

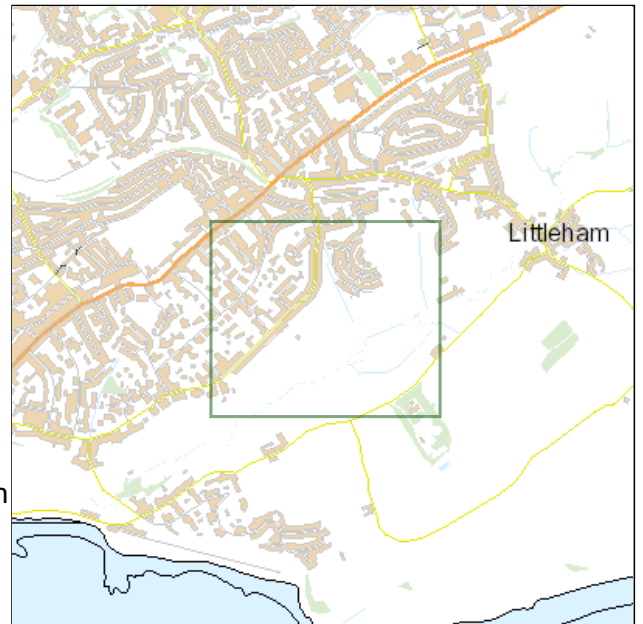
Ward Exmouth Littleham

Reference 22/1954/MOUT

Applicant Littleham 2010 Ltd C/O Bell- Cornwell

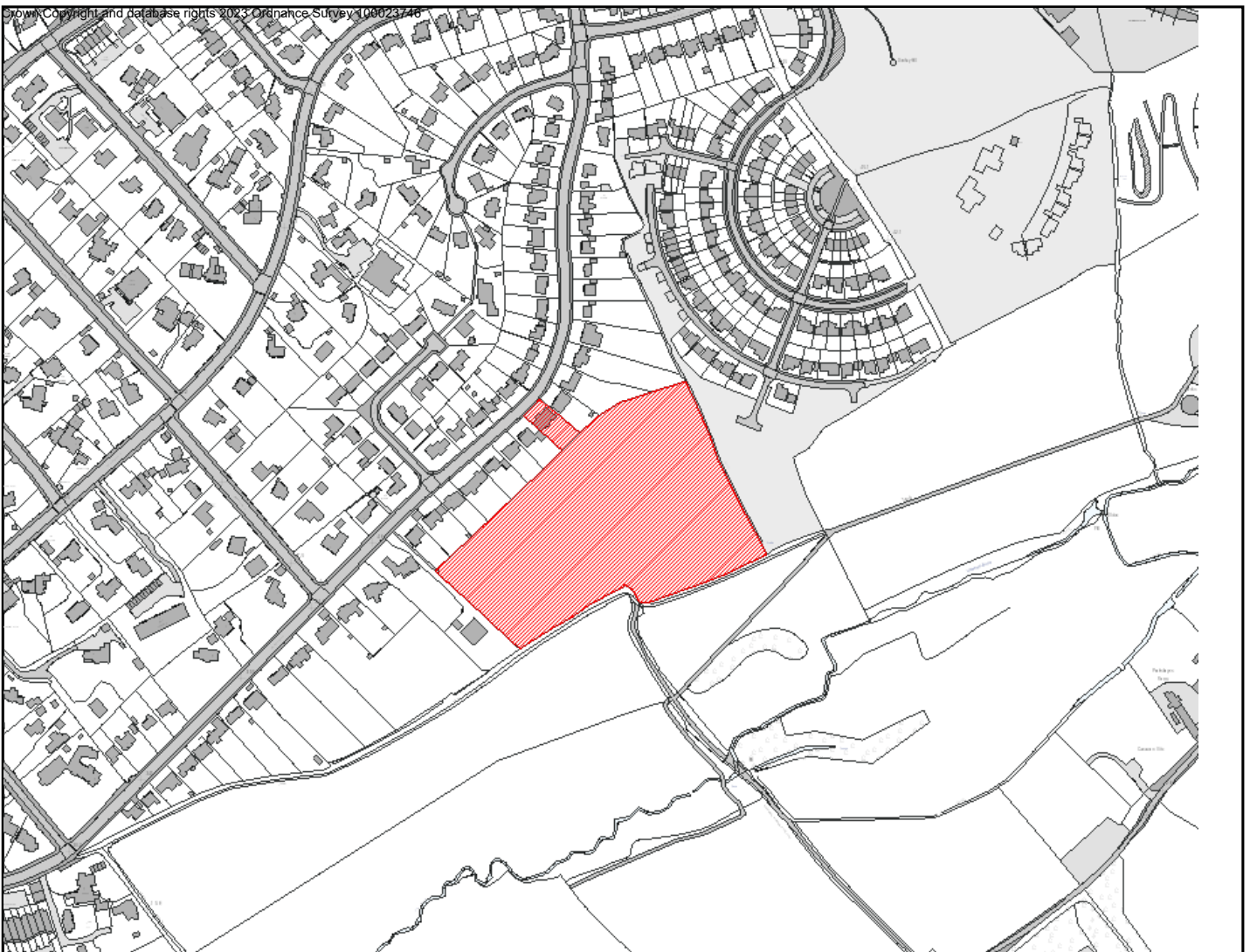
Location Douglas Gardens Douglas Avenue Exmouth

Proposal Outline application, with all matters except access reserved, for up to 44 residential units including demolition of 76 Douglas Avenue, open space provision, drainage and the creation of a linking pedestrian access



RECOMMENDATION:

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



		Committee Date: 28th March 2023
Exmouth Littleham (Exmouth)	22/1954/MOUT	Target Date: 20.12.2022
Applicant:	Littleham 2010 Ltd C/O Bell- Cornwell	
Location:	Douglas Gardens Douglas Avenue	
Proposal:	Outline application, with all matters except access reserved, for up to 44 residential units including demolition of 76 Douglas Avenue, open space provision, drainage and the creation of a linking pedestrian access	

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EXECUTIVE SUMMARY

This application is before Members as it represents a departure from the adopted Development Plan and objections have been raised by Ward Members and the Town Council.

