

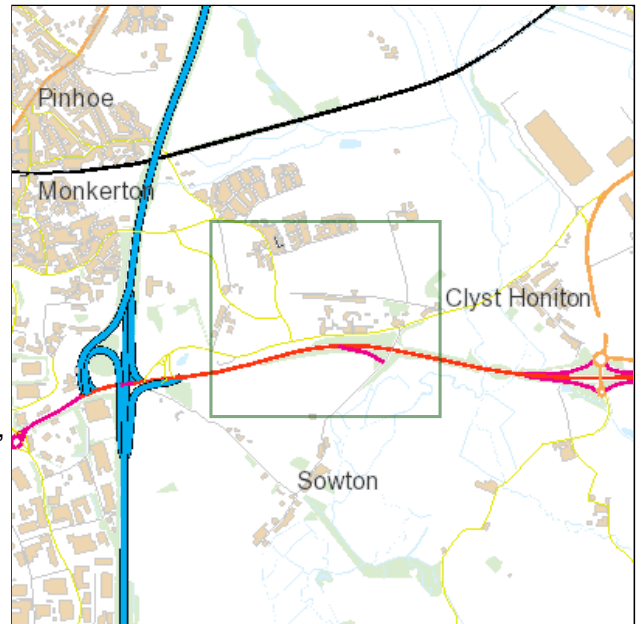
Ward Broadclyst

Reference 21/3235/MFUL

Applicant Theo Gloyens

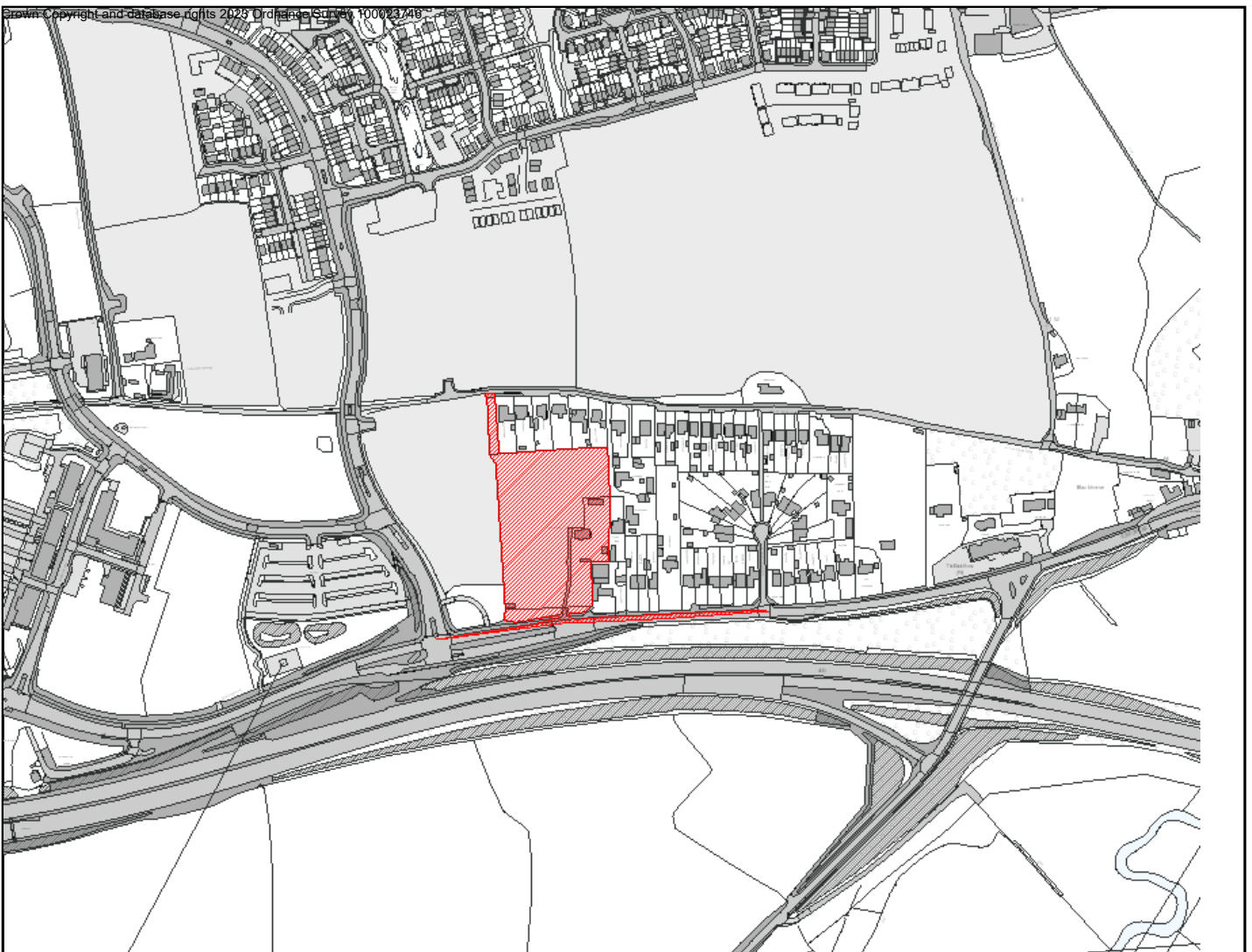
Location Land Adjacent To Sandycote Blackhorse
Honiton Road Exeter EX5 2FT

Proposal Demolition of existing dwelling and outbuildings,
and construction of 44 no. dwellings (22 no.
affordable), means of access and associated
works



RECOMMENDATION:

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



		Committee Date: 31st January 2023
Broadclyst (Broadclyst)	21/3235/MFUL	Target Date: 20.04.2022
Applicant:	Theo Gloyens	
Location:	Land Adjacent To Sandycote Blackhorse	
Proposal:	Demolition of existing dwelling and outbuildings, and construction of 44 no. dwellings (22 no. affordable), means of access and associated works	

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EXECUTIVE SUMMARY

This application is before members as the officer recommendation is contrary to the views of the parish council and the proposal represents a departure from the development plan.

The site is currently an extended garden area around the existing, now derelict, dwelling known as Sandycote, located in defined open countryside between existing homes at Blackhorse to the north and east, with the Exeter Science Park and development at Tithebarn Green to the west.

This application seeks full planning permission for the construction of 44 no. dwellings (22 no. affordable), to facilitate the proposed development the existing dwelling and associated outbuildings on site would need to be demolished, together with the removal of the conifer hedge on the western boundary of the site.

Planning law requires that planning applications must be determined in accordance with the development plan unless other material considerations indicate otherwise. Local Planning Authorities should apply the presumption in favour of sustainable development which is at the heart of the NPPF and is the golden thread running through decision-taking subject to complying with paragraph 11 of the NPPF. Whilst the site is strictly speaking contrary to policy (Strategy 7 - Development in the countryside), it is considered that the circumstances of the huge changes that will be happening to the locality, together with the increasing levels of sustainability, could constitute a material consideration that should be given significant weight in the determination of this application.

Furthermore, at the time of writing this report the Council cannot demonstrate a 5 year housing land supply. The development is considered to be deliverable and any permission granted would assist in the Council's supply of housing within the District. The NPPF advises that relevant policies for the supply of housing should not be considered up to date if a Council cannot demonstrate a five year supply of deliverable housing sites. The fact that the Council cannot demonstrate an adequate housing supply within the District is a significant factor and weighs heavily in favour of permission.

Concerns have been raised by the Council's Urban Designer in terms of the suitability of the design to this site and that it does not respond well to its immediate context. Overall he considers the design of the units to be good, but he questions the approach taken. The design philosophy for the site is intended to give a village character and pick up on architectural features in the wider Exeter area rather than the immediately surrounding area. The surrounding context is mixed, as mentioned there is a wealth of housing growth to the north of the site that is typified by largely standard modern house types. The housing to the east of the site is more traditional and arranged in a ribbon fashion fronting onto the main highway. Whilst the proposal site creates its own character area it is not considered to be one that would jar against the existing developments, furthermore, there is a pending application for an office development immediately to the west of the site which is likely to be of a larger scale and the character would be enhanced against the commercial backdrop.

The houses would connect to the district heating system (if viable and a connection point is existing when the development is built out) and 50% of the houses would be affordable.

The groundwater monitoring for the drainage is currently being investigated but positive results over 10 months monitoring have been provided, a further two months are required to justify the use of soakaways. Ecological mitigation and compensation measures would be provided for on-site protected species (bats, reptiles, amphibians etc)

CONSULTATIONS

Local Consultations

Parish/Town Council

Thank you for consulting Broadclyst Parish Council

SANDYCOTE BLACKHORSE 21/3235/MFUL

Broadclyst Parish Council agree with East Devon's view that this site is unsuitable for development due to its proximity with how it lies with the airport noise contours.

The planning proposal is not in conformity with the following policies of the Broadclyst emerging Neighbourhood Plan.

Policies

' D1, and Appendix 14 Design Codes 1,2,3,4,5,6,

- ' DC2
- ' DC3
- ' DC4
- ' T3
- ' NE4
- ' NE5

HOUSING DENSITY:

This is a very high-density development adjacent to the Blackhorse development. This density of 33 buildings per 1 ha is in stark contrast with residential developments in the NP where the community requested a lower density of 21 dwellings per hectare. The density of dwellings per hectare in the present settlement of Black horse is much lower than the level set in the NP.

' The layout does duplicate to some extent a design layout which is seen in the existing Blackhorse settlement: a cul de sac road leading to a turning point.

' However, the four roads off this main road results in a much higher density of housing. Without these four extra roads, the housing density would be lowered and more in keeping with the Blackhorse settlement character in Appendix 14. There is no evidence that the local settlement character presented in Broadclyst NP appendix 14 has been used to inform the Design and Access Statement.

' The present layout is not in Conformity with Policy D1 points 1,4,8,10 11. Code 2 and 3 are also not addressed in the Layout.

ACCESS

' The Priority order in the Broadclyst NP for access is, pedestrian, cyclist, and vehicles. This is not in place within the design. For residents to access the central green area there are no structures in the design which provide pedestrians as a priority over vehicles.

' The Green Triangle at the centre of the site layout is also a designated parking space for 8 vehicles to the north of the Green, with no design in place to ensure that no further vehicular access is used on this green space. This multi space provision undermines the priority order access.

