

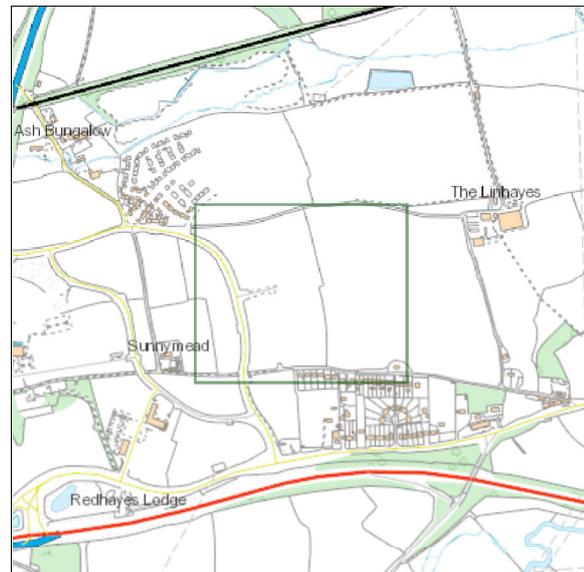
Ward Broadclyst

Reference 19/0995/MFUL

Applicant Eagle One MMIII

Location Land South Of Mosshayne Link Road
Redhayes (Phase 8) Exeter

Proposal Erection of 33 dwellings and associated works



RECOMMENDATION:

1. That the **Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017** attached to the original report is adopted; and
2. **APPROVE** subject to conditions.



UPDATE REPORT

Broadclyst (BROADCLYST)	19/0995/MFUL	Committee Date: 18th May 2020
Applicant:	Eagle One MMill Ltd	
Location:	Land south of Mosshayne Link Road, Redhayes (Phase 8), Exeter	
Proposal:	Erection of 33 dwellings and associated works	

RECOMMENDATION:

- 1. That the Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 attached to the original report is adopted; and**
- 2. APPROVE subject to conditions.**

Background

This planning application was referred to the Development Management Committee (DMC) meeting held on 3rd March 2020. It was decided to defer making a decision to negotiate with the applicant on the following issues:

- 1) Pepper potting of the affordable housing to split the flats from the houses;
- 2) To provide more amenity space around the block of affordable flats;
- 3) To provide 50% of the new dwellings with the integral bat and bird bricks;
- 4) That the boundary treatments to the plots provide a 'hedgehog highway' through the development.

Officers were asked to negotiate with the applicant on these concerns and then refer the application back to Development Management Committee for a decision.

The applicant has responded with agreement to incorporate integral bird/bat boxes and provision for hedgehog movement but does not agree that more pepper potting and amenity space is required for the affordable units.

Considerations

This update report addresses the reasons for deferral of the application with all of planning considerations as per the attached original committee report.

Recent government guidance from July 2019 advises that planning conditions can be used to secure a net gain in biodiversity and examples given include “incorporating ‘swift bricks’ and bat boxes in developments and providing safe routes for hedgehogs between different areas of habitat”. In view of this, an amendment to the previous condition 12 is recommended to make reference to the bird/bat tubes and bricks being integral to the building and an additional condition to require details and implementation/maintenance of a hedgehog highway through the development. This has been agreed by the applicant.

With regard to matters of Pepper-potting/clustering and amenity space, these are discussed separately below.

Pepper potting/ clustering

The applicant is not prepared to amend the proposed development to increase pepper potting as they consider it reflects the size of other affordable housing clusters approved on the Redhayes and Mosshayne developments and is in a location that is not ‘hidden away’ in the corner but when seen in relation to the location of other groups of affordable housing, is well integrated and located at the front of the development. A plan of the other areas of affordable housing on the wider adjoining developments will be included in the committee presentation for Member information.

It should also be noted that this development would be part of the Redhayes and Mosshayne developments which are now up to 1,650 houses. The s106 requirements for affordable housing on the wider development allows clusters of up to 20 units on Redhayes and 25 units on Mosshayne. Whilst the other clusters are less than this, they are all greater than 10 in number and when seen in the wider context, 8 affordable units on this site are less than the majority of the other clusters and well below the s106 levels for cluster size.

Whilst Members stated a preference for the two affordable houses to be moved to a different part of the site to aid pepper-potting, the applicant has not agreed to this. Partly for the reasons stated above, and partly due to increased management issues from isolating two dwellings from the affordable flats on the site. Registered Providers do prefer to have their properties grouped together for ease of maintenance and management.

It is therefore considered that the proposed affordable housing in terms of the wider context of the substantial amount of new housing, is consistent (and in most cases smaller) with the size of other clusters and is well related and integrated into the wider development.

In light of the above, and given that there is no specific local or government guidance in relation to maximum clusters of affordable housing, it is considered that the Local Planning Authority would be very unlikely to win an appeal on the basis of the clustering of the affordable units in this instance.

Available amenity space around the affordable flats

Previously the amount of amenity space around the flats was the subject of officer negotiations due to concerns about the impact of the use of the drive and parking area directly to the south of the flats on the amenity of the ground floor occupiers from traffic noise, fumes and head lights. As a result the amount of amenity area on this side of the flats was increased (to approximately 90sqm of grassed amenity space) and with better boundary treatment, together with the relocation of a window onto the side elevation. This was a positive gain and although it was based primarily on protecting the amenity of occupiers from vehicles/users of the parking area, nevertheless some additional outside amenity area has been secured.

The applicant does not feel it is reasonable to increase the amenity area as this is consistent with other affordable housing apartments on Redhayes. In particular the Minerva scheme that won a Building for Life 'Outstanding' award is given as an example with apartments with similar levels of open space considered acceptable due to the close links to other open space. This site also benefits from a very good level of open space of various types in the locality to off-set the amount of amenity space around the flats. Policy D1 (Design and Local Distinctiveness) of the Local Plan suggests that occupants of future residential properties should have access to open space but no reference is made to whether this should be private or public open space. The Council does not operate standards for minimum private amenity space in new housing developments.

However, the flats are located in a new development where significant areas of open space have or are to be delivered with good access by foot or bicycle. To the north of the site is the green corridor (a multi-use area of Green Infrastructure) which links into the country park, to the south of the site is to be delivered a series of sport pitches, to the west a public square and play area and there are to be links to the east to the existing public footpath network and cricket pitch. The site is next to the community hub of the Redhayes/Mosshayne development which will include a café/restaurant (with outdoor seating area), public house, shop, health care and a community facility. The site is therefore well connected to outdoor public amenity/open areas and other facilities which would adequately compensate for the small private amenity area. The Design Review Panel which considered this scheme, highlighted the enviable position of the site close to public space assets, where the scheme should concentrate on providing clear and attractive access points and develop a relationship to the adjacent open space as part of place making and enhancing public realm.

This has been a key driver for the overall development in terms of providing various types of public realm and open space with good connectivity and access. This helps to off-set the fact that the amenity space around the flats is linear in nature and as such limited in its usability, by providing suitable multi-use public amenity areas within easy access.

It light of the connectivity of the site to a variety of open space and leisure facilities, it is considered that it would be very difficult to win an appeal on the basis of a lack of amenity space immediately around and serving the 6 affordable apartments.

CONCLUSION

It is appreciated that the applicant is prepared to provide integral bat and bird facilities and hedgehog highways and these can be secured by condition and have been included in the revised recommendation and conditions below.

The applicant is not willing to change the clustering or private amenity space for the affordable flats but for the reasons given in this report and the original committee report, it is considered that the wider picture of affordable provision and access to open space across the whole development, means this development would be consistent with, and would be well integrated into, the wider area such that planning permission should be granted.

It should be noted that the S106 agreement has now been completed so the recommendation no longer needs to provide for the completion of this agreement. On the grant of planning permission the obligations within the S.106 agreement will be binding.

RECOMMENDATION:

- 1. That the Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 attached to the original report is adopted; and**
- 2. APPROVE subject to the following conditions:**
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
 2. The development hereby permitted shall be carried out in accordance with the approved plans and documents listed at the end of this decision notice.
(Reason - For the avoidance of doubt and in the interests of proper planning).
 3. A Construction and Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the construction period. The CEMP shall include at least the following matters:
 - 1) Air Quality.
 - 2) Dust control.
 - 3) Lighting.

- 4) Noise and vibration.
- 5) Pollution Prevention and Control, including an emergency plan.
- 6) Monitoring Arrangements.
- 7) Ecology - as specified in the Ecological Appraisal no: 18/3436.01 Rev01.
- 8) Site compound and parking - location and size.
- 9) Construction traffic management.
- 10) Waste Management.
- 11) Airport safeguarding - to accord with the AoA Advice Note 4 "Cranes and Other Construction Issues".

Notwithstanding the above, construction working shall not take place outside the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

(Reason - To protect the amenities of nearby occupiers and to protect the ecology/protected species in the locality to accord with policy EN14 (Control of Pollution) and EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031. The CEMP needs to be approved and implemented at the start of development operations as risks to the environment, amenity and ecology will be present from this point.)

4. No development above foundation level of any dwelling shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include hard landscaping and the planting of trees (including street trees), hedges, shrubs, herbaceous plants, areas to be grassed (using a native seed mix) and planting methods, together with an implementation timetable and maintenance regime. The scheme to be submitted shall accord with the approved Landscape Plan no.1120 Rev D, External Works Plan no.1117 Rev D and the Landscape External Works Plan no.1119 Rev E and shall include the planting with native hedgerow species of the hedgebank on the eastern boundary of the site. The landscaping scheme shall be carried out in the approved planting season and no later than the first occupation of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years in accordance with the approved maintenance regime. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity, to preserve and enhance the character and appearance of the area and in the interests of ecology in accordance with Policies D1 (Design and Local Distinctiveness), EN5 (Wildlife Habitats and

Features) and D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)

5. Before any street tree planting takes place in accordance with the approved landscaping scheme as required by condition 4 above, further details of soil volumes together with a specification and details for a proposed crated soil system under hard paving for use in extension tree pits shall be submitted to and approved in writing by the Local Planning Authority. The soil volumes, locations and trees shall be provided in accordance with the approved details as part of the landscaping scheme and implementation timetable required by condition 4 above.

(Reason - to allow the street trees proposed to properly survive and prosper therefore additional details are required in the interests of the visual amenity of the development to accord with policies D1 (Design and Local Distinctiveness), D2 (Landscape requirements and D3 (Trees and Development Sites) of the East Devon Local Plan 2013 to 2031).

6. Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or the development, the Local Planning Authority shall be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

(Reason: To ensure that any contamination existing and exposed during the development is identified and remediated in accordance with policy EN16 (Contaminated Land) of the East Devon Local Plan 2013 to 2031 and with the National Planning Policy Framework.)

7. All walls and fences shall be erected in accordance with the approved details (Enclosures Plan 1114 Rev E and drawing numbers 1400 Rev C, 1401 Rev B, 1402 Rev B, 1403 Rev B, 1404 Rev B, 1405 Rev A) within, adjacent to or around the curtilage of the relevant dwelling before it is first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), these walls and fences shall not thereafter be altered, removed or replaced without the prior written approval of the Local Planning Authority.

(Reason: In the interests of preserving and enhancing the appearance of the area and/or protecting the privacy of local residents, in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 to 2031).

8. The development hereby approved shall be constructed in accordance with the approved details of finished floor levels and finished ground levels unless any variation is agreed in writing by the Local Planning Authority.

(Reason: In the interests of the appearance of the locality and the amenity of occupiers, in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 to 2031).

9. No development above foundation level on any of the dwellings hereby permitted shall take place until details of materials to be used externally for the buildings have been submitted to, and approved in writing by the Local Planning Authority. The details to be submitted shall be based on the approved Materials Plan no. 1111 Rev D. The development shall be built using the materials approved.

(Reason: To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 to 2031).

10. The buildings comprised in the development hereby approved shall be constructed so that their internal systems for space and water heating are capable of being connected to the proposed decentralised energy network. Prior to the occupation of the development, necessary on site infrastructure shall be put in place for connection of those systems to the network at points on the site boundary agreed in writing by the Local Planning Authority.

(Reason: In the interests of sustainable development and to support the opportunities for decentralised energy supply systems to accord with Strategy 40 (Decentralised Energy Networks) of the East Devon Local Plan 2013 to 2031 and policy contained within the National Planning Policy Framework).

11. No occupation of any part of the development shall be take place until a scheme for an External Lighting and Management Plan for the operational stage of the development has been submitted to and approved in writing by the Local Planning Authority. The plan shall provide details of the design, hours of use, locations and management of any exterior lighting within any public areas and communal parking areas (but not private gardens), including signage, floodlighting and road lighting. The lighting for the development shall then be installed and operated in accordance with the approved details.

(Reason: To safeguard the amenities of the area, to protect future occupiers and protected species from excessive light levels and in the interests of airport safety in accordance with Strategy 7 (Development in the Countryside), policies D1 (Design and Local Distinctiveness), EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) and of the East Devon Local Plan 2013 to 2031 and policy contained within the NPPF).

12. No development above foundation level on any of the dwellings hereby permitted shall take place until a scheme for the provision of integral bird bricks and integral bat tubes/bricks on at least 50% the dwellings comprised in the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the physical details of the tubes/bricks, the location of the buildings which would be fitted and their position on the buildings. No dwelling approved to have a tube/brick shall be

occupied until the tube/brick has been provided on that dwelling in accordance with the approved details and it shall thereafter be maintained for the intended purpose

(Reason: To ensure that the development mitigates against habitat loss and enhances biodiversity in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 to 2031 and government policy contained within the National Planning Policy Framework and guidance in the National Planning Practice Guidance).

13. Prior to the commencement of the development hereby approved, a Soil Resources Plan shall be submitted to and approved in writing by the Local Planning Authority. The Soil Resources Plan shall set out the procedures that will be put in place to ensure that all high quality soil resources on the site that will be displaced by the development are conserved and reused elsewhere in the locality. The Plan shall detail how high quality soil resources will be identified, how they will be stored and relocated and where they will be reused. The development shall thereafter only be carried out in accordance with the approved plan.

(Reason - To ensure that the high quality soil resources at the site are conserved and re-used having regard to the site being identified as 'best and most versatile' land to accord with policy EN13 (Development on High Quality Agricultural Land) of the East Devon Local Plan 2013-2031 and government policy contained in the National Planning Policy Framework. These details are required prior to the commencement of development as the soil resource will be affected from the start of operations on the site).

