

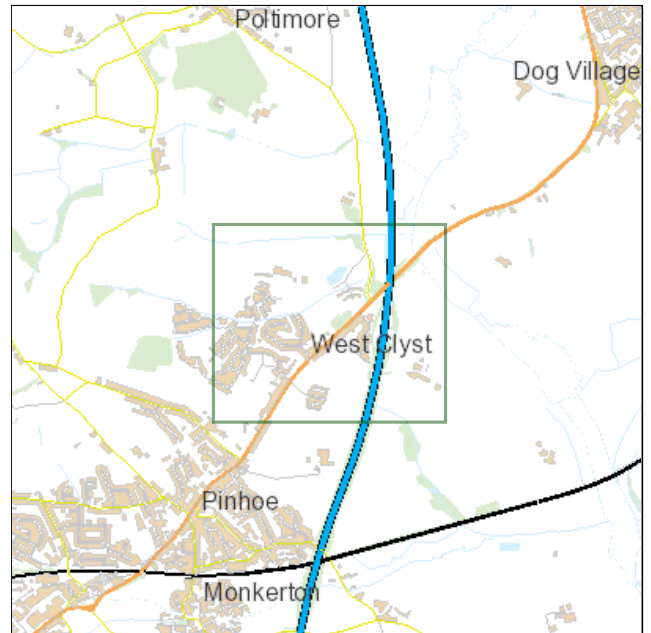
**Ward** Broadclyst

**Reference** 18/1653/MOUT

**Applicant** Johnstone Land (South West) Ltd

**Location** Land North Of Moonhill Copse West Clyst  
Exeter

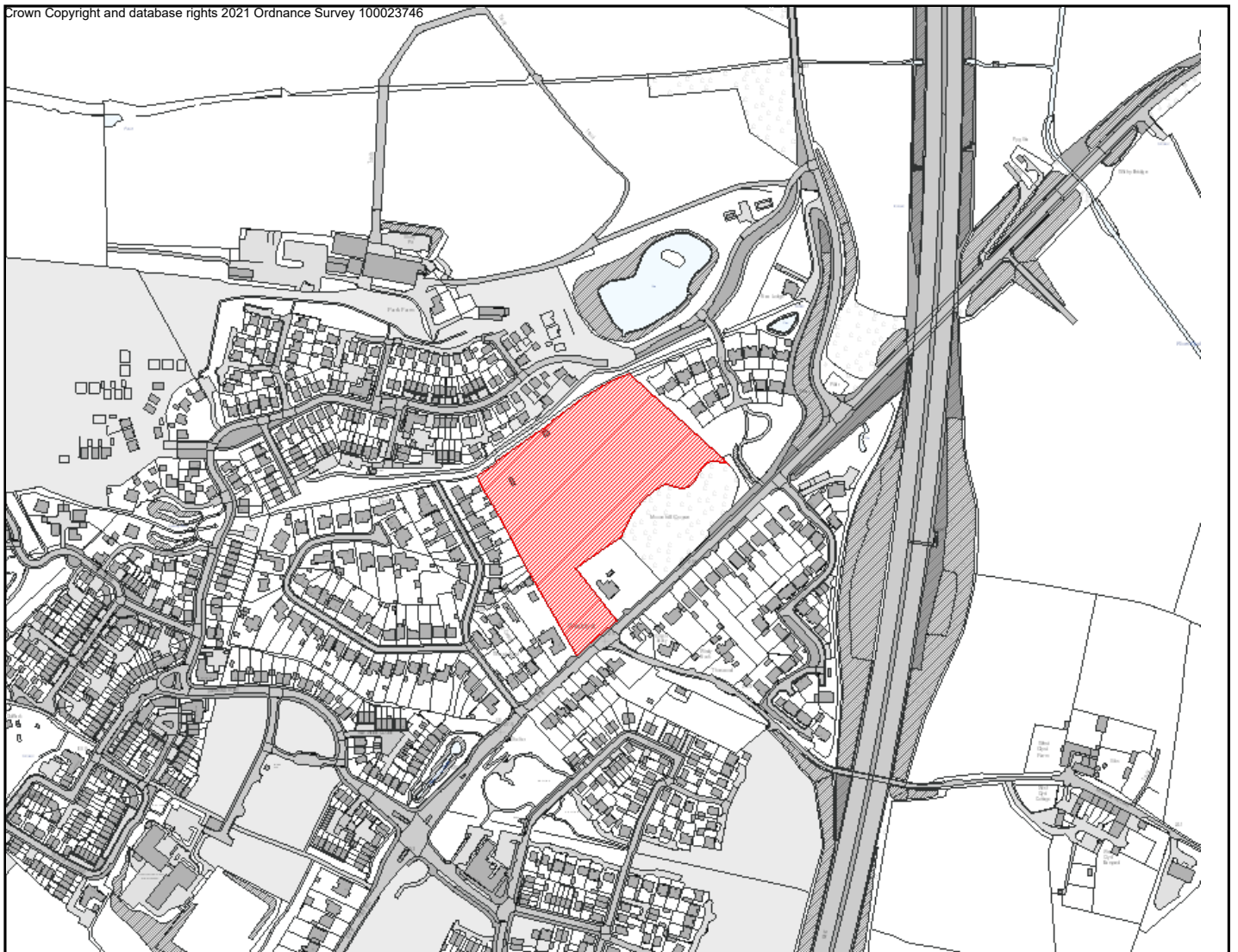
**Proposal** Outline planning application (appearance, landscaping, layout and scale reserved) for up to 71 dwellings, together with access and associated infrastructure, landscaping and drainage



**RECOMMENDATION:**

1. Adopt the appropriate assessment forming part of the report
2. Approve subject to a legal agreement and conditions

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		<b>Committee Date: 10<sup>th</sup> February 2021</b>
<b>Broadclyst (Broadclyst)</b>	<b>18/1653/MOUT</b>	<b>Target Date: 20.11.2018</b>
<b>Applicant:</b>	<b>Johnstone Land (South West) Ltd</b>	
<b>Location:</b>	<b>Land North Of Moonhill Copse West Clyst</b>	
<b>Proposal:</b>	<b>Outline planning application (appearance, landscaping, layout and scale reserved) for up to 71 dwellings, together with access and associated infrastructure, landscaping and drainage</b>	

#### **RECOMMENDATION:**

- 1. Adopt the appropriate assessment forming part of the report**
- 2. Approve subject to a legal agreement and conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Members as it represents a departure from the development plan and the officer recommendation is contrary to the view of a Ward Member and the Parish Council.**

**The settlement of West Clyst has witnessed a wealth of housing growth in recent years, the majority of which is planned growth in accordance with housing allocations in the Local Plan. The application site lies outside of any of the allocations and is considered to be countryside even though it is surrounded on all sides by housing development. As a result, the proposal represents a departure from the development plan.**

**The housing numbers to be provided in the district to ensure that the council can maintain a 5 year supply of houses are such that sites that are in a sustainable location with no other resulting harm should be considered favourably. In this instance the site has very good public transport links to the city of Exeter and further afield settlements including train and bus connection to the rest of the country. A recently constructed primary school lies within easy walking distance of the site and a convenience shop has recently opened on the opposite side of the B3181. These are significant considerations when considering the location of development to seek to minimise the use of the private motor vehicle and weigh significantly in favour on the proposed development. On the basis that houses have been consented surrounding the site having been found to be sustainably located, the same conclusion should be reached in relation to this site.**

The policy compliant level of affordable housing is 50% on this site, however a viability assessment has been provided by the applicant arguing for a lower level. This has been tested externally with the outcome that it is considered that 50% provision is viable and should be secured.

The impact on the surroundings including landscape character, heritage assets and residential amenity have been found to be acceptable. Whilst there would be less than substantial harm to the setting of Politmore House (Grade II\* listed) as the site can be glimpsed from its grounds, any harm to the landscape can be addressed at the reserved matters stage through suitable planting and there are wider public benefits from the scheme through the provision of open market and affordable housing that outweigh this distant and glimpsed view.

The access details to the site are considered to be acceptable and whilst there has historically been queuing on the main road into Exeter, there is no objection from County Highways with the County Council pursuing highway works elsewhere to alleviate this pressure.

The benefits of the proposal through providing housing development in a highly sustainable area with good linkages and nearby infrastructure to support daily living without reliance on the private motor vehicle, and provision of a high proportion of affordable housing to address the needs of the district, are considered to outweigh any harm caused by the proposal and outweighs the fact that the proposal represents a departure from local plan policy.

As such the application is recommended for approval.

## **CONSULTATIONS**

### **Local Consultations**

Broadclyst - Cllr Eleanor Rylance

Dear planning team,

I wish to register a few objections to application 18/1653/MOUT, which was submitted just before Christmas.

#### 1) Trees

I am concerned that this proposed work is to be carried out very close to existing mature trees. At this time of climate emergency, trees are one of the best possible carbon sinks and removing any makes no sense whatsoever. The level of development proposed will mean that dwellings and paved areas would be very close to existing trees, and as the arboriculturists' report mentions, they cannot be certain that any construction work will not affect existing trees. In addition the density of development will inevitably lead to greater run off at the stream of the site, meaning that existing trees would have their roots in water for more of the year than they do at present, threatening their survival.

## 2) Traffic

There is one proposed exit road, on a road that is frequently at standstill from Pinhoe to Dog Village. Realistically, most people existing the new development in the mornings will be turning right towards Pinhoe, joining stationary traffic if they can manage to exit, and indeed adding to that traffic. In addition they will be crossing the only pavement in that part of Westclyst as there is none the other side. This pavement is a shared cycle path used by many school children and adults heading in both directions both on foot and on bicycles to the various schools. It is already hazardous for cyclists on that pavement as people drive across the cycle path/pavement to exit their drives and developments. Adding 71 houses could only worsen the situation on an unimprovable road that is reaching saturation with increasing frequency.

## 3) Water

The existing field is absorbing and retaining a lot of water. This function is becoming increasingly crucial as we experience outlier weather events. The stream at the bottom of the field is already barely coping at times. Attenuation ponds are not a sustainable solution in an area where the field absorbs both its own rainfall and some of the rainfall displaced by older developments which did not include such mitigation measures.