The site is located adjoining the built up area boundary for Exmouth to its eastern boundary and is currently sloping agricultural land in the countryside adjacent to another area of farmland previously approved for housing development known as Plumb Park.

The application is made in outline and includes details for consideration of means of access only and proposes the construction of up to 44 dwellings (net 43 if including the house to be demolished to gain access) on a site area of 2.95ha. The application is accompanied by an indicative layout following some established design/layout principles.

Given the current need for housing in the district, the inclusion of the site in the emerging local plan as a preferred allocation for housing growth, lack of significant constraints to development, highly sustainable location of the site and provision of 25% affordable housing, it is considered that the principle of development can, on balance, be supported.

A single point of vehicular access is proposed through the demolition of 76 Douglas Avenue and County Highways are in agreement with the Transport Assessment submitted with the application and consider access from Douglas

Avenue to be safe and suitable. Even though some impact upon the local highway network will result, this would not be considered by the Highway Authority to be severe enough to justify refusal of planning permission.

The indicative layout for the site shows how the development could integrate into the landscape and has been judged to be an acceptable impact by the Landscape Officer. Any permission could be granted subject to the reserved matters application following the principles established on the indicative Masterplan layout and the Masterplan principles within the submitted Design and Access Statement.

Matters of flood risk, ecology, noise, foul drainage and contamination can be adequately addressed through conditions.

The application is therefore recommended for approval subject to securing the appropriate obligations, including 25% affordable housing, gap funding for the NHS, on site open space and habitat mitigation payment secured through a Section 106 Agreement

CONSULTATIONS

Local Consultations

Exmouth Littleham - Cllr Bruce De Saram – 28th October 2022

Firstly please accept my sincere apologies for submitting my comments quite late in this process. Secondly I point out that I attended the recent Town Council Planning meeting on Monday 24th October where this item was discussed purely as an observer and I made no comments.

I simply listened to what was said. However the feedback I got was that this proposed development is not supported by the local residents who live in Douglas Avenue or the Town Council planning members.

The Planning reasons for refusal which I believe need to be addressed by the EDDC Planning Committee are the Exmouth Neighbourhood Plan Policies EN1 and EN3. I am of the opinion that this proposal goes against these particular policies and so for this reason I am unable to support the proposal as it is currently set out by the applicant.

I acknowledge that the Applicant has put in a great deal of effort and time to change the previous plans which were refused by the Inspector but I still feel that more can and should be done and I will discuss this further should this application come to committee.

I will keep an open mind on this matter and have not in any way predetermined my thoughts. I am still flexible and open to receipt of new information as it become available.

Exmouth Littleham - Cllr Bruce De Saram – 8th March 2023

I have now had the opportunity to read this report and I wish to continue to object to this application for the following reasons:

1. The Council has to work with the current Local Plan and it clearly indicates as the report says that “The site lies outside of the built up area boundary for Exmouth under the currently adopted Local Plan and as such is considered to lie in the countryside”.
2. I believe it is contrary to Policies EN1 and EN3 of the Exmouth Neighbourhood Plan.
3. It is not reasonable to say that “The proposal is being put before the Council on the basis that the site would be a logical infill given the existing/surrounding development”, given that No 76 Douglas Avenue will have to be demolished for this application to proceed.
4. It is unfortunate “that those most affected are the residents of the even numbered houses on Douglas Avenue who back onto the site and the users of the public right of way that goes through the site.”
5. It would have the potential to spoil the AONB within 400 metres as the report indicates “The land in question is overtly rural and the Area of Outstanding Natural Beauty (AONB) begins on the south side of Maer Lane, some 400 metres to the south of the site.”

This is the position I find myself in being unable to agree to this proposal but I note the Council's position around a lack of 5 year land supply which of course is one of the reasons why this application finds favour with the Planning Team. I also witnessed at first hand the strength of feeling about this proposal when it went to the Town Council Planning Committee and so I will now await the final report which is being prepared.

Exmouth Littleham - Cllr Nick Hookway

My objection to this planning application extends to a number of areas.

My first concern is that the proposed development is outside the built up area boundary for Exmouth (BUAB) as defined by the local plan. This means that the case for 44 houses has not been made.

My second area of concern is that of access to the proposed site. For a site of 44 houses to have only one access road might seem to be quite normal, but I am very concerned that this access relies solely upon the demolition of a house on Douglas Ave. Number 76 Douglas Avenue is one of many similar properties at the northern end of Douglas Avenue. It does seem rather perverse though that to build 44 houses you have to demolish another house to gain access. Is this a common practice now? The impact of the demolition of Number 76 Douglas Ave and the subsequent construction and use of a road will have a very significant impact upon the neighbouring properties on Douglas Avenue that will be both immediate and chronic. Such a change will also lead to a fundamental change in the character of the whole area. The proposed access is narrow and steep as the site drops down by some 20 metres. This will lead to a very considerable increase in noise, dust and traffic pollution for the surrounding properties, I'm not just referring to construction traffic but to all the traffic movements that will be generated long term by 44 properties over many years.

My third concern relates quite strongly to my first of access. The proposed site is very steep in my view, this will require terracing on which to build the houses and if one looks at the illustrative site sections diagram terracing this is clearly seen. This will be a significant alteration to the landscape immediately adjacent to an area of outstanding natural beauty. Such a significant alteration will not be in keeping with the Maer valley and the proposed valley park as stated in the Exmouth neighbourhood plan, policy EN3. However what needs to be remembered is that terracing will involve the removal of top soil and the clay underneath, a process which happened during the construction of the nearby Plum Park estate and caused considerable distress due to the volume of dust that was dispersed during construction onto neighbouring properties. Douglas Avenue was also regularly covered in mud, again to the annoyance of residents. Therefore, I would like to see that the CEMP is amended by adding further restrictions to avoid such issues. These are the issues with this application as I understand it. If I am presented with additional information, I reserve the right to amend my opinion.