' On street parking close to the green compromises safety make it difficult for both pedestrians and drivers as it enforces people to step onto the road from behind / in front of parked cars to get to the central green

PARKING:

Provision of parking on the green space is not supported despite it being 'grasscrete' in design. This should be a bespoke open green space for the large residential community. There are also 6 parking spaces in the orchard, which take up most of the orchard frontage alongside the entrance road.

In Policy T3: Parking has to be provided on semi permeable surfaces. Parking surfaces are presented in 3 of the proposals appendices and the surface provision is not consistent across these appendices. Parking provision must be semi permeable even on street parking.

It is good to see provision of a cycling route onto an existing local cycle route. There are concerns that cars will be parked on the cycle path outside the houses along this route as the car parking provision for these houses, is located on North Court Road.

Provision of car charging facilities are clearly specified within the Design and Access Statement but there only 7 charging units provided for the 22 parking spaces utilising 'on street parking'. Electric point provision in the orchard and on The Green will mean that these spaces will be fully utilised and be deemed as permanent parking locations. There are concerns about payment for charging and long-term maintenance of these charging units.

Parking for Cycles is to be located in dedicated storage and with good connectivity, but provision of these is for all plots at the far end of gardens and not close to the access gate. This means that large swathes of lawn are lost to patio a route to the garden shed. This results in excessive paved area to ensure good connectivity for cycles.

Policy DC4 needs to be in provided in full.

NET BIODIVERSITY

As published in the Governments new reforms to the Planning System, all new development should create a net gain to areas appearance and 10% gain in biodiversity.

Loss of green space in gardens is excessive, due to the extent of patio areas and paved route to sheds designated in every garden. Patio is in most cases 50% of the space available. To gain a net biodiversity of 10% required in Policy NE5 is going to require extensive mitigation and is not likely to be gained on site.

ENERGY EFFICIENT PROVISION

It has been stated that PV slates are to be provided on all South facing buildings, this is not evident in application. Not in conformity with Policy DC1.

HOUSING

Affordable Housing are supposed to be pepper potted throughout the layout. However, it is evident in the Masterplan showing affordable housing that these are provided in isolated blocks of 3 ' 5 houses within the masterplan.

The location of accessible and adaptable units are not optimum 'safe locations' for such residents being positioned:

1. With no close parking provision in west court
2. Located on the main access route close to Honiton Road
3. Close to where the road narrows on a bend beside the Green 41/A1.2
4. Houses along the cycle path have no designated parking

DESIGN

Design of housing is not in line with a village/ settlement feel.

The housing design is more of 'the same' urban design and needs to consider designs along the lines of those that have been provided locally in Clyst St George, Seaward development, which are varied, distinctive and use local materials and adding value and quality to the settlement.

The Character assessment of Blackhorse in APP 14 provides a design backdrop for development which are to be used for developments that are adjacent to a settlement. A key design feature in Blackhorse is that pairs of houses share a housing design and that no more than 5 houses in the settlement are of a uniform house design. The present proposal in contrast provides all houses which are very

uniform in design see below. There is a need for less uniformity and more variety in the design of properties.

Not in conformity with aspects of Design Code 2,3 4 and 5

EXTRA

Although not within the NP. The location of space allocated for refuse/ recycling on collection day in the Masterplan showing Parking refuse 2139891 is of concern

' Location on a cycle path,

' Infront of parking spaces e.g., 14 09

At locations where the lorry cannot get to: along access paths, at end of shared driveways and on footways.

TRAFFIC

Concerns about the junction have been raised with crossing two lanes of traffic and the reservoir capacity for inbound traffic. These traffic concerns have been brought up by County Highway Authority on the last planning application for this site 14/2195/MOUT. These traffic concerns are more relevant now with all the development in the surrounding areas and the increase in traffic.

Technical Consultations

Devon County Highway Authority

Addendum 27/11/2022

The County Highway Authority has reviewed the amended plans and is happy with the amended Design and Access statement together with the revised Highway long section.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with the East Devon Local Plan 2013-2031

Devon County Highway Authority

Observations:

The County Highway Authority (CHA) have reviewed the planning application and is happy with the cross-sections, Long-sections, swept path analysis, along with the provision of electric charging points for vehicles.

Some public comments have been noted on this planning application regarding the speed of London Road, the down change to 30mph is coming, with the a consultant employed to seek how best to street design London Road before the speed change comes.

Details on bin collection points to avoid the uphold of traffic flow will be required. The parking geometry is also acceptable. The Tithebarn area as a whole is delivering greater infrastructure to support this development including a new primary school, a park and change and cycle infrastructure. This this mind, the development will require secure cycle storage for each dwelling.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

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Police Architectural Liaison Officer - Kris Calderhead

I would greatly appreciate your consideration of my comments as there are aspects of the design that I cannot support and I have some queries with regards to the proposed lighting scheme.

1. Excessive permeability / paths not overlooked / Plots lacking defensible space – For a relatively small area, West Court appears to have an excessive number of routes through it, some of which compromise the security of dwellings, as they are not well overlooked, not lit and provide access to the rear of plots. Additionally, some plots are not afforded defensible space as they immediately abut public space. Paragraph 8.3 of Secured by Design Homes 2019 states, ‘the designer must ensure that the security of the development is not compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings, or by providing too many or unnecessary segregated footpaths’. Paragraph 8.1 states, ‘vehicular and pedestrian routes should be designed to ensure that they are visually open, direct, well used and should not undermine the defensible space of neighbourhoods’.

2. Rear access footpaths - Whilst I appreciate this rear access path is gated, it serves

8 plots which is excessive, is devoid of surveillance, poorly lit, one of the entrances is not in clear view of the street and the path is not direct. Such features increase the risk and fear of crime and ASB.

Paragraph 13.2 of Secured by Design Homes 2019 states, ‘it is preferable that footpaths are not placed to the back of properties. If they are essential to give access

to the rear of properties they must be gated....and serve the minimum number of homes, usually four or less’.

The 2 issues above are my biggest concerns from a designing out crime perspective. However, there are further comments I would like to make.

- Lighting – Can it be confirmed that the lighting scheme for the development will meet BS5489-1:2020?

I note that the ‘external lighting associated with the development will be based on a Passive Infrared Sensor (PIR) system (being motion-sensitive only to large objects) and on a short timer (no longer than 1 minute)’. Can it be confirmed if this is the case for all of the lighting throughout the development?

An effective lighting scheme affects 6 out of the 7 Crime Prevention Through Environmental Design principles¹. For crime prevention measures, lighting should provide good levels of uniformity, with dedicated routes being well lit, as well as parking areas, gates etc. Bollard lighting should be used for demarcation of routes only or supplementary as part of a general design.

Additionally, Secured by Design guidance (note 25.1) ‘has not specified PIR activated security lighting for a number of years following advice from the ILP and police concern regarding the increase in the fear of crime (particularly amongst older people) due to repeated PIR lamp activations. Research has proven that a constant level of illumination is more effective at controlling the night environment’.

- Boundaries - Areas identified as public open space should have appropriate boundary treatments that prevent vehicle access and clearly define the space.

Hedgerow - Any existing or new hedgerow that is likely to comprise new rear garden boundaries must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.

EDDC Trees

Overall I have no objection with the proposal. The trees on site are generally of mainly low value, the majority being conifer which have been reduced and managed as hedgerow. The only two trees of any significance T9 and T10 (note off site tree but overhangs) are being retained which is appropriate. My only concern / issue is the felling of G1, a mix of approximately 12 Apple and Plum which as a group have been categorised as B3. It is considered that ideally these trees could be retained in a revised scheme. However, the proposed replacement planting of an orchard and nuttree is considered appropriate and will mitigate the loss of G1.

Environmental Health

As per my comments made in Feb 2022 Plus:

Generally for traditional external amenity space, such as gardens, it's recommended that the external noise level does not exceed 50 - 55 dB LAeq 16hr. With this development the external amenity areas are considered to be an intrinsic part of the overall design but as detailed applicants noise assessment the site lies on the 60 LAeq 16hr 2030 Contour.

Despite following a good acoustic design process to meet with the recommended internal noise levels, adverse noise impacts still remain within the developments external amenity space.

However, it is also recognized that these guideline values are not always achievable in all circumstances particularly where the development of the site now proves more desirable. In this higher noise area, a compromise between the elevated external noise levels and other factors, such as the convenience of living in this location or making efficient use of land resources can be met. ProPG details that if a relatively quiet, protected, nearby, external amenity space for sole use by a limited group of residents as part of the amenity of their dwellings and/or a relatively quiet, protected, publically accessible, external amenity space (e.g. a public park or a local green space) that is nearby (e.g. within a 5 minutes walking distance) is provided then this may be regarded as a mitigating factor for when considering such developments with higher than recommended external noise levels.

Environmental Health

I recommend approval with conditions:

1 In order to meet with the internal noise levels as specified in BS8233: 2014 the following noise condition is recommended for the acoustic envelope of the residential buildings:

a) Glazing

The $R_w + C_{tr}$ dB reduction required by the glazing is 28dB.

b) Ventilation

Where a closed window is required for internal noise level limits to be achieved, alternative ventilation (to an open window), must be provided. The alternative must comply with the requirements of the Building Regulations Approved Document F and the required $D_{n,e,w}$ (C_{tr} value) dB value of the open ventilator is the façade value plus 6dB, i.e. 34dB.

2 External noise levels

An acoustic barrier of solid construction with no air gaps of at least 2m in height with a minimum surface mass of 15 kg/m² should be installed covering the amenity areas southern boundary (facing onto Honiton Road) for plots 1, 7 and 45.

During the construction Phase

3 A Construction and Environment Management Plan (CEMP) must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. 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. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in

compliance with the approved CEMP. 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 and 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.

Housing Strategy/Enabling Officer - Jo Garfoot

This site is not allocated for development in the Local Plan and will therefore will be required to provide 50% affordable housing. The proposal is for 45 dwellings of which there is a net gain of 44 units so there would be a requirement for 22 units for affordable housing.