## 4) Density

The proposed development density, even as lowered, seems very high and out of character with both older developments and newer ones.

Furthermore this development does not form part of the emerging Broadclyst neighbourhood plan's identified sites for development.

I do not support this development, for all the reasons listed above.

### Parish/Town Council

Thank you for consulting Broadclyst Parish Council on this application.

Points raised by residents have informed the Council's comment, and are included in the following points:

1. Devon bank enhancement for privacy and wildlife corridor.
2. Provision of a pedestrian access through the north west corner with all-weather surface, creating a safe route to school/shops/play areas etc.
3. Limit on the western boundary height of housing to no more than 2 storeys.
4. Provision of a play area on top of the SUD tank; a sum identified for play provision, the design of which to be chosen through community vote on no less than 3 designs.
5. Council has concerns that traffic joining the B3181 has to cross the Westclyst-Broadclyst pavement/cycleway as it enters/leaves the site. In accordance with the

NPPF 2018 (108) (b), safe and suitable access to the site must be achieved for all users. Council requests that pedestrian only access via B318, with vehicular access from the north via Hawkins Road be explored so as to not pose this danger to non-car users in accordance with NPPF 110 a and c.

6. Traffic exiting the site and turning right will face delays at peak times where Exeter-bound queues reach back past the proposed junction; at other times traffic is leaving the built-up area and is picking up speed.

7. Sustainability: in line with NPPF para 131 Council would like to see evidence that the design of the dwellings promotes high levels of sustainability, including the use of renewable energy sources. The Redrow site and existing homes that border the site have a strong local identity through design and choice of materials; this should be reflected in this development and the design of dwellings enhance and raise the standard of design in the area.

8. Reference to the Killerton Setting Study be given due to the site's proximity to this SSSI site (NPPF para 175 b).

It was noted that despite its proximity to the strategic land allocations, this is not a strategic site. As a departure from the Local Plan, the affordable housing requirement is 50% (Strategy 34) and evidence of need (Strategy 35).

Further comment:

Thank you for consulting Broadclyst Parish Council. The Council considered this application at its meeting on 6th January 2020, and submits the following comments: Council continues to have significant traffic-related concerns with this application. The Site visit in the addendum to the Transport Assessment refers to a c.800m queue from the Hawkins Road traffic lights to the Pinhoe double roundabouts (3.1), however it makes no mention of queuing traffic each morning regularly back past the site entrance to the motorway bridge and often even further. Many residents and the parish council in general (the Council regularly receives communications about queuing traffic on the B3181) are concerned about increasing congestion on the B3181. We need to tackle congestion with improved public transport and improved infrastructure for walking and cycling.

The Highways Authority has asked for a contribution of £3,250 per dwelling towards Pinhoe Area Access Strategy, an essential Condition, but concerns have been raised within the Council that the requested contribution is not sufficient to meet the need for improvement. Priority must be given towards creating a good cycle route into Exeter. A good cycle route into Exeter can be used by the many forms of two-wheel electric vehicles which will be an increasing part of the transport mix in the coming decades, such as electric bikes, electric cargo bikes, electric scooters, etc., as well as traditional bicycles. However, a good cycle route is bound to be expensive, so given the severity of the challenge, the proposed contribution is felt by some to be insufficient.

Both EDDC and DCC has received complaints and evidence of existing and growing issues with busses being late due to delays in the Westclyst area. The addendum notes that it is accepted that the proposed development will exacerbate congestion

(3.3). Development that will cause an even greater negative impact on our existing public transport service cannot be supported.

Council has previously requested that vehicular access be from the north via Hawkins Road, with pedestrian only access from the B3181; this is still the Council's preferred routing for vehicular traffic. Broadclyst Parish Council Members, all of whom use the B3181 on a regular if not daily basis, and local residents have all noticed that traffic has further increased since the traffic count was done in September 2018, and that the queuing is significantly worse at peak times. The length of time of the morning rush hour has extended, with queuing traffic from 07:30hrs through until after 09:00hrs during school term time.

As its previous comments have not been addressed, the Parish Council cannot support this application.

#### Adjoining Parish - Poltimore

Poltimore Parish Council fully support the comments made by the Broadclyst Parish Council and would add that they are extremely concerned about the additional volume of traffic that would be generated from this application on the busy B3181. There is also a knock-on effect to the country lanes around Poltimore which already have had an increase in traffic since the new developments.

Further comments 03.01.2020:

Given the already prolific building programme in this area this will only serve to exacerbate the current traffic congestion.

#### **Technical Consultations**

##### Police Architectural Liaison Officer - Kris Calderhead

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

I appreciate the application is only outline but based on the indicative plan and other information supplied I would make the following comments for consideration.

In general terms the layout will provide overlooking and active frontages to the new internal streets. Car parking spaces have been incorporated well in curtilage of properties and on the whole are well overlooked.

I do have several concerns about other aspects of the design for your consideration:

##### Surveillance

- There is potentially a lack of surveillance of the 'Youth Trim Trail' which if not perceived as a safe route, is likely to attract illegitimate use and possibly increase the fear of crime and ASB. Ensuring that active rooms in plots 18-28 overlooking the path, will ease some of this concern.
- Similar can be said of the 'Link Path' to the rear of 'Plots 29-34. Is this path needed?

- There is little surveillance of the Children's Play Area. The current design does not allow for easy supervision from nearby dwellings, which could potentially contribute to crime and ASB.

#### Access & Movement

- Potential access to the rear of properties is a concern throughout the site. Confirmation is needed that the area between the existing Parkside Crescent properties and plots 1-17 is not accessible. If access is needed to this area then it should be suitably restricted and coupled with robust border treatment in order to prevent unauthorised access to the rear of properties which is a significant security risk.
- Additionally where rear access to properties is possible at the perimeter of the rest of the site, suitable defensive planting, fencing and border treatment should be considered. I appreciate that in some areas, the topography of the site may negate the need for additional measures.
- Confirmation is needed that the bank that runs through the rear of the plots in the centre of the site will not provide easy access to the rear of these properties and potentially become an illegitimate alleyway which would attract crime and ASB.

#### Ownership

- On the whole, ownership of space is clearly defined and private space should be complemented with suitable border treatment. However, the area between plots 55-56 is a concern as it is unclear who owns this space and who will have responsibility for it. It will potentially be used as a desire line and unnecessarily increases permeability.

#### Lighting

- Will the site be adopted and lit as per normal guidelines (BS 5489)?
- What lighting strategy will be adopted for the pathway and trail?

#### Devon County Archaeologist

Application No. 18/1653/MOUT

Taveners Field West Clyst, Broadclyst - Outline planning application (appearance, landscaping, layout and scale reserved) for up to 74 dwellings, together with access and associated infrastructure, landscaping and drainage: Historic Environment

My ref: Arch/DM/ED/33262a

I refer to the above application and your recent consultation. Previous archaeological work undertaken on this site have demonstrated that the archaeological potential of the site is low. As such, the Historic Environment Team has no comments to make on this planning application.

### Environmental Health

I have considered this outline application and do not have any concerns in principal. However, I would recommend the follow owing conditions to be attached to any permission granted:

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

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

I have read and considered the noise report submitted by Acoustic Consultants Ltd and agree with the summary of noise impact in section 8.3.

Also section 10 Conclusions and recommendations and agree that the houses affected in these sections must be constructed as per the report recommendations to prevent noise issues.

Further comments:

I have considered the amended plans for this outline application and our original comments in 2018 stand. These are that we do not have any concerns in principal. However, I would recommend the following conditions are attached to any approval:

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

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

I have read and considered the noise report submitted by Acoustic Consultants Ltd and agree with the summary of noise impact in section 8.3 with regards to the potential for residents to be affected by road traffic noise. The conclusions in section 10 of the report make recommendations with respect to construction elements to be incorporated into dwellings in order to mitigate residual noise. The applicant must ensure that this is done.

### Contaminated Land Officer



I have considered the application and do not anticipate any potentially contaminated land concerns.

#### DCC Flood Risk Management Team

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:

The applicant has calculated the greenfield runoff rates using the ADAS method which isn't compliant with the runoff estimation methods in Table 24.1 in the Ciria SuDS Manual C753.

The applicant must submit 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 surface water drainage management system.

Where infiltration is not used, long term storage must be provided to store the additional volume of runoff caused by any increases in impermeable area, which is in addition to the attenuation storage required to address the greenfield runoff rates. Long term storage should therefore be included within the surface water drainage management plan to ensure that each element is appropriately sized, and this should discharge at a rate not exceeding 2 litres/second/hectare.

#### Further comments:

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:

The greenfield runoff calculation is based on the total site area of 2.517 ha rather than the total impermeable area at the site. The applicant should revise the runoff calculation and the associated attenuation storage.

Exceedance flows are flows which are in excess of the 1 in 100 year event, not the 1 in 30 year event as stated on Page 12 of the Flood Risk Assessment (FRA) 17081 Taverners Field, Broadclyst, Exeter. This should be made clear in the FRA.

It should be noted that a Land Drainage Consent may be required for the discharge into the ordinary watercourse at the north of the site. This would not form part of the planning process and further information is available here <https://www.devon.gov.uk/floodriskmanagement/land-drainage-consent/>. It should be

noted that Land Drainage Consent will not be required for non-maintenance works within 8 m of the watercourse as stated on p15 of the FRA.

Further comments withdrawing objection awaited.

#### Natural England

Thank you for your consultation on the above dated 22 August 2018 which was received by Natural England on 22 August 2018.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### SUMMARY OF NATURAL ENGLAND'S ADVICE 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.

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, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Providing appropriate mitigation is secured to avoid impacts upon the European sites occurring there should be no additional impacts upon the SSSI interest features of the Exe Estuary and East Devon Pebblebed Heaths

#### Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015

requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](https://data.gov.uk) website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

#### ANNEX A

Natural England offers the following additional advice:

Landscape Paragraph 109 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments.

Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

### Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply the requirements of the NPPF. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in Natural England's Technical Information Note 049.

Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

### Protected Species

Natural England has produced standing advice<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

### Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraph 113 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity.

Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found here<sup>2</sup>. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

<sup>1</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

2<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

### Ancient woodland and veteran trees

You should consider any impacts on ancient woodland and veteran trees in line with paragraph 118 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forest Commission have produced standing advice for planning authorities in relation to ancient woodland and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

### Environmental enhancement

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 9, 109 and 152 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

#### Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

#### Rights of Way, Access land, Coastal access and National Trails

Paragraph 75 of the NPPF highlights the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on any nearby National Trails. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

#### South West Water

I refer to the above application and would advise that South West Water has no objection.

For information public water mains and sewers run through the site as shown on the attached plans and no buildings/structures or alterations to ground cover will be permitted within 3 metres of them and neither can they be retained in private garden areas.

(see sewer and water maps under documents tab)

#### EDDC Landscape Architect - Chris Hariades

#### 1 INTRODUCTION

This report forms the EDDC's landscape response to the Outline application for residential development on green field land off Pinn Hill, West Clyst.

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 Location and Site description

The 2.5Ha site is situated immediately off Pin Hill at West Clyst and comprises an open field under permanent pasture with a northerly aspect. The top of the site is open to views over open country to the north and north east and back to Exeter to the west. The site slopes steeply down to a water course running along the north western boundary. The water course is lined with mature trees and scrub understorey.

The south western boundary is marked by a length of vegetated earth bund surmounted by sections of timber panel fencing with a length of native mix hedgerow up to 4 m high to either end. The north eastern boundary comprises recent timber panel fence with establishing bramble scrub.

A small mature copse within the grounds of no. 22 Pinn Hill is situated adjacent to the south eastern boundary. Adjoining land to the southwest and northeast of the site is residential and further large scale residential development is currently underway to the north and northwest. Access to the site is from a field gate off Pin Hill in the southern corner of the site.

## 3 Relevant planning policy and guidance East Devon Local Plan 2013 - 2031

Policy D1 Proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.
3. Do not adversely affect inter alia:
  - Important landscape characteristics, prominent topographical features and important ecological features.
  - Trees worthy of retention.
4. Have due regard for important aspects of detail and quality and should incorporate inter alia:
  - Use of appropriate building materials and techniques respecting local tradition and vernacular styles as well as, where possible, contributing to low embodied energy and CO2 reduction.

- Appropriate 'greening' measures relating to landscaping and planting, open space provision and permeability of hard surfaces.

## Landscaping

21.4 Natural and artificial landscaping can enhance the setting of new buildings and enable them to be assimilated into surroundings. Landscaping can also assist in nature conservation and habitat creation particularly in urban areas.

21.5 Tree planting and retention should form an integral part of a landscaping scheme submitted with a development proposal either initially or at a detailed planning stage. Such a scheme may include ground and shrub cover together with hard surfaces and paving materials, adequate lighting and grass verges. Continuity of fencing, walling or hedging with existing boundary treatments, which contributes to the street scene, will be sought where appropriate. Schemes will need to include integration of areas of nature conservation value and provision of new areas into proposals.

## Policy D2 Landscape Requirements

Landscape schemes should meet all of the following criteria:

1. Existing landscape features should be recorded in a detailed site survey, in accordance with the principles of BS 5837:2012 'Trees in Relation to Construction' (or current version)
2. Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. This should be in addition to the requirement for new landscaping proposals. Where appropriate, existing habitat should be improved and where possible new areas of nature conservation value should be created.
3. Measures to ensure safe and convenient public access for all should be incorporated.
4. Measures to ensure routine maintenance and long term management should be included.
5. Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping.
6. The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

## 4 REVIEW OF SUBMITTED INFORMATION

### Layout proposals



## General

The number of proposed dwellings seems excessive given the site constraints, in particular the steep slope. This has resulted in an uninspiring layout lacking any sense of place, with awkward level changes necessitating steeply battered slopes and extensive retaining structures.

## Parking

Parking in several areas is awkwardly laid out and is likely to dominate the street scene due to the limited space available for street trees and planting which is needed to soften the layout. Areas of particular concern in this respect are the frontages to plots 1 to 6 adjacent to the site entrance where quality planting could provide an attractive gateway to the development off Pin Hill and also plots 61 to 74 and 21 to 34.

## Open space and pedestrian access

Public open space and play provision is pushed to the bottom of the site with little thought for the amenity or safety of users.

The location of the children's play area fails to provide adequate natural surveillance from adjoining property.

Access to the play area between parking bays is poor and potentially dangerous for children emerging from the site onto the access road.

A buffer of 10 metres is required between the play area and adjacent property boundaries.

Siting of the play area above the proposed rainwater attenuation tank may limit the type of equipment that can be provided due to foundation depth limitations.

The amenity space and play area should be co-located and would be better repositioned to the centre of the site in the space occupied by plots 54 and 55 where it would be conveniently accessible from all properties and safely located at the ends of access roads with good natural surveillance from adjacent dwellings.

The proposed path along the water course should extend as a surfaced path from the north east corner of the site around the backs of plots 29 to 33.

A pedestrian link should be provided between the ends of the two cul-de-sacs.

Tree planting should aim to break up the built form of any development to views from the north Poltimore House.

## Private gardens

As can be seen in the section on page 20 of the DAS, rear gardens to plots 61 to 74 will be very steeply sloping limiting their usefulness and making it difficult to site sheds.

Due to the changes in level between adjacent plots, boundary structures are likely to be prominent features of the development with awkward level differences at the junctions of adjoining properties.

The boundaries to plots 56 to 58 appear to encompass the 5m ecology buffer strip to the northeastern site boundary. This would encourage occupants to take over this space for additional garden and in order to prevent this plot boundaries should exclude ecology buffer areas.

Rear boundaries to properties adjacent to public open space areas should be brick or masonry in order to provide a durable quality boundary to the publically accessible frontage to the watercourse.

## **5 CONCLUSIONS**

While the site is suitable for residential development, its steep slope is a significant design challenge. The current scheme submitted as part of the application is an overdevelopment of the site resulting in poor layout dominated by car parking and awkward level changes and as such fails to meet the requirements of Local Plan policies D1 and D2 in particular:

- D1 item 2: Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.
- D2 item 3: Measures to ensure safe and convenient public access for all should be incorporated.
- D2 item 6: The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

To address this, the number of dwellings should be reduced and the layout refined to enable parking, open space areas and level changes to be better integrated in to the development and allow an increase the provision of street trees and planting areas in order to achieve a high quality environment.

Further comments:

## **1 INTRODUCTION**

This report forms the EDDC's landscape response to the amended outline application for the above site with all matters reserved except for access.

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.

The 2.5Ha site is situated immediately off Pin Hill at West Clyst and comprises an open field under permanent pasture with a northerly aspect. The top of the site affords views over open country to the north and north east and back to Exeter to the west.

The site slopes steeply down to a water course running along the north western boundary. The water course is lined with mature trees and scrub understorey.

The south western boundary is marked by a length of vegetated earth bund surmounted by sections of timber panel fencing with a length of native mix hedgerow up to 4 m high to either end. The north eastern boundary comprises recent timber panel fence with establishing bramble scrub. A small mature copse within the grounds of no. 22 Pinn Hill is situated adjacent to the south eastern boundary.

Adjoining land to the west, southwest and northeast of the site is residential and further large scale residential development is currently underway to the north and northwest. Access to the site is from a field gate off Pin Hill in the southwestern corner of the site.

The site is partly situated within the Clyst Valley Regional Park. The grade II\* listed Poltimore House which is surrounded by historic parkland approximately 500m to the south. Moonhill Copse to the south of the site is the subject of a blanket Tree Preservation Order (TPO).

## **2 RELEVANT NATIONAL, REGIONAL AND LOCAL LANDSCAPE RELATED POLICY**

The following landscape policies and guidelines are considered relevant to the application:

### **East Devon Local Plan 2013-2031**

#### **Strategy 3 - Sustainable Development**

The objective of ensuring sustainable development is central to our thinking. We interpret sustainable development in East Devon to mean that [inter-alia] the following issues and their inter-relationships are taken fully into account when considering development:

- a) **Conserving and Enhancing the Environment** - which includes ensuring development is undertaken in a way that minimises harm and enhances biodiversity and the quality and character of the landscape.
- b) **Prudent natural resource use** - which includes minimising fossil fuel use therefore reducing carbon dioxide emissions. It also includes minimising resource consumption, reusing materials and recycling. Renewable energy development will be encouraged
- c) **Promoting social wellbeing** - which includes providing facilities to meet people's needs such as health care, affordable housing, recreation space and village halls.

#### **Strategy 5 – Environment**

All development proposals will contribute to the delivery of sustainable development, ensure conservation and enhancement of natural historic and built environmental assets, promote ecosystem services and green infrastructure and geodiversity.

Open spaces and areas of biodiversity importance and interest (including internationally, nationally and locally designated sites and also areas otherwise of value) will be protected from damage, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged through a combination of measures to include [Inter-alia];

- 1) Maximising opportunities for the creation of green infrastructure and networks in sites allocated for development;
- 2) Creating green networks and corridors to link the urban areas and wider countryside to enable access by all potential users;
- 7) Making use of and protecting from development areas that are vulnerable to surface water runoff and flooding.

### Strategy 7 - Development in the Countryside

Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

1. Land form and patterns of settlement.
2. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings.
3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.

### Strategy 10 - Green Infrastructure in East Devon's West End

We will ensure that the Green Infrastructure Strategy for East Devon's West End dovetails with comparable work being undertaken in Exeter to provide a green framework within which strategic development occurs. All development proposals of the West End will individually and collectively contribute to the implementation and long-term management of green infrastructure initiatives through appropriate contributions and/or on site provision, and Green Infrastructure initiatives should feature in all developments.