14. Prior to the occupation of a particular dwelling on the development hereby approved, the proposed sound insulation specifications for the glazed and ventilation elements for that particular dwelling shall be provided in accordance with the submitted Acoustic Design Statement AS11081.190430.ADS.V1.1, including figure 11081/GP1. Thereafter, the installed glazing and ventilation elements shall be retained in perpetuity.

(Reason - To protect the amenities of future residents from noise, in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 to 2031).

15. Prior to any occupation of the development hereby permitted, a detailed site waste management plan for the operational stage of the development shall be submitted to and approved in writing by the Local Planning Authority. The requirements of the approved site waste management plan shall be implemented in full during the operational stages of the development.

(Reason- to ensure that the waste arising from the development is managed sustainably and responsibly in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031, policy W4 of the

Devon Waste Plan 2014 and policy within the National Planning Policy for Waste).

16. Should an electricity sub-station be required on the site, prior details to show the location and appearance of the electricity sub-station shall be submitted in writing to the Local Planning Authority. The details submitted shall be approved in writing by the Local Planning Authority before any commencement is made on the construction of the electricity sub-station and the electricity sub-station shall be sited and constructed in accordance with the approved details. Notwithstanding the provisions of Part 15, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no further electricity sub-station shall be provided or the approved electricity sub-station(s) shall not be re-located or modified without the prior written approval of the Local Planning Authority.

(Reason - In the interests of the appearance of the development to secure a sensitive design and location for any electricity sub-station and protect areas of open space from an inappropriate location and/or design to accord with strategy 9 (Major Development at East Devon's West End) and policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 to 2031).

17. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to and approved in writing by the Local Planning Authority. The design of this permanent surface water drainage management system shall be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk and Drainage Assessment for the Proposed Residential Development at Tithebarn H5 Exeter Project Reference 18.10.246 dated May 2019 Revision PL03, together with the Drainage Layout Plan no. 1050 Rev PL04. No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

(Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems in accordance with the requirements of policy EN22 (Surface water Run-Off Implications of New Development) of the East Devon Local Plan 2013 to 2031. The details are required before commencement of development as the surface water drainage system will need to be installed in part or whole, at or soon after the start of the development).

18. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to and approved in writing by the Local Planning Authority. This temporary surface water drainage management system shall satisfactorily

address both the rates and volumes, and quality, of the surface water runoff from the construction site. The approved surface water drainage management system shall be implemented during the whole construction period.

(Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area in accordance with policy En18 (Maintenance of Water Quality and Quantity) and policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013 to 2031. The details are required before commencement of development as the construction surface water drainage management system will need to be implemented from the start of the development and a plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure).

19. No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to and approved in writing by the Local Planning Authority.

(Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed in accordance with the requirements of policy EN22 (Surface water Run-Off Implications of New Development) of the East Devon Local Plan 2013 to 2031. The details are required before commencement of development as the details are needed to form part of the overall surface water drainage system and this will need to be installed in part or whole, at or soon after the start of the development).

20. No part of the development hereby permitted shall be occupied until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to and approved in writing by the Local Planning Authority.

(Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development in accordance with the requirements of policy EN22 (Surface water Run-Off Implications of New Development) of the East Devon Local Plan 2013 to 2031).

21. The vehicular access points, on-site turning areas and vehicular parking spaces shall be provided in accordance with the "Planning Layout 1100 Rev Q", and thereafter they shall retained for those purposes at all times.

(Reason: To provide adequate visibility to achieve safe and suitable accesses, turning areas and parking, in accordance with policy TC7 (Adequacy of Road Network and Site Access) and policy TC9 (Parking Provision in New

Development) of the East Devon Local Plan 2013 to 2031 and with paragraph 108 of the National Planning Policy Framework).

22. Notwithstanding the submitted details, the footways to be provided on both sides of the main access road into the site (north-south alignment), as shown on the approved Planning Layout No.1100 Rev Q, shall be a minimum width throughout of 2 metres.

(Reason: To provide a safe and suitable access for pedestrians and cyclists in accordance policy TC4 (Footpaths, Bridleways and Cycleways) of the East Devon Local Plan 2013 to 2031 and with Paragraph 108 and 110 of the NPPF).

23. No commencement shall be made for the construction of the main permanent access road into the site until details of a vehicular ramp into the site has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the ramp has been provided, surfaced and marked out in accordance with the approved details and thereafter it shall be retained for those purposes at all times.

(Reason: To provide a safe and suitable access for pedestrians and cyclists in accordance policy TC4 (Footways, Bridleway and Cycleways) and policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 to 2031 and with Paragraph 108 and 110 of the National planning Policy Framework).

24. Prior to the occupation of any dwelling, details shall be submitted to and approved in writing by the Local Planning Authority to show how the west-east aligned pedestrian and cycle route shall be provided with a 3m effective width from the western boundary of the site through to the shared surface between plots 1 and 31 and from the shared surface between plots 12 and 13 through to the bank on the eastern boundary. The pedestrian and cycle route through the bank on the eastern boundary shall be not exceed 3m in width. The details to be submitted shall also include a timetable for the provision of the pedestrian and cycle route to be completed and open for use. The access route for pedestrians and cyclists shall have been provided, surfaced and marked out in accordance with the approved plans and timetable and shall thereafter be retained for those purposes at all times.

(Reason: To provide a safe and suitable access for pedestrians and cyclists in accordance policy TC4 (Footways, Bridleway and Cycleways) and policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 to 2031 and with Paragraph 108 and 110 of the National Planning Policy Framework).

25. Prior to commencement of the construction of any of the dwellings above ground level, details shall be submitted to and approved in writing by the Local Planning Authority to show secure covered cycle parking provision for the development, except for units 18 to 23 and unit 25. The cycle parking shall be provided in accordance with the approved details before the occupation of each dwelling unit to which the particular cycle parking relates.

(Reason - to ensure the dwellings are provided with adequate cycle parking in the interests of sustainable transport in accordance with policy TC9 (Parking Provision in New Development) of the East Devon Local Plan 2013 to 2031).

26. Notwithstanding the approved enclosure drawing 1114 Rev E and the details of close boarded fences and walls, prior to the occupation of any dwellings on the site, details to show how hedgehog movement will be provided for between gardens/private amenity space and to the surrounding land shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include suitable holes (13cm x 13cm) at ground level in close boarded fences and walls, appropriate signage and their locations. The approved details shall be incorporated into each property before it is occupied and thereafter they shall be maintained for the intended purpose and the hedgehog holes and signage shall not be blocked or removed.

(Reason: To ensure that the development mitigates against habitat loss and enhances biodiversity in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 to 2031 and government policy contained within the National Planning Policy Framework and guidance in the National Planning Practice Guidance).

NOTE FOR APPLICANT

Informative:

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

The applicants attention is drawn to the accompanying s106 Agreement

Plans relating to this application:

18/3436.01 (amended)	Protected Species Report	28.11.19
acoustic design statement	General Correspondence	28.11.19

amended	Design and Access Statement	28.11.19
revision PL03 (amended)	Flood Risk Assessment	28.11.19
1401 rev B : closeboard fence (amended)	Proposed Combined Plans	28.11.19
1400 rev C : brick wall (amended)	Proposed Combined Plans	28.11.19
1402 rev B : vertical railing (amended)	Proposed Combined Plans	28.11.19
1403 rev B : closeboard fence (amended)	Proposed Combined Plans	28.11.19
1404 rev B : 1.8m boundary hedge (amended)	Proposed Combined Plans	28.11.19
1405 rev A : 1.2m brick wall (amended)	Proposed Combined Plans	28.11.19
1015 rev PL03 : highways tracking plan (amended)	Other Plans	28.11.19

1170 rev B : streetscenes/sections (amended)	Street Scene	28.11.19
1113 rev D : waste collection plan (amended)	Other Plans	30.01.20
1100 Rev Q	Layout	10.02.20
1114 Rev E: Enclosure plan	Other Plans	10.02.20
1115 Rev F: Indicative land ownership	Other Plans	10.02.20
1111 rev D : materials plan (amended)	Other Plans	30.01.20
1112 rev D : storey heights plan (amended)	Other Plans	30.01.20
1116 rev D : parking plan (amended)	Other Plans	30.01.20
1117 rev D : external works plan (amended)	Other Plans	30.01.20
1118 rev D : affordable	Other Plans	30.01.20

housing plan
(amended)

1119 rev E : Other Plans 30.01.20
landscape
external works
(amended)

1120 rev D Landscaping 30.01.20
(amended)

1300 rev B L Proposed Combined 30.01.20
bin+cycle Plans
store/elevations
(amended)

1250 rev C : key General 30.01.20
to materials Correspondence
(amended)

1240 rev G : Proposed Combined 30.01.20
house type G Plans
(amended)

1232 rev G : Proposed Combined 30.01.20
house type D3 Plans
(amended)

1231 rev F : Proposed Combined 30.01.20
house type D2 Plans
(amended)

1230 rev K : Proposed Combined 30.01.20
house type F Plans
(amended)

1229 rev G : house type E4 (amended)	Proposed Combined Plans	30.01.20
1227 rev G : house type E2 (amended)	Proposed Combined Plans	30.01.20
1226 rev G : house type E1 (amended)	Proposed Combined Plans	30.01.20
1224 rev F : house type C2 (amended)	Proposed Combined Plans	30.01.20
1223 rev I : house type C1 (amended)	Proposed Combined Plans	30.01.20
1222 rev K : house type B (amended)	Proposed Combined Plans	30.01.20
1220 rev I : house type A (amended)	Proposed Floor Plans	30.01.20
1221 rev E : house type A (amended)	Proposed Elevation	30.01.20
1011 rev PL05 : kerbing plan (amended)	Other Plans	30.01.20

1040 rev PL04 : external works levels (amended)	Other Plans	30.01.20
1050 rev PL04 : drainage layout (amended)	Layout	30.01.20
3999 PJA	Transport Statement	10.05.19
1010 PL06 : section 38	Layout	30.01.20
1228 Rev G: House type G	Proposed Combined Plans	30.01.20
Tree Survey	General Correspondence	10.05.19
Land at Monkerton+Redh eyes	Archaeological Report	10.05.19
GCE00105/R2 Site Investigation	General Correspondence	10.05.19
18/3436.01 Devon Wildlife	Ecological Assessment	10.05.19
Air Quality	General Correspondence	10.05.19
1121 Rev B	Location Plan	20.05.19

List of Background Papers

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

ORIGINAL REPORT

		Committee Date: 3 rd March 2020
Broadclyst (Broadclyst)	19/0995/MFUL	Target Date: 14.02.20
Applicant:	Eagle One MMIII	
Location:	Land South Of Mosshayne Link Road Redhayes (Phase 8)	
Proposal:	Erection of 33 dwellings and associated works	

RECOMMENDATION:

1. That the Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 is adopted; and
2. APPROVE subject to the completion of the S106 Agreement and conditions.

EXECUTIVE SUMMARY

This application is before Members as it is a departure from Local Plan policy.

This is a full planning application for the construction of 33 dwellings with associated infrastructure on phase 8 of the Redhayes/Tithebarn Green development close to the Exeter Science Park.

The site is allocated for housing in the local plan and there is an extant planning permission for housing on this part of the Redhayes development. This current application is a full planning application because the 33 dwellings proposed would take the total number of units approved in detail on the wider Redhayes area to over the 580 units authorised by the outline planning permission. As such a reserve matters application could not be submitted. The application represents a departure from the local plan as Strategy 13 permits 1,500 houses in this location with a grant of this current planning application taking the total number to 1,513.

Overall, the application for housing is consistent with the Redhayes/Mosshayne development and the additional numbers would not be significant enough to raise an objection to the application.

The proposed development was the subject of a Design Review Panel (DRP) assessment before the application was submitted. Some changes were incorporated for the application submission to address the DRP views but this was not considered sufficient to raise the standard of design to an acceptable level bearing in mind the government policy of achieving high quality places as outlined in Section 12 of the NPPF. As a result of this, further discussions have taken place and amendments have been made to the scheme to raise the quality and it is now acceptable and reasonably meets the DRP concerns.

Permeability for pedestrians and cyclists has been improved and the car parking reduced in prominence. Technical matters, including drainage, have been addressed and the suggested S106 and conditions suitably control and mitigate the impact of the development.

The application provides the required 25% affordable housing through 8 units on site plus a financial contribution.

Overall, the principle of this development is considered to be acceptable and through the application process the quality of the scheme has been improved and is now considered to be acceptable.

CONSULTATIONS

Local Consultations

Parish/Town Council

05/06/19 - Thank you for consulting Broadclyst Parish Council.

At its meeting on 4th June 2019, the Council resolved to submit the following comment on this application, which has previously been submitted to the developer's agent at pre-app stage:

Materials ' The materials used in this development are in keeping with the emerging character of the wider development.

GI ' the proposals to retain and improve hedgerows are welcomed. The planting scheme throughout the parcel is appreciated as is the shared street design along the east-west pedestrian corridor.

Parking ' House #10 has 2 parking bays split by a hedge; we suggest bays for 9, 10, and 11 be split into pairs as they are for #12-14 and #20-23.

House #15-19 comprise 4 x 3-bed and 1 x 2-bed, served by 7 parking spaces. This is inconsistent with the rest of the development which provides and appreciated 2 spaces per 3 or 4-bed and 1 per 2-bed dwelling; such provision is likely to encourage on-street parking beyond the designated parking areas, especially on the grass verges in front of 15, 16, 18, and 19.

It is not clear from diagram B-B on p13 of the proposals how the coach house will provide off-street parking and access to the rear courtyard.

Gardens ' house 27-29 are 3-bed properties, however the garden for 28 is very small compared to those of 27 and 29. Suggest the boundary between 27/28 be moved toward the south west slightly to be brought in line with the boundary for each property.

Similarly, the gardens for 30 and 31 are different sizes.

Properties 32 and 33 are the largest ones, benefitting from informal green space to the front, however property 32 would benefit from access through the garden from the garage/parking area. Would turning properties through 45 degrees clockwise so they are parallel with the footpath enable better use of the garden space to the rear and improve the view from 32 towards the recreation space?

