

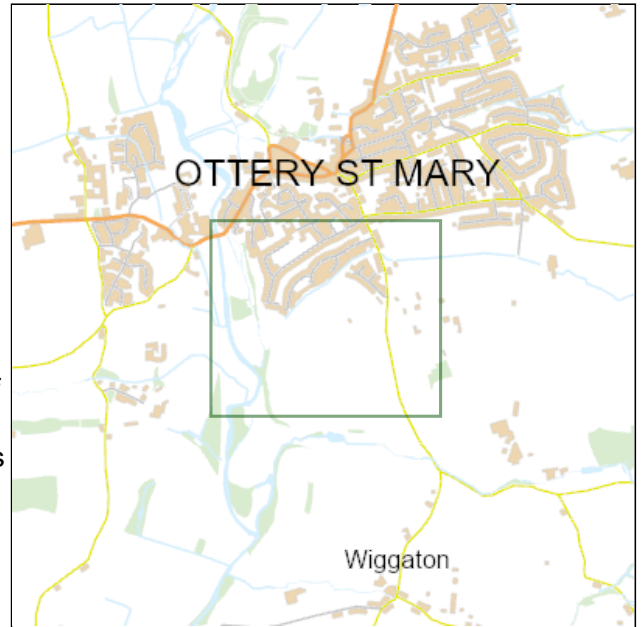
Ward Ottery St Mary

Reference 25/2468/MOUT

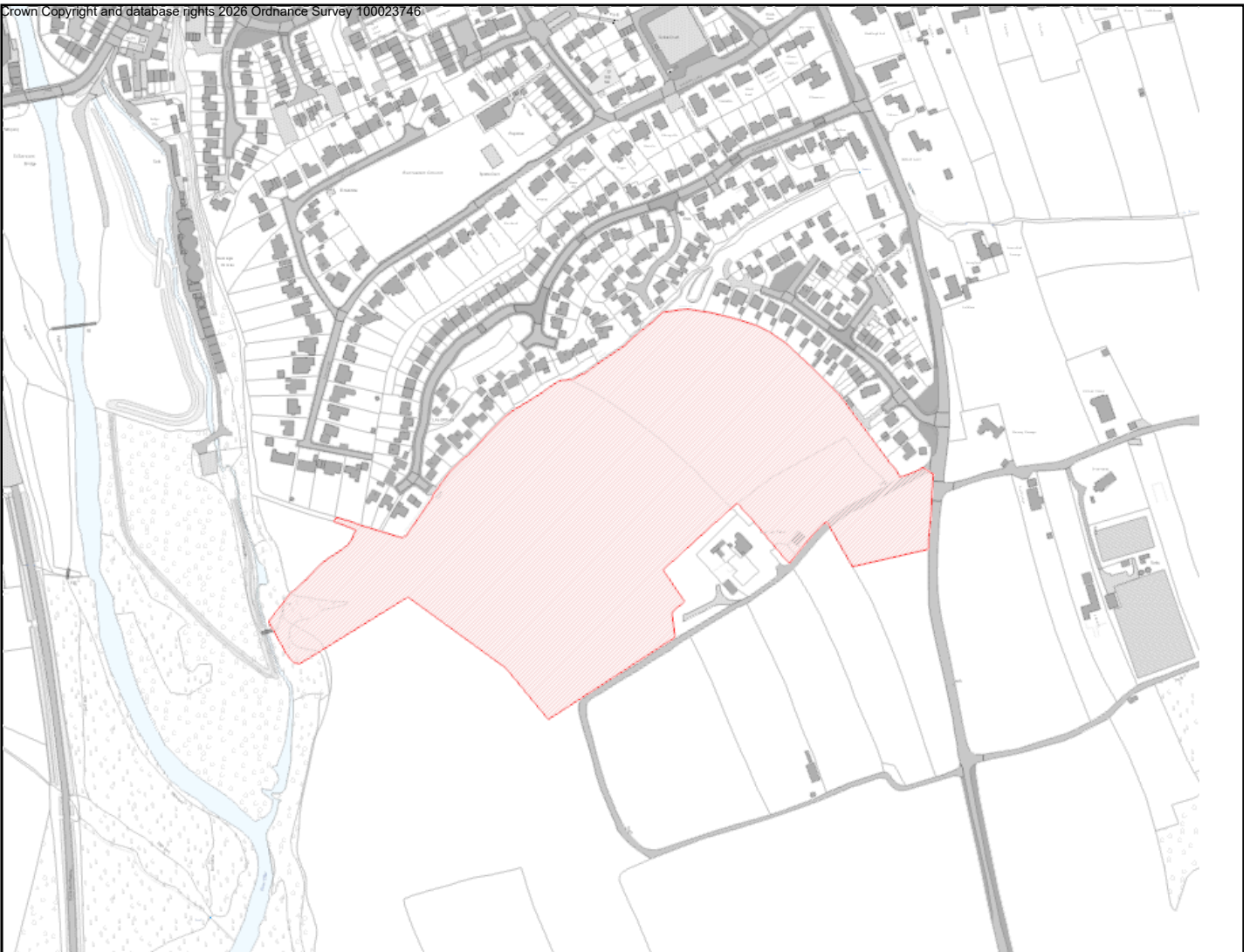
Applicant Landra Developments Ltd

Location Land Adjacent To Gerway Nurseries Gerway Close Ottery St Mary

Proposal Outline application (with all matters reserved except for access from Sidmouth Road) for the demolition of a farm building and the erection of up to 140 residential dwellings (Class C3) with associated infrastructure and engineering works including landscaping, open space, surface water drainage and internal roads/footpaths/cycleways.



RECOMMENDATION: Approval with conditions, subject to the completion of a s106 and adoption of an Appropriate Assessment



		Committee Date: 12.05.2026
Ottery St Mary (Ottery St Mary)	25/2468/MOUT	Target Date: 03.03.2026
Applicant:	Landra Developments Ltd	
Location:	Land Adjacent To Gerway Nurseries Gerway Close	
Proposal:	Outline application (with all matters reserved except for access from Sidmouth Road) for the demolition of a farm building and the erection of up to 140 residential dwellings (Class C3) with associated infrastructure and engineering works including landscaping, open space, surface water drainage and internal roads/footpaths/cycleways.	

RECOMMENDATION: Approval with conditions, subject to the completion of a s106 and adoption of an Appropriate Assessment

EXECUTIVE SUMMARY

This application is before Members because it represents a departure from the adopted Local Plan and a contrary view has been expressed by the Ward Member and Parish Council.

The proposal seeks outline planning permission for up to 140 dwellings on around 7 hectares of agricultural land on the southern edge of Ottery St Mary. The site lies outside the Built-Up Area Boundary and is largely Grade 2 and 3a Best and Most Versatile agricultural land. All matters are reserved except access from Sidmouth Road.

The Council is currently unable to demonstrate a five-year housing land supply, with provision standing at 3.5 years against an annual requirement of 1,168 dwellings. As a result, the tilted balance in paragraph 11(d) of the NPPF applies, creating a strong presumption in favour of development unless the adverse impacts would significantly and demonstrably outweigh the benefits. Part of the eastern section of the site, approximately 2.37 hectares, is identified as draft allocation Otry_21 in the emerging Local Plan for around 70 dwellings, whereas the current proposal extends over a wider area at double that scale. The western part of the site was previously rejected through the Council's site selection process due to landscape and countryside impacts. The emerging Local Plan is at Regulation 19 stage and therefore attracts limited weight. The proposal also conflicts with the Ottery St Mary Neighbourhood Plan, although its age means that conflict alone cannot outweigh the benefits of housing delivery.

The scheme would deliver up to 140 new homes, including 56 affordable dwellings, in our district which has a significant housing shortfall. This represents a substantial social benefit. Additional benefits include short-term construction employment and economic activity, along with secured contributions toward sustainable transport, public rights of way enhancements, ecological mitigation and archaeological investigation. The Lead Local Flood Authority does not object to the drainage strategy.

The main concerns relate to the scale of development extending beyond land identified as suitable in the site assessment, particularly into areas previously rejected for landscape reasons. The Council's Landscape Architect maintains a holding objection, citing the extent of western expansion and limited pedestrian and cycle connectivity to the town centre. Officers have identified failure of the sequential test, although recent case law indicates this is not determinative and can be weighed in the planning balance. The absence of employment land, contrary to Strategy 31, carries reduced weight in light of recent permissions elsewhere, and the proposal would result in the loss of Best and Most Versatile Agricultural Land. A total of 588 objections have been received at the time of writing, focused mainly on traffic, wastewater capacity, landscape impact, density and infrastructure pressure.

Technical consultees raise no objections subject to conditions, with Devon County Council Highways satisfied on access and network capacity, South West Water and the Environment Agency content subject to safeguards, ecological impacts capable of mitigation, and heritage concerns resolved following submission of an agreed Written Scheme of Investigation.

Overall, the planning balance is finely balanced, but in light of the severe housing land supply shortfall and the substantial benefits of delivering 140 homes, including a significant proportion of affordable housing, the identified harms are not considered to significantly and demonstrably outweigh those benefits when assessed against the NPPF as a whole. A resolution of approval is therefore recommended, subject to completion of a Section 106 agreement and adoption of an Appropriate Assessment, with detailed matters to be addressed at reserved matters stage.

CONSULTATIONS

Local Consultations

Ward Member: Councillor Vicky Johns (Ottery St Mary)

I object to this application for the below reasons;

1. The site lies outside the built up area boundaries and so sits within open countryside.

The land is Grade 2 and 3a agricultural land, which should be protected not built over, once built over the land is lost for good.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the adopted development plan unless material considerations indicate otherwise. In this case, no such considerations exist.

The proposal is in direct conflict with:

- * The National Planning Policy Framework (NPPF);
- * The adopted East Devon Local Plan 2013–2031;
- * The Ottery St Mary Neighbourhood Plan 2017–2031.

I'm aware the above plans are towards the end of their dates but they still carry clout and due to the amount of work and time that goes into these plans they should not be ignored or overridden.

2. Unsustainable Location and Transport Harm

The proposed development can only be accessed via Sidmouth Road, which is an unclassified and route already subject to excessive traffic volumes, speeding, congestion, and highway safety issues, particularly at Tip Hill, Longdogs Lane and Winters Lane.

The application fails to demonstrate:

- * Safe and suitable access in accordance with NPPF paragraphs 115–116;
- * That residual cumulative impacts on the road network would not be severe;
- * Any realistic or deliverable modal shift away from private car use.

The assumption that if these houses were built the residents would walk and use local transport can not be upheld due to the fact that the access to this area is already highly congested, particularly during school runs. Having used this road myself on a weekly basis I'm aware of how narrow it is, without the possibility of widening it for pedestrian footway, at the top of the road is a four way cross way with a narrow turning to the right to the locals primary school. Additional housing at this site would cause even more congestion at peak times.

3. Inadequate Infrastructure and Sewerage Capacity

The proposal is fundamentally constrained by infrastructure deficits that the application fails to resolve.

The East Devon Water Cycle Study (2025) and South West Water's Strategic Drainage and Wastewater Management Plan confirm:

- * No capacity for residential growth in Ottery St Mary without major upgrades;
- * That Fluxton WwTW and associated pumping stations are already operating at or above capacity;
- * That storm overflows serving the site significantly exceed permitted spill rates.

The proposal would worsen nutrient loading, pollution, and flood risk within the River Otter catchment, contrary to Local Plan policies EN18, EN19, AR02 and the Habitats Regulations.

A Grampian condition would be inappropriate where there is no certainty that capacity will be delivered within the lifetime of any permission.

Varies councils are refusing development unless the developers and water authorities can show they have the means and willingness to update the sewage systems, SWW have already stated they don't intend to do any upgrades in the Ottery area for the time being.

4. Flood Risk, Drainage and Water Pollution

The site drains directly toward the River Otter via infiltration and overland flow. The application fails to adequately address:

- * Future flood risk under climate change scenarios;
- * Cumulative impacts on downstream flooding;
- * Pollution from surface water runoff entering a failing river system.

Development in this location would increase flood risk elsewhere and harm water quality, contrary to NPPF paragraphs 170–174 and Local Plan policies EN22 and AR02.

5. Landscape, Heritage and Countryside Harm

The development would cause unacceptable harm to:

- * Valued rural landscape character;
- * Protected views from the Scheduled Monument at Belbury Castle;
- * The setting and identity of Ottery St Mary;
- * The open countryside protected by both Local Plan and Neighbourhood Plan policy.

The Landscape and Visual Impact Assessment is flawed, relies on unagreed viewpoints, and understates the magnitude of visual harm, particularly from the eastern boundary and wider Otter Valley. EDDC has called a climate emergency so I don't see how building on prime green fields is assisting in this, once the land is built over that is it.

6. Biodiversity, Ecology and Habitats

The application fails to adequately assess and mitigate impacts on:

- * Protected bat species and flight corridors;
- * Beaver activity within close proximity to the site;
- * Birds of prey and other priority species;
- * Species-rich hedgerows and mature trees.

The proposal offers only the national minimum 10% Biodiversity Net Gain, contrary to East Devon's stated 20% ambition, and fails to demonstrate that ecological harm can be avoided or adequately mitigated.

7. Density, Amenity and Residential Harm

At approximately 38 dwellings per hectare, the proposal is wholly out of character with surrounding development (approximately 23 dph). The scale and density would result in:

- * Loss of privacy and overlooking;
- * Visual dominance over neighbouring homes;
- * Failure to respect local character and settlement pattern.

8. Lack of Housing Need and Community Support

There is no demonstrated local housing need that requires development in this location. Ottery St Mary has already accommodated significant growth and lacks the infrastructure to support further expansion.

Community engagement has been superficial, and the application fails to respond meaningfully to infrastructure, traffic, education, healthcare, and environmental concerns raised by residents. In fact EDDC own reports, on other sites, have reflected the need for more affordable smaller houses in Ottery not more large scale development for larger properties which cannot be afforded or are not required by residents.

Conclusion

The proposed development at Gerway Farm represents unsustainable development in the wrong location, forcing vehicles to access Ottery through narrow roads and through the town itself. Builders vehicles would also have to access the site via the town, as the other way is even narrower causing congestion in an already busy town. It conflicts with the adopted development plan, exacerbates existing infrastructure and environmental failures, and would result in serious and irreversible harm to landscape, ecology, water quality, highway safety, and residential amenity.

The UK planning concept from the NPPF that shifts the default to approving development when a local authority's plans are out-of-date or they lack a 5-year housing supply, meaning permission should be granted unless adverse impacts significantly and demonstrably outweigh the benefits, tilting the scales towards development approval. When assessed against the development plan and the NPPF as a whole, the adverse impacts of this proposal significantly and demonstrably outweigh any purported benefits.

I understand development needs to happen but it should be the right homes in the right area and not just homes forced into an area which is neither appropriate or acceptable. I feel this application should be refused on all of the above reasons but also on over-intensification of Ottery St Mary, harm to its character and protection of distinctive open character of that site. These are my views with the information I have in front of me and I retain the right to change my view if further information comes to light.

Devon County Councillor for the Otter Valley - Cllr J Bailey — Objection

As the Devon County Councillor for the Otter Valley, I wish to register my very strong OBJECTION to application 25/2468/MOUT, which seeks outline permission for up to 140 houses at Gerway Farm, Sidmouth Road, Ottery St Mary.

My objection is based on the following grounds:

1. Unsafe and unsuitable access, with severe residual impacts on highway safety
 2. Adverse impacts on Public Rights of Way
 3. Insufficient assessment of ecological impacts and protected species
 4. Inadequate arboricultural information and unjustified harm to trees
 5. Failure to adequately address flood risk and drainage
 6. A fragmented, siloed approach which fails to assess cumulative and interrelated impacts
1. Unsafe and unsuitable access and severe highway safety impacts

The proposed vehicular access raises serious and unresolved highway safety concerns. The access is proposed onto Sidmouth Road at a point subject to the national speed limit, reducing to 20mph to the north of the junction. Despite this, the access design relies on Manual for Streets visibility standards appropriate to a 30mph environment. The Transport Assessment does not demonstrate how vehicle speeds would be reliably or permanently reduced at the access point, creating an unacceptable risk to highway safety.

I am concerned that the speed survey data records 85th percentile speeds in excess of 34mph, yet stopping sight distances are not tested for higher-end speeds or adverse conditions such as wet weather or low light.

The development would generate over 50 vehicle movements in each peak hour, yet relies on a simple priority junction and the assessment focuses on theoretical capacity rather than turning conflicts, queuing or collision risk.