### Clyst Valley Regional Park

Land to accommodate the Clyst Valley Regional Park is allocated on the Proposals Map. Developer contributions, the Community Infrastructure Levy and other agricultural-environmental funding streams will be used in combination to deliver this 'landscape' scale strategic project. Landowner, developer and multi-agency collaboration will be essential to achieve the broad range of outcomes intended for this area to ensure the planned growth is delivered sustainably over the plan period. The Clyst Valley Regional Park will:

- a) Provide high quality natural green space that is complementary to development and will be a stimulus to encourage commercial and business development of the highest standard.
- b) Ensure natural ecosystems function in the West End of our District and ensure residents, workers, school children and visitors of all abilities have easy access to high quality open spaces, with linked benefits to health, education and food production.
- c) Take recreation pressure away from more environmentally sensitive locations thereby overcoming concerns arising from application of the Habitat Regulations that would otherwise prevent development coming forward. Provision of the park could help address need and requirements arising from development in other parts of East Devon, Exeter and potentially Teignbridge. We will encourage a park that 'reaches into' the open spaces of our neighbouring authority partners.
- d) Provide new wildlife corridors that enhance the biodiversity of the West End.

- e) Provide green corridors, open space and biodiversity enhancement areas. Enhance cycling and walking opportunities to link habitats and sustainable movement networks that promote the overall recreational experience for the West End.
- f) Conserve and enhance heritage assets and their setting to reflect their intrinsic importance, maximise beneficial outcomes for park users and to encourage use of the park and to enrich the cultural identity of the area.

The park will be designed and managed to highest natural green design standards and it will be subject to parkland, open and recreation space and countryside and green infrastructure policies. Development will not be allowed in the designated area unless it will clearly achieve valley park specific objectives for people and wildlife. Countryside policies of the plan will still apply in non-allocated development locations and areas.

#### Strategy 46 - Landscape Conservation and Enhancement and AONBs

Development will need to be undertaken in a manner that is sympathetic to, and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty.

Development will only be permitted where it:

1. conserves and enhances the landscape character of the area;
2. does not undermine landscape quality; and
3. is appropriate to the economic, social and well-being of the area.

#### D1 Design and Local Distinctiveness

Proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.
3. Do not adversely affect inter alia:
  - ☐ Important landscape characteristics, prominent topographical features and important ecological features.
  - ☐ Trees worthy of retention.
4. Have due regard for important aspects of detail and quality and should incorporate inter alia:
  - ☐ Use of appropriate building materials and techniques respecting local tradition and vernacular styles as well as, where possible, contributing to low embodied energy and CO2 reduction.
  - ☐ Appropriate 'greening' measures relating to landscaping and planting, open space provision and permeability of hard surfaces.

#### D2 Landscape Requirements

Landscape schemes should meet all of the following criteria:

1. Existing landscape features should be recorded in a detailed site survey, in accordance with the principles of BS 5837:2012 'Trees in Relation to Construction' (or current version)

2. Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. This should be in addition to the requirement for new landscaping proposals. Where appropriate, existing habitat should be improved and where possible new areas of nature conservation value should be created.
3. Measures to ensure safe and convenient public access for all should be incorporated.
4. Measures to ensure routine maintenance and long term management should be included.
5. Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping.
6. The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

### **D3 - Trees and Development Sites**

Permission will only be granted for development, where appropriate tree retention and/or planting is proposed in conjunction with the proposed nearby construction. The council will seek to ensure, subject to detailed design considerations, that there is no net loss in the quality of trees or hedgerows resulting from an approved development. The development should deliver a harmonious and sustainable relationship between structures and trees. The recommendations of British Standard 5837:2012 (or the current revision) will be taken fully into account in addressing development proposals. No building, hard surfacing drainage or underground works will be permitted that does not accord with the principles of BS 5837 or Volume 4 National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees – Issue 2 (or the current revision or any replacement) unless, exceptionally, the Council is satisfied that such works can be accommodated without harm to the trees concerned or there are overriding reasons for development to proceed.

The Council will as a condition of any planning permission granted, require details as to how trees, hedges and hedge banks will be protected prior to and during and after construction. The Council will protect existing trees and trees planted in accordance with approved landscaping schemes through the making of Tree Preservation Orders where appropriate or necessary.

Planning permission will be refused for development resulting in the loss or deterioration of ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

## **3 REVIEW OF SUBMITTED INFORMATION**

### **3.1 Landscape and visual impact Assessment (LVIA)**

In its consideration of viewpoints the LVIA should have considered the visual impact of the proposals for road users (pedestrians, cyclists and motorists) on the road frontage of the site with the B3181 and residents in houses opposite, where the impact of the proposed development is likely to be moderate/ high adverse over a localised

area reducing to moderate with establishment of suitable structure planting mitigation measures.

*Figure 1 - View of site frontage from B3181, Pinn Hill*

A view point from the minor county road south of Poltimore village should also have been considered.

Clearer descriptions of the nature of change arising from the proposed development should have been provided in respect of each view point and how proposed mitigation would help reduce the visual impact.

It is also noted that photos are taken in summer when trees are in full leaf and that the visibility of the site is likely to be greater in winter particularly from viewpoints 4, 6 and 8.

Notwithstanding the above points, the findings of the LVIA are broadly acceptable with the overall significance of landscape effect identified as slight/ moderate and generally slight visual impact, the most significant visual impacts being from view point 8 – south of Poltimore House (moderate) and view point 4 - Unnamed county road to the west of the site (slight/ moderate).

View point 8 to the south of Poltimore House (refer figure 1 below) is the most sensitive to change and the viewpoint photo included in the LVIA shows that much of the development could be visible from it and that there is only limited screening provided from the existing tree belt on the southwestern boundary from this view.

It is noted also that since the viewpoint 8 photo within the LVIA was taken, development of the Redrow site to the northwest has advanced and part of this would be visible in this view as well as the completed Redrow estate visible to the northeast.

*Figure 2 - Extract of LVIA photo for viewpoint 8 over-marked to show extent of visible grass slope to be developed (shaded orange) and adjacent Redrow Homes site*

To provide further clarity a photomontage should be provided for this view indicating the massing and extent of development and the cumulative effect of recent and ongoing development to either side, at year 0 and year 15 post-construction. The photomontage should be prepared in accordance with LI Technical Guidance Note 06/19 Visual Representation of Development Proposals, 2019.

### **3.2 Layout and landscape details**

Although it is noted that this is an outline application with all matters reserved except site access, the application provides a relatively detailed set of layout plans and supporting information to demonstrate how the scheme would deal with the various site constraints including steep slopes and proximity to existing woodland and watercourse, hedgerows, easements and impermeable soils.

The amended scheme has reduced the number of proposed house units from 74 to 71, however the current layout still appears to be too dense to provide a satisfactory layout that provides adequate mitigation to sensitive views, amenity for residents and safeguards for existing trees and bio-diversity. In particular the following points are noted:

Existing trees - Although the arboricultural report refers to tree survey schedule sheets these do not appear to be included in the planning documents and copies should be provided.

The proposed site access road is shown encroaching within the RPA of T406 (category A). The arboricultural assessment indicates that the encroachment is minimal, however the root zone is already constrained by hard surface and the dwelling to the east. At the very least the design of the access road should incorporate a no-dig area within the RPA of this tree.

The assessment also considers that the layout has taken account of proposed shading effects from existing trees. However, the photo on the front of the arboricultural report shows the extent of shading over the top part of the site from the trees in Moonhill Copse and it appears likely from this that residents of plots 58-65 will experience heavy shade effects, potentially leading to pressure by occupiers to reduce canopy area to provide light to their gardens and south facing rooms. The layout should be amended accordingly to avoid such problems and safeguard the existing trees to the south.

Further consultation advice should be obtained from the EDDC tree officer in respect of the above points.

Parking provision - Parking is mostly provided adjacent to each dwelling with the exception of apartment blocks. In a number of instances the available parking width between adjoining dwellings/ boundary walls is 5m or less for double width drives and less than 3m for single width drives. Examples of this are plots 1, 6/7, 8/9, 10/11, 12/13, 51/52 and 63/64. These are too tight to enable easy manoeuvring access and door opening and further width should be provided to allow for this.

Level changes - A crib-lock wall is proposed across the site to take up most of the level change mid slope. Where this lies between adjacent rear gardens its visual impact will be minimal but to the east of plots 34-37 it could be very visible from the proposed play area and access road to the north and should be screened by adequate tree and shrub planting. This should also be part of the screen mitigation planting in views from Poltimore House.

Further retaining walls are likely to be required to the west and north of plot 56 which would also require appropriate screen planting.

Boundary treatments – no detail is provided in respect of proposed boundary treatments. Where rear garden boundaries are required to the top of retaining walls in areas visible from public realm, they should comprise proprietary dark green powder coated steel mesh panels and posts with planting in front rather than close board timber fencing.

The layout would be improved greatly if the houses adjacent to the water course were to front on to it, which would provide natural surveillance rather than the proposed arrangement of rear gardens.

Play, open space and pedestrian/ cycle circulation - As per previous advice, the proposed play area should be co-located with amenity open space. The current layout



indicates a LAP play area. In accordance with the open space strategy this should be a LEAP and should be collocated with amenity space in a location where it is overlooked by adjoining properties and a minimum 10m from surrounding plot boundaries.

The proposed riverside link path should connect with the access path to the eastern end of the flats parking court.

The southwest corner of the site west of Moonhill Copse is included within the Clyst Valley Regional Park (CVRP) as defined in the Local Plan. In accordance with Strategy 10 the applicant needs to demonstrate how the site layout contributes to the CVRP objectives through provision of well-designed cycle/ pedestrian links, open space and wildlife habitat.

The scheme would benefit from a pedestrian/ cycle link from the north east corner of the site to the adjacent Redrow plot and the opportunity for providing this should be explored.

Consideration is needed to improve the amenity value of the proposed cycle/ pedestrian path to the western side of the site access road by reducing private front gardens to adjoining properties and providing a tree lined verge between the path and carriageway.