The Council is supportive in principle of this proposal but requests these comments be considered to improve the quality of life for future residents.

Adjacent Clyst Honiton Parish Council

13/06/19 – supports the submission forwarded by Broadclyst Parish Council and believes that a higher standard of build is achievable on this site. It has no objection in principle.

Technical Consultations

DCC Flood Risk SuDS Consultation

10/01/20 - We have no in-principle objections to the above planning application, from a surface water drainage perspective, at this stage. If the Planning Case Officer is minded to grant planning permission in this instance, I request that the following pre-commencement planning condition/s is/are imposed:

1. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk and Drainage Assessment for the Proposed Residential Development at Tithebarn H5 Exeter Project Reference 18.10.246 dated May 2019 Revision PL03. No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

2. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

3. No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

4. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Reason for being a pre-commencement condition: These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

Observations:

The applicant has submitted the Ground Investigation Report Tithebarne Lane, Clyst Honiton, Exeter,

Report, GCE00556/R1 dated June 2015 Version 1 which demonstrates that infiltration is not viable at this site. Above ground attenuation is not feasible due to current SWW adoption requirements. The applicant is proposing to attenuate the runoff in a below ground tank with restricted discharge into a surface water sewer which ultimately discharges to the Pinn Brook.

08/01/20 - At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

Following my previous consultation response FRM/ED/0995/2019, dated 12th June 2019, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

- Flood Risk And Drainage Assessment for the Proposed Residential Development at Tithebarn H5 Exeter, Project Reference 18.10.246 dated May 2019 Rev PL03

The applicant has kindly updated the FRA report to include the modelling results for the 1 in 100 year event and confirmed the attenuation volume required.

However, as stated in my previous response, the Site Investigation Report GCE00105/R2 dated July 2011 states that soakaway testing was not undertaken due to access constraints for plant. Further testing was undertaken in June 2015 and these results should be submitted to the local planning authority.

12/06/19 - Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant should submit the attenuation calculation for the 1 in 100 year plus 40% design event to ensure the drainage design complies with the Non-statutory technical standards for sustainable drainage systems dated March 2015.

In addition it is noted that the Flood Risk and Drainage Assessment 18.10.246 dated May 2019 section 4.2.04 indicates an attenuation volume of 93 m³ whereas the accompanying outputs indicate 109 m³ for the 1 in 30 year event. The applicant should provide clarification on the volumes and update the report accordingly.

It is noted that the Site Investigation Report GCE00105/R2 dated July 2011 states that soakaway testing was not undertaken due to access constraints for plant. Further testing was undertaken in June 2015 and these results should be submitted to the local planning authority.

If additional information is submitted to the local planning authority, we would be happy to provide another substantive response.

Environmental Health

03/12/19 - I have no further response to make from my previous comments of 09.07.19.

09/07/19 - I have considered this application and the noise report submitted by Clarke Saunders acoustics and I am satisfied with the design principals detailed in the report and the conclusion discussed within the same document. Therefore providing these specifications are met as the minimum standards I have no further comments to make.

Contaminated Land Officer- Environmental Health

20/06/19 - I have reviewed and assessed the Geo Consulting Engineering Ltd Site Investigation Report titled "Redhayes, Exeter Report: GCE00105/R2 July 2011 - General Correspondence 19/0995/MFUL" and note the conclusions and recommendations in chapter 10 pages 50 to 51.

10.2 PPS23 - Land contamination

The following conclusions and recommendations are relevant to PPS23 Annex 2 "Development on land affected by contamination"

- o Chemical analysis of the soils encountered confirms acceptable concentrations when compared to current guideline values for residential development. Vanadium concentrations are close to LQM GAC values for allotments. However this is quite common for soils within the Exeter area, and is likely to be of natural origin. The chemical analysis includes targeted sampling and analysis of the soils beneath the former barn within field 4.
- o Chemical analysis of the water in Pinn Brook indicates slightly elevated Ammoniacal Nitrogen (NH₃) compared to provisional freshwater EQS value. This result provides a baseline, suggesting an upstream source such as sewage discharging to the stream from the off-site treatment works.
- o Preliminary soil gas monitoring suggest near normal ground gas composition. Further monitoring in-line with current guidance is recommended to confirm this finding. This ideally should include six monitoring visits over a period of three months. The reason for this recommendation is based on soil gas monitoring undertaken by others on the adjacent Science Park where there was a recommendation for characteristic situation 2.
- o Provision for basic radon protection is suggested, in addition a geological report should be commissioned to confirm the requirement if any for radon protection measures

DCC Highway DM Officer for Exeter, East of Exeter

16/12/19 - Observations:

The submitted application is for the erection of 33 dwellings and associated works at the land south of Mosshayne Link Road, Redhayes (Phase 8).

Trip Generation

A transport assessment has been submitted with the application; analysis from the TRICS database (for consistency the trip rates for the adjacent Redhayes scheme has been used) has been provided, gauging the likely traffic generation of the proposed development.

The resultant vehicle trip rates and associated traffic generation indicate that there will be 21 two-way trips in the AM Peak and 19 two-way trips on the PM Peak. Notwithstanding this, the application site is in a sustainable location. There will be buses running along Mosshayne Link Road and is located adjacent to a proposed school and local centre. Henceforth, given the above, the vehicular impact of the development cannot be deemed as severe and cannot form a reason for refusal.

Access/On site layout

The primary vehicular access point is proposed via an existing raised T-junction onto the Southern Mosshayne Link Road (SMHLR), which is acceptable in principle. However, it is noticed that within the site, there a missing ramp down into the onsite layout, where footways are proposed.

There are some properties direct access off the SMHLR with the rest of the properties being served off dropped kerbs or parking courts within the site. The actual vehicular access points from the development onto the surrounding highway network has sufficient visibility requirements (2.4m x 43m) meeting the existing 30mph speed limit and therefore, in principle is acceptable.

In the spirit of the NPPF, the applicant should be maximising the sustainable links on site.

It is noted that a 1.8m footway is to be provided on the both sides of the access road - it is expected that this should be 2m in width in accordance with MfS (section 6.3.22). This is also conditioned.

Furthermore, when the land for the proposed local centre comes forward (to the west) together with the school (to the east) there will be a key desire line for pedestrians and cyclists. It is thought that vehicular levels are likely to be low in this section of highway and therefore shared space is being promoted; this is acceptable, however 3m effective width connection points on the red line boundary (to the west and east) are required safeguarding a suitable route through the site.

The LPA should be made aware that there is limited visibility for the parking court serving plots 29 to 32, however, this is on private land.

There are however a few elements of the design which are overly highway focused for residential streets. Options to provide a lower speed environment that better encompasses the manual for streets philosophies should be refined through the Section 38 process. The applicant is reminded that the highway authority will expect blacktop and/or imprint on the adoptable areas (and not block paving). The highway authority will not be responsible over the maintenance of trees.

Parking

The onsite layout appears to have enough parking spaces on site together with a number of visitor parking bays. These vehicular spaces and access points should be secured by condition. The submitted plans show that there is sufficient space to turn around and exit in forward gear.

It is not clear if secure covered cycle parking has been provided for all of the dwellings proposed. To complement the good links to cycle routes, a condition is recommended to ensure secure cycle parking is provided. It is acknowledged that a bin and cycle store plan has been submitted.

Travel Planning

In accordance with paragraph 111 of the NPPF the development will be required to have a Travel Plan. DCC is currently adopting an approach for residential Travel Planning in the Exeter area with contributions paid directly to the Council for them to implement the Travel Plan and its measures. Consequently, a contribution of £500 per dwelling should be secured as part of any S106 agreement. This is akin to the contributions sought in adjacent developments.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION:-

1. Financial contributions and as set out in the informative to be secured by an appropriate agreement (Travel Planning Contributions).
2. No part of the development hereby approved shall be brought into its intended use until the vehicular access points, on site turning areas and vehicular parking spaces as indicated on "Planning Layout Rev N", have been provided and maintained in accordance with

details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

REASON: To provide adequate visibility to achieve a safe and suitable access, in accordance with paragraph 108 of the National Planning Policy Framework.

3. No part of the development hereby approved shall be brought into its intended use until details of pedestrian footway widths through the site have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the widths have been provided, surfaced and marked out in accordance with the approved plans retained for those purposes at all times.

REASON: To provide a safe and suitable access for pedestrians and cyclists in accordance with Paragraph 108 and 110 of the NPPF

4. No part of the development hereby approved shall be brought into its intended use until details of vehicular ramp into the site have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the details of ramp have been provided, surfaced and marked out in accordance with the approved plans retained for those purposes at all times.

REASON: To provide a safe and suitable access for pedestrians and cyclists in accordance with Paragraph 108 and 110 of the NPPF

5. No part of the development hereby approved shall be brought into its intended use until 3m effective width pedestrian/cycle access points next to parking bays serving plots 1 and 12 have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the details of access points have been provided, surfaced and marked out in accordance with the approved plans retained for those purposes at all times.

REASON: To provide a safe and suitable access for pedestrians and cyclists in accordance with Paragraph 108 and 110 of the NPPF.

6. Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure cycle parking provision for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.

REASON: To provide adequate facilities for sustainable transport and in accordance with Policy TC9 of the EDDC local plan.

Housing Strategy Officer Melissa Wall

07/06/19 - This reserved matters application is for 33 dwellings and forms part of the Tithebarn/Redhayes area. This site is not being brought forward under the outline planning consent for the area therefore the existing S106 agreement does not apply.

In accordance with strategy 34 this site forms part of the major strategic 'West End' sites and a target of 25% affordable housing is sought (8.25 units). The tenure split should be 70% (6 units) rented accommodation and 30% shared ownership (2 units) or another form of low cost home ownership as defined in NPPF. The applicant is complying with this in their proposal.

The applicant is proposing to provide 8 units of affordable housing on-site with a commuted sum amounting to £12,448 for the remainder (0.25). A Section 106 agreement will be entered into which will secure the affordable housing provision, including the commuted sum, and will detail how the affordable units will be occupied on completion. The affordable units should be transferred to and managed by a preferred registered provider.

The proposal is to provide 6 x 1 bedroom apartments for rent and 2 houses (1x 2 bed & 1x 3 bed) for shared ownership. The apartments are contained within a block with each flat having a separate entrance, which is a good design feature. The sizes of the flats are good.

The two houses for shared ownership are on the small size at 66.9 sq m for the 2 bed and 79.9 sq m for the 3 bed, although this is less of an issue for this tenure. The parking provision is good with the houses having 2 spaces each and the apartments 1 space each.

The affordable units are all located in the North West corner and are not dispersed throughout the development. Whilst there are benefits for the affordable housing provider in having them in one area under local plan policy they should be pepper-potted.

South West Water

23/05/19 - I refer to the above application and would advise that South West Water has no objection

Police Architectural Liaison Officer - Kris Calderhead

11/06/19 - Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application.

It is pleasing to note that Community Safety has been referenced in the Design and Access Statement and that the principles of Secured by Design have been incorporated into the design. I have no objections to the application but include below some observations and recommendations.

Boundary Treatments

Any existing or new hedgerow that is likely to comprise new rear garden boundaries must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function. Additionally, clear ownership and responsibility for the hedge must be established in order to ensure its effective maintenance and upkeep. Any retained hedge is often better kept within public space/realm rather than private garden, as is often easier to maintain.

Where parking spaces abut rear gardens e.g. plots 27, 29-33, it would be desirable for the 1800mm close boarded timber fence/brick wall to be changed for 1500mm fencing/wall supplemented with 300mm trellis to 1800mm in order to aid surveillance. This would increase surveillance opportunities in the parking court and reduce the fear of crime.

Lighting

Presumably the site will be adopted and lit as per normal guidelines (BS 5489). I note and welcome that 'where rear parking is proposed the spaces will benefit from...good lighting'.

This should be implemented as often parking courts are left unlit which can contribute to an increase in crime and anti-social behaviour as well as the fear of crime and anti-social behaviour.

Cycle & Bin Stores (Plots 18-23)

Bin stores can become a target for anti-social behaviour and also be an arson risk. Therefore where separate communal bin storage has been utilised, it is recommended that they conform to SBD standard as set out in Secured by Design New Homes 2016. SBD guidance is that bin stores should be fully enclosed (with exception to a ventilation space between the roof and the wall shells). External doors should have no windows and be fitted with a secure door set that meets the same physical specification as external doors detailed in the same document i.e.

- PAS 24:2016,
- STS 201 Issue 4:2012
- LPS 1175 Issue 7.2 (2014) Security Rating 2+
- STS 202 Issue 3 (2011) Burglary Rating 2 or
- LPS 2081 Issue 1 (2015) Security Rating B+

Communal cycle storage areas must also be adequately secure as cycle theft is a threat to any new development. Stores should be lit using vandal resistant light fittings and energy efficient lamps. External containers specifically designed for the secure storage of bicycles and other property should be certificated to LPS 1175 SR 1 or Sold Secure Bronze or greater, with internal locking points to Sold Secure standards or LPS 1175.

Where bicycle storage is provided in a robust shed, the minimum requirements for the shed construction and security are as follows:

- 38x50mm (min) planed timber frame
- Floor and roof constructed from 11mm boards (min)
- 10x125mm (min) Tongue & Grooved board
- No window to be present
- Door hinges, hasp and staple to be coach-bolted through the shed structure 'Sold Secure' Silver or LPS 1654 Issue 1:2013 SR1 standard padlock to be used
- Shall be securely fixed to a suitable substrate foundation
- The bicycle security anchor shall also be certificated to 'Sold Secure' Silver Standard or LPS 1175 Issue 7.2 (2014) SR1 and securely fixed to the concrete foundation in accordance with the manufacturer's specifications
- Proprietary wall-mounted anchoring systems certificated to Sold Secure Silver standard and installed according to the manufacturer's specifications are acceptable

Physical Protection

All external doors and accessible windows should comply with the requirements of Approved Document Q (ADQ) of the Building Regulations and Secured by Design (SBD) standards as set out in Secured by Design Homes 2016.

Exeter & Devon Airport - Airfield Operations+Safeguarding

09/07/19 - This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

In terms of the Air Navigation Order, it is an offence to endanger an aircraft or its occupants by any means. In view of this I have included, as attachments, some safeguarding notes which all developers and contractors must abide by during construction and commissioning.