Pedestrian safety is also inadequately addressed and is a major concern for me as the Devon County Councillor. The Transport Assessment states at para 2.2.10 a public right of way footpath connects the site to Sidmouth Road a short distance south of Gerway Close, with onward footways to Sidmouth Road. It makes no reference to the provision of additional footway. Within the very same Transport Assessment at para 3.2.3 it is claimed that it is intended to provide a new footway within the verge on the western part of Sidmouth Road. However, no plans have been submitted. Also, pedestrian safety via the proposed new access to the south has not been addressed.

In addition, the Transport Assessment identifies a 55-metre section of Longdogs Lane with no footway on a primary school route and footways on Tip Hill that fall well below accepted minimum widths. Despite this, mitigation is deferred. This is

completely unacceptable given the expected increase in the numbers of school-age children. Devon County Council estimate in their consultation response on 9th January that the increase in pupil numbers arising from the development to be 35 primary school children and 21 secondary school children.

Reliance on future bus service enhancements is aspirational rather than secured, and there does not appear to be a Construction Traffic Management Plan submitted as part of the application.

2. Public Rights of Way

The site is crossed by and connected to public rights of way. These routes are relied upon by the Applicant to demonstrate accessibility, yet their capacity, safety and amenity under intensified use are not assessed.

The public rights of way provide an invaluable recreational amenity and their character is consistent with those of rural footpaths - being steep and muddy. They are not however suitable for providing daily access to the Kings School and the hospital as the Applicant claims.

I am also concerned that the very substantial quantum of residential development will cause significant harm to the rural nature and ambience of the footpaths.

3. Ecology

The Ecological Assessment confirms extensive bat activity, including European Protected Species, and identifies the importance of hedgerows and woodland edges linking to the River Otter corridor.

However, impacts are downplayed and mitigation is deferred to later stages. The likely presence of Dormouse and potential licensing requirements are acknowledged without demonstrating deliverability. Claims of Biodiversity Net Gain rely on future layouts and management arrangements that are not secured.

4. Trees and arboriculture

It is shocking to me that there has been so little arboricultural information submitted particularly given the scale of the development.

The arboricultural information is limited to a tree survey schedule and tree impacts plan. It is completely unacceptable that an Arboricultural Impact Assessment has been submitted in accordance with BS5837:2012. Impacts on Category A and B trees and hedgerows are not justified, and incursions into root protection areas are not assessed in terms of severity or long-term viability. These issues cannot reasonably be left to reserved matters.

5. Flood risk and drainage

The Flood Risk Assessment confirms that parts of the site lie within Flood Zones 2 and 3. While housing is proposed within Flood Zone 1, higher-risk areas are relied upon for flood storage and attenuation without robust evidence that floodplain function would be preserved. The Sequential Test is asserted rather than demonstrated, and the drainage strategy relies heavily on infiltration despite acknowledged uncertainty. Key elements are deferred to later stages which is unacceptable.

6. Fragmented and siloed assessment

A consistent concern that I have is that highways, PRow, ecology, trees and flood risk are treated in isolation. Their interaction and cumulative effects are not assessed, and mitigation is repeatedly deferred despite access and site constraints being fixed. This fragmented approach prevents a clear understanding of whether the development would function safely or sustainably as a whole.

CONCLUSION

For the reasons set out above I am strongly of the view that this application should be REFUSED.

Ottery St Mary Town Council

Five members of public spoke to object. One represented the Gerway Farm Action Group and one represented National Landscapes. They raised concerns around a large number of areas to include access, traffic arrangements, noise and visual impact, loss of agricultural land, risk of flood, concerns regarding waste water management.

Town Council comments;

The Town Council strongly object to this proposal, which represents the wrong development in the wrong location.

The development would create significant highway and pedestrian safety concerns. Substantial infrastructure improvements would be required to make the site safely accessible.

The proposed pedestrian access is unrealistic; residents are likely to walk along the existing largely unpaved and unsuitable road, creating safety risks. The majority of traffic is expected to travel towards Exeter and Honiton, increasing congestion by routing additional vehicles through the already busy town centre.

The site lies outside the Built Up Area Boundary, within open countryside, making it an unsustainable location. This is in contradiction to the Neighbourhood Plan.

The site is approximately 4 miles from the nearest railway station, resulting in heavy reliance on private car use. Access to the station is again through the town centre.

There is a lack of supporting infrastructure to accommodate a development of this scale.

Fluxton Sewage Works is believed to be operating at capacity, and no adequate solution has been demonstrated to manage additional wastewater.

Phosphate levels in the catchment area are already high, with insufficient mitigation proposed.

The development would lead to the permanent loss of valuable agricultural land.

The type and mix of housing are currently unknown, preventing assessment of whether the proposal meets the town's housing needs.

The proposal conflicts with the National Planning Policy Framework and relevant local planning policies.

Access to the nearest arterial road, the A30 dual carriageway at Daisymount, being nearly 3 miles away and again through the town.

Technical Consultations

Devon County Archaeologist (DCC Historic Environment Team)

(Ref: ARCH/DM/ED/42171a — initial response)

The Devon County Archaeologist objects to the application on archaeological grounds, noting that the proposed development site lies within a landscape with documented prehistoric settlement and funerary activity. The geophysical survey submitted with the application identified numerous anomalies likely to represent a Romano-British farmstead within a ditched enclosure, associated field boundaries, and possible prehistoric funerary features. However, without intrusive archaeological field evaluation, the information submitted is insufficient to enable an understanding of the significance of the heritage assets or the impact of the development upon them.

In the absence of this information, the response recommends refusal unless a programme of intrusive evaluation is undertaken, sampling at least 3% of the area affected by the development and testing all geophysical anomalies as well as apparently blank areas. The results should enable an informed planning decision to be made in accordance with Local Plan Policies EN7 and EN8 and paragraphs 207 and 208 of the NPPF (2024). The Historic Environment Team advises it can provide guidance on the required scope of work and details of contractors.

DCC Historic Environment Officer (Updated Response)

(Ref: ARCH/DM/ED/42171c — post March 2026, following submission of WSI)

Following submission of the Written Scheme of Investigation (WSI) prepared by Isca Archaeology (ref: R01-0132-4 V 1.2, dated 13 March 2026), the Historic Environment Officer confirms that the WSI is acceptable as a methodology for understanding the significance of archaeological heritage assets within the application area. Subject to formal submission of the WSI to the LPA, the Historic Environment Team withdraws its previous objection and instead recommends two conditions be attached to any consent.

The first condition (Archaeological Condition 1) requires that the development be carried out at all times in accordance with the approved WSI, to ensure an appropriate record is made of any archaeological evidence affected by the development in accordance with Local Plan Policy EN6 and paragraph 218 of the NPPF (2024). The second condition (Archaeological Condition 2) requires that the development not be occupied until post-investigation assessment has been completed in accordance with the WSI and that provision for analysis, publication, dissemination and archive deposition has been confirmed in writing. This is to

comply with paragraph 218 of the NPPF (2024), which requires the developer to record and advance understanding of the significance of heritage assets and to ensure information becomes publicly accessible.

Devon County Council — Education

Date: 9 January 2026

Devon County Council's Education Department has assessed the application against its Education Infrastructure Plan 2016–2033. A development of 140 family-type dwellings is forecast to generate approximately 35 additional primary pupils and 21 secondary pupils. Taking into account approved but unimplemented housing developments and outstanding local plan allocations, DCC has identified sufficient spare primary and secondary school capacity to accommodate the pupil numbers expected from this development. On that basis, no financial contribution towards primary or secondary education will be sought in connection with this development.

South West Water

Preliminary response; full response ref VV14/01/26 (14 January 2026)

South West Water submitted two responses. The first, a brief preliminary note, advised that modelling was required to assess whether the clean water network could accommodate the proposal and that a full response would follow once modelling had been reviewed.

The full consultation response raises no objection in principle subject to compliance with several requirements. On asset protection, no development will be permitted within 3.5 metres of an existing 9-inch public water main in the vicinity of the site; any encroachment would require diversion at the applicant's expense. On surface water, South West Water confirms that the proposed method of discharge into the ground via infiltration is acceptable and meets the Run-off Destination Hierarchy, and that the proposed outline drainage strategy is appropriate. The response also advises that clean potable water and foul sewerage services can be provided from existing public mains and sewers in the vicinity, with points of connection to be determined.

South West Water strongly recommends a condition requiring water efficiency measures meeting the optional Building Regulations standard of 110 litres per person per day (G2), given above-average per capita consumption in the South West and increasing climate-related stress on water resources. The response also confirms that highway drainage must not be discharged to South West Water's foul or combined sewer network, and that the applicant should liaise separately with the Highway Authority on this matter.

Devon County Council — Flood Risk Management Team (Lead Local Flood Authority)

The Lead Local Flood Authority (LLFA) has reviewed the outline planning application. Following the submission of additional drainage information by the applicant, including a revised Flood Risk Assessment and Drainage Strategy (April 2026) and an alternative outline drainage strategy, the LLFA has withdrawn its previous objection and raises no in-principle objection to the development at this stage.

The revised proposals include surface water management via attenuation or infiltration basins, with discharge restricted to greenfield run-off rates, and demonstrate an acceptable strategic approach to managing surface water flood risk, subject to further detailed design.

The LLFA recommends that any planning permission is subject to pre-commencement and pre-occupation conditions requiring the approval and implementation of detailed surface water drainage arrangements.

Overall, subject to the imposition of the recommended conditions, the LLFA is satisfied that the proposed development can be delivered without increasing flood risk on site or elsewhere, in accordance with national policy and the SuDS for Devon Guidance.

Environment Agency

(Ref: DC/2025/125242/01-L01)

The Environment Agency raises no objection to the proposed development subject to the inclusion of a condition restricting the raising of ground levels within published Flood Zones 3 and 2 (including climate change allowances) associated with the watercourse at the northern boundary of the site. This condition is required to safeguard the natural function of the watercourse to store and convey floodwaters. The Agency notes that the submitted flood risk assessment and illustrative masterplan demonstrate a sequential approach to layout consistent with NPPF policy, with all built development proposed within Flood Zone 1 and the areas of Flood Zones 2 and 3 within the site allocated for public open space, which is considered a compatible use.

The Agency also advises that before determination, the LPA will need to be satisfied that the Sequential Test has been passed unless a site-specific flood risk assessment can demonstrate that no built development within the site boundary would be at risk of flooding now or in the future, in accordance with paragraph 175 of the NPPF (December 2024). The Agency notes that it has commented as though the application is not EIA development, given an undecided EIA Screening Opinion at the time of response, and requests re-consultation if the Screening Opinion determines that EIA development is involved. The sequential approach to layout must be adhered to in any subsequent reserved matters applications.

Devon County Council — Public Rights of Way Officer

The DCC Public Rights of Way (PRoW) Officer notes that the existing PRoW network within the development site is not proposed to be altered and that, as a result, the team's comments are limited in scope. The principal concern raised is that the significant increase in footfall on existing footpaths, particularly those heading towards the town, will lead to damage and erosion of unsurfaced paths during wet periods. The paths are currently well-used and already susceptible to becoming muddy and slippery. The PRoW Officer indicates a wish to engage in discussion with the applicant about the possibility of providing suitable surfacing on footpaths where this would be required to address the increased usage arising from the development.

EDDC Tree Officer

The EDDC Tree Officer raises no objection in principle but makes two specific comments on the relationship between the proposed layout and trees on site. Given that the site has relatively few tree constraints, the officer considers it all the more important that those trees which are present are given appropriate protection during design and construction. The first concern is the proximity of the proposed access road to T1 Oak, a relatively small tree with significant future growth potential; the officer requests a greater separation distance, noting that the access road could easily be repositioned to the west to allow the oak to become a feature of the development rather than simply an incidental roadside tree. The second concern relates to T2 Ash, where the officer states that there is no justification for any excavation to take place within the root protection area (RPA), which should be treated as sacrosanct on a site of this size.

Subject to minor modifications to accommodate both points, the Tree Officer confirms there would be no objection to the proposal. The officer welcomes the good opportunity the site presents for significant new tree planting within the streetscene and public open space, with an emphasis on large canopy species to maximise future amenity and ecological value.

EDDC Environmental Health

Environmental Health raises no objection subject to a pre-commencement condition requiring the submission and approval of a Construction and Environment Management Plan (CEMP). The CEMP must cover air quality, dust, water quality, lighting, noise and vibration, pollution prevention and control, and monitoring arrangements. All equipment, plant and processes must be operated in compliance with the approved CEMP throughout the development. The condition also specifies construction working hours of 8am–6pm Monday to Friday and 8am–1pm on Saturdays, with no working on Sundays or Bank Holidays, no burning on site, and no use of high-frequency audible reversing alarms. The purpose of the condition is to protect the amenity of existing and future residents from noise, air, water and light pollution.

Royal Devon University Healthcare NHS Foundation Trust (RDUH)

The Royal Devon University Healthcare NHS Foundation Trust (the Trust) has reviewed the application and requests a Section 106 financial contribution of £44,600 towards healthcare provision. The Trust sets out that it is currently operating at full capacity across acute, community and planned healthcare, and that the funding model for NHS services is based on the previous year's activity, making it impossible to factor in anticipated increases from new housing developments in contract negotiations with commissioners. The Trust argues that, without the requested contribution, longer waiting times will result for all patients, contrary to the sustainability principles embedded in both the NPPF and the East Devon Local Plan (Strategies 3 and 4).

The Trust has assessed the contribution against the three CIL Regulation 122 tests (necessary, directly related to the development, and fairly and reasonably related in scale and kind) and considers it to be compliant. Reference is made to a recent appeal decision (APP/Y1110/W/21/3270745, Ikea Way, Exeter) where a Planning Inspector confirmed that NHS contributions can meet the CIL tests. The Trust requests acknowledgement of the contribution request and confirmation that it will form part of any Section 106 agreement.

Devon County Council — Waste Planning Authority

The Waste Planning Authority advises that, in accordance with paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan, major development proposals must be accompanied by a Waste Audit Statement. The response notes the slightly sloping topography of the site (to the north) and emphasises the need to consider on-site reuse of inert material to minimise waste generation and the need to export material off-site. It is recommended that these principles are considered when finalising the site layout, design and levels.

The Waste Planning Authority recommends a pre-commencement condition requiring submission and approval of a Waste Audit Statement. The Statement must address measures to avoid waste, demonstrate compliance with the waste hierarchy, quantify construction and excavation waste by material type, set targets for reuse, recycling and recovery including a monitoring scheme, and identify waste disposal methods and locations with justification. The reason given is to minimise waste and promote sustainable waste management in accordance with Policy W4 of the Devon Waste Plan.

EDDC Housing Strategy and Enabling Officer

The Housing Enabling Officer raises no objection but sets out the policy requirements that will apply to any consent. Under Local Plan Strategy 34, the site falls partly within a proposed draft allocation (Otry_21, 70 dwellings at 30% affordable housing) and partly outside the settlement boundary (a further 70 dwellings requiring 50% affordable housing). On a blended basis, the applicant proposes 40% affordable housing equating to approximately 56 affordable units, which the Housing Enabling Team accepts as compliant with emerging policy requirements, assuming delivery under the draft allocation. The detailed tenure and size mix will be determined at Reserved Matters stage in response to current local housing need, subject to the 70/30 rented-to-ownership split required by Strategy 34.

The response identifies a number of requirements to be secured by condition or legal agreement: affordable units must be tenure-blind and evenly dispersed in clusters of no more than 10 dwellings; all affordable units must meet M4(2) accessibility standards; Electric Vehicle Charging Points or infrastructure must be provided for each affordable unit; and parking courts are not considered suitable for affordable dwellings other than flatted development. Design quality must ensure affordable units are visually indistinguishable from open market housing.

Police Architectural Liaison Officer (Designing Out Crime Officer)

The Police Designing Out Crime Officer raises no objection but provides detailed design guidance for consideration at the reserved matters stage, based on the

principles of Crime Prevention Through Environmental Design (CPTED). The response notes that the current masterplan is illustrative only but requests that crime prevention principles be embedded in the detailed design. Key recommendations include: that the Design and Access Statement should reference CPTED; that the layout should provide active frontages and overlooking of all internal streets while avoiding accessible rear space; that adequate defensible space is created to front gardens through low-level boundary treatments; and that side and rear boundaries should be a minimum 1.8m in height with lockable rear access gates.