### **3.4 Green Infrastructure**

- ☐ Appropriate secure cycle storage should be provided for apartment units in accordance with Local Plan policy requirements.
- ☐ Rainwater harvesting – it is noted that water butts are proposed to rear gardens to collect roof water.
- ☐ Renewable energy – consideration should be given to provision of solar pv/ thermal roof panels to roofs with a southerly aspect.

## **4 CONCLUSIONS & RECOMMENDATIONS**

### **4.1 Acceptability of proposals**

Prior to determination the LVIA should be updated and a photomontage provided as set out at section 3.1 above.

In the event that amended information is received that demonstrates that the visual impact, particularly from Poltimore House and the Clyst Valley Regional Park is acceptable, the application could be considered acceptable in principle in terms of landscape and visual impact. However, an amended layout will be required as part of a reserved matters application that addresses the issues raised at sections 3.2 and 3.3.

### **4.2 Landscape conditions**

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

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

- a) A full set of hard landscape and groundworks details covering earthworks, walls, retaining structures, fencing, gates, pavings and edgings, play equipment, site furniture and signage.
- b) Details of existing and proposed levels and proposed drainage scheme incorporating appropriate SuDS features.
- c) Details of locations, heights and specifications of proposed external lighting compliant with the recommendations of Institute of Lighting Professionals - Guidance notes for the reduction of obtrusive light GN01, 2011 and Bats and Artificial lighting in the UK GN 08/18, 2018.
- d) A soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites – DEFRA September 2009.
- e) A full set of soft landscape details including planting plans showing locations and number of new tree, shrub and herbaceous planting, type and extent of new grass areas, existing vegetation to be retained and removed and means of protection/ support together with a plant schedule indicating the form, size, numbers and density of proposed planting.
- f) Soft landscape specification/ notes covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period.
- g) Details of proposed tree pits and stakes and calculations of required soil volume for trees within or adjacent to areas of hard paving.
- h) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

2 The planting and external works shall be executed in accordance with the approved drawings and details and shall be completed prior to first occupation.

3 No development shall take place until a landscape and ecology management plan (LEMP) for a minimum period of 25 years has been submitted and approved in writing by the Local Planning Authority which should include the following details:

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

Maintenance shall be carried out in accordance with the approved plan.

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

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

#### Housing Strategy Officer

The site is not allocated in the local plan and is not identified as a 'West End' development site. Therefore in accordance with strategy 34 this site would require 50% affordable housing (37 units). The applicant is proposing to provide 25% affordable housing stating that this site has been subsumed within the West End strategic development sites. This does appear to be the case when looking at the built form surrounding the site however it is not allocated or identified within the local plan West End proposals plan where the 25% applies.

Where a proposal does not meet the affordable housing target it will be necessary to submit evidence to demonstrate why provision is not viable or otherwise appropriate. An overage clause will be sought in respect of future profits and affordable housing provision where levels of affordable housing fall below policy targets.

The affordable housing should provide 70% for rented accommodation and 30% intermediate housing. The new NPPF does not define intermediate housing and this should be taken as providing a subsidised route to home ownership, preferably shared ownership. The affordable units should be tenure blind and dispersed throughout the scheme.

In accordance with Strategy 36 all the affordable units should be constructed to meet part M4 (2) of building regulations, category 2: accessible and adaptable dwellings. The affordable units should be transferred to and managed by a preferred registered provider. Applicants for any rented accommodation should come from Devon Home Choice and for any shared ownership units from the regional homebuy agent. Preference will go to those with a local connection to East Devon, a S106 agreement will secure this and the process for allocating the units. The site is located in a Designated Protected Area (DPA) and therefore staircasing should be restricted to 80% on any shared ownership units.

Further comments:

This application is now for 71 dwellings rather than 74. The applicant has submitted viability evidence stating that this site can only accommodate 18% (13) on-site affordable housing. The Council will consider the viability evidence submitted.

The evidence to support the affordable housing values in the viability assessment is lacking and there is no explanation provided. This should be sought and the applicant should justify the affordable values used.

The affordable housing statement claims that the final figure and unit types for the affordable units will be discussed. The indicative plans and statement show 6 x 1 bedroom flats, 6 x 2 bedroom flats and 1 x 3 bedroom house as being affordable. The viability assessment is also linked to the proposed unit types and further consideration should be given to the impact the unit type and tenure has on the viability.

Whilst the need for rented accommodation is for 1 and 2 bedroom units, large blocks of flats and mixed tenure blocks are not popular with registered providers. Often those in need of 1 bedroom accommodation tend to have complex needs and require support to sustain a tenancy. Living in a large block of flats tends to exacerbate these issues. There are also service charge issues which can impact on affordability. Affordable housing should be tenure blind however with no blocks of flats for market housing on the site it could be argued that they are not tenure blind and there is still negative stigma for people living in flats which doesn't help residents integrate into the community. Consideration should be given to providing 1 bedroom houses in a quad formation or two flats which look like a house but each flat has its own entrance and no communal area.

The affordable units are not dispersed and instead are concentrated in one area which should be addressed.

#### Exeter & Devon Airport - Airfield Operations+Safeguarding

I acknowledge receipt of the amendments to the above planning application for the proposed development at the above location.

This amendments have been examined from an Aerodrome Safeguarding aspect and do not appear to conflict with safeguarding criteria.

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

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

#### Conservation

This site is a continuation of an area of new developments. This site, as the other recent developments, border on the historic parkland and setting to the grade II\* listed Poltimore House. It is considered that although there may be a minimal element of broken views within the setting to and from Poltimore House and this site, (due to the topography of the area) overall there is little to no harm to the setting of the heritage and their curtilage assets.

#### Historic England

Thank you for your letter of 14 February 2020 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

### Other Representations

17 representations have been received as a result of this application raising the following concerns

- Noise impact on existing residential properties;
- Increased traffic on an already overloaded local highway network;
- Impact on trees in Moonhill Copse
- Impact on wildlife
- Density of houses is too great
- Surface water run-off to houses below
- Not sufficient infrastructure to support more houses
- Development should be bungalows or restricted roof heights
- Protection of hedgerows is a must
- Overlooking and overbearing on Palmers Mead
- Loss of good quality agricultural land
- Bats seen in the area

These issues will be addressed in the main considerations section of this report.

### **POLICIES**

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

Strategy 40 (Decentralised Energy Networks)

Strategy 7 (Development in the Countryside)

EN22 (Surface Run-Off Implications of New Development)

EN14 (Control of Pollution)

EN5 (Wildlife Habitats and Features)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

Strategy 43 (Open Space Standards)

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

D1 (Design and Local Distinctiveness)

Broadclyst Neighbourhood Plan

This plan is currently out to Pre-Submission consultation and as such carried limited weight at present.

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

**Site Location and Description**

The site lies in the settlement of West Clyst where there has been a wealth of recent housing growth and development, the majority of which form allocations in the EDDC Local Plan, however this site does not form part of the allocation and is considered to be open countryside.

It currently comprises a 2.46 hectares field formerly used for grazing livestock but is now not farmed. From the B3181 the land is relatively flat until after approximately 110 metres then the site slopes gradually and then steadily down towards a watercourse to the north. The land to the north is currently being built out by Redrow with houses extending up the other side of the valley. Further north, in excess of 900 metres from the site lies Politmore House, a heritage asset. To the east of the site lies a housing development known as Parkside Drive, to the west a small development of houses and to the south on the opposite side of the B3181 lies a linear range of houses.

The site is currently accessed by a single gated field access. There is a bus stop close to the site.

**Relevant Planning History**

None relevant in the determination of this application

**Proposed Development**

This application seeks outline planning permission for the erection of up to 71 dwellings, of which 30% would be for affordable occupation. Together with associated infrastructure and landscaping, matters of layout, scale, appearance and landscaping are reserved for subsequent approval with only the access to the site to be considered at this stage.

The application was originally submitted for 74 dwellings but this has been reduced through negotiation after concerns raised by officers and consultees.

The application would include protected areas for bat flyways, on-site open space, a connection to the district heating network and a contribution towards habitat mitigation and travel planning. Moonhill Copse to the south-east of the site is outside of the application site.

**ANALYSIS**

The main considerations in the determination of this application relate to:

- The principle of the proposed development
- Appropriate assessment
- Agricultural land classification
- Viability and affordable housing
- Impact on the surroundings
- Impact on the highway network
- Drainage
- Ecology
- Planning obligations
- Planning balance

### **The principle of the proposed development**

The site lies in the growing settlement of West Clyst which has seen a large amount of housing growth in recent years, the majority of which formed allocations for housing and associated infrastructure in the East Devon Local Plan, though some of the developments have been permitted as departures from the development plan as they were considered to constitute sustainable development and reasonable extensions to the settlement. The proposal site does not form an allocation in the Local Plan and lies outside of the built up area boundary and therefore constitutes countryside with the proposed development a departure from the development plan.

The site is not proposed to be allocated for residential development in the emerging Broadclyst Neighbouring Plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

"where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise."

As such, an assessment is required regarding whether there are any material considerations that weigh in favour of the development and outweigh the lack of planning policy support and any adverse impacts from the proposal.

The report will therefore examine whether approving this development, which runs contrary to the EDDC Local Plan and does not gain support from any other specific Local or Neighbourhood Plan policies, would amount to sustainable development and whether there are other material considerations that weigh in favour of the proposal such that they outweigh any harm caused by the proposals that would justify the grant of planning permission.

The remainder of the report will therefore run through the key issues with a balance made at the end with regard to weighing up any harm and benefits from the proposal

### **Site Location and access to services and facilities**

With regard to the location of the site, it is well located being surrounded by recently granted housing development that has been deemed to be in a sustainable location. The same conclusion should therefore be reached in relation to this site.

The site benefit from close access to a recently open shop on the opposite side of the road and access to a recently opened Primary school.

There is a footway/cycleway running along the site frontage that provides links to wider services and facilities.

In light of the above, and given that planning permission has been granted for the surrounding development of many hundreds of dwellings on the basis of the sustainable location of those sites, it is considered that the site is sustainably located.