Parish/Town Council

Meeting 24.10.22

Objection; the application considered to be contrary to the following Neighbourhood Plan policies;

EN1 - BUAB

The proposed site greenfield was outside Exmouth's BUAB and therefore development in the Countryside which would also result in the loss of productive agricultural land. The application would have a serious visual impact on the distinctive landscape.

EN3 ' Maer Valley Park

Concern that the proposal would undermine the proposed Maer Valley Park.

EN5, EN6 ' Impact from additional Surface Water

The applicant has failed to demonstrate that they are able to satisfy policy requirements for surface water run-off to be satisfactorily be mitigated and for its future management.

EN8 ' Appropriate planting ecological approaches to reduce flood risk

The proposal would exacerbate rather than reduce the issue of flooding or potential flooding within the Maer valley from fluvial 'fresh' water flooding via land, sewers and watercourses.

Concern was raised in the context of Strategy 22 ' Development at Exmouth, 5c, about the adequacy of the sewerage system to cope with new development.

Technical Consultations

Police Architectural Liaison Officer - Kris Calderhead

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

Whilst I appreciate that the masterplan is only illustrative at this point, I would like to make the following comments and recommendations for consideration should the application progress.

- o The detailed layout should provide overlooking and active frontages to the new internal streets, pedestrian/cycle routes and public open spaces. The layout should avoid having accessible space to the rear of residential back gardens, as this is generally accepted to assist in preventing crime.
- o Boundary treatments to the front of dwellings are important to create defensible space to prevent conflict between public and private areas and clearly define ownership of space. The use of low-level railings, walls, hedging for example would be appropriate.
- o Treatments for the side and rear boundaries of plots should be adequately secure (min 1.8m height) with access to the rear of properties restricted via lockable gates.
- o Should any existing or new hedgerow be used as new rear garden boundaries, they 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.
- o Defensible space / buffers (i.e. 1m high by 1m deep planting or low-level railings) should also be utilised where private space abuts public space in order to reduce the likelihood of conflict and damage etc.
- o Suitable boundary treatments also need to be considered for any open space and play areas. Such space should be protected from vehicle access and be afforded good natural surveillance opportunities with clear management and maintenance strategies in place.
- o Pedestrian routes throughout the development must be clearly defined, wide, well overlooked and well-lit. Planting immediately abutting such paths should generally be avoided as shrubs and trees have a tendency to grow over the path creating pinch points, places of concealment and unnecessary maintenance.
- o Presumably the site be adopted and lit as per normal guidelines (BS 5489). Appropriate lighting for pathways, gates and parking areas must be considered. This will promote the safe use of such areas, reduce the fear of crime and increase surveillance opportunities.
- o Vehicle parking will clearly be through a mixture of solutions although from a crime prevention point of view, parking in locked garages or on a hard standing within the dwelling boundary is preferable. Where communal parking areas are utilised, bays should be in small groups, close and adjacent to homes in view of active rooms.
- o The masterplan does not include any large rear parking courts which is supported. They are discouraged as they provide access to vulnerable rear elevations of dwellings and are often left unlit with little surveillance.

EDDC Trees

In principle no arboricultural concerns subject to appropriate detailed landscaping scheme.

Environmental Health

A Construction and Environment Management Plan (CEMP) must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. 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.

DCC Flood Risk Management Team 24.10.22

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 submitted calculations indicate that the derived percentage of runoff (PR) (32.50%) for the greenfield site is greater than the PR (21.46%) for the post development. The applicant would need to justify this value as this will affect the Long Term Storage (LTS) required.

The applicant is currently proposed to attenuate the surface water runoff via an attenuation basin location in the south east corner of the site before discharging into South West Water sewer to the east. The applicant should consider the discharge into the minor tributary of the Littleham Brook to the south west in accordance with the drainage hierarchy.

DCC Flood Risk Management Team 15.12.22

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

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

(a) A detailed drainage design based upon the approved Douglas Gardens, Exmouth Flood Risk Assessment and Drainage Strategy (Report Ref. E06005/0001, Rev. V3, dated 13th September 2022) (the drainage principle only) and CB Response to LLFA Comments Ref. 22/1954/MOUT Technical Note (Report Ref. E06005 - TN001, Rev P1, dated 07th December 2022).

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

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

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

(e) Evidence there is agreement in principle from the landowner/DCC highways/SWW

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

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

The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:

The applicant have submitted the CB Response to LLFA Comments Ref. 22/1954/MOUT Technical Note (Report Ref. E06005 - TN001, Rev P1, dated 07th December 2022). The applicant agreed to restrict the discharge rate to 2.2l/s but aim to restrict the flow to the Qbar value of 1.9l/s subject to detailed design space constraints.

Housing Strategy/Enabling Officer - Jo Garfoot

This site sits outside the current built up area boundary for Exmouth but is proposed for allocation in the emerging local plan and is considered favourably. Under current policy a requirement for 50% affordable housing would be sought however given the lack of a 5 year land supply and out of date policies a pragmatic approach is being taken with such sites and the level of affordable housing to be sought. The applicant is proposing to provide 25% affordable housing, 11 units.

Strategy 34 sets a target of 70% for rented accommodation and 30% for affordable home ownership. For the proposed 11 units this would amount to 8 rented units and 3 units for affordable home ownership. However this would not meet the requirement in NPPF for 10% of overall homes to be affordable home ownership. The government have introduced through a written ministerial statement and planning policy guidance a new affordable housing tenure called First Homes. First Home should account for 25% of affordable housing provision and is the governments preferred discounted market tenure. First Homes are for eligible first time buyers and are sold with a 30% discount on market price in perpetuity. On initial sale a price cap of £250,000 (after discount) is applied. Eligibility includes an income cap for purchasers and requirement to fund the purchase with a 50% mortgage. EDDC have produced an interim guidance note which confirms our approach to dealing with First Homes. Whilst this guidance and the introduction of First Homes does not supersede

policy within our local plan it is a material consideration in any planning decision and will be weighted accordingly.