On movement and parking, the officer recommends that pedestrian routes be clearly defined, wide, well-lit and well-overlooked, with planting set back from paths to avoid pinch points or concealment opportunities. Vehicle parking in locked garages or in-curtilage hardstandings is preferred; rear parking courts are specifically discouraged given the limited surveillance they offer. Formal play areas should be afforded natural surveillance from nearby dwellings, have appropriate boundary treatments to prevent unauthorised vehicular access, and should not be positioned immediately adjacent to individual properties. Public open space should similarly be protected from unauthorised vehicular access.

EDDC Policy Team

The EDDC Policy Officer provides contextual background on the relationship between the application site and the emerging Local Plan, noting that the wider site (GH/ED/29 in the HELAA, 19.32ha) was assessed as having potential capacity for up to 200 dwellings. Only part of that site — now identified as Otry_21 — has been proposed as a draft allocation for 70 dwellings, and is currently subject to a second Regulation 19 consultation. The Policy team welcomes the submission of an application that covers both the allocated and non-allocated parts of the site as a single scheme rather than separate or phased developments.

While raising no in-principle objection to 140 dwellings subject to all relevant constraints and requirements being satisfactorily accommodated, the Policy response identifies two substantive concerns. First, there is a lack of safe pedestrian and cycle routes into Ottery St Mary; the proposed pedestrian connection through Claremont Field passes through an area known to flood, and no safe cycle routes are proposed. Second, and more significantly, the Policy Officer notes that Ottery St Mary has a demonstrable lack of employment land — being the only Tier 1 or 2 settlement to have effectively lost its allocated employment site — and that a scheme of 140 dwellings should include approximately 0.5–0.75ha of employment land as an integral component of a mixed-use scheme, preferably in the form of serviced plots or built units to buy or rent for small to medium businesses. This requirement is consistent with the approach taken on comparable allocations across the district.

Devon County Council — County Highway Authority

Ref: ED-02468-2025

The County Highway Authority raises no objection to the proposed development. Following a site visit and review of application documents, the Highway Authority is satisfied that the proposed vehicular access has been improved under a previous

planning consent (22/2667/FUL) with acceptable visibility splays of 2.4m by 43m in both directions, consistent with Manual for Streets 1 and 2 guidance for a 30mph environment. TRICS-based trip generation data, combined with future vehicle trip inflation and movements from nearby permitted developments, has been used to test nearby junction capacity, and the Highway Authority is satisfied that the expected peak-hour generation of approximately 55 movements, around one per minute, will not give rise to a highway safety or severity objection under the NPPF, particularly given the requirement for a comprehensive Travel Plan to encourage sustainable travel.

The Highway Authority confirms there have been no recorded collisions at the proposed access point over the past five years (January 2020 to December 2024), with only one slight accident in the wider area. Two pedestrian access options are identified: a route following the existing public right of way between Gerway Farm and Sidmouth Road with a new pedestrian construction in the verge linking to Gerway Close, and a western option using the existing PRow at Claremont Field. As the application is for outline consent only, the Highway Authority reserves detailed comments on the internal site layout for the reserved matters stage.

EDDC Ecologist

East Devon District Council's Ecology Officer has reviewed the submitted ecological information against adopted policy, guidance and best practice, noting some limitations and omissions within the ecological appraisal and Biodiversity Net Gain (BNG) documentation. Notwithstanding these matters, it is concluded that, subject to amendments and the imposition of appropriate planning conditions and obligations, the proposal raises **no objection on ecological grounds**.

The site supports and has the potential to support several protected and notable species, including hazel dormouse, reptiles and a wide assemblage of bat species, including Annex II species such as greater and lesser horseshoe bats and barbastelle. Dormice are confirmed to be present on site and hedgerow removal associated with access works will require a Natural England European Protected Species Licence, supported by a detailed mitigation strategy secured by condition. Reptile surveys indicate the presence of slow worms and grass snakes, although survey limitations mean populations may be underestimated, necessitating a detailed reptile mitigation strategy. Bat activity surveys demonstrate significant use of the site, particularly during the maternity period, highlighting the importance of maintaining habitat connectivity and dark corridors.

Particular emphasis is placed on the need to retain, enhance and reinstate key landscape features, including the historic east–west hedge bank and boundary hedgerows, to maintain ecological connectivity. The Ecology Officer requires the provision of dark corridors for bats in accordance with Devon County Council guidance, including buffers along site boundaries, around Gerway Farm, and along the central historic hedge. A detailed Lighting Impact Assessment is required as a pre-commencement condition to ensure that internal and external lighting does not adversely affect light-sensitive bat species or compromise habitat connectivity.

In relation to Biodiversity Net Gain, the submitted metric indicates the potential to achieve in excess of the mandatory 10% onsite, although concerns are raised regarding the baseline habitat data and the feasibility of achieving some proposed habitat conditions. Further information is required, including habitat condition assessments, photographs, UK Habitat Classification mapping and grassland surveys, to support a robust Habitat Management and Monitoring Plan (HMMP). The HMMP will be required to demonstrate how proposed ecological enhancements and BNG will be delivered, managed and monitored over the required 30-year period. A financial contribution towards BNG monitoring is also recommended to be secured via a planning obligation.

Overall, subject to securing a comprehensive suite of pre-commencement and pre-occupation conditions, including a Construction and Ecological Management Plan, species-specific mitigation strategies, lighting controls, and long-term habitat management, the development is considered capable of adequately mitigating impacts on protected species and delivering ecological enhancements in line with local and national policy. The Ecology Officer therefore raises **no objection**, subject to the recommended amendments, conditions and planning obligations being applied

EDDC Landscape Architect

While the site is not subject to any landscape designation and is relatively contained by existing development and landform, it occupies a sensitive transitional position between the town edge and open countryside. The response notes the site's visibility from nearby public rights of way and neighbouring housing, particularly Claremont Field and Gerway Close, and recognises that users of local footpaths currently experience strong rural views across the site.

The submitted Landscape and Visual Impact Assessment is generally considered to be thorough and broadly compliant with guidance, although several methodological shortcomings are identified. In particular, the assessment underestimates the susceptibility of walkers using nearby public footpaths, which should be classed as highly sensitive receptors. As a result, the landscape officer considers that the level of visual effect on users of footpaths, especially footpath 30, would be greater than stated in the LVIA, amounting to substantial adverse effects initially and remaining moderate to substantial in the longer term despite proposed planting. Nevertheless, it is accepted that effects on the wider landscape and on the National Landscape to the east and south would be limited and largely localised.

The response highlights significant concern about impacts on immediate visual receptors. Residents of Claremont Field and Gerway Close, along with users of footpaths passing through and alongside the site, are identified as experiencing substantial adverse visual effects, particularly in the early years of the development. Although the site benefits from some visual containment, the proposed layout is judged to push development too far westwards, eroding the rural character experienced from public rights of way and closing down views towards the National Landscape. The officer recommends setting back the western edge of built development by around 25 metres, accepting a reduction in dwellings in order to materially lessen visual harm and provide better-quality open space and landscape buffers.

Access and movement are a central area of objection. While the vehicular access itself reflects a previously approved scheme, the proposed pedestrian and cycle connections to the town centre are described as inadequate, indirect and unattractive. The response concludes that the routes put forward would not realistically encourage active travel for short journeys and would push future residents towards continued reliance on private cars, contrary to Local Plan policy. The lack of a safe and convenient walking and cycling connection along Sidmouth Road is particularly criticised, and alternative solutions are suggested, albeit noting that these may require third-party land agreements.

Overall, the development is acknowledged to have substantial adverse effects on the character of the site and its immediate setting, but these effects are considered localised and capable of mitigation if key issues are addressed. The proposal is not considered to harm the National Landscape or its setting. However, the response maintains a holding objection, primarily on the grounds of inadequate pedestrian and cycle connectivity to the town centre, and raises clear expectations that layout, buffering, planting, public open space management and green infrastructure matters must be significantly improved at reserved matters stage.

Finally, should permission be granted, the response recommends a comprehensive suite of planning conditions. These focus on securing detailed hard and soft landscape design, sensitive lighting, robust SuDS and soil management, long-term landscape and ecology management, protection of existing trees and hedgerows, and professional oversight of planting and maintenance. These measures are intended to ensure that, if the development proceeds, it delivers lasting landscape, ecological and amenity benefits and properly mitigates its inevitable visual impacts on nearby communities and countryside users.

Other Representations

At the time of writing 588 objections have been received and 5 representations have been received. In summary;

Objections

- Contrary to the local plan and neighbourhood plan – building outside development boundary.
- Contrary to the emerging local plan and site allocation.
- The development is unnecessary. Ottery has already provided a larger number of new houses than required.
- Ottery's original target of 497 new homes from 2010 has already been surpassed, with 594 having been built by 2023.
- Increased traffic movements on highway network.
- Insufficient visibility splay for identified speeds.
- Conflict of vehicle and pedestrian movements. Does not give priority to cyclist/pedestrians.
- Lack of a cycle network.
- Overlooking (of Claremont Fields).

- Harm to trees.
- Harm to wildlife/protected species.
- Disruption during construction phase.
- Poor connectivity to existing settlement and facilities – e.g. childrens walking route to school.
- Requires third party land to connect to highways.
- Density of development too high and over development of the site.
- Poor layout and design.
- Development takes place on a prominent ridge.
- No capacity in sewage network and pumping station. Existing pollution of water courses would be exacerbated.
- Would increase surface water runoff.
- Would pollute existing watercourses.
- Part of the site is within a floodzone and would therefore cause flooding.
- Increased pressures of local services and infrastructures (School, Dentist and Doctors etc).
- Loss of agricultural land.
- Harm to the National Landscape.
- Lacks employment and jobs to be self sustaining.
- Would increase crime rates.
- Cause pressure on unmanaged land on the northern boundary of the site.
- insufficient Archaeological assessment.
- Loss of biodiversity.
- Noise disturbance.
- Light Pollution.

Representation

- Inaccuracies in the submitted plans.
- Inaccuracies in the written scheme of Investigation.
- Challenge land ownership details.

PLANNING HISTORY

Reference	Description	Decision	Date
22/2667/FUL	To create a better entrance to Gerway Farm forming visibility splays and providing a safe access onto the highway to either direction with large vehicles.	Approve	15.11.2023
25/2154/CPE	Certificate of existing lawfulness to confirm material start to planning permission 22/2667/FUL	Pending	

25/0017/EIA	Environmental Impact Screening Opinion: Outline application (with all matters reserved except for access from Sidmouth Road) for the demolition of a farm building and the erection of up to 140 residential dwellings (Class C3) with associated infrastructure and engineering works including landscaping, open space, surface water drainage and internal roads/footpaths/cycleways.	The development is NOT EIA development and that an Environmental Statement is not required.	24.04.2026
-------------	--	---	------------

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)
 Strategy 2 (Scale and Distribution of Residential Development)
 Strategy 3 (Sustainable Development)
 Strategy 4 (Balanced Communities)
 Strategy 5 (Environment)
 Strategy 5B (Sustainable Transport)
 Strategy 7 (Development in the Countryside)
 Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)
 Strategy 34 (District Wide Affordable Housing Provision Targets)
 Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)
 Strategy 37 (Community Safety)
 Strategy 38 (Sustainable Design and Construction)
 Strategy 43 (Open Space Standards)
 Strategy 46 (Landscape Conservation and Enhancement and AONBs)
 Strategy 47 (Nature Conservation and Geology)
 Strategy 48 (Local Distinctiveness in the Built Environment)
 Strategy 49 (The Historic Environment)
 Strategy 50 (Infrastructure Delivery)
 D1 (Design and Local Distinctiveness)
 D2 (Landscape Requirements)
 D3 (Trees and Development Sites)
 EN5 (Wildlife Habitats and Features)
 EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)
 EN13 (Development on High Quality Agricultural Land)
 EN18 (Maintenance of Water Quality and Quantity)
 EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

EN21 (River and Coastal Flooding)
EN22 (Surface Run-Off Implications of New Development)
H2 (Range and Mix of New Housing Development)
TC2 (Accessibility of New Development)
TC4 (Footpaths, Bridleways and Cycleways)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Neighbourhood Plans

On the 11 July 2018, Cabinet resolved to 'make' the Ottery St Mary and West Hill Neighbourhood Plan so that it forms part of the Development Plan for East Devon alongside the adopted East Devon Local Plan 2013-2031, and the Devon Minerals and Waste Plan. The date of 'making' the Plan is 19 July 2018. This was following the successful referendum on 21 June 2018, where 91.6% of residents who voted were in favour of adopting the Plan.

Policy NP1: Development in the Countryside
Policy NP2: Sensitive, High Quality
Policy NP4: Settlement Containment
Policy NP6: Valued Views
Policy NP9: Accessible Developments
Policy NP12: Appropriate Housing Mix
Policy NP13: Accessible and Adaptable Homes

Emerging East Devon Local Plan

CHAPTER 3. THE SPATIAL STRATEGY

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

CHAPTER 6. MITIGATING CLIMATE CHANGE

Strategic Policy CC01: Climate emergency
Strategic Policy CC02: Moving toward Net-zero carbon development
Strategic Policy CC03: Promoting low carbon and renewable energy

CHAPTER 7. ADAPTING TO CLIMATE CHANGE

Strategic Policy AR01: Flooding
Strategic Policy AR02: Water efficiency

CHAPTER 8. MEETING HOUSING NEEDS

Strategic Policy HN01: Housing to address needs
Strategic Policy HN02: Affordable housing
Policy HN03: Housing to meet the needs of older people

Policy HN04: Accessible and adaptable Housing
Policy HN05: Self-build and custom build housing

CHAPTER 9. SUPPORTING THE ECONOMY AND TOWN CENTRES

Strategic Policy SE04: Resisting the loss of employment sites
Strategic Policy SE06: Town Centre Hierarchy

CHAPTER 10. HIGH QUALITY DESIGN

Strategic Policy DS01: Design and local distinctiveness
Policy DS02: Housing density and efficient use of land

CHAPTER 11. SUSTAINABLE TRANSPORT AND COMMUNICATIONS

Strategic Policy TR01: Prioritising walking, wheeling, cycling, and public transport
Strategic Policy TR02: Protecting transport sites and routes
Policy TR03: Travel plans, transport statements and transport assessments
Policy TR04: Parking standards

CHAPTER 12. OUR OUTSTANDING LANDSCAPE

Strategic Policy OL01: Landscape features
Policy OL09: Control of pollution
Policy OL10: Development on high quality agricultural land

CHAPTER 13. OUR OUTSTANDING BIODIVERSITY AND GEODIVERSITY

Strategic Policy PB01: Protection of internationally and nationally important wildlife sites
Policy PB02: Protection of regionally and locally important wildlife sites
Policy PB03: Protection of irreplaceable habitats and important features
Strategic Policy PB04: Habitats Regulations Assessment
Strategic Policy PB05: Biodiversity Net Gain
Strategic Policy PB06: Local Nature Recovery Strategy and Nature Recovery Network
Policy PB07: Ecological enhancement and biodiversity in the built environment
Policy PB08: Tree, hedges and woodland on development sites
Policy PB09: Monitoring requirements for new planting schemes

CHAPTER 14. OPEN SPACE AND SPORTS AND RECREATION

Strategic Policy OS01: Access to open space and recreation facilities
Policy OS02: Sport, recreation and open space provision in association with development
Policy OS03: Location of facilities for sport and recreation and open
Policy OS04: New allotments and avoiding the loss of existing ones
Policy OS05: Leisure and recreation developments in the countryside

Government Planning Documents

NPPF (National Planning Policy Framework 2024)
National Planning Practice Guidance

Site Location and Description

The application site comprises approximately 7 hectares of agricultural land located at the southern edge of Ottery St Mary. It is situated immediately adjacent to the town's settlement boundary, which is defined by the residential developments of Claremont Field to the north and Gerway Close to the east. The site consists of several fields managed as arable land and silage for at least the last quarter-century, divided by a network of trees and hedgerows.

The topography is characterized by sloping ground that falls from a high point of approximately 62m Above Ordnance Datum (AOD) at the south-eastern boundary with Sidmouth Road to a low point of roughly 38m–40m AOD along its northern edge. This northern boundary meets a narrow ditch and an unnamed watercourse that drains toward the River Otter. The site is composed of Grade 2 and Grade 3 "Best and Most Versatile" agricultural land. While the interior is largely open, a notable Category A oak tree is situated to the north-west of Gerway Farm, and several high-voltage overhead power lines (33kV and 66kV) intersect the fields. The site occupies a transitional position between the modern urban edge and the rural countryside. To the north, the land rises steeply beyond Claremont Field to an elevation of circa 70m AOD, where houses are oriented to overlook the site and the valley beyond. To the east lies Sidmouth Road, which serves as the primary southern gateway into the town. The western boundary is defined by a woodland area and the River Otter corridor, though dense riparian vegetation largely obscures a direct visual link between the river and the site. To the south lies Gerway Farmhouse, a 20th-century building excluded from the application, beyond which the landscape opens into rolling, rural countryside.