The proposal is for 22 units for affordable housing of which 11 are for shared ownership and 11 for rented accommodation. This is a tenure split of 50/50. Strategy 34 sets a target of 70% for rent and 30% for affordable home ownership however in times of depressed markets an alternative mix can be negotiated to reflect viability and help deliver schemes. The applicant has not submitted any evidence to justify the reason for the tenure mix proposed. As the site is within the Broadclyst parish neighbourhood plan area, due to transitional arrangements it would not be required to provide First Homes.

The proposal for the affordable units is a mix of both 2 and 3 bedroom properties with more 2 bedroom units which will meet housing need. To meet the high need in the district for smaller properties and to ensure a good mix of unit types a few 1 bedroom units would have been nice. The property sizes are good and they all have at least one allocated parking space. The inclusion of electric charging points in welcomed. The affordable units are reasonably well dispersed.

The south facing market houses are to have PV panels and this should be extended to the affordable units as well.

The plans show a number of the affordable units are to be built to M4(2). Strategy 36 states that on schemes of 10 or more all the affordable units should meet M4(2) not just 20%.

The affordable units should be transferred to a registered provider.

Natural England

Planning consultation: Demolition of existing dwelling and outbuildings, and construction of 45 no. dwellings (22 no. affordable), means of access and associated works Location: Land Adjacent To Sandycote Blackhorse Honiton Road Exeter EX5 2FT

Thank you for your consultation on the above dated 25 January 2022 which was received by Natural England on 25 January 2022

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

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

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

This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context. Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

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 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.

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 submitted the revised Sandycote, Blackhorse, Exeter Flood Risk Assessment & Drainage Strategy (Report Ref. 1769w001, Rev. P06, dated 05th August 2022). The applicant has included Option B, an alternative attenuation option.

For Option A - Infiltration, the applicant mentioned that soakaway testing to BRE Digest 365 gave positive soil infiltration rates. The attached results in Appendix B of the report indicated that the testing was carried out at depths ranging from 1.55 to 2.60m but the proposed individual soakaway was at a depth of 0.4m.

The testing must be conducted on the locations and depths of potential infiltration devices. A cross section showing the ultimate depth of the soakaway would be useful.

For Plot 1 to 5 Soakway, the Drainage Strategy Option A Infiltration (Drawing No. 0500, Rev. P7, dated 05th August 2022) indicated a dimension of 15m x 2m x 0.4m but the model output indicated an area of 60m².

It was acknowledged that the twelve month groundwater monitoring is currently being undertaken and the first few months results indicated positive outcome. For Option B - Attenuation, underground systems cannot be considered as truly sustainable means of drainage because they do not provide the required water quality, public amenity and biodiversity benefits, which are some of the underpinning principles of SuDS. Consequently, above-ground SuDS components should be utilised unless the applicant can robustly demonstrate that they are not feasible; in almost all cases, above- and below-ground components can be used in combination where development area is limited.

We would be happy to provide a further response if additional information is submitted to the local planning authority.

Devon County Archaeologist

The proposed development site lies within an area of known archaeological potential and the geophysical survey undertaken of this area, and submitted in support of this planning application has identified anomalies that may be of archaeological interest. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological

resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 205 of the National Planning Policy Framework (2021) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.'

Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

The Historic Environment Team have received the report setting out the results of the archaeological investigations undertaken here. These have demonstrated that the majority of the archaeological features within the site are likely to be of post-medieval date. A single find of a flint artefact indicates a low level of human activity within the site during the prehistoric period but no archaeological features from the prehistoric period were identified by these investigations.

In the light of the results of the archaeological investigations here I do not consider that any further archaeological mitigation is required and I would like to withdraw the Historic Environment Team's previous comments, and instead offer no comments on this planning application.

Please do contact me if you need any additional information.

National Highways

Referring to the notification of a planning application referenced above, for the demolition of existing dwelling and outbuildings, and construction of 45 no. dwellings (22 no. affordable), means of access and associated works, at land adjacent to Sandycote, Blackhorse, Honiton Road, Exeter, EX5 2FT, notice is hereby given that National Highways' formal recommendation is that we:

a) offer no objection (see reasons at Annex A);

Highways Act 1980 Section 175B is/is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

¹ Where relevant, further information will be provided within Annex A.

Annex A National Highways recommended No Objections

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

Highways England was renamed National Highways in August 2021. Prior to April 2015 the organisation was known as the Highways Agency. National Highways is a government owned company responsible for operating, maintaining and improving the SRN.

Statement of Reasons

The application seeks full permission for the demolition of existing dwelling and outbuildings, and construction of 45 dwellings (22 affordable), means of access and associated works, at land adjacent to Sandycote, Blackhorse, Honiton Road, Exeter. The 1.4ha site is located approximately 50m north of the A30 trunk road and 500m east of M5 Junction 29.

Planning Context and History

Outline permission for up to 34 dwellings on the site was granted in November 2018 under application 14/2195/MOUT, which lapsed recently in November 2021. The principle of residential development on the site, albeit for a lesser quantum, has therefore been previously accepted.

Impact on the Strategic Road Network

Traffic Impact

The Transport Statement (TS) considers trip rates previously accepted for the consented Tithebarn Green application (12/0802/01) immediately west of the development site. Noting these trip rates are now over a decade old, the TS makes reference to trip rates derived from TRICS although no trip rate outputs are provided. For the application the TS adopts a trip rate of 0.600 for both the AM (0800-0900) and PM (1700-1800) network peak hours, which is considered acceptable by National Highways. Based on a quantum of 45 dwellings this results in approximately 27 two-way trips in both the AM and PM peaks, which is 6 additional two-way trips over the recently expired consent for 34 dwellings, and less than one vehicle movement every two minutes in the AM and PM peak hours.

On the basis of the above forecast traffic impact, National Highways does not consider the development is likely to result in an unacceptable impact on the safe operation of the strategic road network, as defined by NPPF.

Acoustic Mitigation

Given the proximity of the proposed development from the A30 and M5 the developer must ensure that noise arising from the operation of the trunk road is adequately mitigated. Noise levels in outdoor amenity areas should conform to thresholds specified in British Standard 8233:2014 and World Health Organisation (WHO) Environmental Noise Guidelines, so that indoor and outdoor spaces can be utilised as intended.

British Standard BS8233:2014 states that it is desirable that the external noise level does not exceed 50dB LAeq, with an upper guideline value of 55dB LAeq. The WHO Environmental Noise Guidelines, which are congruent with BS 8233:2014, set out that 'To protect the majority of people from being seriously annoyed during the daytime, it is recommended that the sound pressure level on balconies, terraces, and outdoor living areas should not exceed 55dB LAeq for a steady continuous noise. To protect the majority of people from being moderately annoyed during the daytime, the outdoor noise level should not exceed 50dB LAeq.'

Paragraph 6.7.9 of the Planning Statement sets out that 'with the proximity of Exeter Airport, it is not possible to achieve the recommended noise levels for outdoor

amenity areas. However, BS8233:2014 states that: "In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces but should not be prohibited."

National Highways does not consider the site to be located in either a city centre or an urban area, and as such should the development propose any exceedance of the above levels, the justification for such should be clearly evidenced including why the recommended levels cannot be achieved and how the 'desirability' of the development offsets any likely adverse noise impact upon the intended site users. We therefore strongly advise that the Local Planning Authority satisfies itself that the development will deliver measures which adequately mitigate noise to levels as set out in British Standard BS8233:2014 and WHO guidelines. National Highways will not be held liable for any adverse noise impact arising from the operation of the A30 or M5 should the development fail to deliver measures which adequately mitigate noise to levels as set out in British Standard BS8233:2014 and WHO guidelines.

It must be emphasised that the National Highways soft estate should not be relied upon in respect of contributing any perceived benefits of either visual or acoustic mitigation. We are required to maintain our soft estate which may result in the removal or amendment of our soft estate at any time. The applicant is therefore required to ensure that appropriate and sufficient visual and acoustic mitigation is provided as part of the development, and in addition to any National Highways estate that may be present. Should it be determined that any acoustic measures are necessary to mitigate the impact of traffic noise from the A30 or M5, any fences, screening and other structures must be erected on the developer's land, and far enough within the developer's land to enable maintenance to take place without encroachment onto highway land, as set out in Annex A, paragraph A1, of DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development". To ensure compliance with the above, we would request that we are consulted on the proposed design, construction and future maintenance requirements of any such measures.

Recommendation

National Highways has no objections to application 21/3235/MFUL.

Exeter & Devon Airport - Airfield Operations+Safeguarding

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

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

In terms of the Air Navigation Order, it is an offence to endanger an aircraft or its occupants by any means. In view of this I have included, as attachments, some

safeguarding notes which all developers and contractors must abide by during construction and commissioning.

These include: Airport Operators Association (AOA) Advice notes:
Lighting near Aerodromes.

Wildlife Hazards around Aerodromes
Cranes and other Construction Issues.

And, Civil Aviation Authority (CAA) CAP1096 Guidance to crane users on crane notification process and obstacle lighting and marking.

Accordingly, Exeter Airport have no safeguarding objections to this development provided that all safeguarding criteria are met, as stipulated in the AOA and CAA Advice Notes, and 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.

NHS Local

On 1 April 2022, our client merged with Northern Devon NHS Trust to form the Royal Devon University Healthcare NHS Foundation Trust.

Please find attached updated consultation reports reflecting this change for the following planning application 21/3235/MFUL.

This is a consultation response to the planning Land Adjacent To Sandycote Blackhorse Honiton Road Exeter EX5 2FT at NGR 298976 112882 (Hartnoll Farm) Tiverton Devon

Introduction

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The creation and maintenance of healthy communities is an essential component of sustainability as articulated in the Government's National Planning Policy Framework, which is a significant material consideration. Development plans have to be in conformity with the NPPF and less weight should be given to policies that are not consistent with the NPPF.

Consequently, local planning policies along with development management decisions also have to be formulated with a view to securing sustainable healthy communities. Access to health services is a fundamental part of sustainable healthy community.

As the attached document demonstrates, Royal Devon University Healthcare NHS Foundation Trust (the Trust) is currently operating at full capacity in the provision of acute and planned healthcare.

It is further demonstrated that this development will create potentially long term impact on the Trust ability provide services as required.

The Trust's funding is based on previous year's activity it has delivered subject to satisfying the quality requirements set down in the NHS Standard Contract. Quality

requirements are linked to the on-time delivery of care and intervention and are evidenced by best clinical practice to ensure optimal outcomes for patients.