If First Homes are to be provided on this site then this will reduce the above percentages sought for rented and other affordable home ownership tenures. For a scheme of 44 units and based upon a 25% provision for affordable housing, 3 units should be for First Homes, 6 for social rent and 2 for shared ownership or other affordable home ownership.

The proposed mix of unit types comprises 1 and 2 bedroom apartments and 2, 3 and 4 bedroom houses. There is not any detail on which units will be for affordable housing. The need in Exmouth for rented accommodation is predominately for 1 and 2 bedrooms although larger family homes are always needed. For affordable home ownership including First Homes 2 and 3 bedroom houses are sought. First Homes are to be sold by the developer and the remainder of the affordable units should be transferred to and managed by a Registered Provider.

EDDC Landscape Architect

Landscape and visual impact

Development of the site as proposed would result in the loss of an open and relatively prominent field to built-form. The impact of this is reduced by the urban character of land to the north and northwest. The site topography is challenging and development would necessitate terracing to form level platforms for buildings and roads with associated grading and retaining structures.

Photographs in the DAS taken from the AONB and coast path to the south and southeast of the site are too small and blurry to reflect the actual viewing experience from these locations. Clearer representative photographs are included in Appendix A below.

There are numerous sensitive visual receptors comprising residents on Douglas Avenue to the northeast and users of public rights of way to the south and south east. The sloping nature of the site and proposed siting of the dwellings will reduce the impact of the development for existing residents allowing views to be retained at least from first floor rooms and at ground level through gaps between buildings. The proposals have potential to impact on the AONB and the setting of the proposed Littleham/ Maer Valley Park and to mitigate for this long-term management prescriptions would be required for boundary hedgerow in addition to new tree and structure planting within the site.

REVIEW OF SUBMITTED LAYOUT

Layout and density

The proposed density of dwellings is relatively low making it easier to accommodate the site slope and helping to feather built-form in to surrounding countryside. The access road linking the upper and lower terraces comprises a couple of straight sections linked by relatively tight bends which appears somewhat incongruous and does not relate to site contours.

The road layout could be smoothed to create a more flowing alignment that would also increase the area of open space between it and the stepped footpath indicated to the west.

Due to site gradients there is limited opportunity for useable open play space but the realignment of the access road as noted above would help to create a more level area to the west of it. Rotating the eastern end unit of the second highest terrace by 90 degree would improve natural surveillance over this area. In the absence of a formal play area opportunities for natural play should be provided around the site.

While there is generous provision for tree planting indicated across much of the site, there is a notable absence of street trees. Given the slope of the site, street trees would help considerably to soften and partially screen the development in views from the south particularly for the western half of the site where there is otherwise less opportunity for tree planting. There is potential to accommodate street tree planting in front of houses by minor reconfiguration of the road and footways. As shown the street geometry comprises a 4.8m width carriageway with 1.8m footway to each side. A footway of 3m width to one side of the street with a 0.5m strip to the other side would accommodate tree planting within the 3m footway.

The existing overgrown elm hedgebank to the southeast boundary is very likely to succumb to Dutch elm disease in the short to medium term and require cutting back to ground level. To ensure effective screening of the site from Maer Valley Park when the elm is cut back the hedgebank should be reinforced by a new line of hedge planting with trees to increase the overall width.

Levels

The site gradients present some design challenges. The alignment of roads and housing along contours helps to minimise the impacts of this although inevitably there will be a need for cut platforms and retaining walls.

Dwg. no. LHC00 00 DR0UD-0301 shows existing site sections at four transects across the site. A further set of sections using the same transects should be provided to show how the proposals will sit within the existing slope.

Connectivity

Footpath linkages are indicated to the existing footpath that runs within the site along the southern and western boundaries. There is opportunity to remove the fence between the path and the site making it feel less constrained.

There is a suggested footpath link to the Plum Park to the east. If the scheme was approved this would be a highly desirable link and every effort should be made to achieve it. Provision should be made for improving the existing public footpath within the site by appropriate compacted stone surfacing in a manner that retains its country character.

4 CONCLUSION & RECOMMENDATIONS

4.1 Acceptability of proposals

While the development will inevitably have a significant impact on the site itself, users of the footpath through it and adjacent residents, within the wider setting, the landscape and visual effects are more limited due to the setting against the backdrop of Exmouth. The low housing density proposed is appropriate to the urban edge setting. As such the proposal could be considered acceptable in terms of landscape and visual impact.

Any reserved matters application should consider points raised at section 3 above. Consideration should be given to developer contributions towards the future Maer Valley Park

NHS Local

The application has been reviewed from a primary care perspective and the following comments are provided by NHS Devon ICB as their response to the application. The response has been informed by the Devon Health Contributions Approach: GP Provision (<https://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance>) which was jointly prepared by NHS England and Devon County Council.

In preparing this response, it is noted that The East Devon District Council Local Plan 2013 to 2033 (adopted 28th January 2016) states that:

"16.33

The Council will consult with health and social care services on larger planning applications and/or those that could have service provision implications.

Education and Health

16.41

The District Council is not responsible for providing education or health care which are usually the responsibility of the Local Education Authority and the Local Health Authority respectively but financial contributions can be sought from developers where new development will place additional demand on their services. Health care and education will be integrated into large new developments at the planning stage.

16.45

In rural areas health care provision is far more difficult to access with irregular public transport and few, if any, local surgeries or other care....We will retain and continue to use East Devon Local Plan policies as a means to promote the development of new education and health care facilities whilst resisting the loss of existing facilities.