### **Agricultural land classification**

The site is currently an agricultural field, and where the loss of agricultural land is proposed an assessment must be made as to whether it is the best and most versatile agricultural land (Grades 1, 2 and 3a). Policy EN13 of the EDDC Local Plan and advice contained in the NPPF suggest that agricultural land falling in Grade 1, 2 or 3a should not be lost where there are sufficient areas of lower grade land available or the benefits of development justify the loss of the high quality land.

The majority of the site constitutes grade 1 agricultural land which is the highest grade land with an area towards the road frontage constituting grade 3 land. The field is not currently farmed and is constrained by housing developments on all sides and therefore is not connected to other similar grades of land to form a profitable area to farm. Much of the land within the growth point around the eastern and northern side of Exeter was identified in the former Regional Spatial Strategy (now rescinded) at which time it was concluded that the other benefits of developing the area would outweigh the loss of the agricultural land.

Whilst it is considered that the loss of 2.46 hectares of the higher quality land is regrettable, where it is not physically connected to land of a similar quality (as in this instance) and as there are large amounts of other land in the locality of higher quality, it is considered that the loss would not significantly harm agricultural interests or the national food supply. Therefore, should the benefits of the proposal outweigh any perceived harm it is considered that the proposal would be in accordance with Policy EN13 and advice contained in the NPPF (paragraph 170).

### **Viability and affordable housing**

The site is not recognised as one of those which would benefit from a reduced level of affordable housing, and the site does not form part of an affordable housing rural exemption scheme, therefore the Local Plan under Strategy 34 envisages that the site should provide 50% affordable housing. The applicant's agents have provided a viability assessment indicating that it is not viable to provide the 50% target.

The Housing Projects Officer would expect to see a tenure mix of 70% as rented accommodation and 30% as shared ownership or similar affordable housing products.



The Council's adopted guidance on Planning Obligations provides clear commentary on applications where there is a viability concern, especially at the outline stage, as follows:

'CIL regulations requires calculation of CIL liability to be based on actual net floor area. This poses a difficulty for any outline application where the actual net floor area is either not provided, or provided in relation to an indicative plan only. As it is the actual (and not an indicative) figure that would be needed to undertake the calculations in relation to CIL, exact costs for calculating CIL, and indeed for developing the scheme remain unknown at outline stage. In these cases the amount of net floor area for the development will not be pinned down until the reserved matters application. This gives rise to issues in relation to proving viability when relying on an indicative scheme at outline stage. This highlights a clear tension around accepting reduced contributions due to viability on outline applications. There are two ways that this issue could be addressed:

- 1) Accept the use of viability appraisals at outline stage, and require the details of the scheme that justify the viability conclusions to be pinned down. For example, if a scheme was for 9 three bed houses with a total floor space of 891 square metres, would have a viability appraisal prepared on this basis and the outline would pin this down. The completed scheme would then still need to be subject to viability appraisal on completion to assess whether or not any overage payment was due under a section 106 obligation.
- 2) Accept that at the moment the indicative viability indicates that there may be a viability issue with the scheme but this could only be confirmed at reserved matters stage, when full details of the scheme are known. A Section 106 agreement would be required that sets out the mechanisms by which the current viability appraisal would be tested, adjusted, or redone, as required at reserved matters stage. The Section 106 agreement would also then set out the requirement for a viability appraisal of the completed scheme, and how the assessment of any overage payment would be undertaken.'

As part of the submission, a viability appraisal was submitted indicating that due to costs of developing the undulating site the policy level compliant level of 50% affordable housing could not be achieved and instead a level of 18% affordable housing was proposed. The viability appraisal has been reviewed by Plymouth City Council who have confirmed that the policy compliant 50% affordable housing level would can be achieved on site.

Furthermore, the developer has indicated, through their viability appraisal, the floor area of each dwelling type and the number of units of that type to be built and therefore, it is reasonable to take the approach outlined in paragraph 1 above and pin down this floor space in a legal agreement. The total amount of floor space of the development to come forward at reserved matters would be 6,000 square metres across the 71 units.

Accordingly, the policy compliant level of 50% affordable housing can be provided on site and should be secured via the associated legal agreement.

In light of the above, it is considered that the proposed development would be in accordance with the Council's adopted Planning Obligations SPD and Strategy 50 of the East Devon Local Plan together with guidance in the NPPF and NPPG.

### **Impact on surroundings**

This section of the report will be broken down into three parts, the impact on heritage assets, the impact on landscape character and the impact on residential amenity

#### Impact on heritage assets

The site has the potential to impact on the setting of Poltimore House which is a grade II\* listed building situated in excess of 900 metres to the north of the proposal site.

Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on Local Planning Authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The land between the heritage assets and the site is relatively flat in the main, although there is rising topography where Old Park Farm is situated atop in close proximity to the site which obscures direct views of the site, furthermore there are other housing developments that have recently been implemented by Redrow between the site and heritage asset such that the proposal site would form a backdrop leading up to trees on the skyline in views from Poltimore House. At the distance involved (in excess of 900 metres) and the receding topography there would only be limited views of the site and these, as the Conservation Officer comments below, would only cause less than substantial harm (if any harm):

'This site is a continuation of an area of new developments. This site, as the other recent developments, border on the historic parkland and setting to the grade II\* listed Poltimore House. It is considered that although there may be a minimal element of broken views within the setting to and from Poltimore House and this site, (due to the topography of the area) overall there is little to no harm to the setting of the heritage and their curtilage assets.'

Historic England, a statutory consultee on applications affecting a grade II\* heritage asset have no comments to make on the application, considering that the local conservation officer should determine the likely impacts on the asset.

Subject to the benefits of the proposal outweighing the less than substantial harm identified (see planning balance section of this report), the proposal is considered to be acceptable in accordance with Policy EN9 of the EDDC Local Plan, the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Impact on landscape character

The landscape to the south and to the west of the site is characterised by residential development with a recent housing development being implemented to the north west

(Redrow at Old Park Farm) and a handful of houses to the east (Redrow at Old Park Farm) from these perspectives it is considered that here would be very limited harm to the character and appearance of the area. Therefore the foremost impact would be when it is viewed from the north and north east of the site, the views from Poltimore House have been addressed above, however when travelling south along the road between Poltimore and West Clyst there would be views of the site from some of the gateways leading into agricultural fields, these have been identified by the Council's Landscape Architect as areas of concern.

The foremost concern is that the south eastern corner of the site, which is elevated, could have a detrimental impact on the surroundings and appear as skyline development even though there is a belt of trees behind the site if houses were placed on this section of the site, the remainder of the site would be screened by preceding topography or vegetation and the houses would appear on their own at odds with the character of the landscape from these limited viewpoints. Whilst the application is in outline with all matters reserved for subsequent approval apart from access it is difficult to comment on the specific impact that a potential layout may have, at the reserved matters stage it will be a consideration as to whether that part of the site should have bungalows with appropriate landscaping on or no houses on at all.

At this outline stage it is a matter of consideration as to whether 71 units can be reasonably accommodated on site, the indicative layout indicates a terraced approach extending up the hillside with sufficient space for an attenuation pond and play area together with 71 houses and parking with a substation for connection to the district heating network, it is a layout that is flexible and therefore is considered acceptable even if certain areas were precluded from development in terms of landscape impact at the reserved matters stage. The trees bounding the site can be protected from development with the location of the dwellings considered in detail at the Reserved Matters stage to ensure no harm to those trees.

The applicant's agent has requested that a parameters plan is approved at this stage which indicates where the roads, drainage, wildlife corridor, play area and footpath/cycleway would be located with a tolerance of +/- 5 metres. The site has a complex topography and the parameters set out seem a sensible layout that whilst the entire layout is not fixed, provides some certainty over what has been negotiated at the outline stage would come forward at the reserved matters stage. The plan would be included in the list of approved plans on any approval.

A footpath through the site from the B3181 to the north-west corner of the site will ensure that the development links to the wider area including the Clyst Valley Regional Park.

#### Impact on residential amenity

The application is in outline with all matters reserved apart from access and therefore there is no fixed layout to comment on regarding the impact on the living conditions of nearby dwellings, however as the site is elevated in relation to the dwellings in Palmer Close to the east consideration must be given as to whether dwellings can be accommodated in relative close proximity to the boundary as indicated on the indicative layout submitted with the application.

Concern was expressed to the applicant's agent regarding this and additional details have been provided in terms of levels, sections and amended dwelling types indicating that split level dwellings or bungalows could be accommodated on this part of the site to avoid an overbearing structure or overlooking from taking place. Ultimately, however, this will be a matter to be considered at the reserved matters stage, though it does indicate that 71 dwellings can be reasonably accommodated on the site.

### **Impact on highway safety**

The site fronts onto the B3181 Broadclyst to Exeter public highway where there is an existing field gate access onto the footway then road. It is proposed to move the access to the east so that the dwellings at the frontage of the site would be to the west of the access. Devon County Highways have verbally raised no objections to the proposed layout and visibility of the access in accordance with Policy TC7 of the EDDC Local Plan. Further written comments will be provided to Members at the Committee.

In their initial verbal consultation response, Devon County Highways sought a contribution from each dwelling toward the Pinhoe Area Access Strategy which would fund various initiatives such as the Tithe Barn Link Road and other footway and cycleways in the local area. However, no specific project was identified and it is understood that the Bloor Homes development on the opposite side of the B3181 and development of Home Farm have fully funded the link road, therefore it is considered that this contribution has not been fully justified and therefore because the impacts that the development would have on the highway network have not found to be harmful, the unjustified contribution cannot be sought. In addition, it is considered that such works are strategic as they benefit more than the application site and as such any such works should be funded by CIL and not financial contributions on individual developments.

Whilst it is appreciated that the highway network in the area can get congested at times, there are wider highway works planned to address this and in the absence of any objection to the additional dwellings by Devon County as the Highway Authority, a refusal of permission on the ground of highway safety could not be justified.

In accordance with paragraph 36 of the NPPF the development will be required to have a Travel Plan.