The contract is agreed annually based on previous year's activity plus any pre-agreed additional activity for clinical services. The Trust is unable to take into consideration the Council's housing land supply, potential new developments and housing trajectories when the contracts are negotiated. Further, the following year's contract does not pay previous year's deficit retrospectively. This development creates an impact on the Trust's ability provide a services required due to the funding gap it creates. The contribution sought is to mitigate this direct impact.

CIL Regulation 122

The Trust considers that the request made is in accordance with Regulation 122:

"(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development."

S 106

S 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request a developer to contribute towards the impact it creates on the services. The contribution in the amount £27,778.00 sought will go towards the gap in the funding created by each potential patient from this development. The detailed explanation and calculation are provided within the attached document.

Without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development due to conflict with NPPF and Local Development Plan policies as explained in the attached document.

EDDC Landscape Architect

This report forms the EDDC's landscape response to the full application for the above site. The proposed scheme has been revised from the original submission. The number of proposed dwellings have been reduced by two and minor adjustments made to the previous layout. The architectural style remains as previously submitted.

The report provides a review of revised layout and 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 REVIEW OF SUBMITTED DETAILS

2.1 Pavings and roads layout

There are contradictions in proposed pavings as shown on the Hardworks plan, dwg. no. 796/01 rev F and Internal highway strategy, dwg. no. 0700 rev P3. The latter shows all parking areas including private drives being block paved whereas the Hardworks plan shows a mix of block paving, grass-crete and bound gravel. There is a difference in detail to the west of plot 13 where a paved sitting area is shown on the Hardworks plan but not on the highway layout. As noted in previous comments the seat should be removed as in that location it is likely to be of little benefit. There are also a number of minor layout differences in parking arrangements. The two drawings should be checked and any conflicts/ differences resolved. Both the above drawings should show the full extent of the northern access path up to and including the junction with Blackhorse Lane.

The road layout at the first junction north of the main site access should be adjusted to reduce the corner radii of the western side road to 1m. This will help to slow traffic speeds at this transition point to shared surface and increase the extent of soft landscape areas. The need for a tarmac pavement along the frontage to plot 45 is also questioned and this should also be replaced with soft landscape treatment – see over-marked plan extract below:

Bollards should be provided at the edge of the wide footway across the frontage to plot 6 to prevent cars parking on it.

Occupants of plots 21 to 25 are unlikely to be satisfied with the proposed compacted gravel access drive to the frontage of their properties as this is likely to result in clayey mud being picked up on shoes and carried into homes. There is also a risk of surface ponding or erosion/ rutting if it is not laid or maintained correctly. It would be better to extend block paving northwards to the end of the house frontages and change to compacted gravel surface beyond that.

Rear gardens should be provided with paved patio areas.

Details of proposed kerbs and edgings should be provided.

Construction details and aggregate source/ specification should be provided for proposed compacted self-binding gravel.

Proposed granite chippings for bonded gravel surface are indicated as silver granite. As this is not a granite area alternative stone sources should be considered such as Westleigh Quarry nr. Tiverton.

2.2 Boundary and gate details

A boundaries plan should be provided showing the locations and types of all boundary treatments. This should be accompanied by relevant construction details for walls fences, gates and gateways.

Sources and specification of stone for masonry gateways should be confirmed.

Access

The pedestrian/ cycle access to Blackhorse Lane should be lit with column lights. Bollards should be provided at the northern end and to the north of the side access to the garden of plot 23 to prevent vehicular access to/ from Blackhorse Lane. At its northern end the proposed access path to Blackhorse Lane encroaches into the construction exclusion zone indicated on the tree protection plan. The alignment of the path should be adjusted to avoid this.

Drainage

The proposed drainage scheme is reliant on underground crating. Surface SuDS provision should be considered or reasons provided as to why it is unsuitable.

Soft landscape

The planting plan should be extended to include the access path junction with Blackhorse Lane.

Native hedge planting should be provided to the east side of the Blackhorse Lane access in front of the timber boundary fence to the adjoining property.

The proposed native hedge to the western boundary should be set on a 1.2m high Devon hedgebank.

Other minor amendments to the soft landscape proposals are required in respect of layout changes noted above.

Soil volume calculations and tree pit details should be provided for trees in areas of hard landscape particularly the oak to the west of plot 13, liquidamber to the front of plots 8/9, koelreuteria to side plot 9.

Other matters

Water butts should be provided to all rear gardens to collect roof rain water. Locations should be indicated on the drainage drawings.

Arrangements for bicycle storage should be confirmed. Although the DAS states that sheds will be provided in each garden only one is indicated on the site plans.

Arrangements and locations for e charging points for vehicles should be confirmed.

3 CONCLUSIONS AND RECOMMENDATIONS

3.1 Acceptability of proposals

The reduction in the number of units creates a better layout, that overall is well conceived and provides interesting spaces. It is a pity that surface SuDS features have not been used more extensively, which could add considerable additional biodiversity and amenity value.

There are still some issues with the layout and associated details as noted above which require amendment. The following items should be satisfactorily addressed prior to determination:

Amendments to all site and landscape plans to include the end of the northern access path up to and including the junction with Blackhorse Lane.

- Proper co-ordination of Hardworks plan and Internal highways strategy drawings.
 - Boundaries plan and accompanying details of boundary and gate types.
 - Inclusion of Devon hedge bank to western site boundary.
 - Reduction in junction radii at first cross roads north of site entrance and associated paving changes.
 - Changes to paving to frontages plots 21-25.
 - Amendments to access path to Blackhorse Lane to include realignment of path to avoid arb. exclusion zone, change from bollard lighting to column lighting and provision of vehicle bollards at each end.
 - Details of proposed kerbs and edgings.
 - Addition of sheds, patio areas and water butts to rear gardens.
- Other items noted at section 2 above could be subject to condition should the application be approved.

3.2 Conditions

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

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

a) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation. External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011.

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

c) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.

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, which should include:

- a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.*
- methods for stripping, stockpiling, re-spreading and ameliorating the soils.*
- location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
- schedules of volumes for each material.
- expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.*
- identification of person responsible for supervising soil management.

e) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving.

3) No development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 20 years has been submitted to 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 habitats, open space and associated features will be funded for the life of the development.
- A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- Landscape and ecological aims and objectives for the site.
- Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
 - o Existing trees, woodland and hedgerows.
 - o New trees, woodland areas, hedges and amenity planting areas.
 - o Grass and wildflower areas.
 - o Biodiversity features - hibernaculae, bat/ bird boxes etc.
 - o Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- Arrangements for Inspection and monitoring of the site and maintenance practices.
- Arrangements for periodic review of the plan.

Management, maintenance and monitoring shall be carried out in accordance with the approved plan.

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

5) 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), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) 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.)

Urban Designer

Site context

The existing site and context

The existing Sandycote site has one house and two outbuildings within it. The remainder of the site has trees, including old fruit trees, but is largely open grassland.

Immediately west of the site is an undeveloped part of the Exeter Science Park that itself is next to Anning Road, the main entrance to the Science Park from the B3174. Beyond are some of the buildings that have been completed at the Science Park, which are all explicitly modern in design and appearance in line with the nature and ambitions of the Science Park itself. An established hedge with trees runs along the boundary between the Science Park and the site.

Adjacent to the Science Park, North West of the site, are large housing developments by national house builders. These have modern detailing and finishes with a material palette of white render, grey weatherboarding, smooth-faced brickwork and slate roofs throughout. They are a mixture of standard housing forms

with peaked roofs, and others that are a mix of mono-pitch and peaked, but all have a relatively modern aesthetic. This choice by the house builders reflects the location of the housing close to the modern Science Park buildings which would be regarded as their context.

The rear gardens of neighbouring houses forms the northern boundary of the site but from the northwest corner of the site an access path runs alongside the westernmost of these neighbouring properties and opens onto Blackhorse Lane and the cycle-route into Exeter to the west, and the Sky Park business park and Cranbrook to the east. The south of the site opens onto the B3174 Honiton Road and the western boundary sits alongside the Clyst Honiton Garage, the access drive to a residential property and the side elevation of another residential property.

The houses around the site appear largely post-war with those next to it along the Honiton Road being semi-detached interwar houses. Further along are detached two-storey houses with a relatively small footprint. None hold any particular design value though a pair of the semi-detached homes appears to have been extended to replicate a 1930's era arts-and-crafts front elevation.

The houses along Blackhorse Lane are nearly all identical bungalows with a square footprint. All are modest in size and design and look to have been built in the 1960's or 70's. These are all brick or painted render with a mix of clay pantiles and slates on shallow hipped roofs.

Understanding of the site and context

The introduction to the Design and Access Statement (DAS) sets the design intent for Sandycote as a traditional village but without explaining why. The context analysis does not help as it does not analyse the site context. Instead it gives examples of windows, doors, streets and spaces from villages (and Exeter) that are either far away or in settlements with a very distinct and unique development history, such as Topsham. Topsham is the nearest context referenced, is 3 miles away as the crow flies and spent most of its very long history as a busy port with connections to the Netherlands which resulted in the distinctive architecture seen there. The furthest, Sampford Peverell, is over 17 miles away in a different district and landscape area. Nearby villages such as Clyst Honiton, Broadclyst, Rockbeare, Whimble share a similar geography to the site and all have examples of windows, doors, streets and spaces. Referencing Exeter as part of the context study is difficult to reconcile as Exeter is a city.

The areas of greatest contextual relevance are the 21st century Science Park buildings to the west; the 1930's and 1960-70's housing immediately north and east; new developments taking place along Tythebarne Lane, in Pinhoe or in Cranbrook. This list is not exhaustive. These places also have windows, doors, streets and spaces but are not mentioned. The nearby small towns and villages that represent relevant traditional built context have an architecture and form that is different from those in the DAS and therefore different from the resulting design response. There is no reason given why any nearby context has been ignored in favour of settlements that are distant and in many ways different. Somewhere else, whether it is attractive or not, is not the context because it is somewhere else, and is therefore out of context.