Partnership

19.8

The Council will work with partner organisations responsible for transport provision, education, health....provision of new infrastructure to match demands arising from future population changes and also to address current shortfalls."

The ICB's concern is that the combined surgeries of Imperial Surgery, Haldon House Surgery, Claremont Medical Practice and Rolle Medical Partnership are already over capacity within their existing footprint therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The combined surgeries already have 30,891 patients registered between them and this new development will increase the local population by a further 96 persons.

Taking this into account and drawing upon the document "Devon Health Contributions Approach: GP Provision document" which was agreed by NHS England and Devon County Council, the following calculation has been made:

Methodology for Application 22/1954/MOUT

1. Residential development of 44 dwellings
2. This development is in the catchment of Imperial Surgery, Haldon House Surgery, Claremont Medical Practice and Rolle Medical Partnership which have a total capacity for 30,463 patients.
3. The current patient list size is 30,891 which is already over capacity by 429 patients or at 101% of capacity.
4. The increased population from this development = 96
 - a. No of dwellings x Average occupancy rate = population increase
 - b. $44 \times 2.19 = 96$
5. The new GP List size will be 30,987 which is over capacity by 525
 - a. Current GP patient list + Population increase = Expected patient list size
 - b. $30,891 + 96 = 30,987$ (525 over capacity)
 - c. If expected patient list size is within the existing capacity, a contribution is not required, otherwise continue to step 6
6. Additional space required = 7.71m²
 - a. The expected m² per patient, for this size practice = 0.08m²
 - b. Population increase x space requirement per patient = total space (m²) required
 - c. $96 \times 0.08 = 7.71\text{m}^2$
7. Total contribution required = £24,668
 - a. Total space (m²) required x premises cost = final contribution calculation
 - b. $7.71\text{m}^2 \times \text{£}3,200 = \text{£}24,668$ (£561 per dwelling).

Could you please acknowledge NHS Devon's request for an S106 contribution towards the cost mitigation of the pressures on the local healthcare facility and that it will form part of any future S106 Agreement with the Developers.

We would be grateful if you would contact Leenamari Aantaa-Collier at The Wilkes Partnership (Laantaa-collier@wilkes.co.uk;) who can assist your legal department in relation to the drafting of an adequate obligation which assures that the contribution delivers the mitigation requested.

NHS Royal Devon & Exeter NHS Foundation Trust

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 Trusts unable to take into consideration the Council's housing land supply, potential new developments and housing trajectories when the contracts are negotiated. Furthermore, it is important to note that the following year's contract does not pay previous year's deficit retrospectively. This development creates an impact on the Trust's ability provide the services and capacity 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 £113,942 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.

County Highway Authority

Addendum 09/02/2023

The applicant has submitted a new Technical note document, explaining that the frontage tactile crossing detail has been omitted from the application plans but will be incorporated as part of the delivered development.

Furthermore, the path of the new access road will be moved over by 9m in comparison to the existing access, therefore, gaining the extra required visibility in the South-West direction.

The Technical note has also highlighted that the service access road will not have any frontage housing upon it, therefore on-street parking upon this section should be reduced, reducing the chances of the bottleneck being backed up.

Therefore I believe this application can now be managed with conditions to produce a Travel Plan and a Tactile crossing across the bell-mouth frontage, along with a Construction and Environment management plan (CEMP) to help mitigate the impact of the development upon the local highway network.

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. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and

- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

2. The site access and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with the Diagram BTC22056-P01-REV_p2 where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6m metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43m.

3. 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 policy TC7 of the East Devon Local Plan 2013-2031.

4. No development shall take place until details of the layout and construction of the access have been submitted to and approved in writing by the County Planning Authority. The approved details shall be implemented before the development is brought into use.

REASON: To ensure the layout and construction of the access is safe in accordance with policy TC7 of the East Devon Local Plan 2013-2031.

5. On-Site Highway Works The on-site highway works including parking shall be constructed and made available for use before any other part of the development commences.

REASON: To ensure that adequate facilities are available for construction traffic in accordance with policy TC7 of the East Devon Local Plan 2013-2031.

6. No part of the development hereby approved shall be commenced until:

A) 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

B) The ironwork has been set to base course level and the visibility splays required by this permission laid out

C) The footway tactile crossing on the public highway frontage has been constructed up to base course level

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.

7. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

- A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
- B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
- C) The cul-de-sac visibility splays have been laid out to their final level;
- D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
- E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
- F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
- G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

REASON: To ensure that adequate access and associated facilities are available for the traffic attracted to the site.

This location is relying on an access achieved from the demolition of a house.

Other Representations

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

- Scale of development is too big
- The Greenfield site should be protected from development
- Wildlife impact - in particular badgers, butterflies and birds
- Proposal is contrary to the Development Plan and premature
- Undue pressure on local infrastructure
- No affordable homes are being offered
- Maer Valley is a precious local resource
- Access to Douglas Avenue is dangerous with a high existing accident rate
- Traffic will be high, congested and parking limited
- Flood and drainage risks
- Local sewerage infrastructure is at capacity
- Lack of local public consultation
- Noise, air and light pollution
- Same scheme has previously been dismissed at appeal
- Loss of dwelling is harmful
- Objections to the proposed over-55s housing
- Health impact and lack of local NHS facilities
- Loss of privacy
- Noise and disturbance and construction impacts
- Landscape, AONB and visual impact are unacceptable
- No housing need
- Fields have local amenity value

- Footpath impact
- Site will be inaccessible by foot due to its steep gradient

PLANNING HISTORY

Reference	Description	Decision	Date
15/0753/MOUT	Outline application seeking approval for access (matters of layout, scale, appearance and landscaping reserved) for up to 44 dwellings and demolition of 76 Douglas Avenue to create new vehicular access	Non-determination on appeal lodged	10.11.2015