In a wider context, the site has significant intervisibility with East Hill, a prominent ridge within the East Devon National Landscape located approximately 2.5km to the south-east. Locally, the area is categorized as "Rolling Farmland to the south of Ottery St Mary" (LLCA1), a landscape judged to be of "high" value but "medium" sensitivity due to the existing urban influences of the town and local utilities. The site is well-integrated into the local Public Rights of Way (PRoW) network. Footpath 50 crosses the site, Footpath 51 runs along the southern boundary at Gerway Lane, and Footpath 30 adjoins the north-western boundary near the river. Access to local amenities is relatively close, with the town centre located within approximately 1km.

ANALYSIS

Principle of the development

Ottery St Mary is identified as one of the district's seven Main Towns (Tier 2 Centres) under Strategies 2 and 20 of the adopted Local Plan. Such settlements are intended to act as focal points for development, serving both their own communities and surrounding rural areas. Strategy 24 provides specific guidance for Ottery St Mary,

requiring growth to be focused on meeting local needs and enhancing the town's role as a more vibrant and sustainable centre. In broad terms, a proposal for up to 140 dwellings is consistent with the objective of Strategy 24(1) to provide new homes within the town.

However, Strategy 24 does not endorse unrestricted growth. It requires development to be appropriately located, of a suitable scale, and to contribute positively to the town's long-term sustainability. The application site lies outside the defined Built-Up Area Boundary (BUAB) and is therefore classified as countryside for planning purposes.

Under Strategy 7, development in the countryside is strictly controlled and will only be permitted where it is explicitly supported by other Local Plan or Neighbourhood Plan policies, and demonstrated not to harm landscape character or undermine the established settlement pattern. Strategy 24 supports growth in Ottery St Mary but does not override the countryside protection principles in Strategy 7. Development beyond the BUAB must therefore be justified by clear policy compliance and demonstrable sustainability benefits.

The Ottery St Mary and West Hill Neighbourhood Plan (2018) reinforces this position. Policy NP4 (Settlement Containment) seeks to contain the settlement within its defined boundary, and the proposal — by extending built form into land outside the BUAB — conflicts directly with that objective. Policy NP1 (Development in the Countryside) similarly restricts development in this location.

In principle, therefore, the proposal conflicts with the development plan. This conflict engages the wider policy framework, including the housing land supply position and the tilted balance, both of which are addressed in the following sections.

Housing Land Supply

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

At the time of writing the LPA can demonstrate a **3.5 year housing land supply** against the annual requirement of 1,168. The total number of dwellings deemed deliverable in the five-year period being 4,092 dwellings. Comparing the 4,092 forecasted five-year supply (including dwelling equivalents from care homes) to the 5,838 net dwellings five year requirement indicates a district supply shortfall of 1,746 dwellings.

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 maintaining a healthy supply of housing means to the council and its ability to retain control over key planning decisions.

The NPPF states that plans and decisions should apply a presumption in favour of sustainable development. Paragraph 11 of the Framework establishes a so called 'tilted balance' i.e. to grant consent unless any adverse impacts of granting permission would 'significantly and demonstrably' outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The Ottery St Mary and West Hill Neighbourhood Plan (NP) was made in June 2018. As of the time of writing in April 2026, the NP is nearly eight years old. Consequently, while the NP remains a part of the statutory development plan, its policies do not benefit from the specific NPPF provision that would allow its conflict to "significantly and demonstrably outweigh" the benefits of housing delivery by default. Instead, the application must be judged under the standard Paragraph 11d tilted balance.

The district's pressing housing shortfall is accordingly a material consideration of great weight in favour of the proposal.

Assessment Against the Emerging Local Plan Site Selection and Housing Strategy

The emerging East Devon Local Plan (2020–2042) sets a specific framework for growth to ensure it is "planned and proportionate". Strategic Policy SD04 makes provision for approximately 320 new dwellings in Ottery St Mary over the plan period. When completions (121) and existing commitments (44) are factored in, the *minimum* housing requirement for the Designated Neighbourhood Area (DNA) rises to 493 dwellings.

The Council's coordinated strategy involves bringing forward several sites:

Ottery St Mary preferred allocations

- Thorne Farm (Otry_09): ~90 dwellings.
- Barrack Farm (Otry_01b): ~70 dwellings and 1.25ha of employment land.
- Gerway Farm (Otry_21): ~70 dwellings.
- Salston Barton (Otry_10): ~20 dwellings.
- Strawberry Lane (GH/ED/27): ~60 dwellings.
- Bylands, Slade Road (Otry_15) - 8 dwellings

Tipton St John Allocation within the DNA

- Land South of Otter Close (Otry_04): This site is identified under Strategic Policy SD27 and is allocated for 5 self-build homes

- **Total DNA Requirement:** 493 dwellings.

- **Existing Supply (Completions + Commitments):** 165 dwellings.
- **Residual Requirement to be met by Allocations:** 493 - 165 = 328 dwellings.
- **Proposed Local Plan Allocations:** The strategy provides 323 dwellings via the preferred allocation sites listed above.
- **Neighbourhood Plan Allocations:** A further 5 dwellings are identified through existing Neighbourhood Plan allocations.
- **Total Provision:** 165 (Existing) + 323 (LP Allocations) + 5 (NP Allocations) = 493 dwellings.

This proposal for 140 dwellings at Gerway Farm represents a 100% increase over the draft allocation (70 dwellings). However, the housing numbers cited in both the adopted and emerging plans are minimum requirements, not caps on development. As a Tier 2 "Main Centre," Ottery St Mary is strategically intended to act as a focal point for development to serve its own residents and the surrounding rural communities. While objectors may argue that the town has done its "fair share," the legal reality is that the Council's housing supply deficit creates a high bar for refusal.

The relationship between the proposed development at Gerway Farm and the site selection process underpinning the emerging East Devon Local Plan (2020–2042), together with the weight to be attached to that process and the wider housing strategy for Ottery St Mary, is a key consideration.

The Council's Site Selection Report (February 2025) assessed a significantly larger area originally promoted as site GH/ED/29, measuring approximately 19.32 hectares. Following detailed appraisal, this land was subdivided into two distinct parcels: GH/ED/29a, now identified as draft allocation Otry_21, and GH/ED/29b, which was rejected. The site selection exercise concluded that only the eastern portion of the site, extending to approximately 2.37 hectares, should be allocated for residential development, with an indicative capacity of around 70 dwellings. In contrast, the western and central elements of the original site (GH/ED/29b), totalling some 17 hectares, were discounted from allocation. The Site Selection Report identified these areas as representing an unacceptable extension into open countryside, both in terms of their physical scale and landscape impact. The rejected land was considered to be of an "unacceptably large scale" and insufficiently contained, such that development would conflict with the established settlement pattern of Ottery St Mary.

The planning application now before Members seeks permission for up to 140 dwellings on a site of approximately 7 hectares. This proposal therefore significantly exceeds the capacity identified through the site selection process for Otry_21 and extends built development well beyond the boundaries of this draft allocation. In doing so, it encroaches partially into areas of land that the Council has previously explicitly rejected during plan preparation on the basis of landscape impact and unacceptable countryside intrusion. The scale and extent of development now proposed is materially greater than that envisaged through the emerging Local Plan.

The Site Selection Report also considered the environmental constraints of the land. In landscape terms, the site was assessed as having "Medium" sensitivity. While the

eastern portion of the site (Otry_21) was considered to relate reasonably well to existing development, the report cautioned that any westward expansion would erode the historic field pattern and result in development that would be visually intrusive, particularly in longer-range views. From a heritage perspective, the site was similarly assessed as of “Medium” sensitivity, with the presence of Neolithic and Roman archaeological features identified within the site boundary and the need for further evaluation clearly flagged. The weight to be attributed to these site selection findings and the draft allocation status of Otry_21 is a matter of judgement. The emerging East Devon Local Plan has reached Regulation 19 stage, and under the National Planning Policy Framework the weight afforded to emerging policies depends on the stage of preparation, the degree of consistency with national policy, and the extent to which there are unresolved objections. The applicant contends that, as an emerging plan, the draft allocation currently attracts limited weight. At the same time, however, the applicant relies on the inclusion of Otry_21 within the draft plan to argue that the Council has already accepted the principle that this location represents a suitable, viable, deliverable and sustainable option for housing growth.

Conversely, third party objectors, place greater emphasis on the adopted development plan and the specific outcomes of the site selection process. It is argued that the draft allocation should not be used to justify development that materially exceeds both the scale and footprint identified by the Council as acceptable, particularly where such expansion conflicts with areas that were expressly excluded during plan preparation. In this context, it is contended that the adopted Local Plan policies continue to carry significant weight and should not be overridden by a proposal that departs so substantially from the evidence base of the emerging plan. The applicant, for their part, argue that the large allocation sought and subsequently rejected by the site selection included more land than that now applied for, and that further the site selection process did not allow for the opportunity to then promote a further small site selection based upon land that is now proposed.

In considering the proposal within the wider housing strategy for Ottery St Mary, it is relevant that the emerging Local Plan identifies the town as a Tier 2 “Main Centre” within the settlement hierarchy. Such settlements are expected to accommodate a meaningful level of growth in order to meet their own housing needs and to support surrounding rural communities. Strategic Policy SD04 makes provision for approximately 320 new dwellings and around 1.25 hectares of employment land within Ottery St Mary over the plan period to 2042. When completions and existing commitments are taken into account, the minimum housing requirement for the Ottery St Mary Designated Neighbourhood Area rises to 493 dwellings.

The draft Local Plan seeks to deliver this growth through a number of specific site allocations. In addition to the 70 dwellings proposed at Gerway Farm (Otry_21), further allocations include Thorne Farm (approximately 90 dwellings) and Barrack Farm (around 70 dwellings alongside employment land). Together, these sites form a coordinated strategy for meeting the town’s housing requirement in a planned and proportionate manner.

Against this backdrop, the application proposal represents a significant uplift over the scale of development envisaged for Gerway Farm through the site selection process

and the emerging Local Plan. Members are therefore required to carefully weigh the benefits of the additional housing proposed against the extent to which the scheme aligns with, or departs from, the Council's evidence-based approach to site selection and the strategic planning framework for Ottery St Mary.

In light of the fact that the district is currently unable to demonstrate a five-year housing land supply, the "tilted balance" as set out in paragraph 11d of the NPPF is engaged, creating a strong presumption in favour of sustainable development. The emerging Local Plan (2020–2042) can only be afforded limited weight at this stage, as it remains at the Regulation 19 consultation phase and has not yet been subjected to an independent examination to test its soundness or resolve ongoing objections. As a matter of principle, the proposal's provision of housing significantly above the 70 units proposed in draft allocation Otry_21 should not weigh against the development; instead, the delivery of up to 140 homes should be given substantial weight as a benefit that directly addresses the district's "pressing" housing shortfall. The inclusion of the site's eastern portion in the draft plan serves as a formal acknowledgement by the Council that this is a suitable, viable, and sustainable location for residential growth, and the intensification of housing numbers on a site already identified for development does not constitute an adverse impact that would "significantly and demonstrably" outweigh the benefits of providing additional market and affordable homes.

The site selection process would suggest that the proposed expansion of development past the preferred allocation would result in harm. However, the context for this assessment was made at a macro level rather than in-depth assessment, subject to the rigours of full consultee involvement. This high level assessment feeds into policies of the emerging local plan policies which are yet to be examined. Therefore, it is advised that members consider the planning balance relative to the merits in light of consultee responses, and then if there is any harm found, ask themselves if this *significantly and demonstrably* outweighs the benefits. This is a different question to that which was posed during the site selection process.

Given the above it is the officer's view that as a matter of principle extending beyond the preferred allocation should not be used as a reason for refusal – given the plans emerging status and the pressing need of housing to be supplied. Instead, the contextual matters of the impact of the development on this area will need to be taken into account.

Design, Layout and Connectivity

The indicative masterplan for the proposed development at Gerway Farm illustrates the delivery of up to 140 dwellings across a site of approximately 7 hectares. Built development is largely concentrated on the eastern part of the site, with the remainder retained as public open space and green infrastructure. As a result, approximately 47% to 50% of the overall site area would remain undeveloped, providing landscaping, recreational space and buffer areas to the open countryside. The applicant has sought to demonstrate that the proposal integrates appropriately with the existing built form along the southern edge of Ottery St Mary. A key element of the design approach is the concept of "rounding off" the settlement, according to the applicant. The masterplan aligns development with the existing residential areas

at Gerway Close to the east and Claremont Field to the north, and extends the southern building line of Gerway Close westwards to form what the applicant describes as a logical continuation of the settlement pattern. In this respect, the proposal is presented as completing a defined edge rather than establishing a new and isolated extension into the countryside.

The treatment of the settlement edge is a significant component of the design strategy. At present, the rear gardens of existing properties form the urban fringe, creating what the applicant considers to be a poorly defined and unsympathetic transition to open countryside. Officers agree with that view. The masterplan indicates active frontages overlooking areas of public open space to the north and south, with dwellings orientated to face outward rather than presenting rear boundaries. This approach is intended to provide a stronger and more deliberate interface between the town and the surrounding landscape.

In terms of density and scale, the indicative masterplan adopts a graduated approach across the site. Lower density housing is located on the site edges where development adjoins existing residential properties, while higher density housing is concentrated toward the centre of the site. Building heights are similarly controlled, with development limited to two storeys adjacent to existing dwellings and increasing to up to two-and-a-half storeys within the interior of the site. This transition is intended to reduce visual impact, limit overlooking and respect the amenity of neighbouring residents.

Connectivity and permeability are integral elements of the masterplan. The layout incorporates the existing Public Rights of Way network, including a primary pedestrian route following PRoW 51 to Sidmouth Road and a secondary connection to Claremont Field and PRoW 50. These links are intended to improve opportunities for walking and cycling and to integrate the new neighbourhood with the surrounding residential areas and the wider town. To be clear these are secondary pedestrian linkages – the primary pedestrian linkage would be along Sidmouth Road via Gerway Close.

Chapter 12 of the National Planning Policy Framework emphasises the importance of achieving well-designed places that are visually attractive, sympathetic to local character and which create a strong sense of place. In response, the illustrative masterplan incorporates a central area of open space arranged around a retained Grade A oak tree, alongside the provision of a Locally Equipped Area for Play. The applicant also draws attention to the presumption in favour of sustainable development under paragraph 11(d) of the NPPF, which is engaged due to the Council's current lack of a five-year housing land supply. In this context, the applicant argues that design-based objections would need to significantly and demonstrably outweigh the benefits of housing delivery in order to justify refusal.

At the local policy level, Policy D1 of the adopted East Devon Local Plan requires development to respect local distinctiveness and to relate well to its surroundings. The applicant contends that this will be addressed through the proposed use of traditional materials, varied rooflines and a layout that reflects surrounding residential patterns. Policy D2, which seeks to protect and enhance landscape features, is

addressed through the retention and incorporation of existing hedgerows into the landscaping framework and through proposals for their long-term management.

Within the emerging Local Plan, Strategic Policy SD04 draft-allocates only the eastern portion of the site (Otry_21) for around 70 dwellings as noted above. While recognising that the application exceeds this draft allocation, the applicant argues that the inclusion of Otry_21 confirms the suitability of this location for residential development in principle. Strategic Policy DS02 requires larger developments to be supported by a Design Code, and the submitted masterplan parameters relating to density, height and layout are intended to provide a framework for any future detailed design stage.

The Ottery St Mary Neighbourhood Plan (2018), and in particular Policy NP2, seeks high-quality design that responds sensitively to local character. The proposed layout and scale are consistent with this policy albeit they are illustrative only. Policy NP6 (Valued Views) protects publicly valued views. Representations indicate that the development would cause unacceptable harm to views from the Scheduled Monument at Belbury Castle and the general setting of Ottery St Mary. However, the applicant's Landscape and Visual Impact Assessment (LVIA) judge these effects as "minor adverse."