Where the analysis focusses mainly on architectural details and appearance of places it seems not to note the nature of the buildings themselves, how the villages

they form developed or how their spaces were / are used. The villages included in the DAS as well as those nearby the site have homes that seldom go above 2 storey. There are occasional 3 storey buildings but these are generally a set-piece rarity. This, combined with their looser arrangement of buildings and even rarer occurrence of 3 storey buildings, gives the villages that are closest to the site but not included in the DAS analysis, their more open, modest and rural feel.

The images of squares and spaces show relatively formal arrangements of buildings around the spaces they define. In nearby villages the houses tend to be arranged less formally, either opening directly onto narrow streets or, reflecting the ad hoc way these villages grew, set back from a road behind a pebble wall and garden or a line of trees. As a result, a well-defined green surrounded by houses as depicted in the DAS seldom occurs in traditional local village forms. Well defined green spaces do occur in Cranbrook. This new town is not as explicitly modern in its design approach as the new housing along the Tythebarn Way, but as the closest neighbouring settlement is a valid place to look at as precedent and context. However, for consistency of argument, the DAS concentrates on a study of traditional village form to learn from the way these create places people enjoy. This is entirely valid and would be a valuable exercise but it does not explain the form or structure of the spaces in the photos, why they are that form, how they are used, or how they are defined by the structures or natural features around them. It simply looks at them and describes an aesthetic. An analysis of these spaces in plan would be helpful to understand the relationship of buildings to the spaces they enclose. If applied to more local villages it could help form the basis of an informal and contextually appropriate layout that forms a well-designed, attractive space that can perform a pro-social function.

Design response

Layout and massing

The layout and parking make a welcome change from normal housing layouts. It avoids a suburban feel by following Prince's Foundation principles and creates a legible layout where parking does not dominate the immediate views within the site as it is placed away from the main spaces and street fronts in parking areas that are well overlooked and designed to feel more like spaces that happen to have cars in rather than spaces designed for cars. This comes about through good use of shared surfaces and being fairly organic in its approach to the site rather than rectilinear. Having a significant proportion of unallocated spaces allows more efficient use. The density is much higher than the existing housing west of the site. As the site will form a transition between the existing housing and the development taking place in the adjacent Science Park this is not a bad thing. The site is elevated relative to the existing housing so risks being overbearing. The revised arrangement brings homes away from the eastern boundary and the more broken elevation along this eastern edge helps mitigate the impact but a section east-west through the site and nearest existing homes, particularly at Clyst End and Tinklers, would be helpful to better understand this relationship.

There is no birds-eye perspective drawing of the revised proposal but the revisions are relatively minor overall so the birds-eye perspective of the previous layout can be used to gain an impression of the development and, to a certain extent, how it sits within its context. This shows the proposal contrasts with its surroundings not just because of its density, but also the scale and design of the houses. The houses are

all 2-3 storey rather than the 1.5-2 storey found in local villages, and this combined with the relative formality of the layout make it appear like the centre of a large village or small town without the rest of the village around it. A looser, less formal arrangement around 'The Green' would help with this, as would reducing the scale of the housing. However, the design of the houses themselves adds to feeling that this development is out of place.

Design of homes

The houses are based on a narrower footprint than most modern homes which is a welcome change. It allows good daylight penetration into rooms and roofs can have a relatively steep pitch while remaining in proportion, avoiding the 'boxy' look that mass housing can have. To gain the desired internal space the choice has been to extend the homes upwards. This sets the proposed development apart from surrounding housing and the scale and design of the 3 storey houses makes them appear quite civic, more town than village. The mix of designs on the site is good and does not have the homogeneity seen in typical housing developments.

Unfortunately, the design language chosen for the homes is out of place and of another time. The surrounding built context is overwhelmingly modern, and the contrast makes the development look thoroughly out of place, especially as the aesthetic chosen is not typical of local villages. The rigorous adherence to this design language extends to doors and windows whose small window-panes and glazing bars are only used to fit with a Georgian fiction while reducing light transmission by around 15% and increasing maintenance over more modern material equivalents. The use of timber for window frames wouldn't normally be called for outside listed buildings and some conservation areas. Their advantages are mainly around aesthetics and sustainability but their maintenance issues mean they are often replaced relatively quickly by uPVC equivalents anyway, eliminating any advantages they could confer.

A modern aesthetic would be far more suitable here. Even applied to the same general building form it could be very successful and would allow windows with large panes and modern materials without looking incongruous. Timber/aluminium composite windows are a good compromise with a structural timber frame protected externally by aluminium to provide good thermal performance with longevity typically higher than uPVC and with very low maintenance.

Access and Connectivity

The access to the site and through the site is well designed. There are no connections through to the neighbouring Science Park this would be largely unnecessary as there are relatively direct connections for pedestrian and bicycles from the link north to the cycle route that links onwards to Exeter to the east and Cranbrook to the west.

Connections within the site follow desire-lines and are not led by vehicle movement. Links and spaces appear more natural and welcoming as a result. The pedestrian and cycle link to the north is well framed by the houses on either side and aligns visually with the elevations along the western side of the Green to help draw people through the site onto the east-west cycle path.

There are a couple of areas that have been picked up as potential risk to security, particularly the pedestrian link between North and West Courts and the link from West Court to The Green. These could be left out without a great deal of impact to

the function of the development overall and would need to be quite well tended to remain attractive though I can see them adding an informality to the layout that could be welcome.

Conclusion

Context starts with the area immediately around the site. It is the immediate context that development proposals must primarily work with. The proposed design, being based on places that are out of context, looks out of place, and having looked only at the details and not the buildings and places the design response also does not much resemble the referenced villages.

Proposals can deviate from or contrast with their context but a design narrative is needed that explains why this is appropriate and how it works as part of the area's build history. Going backwards does not seem like the right answer, especially when on the boundary of the Science Park. Learning from the past is entirely different. Understanding the context, the correct context, rather than copying the aesthetic results of what was at the time the latest technology, would yield a better considered and more sensitive proposal as the designers are clearly capable.

The design and layout otherwise work well. Slackening the formality of the layout would help this achieve a rural village feel but with modern design. The valuable and intelligent lessons from the Princes Foundation are there in the layouts but are lost behind the aesthetic red-herrings of the architecture.

Other Representations

Six letters of objection have been submitted raising the following concerns:

- 2.5 storey house will shadow my garden
- Access needs improvement as have been incidents nearby
- Design is based on villages 6-10 miles away
- Not enough car parking provided
- Orchard and nuttery should be located elsewhere
- Overdevelopment of the site
- East Devon is becoming a concrete jungle
- Houses should be reduced in height

PLANNING HISTORY

Reference	Description	Decision	Date
14/2195/MOUT	Outline application for the construction of up to 34 no. dwellings, access and open space (with all matters reserved)	Approval with conditions	20.11.2018

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN14 (Control of Pollution)

TC2 (Accessibility of New Development)

EN5 (Wildlife Habitats and Features)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

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

Strategy 40 (Decentralised Energy Networks)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Relevant Planning History

14/2195/MOUT - Outline application for the construction of up to 34 no. dwellings, access and open space (with all matters reserved) - Approved

On the land to the west and north there is an outline planning permission 12/1291/MOUT (Tithebarn Green) for a mixed use development of up to 580 houses, employment area, local centre, park and ride, new link road and leisure facilities. Some reserved matters applications have already been approved.

The result of this is that in the immediate locality of the site, planning permissions have been granted for about 1500 houses: both Tithebarn Green and Mosshayne are allocations in the local plan.

The approved land use parameter plan indicates that there would be office development directly to the west of the site, a further outline application reference 21/3148/MOUT is currently under consideration for the following:

21/3148/MOUT - Outline application for up to 6,000 sqm GIA (6,350 sqm GEA) of office development with associated infrastructure (all matters reserved except access)

Site Location and Description

The site is currently an extended garden area around the existing, now derelict, dwelling known as Sandycote, located in defined open countryside between existing homes at Blackhorse to the north and east, with the Exeter Science Park and development at Tithebarn Green to the west. The land is reasonably level but rises gently in a roughly westerly direction. The site is enclosed within a coniferous hedge along the western boundary, with hedges to the north and east of more traditional species. To the north and east neighbouring homes are found, together with the premises of a motor repair business, to the east close to the route of the former A30,

now the A3015. The area to the west of the site is currently an agricultural field, but is approved for office development within the overall Tithebarn Green planning permission ref: 12/1291/MOUT and application 21/3148/MOUT which is currently under consideration and considered elsewhere on this agenda. The area to the east and immediate north is formed of a mixture of detached and semi-detached homes some with access to Endsleigh Crescent and some to Blackhorse Lane.

The site lies within 10km of both the Exe Estuary and Pebblebed Heaths European sites; the site is included within an area designated as Grade 1 agricultural land and Flood Zone 1 according to the latest Environment Agency mapping.

Proposed development

This application seeks full planning permission for the construction of 44 no. dwellings (22 no. affordable), to facilitate the proposed development the existing dwelling and associated outbuildings on site would need to be demolished.

The means of access onto the highway is existing, however, to create a suitably sized junction for the increase in dwellings and to create appropriate visibility, works of widening and creating visibility spays would be required at its junction with the main highway.

The conifer hedge on the western boundary would be removed together with the existing orchard trees in the south west corner of the site.

ANALYSIS

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

- The principle and policy context;
- Affordable housing;
- District heating;
- Design and layout;
- Impact on highway safety;
- Impact on trees;
- Impact on ecology;
- Drainage;
- Landscaping
- Parish Council comments; and
- Other matters

Principle and Policy Context

The site lies in defined open countryside where, under Strategy 7 of the East Devon Local Plan, the principle of residential development would not usually be supported, however, development has been approved on this site before and its position in relation to appropriate services/infrastructure needs to be considered in light of Paragraph 11 of the NPPF. The adopted local plan includes specific policies for Major Development at East Devon's West End (Strategy 9) and Development North of Blackhorse/Redhayes (Strategy 13) which are only considered to be of limited

relevance to the consideration of this proposal as this site is not allocated. However, whilst the site at Sandycote lies outside of the area covered by Strategy 13, mixed use development in the Blackhorse / Redhayes / Mosshayne area has already been approved in outline format, some commercial development is already being constructed at the Science Park.