These include: AoA Advice notes. Advice Note 4 Cranes can be seen under the Document Tab.

4 Cranes and other Construction Issues.

Accordingly, Exeter Airport have no safeguarding objections to this development provided that all safeguarding criteria are met, as stipulated in the AoA Advice Notes, and there are no changes made to the current application.

EDDC – Landscape Architect

10/02/20 - I have checked through the latest drawing amendments for the above application and am satisfied that these adequately address previous concerns raised.

10/07/19

1 Introduction

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

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

2 Landscape response

2.1 Overview

A previous scheme was submitted by the applicant for independent design review. The Design Review Panel (DRP) advised that the proposal fell far short of an acceptable layout and that the scheme was compromised by excessive parking requirements, a high proportion of detached dwellings and poor coherence with open space opportunities beyond the site boundaries.

The panel also noted that the Mosshayne Link Road (MLR) frontage was too fragmented and lacked opportunity for tree planting and that the western boundary was too inward looking and dwellings should front the open space to the west.

The present application provides for the same number of dwellings but has been amended from the scheme submitted for Design Review. While the revised layout has taken on board some of the DRP comments such as frontage of the MLR and western boundary, other changes have exacerbated issues raised by DRP, particularly an over dominance of car parking and a reduction in planting that could otherwise help to soften the built form.

Other recommendations such as the creation of clear and attractive access points between the development and adjacent POS and changing the detached units on the southern boundary to terraced units have been ignored.

It is recognised that the scheme is constrained by an awkward red line boundary area and uncertainty regarding the land/use and design of the open space to the west which makes it difficult to provide a fully integrated design solution with adjacent land. The DRP also recommended that planting along the MLR should reflect the sections consented to the west and east, however, the MLR to the immediate site frontage is already consented and the site layout reflects the approved alignment of the road, and adjacent foot and cycle paths which limits scope for on street planting. Page 2 of 4

2.2 Detail response

Housing density

While the design has responded to some of the issues raised by the DRP, essentially it seems that the housing density proposed is too great and it is considered that at least three units should be dropped in order to provide a satisfactory layout that is attractive, makes a positive contribution to road frontages and is well connected to surrounding public open space.

Planting

The current layout severely limits scope for planting areas which could otherwise help to soften the built form and provide amenity value. The MLR frontage limits tree planting opportunities allowing just two possible locations for trees between the building line and the footway.

Within the site many of the planting beds are too narrow to support viable plant growth that can make a significant contribution to the street scene. The planting beds to the south side of the apartment block, north side of the boundary to plot 17 and south side of plots 15, 31 and 32 and tree pits between parking bays to the fronts of plots 3 and 10 are unfeasibly narrow.

Further planting blocks are needed to break up the run of parking bays to the fronts of plots 1-4 and 9-12.

The proposed native hedge forming the southern boundary to the POS is shown as 0.8m wide. To be viable allowance should be made for a native hedge to grow to 2m width and the width of the planting bed should be a minimum of 1.5m wide particularly where it is abutting a fence line.

The proposed hedge to the western boundary is shown as 0.5m width, which is too narrow. A minimum 1m width planting bed should be provided.

Existing hedgerow

Where the existing hedgerow to the eastern site boundary abuts private gardens a post and wire-mesh fence should be provided, offset 1m from the inside face of the hedge to demarcate the limit of private ownership. Land to the hedge side of the fence should be retained within the ownership of a management company. Such fencing should be indicated on the enclosures plan.

The parking bays to plots 18 and 23 are too close to the hedge and are likely to impinge the root protection area. A minimum 1m margin should be provided between the face of the hedge and the edge of the parking area.

Plot 12 is also too close to the eastern boundary hedge. Construction works are likely to encroach on the root protection area and the hedge is likely to continually grow over the access path to the property. The unit should be moved away from the hedge line to provide a minimum 1m verge between the face of the hedge and the property boundary which should be demarcated by a post and wire fence.

The eastern end of the access road to the front of plot 12 is similarly too close to the hedge line and should be set back 1m from the face of the hedge.

Public open space within development

The small POS area within the development has been reduced from the scheme presented to DRP but still appears to attempt to provide play provision. Given the small size of the space and its Page 3 of 4 proximity immediately in front of plots 32-33 it is unlikely to provide an adequate play function and could become a nuisance for the adjoining residents. As recommended by the DRP it would be better for this space to be incorporated in front gardens.

Enclosure

The proposed short length of 1.8m high brick wall on the western boundary to the rear garden of plot 1 appears arbitrary and awkward and it would be better and more consistent if the southern boundary hedge were extended along this boundary to meet the proposed railings.

The rear boundary to plots 1-12 should comprise a suitable mesh fence, minimum 1.5m high, rather than close boarded timber in order to allow light to the base of the proposed hedge to the south.

Alignment of access roads

There is scope to realign the main access road by approximately 2m to the west of plot 15. This would provide a greater width of planting to the east side.

At the point where the footway to the west side of the main access road ends, in between plots 32-33 the proposed road width increase to 6m. This seems unnecessary and should be reduced to 4.4m.

The front garden areas to plots 5-8 could be extended northwards by 1.8m which would help to break up the wide straight run of the adjacent access road.

Surfacing

Beyond the limit of adoption the access road should be designed as shared use and there is no need to demarcate a footway over it and the entire roadway should be block paved.

Pedestrian circulation.

The connections to adjacent public open space are provided by narrow breaks in boundary hedge planting from each of the abutting access road. The openings should be centred on the access road and a better integration designed with the adjacent areas of POS. The proposed arrangement is uninviting particularly at the eastern end where the boundary hedge to either side will be high. A wider opening with grass verge to either side should be created. Agreement should be sought to provide a surfaced link path to join with the proposed path network through the open space.

Cycle storage

There does not appear to be any provision for cycle storage for the apartment block. Sufficient covered storage space should be provided to accommodate a minimum of two bikes per apartment.

3 Conclusion and Recommendations

The proposed scheme is considered an overdevelopment of the site. This has a detrimental impact on the quality of the layout and amenity value of the site. The proposals are also likely to adversely affect the existing eastern boundary hedgerow which is recommended for retention within the ecological report as part of a wider habitat corridor.

As such the current scheme is considered unacceptable in terms of landscape design and impact. A revised scheme with a lower density of housing should be designed that takes account of the above comments.

The following additional information will be required as a condition of any approval:

a) Soil resource plan which should include the following:

- a plan showing topsoil and subsoil types, 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.

b) A detailed planting plan indicating proposed species, form, numbers and planting density of proposed trees, planting and grass areas.

c) Planting specification including proposed soil specification, soil depths, cultivation, weed control planting and seeding details and means of protection.

d) Tree root volume calculations and tree pit and staking details.

e) A 10 year management and maintenance plan including:

- Extent, ownership and responsibilities for management and maintenance.*
- Details of how the management and maintenance of open space/ communal areas will be funded for the life of the development.*
- Inspection and management arrangements for existing and proposed trees and hedgerows.*
- Management and maintenance of trees, planting and grass areas.*
- Management and enhancement of biodiversity value.*
- Management and maintenance of any boundary structures, drainage swales and other infrastructure/ facilities within public/ communal areas.*

All planting and associated landscape works shall be completed no later than the planting season following first occupation of any dwelling on the development.

Any trees, plants or grass areas that fail to make satisfactory growth or die within the first five years following completion shall be replaced with plants of similar size, form and species to the satisfaction of the LPA.

Natural England

24/07/19 - Thank you for your email consulting Natural England on the Appropriate Assessment for the above development in accordance with Paragraph 63 (3) of the Conservation of Habitats and Species Regulations 2017. Please be advised that, on the basis of the appropriate financial contributions being secured to the South-East Devon European Sites Mitigation Strategy (SEDESMS), Natural England concurs with your authority's conclusion that the proposed development **will not** have an adverse effect on the integrity of East Devon Pebblebed Heaths SAC, East Devon Heaths SPA, Exe Estuary SPA and Exe Estuary RAMSAR site.

05/06/19 - DESIGNATED SITES [EUROPEAN] - FURTHER INFORMATION REQUIRED

Habitats Regulations Assessment - Recreational Impacts on European Sites.

This development falls within the 'zone of influence' for the East Devon Pebblebed Heaths SAC, East Devon Heaths SPA and Exe Estuary SPA, as set out in the Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by that development.

In line with the SEDEMS and the Joint Approach of Exeter City Council, Teignbridge District Council and East Devon District Council, we advise that mitigation will be required to prevent such harmful effects from occurring as a result of this development. Permission should not be granted until such time as the implementation of these measures has been secured.

Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Highways England

06/06/19 - Referring to the notification of a planning application dated 21 May 2019 referenced above, in connection with the A30(T) and M5 J29, for the erection of 33 dwellings and associated works, at Land South of Mosshayne Link Road, Redhayes (Phase 8), Exeter, Devon, notice is hereby given that Highways England's formal recommendation is that we:

a) Offer no objection;

Highways Act Section 175B is not relevant to this application. This represents Highways England formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Where relevant, further information will be provided within Annex A.

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gsi.gov.uk.

Annex A Highways England recommended no objections

HIGHWAYS ENGLAND ("we") has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard to planning application reference 19/0995/MFUL and has been prepared by the Planning Manager for the SRN in Devon.

We have undertaken a review of the submitted documents in line with the current requirements as detailed in DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development" and the DCLG National Planning Policy Framework.

Statement of Reasons

Proposed Development

This is an application for the erection of 33 dwellings and associated works, at land south of Mosshayne Link Road, Redhayes (Phase 8), Exeter, Devon, and within the land boundary of the consented Tithebarn Green Redhayes residential development (12/1291/MOUT), to the east of Tithebarn Link Road. A30 trunk road runs to the south of the site and J29 of the M5 is located approximately 600m to the west.

A Transport Statement (TS) dated April 2019 has been submitted in support of the application, prepared by PJA.

Policy Background

The site is located within the 'West End' area of East Devon. It is allocated as part of the North of Blackhorse' development under Strategies 9 and 13 of the East Devon Local Plan 2013-2031 (adopted 2016).

The Tithebarn Green Redhayes development was consented in 2012 for up to 580 dwellings, with a local centre and 8,850sqm commercial floorspace. Whilst the site is located within the

land boundary of this approved development, the application is in addition to the residential quantum approved under that consent.

Transport Assessment

A Transport Assessment (TS) has been supplied in support of the application which utilises the same trips rates previously accepted for the Tithebarn Green Redhayes

Highways England Planning Response (HEPR 16-01) January 2016 residential and commercial development (12/1291/MOUT). The use of these rates is accepted by Highways England.

Based on these rates the development is predicted to generate an additional 21 and 19 two-way trips in the AM and PM peaks respectively. Whilst no traffic distribution analysis is provided, it is accepted that not all trips are likely to route through M5 J29. Therefore the additional impact over the existing consented uses at Tithebarn Green Redhayes (12/1291/MOUT) is unlikely to have a severe impact on the safe and efficient operation of the SRN, as defined by NPPF.

M5 J29

M5 J29 currently experiences congestion during peak periods, and Highways England notes that existing consents at Tithebarn Green and Cranbrook are subject to planning conditions requiring the delivery of improvements at the nearby Moor Lane roundabout. Assessment work undertaken as part of this improvement scheme identifies that the upgrade is unlikely to provide capacity to accommodate growth in addition to the developments previously consented or assessed. Whilst it is accepted that the proposed development for an additional 33 dwellings is unlikely to cause significant worsening of the operation of M5 J29, Highways England will need to carefully consider the impact of future growth coming forward (outside that previously assessed). In view of the current capacity constraints at M5 J29, it is therefore likely that future development proposals will be required to mitigate any impact at this junction to ensure the continued safe and efficient operation of the SRN.

Recommendation

Notwithstanding the above, Highways England accepts that traffic movements arising from the proposed development are unlikely to have a severe impact on the safe and efficient operation of the SRN, as defined by NPPF. We therefore have no objection to application 19/0995/MFUL.

EDDC Trees

17/06/19 - There are no existing trees on the site. I have discussed with Chris Hariades comments relating to the rear garden fences adjacent to the retained and proposed hedges.

NHS Foundation Trust – Royal Devon and Exeter

17/06/19 - see report under "view associated documents" tab (received 17/06/2019). Essentially the Trust advises that they are operating at full capacity in the provision of acute and planned healthcare. It can plan for known population growth but not for unanticipated additional growth in the short to medium term. A contribution is sought for £47,276.00 for the Trust to provide services needed by the occupants of the new development for the first year.

Other Representations:

07/02/20 – One email raising the following comments:

The Protected Species Report dated 25th June 2019 advises a 1:2 ratio of bird/bat boxes to dwellings.

This is in line with a similar ratio at the adjacent Mosshayne site.

This is a laudable mitigation measure. It would however, be even better if the bird homes were BIRD BRICKS, built into the wall and the bat roosts were bat tunnels or tubes. This suggestion is much more in line with current industry standards.

Ideally, this ratio should be 1:1 bird/bat bricks to dwellings, but this is a good compromise considering where this application stands at this time.

Some national developers (Bovis, for example) are now going to install hedgehog highways on all new developments. I see no mention of this for this application.

This is a very easy step to give wildlife (not only hedgehogs) a chance. Planners and Councillors have a great opportunity here (on this relatively small development) to set a standard and insist on this at the Decision Notice stage.

The layout of trees is seen in the landscaping, but could be enhanced to increase towards a 25% tree cover for such developments.

Planners and Planning committees should now be seriously addressing the climate change and species extinction emergency, head on. Developments throughout the district should be mitigated to allow biodiversity to substantially increase.

National Planning Policy Framework

Para 175

d) Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Local Plan 2013 Page 174

22 The Natural and Historic Environment

EN5 - Wildlife Habitats and Features:

Wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would result in the loss of or damage to their nature conservation value, particularly where these form a link between or buffer to designated wildlife sites.

Where potential arises positive opportunities for habitat creation will be encouraged through the development process.

Where development is permitted on such sites mitigation will be required to reduce the negative impacts and where this is not possible adequate compensatory habitat enhancement or creation schemes will be required and/or measures required to be taken to ensure that the impacts of the development on valued natural features and wildlife have been mitigated to their fullest practical extent.