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)
 Strategy 7 (Development in the Countryside)
 Strategy 43 (Open Space Standards)
 Strategy 47 (Nature Conservation and Geology)
 Strategy 5 (Environment)
 Strategy 5B (Sustainable Transport)
 D1 (Design and Local Distinctiveness)
 D2 (Landscape Requirements)
 D3 (Trees and Development Sites)
 EN5 (Wildlife Habitats and Features)
 EN9 (Development Affecting a Designated Heritage Asset)
 EN14 (Control of Pollution)
 EN22 (Surface Run-Off Implications of New Development)
 TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Neighbourhood Plan

Exmouth Neighbourhood Plan (Made) – Policies EB2, EN1, EN3, EN5, EN6, EN8

Site Location and Description

The site is outside the built up boundary defined in the adopted East Devon Local Plan and is unmistakably rural land at the urban fringe of the town. It totals 2.95 hectares of sloping agricultural grazing land on the south eastern edge of Exmouth. The land

is adjacent to the back gardens of the even numbered houses that line Douglas Avenue to the north and directly west of housing development being implemented at Plumb Park. The proposals being considered here have been regularly referred to as Douglas Gardens.

The land slopes down to the south allowing residents of Douglas Avenue excellent views of the Maer Valley and AONB landscape on the opposite, southern side of the valley. The site itself is not inside the AONB, but is a green field in a pleasant situation with a crossfall in height of around 15 metres when travelling from north to south. The outer perimeters of the site are delineated by mature field hedgerows and mature hedgerow trees.

The land is crossed by a public footpath that runs from Douglas Avenue along a small lane before crossing the application site at an angle. On the ground, walkers mainly do not follow the diagonal path and follow a track around the outside of the field. Because the field is so close to residents with unrestricted footpath access, it is popular with dog walkers and others who do not always stay to the established rights of way.

To the south of the site are open farming fields and to the south west gardens and wooded land. As well as the permitted housing development to the north-east at Plumb Park, Douglas Avenue to the north is the southern side of the suburb known as The Avenues. The Avenues is broadly characterised by larger dwellings in larger grounds in a low density arrangement, with a leafy street character.

There are no Conservation Areas in close proximity and the nearest Listed Building is Prathayes House (Grade II) some 400 metres to the east.

Proposed Development

The planning application is in outline for the erection of up to 44 new dwellings with the demolition of No.76 Douglas Avenue (a detached dwelling) to enable vehicular access at a single point. Details of the means of access are the only matter for consideration at this stage. All other matters (Layout, Scale Appearance and landscaping) are reserved for future consideration.

The application includes an indicative layout for the 44 units, 11 of which (25%) would be affordable houses therefore 33 would be open market.

The proposal is being put before the Council on the basis that the site would be a logical infill given the existing/surrounding development, and it would provide additional housing within the district. The site has been put forward as a potential site for inclusion in the new Local Plan, but the applicants expressed the view that, given the need for housing, and the nature of the site in relation to existing development, it could be brought forward ahead of the new Local Plan

Planning Considerations

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

- The principle of the proposed development;

- Affordable housing;
- Impact on highway safety;
- Residential amenity;
- Landscape and visual impact;
- Ecology and habitats;
- Flood risk and drainage;
- Heritage impacts;
- Planning obligations;
- Planning balance and conclusion.

Principle of Development

The site lies outside of the built up area boundary for Exmouth under the currently adopted Local Plan and as such is considered to lie in the countryside, however, under the emerging Local Plan which seeks to find additional land for housing growth, the site is currently being included and consulted upon as one which could support an acceptable extension of Exmouth.

Furthermore, the Council's position on policies of housing restraint (i.e built up area boundaries) has recently changed as the Local Planning Authority can no longer demonstrate a 5 year land supply of housing. The Council's latest Housing Monitoring Report ending 31st March 2022 went before Strategic Planning Committee on the 4th October 2022 where the report put before members stated the following;

"This report provides a summary of house building monitoring information to the year ending 31 March 2022. It had been noted in the previous Housing Monitoring Update that the housing land supply position was declining and that action was needed to address this position. In the meantime the annual requirement figure has gone up from 918 homes per year to 946 homes per year as a result of changes to the affordability ratio which is a key input into the government's standard method for calculating housing need. The increased need figure combined with a declining supply position means that a 5 year housing land supply can no longer be demonstrated. The report advises Members of the implications of this and what actions are and should be taken to address this position."

Under government policy if an authority cannot demonstrate a 5 year housing land supply then the presumption in favour of sustainable development will apply as set out in paragraph 11d of the National Planning Policy Framework. This states:

"(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date 8 , granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

Development constraint policies, such as Strategy 7 (Development in the Countryside) that applied built-up area boundaries to settlements can no longer carry significant

weight. Proposals for residential development that are outside of these areas and that are not compliant with the spatial strategy of the Local Plan should be approved unless points (i) and (ii) above apply. In this case (i) the protected areas referred to includes AONB's, SSSI's, designated heritage assets and areas at risk of flooding among others.

Point 9i) above does not apply in this case and so we must determine whether point (ii) is satisfied.

It should be noted that paragraph 14 of the National Planning Policy Framework states that where the presumption in favour applies “.....the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits....”, where among other things a neighbourhood plan has been made in the last 2 years. The Exmouth Neighbourhood Plan was made over 2 years ago so does not offer additional protection in this case.

It is clear that Exmouth, as the largest town in the District, is the foremost sustainable location for housing development where there is all the infrastructure and services you would expect with a large settlement. It is proposed to retain a built up area boundary for Exmouth in the emerging Local Plan, albeit widened from the current boundary to allow for housing growth through allocations, and plan positively to deliver housing development in sustainable locations around the town. The location and sustainability considerations weigh heavily in favour of the application.