The West End is the focus of considerable growth centred on Strategy 9 to provide homes close to jobs and other facilities/services with high quality walking/cycle connections, enhanced bus and rail services and improved highway provision. Bearing in mind the existing planning permissions/allocations in the locality, there are proposals for the following close (within walking/cycling distance) to the site:

- 1) Employment opportunities at the Science Park and adjacent office development.
- 2) Park and ride linking to bus services.
- 3) Local Centre providing a range of facilities - e.g. shop, PH, restaurant, health care facility.
- 4) Primary school.
- 5) Sports, play and leisure facilities.
- 6) Walking and cycle links.
- 7) New bus links.

Planning law requires that planning applications must be determined in accordance with the development plan unless other material considerations indicate otherwise. Local Planning Authorities should apply the presumption in favour of sustainable development which is at the heart of the NPPF and is the golden thread running through decision-taking subject to complying with paragraph 11 of the NPPF. In time the facilities listed above would add up to a comprehensive list of facilities/services available within walking and cycling distance together with good access to non-car modes of transport. Therefore, whilst the site is strictly speaking contrary to policy (Strategy 7 - Development in the countryside), it is considered that the circumstances of the huge changes that will be happening to the locality, together with the increasing levels of sustainability, could constitute a material consideration that should be given significant weight in the determination of this application.

Furthermore, at the time of writing this report the Council cannot demonstrate a 5 year housing land supply. The development is considered to be deliverable and any permission granted would assist in the Council's supply of housing within the District. The NPPF advises that relevant policies for the supply of housing should not be considered up to date if a Council cannot demonstrate a five year supply of deliverable housing sites. The fact that the Council cannot demonstrate an adequate housing supply within the District is a significant factor and weighs heavily in favour of permission with the emphasis on an early commencement.

Accordingly, the principle of development is considered acceptable providing the impacts of the development are acceptable in relation to other policies contained in the development plan together with any other relevant material considerations.

Affordable housing

The site is not recognised, in the adopted Local Plan, 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 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 50/50 split offered in the draft heads of terms has been discussed with the applicant's agent and concerns raised given that the adopted policy and accompanying SPD requires a 70/30 split as detailed above. The applicant's agent has raised viability concerns with a 70/30 split but has not provided any evidence to support that it would be unviable. Given that the policy acceptable level is based on market evidence and the needs of the district are taken into account, it is considered appropriate to insist on a 70/30 split. This will be carried forward and secured through a legal agreement.

The affordable units are split across the site in a series of clusters which enables efficient management of the units for a registered provider while also integrating it with the market units to create a mixed community. The Parish Council have commented that they are not sufficiently pepper potted, however given that the site is quite small and trying to accommodate 50% affordable units it is considered that the distribution of the affordable units is acceptable.

Heads of terms have been received indicating that 22 of the houses would be for affordable occupation. 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.

District Heating and sustainable design

Strategy 38 of the East Devon Local Plan 2013-2031 (adopted 2016) (EDLP) encourages development to provide for sustainable design and construction solutions including the use of renewable energy technology. To this end, Strategy 40 of the EDLP requires schemes for ten houses or more to connect to existing or proposed Decentralised Energy Networks (DENs) in the locality to bring forward low and zero carbon energy supply and distribution. However, this is only where it is viable to do so, which is an approach consistent with Paragraph 153 of the National Planning Policy Framework (the Framework).

The original submission of this application proposed dwellings that were not designed to connect to the district heating network, with the agent stating the following:

'The development at Sandycote will be constructed using Latis's factory manufactured volumetric modular housing types. The house types have been specifically designed for precision manufacture and are 'all electric' both for heating and hot water requirements. They do not include 'wet' heating systems and will not benefit from the

use of a district heating system. As the grid de-carbonises and the use of modular housing increases we expect that all electric systems for off-site, precision manufactured housing will become the national standard. In the meantime the insulation standards and efficiencies of a Latis manufactured home will deliver far beyond the performance of a conventionally built home, saving future occupants considerable fuel economies.'

However, officer's reminded the agent that the Local Plan requires all houses to connect to the district heating system unless it can be proven that it would be unviable to connect to the system, or there would no system in place for the houses to connect to at the time of their construction. No viability information was forthcoming, instead, the agent has submitted revised heads of terms indicating that the proposal would connect to the district heating system on the basis that it remain financially viable to connect to the system at the time of construction and that there is a connection point available.

The proposal is therefore considered to be acceptable in relation to Strategy 40 of the EDDC Local Plan and the connection can be secured through a legal agreement with appropriate wording to cover off any viability discussions and provisions in the event that viability means that it cannot connect to the network.

In terms of other sustainable design measures the submitted application details a number of sustainable design features such as solar PV slates on south facing roofslopes, water butts, low flow rate showers and basins, water saving WC's, LED lights, sustainably sourced timber for construction etc. These measures are welcomed and help to satisfy the requirements of Strategy 38 – Sustainable Design and Construction of the Local Plan albeit there is some confusion within their requirements which refer to both efficient boilers and air source heat pumps when as explained elsewhere in this report the requirement is to connect to the district heat network. It is however considered that details of these sustainability can be sought by condition in the event that consent is to be granted.

Design and layout

The application site lies on the periphery of a large urban extension to Exeter, which has been approved in many phases and leads to a considerable increase in housing numbers in the area. The design and layout of the residential elements of the urban extension are relatively simple in their approach with either rendered elevations or brick elevations producing largely generic house types. This application, on a much smaller scale of 44 units, proposes a bespoke design approach creating spaces and buildings of much more individuality and interest.

Concerns have been raised by the Council's Urban Designer in terms of the suitability of the design to this site and that it does not respond well to its immediate context, while overall he considers the design of the units to be good, he does not feel they suit this site. The surrounding context is mixed, as mentioned there is a wealth of housing growth to the north of the site of standard house types, the housing to the east of the site is more traditional and arranged in a ribbon fashion fronting onto the main highway. Whilst the proposal site creates its own character area it is not considered to be one that would jar against the existing developments, furthermore, there is a pending

application for an office development immediately to the west of the site which is likely to be of a larger scale and the character would be enhanced against the commercial backdrop.

Officers also raised concerns regarding the number of properties proposed (originally 45) and their scale/massing having a negative impact on the living conditions of the occupiers immediately adjoining the site to the east and north. Amended plans have been received re-orientating plots 34 and 35 so that the overlooking potential is reduced and their relative height in relation to the surrounding properties has been reduced, furthermore the long terrace of properties on the eastern boundary (plots 36-43 inclusive) has been broken up into smaller groups of houses and one property has been removed to create an improved living environment for the occupiers of the property known as Clyst End, enhanced landscaping would also be conditioned in this area on any approval. The remainder of the plots would not have a negative impact on the living conditions of existing properties with separation distances in excess of 20 metres window to window.

The majority of the plot boundaries adjacent to the public realm would be walls formed in either brick or painted render, in some cases gardens would be enclosed by hedges, gates would be timber and either be close boarded or open rail, internal plot boundaries would be close boarded fences.

The Police Architectural Liaison Officer has raised some concerns with the layout principally the excessive permeability of the areas shown as "West Court" and "South Court" on the submitted masterplan and the rear access to plots 36 to 44. There is always a balance in design terms between good permeability that enables people to move around the space easily through walking and cycling to get to where they need to go easily and directly and the danger of making a space so permeable and lacking in surveillance that it can enable criminal activity.

Some of the routes are clearly necessary and have natural surveillance such as the main route into West Court which is overlooked by a ground floor side facing window to plot 6 and both ground and first floor windows to plot 13. Similarly plot 1 and plot 7 would provide some natural surveillance to the footpath along the southern boundary. Other routes however have limited surveillance such as the route between plots 14 and 15 which beyond the windows in the side elevation of plot 15 has no natural surveillance and likewise the path to the side of 10/rear of plots 19 and 20 has no surveillance past the side of plot 10. These routes should be re considered and likewise how bin storage is dealt with and collections needs further consideration to make this as convenient as possible for residents and refuse collectors. Amended plans are being sought to address these issues and Members will be updated verbally on this issue at the committee meeting.

The layout has been conceived around a central green which would act as a play space for occupiers of the houses (although significantly greater equipped areas exist in the new housing areas to the north) with strong sight lines guiding occupiers down a new footpath link to the pedestrian cycle path to the north of the site with green travel links through to Exeter.

The houses would follow the overall village design approach with angled roofs and chimneys. The materials would be coloured render with long multi pane windows giving a nod to the Georgian era and creating a uniformity of design around the central green.

The Council's Environmental Health Officer recommends conditions to ensure the living conditions of the occupiers, in close proximity to Exeter International Airport and its associated flight paths are maintained. The outside amenity spaces would be impacted, however, as there are a wealth of outdoor public spaces nearby there is a choice for the occupiers as to where they would spend their leisure time.

Overall, the design concept and amendments that have been made is seen as a positive contribution to the local area where inhabitants would unite around a central green and feel a sense of place whilst having good green travel links to the wider area and onward travel in to Exeter by bicycle. The proposal is therefore considered to be acceptable in relation to Policy D1 of the EDDC Local Plan.

Impact on highway safety

There is an existing vehicular access from the public highway which currently serves a single dwelling, the site access to the A3015 is located close to the junction to the Science Park and there is some concern about reservoir capacity. However, with proper modelling of this junction, the highway authority considers that a safe and suitable access can be gained from the A3015. There is suitable visibility in both directions as there is a wide verge on this section of the highway.

The highway authority supports the access to Blackhorse Lane in the North West corner of the site but only for pedestrians and cyclists - not emergency vehicles. This link is important to the sustainability credentials of the development as this would allow a convenient and safe access for non-car users to the facilities to be provided at the Tithebarn Green development e.g. local centre.

National Highways have considered the application and the potential to impact upon the capacity of the strategic road network, specifically junction 29/30, they raise no objections.

The proposed visibility splay as provided on the long section on the amended plans is considered acceptable to the Highway Authority, as such the proposal is considered to be in accordance with Policy TC7 of the EDDC Local Plan.

The proposed parking would be mainly on plot for each dwelling with two spaces. Where on plot parking is not possible it would be within the street and there would be cycle parking within sheds in each of the rear gardens. The proposal is therefore considered to be acceptable in relation to Policy TC9 of the EDDC Local Plan.