PLANNING HISTORY

12/1291/MOUT - Outline planning permission approved on 29th November 2013 for the construction of up to 930 dwellings, a new link road, employment area, park and ride, local centre, health and fitness centre, open space and associated servicing. This application was shared with Exeter City Council with 580 dwellings being located in EDDC area. This application was accompanied by an Environmental Statement (ES) under the EIA Regs.

15/1515/MRES - Approval of reserved matters approved on the 28th August 2015 for the construction of the northern phase of the link road with associated infrastructure and landscaping. This RMA has now been implemented.

16/0902/MRES - Approval of reserved matters on 8th June 2016 for the revised drainage scheme for the approved section of the link road, including the construction of a drainage pond and associated works.

16/1354/MRES - Approval of reserved matters on 5th October 2016 for the construction of the southern phase of the link road with associated infrastructure and landscaping. This section of the link road has just been completed.

16/1934/MRES - Approval of reserved matters on 25th July 2017 for the country park, SUDS and associated infrastructure.

16/1935/MRES - Approval of reserved matters on 14th February 2017 for the erection of 248 dwellings, public open space, landscaping, cycle, pedestrian and vehicular links. This development by BDWH has recently commenced.

17/0644/MRES - Approval of reserved matters on 29th August 2017 for the construction of the southern Mosshayne link road.

17/1825/MRES - Approval of reserved matters on 22nd November 2017 for creation of the central green corridor.

18/0382/MRES Approval of Reserved Matters on the 23rd May 2018 for the construction of 79 dwellings, including affordable housing, landscaping and associated infrastructure together with the partial discharge of certain conditions on the outline planning permission

18/0837/MRES Reserved matters application giving approval of appearance, landscaping, layout, access and scale for the development known as Phase 17 of Tithebarn Green. The proposed development comprises 160 dwellings, along with highway and drainage infrastructure and associated landscaping works.

18/1365/MRES Approval of reserved matters (access, appearance, landscaping, layout and scale) application in relation to phase 18, pursuant to outline planning permission 12/1291/MOUT for the provision of a Park & Change facility with associated infrastructure and landscaping. The partial discharge of conditions 1, 4, 5, 8, 10, 19 of application 12/1291/MOUT relating to phase 18.

19/0028/MRES Reserved Matters approval (access, appearance, landscaping, layout and scale) for the construction of 81 dwellings including affordable housing, landscaping and associated site infrastructure, pursuant to outline planning permission reference 12/1291/MOUT (phase 3). The partial discharge of conditions 1, 4, 5, 7, 9, 13, 17, 19, 20 and 21 of outline planning permission 12/1291/MOUT relating to phase 3.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

TC12 (Aerodrome Safeguarded Areas and Public Safety Zones)

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 9 (Major Development at East Devon's West End)

Strategy 10 (Green Infrastructure in East Devon's West End)

Strategy 11 (Integrated Transport and Infrastructure Provision at East Devon's West End)

Strategy 13 (Development North of Blackhorse/Redhayes)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 37 (Community Safety)

Strategy 38 (Sustainable Design and Construction)

Strategy 40 (Decentralised Energy Networks)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

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)

EN14 (Control of Pollution)

EN18 (Maintenance of Water Quality and Quantity)

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

Government Planning Documents

National Planning Practice Guidance

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Background

The application site is located on phase 8 of the Redhayes outline planning permission 12/1291/MOUT - see history above. Within the parameter plans approved under the outline planning permission, the use of phase 8 is for residential and is to be developed at a lower density with a maximum building height of 2 to 2.5 storeys (9m).

The outline planning permission specified up to 580 dwellings on the East Devon side. So far reserved matters approvals have been issued for phase 2 (248 units), phase 3 (81 units), phase 6 (79 units) and phase 17 (160 units), giving a total of 568 units. With the proposed 33 units, this takes the number to 601 units which is more than permitted in the outline planning permission. This application has therefore been submitted as a 'full' proposal as a reserved matters could not be submitted.

The application site also forms part of the Development North of Blackhorse/Redhayes mixed use allocation under Strategy 13 of the Local Plan. Whilst the allocation in the local plan and the extant outline planning permission are clearly relevant to this application, nevertheless as a 'full' application, all material planning considerations must be considered as a whole.

Before this application was submitted, the proposed development was referred to a Design Review Panel (DRP). The DRP letter on the original proposals was considered by the applicant which resulted in the scheme submitted with the application. This has again been amended following concerns that several of the DRP comments had not been adequately addressed. The report below considers the DRP comments relevant to the issues.

Site location

The site has an indicated area of 0.7765 ha and is currently agricultural land towards the south east part of the residential element of the Redhayes development site - 12/1291/MOUT. In the approved phasing plan, this site is known as phase 8. To the south, the land has permission for sports pitches and there is the proposed Local Centre to the west.

The site slopes gently down towards the north east end with the highest parts of the site being towards the southern end. There is a fall in the site of about 2.5m. The northern boundary is marked by the new southern Mosshayne link road. To the east is open agricultural land which forms part of the undeveloped area of the Mosshayne development of 900 houses. To the south is open land with a consent for sports pitches. Further to the north of the southern Mosshayne link road is the recently started Persimmon development of 160 houses.

There is not much on the site in the way of vegetation; this being mainly a bank running down the eastern boundary with a few trees further to the south of this and a poor condition hedgerow.

To the north west of the site, running north-south, is the green corridor which forms an essential element of Green Infrastructure for the Redhayes development. This has recently been completed and was consented under a separation approval of reserved matters. The

land forming the western extremity of the site acts as a visual continuation of the green corridor.

The proposed development

Full planning permission is sought to construct 33 residential units on the site with associated infrastructure including a vehicular access, areas of landscaping and pedestrian/cycle links.

The original outline planning permission 12/1291/MOUT was EIA development. A screening opinion was submitted prior to this application being submitted which confirmed that whilst this development would be an extension/change to the Redhayes development, it would nevertheless not result in adverse environmental effects sufficient to trigger the need for an Environmental Statement.

The details submitted through various amendments, show one vehicular access into the site from the consented junction on the southern Mosshayne Link Road (SMLR) leading into the site before terminating in an enlarged turning head from which private drives serve the development at the southern end of the development. The northern end of the site is served by parking courts with a limited amount of access points onto the SMLR. There would be a main pedestrian/cycle link running west-east through the central part of the site, partly on proposed adopted road and partly on private roads.

The frontage to the SMLR is built up with a group of apartments and a terrace of units. The proposed houses are predominantly semi or detached units. The style of the units is predominantly contemporary with mostly traditional forms but with a number of more modern forms along the southern edge of the site backing onto the sports pitch land. The units are predominantly two storey with some 2.5 storey. At the south western side are some more contemporary, flat roofed units to a height of 3 storey where they face the Local Centre land.

The western portion of the site is to be left open at this stage but it does form some of the underground surface water drainage system for the site. Details of the treatment/development of this part of the site are expected at some time.

A draft S106 was submitted with the application to cover the following:

Affordable Housing provision including a contribution for off-site provision to make up the small shortfall.

Open Space provision and the use of the pedestrian/cycle link by the public.

Habitats mitigation contribution

Travel Plan contribution.

The draft S106 has subsequently been amended to include the connection to the DHN.

The development is CIL liable.

A number of other supporting documents have been submitted as follows:

- 1) Design and Access Statement.
- 2) Ecological Appraisal.
- 3) Air Quality assessment.
- 4) Planning Statement.

- 5) Tree Survey and Tree Protection Plan.
- 6) Site Investigation report.
- 7) Flood Risk and Drainage Assessment.
- 8) Transport Statement.
- 9) Acoustic design Statement.
- 10) Archaeological Assessment.

Planning Analysis

The site forms part of the Redhayes mixed use development which is allocated in the Local Plan (Strategies 9 and 13) for development including 1,500 homes and there is an extant outline planning permission - 12/1290/MOUT - which includes an overall provision for 580 houses. Taking into account the reserved matters approvals for the other residential phases both under construction and awaiting starts, this application would take the numbers of houses to 601 which exceeds the outline planning permission and consequently has resulted in this application being submitted as a "full" application.

The overall housing number of 1,500 in the Local Plan includes the Mosshayne development for up to 900 houses. Therefore, this application and including the reserved matters approvals at Redhayes and the full Mosshayne permission, would result in 1,501 houses but this doesn't include the current reserved matters application for 12 Science Park/key workers apartments on the Redhayes site (which would take the Redhayes development up to the full 580 units). Therefore in reality, this development would take the housing numbers to 1,513 i.e. 13 residential units over the policy threshold of 1,500. As a result of this, the application was advertised as a 'departure' because the 1,500 houses in Strategy 13 would be breached with this application by 13 units.

The main in principle issue is therefore whether this additional number would be a significant or material breach of policy. The accompanying text with Strategy 13 suggests around 600 homes at Redhayes (580 is the true number) which would tend to indicate that the numbers specified in the strategy is not exact. An additional 13 units in relation to 1,500 houses overall is a small additional percentage (less than 1%) and would not be a significant or material breach of the strategy. Whilst the proposed development is strictly speaking over the Strategy 13 housing amount, it is not considered to be a robust reason to object in principle terms. As the site is both allocated and consented for housing (albeit the total number is slightly in excess), the principle of this housing application is considered to be acceptable in the balance of considerations.

Whilst, the principle of the development is considered to be acceptable, there are still the outstanding issues of detail to be considered which could still make the proposed development unacceptable if found to not comply with the policies of the Local Plan and government policy contained within the NPPF, with guidance in the NPPG. These issues are discussed below.

Design Review Panel comments

The comments from the DRP were based on the original scheme which went through amendments before being submitted as an application. During the consideration of the application, the scheme has again been amended due to concerns that it did not adequately address the DRP comments. The current scheme has therefore gradually evolved to be more in line with the main comments raised by the DRP.

The main principle design criteria raised by the DRP, and subsequently addressed during the application, are briefly summarised below:

- 1) Connectivity and parking - the site is well related to open space and community facilities. Any scheme needs to relate well and integrate with the surroundings as an element of place making, it should not be car dominated and have good links to the surrounding land uses.
- 2) Public realm, open space & trees - there should be a high quality, strong frontage onto the streets particularly the SMLR with tree planting, street design and street furniture to improve the public realm. Terraces and a consistent street frontage should be developed.
- 3) Character & elevations - the DAS should justify and reference in relation to the Redhayes development, the house designs and several in particular were mentioned. Short terraces on the SMLR to establish density and the character aspirations of the primary street.

Site Layout

The layout has been developed through several iterations. The frontage to the SMLR is now more built-up with an apartment block and a terrace. The buildings have been moved back slightly to allow for more landscaping/street trees. The development facing the Local Centre now has greater bulk to integrate with the Local Centre building. The main access road has an improved frontage with landscaping. The development to the south end the site has a relatively uniform frontage and whilst it is still dominated by car parking, this has been improved.

The layout now better relates and integrates with the surrounding open space/community facilities.

The layout has significantly improved from the first scheme and now reasonably addresses the DRP comments.

Appearance

The general design of the buildings is contemporary with a palette of materials to generally match to rest of the Redhayes development. The Redhayes development is generally of a more modern design and overall the proposed development is in keeping.

The designs have a traditional form except for those on the southern end of the site, but incorporate modern detailing. Roofs are pitched with a tiled finish, again except for the houses at the southern end which have a shallow mono-pitch and plots 28-31, at the western end of the site, which have a very shallow pitch hidden behind a parapet. Finishes for the walls are a mix of brick and render with feature details and some slate hanging.

Building height

The development is two storey in height with the four units (plots 28-31) at the North West corner being 3 storey. This is in keeping with the Redhayes development.

Landscaping

A landscaping scheme has been submitted with the application which does not include the detail but does illustrate the existing features and the main areas for proposed landscaping. This illustrates that the eastern boundary hedgebank and generally this is protected by keeping rear gardens away from the bank and securing it as a responsibility of the

management company. A hedge would be formed on the southern boundary to link to the eastern hedgebank as required in the ecology report. A landscaping area adjacent to the SMLR has been secured and enlarged to allow for landscaping and street tree planting. Otherwise amenity landscape areas are provided for in other parts of the development, particularly next to the roads/private accesses.

The landscaping has been assessed by the EDDC Landscape Architect and negotiations have taken place to secure a number of required improvements.

Car Parking

The DRP considered the provision and amount of car parking resulted in the development being excessively car dominated. This issue was again picked up during the application process as not sufficient progress on this had been achieved between the DRP and submission. The car parking has been slightly reduced and the integration with the development has been improved within the northern half of the development. However, the concern remained that the east-west access was still dominating the street scene and the applicant was requested to find ways of reducing this impact. This now has been broken up more with landscaping areas and the parking would not be so dominant in the street scene.

Privacy and amenity

The nearest housing to the site is on the north side of the SMLR where there is a reasonable separation distance. Internally to the site, there are no windows that would directly face from a close distance other windows. Some gardens are overlooked but not to an unacceptable extent. Overall there would not be an unreasonable loss of privacy for residents on the site or to the adjacent development.

In terms of amenity, the main issue is the parking courts close to rear gardens and windows. To a certain extent, solid brick/render walls between car parking and gardens would help resolve this issue and amendments have been made to improve this.

The main area of amenity concern is the close proximity of the parking area to the ground floor windows on the rear of the apartments. There is very little separation between the parking/access and main windows for the ground floor flats which could result in the poor level of amenity for occupiers. The applicant has been informed about this issue and has looked at ways of improving the amenity/privacy by moving the private access further away to provide a small landscape buffer area with a 1.2m high screen wall. This would provide some privacy and improve amenity for occupiers of the adjacent ground floor and is considered to be acceptable.

Affordable Housing

Strategy 34 of the Local Plan requires on this 'west end' allocated site, a level of 25% affordable housing (AH) with an agreed split in tenure of 70% rented accommodation and 30% shared ownership or other form of low cost home ownership. The development is providing 8 units located at the north east end of the site close to the southern Mosshayne link road. The policy requirement would need 8.25 units so the draft s106 provides for a commuted sum of £12,448 for the remaining 0.25 of a unit.

The proposal is to provide 6 x 1 bedroom units in a single block for rent and two 2 bed units for shared ownership.