Major developments in Exeter, have been required to provide travel welcome packs, travel vouchers, personalised travel planning, monitoring of the Travel Plan and a summary report of the work undertaken and impacts of this. The specific approach needs to be set out and agreed prior to commencement of any part of the development. Alternatively, as part of the area wide approach to travel planning identified in the Local Transport Plan DCC are, subject to a contribution of £500 per dwelling, willing to undertake this on behalf of the developer. Unless an alternative approach is agreed, it is recommended that this is secured as part of the Section 106 agreement.

The indicative layout plan provides for 2 no. spaces per dwelling which would comply with Policy TC9 of the EDDC Local Plan, whilst it is submitted in outline it seems

appropriate to condition that all two bedroom houses and above are provided with at least 2 no parking spaces by condition.

Accordingly, the proposed development is considered acceptable in accordance with Policies TC7 and TC9 of the EDDC Local Plan.

## **Drainage**

The site is within Flood Zone 1 and is not subject to any critical drainage issues according to the latest Environment Agency mapping. However the site exceeds 1ha and therefore a flood risk assessment (FRA) has been submitted with the application. As the proposal would increase the level of impermeable surfaces - the current site is after all a grassed area for the most part - the FRA suggests the use of a sustainable drainage system through a combination of soakaways and a drainage basin in the north east corner of the site.

The DCC Flood Risk Management Team were consulted on the application and initially requested that additional information/amendments were submitted as the greenfield run off rates submitted included impermeable surfaces and were not in accordance with their guidance, amended figures have been provided was submitted and accordingly the DCC Flood Risk Team have verbally withdrawn their objection (written comments to follow) but have requested that the Local Planning Authority impose conditions to require a management plan for the construction period and to cover the final development and other monitoring on site.

Accordingly the proposal is considered acceptable in relation to Policy EN22 of the EDDC Local Plan.

## **Ecology**

A phase one preliminary ecological appraisal was carried out on site as the site was considered to have the potential to support a range of protected species, the results of the preliminary survey meant that bespoke surveys of some of the protected species were necessary, the results of both investigations were as follows:

Badger: The site has the potential to support badgers, however, during the time of the visit no evidence of badgers using the site were found and no setts on or close to the site were recorded. Mitigation measures in the form of covering over open foundation trenches and providing plank of wood for ease of access are proposed in the ecology report in case badger have moved onto the site since the survey was undertaken.

Bats: There are a number of mature trees on or close to the boundaries of the site, not least the woodland copse to the south of the site which have the potential to support both foraging and commuting bats, a dedicated bat activity survey was carried out on the southern section of the site in April 2018 and over the course of 6 nights 6,489 pipistrelle passes were recorded and 262 Myotis sp passes were recorded indicating that the site is used for both foraging and commuting. Mitigation in the form of 'dark' corridors have been designed to be located on the southern and eastern boundaries of the site to ensure that the bats can continue to forage and commute on and across the site, light spill from neighbouring houses has the potential to disturb the bats and

therefore the planting of two hedgerows side by side will enable bats to remain in the area. The provision of 'dark' corridors and their maintenance would need to be secured through a legal agreement.

Otter: There were no records of otter being on or close to the application site, the nearest watercourse is located 250 metres to the north of the site. No mitigation measures are therefore considered necessary.

Dormice: The hedgerows surrounding the site offer the potential to support dormice, however they lack connectivity to other suitable habitats and therefore the potential for dormice to be present is low. No mitigation measures are therefore considered necessary.

Reptiles: Slow worms were recorded on site on more than one occasion with a maximum count of two males on site at any one time. Given the low numbers of slow worm it is not considered necessary to translocate them to an alternative site, however a mitigation measure of providing reptile exclusion fencing around the site is considered necessary.

Amphibians: The nearest pond is located over 250 metres to the north of the site and therefore the site is unlikely to contain any amphibians. No mitigation measures are therefore considered necessary.

To provide ecological enhancement it is considered, in the submitted appraisal, that 20 bat and bird boxes should be provided on the site whether these be on retained trees or dwellings.

Accordingly, subject to a condition securing the mitigation measures outlined in section 6 of the appraisal the proposal is considered acceptable in relation to Policy EN5 of the EDDC Local Plan.

### **Habitat Regulations and Appropriate Assessment**

Natural England has advised that an Appropriate Assessment must be carried out as the site lies within close proximity of the Exe Estuary and Pebblebed Heaths, this assessment must consider whether the proposal will adequately mitigate any likely significant effects of the aforementioned areas. This report represents the Appropriate Assessment.

The delivery of SANGS is critical within East Devon, Exeter and Teignbridge; they are required to deliver a genuine alternative to visiting the Exe Estuary and Pebblebed Heaths for local residents to exercise, walk dogs, etc.

In protecting land for SANGS, it is critical to ensure that it is deliverable and provides the best use of resources. Work has taken place on delivery of such SANGs across the three authorities. The joint strategy between the authorities proposes 4 SANGS across the area these being at the following locations:

- o Dawlish Warren
- o South West Exeter

- o Cranbrook
- o Exmouth

The delivery of the mitigation strategy is overseen by the South East Devon Habitat Regulations Partnership which includes representatives from East Devon, Exeter and Teignbridge Councils. Significant progress is being made with delivery of the first two of these spaces with monies having been identified for purchase of these sites and in the case of the Dawlish Warren SANGS work is understood to be underway for its delivery. Negotiations are on-going with the Cranbrook consortium regarding the third SANGS area but it is envisaged that the necessary SANGS area will be delivered as part of the expansion areas. This just leaves the Exmouth SANGS, however Natural England are content that the required mitigation is being delivered across the wider area through the partnership and acknowledge that the Exmouth SANGS can come forward later in the plan period. It is considered to be the least significant of the 4 in mitigation terms because of the relatively modest levels of housing development proposed in the Local Plan for Exmouth compared to the other areas where SANGS are required. This is not however to diminish its importance in terms of delivery of the overall strategy.

The site itself is not considered to be a suitable area for SANGS due to its restricted size and interconnectivity with other such areas.

Given that SANGS is being provided within the District to mitigate development, and given that the development will contribute financially to the provision of these areas through CIL payments and a financial contribution that can be secured off the back of this application, it is considered that the proposal adequately mitigates any impacts upon the Pebblebed Heaths and Exe Estuary and will not result in any likely significant effects.

Natural England have advised that, on the basis of the appropriate financial contributions being secured to the South-east Devon European Sites Mitigation Strategy (SEDESMS), they concur with your authority's conclusion that the proposed development will not have an adverse effect on the integrity of Dawlish Warren SAC, the Exe Estuary SPA and Exe Estuary RAMSAR site.

Subject therefore to securing the necessary financial contribution through a S.106 Agreement, the proposal will not have any likely significant effects and is acceptable in this regard.

### **Planning obligations**

The report has identified a number of contributions or infrastructure which need to be provided to make the development acceptable in policy terms. These are as follows:

- Habitat mitigation contribution of £354 per residential unit
- Connection to the district heating system as advocated by Strategy 40 of the EDDC Local Plan.
- 30% affordable housing to be 70% rented and 30% shared ownership

- Provision of an onsite locally equipped area for play (LEAP) and funding for equipment in accordance with Strategy 43 of the EDDC Local Plan
- Provision and maintenance of protected bat corridors
- Travel plan contribution of £500 per residential unit
- Floor space cap to be submitted at reserved matters stage of 6,000 square metres to accord with the viability appraisal submitted with this application
- Provision of an overage clause to ensure any 'super profit' is shared with between the developer and Council to provide additional affordable units in the locality.

### **Planning balance**

The proposal represents development on Greenfield land that is not in accordance with the adopted EDDC Local Plan or emerging Neighbourhood Plan. As such, the proposal represents a departure from the development plan.

It is therefore considered necessary to undertake an assessment of whether there are any benefits/other material considerations of the proposal that outweigh the harm arising from the proposed development and its location outside of the allocations and BUAB for West Clyst.

Such an assessment will be carried out using the three strands of sustainability as follows:

#### *Economic*

The proposal would support the construction industry albeit for a limited period of time.

There would be an economic dis-benefit of losing 1.5 hectares of grade 1 and 3 agricultural land (BMV), however, for the reasons outline in the report, this is likely to only have a limited impact on the nation's agricultural supply and land for the growth of food to enter the supply.

Overall, therefore, the proposed development is considered to have short term economic benefits that weigh in favour of the proposal.

#### *Social*

The proposal would provide a significant proportion of houses as affordable (50%) towards meeting the needs of the district, this would weigh in favour of the proposed development.

There are also wider social benefits through the provision of general housing to meet general housing needs.



## *Environmental*

The use of unallocated greenfield land to provide housing where it is in agricultural use and can contribute towards the nation's food supply is a dis-benefit of the proposal.

The proposal has been found to have a less than substantial impact on the setting of a listed building which is afforded special protection but there are public clear benefits that outweigh the harm that is minimal due to a glimpsed distanced view of the site. There are no wider harmful visual impacts given that the site is surrounded by existing development.

There are bats using the site although again mitigation measures are proposed to enable these to remain on or close the site.

In terms of location and access to services and facilities, the site has very good public transport links to the city of Exeter and further afield settlements including train and bus connections. A recently constructed primary school lies within easy walking distance of the site and a convenience shop has recently opened on the opposite side of the B3181. These are significant considerations when considering the location of development to seek to minimise the use of the private motor vehicle and weigh significantly in favour on the proposed development.

## **CONCLUSION**

Taking the above into account, the benefits of the proposal through providing housing development in a highly sustainable area with good linkages and nearby infrastructure to support daily living without reliance on the private motor vehicle and provision of a high proportion of affordable housing to address the needs of the district are considered to outweigh any harm caused by the proposal and outweighs the fact that the proposal represents less than substantial harm to a heritage asset and where it represents a departure from local plan policy.