Impact on trees

The trees on site are generally of mainly low value, the majority being conifers which have been reduced and managed as hedgerow along the western boundary of the site and appears out of place in the local context. The only two trees of any significance

T9 and T10 (note off site tree but overhangs) are being retained which is appropriate, T9 would provide a focal point in the middle of the development being located at the southern end of the proposed green. The Tree Officer raises concerns / issue with the felling of G1, a mix of approximately 12 Apple and Plum trees which as a group have been categorised as B3 (not particularly high quality). He considers that ideally these trees could be retained in a revised scheme. However, given the previous approval on site; the proposed replacement planting of an orchard and nuttury is considered appropriate and will mitigate the loss of G1.

Accordingly, and subject to appropriate conditions, the loss of the low grade trees on site is considered acceptable together with the removal of the conifer hedge to be replaced by a more appropriate native mix of hedge and tree species in accordance with Policies D2 and D3 of the EDDC Local Plan.

Impact on ecology

There are a number of existing structures on site/features which have the potential to house/attract protected species which need to be taken account of in any redevelopment of the site, these include:

- Priority habitat types - orchard and native hedgerows
- Amphibians - the semi improved grassland, tall ruderal vegetation, bracken and hedgerows provide suitable habitats for amphibian species
- Badger - the site includes former badger setts (not currently occupied) and foraging and dispersal habitats for badgers
- Bats - the existing dwelling supports long eared and common pipistrelle summer day roosts together with feeding and dispersal habitat for at least nine species of bats
- Dormouse - the southern and western hedgerows provide a limited foraging habitat for dormouse
- Reptiles - the semi improved grassland, tall ruderal vegetation, bracken and hedgerows provide suitable habitats for slow worms.

In demolishing the existing dwelling, removal of some of the grassland, orchard and native/non-native hedgerows would disturb/destroy the aforementioned habitats, it is proposed that the following mitigation measures will aid in reducing/removing the potential for disturbance/harm:

- Reptile and amphibian translocation prior to commencement of works
- Retained extents of the southern and western hedgerows to be protected with tree protection fencing
- A sensitive lighting plan to avoid illuminating retained and created habitats
- Vegetation removal to comply with restrictions for amphibians, reptiles dormouse etc and be informed by a CEMP.

There should also be the following compensation measures:

- introduction of a LEMP with appropriate timetable for actions
- Bat and invertebrate boxes to be installed on each dwelling
- Creation of habitat piles within the site

Whilst these measures are likely to have an initial negative impact, in the long term the habitats created would enhance the site/local area. The proposal is therefore considered acceptable, subject to securing the mitigation and compensation measures detailed above, in accordance with Policy EN5 of the EDDC Local Plan.

Drainage

It is proposed to use soakaways as the primary method for drainage on site and that attenuation features are not required, however, the use of soakaways requires testing of ground conditions for a minimum period of 12 months to ensure year round acceptable condition, because there is not 12 months' worth of testing on site, DCC Flood Risk raise concerns about the use of soakaways and require a detailed 'backup' drainage solution for if the soakaway test provide negative results. The applicant is aware of the situation and has so far carried out 10 months' worth of testing which, at the time of writing this report, is providing positive results. They are willing to accept a condition requiring a full 12 months of groundwater testing and if results are negative will submit an alternative drainage design. These are the comments from DCC Flood Risk:

The applicant has submitted the revised Sandycote, Blackhorse, Exeter Flood Risk Assessment & Drainage Strategy (Report Ref. 1769w001, Rev. P06, dated 05th August 2022). The applicant has included Option B, an alternative attenuation option.

For Option A - Infiltration, the applicant mentioned that soakaway testing to BRE Digest 365 gave positive soil infiltration rates. The attached results in Appendix B of the report indicated that the testing was carried out at depths ranging from 1.55 to 2.60m but the proposed individual soakaway was at a depth of 0.4m. The testing must be conducted on the locations and depths of potential infiltration devices. A cross section showing the ultimate depth of the soakaway would be useful.

For Plot 1 to 5 Soakaway, the Drainage Strategy Option A Infiltration (Drawing No. 0500, Rev. P7, dated 05th August 2022) indicated a dimension of 15m x 2m x 0.4m but the model output indicated an area of 60m².

It was acknowledged that the twelve month groundwater monitoring is currently being undertaken and the first few months results indicated positive outcome, this has continued on site and it is understood that 10 months of positive data is available.

Subject to positive results to ensure that the use of a soakaway is suitable, and to comply with the provisions of Policy EN22 of the East Devon Local Plan as well as guidance contained within the National Planning Policy Framework the proposal is considered acceptable. The applicant has indicated that they would seek an alternative drainage solution should the results not be positive, through an alternative application.

Landscaping

There have been many amendments made through the course of the determination of the application to the proposed landscaping on site, chiefly in response to the

Landscape Architect's comments but also in response to officer concerns regarding the western boundary of the site.

The western boundary was proposed to retain the conifer, non-native, hedge and replace it in a phased approach during and after completion of the development, officers were concerned that this would not be completed successfully and instead recommended that the whole hedge was removed and replaced by a Devon Bank hedge with new planting on top of it, some details of this have been provided, however additional details would be required by condition on any approval to ensure its long term success and ensure appropriate planting is provided.

Other details as requested by the Landscape Architect that have been included in the scheme and he welcomes the removal of one plot to create a more well-conceived scheme creating some interesting spaces, some of the other comments he has made have not be addressed in the amendments, however, it is considered that much of this information can be secured through appropriately worded conditions with the finer details being provided once the design of the spaces evolves during the construction period.

Overall, the proposed landscaping is considered to be acceptable, through appropriate conditioning the long term management and maintenance of spaces and biodiversity features can be achieved and therefore the proposal is considered acceptable in relation to Policy D2 of the EDDC Local Plan.

Parish Council comments

The parish council have raised a number of concerns based around the emerging Broadclyst Neighbourhood Plan, at this point in time no significant weight can be afforded to these policies as the plan has yet to be reviewed by an appointed inspector, however, the comments of the parish council will be addressed below.

The density of housing on site is not considered to be unacceptable, a ratio of less than 33 dwellings per hectare is in keeping with other new build housing estates to the north and the layout is considered appropriate and has been discussed elsewhere in the report. A lower density of 21 dwellings per hectare may be more appropriate in rural parts of the parish but not on the fringes of Exeter where surrounding densities are higher.

The access and parking is considered to be appropriate given the location of the development close to a large city and the good transport links available. Each dwelling would be served by bicycle parking and there are good transport links into the city and to further afield settlements. Additional parking could have been requested, however the scheme has been conceived around a central green and this would have been lost to provide additional parking. Links to the adjacent cycle way would be formed and the shared surfaces with the development provide indications of shared priorities between vehicles and pedestrians. Concerns regarding exiting the site have been addressed by DCC Highways Engineer.

The design of the development has been commented on at length in this report, the design and access statement provides clarity on producing a development that seeks

to be inclusive and using quality materials that have been picked up in local villages using a Georgian approach which creates its own character rather than following the volume house builders where often cheaper materials are used that do not reflect the local vernacular.

The biodiversity on site is currently transitory with protected species using it to forage and commute to other sites although given the amount of development around the site these sites are reducing. The on-site mitigation and compensation measures in the reports submitted with the application are considered appropriate to provide enhanced environments for protected species and by translocating some protected species to more appropriate sites will ensue their longer term futures. The replanting of the western boundary with a native hedgerow, rather than conifers, would also encourage other species to the site.

Other matters

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. The Council has recently acquired land to deliver a first SANGS at Cranbrook with further areas to 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 the 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.

Health

The NHS clinical commissioning group (CCG) have request a contribution form the development towards a local surgery which is already over capacity, they consider that the development will produce additional residents that will cause the surgery to be further oversubscribed and seek funds to enlarge the surgery. However, whilst it is appreciated that the proposed development would add to the number of people on roll it would not be the only development in the area that would affect numbers of people on roll or to have caused it to be oversubscribed in the first place. The appropriate funding stream for matters such as this is through the CIL process where the surgery would need to bid for funding once it has a project to enlarge the surgery in pace.

However, the NHS have submitted a bid for gap funding for the RD&E which has been found to be acceptable by inspectors, the NHS do not provide funding for increase in population until dwellings have been occupied for 1 year, the gap funding, following a recognised methodology, of £617 per dwelling (£27,148 overall) provides essential funding to the RD&E for potential patients created by the proposed development, this will be secured through a legal agreement.

Archaeology

The DCC Archaeologist was consulted on the application who advised that the site was located in an area of high archaeological interest with prehistoric and Romano-British activity. Therefore, an objection was raised until additional information was submitted to show the results of a geophysical survey and a programme of excavations to investigate any anomalies identified.

Accordingly, a geophysical survey was undertaken which identified a number of anomalies but not of sufficient significance that would prevent development of the site or require preservation in situ. As such, a condition was recommended on the planning permission by the DCC Archaeology to secure a programme of archaeological work in accordance with a written scheme of investigation.

Accessible and adaptable housing

Strategy 36 of the EDDC Local Plan requires the following:

On residential development schemes for 10 dwellings or more developers should demonstrate that all of the affordable housing and around 20% of market units will meet part M4 (2) of the Building Regulations, Category 2: accessible and adaptable dwellings (or any comparable updated nationally set standards) unless viability evidence indicates it is not possible.

The proposal provides 22 no. affordable houses, the accessibility requirements are confirmed to meet the accessible and adaptable standards. Of the open market dwellings it is confirmed that 4 units would be designed to meet the accessible and adaptable homes standard.

Conclusions

Whilst the site lies outside any defined built up area boundary, its proximity to newly constructed residential areas, services and infrastructure mean that it lies in a sustainable location with good transport links (bus, walking and cycling) into Exeter such that development of the site is considered acceptable as a departure from adopted development plan policies. Furthermore, at the time of writing this report the Council cannot demonstrate a 5 year housing land supply. The development is considered to be deliverable and any permission granted would assist in the Council's supply of housing within the District. The NPPF advises that relevant policies for the supply of housing should not be considered up to date if a Council cannot demonstrate a five year supply of deliverable housing sites. The fact that the Council cannot demonstrate an adequate housing supply within the District is a significant factor and weighs heavily in favour of permission with the emphasis on an early commencement.

The development would provide 50% affordable housing and connect to the district heating network (subject to viability).