The proposed scheme has a calculated net residential density of approximately 37.4 dwellings per hectare, based on up to 140 dwellings across a net developable area of 3.74 hectares. The ward member has suggested that the density could be slightly higher, at around 38 dwellings per hectare. The relationship between this density and the surrounding development is a central point of disagreement. Objectors note that nearby residential areas are characterised by a significantly lower density of approximately 23 dwellings per hectare and consider the proposal to be out of character with its surroundings. In response, the applicant reiterates the use of a density transition strategy, with lower density housing and reduced building heights positioned adjacent to existing homes, and higher density development confined to the centre of the site. The applicant maintains that this approach, together with the alignment of development with Gerway Close, successfully "rounds off" the settlement and avoids abrupt contrasts in form and scale.

It is also relevant that the Council's site selection evidence for the emerging Local Plan identified the eastern field (2.37 hectares) as suitable for around 70 dwellings, equating to a lower density of approximately 30 dwellings per hectare. The proposed development therefore represents a marked intensification relative to the draft allocation. Objectors describe this as overdevelopment, arguing that the density exceeds what was tested through the plan-making process and is not adequately supported by local infrastructure. Notwithstanding the higher density of the built area, almost half of the total site will remain undeveloped as green infrastructure and public open space. This substantial provision of open land creates a softer, greener edge to the settlement and helps to mitigate the visual impact of the higher density development.

The submitted Landscape and Visual Impact Assessment accepts that the development would result in an irreversible change from agricultural land to residential use. While the applicant considers that the development would be

perceived in the context of the existing town and would not appear out of character, objectors raise concerns that the density and scale of development would result in visual dominance, loss of privacy and an erosion of the town's rural setting. These differing positions highlight the need for Members to carefully assess whether the proposed design, layout and density achieve an appropriate balance between housing delivery, landscape impact and local character.

The councils landscape architect has commented on this proposal, concluding a 'holding objection' at the time of writing.

In landscape and visual terms, the officer accepts the applicant's own Landscape and Visual Impact Assessment conclusion that the proposal would result in a substantial adverse effect on the character of the site and its immediate setting. However, these impacts would be relatively contained and would diminish rapidly with distance from the site. On this basis, it is accepted that the wider landscape, including the East Devon National Landscape, would not be adversely affected by the development as proposed.

Notwithstanding this acceptance in principle, significant concern is raised regarding the extent of the built form, particularly along the western edge of the site. As originally submitted the proposed development was considered to extend too far westwards, resulting in unacceptable encroachment towards public footpath OSM 50 and eroding the rural experience of users of that route. The current illustrative layout is also identified as closing off views towards the National Landscape to the south from Claremont Field. To address this harm, the Landscape Architect recommends that the western development edge be set back by approximately 25 metres.

The applicant has amended the indicative perimeter plans to illustrate a 10 metre edge from the PRoW under amended plans. Whilst not to the extent requested by the landscape officer this provides enhanced space for users of the PRoW. The suburbanisation of the user experience would be unavoidable but the 10 metre buffer would provide some relief for walkers.

A number of further technical and design matters are also highlighted. The surface water drainage proposals are considered overly engineered and inconsistent with the softer, landscape-led approach illustrated elsewhere in the submission, and a more naturalistic SuDS strategy that delivers ecological and amenity benefits is sought. The response also requires detailed consideration of the removal or undergrounding of overhead powerlines, the retention and enhancement of the degraded hedgerow dividing the eastern and western fields, and additional structural planting, including a copse and orchard planting to the south of the site access, to strengthen screening and landscape character.

Finally, the Landscape Architect advises that, should the application be approved despite the unresolved objection, a comprehensive set of conditions would be necessary. These would include strict controls over external lighting to ensure the retention of dark corridors for bats, the submission of a long-term habitat and landscape management plan covering a minimum period of 30 years, and detailed approval of hard landscaping elements such as walls, fencing and street furniture. Collectively, these measures are intended to ensure that landscape character,

biodiversity and long-term management are properly secured and that the development integrates more successfully with its surroundings.

The extension into the western field parcels conflicts with the Council's own Site Selection Report, which rejected that area as an "unacceptably large" intrusion into the open countryside. Consequently, despite the delivery of approximately 50% public open space, the scheme in its current form fails to demonstrate the sensitive, high-quality design required by Adopted Local Plan Policies D1, D2 and Neighbourhood Plan Policy NP2.

Notwithstanding the landscape officer's holding objection, and applying the tilted balance, the question is not whether the indicative layout is optimal but whether the landscape harm is of sufficient severity to significantly and demonstrably outweigh the substantial benefits of delivery. This will be weighed in the planning balance.

Economy and Mixed Use of Land Coming Forward

The draft allocation for Gerway Farm (Otry_21) in the emerging Local Plan does not include a requirement for employment land and the site is omitted from the summary table of employment allocations in Strategic Policy SP04. This contrasts with other Ottery St Mary allocations, most notably Barrack Farm (Otry_01b), where the emerging plan explicitly requires the provision of approximately 1.25 hectares of employment land in order to improve settlement self-containment.

It has been highlighted that, if the Council were minded to permit a significantly larger scheme than that identified in the emerging plan, namely up to 140 dwellings, which is double the draft allocation, the development should incorporate a mixed-use element. The concern is that, without on-site employment provision, the proposal risks functioning as a purely residential or "dormitory" extension to the town.

It is noted that the specific pro-rata requirement for employment land (0.4 hectares per 100 dwellings), contained in Strategy 5 of the Regulation 18 draft Local Plan, was not carried forward into the Regulation 19 versions of the plan. In the most recent Second Regulation 19 Publication Draft (November 2025), policy numbering has changed, with "Strategy 5" now referring to Strategic Policy SP05, which addresses development within settlement boundaries. The principal employment strategy is now contained within Strategic Policy SP04, which focuses on the spatial distribution of employment land through identified allocations rather than applying a district-wide formula to all housing sites.

As the emerging Local Plan has not yet been subject to independent examination, this limits weight can be afforded to its draft policies, particularly those that were included at the Regulation 18 stage but then subsequently deleted. There is therefore a high degree of uncertainty as to the final status of the former pro-rata employment land requirement. Nonetheless, the Regulation 19 draft continues to express a clear strategic objective that larger housing allocations should, where appropriate, provide new employment opportunities alongside housing to improve settlement self-containment. Importantly, while this principle is reflected in certain

site-specific allocations, the emerging allocation for Gerway Farm does not include such a requirement, whereas Barrack Farm and other sites do.

By contrast, the adopted East Devon Local Plan remains extant. Adopted Strategy 31 sets out a requirement for large-scale major residential developments (defined as sites of 4 hectares or more) to provide employment opportunities on a pro-rata basis, equating to approximately one job per dwelling, or around 1 hectare of employment land per 250 homes. Gerway Farm, at approximately 7 hectares, falls within this definition.

If development on the site is intensified to 140 dwellings, Strategy 31 should be applied and the site treated as a mixed-use development. It could be argued that the delivery of small business units would be highly desirable, given the historic loss of employment land in Ottery St Mary, including the former Finnimore Industrial Estate, and that the availability of a standalone vehicular access strengthens the practical case for employment uses on site.

In this context, it is material that outline planning permission has recently been granted for up to 2,640 sq. m. of employment floorspace (Use Classes B8, E(c) and E(g)) adjacent to the Finnimore Industrial Estate (planning consent ref 23/2077/MOUT). This constitutes a material change in local circumstances. The approved Finnimore development represents the delivery of land already identified for employment purposes under Adopted Strategy 24 and Neighbourhood Plan Policy NP19, and it goes some way towards addressing the previously identified shortage of employment land in the town. However, it does not necessarily negate the site-specific implications of the Gerway Farm proposal.

In particular, the Finnimore consent forms part of the town's baseline employment supply and was not intended to accommodate additional demand arising from the intensification of other housing sites. A proposal for 140 dwellings at Gerway Farm generates its own incremental demand for local employment if settlement self-containment is to be maintained. Under Strategy 31, this would equate to a requirement of approximately 0.56 hectares of employment land.

Policies in emerging plans do not have the same statutory force as those in adopted development plans under section 38(6) of the 2004 Act, but they are recognised as material considerations. The amount of weight given to a Regulation 19 emerging plan is determined by the criteria set out in paragraph 48 of the National Planning Policy Framework. Policies that align more closely with the Framework carry more weight.

Strategy 31 applies a rigid pro-rata formula on large-scale major sites. In contrast, the NPPF (Paragraph 86e) emphasizes that planning policies should be "flexible enough to accommodate needs not anticipated in the plan" and allow for a rapid response to changes in economic circumstances. A mandatory ratio may be seen as conflicting with this requirement for flexibility. The NPPF is emphatic that policies requiring developer contributions (such as mandated employment land) "should not undermine the deliverability of the plan". While Strategy 31 acknowledges that residential and business uses are not always compatible, it does not explicitly contain the same "viability-first" approach found in the NPPF, which requires that the

total cumulative cost of all relevant policies does not put the implementation of the plan at serious risk. Strategy 31 uses a broad estimate of 1 job per home rather than a site-specific or sector-specific assessment of market demand. The NPPF (Paragraph 87) suggests a more nuanced approach, making provision for specific sectors like "knowledge and data-driven" or "high technology industries" based on their particular locational requirements. Strategy 31 is inconsistent with the NPPF's focus on deliverability and flexibility. It is afforded reduced weight in the final planning balance, especially in areas where housing delivery is a critical priority.

Further, the recent consent of the Finnimore scheme weakens the argument that Gerway Farm must provide employment land to compensate for a lost or undelivered allocation elsewhere in Ottery. However, it does not remove the adopted policy requirement for large-scale major residential developments to support job provision on a pro-rata basis. There is a need to balance the benefits of increased housing delivery against the continued relevance of Strategy 31 and the extent to which the recent Finnimore consent has alleviated employment land pressure in Ottery St Mary. It is the officer's view that although the lack of employment land included with the proposal weighs against the scheme this harm is not attributed great weight due to the mitigating factors highlighted above. Instead, moderate harm would be considered to result from the lack of inclusion of employment generating uses.

Flood Risk and Surface Water Drainage

The application site is partially affected by fluvial flood risk, with limited areas along its northern boundary falling within Flood Zones 2 and 3, associated with an unnamed watercourse and the wider River Otter corridor. The applicant has indicated that all proposed residential built development, including dwellings and principal vehicular access points, is located entirely within Flood Zone 1, which is defined as land at low risk of flooding.

The proposed layout has been informed by an approach to flood risk. Areas identified as being at higher risk of flooding are confined to public open space, landscaping and green infrastructure rather than 'residential development'. These uses are classified as "Water-Compatible" and are considered appropriate within areas of elevated flood risk. In contrast, the proposed housing, categorised as "More Vulnerable" development, and the primary access is limited to the parts of the site located within Flood Zone 1. The principal vehicular and pedestrian access arrangements from Sidmouth Road are also situated wholly within Flood Zone 1, ensuring that safe access and egress would be available to residents during flood events.

In addition to river flooding, a small area at the north-eastern extent of the site has been identified as being susceptible to surface water (pluvial) flooding during an extreme 1-in-1000-year event. The applicant advises that this risk is localised and will be addressed through the proposed Sustainable Drainage System (SuDS). The drainage strategy includes the use of infiltration basins designed to manage surface water runoff for events up to a 1-in-100-year return period, with an additional 45% allowance to account for the effects of climate change, in accordance with current

guidance. This is further explored in the section on surface water drainage of this report.

The National Planning Policy Framework requires that development is directed to areas at the lowest risk of flooding through the application of a sequential, risk-based approach i.e. the sequential test. Although parts of the site lie within Flood Zones 2 and 3, the applicant considers that a formal Sequential Test under paragraph 175 of the NPPF is not required. This position is based on the submitted site-specific Flood Risk Assessment, which demonstrates that all “More Vulnerable” residential development and the main access routes are located entirely within Flood Zone 1. The Environment Agency has confirmed that the proposed layout reflects a sequential approach in practice, although it notes that it remains for the Local Planning Authority to be satisfied that this has been adequately demonstrated prior to determination.

At the local policy level, adopted Local Plan Policy EN21 seeks to ensure that development is directed to Flood Zone 1 wherever reasonably possible and that areas at higher flood risk are reserved for appropriate uses. The proposal accords with this approach by restricting built residential development to the low-risk parts of the site and utilising areas within Flood Zones 2 and 3 for open space and landscaping.

To manage residual flood risk, a number of mitigation measures are proposed. Finished Floor Levels for all dwellings would be set at a minimum of 150mm above surrounding ground levels to improve resilience against surface water flooding. In addition, the Environment Agency has confirmed that there should be no raising of ground levels within Flood Zones 2 and 3, in order to safeguard their natural role in storing and conveying floodwaters. This requirement would be secured by condition. The Flood Risk Assessment also confirms that the site is not subject to tidal flood risk, as it lies approximately 15 kilometres upstream of the Otter estuary and is therefore unaffected by tidal influences.

Secondary pedestrian links running through the Otter Valley and towards Claremont Field, including the route via Public Right of Way 50, lie within areas subject to fluvial flood risk. These routes are described by the applicant as informal in nature, generally unmade and unlit, and therefore likely to be most attractive during drier and lighter months. As such, they are not intended to function as guaranteed year-round access or escape routes, but rather as ancillary recreational connections.

NPPF para 175 states - *The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).*

Even if a site is only *partially* within an area at risk (like Flood Zone 2 or 3), the sequential test is triggered unless all built development, specifically including access

or escape routes, is located entirely within the part of the site that is in a low-risk area. As the secondary pedestrian access crosses into a flood area, the site as a whole fails this exception and must undergo the test. NPPF 175 explicitly includes "access or escape routes" within the definition of "built development" for flood risk purposes.

The presence of pedestrian routes within Flood Zones 2 and 3 raises a number of planning considerations. National policy requires the Sequential Test to consider not only the location of built development but also access and escape routes, and Members must be satisfied that the development as a whole has been appropriately located in flood risk terms. The Public Rights of Way Officer has advised that increased use of these routes is likely to result in erosion and surface deterioration during wet periods, noting that the paths are already prone to becoming muddy and slippery. Nevertheless, it would be reasonable to assume increase in footfall and that resurfacing will be required – which the DCC PRoW officer is open to entertain. Additionally, while the principal vehicular and pedestrian access is located within Flood Zone 1, concerns have been raised by third parties regarding the practical accessibility and safety of secondary routes within flood-prone areas, particularly for school children and people with reduced mobility seeking wider connectivity to the town.

Members must be satisfied that the development as a whole, including its access and circulation routes, has been sequentially planned and is appropriately located having regard to flood risk.

In summary, while limited parts of the site fall within Flood Zones 2 and 3, the proposal has been designed to direct all residential development and primary access routes to Flood Zone 1, with higher risk areas reserved for water-compatible uses. Subject to conditions controlling finished floor levels, ground level changes and the implementation of the drainage strategy, the Environment Agency raises no objection. However, having found that the proposal is subject to the sequential test it is next necessary to apply this.

Application of the sequential test

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

Whilst there are a number of circumstances where the sequential approach can be disengaged those are not applicable here. It is not required if the site has been allocated for development and already assessed during the plan-making stage, provided there have been no significant changes to flood risk levels. In the current case, the site has not been allocated for development at the plan-making stage, the emerging allocation covers only the eastern portion of the site, and no formal

assessment of the full application site's flood risk has taken place through that process. The disengagement provision therefore does not apply

The PPG advises LPAs to define the area for the test based on the development's catchment, considering factors like the type of development and its location. The test should consider the availability of alternative locations, supported by evidence from the developer.

The NPPF states that development should not be allocated or permitted if there are 'reasonably available' sites appropriate for the proposed development.

The NPPG clarifies what is meant by a "reasonably available" site;

'Reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development.

These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.

The absence of a 5-year land supply is not a relevant consideration for the sequential test for individual applications.

Paragraph: 028 Reference ID: 7-028-20220825 Revision date: 25 08 2022

By virtue of the other preferred allocations around Ottery St Mary these could take the quantum of housing proposed (140 dwellings) without flood risk issues and are therefore valid alternatives.

Accordingly, the LPA consider that the sequential test has not been passed. To be clear flood risk safety must be considered separately from the housing delivery debate.

An Exception Test, as set out in paragraphs 177 to 179 of the NPPF, is not triggered in this instance. This is because no "More Vulnerable" development is proposed within Flood Zone 3, and the development therefore complies with the flood risk vulnerability and compatibility criteria set out in national guidance. The component parts of the development, those taking place within the floodzone and outside are severable.

There is no substantive evidence to indicate that the various other potential sites for housing put forward as preferred allocations or sites with extant permission in the district would be unsuitable or not have a lower risk of flooding. As such, there is no substantive basis to find that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The proposed development therefore fails the sequential test, in conflict with the Framework in this respect.