The current mix, unit size and parking has been agreed with our Housing Strategy Officer (HSO). Strategy 34 says that AH 'should' be 'pepper-potted' across the development. The HSO has concerns that the AH is not dispersed enough but recognises that RP's prefer the AH to be located in one area for ease of maintenance. The applicant has been asked to move the 6 apartments to the western boundary facing the Local Centre land but has declined to do this. As the policy is 'should', and there are benefits to a RP having the AH close together and due to the small number of AH units concerned, it is considered that the clustering would not be sufficient reason to object to the application. This is particularly bearing in mind that across the wider development of 580 dwellings, it is not unusual to have clusters of between 10-20 affordable units and as such the proposal will not be any different to this.

The draft S106 has provisions for the delivery of the AH and the commuted sum. It does, however, include the possibility for the provision of at least 6 of the units being provided as Non-RP affordable dwellings with a specific management scheme. The HSO has asked for more information on this and accepts this as long as it is controlled through the s106.

Habitat Regulations

The site is located within 10km of the East Devon Pebblebed Heaths SAC and SPA together with the Exe Estuary SPA and Ramsar sites. During the operational phase, the development is likely to increase recreational pressures on these European sites which will likely have both direct and indirect significant effects when considered alone or in combination. This therefore requires the authority to undertake an Appropriate Assessment (AA) in accordance with the Conservation of Habitats and Species Regulations 2017. This has been undertaken which also concludes that the proposed development, as it is within 10km, is likely to have significant effects on the interest features of these European sites. The joint approach for mitigation by the relevant local authorities relies on a mechanism by which developers can make contributions to mitigation measures delivered by the South East Devon Habitat Regulations Partnership. This is a CIL liable development so part of the CIL will be spent on mitigation with an additional mitigation contribution for non-infrastructure mitigation to be secured through a S106. The draft S106 provides for this contribution, currently at £201.61 per dwelling.

Natural England was consulted on the AA (attached) and have advised that on the basis of the appropriate financial contributions being secured to the South-east Devon European Sites Mitigation Strategy, they would concur with this authorities conclusion in the AA that the proposed development will not have an adverse effect on the integrity of the European Sites. It is for the LPA to adopt the AA and accordingly there is a further recommendation on this at the end of the report.

Ecology

Submitted with the application is an Ecology Appraisal as an up-date to the previous work undertaken including an Extended Phase 1 Habitat Survey undertaken early in 2019. The site generally has a low habitat quality and no further surveys are recommended.

Badgers - no setts or signs of activity but badgers likely to forage/commute within the area. Risk is likely during construction so this will need to be covered in the CEMP - see recommended condition.

Bats - no trees or buildings present to support a roost. The site has limited value to bats but hedgerows will be used for foraging/commuting. The eastern hedgebank will provide commuting habitat but the cycle/pedestrian link through should be minimised in size. Lighting will need to be carefully designed to limit the impact on bat activity. The landscape proposals

will need to include the enhancement of the hedge through native planting and a condition is recommended to secure details of exterior lighting.

Birds - some common species are present and the hedge is likely to support nesting and foraging. The ground vegetation may develop to support ground nesting birds. The hedge would be planted with native species to enhance its habitat and any vegetation should be removed outside the nesting season unless supervised by an ecologist. The CEMP condition recommended will deal with vegetation removal during construction.

Dormice - they have been recorded in the wider area. The hedge does provide some potential for habitat although this is limited. The hedge would be enhanced through the landscape planting which will enhance the habitat.

Reptiles - the eastern hedge does provide some foraging and commuting habitat for the low numbers recorded - slow worm and common lizard. Any vegetation must be removed carefully and additional planting of the hedge will be secured as part of the landscape planting.

Overall and number of mitigation and enhancement measures are proposed:

The eastern hedgerow to be enhanced through native planting and with limited rear gardens directly onto the hedge. This is shown on the layout and a management company will be responsible for the hedge. Planting will be controlled through the landscaping.

Southern boundary to be connected to the eastern hedge. Planting shown on this boundary to link with the eastern hedge and will form part of the landscaping scheme.

Grassland areas to be a native seed mix to be secured through the landscaping scheme.

Bird and bat boxes on 50% of the buildings - see recommended condition.

Grass cuttings and brash shall be left in piles beneath the vegetation on the eastern boundary. This will be a responsibility of the management company.

Starting from a relatively low quality base, the proposed mitigation and enhancement measures represent a reasonable biodiversity gain and insisting on more would not represent a reason for refusal.

Surface Water Drainage

Submitted with the application is a Flood Risk and Drainage Assessment including a Drainage Layout Plan. The site itself is not at risk of fluvial flooding being outside of any functional flood plain and is located in Flood Zone 1. As such, there are no flood hazards that need to be considered.

Policy EN22 (Surface Run-Off Implications of New Development) of the Local Plan looks to ensure that major developments are managed by sustainable drainage systems and the surface water implications of a proposal have been fully considered and found to be acceptable. To achieve SUDS, a hierarchy of solutions should be followed from the preferred option to infiltrate to the ground to the least preferred option of connection to a sewer. The applicant has advised that infiltration rates on the site is low and therefore a positive drainage network and attenuation is proposed with the offsite discharge restricted.

To achieve this, the western section of the site has been made available for below ground adoptable/private attenuation systems. Discharge from the attenuation feature would be to the

storm water sewer network at an approved controlled and restricted rate. It is expected that this network will ultimately be adopted by SWW.

The DCC Lead Local Flood Authority (LLFA) initially required further information to be submitted. Following receipt of this, further comments from the LLFA have been submitted withdrawing the initial objection subject to the recommended conditions outlined in the consultation section of this report and the recommended conditions.

Air Quality

An Air Quality report has been submitted which concludes that there will be no concerning levels of either nitrogen oxides or particulates from motor vehicles and the additional traffic associated with the development will be negligible and no further assessment work is required. Construction site issues will be controlled through the CEMP.

Open Space

Strategy 43 of the local plan requires a development of this size to provide amenity open space at a level of 3 sqm per person i.e. about 220 sqm.

The original submission had an area of open space to the front of plots 32 and 33 which was below the standard. However, the DRP noted that the site was in close proximity to existing or proposed areas of open space and it was more important that the development showed a good relation and connection to this rather than provide a small area of open space within the site. It must be remembered that this development is part of a wider mixed use development which does or will include open space, play and sports within a short distance.

In addition, the land to the west side of the application site is required for underground surface water drainage and the applicant's intention is to landscape this area as public open space.

In view of the above, it is considered therefore that a little area of amenity open space within the main development parcel would not be meaningful but taking into account the western area of the site and the relation of the development to various areas of open space in the close vicinity, would reasonably mean that the open space requirements are met.

Noise and Vibration

An Acoustic Design Statement has been submitted to assess the impact of the road, rail and airport noise on the amenity and health of potential occupiers.

There is clearly the potential for noise during construction but this would be controlled through the requirement for a CEMP, secured by a condition.

In terms of noise sources considered (such as traffic, aircraft), it is recommended in the noise report that suitable mitigation would be in the form of the orientation of houses and their sensitive rooms/ amenity areas, together with sound insulation specifications for glazed and ventilation façade elements for various plots in the development. These details can be secured through a condition requiring the mitigation details to be approved and implemented.

The Environmental Health Officer has been consulted on the application and agrees the noise reports and the standards proposed as minimum standards.

Airport safeguarding.

The airport have been consulted on the application and have no safeguarding objections provided that construction complies with the AoA Advice Notes.

Waste

Waste will be generated during the construction phase which needs to be controlled through the CEMP. Clearly waste will be generated during the operational phase and a condition should be imposed to require a Site Waste Management Plan during the operational stage.

Soil and Agriculture

Policy EN13 (Development on High Quality Agricultural Land) of the Local Plan aims to protect the best and most versatile agricultural land (Grades 1, 2 and 3a) from development and this is supported in the NPPF. The land is grade 2/3a although it should be noted that the site is allocated for development in the Local Plan and has an extant outline planning permission. On this basis, a housing development proposal on the site would not prevent the loss of this agricultural land which was assessed previously and considered to be acceptable when balanced against all the other planning considerations.

However, the soils on the site could be recovered and handled correctly to minimise the loss of soil resource as identified in the Environmental Statement. The NPPF also requires that decisions should protect and enhance soils. It is therefore recommended that any permission forthcoming should require a scheme of soil recovery and handling.

Archaeology

The site has been the subject of previous assessment, geophysical survey and evaluation trenching. DCC have these reports and have sufficient information to advise that no further archaeological work is need as confirmed by DCC Archaeologist.

Highways and Movement

The application has been supported by a Transport Statement and Design and Access Statement (DAS). Consultation has taken place with Highways England (Strategic Road Network) and DCC Highway Authority (local road network).

Highways England have assessed the application in terms of the extant outline planning permission and the additional traffic generated by an extra 33 houses to consider the possible impact on the strategic road network nevertheless this would not be severe. As such, Highways England are satisfied that the number of vehicles generated by the development are not likely to have a severe impact on the safe and efficient operation of the strategic road network and have no objection.

A number of detailed comments were made and conditions recommended - see consultation section. There has been further discussions with the agent and some minor changes made and therefore there is now no overall highway objection subject to the conditions recommended.

NHS request for contributions

During the application process, the Royal Devon and Exeter NHS Foundation Trust (The Trust) requested that the development should make a financial contribution of £47,276 towards the cost of providing capacity to maintain service delivery during the first year of occupation of the dwellings on the development. This contribution would be used directly to provide additional health care services to meet patient demand.

It has previously been considered in a previous report to the DM Committee on a nearby site, that the information provided by the Trust for the contribution towards 'services' could be considered as being outside the definition of 'infrastructure' for the purposes of CIL. Whilst the

applicant does not agree and has submitted a Counsel Opinion to this effect, nevertheless the Council had its own Counsel Opinion prepared which advised of the view that 'services' could fall outside the term 'infrastructure' as a matter of fact and degree. The Trust provided a list of services that would be part funded out of a contribution and this is considered to reasonably constitute 'services' that fall outside the definition of 'infrastructure', albeit that the Council wished to see more information on these services.

In terms of the Regulation 122 tests, the Counsel Opinion advised that Regulation 122(2) (b) and (c) raises no forceful argument against meeting the tests for the contribution. The main issue is whether the contribution meets the Regulation 122 (2) (a) test of being necessary to make the development acceptable in planning terms. Whilst the Trust has a mandatory duty to provide the relevant services, the Counsel Opinion view was that without the contribution, there would be a tangible risk of a qualitatively inferior service and necessity could be proven.

The main outstanding issue that has not been satisfactorily resolved with The Trust is whether there is sufficient evidence to demonstrate the Regulation 122(2) tests. In this respect, the Trust has been asked over a period of time to provide further information to satisfy the Council that there is sufficient and direct evidence on the precise impact this development would have on their services. Whilst, the general methodology is acceptable, further work/clarification was requested from the Trust on:

1) The geographic spread of demands on their service and information about whether it is appropriate to calculate based on a district average of demand or whether they should use post code specific demand data to calculate. It is understood that the NHS have data on the demands placed on their services from each location and so this information could be presented geographically across the district to understand how much variation there is between different parts of the district and therefore whether the district average is sufficiently accurate to be used across the district.

2) The other was information about what the monies would actually be spent on to ensure that it could be specified and to absolutely confirm that it is non-infrastructure under the CIL Regs. The NHS were going to provide a list of costs incurred as a result of the additional demands envisaged from the development so that we could understand how these are made up and satisfy ourselves that they are not infrastructure costs and that they are costs directly arising from the proposed developments.

At the time of preparing this report, the above information has not been satisfactorily received. Whilst this does not mean that the contribution is ultimately unlawful, however, without this information and being allowed to consider it, we cannot categorically state at the present time that it is lawful. As such and until this information has been received and assessed as being acceptable, it would not be reasonable to require the contribution.

Therefore it is recommended that this issue should not be given significant weight.

Draft S106

The authority is in a CIL regime and consequently the S106 relates purely to on site requirements to mitigate the impacts of the development or off-site non-infrastructure requirements.

A draft S106 has been submitted with the application to secure various provisions:

1) Affordable housing at 25% (8 units) with a specified tenure and mix. The draft agreement provides for 6 units as affordable rented and 2 as intermediate but includes the

option for the developer to provide at least 6 of the units as non-RP affordable. The mix is predominantly one bed units (75%) with the rest being an equal split of 2 and 3 bed units.

- 2) Affordable Housing contribution - £12,448 to be paid before 50% occupation.
- 3) Open space - the submission of an Open Space Specification for the provision, implementation and management. This is effectively the land to be managed by the Management Company and the provision of the west-east pedestrian/cycle link across the site. The OS Specification is to be submitted for approval before the construction of any dwelling above slab level, which shall then be implemented in accordance with the specification, the public shall be allowed unfettered access, it shall be maintained and transferred to a Management Company.
- 4) The pedestrian/cycle link shall be completed before the occupation of 90% of the dwellings. This should be lower e.g. 80% in the interests of providing a suitable public facility earlier on in the occupation. The pedestrian/cycle link will not be dedicated as a highway but the owner shall permit its use by members of the public on foot or bicycle.
- 5) Habitats Mitigation contribution - a sum of £201.61 per dwelling for non-infrastructure mitigation of the Exe Estuary and Pebblebed Heaths SPA's. 50% would be payable before commencement and the rest before 50% occupation.
- 6) Travel Plan - a sum of £500 per dwelling for DCC to deliver travel planning for the development. The sum to be paid before 50% occupation.

For the draft s106 to be acceptable requires it to meet the tests of regulation 122 (2) of the CIL Regulations i.e. - (a) a planning obligation must be necessary to make the development acceptable in planning terms; (b) it must be directly relevant to the development; and (c) it must be fairly and reasonably related in scale and kind to the development.

It is considered that all of the provisions above meet the tests being necessary, relevant and fairly/reasonably related in scale and kind to the development as required by Council policy which requires this level/type of affordable housing, open space to be suitably managed, permeability for pedestrians and cyclist, mitigation for the impacts on European protected sites and travel planning to encourage non-car usage for future residents.

