(Reason - In the interest of promoting sustainable travel in accordance with Policy TC4 (Footpaths, Bridleways and Cycleways) of the adopted East Devon Local Plan 2013- 2031.)

7. The development shall be carried out in strict accordance with the Ecological Impact Assessment (GE Consulting, January 2026), in particular the ecological mitigation and enhancement measures detailed in Section 5.3, Section 8 and Figure 3. The development shall not be first occupied until the Local Planning Authority has been provided with a compliance report by a qualified ecologist, including photographs and completed toolbox talk sheets, detailing that all ecological mitigation and enhancement features, including:
  - a) integrated bat boxes - 35 no.
  - b) bird boxes - 35 no.

- c) insect bricks - 1 per dwelling
  - d) hedgehog highways - 13 cm<sup>2</sup> holes at the base of fencing every 5 m intervals
- have been installed/constructed, and compliance with any protected species licences, and ecological method statements in accordance with details within the submitted HMMP/LEMP and CEcoMP.

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

8. No external lighting shall be installed unless in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. Any lighting design shall be fully in accordance with BCT/ILP Guidance Note 08/2023 to include the following:
- a) Maximum of one external LED downlighter above or beside each external door and below eaves height;
  - b) Colour Corrected Temperature not exceeding 2700K;
  - c) Every such light shall be directed downwards with a 0-degree tilt angle and 0% upward light ratio; and
  - d) Every such light shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute.

(Reason - To ensure that the development has no adverse effect on protected and notable species in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013-2031.)

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:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication, including reporting compliance of actions to the LPA.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements.
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved 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 that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures further to a pre-construction risk evaluation of potentially damaging construction activities and the agreement of appropriate management measures, where necessary, in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013-2031.)

10. A combined Habitat Management and Monitoring Plan (HMMP) and Landscape and Ecological Management Plan (LEMP) for a minimum 30-year period following completion of the development shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development.

The Plan shall be prepared in accordance with the submitted Ecological Impact Assessment (GE Consulting, January 2026), the approved Biodiversity Gain Plan, and the approved landscape plans and associated details and shall include the following:

a) Details of the body or organization responsible for implementation of the plan accompanied by a site plan showing areas to be adopted; maintained by management company or other defined body; and areas to be privately owned/maintained.

b) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ bodies responsible for its delivery.

c) A 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.

d) The planned habitat creation works to create and/or enhance habitat to achieve the biodiversity gain in accordance with the approved Biodiversity Gain Plan.

e) The management measures to maintain created and retained habitats in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development.

f) Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period). in relation to:

i. Existing trees and hedgerows/banks.

ii. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.

g) The number, location and design of integral bat boxes, integral bird boxes, bee bricks, and hedgehog holes.

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

i) The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

j) 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.

k) The Plan shall also set out (where the results from monitoring show that its conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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

Notice in writing, in the form of a verification report completed by a competent ecologist or landscape architect, shall be given to the Council when the habitat creation and enhancement works as set out in the HMMP have been established to define the completion of development and the start of the 30-year maintenance and monitoring period.

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

(Reason - 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 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.) This needs to be a pre-commencement condition to ensure that the necessary survey work can take place before the land is disturbed and to ensure any necessary environmental protections are in place from the outset.

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

Supplementary Planning Document. The following points shall be addressed in the statement:

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

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

(Reason - To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. A pre-commencement condition is required to ensure that all waste material is dealt with in a sustainable way from the outset of the development, including any ground works, demolition, construction and operation.)

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

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the development and the surrounding area, which is designated a National Landscape, in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and D3 (Trees and Development Sites) of the adopted East Devon Local Plan (2013-2031).)

13. No development above foundation level shall take place until details of fencing, walling or other boundary treatment between plots, and between plots and adjacent areas of open space, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in

accordance with the approved details with the boundary treatment installed prior to occupation of the dwelling to which it relates.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the development and the surrounding area, which is designated a National Landscape, in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the adopted East Devon Local Plan 2013-2031.)

14. Notwithstanding the submitted details no development above foundation level shall take place until a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the development and the surrounding area, which is designated a National Landscape, in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

15. No individual dwelling shall be occupied until the bin storage facilities for that dwelling have been provided in accordance with the details shown on the approved plans. The approved facilities shall thereafter be retained in perpetuity.