The site is a logical extension of the built form, however, officers are mindful of a previous application (15/0753/MOUT) that was appealed against failure to determine the application in an appropriate timescale. The application was recommended for approval by officers at a time when the Council could not demonstrate an up to date supply of houses and this was reflected in the officer recommendation, however it was deferred for a site inspection but the applicant appealed for non-determination. By the time the appeal was heard the Local Plan had been adopted and as a result the Council could demonstrate a 5 year housing land supply. The inspector's decision to dismiss the appeal reflected this and concerns about the impact on the landscape. Since we can no longer demonstrate a 5 year housing land supply the current circumstances and policy position are markedly different from those at the time the previous appeal was determined and so little weight can be attributed to that decision. However the issues remain the same and so it is for this report to consider the impact on the landscape and whether any other impacts would outweigh the benefits of the proposal. The benefits and impacts of the proposal will be balanced at the end of the report and a conclusion made.

Affordable housing

The application in its heads of terms indicates that the proposal would provide 25% affordable housing which is the provision that the current Local Plan seeks on sites within built up area boundaries, usually sites outside the boundaries would need to provide 50% affordable housing. However, as the current built up area boundaries have been blurred through the lack of a 5 year land supply and the fact that the site is being brought forward as a potential allocation in the emerging Local Plan (the

percentage of on-site provision in the emerging Local Plan has yet to be detailed) it is considered that 25% would be an acceptable provision at this moment in time.

The Council's Housing Enabling Officer comments on the scheme as follows:

Under current policy a requirement for 50% affordable housing would be sought however given the lack of a 5 year land supply and out of date policies a pragmatic approach is being taken with such sites and the level of affordable housing to be sought. The applicant is proposing to provide 25% affordable housing, 11 units.

Strategy 34 sets a target of 70% for rented accommodation and 30% for affordable home ownership. For the proposed 11 units this would amount to 8 rented units and 3 units for affordable home ownership. However this would not meet the requirement in NPPF for 10% of overall homes to be affordable home ownership. The government have introduced through a written ministerial statement and planning policy guidance a new affordable housing tenure called First Homes. First Home should account for 25% of affordable housing provision and is the governments preferred discounted market tenure. First Homes are for eligible first time buyers and are sold with a 30% discount on market price in perpetuity. On initial sale a price cap of £250,000 (after discount) is applied. Eligibility includes an income cap for purchasers and requirement to fund the purchase with a 50% mortgage. EDDC have produced an interim guidance note which confirms our approach to dealing with First Homes. Whilst this guidance and the introduction of First Homes does not supersede policy within our local plan it is a material consideration in any planning decision and will be weighted accordingly.

If First Homes are to be provided on this site then this will reduce the above percentages sought for rented and other affordable home ownership tenures. For a scheme of 44 units and based upon a 25% provision for affordable housing, 3 units should be for First Homes, 6 for social rent and 2 for shared ownership or other affordable home ownership.

Accordingly, the provision, tenure and price caps would all need to be secured through an appropriately worded legal agreement so that the proposal is acceptable under Strategy 34 of the EDDC Local Plan.

Highway Impact and Access

The proposals for 44 homes would be accessed by a new adopted roadway through what is presently No.76 Douglas Avenue and its associated curtilage which is to be demolished in the process. Once the access road has entered the site in a southerly direction, adoptable standard roads are shown in the indicative Masterplan that lead out to all of the proposed units. The existing public footpath is likely to be diverted, but is proposed to enter and leave the land in the same positions at the north and south of the site. The proposed adopted road network within the site is shown as running up to the Plumb Park development before becoming a pedestrian and cycle link between the two developments.

In terms of the access and the development's impact on the wider road network where it generates additional vehicular traffic onto the surrounding Littleham and Avenue roads, the Highway Authority have considered the scheme in detail and the additional

details that have been provided by the applicant's agent. The County Council as Highway Authority recommend approval of the scheme with specific conditions applied to ensure safe visibility at the access and timely provision of well-designed roadways.

The development will inevitably generate additional vehicular activity on local roads. This traffic will accumulate at pinch points with the new traffic being generated when the Plumb Park development is fully occupied. The Highway Authority are satisfied that the new junction of the access at No.76 and Douglas Avenue will not suffer undue congestion at peak flows and has appropriate visibility that can be controlled and maintained. They specifically do not consider there will be a significant denigration of highway safety. The Highway Authority point out that drivers will have the ability or option to take alternative routes to those routes that are most likely to suffer congestion at peak times such as Littleham Cross. For these reasons the proposals are considered to accord with Policy TC7.

In terms of wider accessibility, Policy TC2 and the NPPF seek residential development that is located in positions where there are viable alternatives to the private car allowing pedestrian, cycle and public transport access to jobs, services and amenities. As was found with the Plumb Park development, the application site is very accessible to a range of services including bus services, shops, schools, medical services and jobs. There are suitable and safe walking routes into the town centre and seafront. In short, the site is considered to be accessible and future residents would have viable and attractive sustainable alternatives to using the private car.

In conclusion, the proposals are considered to be in an accessible location with suitable and safe access. Vehicular traffic would enter an, at times, busy local road network, particularly passing through the Salterton Road junctions, but these trips would naturally dissipate onto alternative routes through the Avenues that are safe and appropriate. There are viable alternatives to the use of the car with pedestrian and cycle links as well as walkable bus stops with regular services in the locality. The submitted Transport Assessment and the Residential Travel Plan are considered acceptable by Devon County highway Authority and the overall the scheme considered to accord with Policies TC2 and TC7 of the EDDC Local Plan and the guidance in the NPPF.

Residential amenity

The proposals are in outline and do not include detailed plans for the housing proposed. An indicative masterplan shows a low density layout of housing arranged following the contours of the sloping ground from north down to the south.

It is considered that at the number of homes being proposed, the land can comfortably accommodate the built development without resulting in undersized gardens or cramped building arrangements. Similarly, the impact on those already living on Douglas Avenue need not result in overlooking, enclosure or loss of light with plenty of room for new homes to be situated well away from the boundary. The impact of development is lessened further as the ground falls away to the south meaning that any new houses will be situated on lower ground than the existing houses on Douglas Avenue.