Concerns regarding the design of the development have been considered and found to be acceptable together with impacts on ecology (with mitigation and compensation measures included in the Ecological Impact Assessment), trees, highway safety and drainage (subject to conditions).

Accordingly, the development, which would benefit the 5 years supply of housing, is considered to be acceptable subject to the prior signing of a legal agreement and appropriate safeguarding conditions.

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 (subject to viability and if a connection point is available at the time of construction. If not connecting then a clause should be inserted that a scheme of equivalent carbon savings is agreed.**
 - **50% affordable housing to be 70% rented and 30% shared ownership**
 - **NHS contribution of £27,148 (44x£617) to fund the gap of 1 year from when the houses are occupied.**

And the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved. (Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice. (Reason - For the avoidance of doubt.)
3. Prior to the commencement of the development hereby approved, the following information shall be submitted to, and approved in writing by, the Local Planning Authority:
 - o Details to demonstrate how surface water will be managed for the 1 in 100 year (+40% climate change) event, to demonstrate that no buildings will be flooded during this event.
 - o 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.
 - o Details of previous ground investigation works undertaken.
 - o The results of a 12 month programme of ground water monitoring. The works shall be undertaken in accordance with the agreed details.(Reason - To ensure that the development does not result in an increased flood risk, to ensure that the use of a soakaway is suitable, and to comply with the provisions of Policy EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework).
4. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other

details as may be subsequently agreed in writing by the Local Planning Authority.

Reason

To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

5. Prior to occupation of the first dwelling house hereby approved the pedestrian and cycle link from the development to Blackhorse Lane, shall have been provided and capable of use. The link shall thereafter be set aside for such purposes only and maintained to ensure it is capable of use.
(Reason - to ensure that a suitable and convenient pedestrian and cycle link is provided to allow access to existing and future transport routes, services and facilities in the interests of sustainability in accordance with policies D1 (Design and Local Distinctiveness), TC4 (Footpaths, Bridleways and Cycleways), Strategy 9 (Major Development at East Devon's West End) and Strategy 11 (Integrated Transport and Infrastructure Provision at East Devon's West End) of the East Devon Local Plan 2013 to 2031).
6. Prior to any occupation of the development hereby permitted, details of the exterior lighting and management shall be submitted to and approved in writing by the Local Planning Authority. The exterior lighting shall be provided and managed in accordance with the approved details.
(Reason - to prevent light pollution and to ensure continued use of the site by protected species in accordance with policies EN14 (Control of Pollution) and EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 to 2031).
7. A Construction and Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include the following matters:
 - 1) Air Quality,
 - 2) Dust,
 - 3) Water Quality,
 - 4) Lighting,
 - 5) Noise and Vibration,
 - 6) Pollution Prevention and Control,
 - 7) Monitoring Arrangements,
 - 8) Details of the timing and method for the clearance of outbuildings, conifer hedge, hedge adjacent to the driveway, scrub and introduced garden shrubs, and
 - 9) Methods for covering or fencing of any excavations deeper than 1m or large pipework which are to remain open overnight.

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 and in the interests of ecology in accordance with policy EN14 (Control of Pollution) and policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 to 2031. The CEMP needs to be approved before development commences as it will control construction from the start of development).

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

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

9. No part of the development hereby approved, except for the construction the access road as specified below, shall be commenced until:
The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway and that there is adequate turning space for construction vehicles. The ironwork has been set to base course level and the visibility splays required by this permission laid out. The footway crossing on the public highway frontage required by this permission has been constructed up to base course level. A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.

(Reason - To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents to accord with policies D1 (Design and Local Distinctiveness) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 to 2031).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the walls and/or fences hereby approved shall not thereafter be altered, removed or replaced without the prior written approval of the Local Planning Authority.

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

11. Prior to commencement of the construction of any of the residential units hereby permitted, details of a scheme of sound insulation shall be submitted to

and approved in writing by the Local Planning Authority. The scheme shall specify the sound insulation, including to windows and roof spaces, to be provided in all properties which will ensure that the internal noise level in any habitable room does not exceed 35dBa LAeq, 1 Hour at any time. Where fixed glazing with trickle vents is recommended the scheme shall include details of mechanical ventilation to be provided in order to comply with Building Regulation requirements for internal air quality. The approved scheme shall be implemented in full for each dwelling prior to its first occupation.

(Reason: to protect the amenity of future occupiers from overhead aircraft noise in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 to 2031.)

12. No development above foundation level shall take place until details of electric vehicle charging points and secure cycle/scooter storage facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To promote sustainable travel in accordance with Policy TC9 (Parking Provision in New Development) of the East Devon Local Plan 2013-2031.
13. Development shall be carried out in accordance with the mitigation and compensation measures at outlined in the Ecological Impact Assessment reference 210514 rev02 carried out by Eco Logic dated October 2021. The mitigation and compensation measures shall be installed on site prior to first occupation of any dwelling.
Reason: To ensure that appropriate measures are in place for any protected species that have the potential to be impacted upon as a result of this development in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan
14. Notwithstanding the details provided, no development above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031
15. Notwithstanding the details provided no construction above foundation level shall commence on site until the following information has been submitted and approved:
 - a) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation. External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011.
 - b) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by at least two sections through the site at a scale of 1:200 or greater clearly showing

existing and proposed ground level profiles across the site and relationship to surroundings.

c) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of swales and attenuation ponds and locations and construction details of check dams, inlets and outlets etc.

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, which should include:

- a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis, and the areas to be stripped and left in-situ.
- methods for stripping, stockpiling, re-spreading and ameliorating the soils.
- location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
- schedules of volumes for each material.
- expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.

- identification of person responsible for supervising soil management.

e) Tree pit and tree staking/ guying details including details for extended soil volume under paving where necessary for trees within/ adjacent to hard paving. (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), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) 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.)

16. No development shall take place until a Landscape and Ecology Management Plan (LEMP) for a minimum period of 20 years has been submitted to 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 habitats, open space and associated features will be funded for the life of the development.
- A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
- Landscape and ecological aims and objectives for the site.
- Detailed maintenance works schedules covering regular cyclical work and less regular/ occasional works in relation to:
 - Existing trees, woodland and hedgerows.
 - New trees, woodland areas, hedges and amenity planting areas.
 - Grass and wildflower areas.
 - Biodiversity features - hibernacula, bat/ bird boxes etc.
- Boundary structures, drainage swales, water bodies and other infrastructure/ facilities within public/ communal areas.
- Arrangements for Inspection and monitoring of the site and maintenance practices.
- Arrangements for periodic review of the plan.

Management, maintenance and monitoring shall be carried out in accordance with the approved plan.

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

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), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) 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.)

17. In order to meet with the internal noise levels as specified in BS8233: 2014 the following features to reduce internal noise level from overhead aircraft are required:

a) Glazing

The $R_w + C_{tr}$ dB reduction required by the glazing is 28dB.

b) Ventilation

Where a closed window is required for internal noise level limits to be achieved, alternative ventilation (to an open window), must be provided. The alternative must comply with the requirements of the Building Regulations Approved Document F and the required $D_{n,e,w}$ (C_{tr} value) dB value of the open ventilator is the façade value plus 6dB, i.e. 34dB.

Reason: To ensure the living conditions of future occupiers of all plots are upheld in accordance with Policies EN14 (Control of Pollution) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan

18. Prior to occupation of plots 1, 7 and 44 hereby approved, an acoustic barrier of solid construction with no air gaps of at least 2m in height with a minimum surface mass of 15 kg/m² should be installed covering the amenity areas southern boundary (facing onto Honiton Road) for plots 1, 7 and 44.

Reason: To ensure the living conditions of future occupiers of plots 1, 7 and 44 are upheld in accordance with Policies EN14 (Control of Pollution) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan.

19. Notwithstanding the details provided no construction above foundation level shall commence on site until full details of the sustainable design and construction measures detailed under the heading "Sustainability" on page 18 of the submitted Design and Access Statement (with the exception of heating

and hot water requirements which shall be dealt with through the Section 106 legal agreement) have been agreed in writing with the Local Planning Authority. The agreed measures shall thereafter be installed/undertaken in accordance with the agreed details and shall be retained thereafter.

Reason: To ensure that the development incorporates suitable sustainable design and construction measures in accordance with Strategy 38 (Sustainable Design and Construction) of the East Devon Local Plan.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

796_01 F : hardworks	Landscaping	20.09.22
796_02 F : planting	Landscaping	20.09.22
796_03 E : planting schedule	Landscaping	20.09.22
796_04 B : details and notes	Landscaping	20.09.22
1769_0120 P4 : impermeable area	Other Plans	20.09.22
1769_0500 P7 : drainage strategy option A	Other Plans	20.09.22
1769_0505 P2 : drainage strategy option 2	Other Plans	20.09.22
1769_0720 P3 : internal highway strategy	Other Plans	20.09.22
1769_0730 P3 : highways long sections	Sections	20.09.22

1769_0731 P2 : highways long sections	Sections	20.09.22
SCE PL-03 A : house types	Proposed Combined Plans	20.09.22
SCE PL-02 A : masterplan	Other Plans	20.09.22
SCE PL-04 A : affordable housing	Proposed Combined Plans	20.09.22
SCE PL-05 A : parking/refuse	Proposed Combined Plans	20.09.22
SCE PL-17 A : plots 27-31	Proposed Combined Plans	20.09.22
SCE PL-18 A : plots 27-31	Proposed Combined Plans	20.09.22
SCE PL-19 A : plots 32-35	Proposed Combined Plans	20.09.22
SCE PL-20 A : plots 32-35	Proposed Combined Plans	20.09.22
SCE PL-21 A : plots 36-39	Proposed Combined Plans	20.09.22
SCE PL-22 A : plots 36-39	Proposed Combined Plans	20.09.22
SCE PL-23 A : plots 40-43	Proposed Combined Plans	20.09.22
SCE PL-24 A :plots 40-43	Proposed Combined Plans	20.09.22
SCE PL-25 A : plot 44	Proposed Combined Plans	20.09.22
SCE PL-09 : plots 7-9	Proposed Combined Plans	13.12.21
SCE PL-13 : plots 15-20	Proposed Combined Plans	13.12.21

landscape specification	General Correspondence	13.12.21
SCE PL-01	Location Plan	19.01.22

List of Background Papers

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