(Reason - In the interests of ensuring that adequate provision is made for the storage of recycling and refuse within the development in accordance with policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

16. No development shall be commenced until details of final finished floor levels and finished ground levels in relation to a fixed datum have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - A pre-commencement condition is required to ensure that adequate details of levels are available and considered at an early stage in the interests of the character and appearance of the development and surrounding area, which is designated a National Landscape, in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no

gates, fences, walls or other means of enclosure shall be provided unless approved as part of this planning permission.

(Reason: To protect the character and appearance of the site in accordance with Policy D1 of the East Devon Local Plan.

## 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

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/guidance/submit-a-biodiversity-gain-plan)

### Plans relating to this application:

1788-470 birchwood	A	: Proposed Plans	Combined	05.01.26
1788-471 birchwood render	A	: Proposed Elevation		05.01.26
1788-461 alderwood	C	: Proposed Elevation		05.01.26
1788-460 alderwood	A	: Proposed Plans	Combined	05.01.26
1788-451 4B7P	G	: Proposed Elevation		05.01.26
1788-441 3B5P	G	: Proposed Elevation		05.01.26
1788-450 4B7P	F	: Proposed Plans	Combined	05.01.26
1788-440 3B5P	F	: Proposed Plans	Combined	05.01.26
1788-430	F	: Proposed	Combined	05.01.26

2B4P		Plans	
1788-431 2B4P	G	: Proposed Elevation	05.01.26
1788-421 chinley B	G	: Proposed Elevation	05.01.26
1788-420 chinley B	F	: Proposed Combined Plans	05.01.26
1788-412 chinley A	A	: Proposed Elevation	05.01.26
1788-411 chinley A brick	G	: Proposed Elevation	05.01.26
1788-410 chinley A	F	: Proposed Combined Plans	05.01.26
1788-382 peakridge render	G	: Proposed Elevation	05.01.26
1788-381 peakridge brick	H	: Proposed Elevation	05.01.26
1788-380 peakridge	G	: Proposed Combined Plans	05.01.26
1788-371 willowcrest brick	G	: Proposed Elevation	05.01.26
1788-370 willowcrest	F	: Proposed Combined Plans	05.01.26
1788-362 elmhurst render	G	: Proposed Elevation	05.01.26
1788-361 elmhurst brick	G	: Proposed Elevation	05.01.26
1788-360 elmhurst	F	: Proposed Combined Plans	05.01.26
1788-353 foxglove stone	A	: Proposed Elevation	05.01.26
1788-351 foxglove combination	H	: Proposed Elevation	05.01.26

1788-350 foxglove	G	:	Proposed Plans	Combined	05.01.26
1788-343 meadowvale stone	A	:	Proposed Elevation		05.01.26
1788-340 meadowvale	F	:	Proposed Plans	Combined	05.01.26
1788-332 coppice render	G	:	Proposed Elevation		05.01.26
1788-330 coppice	F	:	Proposed Plans	Combined	05.01.26
1788-321 parkland brick	H	:	Proposed Elevation		05.01.26
1788-322 parkland render	J	:	Proposed Elevation		05.01.26
1788-320 parkland	H	:	Proposed Plans	Combined	05.01.26
1788-312 beckfold render	G	:	Proposed Elevation		05.01.26
1788-311 beckford brick	G	:	Proposed Elevation		05.01.26
1788-310 beckfold	F	:	Proposed Plans	Combined	05.01.26
2043_0720 surfacing specification layout	P7	:	Layout		05.01.26
2043_0700 highways engineering layout sheet 1	P7	:	Layout		05.01.26
2043_0600 external works	P9	:	Other Plans		05.01.26
1788_PL107 refuse collection	M	:	Other Plans		05.01.26

1788_PL106 M : Other Plans parking	05.01.26
1788_PL103 N : Other Plans materials	05.01.26
1788_PL105 M : Other Plans surfaces	05.01.26
1788_PL102 Q Proposed Site Plan	05.01.26
2043-0520 P3 : Sections attenuation sheet 1	05.01.26
2043-0521 P2 : Sections attenuation sheet 2	05.01.26
2043-0522 P1 : Sections attenuation sheet 3	05.01.26
LB579_D01 E : Landscaping soft sheet 1 of 4	05.01.26
LB579_D01 E : Landscaping soft sheet 2 of 4	05.01.26
LB579_D01 E : Landscaping soft sheet 3 of 4	05.01.26
LB579_D01 E : Landscaping soft sheet 4 of 4	05.01.26
1788-PL01 E Location Plan	03.09.25

#### List of Background Papers

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

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

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on

Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

**Equality Act:**

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