The findings on this main issue shall be considered further in the planning balance, taking account of the High Court judgement relating to *Mead Realisations Limited v SSLUHC [2024] EWHC279 (Admin) (Mead)* which clarifies that a failure of the sequential test is not automatically fatal to a planning application and clarifies that any such failure does not obviate the need to weigh this in a planning balance.

Following the submission of additional drainage information by the applicant, including a revised Flood Risk Assessment and Drainage Strategy (April 2026) and an alternative outline drainage strategy, the LLFA has withdrawn its previous objection and raises no in-principle objection to the development at this stage. The revised proposals include surface water management via attenuation or infiltration basins, with discharge restricted to greenfield run-off rates,

The LLFA suggest the imposition of pre-commencement and pre-occupation conditions securing detailed surface water drainage design, infiltration and groundwater testing, construction phase runoff control, exceedance flow management, and long-term adoption and maintenance arrangements. The proposed strategy is based on attenuation or infiltration basins with discharge restricted to greenfield run-off rates and is considered acceptable in principle. The LLFA also advises that any works affecting an ordinary watercourse will require separate Land Drainage Consent. Subject to these measures, the development is not considered to increase flood risk on site or elsewhere.

Subject to these measures the proposal would accord with policy EN19(Adequacy of Foul Sewers and Adequacy of Sewage Treatment System) of the local plan and the NPPF.

Archaeology

The application site lies within a landscape with documented prehistoric settlement and funerary activity. Geophysical survey submitted with the application identified anomalies consistent with a Romano-British farmstead within a ditched enclosure, associated field boundaries, and possible prehistoric funerary features.

The Devon County Council Historic Environment Officer initially objected to the application on the grounds that the geophysical survey results alone were insufficient to inform an understanding of the significance of the identified remains, and requested a programme of intrusive field evaluation sampling a minimum of 3% of the site area prior to determination.

Following further engagement, the applicant submitted a Written Scheme of Investigation (WSI) prepared by Isca Archaeology (ref. R01-0132-4 V1.2, dated 13 March 2026). The Historic Environment Team has reviewed the WSI, confirmed it is acceptable as a methodology for understanding the significance of archaeological heritage assets within the application area, and has withdrawn its objection subject to conditions. Two conditions are recommended: the first requiring development to be carried out in accordance with the approved WSI; the second requiring post-

excavation assessment, analysis, publication, dissemination and archive deposition to be completed and confirmed in writing prior to occupation.

Subject to those conditions, the proposal is considered to accord with Policies EN6 and EN7 of the adopted Local Plan and Strategic Policy HE04 of the emerging Local Plan. Archaeology does not weigh against the scheme.

Access, Transportation and Highway Impact

National and local planning policy requires that development proposals provide safe and suitable access for all users and promote sustainable patterns of movement. Paragraph 115 of the NPPF states that development should only be prevented or refused on highway grounds where the residual cumulative impacts on the road network would be severe. At the local level, Strategy 5B and Policy TC4 of the adopted East Devon Local Plan seek to prioritise walking and cycling by ensuring development is well connected to services and facilities. Policy TC7 further advises that planning permission should not be granted where a proposal would be detrimental to the safe and efficient operation of the highway network.

Vehicular access to the development would be provided via a new priority-controlled T-junction on the western side of Sidmouth Road. The junction has been designed with 10-metre kerb radii and an internal carriageway width of 5.5 metres, which is sufficient to accommodate large service vehicles, including 11.2-metre refuse and recycling vehicles. The access is located in the position of a previously approved farm access (planning reference 22/2667/FUL).

Devon County Council (DCC), as highway authority, has confirmed that the proposed visibility splays of 2.4 metres by 43 metres are acceptable given the prevailing 30mph speed environment on this section of Sidmouth Road. While concerns have been raised regarding the proximity of the national speed limit further to the south, the Highway Authority notes that the speed limit transitions to 20mph approximately 25 metres north of the proposed junction. On this basis, DCC Highways raises no objection to the principle or technical design of the proposed access arrangements.

The proposed visibility splays do not reflect the recorded southbound 85th percentile speed of 34.2mph. The Highway Authority, considers the site to form part of a 30mph speed environment and has confirmed that the proposed visibility splays of 2.4 metres by 43 metres are consistent with the guidance set out in Manual for Streets 1 and 2 for roads of this nature, notwithstanding these higher observed vehicle speeds.

While the proposed access is technically located within a section of road subject to the national speed limit, the Highway Authority appears to place weight on the site's close proximity to a lower-speed urban area, with a 20mph speed limit commencing approximately 25 metres to the north. This transition is considered indicative of driver behaviour changing as vehicles approach the built-up area, and has informed the judgement that visibility standards appropriate to a 30mph environment are suitable at this location.

The Highway Authority has also noted that the access is proposed in the same location as the previously approved farm access, where identical visibility splays were accepted as safe and appropriate, albeit not serving traffic for a large residential development. Highways have confirmed that there have been no recorded personal injury collisions at the proposed access point over the most recent five-year period, which is taken as further evidence that the existing and proposed highway geometry operates safely in practice.

In designing the access, the applicant's highway consultant has applied standards from Manual for Streets rather than the Design Manual for Roads and Bridges, on the basis that the latter is intended for higher-speed strategic routes, whereas Manual for Streets is specifically aimed at roads within or adjacent to urban areas where vehicle speeds are expected to be lower. Under Manual for Streets guidance, a visibility splay of 43 metres corresponds to the stopping sight distance for a design speed of 30mph, which the Highway Authority is satisfied is appropriate in this case, notwithstanding that the count identified 34.2 mph speeds.

The Transport Assessment submitted in support of the application considers the impact of the development on the wider highway network. Vehicle trip rates have been derived from Claremont Field, a nearby residential development comprising approx. 95 dwellings, which is considered a reasonable local comparator. Based on this evidence, the proposed 140 dwellings are forecast to generate approximately 55 vehicle movements in the morning peak hour and 53 movements in the evening peak hour, equating to roughly one additional vehicle movement per minute during peak periods.

Capacity modelling has been undertaken at six key junctions, including the Tip Hill / Longdogs Lane / Winters Lane crossroads and the Broad Street / Jesu Street / Tip Hill junction. The assessment concludes that all of the study junctions would continue to operate well within their theoretical capacity up to the 2030 assessment year, even with the addition of development traffic. Although the Town Council and local residents consider that additional traffic would exacerbate existing congestion within the town centre, DCC Highways advises that the predicted increase would not amount to a "severe" (this being the relevant test) cumulative impact as defined by the NPPF and therefore does not justify refusal on highway capacity grounds.

In terms of sustainable travel, the scheme incorporates two principal pedestrian and cycle routes linking the site to the town centre and the wider network. The eastern route follows the alignment of an existing public right of way (PRoW 51). To enhance safety and accessibility, the construction of a new 2-metre wide footway within the highway verge on the western side of Sidmouth Road, providing a continuous and direct link between the site and the existing footway at Gerway Close would be necessary. In such circumstances a Grampian condition could ensure that such pavement connection is place prior to occupation. From Gerway Close there is a pedestrian footway that provides a safe pedestrian route into the town.

The western route connects the development to the existing public right of way at the south-western end of Claremont Field, offering a secondary pedestrian and cycle connection into the established residential area. The site is generally considered to be in a sustainable location, with Ottery St Mary town centre and the primary school

located within approximately 1km to 1.1km walking distance. However, an Accessibility Audit has identified several off-site constraints along key pedestrian routes. On Longdogs Lane, a section of approximately 55 metres near the primary school has a carriageway width of around 3.2 metres and lacks a formal footway. In addition, sections of footway on Tip Hill narrow to between 0.8 metres and 1.0 metre in width on the route to the town centre.

Third parties have expressed concern that these existing constraints, together with the steep gradients and occasionally muddy conditions associated with parts of the public right of way network, reduce the practical accessibility of the site. Concern has been raised in relation to pedestrian safety for school children and the suitability of routes for those with reduced mobility.

In conclusion, from a technical highways perspective, the Local Highway Authority is satisfied that the proposed site access is safe and that the impact of the development on the wider highway network would be acceptable. The provision of a new footway along Sidmouth Road, linking to the pedestrian path at Gerway Close, together with the submission of a Framework Travel Plan, represents meaningful mitigation aimed at encouraging sustainable travel choices. Nevertheless, Members will need to balance these technical conclusions against the local concerns regarding the safety and adequacy of off-site pedestrian routes and the cumulative impact of additional traffic within Ottery St Mary's constrained road network. To enhance connectivity a condition would seek for PRow 50 to be properly surfaced to accommodate the increase in footfall. Should planning permission be granted, a Construction Traffic Management Plan and financial contributions toward addressing the identified footway constraints on Longdogs Lane and Tip Hill would be appropriately secured through a Section 106 legal agreement.

Foul Water

The proposed foul drainage strategy relies on a gravity-fed system connecting into existing public sewerage infrastructure. A 150mm diameter public foul sewer crosses the north-western extent of the site and continues along its northern boundary toward Claremont Field. Given the site's topography, which falls markedly toward the north, the drainage network can operate entirely by gravity and no pumping station is anticipated to be necessary.

South West Water (SWW) raises no objection in principle, subject to a number of technical requirements. No built development shall take place within 3.5 metres of the existing 9-inch public water main crossing the site; any encroachment would require diversion at the applicant's expense. SWW confirms that foul sewerage services can be provided via existing public sewers in the vicinity, and that clean water can be provided from the existing network. SWW recommends a condition requiring water efficiency to the optional Building Regulations standard of 110 litres per person per day, reflecting above-average per capita consumption in the South West and increasing climate-related pressure on water resources.

Third parties have drawn attention to the East Devon Water Cycle Study (2025), which identifies capacity issues at the Fluxton Wastewater Treatment Works and

highlights that storm overflow discharges within the catchment already exceed permitted spill rates. It is recognised, from the experience of other large residential developments within the same catchment, that upgrades to wastewater infrastructure are likely to be required before occupation of the development.

South West Water has a statutory duty under sections 94 and 37 of the Water Industry Act 1991 to provide capacity to accommodate new developments, enforceable under section 18 of the Act. The NPPF at paragraph 194 requires that, in taking planning decisions, it should be assumed that separate pollution control regimes, including the Water Industry Act, will operate effectively. This is not an unlimited assumption: it does not preclude consideration of drainage concerns where a scheme proposes an unsustainable or inappropriate drainage solution. However, where, as here, the proposal is to connect to the public mains drainage network, it is appropriate to proceed on the basis that SWW will fulfil its statutory obligations, subject to appropriate planning conditions.

A Grampian condition will be imposed requiring no dwelling to be occupied until SWW has completed its modelling and any necessary network improvements for foul drainage and confirmed this in writing to the Local Planning Authority. A condition will also require water efficiency measures to the G2 standard prior to occupation. Given SWW's statutory duty and confirmed willingness to provide capacity, it is considered that these requirements can realistically be achieved within the lifetime of the permission, and that the Grampian approach is appropriate.

Foul water drainage does not weigh against the scheme, subject to the conditions described.

Ecology and Biodiversity

The Council's Ecology Officer has reviewed the submitted ecological appraisal, supporting surveys and Biodiversity Net Gain (BNG) documentation against relevant legislation, national policy, adopted local plan policies and best practice guidance. While the submitted information is generally sufficient to inform the outline proposal, the Ecology Officer identifies a number of limitations and omissions, particularly in relation to protected species mitigation, habitat detail and the BNG baseline. Notwithstanding these matters, it is advised that, subject to the imposition of appropriate planning conditions and obligations to secure further detail and mitigation, the proposal raises no objection on ecological grounds.

The site is confirmed to support, and has the potential to support, a number of legally protected and notable species. Hazel dormouse has been confirmed as nesting on the site, and the species is assumed to utilise connected hedgerow networks across the application area. Hedgerow removal required to facilitate vehicular access would result in an impact on dormice and will therefore require a Natural England European Protected Species Licence. The Ecology Officer is satisfied in principle that the impacts can be adequately mitigated and compensated, subject to a detailed dormouse mitigation strategy being secured by condition. Reptile surveys have recorded a good population of slow worms and a low population of grass snake, though the timing and methodology of the surveys mean that reptile numbers may be

underestimated. A detailed reptile mitigation strategy would therefore be required to demonstrate how impacts will be avoided, mitigated and compensated during construction and operation of the development.

Bat surveys indicate a high level of bat activity across the site, including during the peak maternity period, and confirm usage by a wide range of species, including light-sensitive and Annex II species such as greater horseshoe, lesser horseshoe and barbastelle bats, along with other species of conservation concern. Concerns are raised regarding the assessment of mature trees for bat roost potential, with further information required to demonstrate that trees with potential roosting features will not be adversely affected by the development. The Ecology Officer places particular emphasis on the need to maintain ecological connectivity across the site through the retention and enhancement of key landscape features, including boundary hedgerows and the historic east–west hedge bank. These features should be reinforced through the provision of continuous dark corridors and habitat buffers, with a minimum five-metre buffer along key boundaries and an expanded bat corridor wrapping around Gerway Farm to maintain permeability for bat movement.

In order to ensure that lighting does not adversely affect bats and other protected species, a detailed Lighting Impact Assessment will be required as a pre-commencement condition. This assessment must consider both internal and external lighting, as well as indirect light sources such as vehicle headlights, glare and reflections, and must demonstrate compliance with Devon County Council's guidance on maintaining dark corridors for bats. The lighting strategy would need to clearly show that bat-sensitive corridors and boundary habitats will remain unlit and functionally connected. In addition, a Construction and Ecological Management Plan will be required to set out measures to protect protected species and habitats during the construction phase, including provisions for bats, dormice, reptiles, nesting birds, hedgehogs and badgers.

With regard to biodiversity net gain, the submitted metric indicates that the development has the potential to deliver in excess of the mandatory ten per cent BNG requirement on site. However, the Ecology Officer identifies shortcomings in the baseline information, including the absence of habitat condition assessment sheets, photographs and detailed UK Habitat Classification mapping, and raises concerns about the feasibility of achieving some proposed habitat conditions, particularly species-rich grassland in areas of high public use. These matters will need to be addressed through the submission of further baseline data and soil nutrient testing, and through the preparation of a detailed Habitat Management and Monitoring Plan. The HMMP will need to demonstrate how proposed habitats and ecological enhancements will be delivered, managed and monitored over a minimum 30-year period to ensure compliance with the mandatory BNG regime. A financial contribution towards BNG monitoring is also recommended to be secured through a planning obligation.

Overall, the Council's Ecology Officer concludes that subject to the recommended planning conditions and obligations being imposed, including detailed species mitigation strategies, lighting controls, habitat management and monitoring, and a biodiversity net gain monitoring contribution, the proposed development can adequately mitigate impacts on protected species, safeguard ecological connectivity

and deliver biodiversity enhancements in accordance with local and national policy. There is therefore no objection to the proposal on ecological grounds.

Ecology - Derogation tests

Licences from Natural England will be required for likely impacts on protected species such as bats and dormice. Natural England can only issue a licence if the following tests have been met:

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

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

In terms of public interest this proposal as a matter of principle accords with the national level of significantly boosting housing supply from which some economic and social benefits could accrue. Alternative scenarios are not easily discernible, however, improving the biodiversity of the site would occur through recommendations of the ecology report and Biodiversity Net Gain. There is also a consensus that in order to provide housing, thereby meeting a public interest, greenfield sites such as this would need to be developed. Given what has been reported for this site, the fact suitable mitigation measures are proposed and both of these elements have been found acceptable by the council's ecologist there is no reason why a license would not be issued or why Article 12 would be infringed.

As a consequence, there is no reason to suggest that the proposal would be likely to offend article 12 of the Habitat Directive or that a licence would be withheld by Natural England as a matter of principle.

Residential Amenity

A key consideration is the substantial difference in ground levels between the application site and the existing residential area. Properties within Claremont Field are positioned on steeply rising land at an elevation of approximately 70 metres Above Ordnance Datum, whereas the northern boundary of the application site lies considerably lower, at around 38–40 metres AOD. As a result, the existing dwellings sit some 20–30 metres above the northern edge of the development site, which constrains the potential for new homes to result in overlooking of those properties.

In addition, indicative details show that building heights can be carefully controlled along the northern and eastern boundaries, where the site adjoins Claremont Field and Gerway Close. Development in these locations is proposed to be limited to a maximum of two storeys, with a height of up to 9.0 metres, while the taller 2.5-storey buildings are indicated in the central part of the site. This approach ensures that

higher elements do not become visually dominant or result in undue overlooking of neighbouring properties.