## **RECOMMENDATION**

- 1. Adopt the appropriate assessment**
- 2. APPROVE subject to a legal agreement securing the following matters:**
  - **Habitat mitigation contribution of £354 per residential unit**
  - **Connection to the district heating system**
  - **50% affordable housing to be 70% rented and 30% shared ownership**
  - **Provision of an onsite locally equipped area for play (LEAP) and funding for equipment**
  - **Provision and maintenance of protected bat corridors**
  - **Travel plan contribution of £500 per residential unit**
  - **Floor space cap to be submitted at reserved matters stage of 6,000 square metres**
- 3. And subject to the following conditions:**

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).
2. Approval of the details of the layout, scale and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
(Reason - The application is in outline with one or more matters reserved.)
3. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
4. No development shall take place until a detailed phasing plan including all necessary works to implement the development has been submitted to and agreed in writing with the Local Planning Authority (hereinafter referred to as Local Planning Authority). The development shall not be carried out other than in strict accordance with the Phasing Plan as may be agreed unless otherwise agreed in writing with the Local Planning Authority.  
(Reason - to ensure the development proceeds in a properly planned way from an early stage and to limit any unacceptable impact on the locality in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan)
5. As part of any reserved matters application a Construction and Environment Management Plan (CEMP) (to include schemes for the suppression of dust and air quality measuring and mitigation has been submitted to and agreed in writing with the Local Planning Authority. The development shall not proceed otherwise than in strict accordance with the CEMP as may be agreed unless otherwise agreed in writing with the Local Planning Authority.  
(Reason - To ameliorate and mitigate, at an early stage, against the impact of the development on the local community in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan)
6. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.  
(Reason - To ameliorate and mitigate against the impact of the development on the local community in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan)
7. As part of a reserved matters application for the residential elements of the proposal a detailed Design Code for the whole of the residential element of the

development shall be submitted to and agreed in writing with the Local Planning Authority. The Design Code shall include details and principles of site layout, highway design (including footways and shared surfaces), soft and hard landscaping, materials to be used on dwellings and for ground surfacing, building heights, spans and proportions, boundary features, window and door details, details of flues, meter boxes, eaves and roof ridges and treatment of verges and open areas to the front, rear and side of all dwellings, car parking courts and areas, and details and design parameters of public open space areas including play equipment where necessary. Each phase of the development shall thereafter be carried out in accordance with the approved details.

(Reason - to ensure that the development is planned as a whole in a cohesive manner, to avoid piecemeal development displaying differing design ethics, and to ensure that the resulting development is of high quality as required by Local Plan policies and in line with government guidance in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

8. As part of any reserved matters application a detailed Landscape and Ecology Management Plan (LEMP) for a minimum period of 25 years shall be submitted and should include the following details:

- ☐ Extent, ownership and responsibilities for management and maintenance.
- ☐ Details of how the management and maintenance of open space will be funded for the life of the development.
- ☐ Inspection arrangements for existing and proposed trees and hedgerows and monitoring of bio-diversity net-gain.
- ☐ Management and maintenance of trees and hedgerow.
- ☐ Management and maintenance of shrub, herbaceous and grass areas.
- ☐ Management of ecological habitat, maintenance of any ecological mitigation measures and further measures for enhancement of biodiversity value.
- ☐ Management and maintenance of any boundary structures, drainage swales and other infrastructure/ facilities within public areas.

Maintenance shall be carried out in accordance with the approved plan.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan.

9. The landscaping scheme approved at the reserved matters stage shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. 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 - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design

and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan)

11. Prior to the commencement of any works on site, a Tree Protection Plan (TPP) and Arboricultural Method Statements (AMS) for the protection of all retained trees, hedges and shrubs on or adjacent to the site, shall be submitted to and approved in writing by the Planning Authority.

The layout and design of the development shall be informed by and take account of the constraints identified in the survey and report.

The tree survey and report shall adhere to the principles embodied in BS 5837:2012 and the AMS shall indicate exactly how and when the trees will be protected during the development process.

The development shall be carried out in accordance with the approved details. Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

Reason: To ensure the continued well being of retained trees in the interests of the amenity of the locality in accordance with Policy D3 (Trees and Development) of the East Devon Local Plan.

12. Prior to the commencement of any works on site (including demolition and site clearance or tree works), details of the design of building foundations, access roads and car park surface construction (temporary and permanent) the layout (with positions, dimensions and levels) of service trenches, ditches, drains and other excavations on site (insofar as they may affect trees on or adjacent to the site), shall be submitted to and approved in writing by the Planning Authority. (Reason: To ensure the continued well being of retained trees in the interests of the amenity of the locality in accordance with Policy D3 (Trees and Development Sites) of the East Devon Local Plan.

13. Tree Pruning / Felling Specification/ ground condition amelioration  
Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed and timetabled specification for all necessary arboricultural work to retained trees shall be submitted to and approved in writing by the Local Planning Authority. The specification will accord with the principles given in BS 3998:. All tree felling and pruning works shall be carried out in full accordance with the approved specification and the principles of British Standard 3998:2010 - Recommendations for Tree Works

and in accordance with the agreed timetable of operations or such other works at such other times as may be agreed in writing by the Local Planning Authority (Reason: To ensure the continued well being of the trees in the interests of the amenity of the area locality in accordance with Policy D3 (Trees and Development Sites) of the East Devon Local Plan)

14. Each new dwelling or flat with one bedroom shall be provided with at least one parking space (excluding garages), each new dwelling or flat with two or more bedrooms shall be provided with at least two parking spaces (excluding garages).

(Reason: To ensure there is sufficient parking provision in accordance with Policy TC9 (Parking provision in New Development) of the East Devon Local Plan.

15. The reserved matters application(s) shall be submitted in accordance with the recommendations of Section 6 of the Ecological Impact Assessment undertaken by Clarkson and Woods Ecological Consultants dated November 2019 and the development shall thereafter be carried out in accordance with the recommendation set out therein.

Reason: To ensure that the protected species found to be on site/have the potential to be on site are dealt with in an appropriate and sensitive manner to safeguard their future and to replace lost habitats in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan.

20. The reserved matter application(s) shall be submitted in accordance with the methodology and recommendation set out in the Flood Risk Assessment prepared Clive Onion Consultant Engineer Reference V5, dated October 2019 (Reason -To ensure the development complies with the guidance as set out in the National Planning Policy Framework).

21. The following information shall be submitted at the reserved matters stage:

(a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with DCC groundwater monitoring policy.

(b) Evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins/tanks.

(c) A detailed drainage design based upon the approved Flood Risk Assessment Winslade Park, Clyst St Mary 13528-HYD-XX-XX-RP-FR-0001 dated 2nd April P02 and Drainage Strategy Sheet 3 WIN-HYD-XX-XX-DR-C-1002 P08, Drainage Strategy Sheet 2 WIN-HYD-XX-XX-DR-C-1002 P09 and Drainage Strategy Sheet 1 WIN-HYD-XX-XX-DR-C-1002 P06 and the results of the information submitted in relation to (a) and (b) above

(d) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

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

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

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

No building shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (h) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017), Policy EN22 (Surface Run-Off Implications of New Development) and national policies, including NPPF and PPG.

#### 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.

##### Plans relating to this application:

002 G	Other Plans	13.07.18
LOC 01	Location Plan	13.07.18
Parameters plan	Layout	05.11.20

##### 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	18/1653/MOUT	
Brief description of proposal	Outline planning application (appearance, landscaping, layout and scale reserved) for up to 71 dwellings, together with access and associated infrastructure, landscaping and drainage	
Location	Land South of Moonhill Copse, West Clyst Exeter	
Site is:	Within 10km of Dawlish Warren SAC and the Exe Estuary SPA site  Within 10km of the Exe Estuary SPA site alone (UK9010081)  Within 10km of the East Devon Heaths SPA (UK9010121)  Within 10km of the East Devon Pebblebed Heaths SAC (UK0012602)  Within 10km of the Exe Estuary Ramsar (UK 542)  (See Appendix 1 for list of interest features of the SPA/SAC)	
<b>Step 1</b> <b>Screening for Likely Significant Effect on Dawlish Warren SAC, Exe Estuary SPA or Pebblebed Heaths SPA/SAC or Exe Estuary Ramsar sites</b>		
<b>Risk Assessment</b>		
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.	
<b>Conclusion of Screening</b>		
Is the proposal likely to have a significant effect, either 'alone' or 'in combination' on a European site?	East Devon District Council concludes that there <b>would be</b> Likely Significant Effects 'alone' and/or 'in-combination' on features associated with the proposal at Land south of Moonhill Copse, West Clyst, Exeter in the absence of mitigation.  See evidence documents on impact of development on SPA/SAC at: East Devon District Council - <a href="http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf">http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf</a>  An <b>Appropriate Assessment</b> of the plan or proposal <b>is necessary</b> .	
Local Authority Officer	G Spiller	Date: 15 <sup>th</sup> January 2021

## 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

Plans or projects with potential cumulative in-combination impacts. How impacts of current proposal combine with other plans or projects individually or severally.	<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. This many houses equates to around 65,000 additional people contributing to recreational impacts.</p>
Mitigation of in-combination effects.	<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> <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.</p>

#### Assessment of Impacts with Mitigation Measures

Mitigation measures included in the proposal.	<p>Joint approach standard mitigation contribution required</p> <ul style="list-style-type: none"><li>Residential units £354.00 x 71 = £25,134</li></ul>
Are the proposed mitigation measures sufficient to overcome the likely significant effects?	Yes - the Joint Approach contribution offered is considered to be sufficient.

#### Conclusion

List of mitigation measures and safeguards	Total Joint Approach contribution of £25,134 will be secured through Section 106 agreement.	
The Integrity Test	Adverse impacts on features necessary to maintain the integrity of the land south of Moonhill Copse <b>can</b> be ruled out.	
Conclusion of Appropriate Assessment	East Devon District Council concludes that there would be <b>NO</b> adverse effect on integrity of the Dawlish Warren SAC, Exe Estuary SPA or Pebblebed Heaths SPA/SAC or Exe Estuary Ramsar sites <b>provided</b> the mitigation measures are secured as above.	
Local Authority Officer	G Spiller	Date: 15 <sup>th</sup> January 2021

21 day consultation to be sent to Natural England Hub on completion of this form.