However, the draft S106 did not include a provision to connect to the District Heating Network (DHN) existing in the area and to which the Redhayes and Mosshayne developments are committed to. Strategy 40 of the Local Plan requires developments of this size to connect to an existing DHN if available and if viable. There is one available therefore to comply with policy, the S106 should also require a connection of the development to the DHN - this is similar to the S106's on Redhayes and Mosshayne. No viability evidence has been submitted.

Conditions

A number of conditions are proposed aimed at making the development acceptable in planning terms rather than resort to refusing permission – these are listed in the recommendation section. It is considered they are necessary, relevant to planning and the development, enforceable, precise and reasonable in all other respects.

Pre-commencement conditions have been kept to a minimum and are only included when it has to be agreed and/or carried out before development starts. By virtue of the requirements under section 100ZA(5) of the TCP Act 1990, the LPA must seek the written agreement of the applicant to the terms of the condition and followed the relevant procedure. The applicant must either accept the conditions or provide a substantive response on any disputed condition(s)

within 10 working days. The applicant has responded within the time period to say the proposed condition 21 appears to be unnecessary. It should merely be necessary for the access points, turning areas and parking to be provided in accordance with the approved plans and there should be no need for any further plans to be provided. Any further plans should only be required for the technical approval process but this does not require a planning condition as it is covered by other (highways) legislation. No other comments have been raised about the other proposed pre-commencement conditions.

DCC Highways have confirmed that as the access points, turning and parking areas are shown on the current drawings and have been amended to accord with DCC requirements, there is no need for additional details to be agreed as part of the planning permission. However, the details approved under this application still need to be provided and maintained for their purpose so the new condition 21 specifies this.

CONCLUSION

The site is allocated for housing in the local plan and there is an extant planning permission for housing on this part of the Redhayes development. This is a full planning application because the quantum of housing (580 units) approved in detail on Redhayes (reserved matters and/or under construction) and including this particular development, would run to over the 580 units authorised by the outline planning permission and just over the total allocated in the local plan. Whilst this is therefore a departure application, it is not significant as the number over with this development is small in relation to the overall numbers. Overall, the application for housing is consistent with the Redhayes/Mosshayne development and the additional numbers would not be significant enough to raise an objection to the application.

The proposed development was the subject of a DRP assessment before the application was submitted. Some changes were incorporated for the application submission to address the DRP views but this was not considered sufficient to raise the standard of design to an acceptable level bearing in mind the government policy of achieving high quality places as outlined in Section 12 of the NPPF. As a result of this, further discussions have taken place and amendments have been made to the scheme to raise the quality and it is now acceptable and reasonably meets the majority of the DRP concerns.

Permeability for pedestrians and cyclists has been improved and the car parking reduced in prominence. Technical matters have been reasonably addressed and the suggested S106 and conditions suitably control and mitigate the impact of the development - see detailed comments in the relevant sections of this report.

Overall, the principle of this development is considered to be acceptable and through the application process the quality of the scheme has been improved and is now considered to be acceptable.

RECOMMENDATION

- 1. That the Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 is adopted; and**

- 2. APPROVE subject to the completion of the S106 Agreement and the following conditions:**
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.

(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

(Reason - For the avoidance of doubt and in the interests of proper planning).

3. A Construction and Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the construction period. The CEMP shall include at least the following matters:

- 1) Air Quality.
- 2) Dust control.
- 3) Lighting.
- 4) Noise and vibration.
- 5) Pollution Prevention and Control, including an emergency plan.
- 6) Monitoring Arrangements.
- 7) Ecology - as specified in the Ecological Appraisal no: 18/3436.01 Rev01.
- 8) Site compound and parking - location and size.
- 9) Construction traffic management.
- 10) Waste Management.
- 11) Airport safeguarding - to accord with the AoA Advice Note 4 "Cranes and Other Construction Issues".

Notwithstanding the above, construction working shall not take place outside the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

(Reason - To protect the amenities of nearby occupiers and to protect the ecology/protected species in the locality to accord with policy EN14 (Control of Pollution) and EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031. The CEMP needs to be approved and implemented at the start of development operations as risks to the environment, amenity and ecology will be present from this point.)

4. No development above foundation level of any dwelling shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include hard landscaping and the planting of trees (including street trees), hedges, shrubs, herbaceous plants, areas to be grassed (using a native seed mix) and planting methods, together with an implementation timetable and maintenance regime. The scheme to be submitted shall accord with the approved Landscape Plan no.1120 Rev D, External Works Plan no.1117 Rev D and the Landscape External Works Plan no.1119 Rev E and shall include the planting with native hedgerow species of the hedgebank on the eastern boundary of the site. The landscaping scheme shall be carried out in the approved planting season and no later

than the first occupation of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years in accordance with the approved maintenance regime. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity, to preserve and enhance the character and appearance of the area and in the interests of ecology in accordance with Policies D1 (Design and Local Distinctiveness), EN5 (Wildlife Habitats and Features) and D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)

5. Before any street tree planting takes place in accordance with the approved landscaping scheme as required by condition 4 above, further details of soil volumes together with a specification and details for a proposed crated soil system under hard paving for use in extension tree pits shall be submitted to and approved in writing by the Local Planning Authority. The soil volumes, locations and trees shall be provided in accordance with the approved details as part of the landscaping scheme and implementation timetable required by condition 4 above.

(Reason - to allow the street trees proposed to properly survive and prosper therefore additional details are required in the interests of the visual amenity of the development to accord with policies D1 (Design and Local Distinctiveness), D2 (Landscape requirements and D3 (Trees and Development Sites) of the East Devon Local Plan 2013 to 2031).

6. Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or the development, the Local Planning Authority shall be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

(Reason: To ensure that any contamination existing and exposed during the development is identified and remediated in accordance with policy EN16 (Contaminated Land) of the East Devon Local Plan 2013 to 2031 and with the National Planning Policy Framework.)

7. All walls and fences shall be erected in accordance with the approved details (Enclosures Plan 1114 Rev E and drawing numbers 1400 Rev C, 1401 Rev B, 1402 Rev B, 1403 Rev B, 1404 Rev B, 1405 Rev A) within, adjacent to or around the curtilage of the relevant dwelling before it is first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), these walls and fences shall not thereafter be altered, removed or replaced without the prior written approval of the Local Planning Authority.

(Reason: In the interests of preserving and enhancing the appearance of the area and/or protecting the privacy of local residents, in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 to 2031).

8. The development hereby approved shall be constructed in accordance with the approved details of finished floor levels and finished ground levels unless any variation is agreed in writing by the Local Planning Authority.

(Reason: In the interests of the appearance of the locality and the amenity of occupiers, in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 to 2031).

9. No development above foundation level on any of the dwellings hereby permitted shall take place until details of materials to be used externally for the buildings have been submitted to, and approved in writing by the Local Planning Authority. The details to be submitted shall be based on the approved Materials Plan no. 1111 Rev D. The development shall be built using the materials approved.

(Reason: To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 to 2031).

10. The buildings comprised in the development hereby approved shall be constructed so that their internal systems for space and water heating are capable of being connected to the proposed decentralised energy network. Prior to the occupation of the development, necessary on site infrastructure shall be put in place for connection of those systems to the network at points on the site boundary agreed in writing by the Local Planning Authority.

(Reason: In the interests of sustainable development and to support the opportunities for decentralised energy supply systems to accord with Strategy 40 (Decentralised Energy Networks) of the East Devon Local Plan 2013 to 2031 and policy contained within the National Planning Policy Framework).

11. No occupation of any part of the development shall be take place until a scheme for an External Lighting and Management Plan for the operational stage of the development has been submitted to and approved in writing by the Local Planning Authority. The plan shall provide details of the design, hours of use, locations and management of any exterior lighting within any public areas and communal parking areas (but not private gardens), including signage, floodlighting and road lighting. The lighting for the development shall then be installed and operated in accordance with the approved details.

(Reason: To safeguard the amenities of the area, to protect future occupiers and protected species from excessive light levels and in the interests of airport safety in accordance with Strategy 7 (Development in the Countryside), policies D1 (Design and Local Distinctiveness), EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) and of the East Devon Local Plan 2013 to 2031 and policy contained within the NPPF).

12. No development above foundation level on any of the dwellings hereby permitted shall take place until a scheme for the provision of bird boxes and bat boxes/tubes on at least 50% the dwellings comprised in the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the physical details of the boxes/tubes, the location of the buildings which would be fitted and their position on the buildings. No dwelling approved to have a box/tube shall be occupied until the box/tube has been provided on that dwelling in accordance with the approved details and it shall thereafter be maintained.

(Reason: To ensure that the development mitigates against habitat loss and enhances biodiversity in accordance with policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 to 2031 and policy contained within the NPPF).

13. Prior to the commencement of the development hereby approved, a Soil Resources Plan shall be submitted to and approved in writing by the Local Planning Authority. The Soil Resources Plan shall set out the procedures that will be put in place to ensure that all high quality soil resources on the site that will be displaced by the development are conserved and reused elsewhere in the locality. The Plan shall detail how high quality soil resources will be identified, how they will be stored and relocated and where they will be reused. The development shall thereafter only be carried out in accordance with the approved plan.

(Reason - To ensure that the high quality soil resources at the site are conserved and re-used having regard to the site being identified as 'best and most versatile' land to accord with policy EN13 (Development on High Quality Agricultural Land) of the East Devon Local Plan 2013-2031 and government policy contained in the National Planning Policy Framework. These details are required prior to the commencement of development as the soil resource will be affected from the start of operations on the site).

14. Prior to the occupation of a particular dwelling on the development hereby approved, the proposed sound insulation specifications for the glazed and ventilation elements for that particular dwelling shall be provided in accordance with the submitted Acoustic Design Statement AS11081.190430.ADS.V1.1, including figure 11081/GP1. Thereafter, the installed glazing and ventilation elements shall be retained in perpetuity.

(Reason - To protect the amenities of future residents from noise, in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 to 2031).

15. Prior to any occupation of the development hereby permitted, a detailed site waste management plan for the operational stage of the development shall be submitted to and approved in writing by the Local Planning Authority. The requirements of the approved site waste management plan shall be implemented in full during the operational stages of the development.

(Reason- to ensure that the waste arising from the development is managed sustainably and responsibly in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031, policy W4 of the Devon Waste Plan 2014 and policy within the National Planning Policy for Waste).

16. Should an electricity sub-station be required on the site, prior details to show the location and appearance of the electricity sub-station shall be submitted in writing to the Local Planning Authority. The details submitted shall be approved in writing by the Local Planning Authority before any commencement is made on the construction of the electricity sub-station and the electricity sub-station shall be sited and constructed in accordance with the approved details. Notwithstanding the provisions of Part 15, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no further electricity sub-station shall be provided or the approved

electricity sub-station(s) shall not be re-located or modified without the prior written approval of the Local Planning Authority.

(Reason - In the interests of the appearance of the development to secure a sensitive design and location for any electricity sub-station and protect areas of open space from an inappropriate location and/or design to accord with strategy 9 (Major Development at East Devon's West End) and policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 to 2031).

17. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to and approved in writing by the Local Planning Authority. The design of this permanent surface water drainage management system shall be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk and Drainage Assessment for the Proposed Residential Development at Tithebarn H5 Exeter Project Reference 18.10.246 dated May 2019 Revision PL03, together with the Drainage Layout Plan no. 1050 Rev PL04. No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

(Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems in accordance with the requirements of policy EN22 (Surface water Run-Off Implications of New Development) of the East Devon Local Plan 2013 to 2031. The details are required before commencement of development as the surface water drainage system will need to be installed in part or whole, at or soon after the start of the development).

18. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to and approved in writing by the Local Planning Authority. This temporary surface water drainage management system shall satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site. The approved surface water drainage management system shall be implemented during the whole construction period.

(Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area in accordance with policy En18 (Maintenance of Water Quality and Quantity) and policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013 to 2031. The details are required before commencement of development as the construction surface water drainage management system will need to be implemented from the start of the development and a plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure).

19. No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management

system have been submitted to and approved in writing by the Local Planning Authority.

(Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed in accordance with the requirements of policy EN22 (Surface water Run-Off Implications of New Development) of the East Devon Local Plan 2013 to 2031. The details are required before commencement of development as the details are needed to form part of the overall surface water drainage system and this will need to be installed in part or whole, at or soon after the start of the development).

20. No part of the development hereby permitted shall be occupied until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to and approved in writing by the Local Planning Authority.

(Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development in accordance with the requirements of policy EN22 (Surface water Run-Off Implications of New Development) of the East Devon Local Plan 2013 to 2031).

21. The vehicular access points, on-site turning areas and vehicular parking spaces shall be provided in accordance with the "Planning Layout 1100 Rev Q", and thereafter they shall retained for those purposes at all times.

(Reason: To provide adequate visibility to achieve safe and suitable accesses, turning areas and parking, in accordance with policy TC7 (Adequacy of Road Network and Site Access) and policy TC9 (Parking Provision in New Development) of the East Devon Local Plan 2013 to 2031 and with paragraph 108 of the National Planning Policy Framework).

22. Notwithstanding the submitted details, the footways to be provided on both sides of the main access road into the site (north-south alignment), as shown on the approved Planning Layout No.1100 Rev Q, shall be a minimum width throughout of 2 metres.

(Reason: To provide a safe and suitable access for pedestrians and cyclists in accordance policy TC4 (Footpaths, Bridleways and Cycleways) of the East Devon Local Plan 2013 to 2031 and with Paragraph 108 and 110 of the NPPF).

23. No commencement shall be made for the construction of the main permanent access road into the site until details of a vehicular ramp into the site has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the ramp has been provided, surfaced and marked out in accordance with the approved details and thereafter it shall be retained for those purposes at all times.

(Reason: To provide a safe and suitable access for pedestrians and cyclists in accordance policy TC4 (Footways, Bridleway and Cycleways) and policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 to 2031 and with Paragraph 108 and 110 of the National planning Policy Framework).

24. Prior to the occupation of any dwelling, details shall be submitted to and approved in writing by the Local Planning Authority to show how the west-east aligned pedestrian and cycle route shall be provided with a 3m effective width from the western boundary

of the site through to the shared surface between plots 1 and 31 and from the shared surface between plots 12 and 13 through to the bank on the eastern boundary. The pedestrian and cycle route through the bank on the eastern boundary shall be not exceed 3m in width. The details to be submitted shall also include a timetable for the provision of the pedestrian and cycle route to be completed and open for use. The access route for pedestrians and cyclists shall have been provided, surfaced and marked out in accordance with the approved plans and timetable and shall thereafter be retained for those purposes at all times.