The illustrative masterplan also demonstrates the provision of a wide green and blue infrastructure corridor along the northern edge of the built development. This landscaped buffer accommodates sustainable drainage features, including attenuation basins, and provides a meaningful physical and visual separation between the proposed dwellings and the established residential area. Dwellings along this edge are arranged with active frontages, such as front doors and principal windows, addressing this open space rather than having rear gardens backing onto existing properties. Officers consider this to represent a more sympathetic and appropriate transition than the current urban fringe relationship characterised by rear boundary fencing.

Taking into account the pronounced change in levels, the restriction of building heights at the site boundaries, and the inclusion of a substantial landscaped buffer, it is considered that the living conditions of neighbouring residents would be adequately protected. Officers are satisfied that any detailed matters relating to separation distances, orientation, and fenestration can be appropriately addressed at the Reserved Matters stage, ensuring full compliance with Local Plan Policies D1 and D2.

Affordable Housing

The provision of affordable housing is a central objective of the Council, reflecting its commitment to ensuring that residents have access to decent, inclusive and genuinely affordable homes. The relevant policy framework is set out within the adopted East Devon Local Plan (2013-2031), where Strategy 34 requires residential developments to deliver affordable housing at a rate of 25% within the Built-Up Area Boundary (BUAB) of Ottery St Mary and 50% for developments located outside the BUAB. In addition, the emerging Second Regulation 19 Local Plan (2020-2042) identifies the eastern part of the site as Draft Allocation Otry_21, which carries an indicative requirement of 30% affordable housing provision.

The application site is currently located outside the BUAB. However, the applicant contends that the acknowledged housing land supply deficit, together with the status of part of the site as a draft allocation, justifies a blended approach to affordable housing provision. On this basis, the proposal seeks to deliver up to 56 affordable homes, equating to 40% of the total development. This figure is derived by applying the emerging plan requirement of 30% affordable housing to the 70 dwellings within the draft allocation area, alongside the adopted Local Plan requirement of 50% affordable housing for the remaining 70 dwellings considered to be windfall development. The Council's Housing Enabling Officer has confirmed that this approach is acceptable in policy terms, subject to the scheme adhering to the parameters of the draft allocation.

In terms of tenure, Strategy 34 sets out a target split of 70% social or affordable rented housing and 30% affordable home ownership (intermediate housing). While the applicant has indicated that the precise tenure and size mix of the affordable

housing would be finalised at the Reserved Matters stage, the Housing Enabling Officer has advised that any provision must align with the 70/30 split in order to address identified local housing needs. The applicant has confirmed their intention to deliver affordable homes that are tenure blind and fully integrated within the wider development, with units dispersed throughout the site to support the creation of a balanced and inclusive community.

To ensure the long-term sustainability and inclusivity of the affordable housing provision, a number of specific requirements will need to be secured. All affordable dwellings will be required to meet Building Regulation M4(2) standards, ensuring that they are accessible and adaptable to meet the needs of a wide range of occupants over time. Affordable homes should be arranged in small clusters, generally comprising no more than ten units, to avoid excessive concentrations and to promote social integration. In addition, each affordable dwelling must be provided with electric vehicle charging points, or the necessary infrastructure to enable future provision, in accordance with current standards.

In conclusion and having regard to the Presumption in Favour of Sustainable Development set out in paragraph 11(d) of the National Planning Policy Framework, the proposed delivery of 56 affordable homes represents a very substantial social benefit. Given the significant housing shortfall across the district, and the need for smaller and more affordable homes within Ottery St Mary, this level of provision attracts significant weight in the overall planning balance. Should planning permission be granted, the final quantum, tenure mix, accessibility standards and delivery of the affordable housing will be secured through a Section 106 legal agreement.

Trees

The application is accompanied by an Arboricultural Impact Plan, a Tree Survey Schedule and an Indicative Tree Planting Strategy. These documents demonstrate that the site is subject to relatively limited arboricultural constraints, although the trees that are present are of note. In particular, the site includes a Category A English Oak (T1) located to the north-west of Gerway Farm, together with a notable Ash tree (T2). The applicant confirms that no trees will be lost as a result of the proposed development. The layout has been carefully arranged to retain the majority of existing boundary vegetation, with only a limited break of approximately 11.5 metres required within an existing hedgerow to accommodate the proposed access road. The submitted Green and Blue Infrastructure Parameter Plan (ref. 24-54-PL-205) is presented for approval in order to secure the long-term retention of these strategic tree assets, while the Illustrative Masterplan demonstrates how they would be successfully incorporated within areas of public open space.

Appropriate measures are proposed to ensure that the retained trees are adequately protected throughout the design and construction phases of the development. All tree protection is to be undertaken in full accordance with British Standard BS 5837:2012, *Trees in relation to design, demolition and construction*. The Root Protection Areas of retained trees are to be treated as inviolable, with no excavation permitted within these zones unless it can be clearly demonstrated to be absolutely

necessary. To reinforce this approach, it is recommended that a pre-commencement condition be imposed requiring the submission of a comprehensive set of underground service plans to ensure that any trenching or service installation does not conflict with tree pits or Root Protection Areas. In addition, suitable protective fencing would need to be erected prior to the commencement of any site works. Long-term management of both retained and newly planted trees would be secured through a Habitat Management and Monitoring Plan and a Landscape and Ecological Management Plan, ensuring appropriate maintenance and monitoring for a minimum period of 30 years.

The Council's Tree Officer raises no objection in principle to the proposals but identifies two matters for refinement. Firstly, the Officer recommends that a greater separation distance be achieved between the Category A Oak (T1) and the proposed access road, noting that the alignment could be shifted westwards to allow the tree to become a defining landscape feature of the development rather than an incidental roadside tree. Secondly, the Officer advises that there is no justification for excavation works within the Root Protection Area of the Ash tree (T2), particularly given the overall size of the site. The Tree Officer also supports the opportunity for substantial new tree planting across the site and recommends a focus on large-canopy species in order to maximise long-term amenity value and canopy cover, consistent with the objectives of the Devon Tree Strategy.

Overall, from an arboricultural perspective, the proposal is considered compliant with Local Plan Policy D3. The development would result in a clear net gain in tree numbers, quality and species diversity, with no loss of existing trees and an indicative proposal for 86 new trees. Subject to amendment of the road alignment to afford greater protection to the Category A Oak, and the imposition of conditions to ensure strict adherence to BS 5837, the development is considered capable of delivering a balanced relationship between the proposed housing and the site's existing natural assets.

Best and Most Versatile Agricultural Land (BMVAL)

Policy EN13 of the Local Plan sets out that BMVAL (Grades 1, 2 and 3a) will be protected from development not associated with agriculture or forestry. It goes on to say that planning permission for development affecting such land will only be granted exceptionally if there is an overriding need for the development and either: sufficient land of a lower grade is unavailable or that available lower grade land has an environmental value recognised by a statutory wildlife, historic, landscape or archaeological designation and outweighs the agricultural considerations; or that the benefits of the development justify the loss of high quality agricultural land. The Framework which states in paragraph 187 that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land. Local Plan policy EN13 is therefore broadly consistent with the Framework with regard to this matter.

The councils own mapping systems show that the site is covered by Grade 2 and Grade 3 land. A separate study has not been submitted by the applicant to establish

if this Grade 3 land is 3a or 3b but given its closeness to the Grade 2 classification it is likely to be of a higher grade. Therefore, Grade 3a land cannot be ruled out and potential loss of 3a and the recognised loss of Grade 2 weighs against the scheme given the above objectives of policy EN13 and the NPPF.

The applicant asserts there is an "overriding need" for residential development due to the district's significant housing shortfall. They highlight that the Council has already accepted the loss of high-quality land at this location by including the eastern half of the site (Otry_21) as a draft allocation. The applicant argues that all land immediately surrounding the Ottery St Mary settlement boundary is either Grade 2 or Grade 3. They claim no suitable lower-grade land is available to meet the town's housing requirements.

The Ward Member and Town Council strongly object to the loss, describing it as "serious and irreversible harm". They argue that building on "prime green fields" contradicts the Council's declared climate emergency and that once the land is built over, it is "lost for good".

Whether there is an overriding need for the development relative to the potential loss of BMVL will be returned to in the planning balance. However, this proposal would result in the direct loss of Grade 2 land, with loss of 3a not discounted. Whilst part of the site is a preferred allocation this proposal seeks substantially more land. The fact that other land in and around Ottery may also be BMVL does not diminish the quality or need to retain this land. Therefore, this BMVL loss weighs against this scheme.

Mitigation secured via a S106

Strategy 50 (Infrastructure Delivery) of the LP seeks to ensure that the necessary infrastructure improvements are secured to support the delivery of development and mitigate any adverse impacts.

Without prejudice, if a resolution of approval is made a s106 would be drafted to secure the following;

1. Affordable Housing

- **Provision:** The delivery of 40% affordable housing, equating to 56 units.
- **Details:** The agreement must secure the final quantum, tenure mix (e.g., social/affordable rent and intermediate products), accessibility standards, and a "tenure-blind" delivery schedule.

2. Financial Infrastructure Contributions

- **Pebblebed Heaths SPA:** A per-dwelling financial contribution toward the Pebblebed Heaths Special Protection Area mitigation strategy to address recreational pressure.

3. Highways and Sustainable Travel

- **Off-site Highway Works:** Funding and delivery of off-site works, including a new 2m wide footway constructed within the verge on the western side of Sidmouth Road to link the site to Gerway Close.
- **Travel Plan:** Measures to implement and monitor the Framework Travel Plan, including the appointment of a Travel Plan Co-ordinator to promote sustainable transport options.

4. Green Infrastructure and Ecology

- **Management and Maintenance:** Securing the long-term (minimum 30-year) management and maintenance of all on-site Public Open Space (POS), Sustainable Drainage Systems (SuDS), and ecological mitigation areas.
- **Funding Mechanism:** A committed sum or legal funding mechanism for a management body (such as the Town Council or a private company) to ensure the future viability of these spaces.
- **Habitat Management and Monitoring Plan (HMMP):** Legal commitment to implement the requirements of the HMMP, including monitoring reports to be submitted to the Local Planning Authority

The Royal Devon University Healthcare NHS Foundation Trust has commented on the planning application. It seeks a £44,600 contribution towards health services. However, the request is not considered to be robustly justified to warrant such a contribution, at this time.

Appropriate Assessment

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

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

funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations.

In summary on the ecology issues there is suitable on site mitigation proposed. The wildlife corridors allow for suitable foraging and habitats. Off site mitigation on European designated sites can be secured. BNG can also be secured. Therefore, these ecology issues do not weight against the scheme.

Planning Balance and Conclusion

The starting point for assessment is the development plan. The application site lies outside the Built-Up Area Boundary of Ottery St Mary and the proposal therefore represents a departure from the spatial strategy of the adopted East Devon Local Plan (2013–2031), conflicting with Strategies 7 and 24 and Neighbourhood Plan Policies NP1 and NP4. However, the Council cannot currently demonstrate a five-year housing land supply, standing at 3.5 years against an annual requirement of 1,168 dwellings. In those circumstances, the policies most important for determining this application are out of date and paragraph 11(d) of the NPPF is engaged. The tilted balance applies: planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Benefits

The scheme would deliver up to 140 dwellings, including 56 affordable homes at a blended rate of 40%, in a district with a pressing and acknowledged housing shortfall of 1,746 dwellings against the five-year requirement. The delivery of affordable housing at this level is a very substantial social benefit, particularly given the identified local need for smaller and more affordable homes in Ottery St Mary. The eastern part of the site is identified as draft allocation Otry_21 in the emerging Local Plan, which constitutes a formal acknowledgement by the Council that this location is, in principle, suitable, viable and deliverable for residential development. Short-term construction employment and economic activity would also result.

The scheme incorporates a new 2-metre wide footway along Sidmouth Road — together with public rights of way improvements, a Framework Travel Plan, and a Construction Traffic Management Plan, all to be secured by condition or S106. Ecological impacts are capable of mitigation, EPS licensing requirements are met in principle, and biodiversity net gain above the mandatory 10% threshold is achievable, all subject to pre-commencement conditions. Archaeological concerns have been resolved following submission of an acceptable Written Scheme of Investigation. Substantive S106 contributions toward the Pebblebed Heaths SPA, healthcare, and long-term green infrastructure management would further offset potential harm to local infrastructure and European designated sites.

Harms

The following harms have been identified and are weighed against those benefits:

Landscape and design. The proposal extends development materially beyond the draft allocation boundary, into land that the Council's own site selection process rejected on grounds of landscape impact and unacceptable countryside intrusion. The Council's Landscape Architect maintains a holding objection, concluding that the development would result in substantial adverse visual effects on the immediate setting of the site, particularly for users of footpath PWR 50 and residents of Claremont Field and Gerway Close, and that pedestrian and cycle connectivity to the town centre is inadequate. Further, the access road is in close proximity to T1 (Oak tree) which diminishes its relevance and importance. These harms are accepted as real and immediate. However, the Landscape Architect also accepts that adverse effects would be localised and diminish rapidly with distance, and that the wider landscape and East Devon National Landscape would not be adversely affected. The question under the tilted balance is not whether the layout is optimal but whether the landscape harm is of sufficient severity to outweigh the benefits of delivery. The officer view is that it is not. The reserved matters process will provide a further and meaningful opportunity to address the specific layout concerns, including the recommended 25-metre setback of the western development edge, improved landscaping buffers, and the detailed design of pedestrian and cycle connections. This harm is accordingly given moderate weight against the scheme.

Flood risk. The site partially intersects Flood Zones 2 and 3. All proposed residential development and primary access routes are located within Flood Zone 1, with higher-risk areas reserved for water-compatible open space. However, secondary pedestrian routes cross areas of flood risk, meaning that the sequential test is engaged and, having regard to the availability of other preferred allocations around Ottery St Mary capable of accommodating the quantum proposed, the sequential test has not been passed. This conflict with the Framework is a material harm. However, in accordance with the High Court judgment in *Mead Realisations Limited v SSLUHC [2024] EWHC 279 (Admin)*, failure of the sequential test is not automatically fatal and does not obviate the need to weigh that failure in the planning balance. Having done so, and having regard to paragraph 11(d)(i) of the NPPF, the flood risk policies engaged do not provide a strong reason for refusing the development, given the significant benefits of housing delivery and the fact that all built residential development is sited within Flood Zone 1. This harm is given limited to moderate weight against the scheme.

Employment land. The proposal does not include employment-generating uses as required by adopted Strategy 31 for large-scale major residential developments of 4 hectares or more. This weighs against the scheme. However, Strategy 31 applies a rigid pro-rata formula that is in tension with the NPPF's emphasis on flexibility and deliverability, and is therefore afforded reduced weight. The recent grant of outline permission for 2,640 sq. m. of employment floorspace adjacent to the Finnimore Industrial Estate (ref. 23/2077/MOUT) partially alleviates the employment land deficit in Ottery St Mary, though it does not remove the adopted policy requirement. On balance, moderate harm is attributed to the absence of employment provision, and this weight is tempered accordingly.

Agricultural land. The development would result in the permanent loss of Grade 2 and, likely, Grade 3a Best and Most Versatile agricultural land, contrary to Policy

EN13 and NPPF paragraph 187. Once lost, this land cannot be recovered. This harm weighs against the scheme, though it is a consequence inherent to virtually all greenfield development in this locality, where land of lower agricultural grade is not available.

Scale and departure from the emerging plan. The proposal seeks 140 dwellings across approximately 7 hectares, compared to the 70 dwellings across 2.37 hectares envisaged through draft allocation Otry_21. It therefore represents a 100% uplift over the draft allocation and extends into land expressly rejected through the site selection process. The emerging Local Plan is at Regulation 19 stage and attracts limited weight pending examination. The housing numbers in both the adopted and emerging plans represent minimum requirements, not caps, and the tilted balance requires the scheme to be assessed on its specific merits rather than by reference to a strategic allocation process that has not yet been tested through examination. The departure from the emerging plan's evidence base weighs against the scheme but is not determinative given the limited weight attributable to pre-examination emerging policies.

The Balance

Having weighed the above, the planning balance is finely poised but resolves in favour of approval. The very substantial benefits of delivering 140 homes, including 56 affordable units, in a district with a pressing shortfall of 1,746 dwellings attract considerable weight. The identified harms, principally landscape impact on the immediate setting, failure of the sequential test, the absence of employment provision, loss of Best and Most Versatile agricultural land, and departure from the emerging plan's evidence base, are each real and acknowledged. However, assessed individually and cumulatively, they do not significantly and demonstrably outweigh those benefits in the terms required by paragraph 11(d) of the NPPF.