(Reason: To provide a safe and suitable access for pedestrians and cyclists in accordance policy TC4 (Footways, Bridleway and Cycleways) and policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 to 2031 and with Paragraph 108 and 110 of the National Planning Policy Framework).

25. Prior to commencement of the construction of any of the dwellings above ground level, details shall be submitted to and approved in writing by the Local Planning Authority to show secure covered cycle parking provision for the development, except for units 18 to 23 and unit 25. The cycle parking shall be provided in accordance with the approved details before the occupation of each dwelling unit to which the particular cycle parking relates.

(Reason - to ensure the dwellings are provided with adequate cycle parking in the interests of sustainable transport in accordance with policy TC9 (Parking Provision in New Development) of the East Devon Local Plan 2013 to 2031).

NOTE FOR APPLICANT

Informative:

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

The applicants attention is drawn to the accompanying s106 Agreement

Plans relating to this application:

18/3436.01 (amended)	Protected Species Report	28.11.19
acoustic design statement	General Correspondence	28.11.19
amended	Design and Access Statement	28.11.19
revision PL03 (amended)	Flood Risk Assessment	28.11.19

1401 rev B : closeboard fence (amended)	Proposed Combined Plans	28.11.19
1400 rev C : brick wall (amended)	Proposed Combined Plans	28.11.19
1402 rev B : vertical railing (amended)	Proposed Combined Plans	28.11.19
1403 rev B : closeboard fence (amended)	Proposed Combined Plans	28.11.19
1404 rev B : 1.8m boundary hedge (amended)	Proposed Combined Plans	28.11.19
1405 rev A : 1.2m brick wall (amended)	Proposed Combined Plans	28.11.19
1015 rev PL03 : highways tracking plan (amended)	Other Plans	28.11.19
1170 rev B : streetscenes/secti ons (amended)	Street Scene	28.11.19
1113 rev D : waste collection plan (amended)	Other Plans	30.01.20
1100 Rev Q	Layout	10.02.20

1114 Rev E: Enclosure plan	Other Plans	10.02.20
1115 Rev F: Indicative land ownership	Other Plans	10.02.20
1111 rev D : materials plan (amended)	Other Plans	30.01.20
1112 rev D : storey heights plan (amended)	Other Plans	30.01.20
1116 rev D : parking plan (amended)	Other Plans	30.01.20
1117 rev D : external works plan (amended)	Other Plans	30.01.20
1118 rev D : affordable housing plan (amended)	Other Plans	30.01.20
1119 rev E : landscape external works (amended)	Other Plans	30.01.20
1120 rev D (amended)	Landscaping	30.01.20
1300 rev B L bin+cycle store/elevations (amended)	Proposed Combined Plans	30.01.20

1250 rev C : key to materials (amended)	General Correspondence	30.01.20
1240 rev G : house type G (amended)	Proposed Combined Plans	30.01.20
1232 rev G : house type D3 (amended)	Proposed Combined Plans	30.01.20
1231 rev F : house type D2 (amended)	Proposed Combined Plans	30.01.20
1230 rev K : house type F (amended)	Proposed Combined Plans	30.01.20
1229 rev G : house type E4 (amended)	Proposed Combined Plans	30.01.20
1227 rev G : house type E2 (amended)	Proposed Combined Plans	30.01.20
1226 rev G : house type E1 (amended)	Proposed Combined Plans	30.01.20
1224 rev F : house type C2 (amended)	Proposed Combined Plans	30.01.20
1223 rev I : house type C1 (amended)	Proposed Combined Plans	30.01.20
1222 rev K : house type B (amended)	Proposed Combined Plans	30.01.20

1220 rev I : house type A (amended)	Proposed Floor Plans	30.01.20
1221 rev E : house type A (amended)	Proposed Elevation	30.01.20
1011 rev PL05 : kerbing plan (amended)	Other Plans	30.01.20
1040 rev PL04 : external works levels (amended)	Other Plans	30.01.20
1050 rev PL04 : drainage layout (amended)	Layout	30.01.20
3999 PJA	Transport Statement	10.05.19
1010 PL06 : section 38	Layout	30.01.20
1228 Rev G: House type G	Proposed Combined Plans	30.01.20
Tree Survey	General Correspondence	10.05.19
Land at Monkerton+Redhayes	Archaeological Report	10.05.19
GCE00105/R2 Site Investigation	General Correspondence	10.05.19
18/3436.01 Devon Wildlife	Ecological Assessment	10.05.19

Air Quality General Correspondence 10.05.19

1121 Rev B Location Plan 20.05.19

List of Background Papers

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

Appropriate Assessment

The Conservation of Habitats and Species Regulations 2017, Section (63)

Application Reference	19/0995/MFUL
Brief description of proposal	Erection of 33 dwellings and associated works.
Location	Land south of Mosshayne Link Road, Redhayes (phase 8), Exeter
Site is:	<p>Within 10km of the Exe Estuary SPA site alone (UK9010081)</p> <p>Within 10km of the East Devon Heaths SPA (UK9010121)</p> <p>Within 10km of the East Devon Pebblebed Heaths SAC (UK0012602)</p> <p>Within 10km of the Exe Estuary Ramsar (UK 542)</p> <p>(See Appendix 1 for list of interest features of the SPA/SAC)</p>
Step 1	
Screening for Likely Significant Effect on the proposed development on land to the east of Langaton Lane, Exeter Science park, Clyst Honiton	
Risk Assessment	
Could the Qualifying Features of the European site be affected by the proposal? Consider both construction and operational stages.	Yes - additional housing within 10km of the SPA/SAC will increase recreation impacts on the interest features.

Conclusion of Screening		
<p>Is the proposal likely to have a significant effect, either 'alone' or 'in combination' on a European site?</p>	<p>East Devon District Council concludes that there would be Likely Significant Effects 'alone' and/or 'in-combination' on features associated with the Exe Estuary SPA, Exe Estuary Ramsar Site, East Devon Pebblebed Heaths SAC and the East Devon Heaths SPA.</p> <p>See evidence documents on impact of development on SPA/SAC at:</p> <p>East Devon District Council - http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf</p> <p>An Appropriate Assessment of the plan or proposal is necessary.</p>	
<p>Local Authority Officer</p>	<p>Andy Carmichael</p>	<p>Date: 8th July 2019</p>

Step 2 Appropriate Assessment

NB: In undertaking the appropriate assessment, the LPA must ascertain whether the project would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain the authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects.

In-combination Effects	
<p>Plans or projects with potential cumulative in-combination impacts.</p> <p>How impacts of current proposal combine with other plans or projects individually or severally.</p>	<p>Additional housing or tourist accommodation within 10km of the SPA/SAC add to the existing issues of damage and disturbance arising from recreational use.</p> <p>In –combination plans/projects include around 29,000 new dwellings allocated around the estuary in Teignbridge, Exeter and East Devon Local Plans.</p> <p>This many houses equates to around 65,000 additional people contributing to recreational impacts.</p>
<p>Mitigation of in-combination effects.</p>	<p>The Joint Approach sets out a mechanism by which developers can make a standard contribution to mitigation measures delivered by the South East Devon Habitat Regulations Partnership.</p>

	Residential development is also liable for CIL and a proportion of CIL income is spent on Habitats Regulations Infrastructure. A Suitable Alternative Natural Green Space (SANGS) has been delivered at Dawlish and a second is planned at South West Exeter to attract recreational use away from the Exe Estuary and Dawlish Warren.	
Assessment of Impacts with Mitigation Measures		
Mitigation measures included in the proposal.	Joint approach standard mitigation contribution required for non-infrastructure <ul style="list-style-type: none"> Residential units £201.61 x 33 dwellings = £6,653.13 Total. 	
Are the proposed mitigation measures sufficient to overcome the likely significant effects?	Yes - the Joint Approach contribution offered is considered to be sufficient in conjunction with CIL contributions.	
Conclusion		
List of mitigation measures and safeguards	Total Joint Approach contribution of £6,653.13 will be secured through the S106 to be completed before planning permission is granted.	
The Integrity Test	Adverse impacts on features necessary to maintain the integrity of the Exe Estuary SPA, Exe Estuary Ramsar Site, East Devon Pebblebed Heaths SAC and the East Devon Heaths SPA can be ruled out.	
Conclusion of Appropriate Assessment	East Devon District Council concludes that there would be NO adverse effect on the integrity of the Exe Estuary SPA/Ramsar site and the East Devon Pebblebed Heaths SPA and SAC provided the mitigation measures are secured as above.	
Local Authority Officer	Andy Carmichael	Date: 8 th July 2019
21 day consultation to be sent to Natural England Hub on completion of this form.		

Appendix 1. List of interest features:

Exe Estuary SPA

Annex 1 Species that are a primary reason for selection of this site (under the Birds Directive):

Aggregation of non-breeding birds: Avocet *Recurvirostra avosetta*

Aggregation of non-breeding birds: Grey Plover *Pluvialis squatarola*

Migratory species that are a primary reason for selection of this site

Aggregation of non-breeding birds: Dunlin *Calidris alpina alpina*

Aggregation of non-breeding birds: Black-tailed Godwit *Limosa limosa islandica*

Aggregation of non-breeding birds: Brent Goose (dark-bellied) *Branta bernicla bernicla*

Wintering populations of Slavonian Grebe *Podiceps auritus*

Wintering populations of Oystercatcher *Haematopus ostralegus*

Waterfowl Assemblage

>20,000 waterfowl over winter

Habitats which are not notified for their specific habitat interest (under the relevant designation), but because they support notified species.

Sheltered muddy shores (including estuarine muds; intertidal boulder and cobble scars; and seagrass beds)

Saltmarsh NVC communities: SM6 *Spartina anglica* saltmarsh

SPA Conservation Objectives

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

The extent and distribution of the habitats of the qualifying features

The structure and function of the habitats of the qualifying features

The supporting processes on which the habitats of the qualifying features rely

The population of each of the qualifying features, and,

The distribution of the qualifying features within the site.

Dawlish Warren SAC

Annex I habitats that are a primary reason for selection of this site (under the Habitats Directive):

Annex I habitat: Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes').

(Strandline, embryo and mobile dunes.)

SD1 *Rumex crispus-Glaucium flavum* shingle community

SD2 *Cakile maritima-Honkenya peploides* strandline community

SD6 *Ammophila arenaria* mobile dune community

SD7 *Ammophila arenaria-Festuca rubra* semi-fixed dune community

Annex I habitat: Fixed dunes with herbaceous vegetation ('grey dunes').

SD8 *Festuca rubra-Galium verum* fixed dune grassland

SD12 *Carex arenaria-Festuca ovina-Agrostis capillaris* dune grassland

SD19 *Phleum arenarium-Arenaria serpyllifolia* dune annual community

Annex I habitat: Humid dune slacks.

SD15 *Salix repens-Calliargon cuspidatum* dune-slack community

SD16 *Salix repens-Holcus lanatus* dune slack community

SD17 *Potentilla anserina-Carex nigra* dune-slack community

Habitats Directive Annex II species that are a primary reason for selection of this site:

Petalwort (*Petalophyllum ralfsii*)

SAC Conservation Objectives

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change; Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

List of interest features:

East Devon Heaths SPA:

A224 *Caprimulgus europaeus*; European nightjar (Breeding) 83 pairs (2.4% of GB population 1992)

A302 *Sylvia undata*; Dartford warbler (Breeding) 128 pairs (6.8% of GB Population in 1994)

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

East Devon Pebblebed Heaths SAC:

This is the largest block of lowland heathland in Devon. The site includes extensive areas of dry heath and wet heath associated with various other mire communities. The wet element occupies the lower-lying areas and includes good examples of cross-leaved heath – bog-moss (*Erica tetralix* – *Sphagnum compactum*) wet heath. The dry heaths are characterised by the presence of heather *Calluna vulgaris*, bell heather *Erica cinerea*, western gorse *Ulex gallii*, bristle bent *Agrostis curtisii*,

purple moor-grass *Molinia caerulea*, cross-leaved heath *E. tetralix* and tormentil *Potentilla erecta*. The presence of plants such as cross-leaved heath illustrates the more oceanic nature of these heathlands, as this species is typical of wet heath in the more continental parts of the UK. Populations of southern damselfly *Coenagrion mercuriale* occur in wet flushes within the site.

Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:

H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath

H4030. European dry heaths

Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:

S1044. *Coenagrion mercuriale*; Southern damselfly

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

Exe Estuary SPA

Qualifying Features:

A007 *Podiceps auritus*; Slavonian grebe (Non-breeding)

A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)

A130 *Haematopus ostralegus*; Eurasian oystercatcher (Non-breeding)

A132 *Recurvirostra avosetta*; Pied avocet (Non-breeding)

A141 *Pluvialis squatarola*; Grey plover (Non-breeding)

A149 *Calidris alpina alpina*; Dunlin (Non-breeding)

A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)

Waterbird assemblage

Objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features

- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

Exe Estuary Ramsar

Principal Features (updated 1999)

The estuary includes shallow offshore waters, extensive mud and sand flats, and limited areas of saltmarsh. The site boundary also embraces part of Exeter Canal; Exminster Marshes – a complex of marshes and damp pasture towards the head of the estuary; and Dawlish Warren - an extensive recurved sand-dune system which has developed across the mouth of the estuary.

Average peak counts of wintering water birds regularly exceed 20,000 individuals (23,268*), including internationally important numbers* of *Branta bernicla bernicla* (2,343). Species wintering in nationally important numbers* include *Podiceps auritus*, *Haematopus ostralegus*, *Recurvirostra avosetta* (311), *Pluvialis squatarola*, *Calidris alpina* and *Limosa limosa* (594).

Because of its relatively mild climate and sheltered location, the site assumes even greater importance as a refuge during spells of severe weather. Nationally important numbers of *Charadrius hiaticula* and *Tringa nebularia* occur on passage. Parts of the site are managed as nature reserves by the Royal Society for the Protection of Birds and by the local authority. (1a,3a,3b,3c)