The recommendation is therefore a resolution to **approve**, subject to the completion of a Section 106 legal agreement, the adoption of an Appropriate Assessment, and the conditions set out below. All matters of layout, scale, appearance and landscaping are reserved for subsequent approval, at which stage the detailed design concerns raised by the Landscape Architect — including the western development edge setback, landscape buffering, and pedestrian and cycle connectivity — must be comprehensively addressed.

RECOMMENDATION

Resolution to APPROVE, to adopt the Appropriate Assessment and subject to the completion of a s106 and subject to the following conditions

1. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission. The development hereby permitted shall commence not later than two years from the date of approval of the last of the reserved matters.

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

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

(Reason - For the avoidance of doubt.)

4. The vehicular access hereby approved shall be constructed prior to occupation of the first dwelling and in accordance with drawing 24021-010-C. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 20 metres back from its junction with the public highway. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with this plan for the lifetime of the development.

(REASON: To ensure a safe and satisfactory means of access, to provide adequate visibility from and of emerging vehicles and prevent mud and other debris being carried onto the public highway, in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

5. No development shall commence until a detailed scheme for the provision of a continuous 2-metre wide footway within the highway verge on the western side of Sidmouth Road, providing a direct link between the site's eastern pedestrian access (PRoW 51) and the existing footway at Gerway Close, has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority).

The submitted scheme shall include:

Full construction details to an adoptable standard;

Plans for the relocation of the existing lamp column currently situated within the verge;

A timetable for the implementation of the works.

No dwelling hereby approved shall be occupied until the approved footway link has been constructed in its entirety in accordance with the approved details and made available for public use in perpetuity

Reason: To ensure a safe and suitable means of access for pedestrians and to provide a convenient, attractive route to the town centre and primary school, thereby promoting sustainable modes of travel and reducing reliance on the private car in accordance with Strategies 5B and 43 and Policies TC2 and TC4 of the East Devon Local Plan and Policy NP9 of the Ottery St Mary and West Hill Neighbourhood Plan. The requirements are pre commencement to ensure consideration at an early stage and to ensure the alterations are in place prior to increased traffic.

6. The development shall be carried out in strict accordance with the Ecological Assessment by Bennu Environmental Limited dated November 2025, in particular the ecological mitigation and enhancement measures detailed in Section 4.29 to 4.68. 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 (1 per 2 dwellings),
- b. bird boxes (1 per dwelling)
- c. insect bricks (1 per dwelling)
- d. hedgehog highways [13 cm² at ground level every 5 m
- e. Reptile/amphibian hibernacula (for the whole site)
- f. Ecological mitigation planting as detailed have been installed/constructed, and compliance with any protected species licences (including the Natural England Mitigation Licence required for Dormice), and ecological method statements in accordance with details within the submitted 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), Strategy 5 (Environment), Policy EN5 (Wildlife Habitats and Features), and Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

7. No development work shall commence on site until a Landscape and Ecology Management Plan (LEMP) for a minimum 30-year period following completion of the development (or relevant phase thereof) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The Plan shall be based on the submitted Ecological Impact Assessment and the approved hard and soft landscape plans and associated details and shall include the following:

- a) Details of the body or organisation responsible for implementation of the plan accompanied by a site plan showing areas to be adopted; maintained by management company or other defined body; and areas to be privately owned/ maintained.
- b) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ bodies responsible for its delivery.
- c) A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- d) Landscape and ecological management aims and objectives for the site.
- e) A condition survey of existing trees, hedgerow and other habitat to be retained as a baseline for future monitoring and to identify any initial works required to address defects/ issues identified and bring them into good condition.
- f) Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works (including an annual work plan capable of being rolled forward over a minimum 30-year period). in relation to:
- Existing trees, woodland and hedgerows/banks. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
 - New trees, woodland areas, hedges and amenity planting areas.
 - Grassland, wildflower and any other habitat areas proposed.
- g) The location and design of biodiversity features including bird boxes, bat boxes, and other features, e.g., permeable fencing, to be shown clearly on accompanying plans.
- h) Details regarding the proposed reptile translocation, including receptor site details in accordance with .GOV guidance
- i) Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- j) Arrangements for inspection and monitoring of the site and maintenance practices.
- k) Arrangements for periodic review and update of the plan that may be required to meet the objectives of the plan and reflect any relevant changes to site, legislation and best practice guidance.
- l) The Plan shall also set out (where the results from monitoring show that its conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- m) Each phase of the planting works shall be overseen by a professionally qualified landscape architect or horticulturist independent of the planting contractor. The

landscape architect/ horticulturalist shall provide a signed certificate at practical completion of the planting works and at the end of the first-year maintenance period (final completion) confirming they are complete and in accordance with the approved details. Copies of the signed certificates shall be forwarded to the LPA within one month of their issue.

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

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

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 - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) Policy D3 (Trees in relation to development) and Policy TC4 (Footpaths, bridleways and cycleways) of the East Devon Local Plan). The condition is pre commencement to establish a baseline condition survey for existing trees and hedgerows before they are potentially damaged by site works.

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

- a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
- methods for stripping, stockpiling, re-spreading and ameliorating the soils.
- location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
- schedules of volumes for each material.

- expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
- identification of person responsible for supervising soil management.

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

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

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, i.e., for reptiles, dormice and bats.
- h. Use of protective fences (including buffer distances), exclusion barriers and warning signs.

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

REASON: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology), Strategy 5

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

10. No development shall commence (including any vegetation clearance, soil stripping, or groundworks) until a detailed Reptile Translocation Strategy in accordance with .GOV advice and Herpetofauna Groups of Britain and Ireland (HGBI) Evaluating local mitigation/translocation: best practice and lawful standards guidance has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be informed by the findings of the approved reptile survey and shall include:

- a. A plan showing the location and extent of all areas to be fenced for translocation, including soil stripping, storage, and construction compound zones;
- b. Specifications for reptile fencing, including installation method, dimensions, and maintenance schedule;
- c. Details of the receptor site located within East Devon, including habitat suitability, enhancement measures, and long-term management;
- d. A timetable for the erection of fencing, placement of refugia, and duration of translocation (minimum 60 suitable days);
- e. Capture and release protocols, including weather and seasonal constraints;
- f. Procedures for destructive search and site clearance following translocation;
- g. Monitoring and reporting arrangements, including criteria for completion of translocation and submission of a closure report to the Local Planning Authority.

The development shall thereafter be carried out in full accordance with the approved strategy.

Reason: To ensure the protection of reptiles in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan and the Conservation of Habitats and Species Regulations 2017. The condition is pre commencement to ensure protection prior to the construction phase.

11. Prior to or as part of the reserved matters a Lighting Design including lux contours, based on the detailed site design and most recent guidelines (currently GN08/23 and DCC 2022), shall be submitted and approved in writing by the local planning authority.

The design should clearly demonstrate that dark corridors of a minimum 10 m width along the western and southeastern boundaries (incorporating the bat sensitive corridors) remain as dark corridors, i.e., at or below 0.5 lux (considering internal and external lighting), to be achieved without reliance

upon measures which long-term management cannot be guaranteed. All external lighting shall be installed in accordance with the specifications and locations set out in the final design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior written consent from the local planning authority.

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

12. A Habitat Management and Monitoring Plan (HMMP) 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 Assessment (including Biodiversity Net Gain Assessment at Appendix 4) dated November 2025 and prepared by Bennu Environmental Limited, the approved Biodiversity Gain Plan, and the approved Illustrative Landscape Masterplan (The Richards Partnership, Drawing no. 24-54-PL-207 Rev B) 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, enhanced, 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, woodland and hedgerows/banks.
 - II. Hedgerow management shall be carried out in accordance with the Hedge Management Cycle as set out in Hedgeline guidance.
 - III. New trees, woodland areas, hedges and amenity planting areas.

IV. Grassland, wildflower and any other habitat areas proposed.

- g. The location and design of biodiversity features including integrated bird boxes, integrated bat boxes, insect bricks, and other features, e.g., permeable fencing, to be shown clearly on accompanying plans.
- 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.

1. Notice in writing shall be given to the Council when the HMMP works have started.
2. No occupation shall take place until:
 - a. the habitat creation and enhancement works set out in the approved HMMP have been completed; and
 - b. Notice in writing, in the form of a landscape verification report completed by a competent ecologist or landscape architect, shall be given to the Local Planning Authority when the habitat creation and enhancement works as set out in the HMMP have been established to define the completion of development and start of the 30-year BNG maintenance and monitoring period.
 - c. The appropriate monitoring contribution has been paid.
3. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.
4. 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 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.

13. Prior to or as part of the Reserved Matters detailing layout, the following information shall be submitted to and approved in writing by the Local Planning Authority:

a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.

(b) A detailed drainage design based upon the approved Land at Gerway Farm, St Mary Flood Risk Assessment & Drainage Strategy (Report Ref. 25228-RLL-25-XX-RP-C-0010, Rev. P06, dated 23rd April 2026) and the results of the information submitted in relation to (a) above.

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

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

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

(f) If required, evidence there is agreement in principle from the landowner/DCC highways/SWW.

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

The surface water drainage strategy shall be implemented in accordance with the approved details prior to occupation of the dwelling(s) to which the scheme relates and maintained for the lifetime of the development.

REASON: In order 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), National Planning Policy Framework, Planning Policy Guidance and policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid adverse impacts of inadequate drainage.

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

REASON: In order to ensure satisfactory disposal of surface water in compliance with Adopted East Devon Plan Policies EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) and EN22 Surface Run-Off Implications of New Development), and to prevent risk of introduction of hydraulic overload and consequent flooding or pollution arising from this development. This condition is pre commencement to ensure that suitable surface water discharge is in place to accommodate the development.

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

- o The estimated volume of waste water from the development at full occupation;
- o Any temporary arrangements and the final foul drainage scheme and its management and operation;
- o A construction quality control plan;
- o A timetable for construction;

Reason: To ensure compliance with Adopted East Devon Plan Policies EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) and EN22 (Surface Run-Off Implications of New Development), and to prevent risk of introduction of hydraulic overload and consequent flooding or pollution arising from this development. This is pre commencement to ensure that the impact on the public sewerage network is fully understood and any necessary upgrades are agreed upon at an early stage to prevent hydraulic overload and pollution.

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

Reason: To ensure that the development makes efficient use of water and promotes the principles of sustainable construction in line with Paragraph 161, 163 and 164 of the NPPF and adopted policy Strategy 3 (Sustainable Development) of the East Devon Local Plan. The details secured by this condition are considered

essential to be agreed prior to the commencement of development of any dwelling on the site so that appropriate measures are put in place to achieve the strategy.

17. There shall be no raising of ground levels within the published Flood Zones 3 and 2 (including climate change) associated with the watercourse located within the northern boundary of the development site. (Reason: To safeguard the natural function of the watercourse and floodplain to store and convey floodwaters, in accordance with policy EN21 (River and Coastal Flooding) of the Adopted East Devon Local Plan and the National Planning Policy Framework).

18. The development shall proceed in accordance with the Written Scheme of Investigation prepared by Isca Archaeology (document ref: R01-0132-4 V 1.2 and dated: 13th March 2026) and submitted in support of this planning application. The development shall be carried out at all times in accordance with the approved scheme. Reason - To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 218 of the National Planning Policy Framework (2024), that an appropriate record is made of archaeological evidence that may be affected by the development.

19. The development shall not be occupied until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority. Reason - To comply with Paragraph 218 of the National Planning Policy Framework (2024), which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.

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

1. Traffic Management elements to include:

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 8.00am 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. There shall be no burning on site and no high frequency audible reversing alarms used on the site.

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

2. Environmental elements to include:

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

Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CMP.

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

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

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

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

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

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

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

23. Prior to any building being occupied or brought into use, all works necessary to improve the public water distribution network – in order to safely and adequately accommodate the increase of supply to the development – shall have been completed and confirmed in writing to the Local Planning Authority (or within 18 months from the grant of the final reserved matters, whichever shall be the sooner).

Reason: To ensure the development can be suitably supplied with potable water prior to occupation and to prevent adverse impact upon the public water supply system, to protect the health & safety of existing and future residents.

24. Prior to the commencement of development it shall be evidenced to, and agreed in writing by the Local Planning Authority, whether or not the South West Water foul and surface water (combined sewer) sewerage infrastructure that this development would link into has adequate capacity to deal with the foul sewage generated by this development and its surface water run off. If it is identified that upgrade works are required to ensure adequate foul sewage capacity and surface water drainage capacity, no dwelling shall be occupied until the upgrades to the foul sewage and surface water infrastructure have been completed to the written satisfaction of the Local Planning Authority unless alternative means of adequately dealing with foul drainage have been agreed in writing by the Local Planning Authority and implemented in full.

(Reason: In the interests of pollution control, the environment and amenity in accordance with Policies EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) and EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan. This needs to be a pre-commencement condition to ensure that the impact and therefore control of sewage and surface water discharge outputs from the site are fully understood and any necessary upgrades to the sewage infrastructure identified and agreed, together with a time scale for implementation)

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

a) A full set of hard landscape details for proposed walls, fencing, retaining structures, pavings and edgings, site furniture and signage.

b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.

c) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by four sections through the site at a scale of 1:200 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.

d) Surface water drainage details in so far as they impact on landscape, incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.

e) A full set of underground services plans and typical depths and trenching requirements for all such services. The plans shall indicate the locations of existing and proposed trees within the scheme and proposals shall ensure that services routing does not adversely interfere with tree pit requirements or root protection areas.

f) A Green infrastructure/ Landscape strategy plan showing existing vegetation to be retained and removed, new tree and native structure planting and other habitat creation areas, existing watercourses and new SuDS drainage provision together with public open space and foot/ cycle path routes and connections. The plan shall identify areas for advance planting and enhancement of existing perimeter hedges prior to commencement of site works.

g) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works within an Arboricultural Method Statement submitted to and approved in writing by the Local Planning Authority prior to commencement.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan). This condition is pre commencement as site level profiles and sections must be fixed before earthworks or retaining structures are built to prevent adverse impacts on surrounding properties

26. The development hereby permitted shall be carried out in accordance with the following approved parameter plans:

1. Land Use Parameter Plan (Drawing no. 24-54-PL-204 Rev C).
2. Green and Blue Infrastructure Parameter Plan (Drawing no. 24-54-PL-205 Rev C).

All applications for the approval of Reserved Matters shall reflect the principles and parameters set out in these plans, including:

- a) The restriction of all built residential development to the areas identified as "Maximum Extent of Residential Development" (totalling no more than 3.74 hectares);
- b) The retention and provision of the strategic green infrastructure corridors and Sustainable Drainage System (SuDS) attenuation areas;
- c) The preservation of the functional floodzone by ensuring no vulnerable development takes place within the identified Flood Zones 2 and 3, which shall be reserved for water-compatible uses;

Reason: To define the extent of the development and ensure that the detailed design respects the assessed landscape and ecological constraints, safeguards the natural function of the watercourse to store and convey floodwaters, and provides high-quality green infrastructure in accordance with Strategies 5 (Environment), 7 (Development in the Countryside), and Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements), and EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031, and Policy NP1 (Development in the Countryside) of the Ottery St Mary and West Hill Neighbourhood Plan.

27. No development shall commence until a detailed scheme for the improvement and upgrading of the surface of Public Right of Way (PRoW) OSM 50 (within the parameters of the application site) has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Devon County Council Right of Way Officer.

The submitted scheme shall include:

1. Full construction specifications and details of the proposed surfacing materials;
2. Proposals for drainage provision to mitigate erosion and ensure the path remains usable during wet periods;
3. Details of how the upgrades will retain the rural character of the footpath while accommodating intensified use;
4. A timetable for the implementation of the works.

The development shall thereafter be carried out in full accordance with the approved details, and no dwelling hereby approved shall be occupied until the surface improvements to PRoW 50 have been completed and made available for public use. (Reason: To ensure that the public rights of way network is suitably enhanced to accommodate the significant increase in footfall generated by the development and remains accessible and usable year-round, in accordance with Strategies 5B and 43 and Policy TC4 (Footpaths, bridleways and cycleways) of the East Devon Local Plan and the National Planning Policy Framework, which requires planning decisions to protect and enhance public rights of way and access. This condition is pre commencement to ensure that details are considered at an early stage and incorporated into the construction.

Plans relating to this application:

Site Location Plan ref. 24-54-PL-202 A

Access Plan 240201-010-C

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.