For these reasons the proposals are considered to be acceptable in terms of residential amenity and accord with Policy D1 of the EDDC Local Plan together with advice contained in the NPPF.

Landscape and Visual Impact

The application site is currently a pleasant green field, sloping steeply down as it leaves the edge of Exmouth. It is overlooked by the residents of Douglas Avenue who back onto the land and this forms the northwest side of the Maer Valley. The applicant has submitted a Landscape Character and Visual Impact Assessment (LVIA) that analyses the impact of development in detail. The Council's Landscape Officer has reviewed the LVIA and also completed a critique of the proposed development in the light of the landscape and visual impacts.

Both the LVIA and the Landscape Officer have sought to find those people who are most affected by the development. It is clear that those most affected are the residents of the even numbered houses on Douglas Avenue who back onto the site and the users of the public right of way that goes through the site. There are plenty of other viewpoints identified too, for example from Maer Lane and the dwellings thereon, from other permissive rights of way and as far afield as the East Devon Golf Course and the South West Coast Path on the edge of Budleigh Salterton.

The land in question is overtly rural and the Area of Outstanding Natural Beauty (AONB) begins on the south side of Maer Lane, some 400 metres to the south of the site. However, the application site does not have any specific landscape protection. The current character is an open field with mature hedgerow boundaries that are to be largely retained. The resulting development would be houses throughout the site creating a distinct alteration to the character of the land. That said, this is the urban edge of Exmouth where the viewer already sees homes on the rim of the town and the Plumb Park development of well over 300 dwellings has been implemented on land directly adjacent to the northeast.

The sloping nature of the site and proposed siting of the dwellings will reduce the impact of the development for existing residents allowing views to be retained at least from first floor rooms and at ground level through gaps between buildings.

The proposals have potential to impact on the AONB and the setting of the proposed Littleham/Maer Valley Park and to mitigate for this long-term management prescriptions would be required for boundary hedgerow in addition to new tree and structure planting within the site.

The Council's Landscape Architect concludes by stating:

'While the development will inevitably have a significant impact on the site itself, users of the footpath through it and adjacent residents, within the wider setting, the landscape and visual effects are more limited due to the setting against the backdrop of Exmouth. The low housing density proposed is appropriate to the urban edge setting. As such the proposal could be considered acceptable in terms of landscape and visual impact.'

Any reserved matters application should consider points raised at section 3 of my consultation response. Consideration should be given to developer contributions towards the future Maer Valley Park.'

Accordingly, the proposal is considered to be acceptable/can be made to be acceptable with suitable mitigation planting to be considered at the reserved matters stage. Members will be aware that the previous application on site was dismissed in June 2016 because the Inspector concluded that there would be significant landscape harm, however since that time the Plumb Park development has been approved and built out and altered the prevailing character of the area, furthermore, sites on the periphery of the town are needing to be considered in the light of housing forecast numbers and the need to accommodate sustainable growth. This will be taken into consideration when applying the planning balance for the scheme as a whole.

Ecology and Habitats

The application is accompanied by an Extended Phase 1 and Phase 2 Habitat Survey with detailed analysis of the site together with dedicated dormouse, badger and bird surveys. The land has no habitat or species designation, but there are European level sites towards the beach and Exe estuary. The ecologists completing the study of the site have endeavoured to achieve a net gain in biodiversity using a Mitigation and Enhancement Plan as follows:

- Hedgerow and tree planting as part of the landscaping scheme
- Recreation or grassland areas totalling around 0.8 hectares on site
- An open attenuation pond at the bottom of the site
- Maintenance of wildlife corridors through the site
- A lighting plan to protect bats
- Bat and bird nesting boxes on all houses
- An occupier's biodiversity 'Welcome Pack' for every home
- Long term management of the public spaces
- A mitigation payment under a Unilateral Undertaking to compensate recreational impact on the Exe Estuary and Pebblebed Heaths
- A mitigation plan for curlews in the Maer Valley

The grassland has been heavily improved over the years with little inherent floral interest. It has a public right of way passing through which detracts from its attractiveness to wildlife. Natural England have highlighted the importance of fields around Exmouth for foraging curlew who leave the estuary in winter months on high tide, normally settling in quiet, corn stubble fields. The ecologists for the applicant have looked into this, taking into consideration both the synergy with the European sites, ie the estuary, and the importance of the curlew as a protected species.

The proposed mitigating measures in relation to specific ecological resources are as follows:

- The creation of 0.5511 ha of native wildflower meadow grassland (other neutral grassland), 0.1577 ha of native wildflower wet meadow grassland (other neutral grassland) giving a total of 0.7088 ha of wildflower grassland.

- The creation of 0.0784 ha broad-leaved woodland trees as a planting of approximately 128 locally-appropriate native trees and an additional 0.2575 ha of mixed native scrub habitat.
- Minimisation of hedgerow habitat loss to 5 metres.
- Enhancement of existing retained hedgerow habitats through supplementary planting of a mix of native trees and shrubs, including gap filling and closure of basal gaps.
- Creation of 239 metres of additional native hedgerow habitat, including species-rich native hedges with trees on a hedgebank.
- Creation of a 0.0206 ha water feature/attenuation pond and includes the creation of wetland habitat using appropriate native species.
- Provision of a 10m dark bat corridor along identified bat commuting routes within the red line.
- Providing at least one bird nesting and bat roosting opportunity at a rate equivalent to one per dwelling.
- Provision of wildlife-friendly plot boundaries, including permeability to mobile species, such as hedgehogs.
- Provision of off-site enhancements to curlew winter feeding sites within the wider Maer Valley area. This consists largely of hedgerow enhancements to increase protection from disturbance and is subject to a report which will be submitted to EDDC under separate cover.

The applicant's ecology consultant has calculated that this range of mitigation measures provides a BNG (biodiversity net gain) score as follows:

'In metric terms, the BNG uplift that is proposed will yield an increase in Habitat units from a baseline of 5.82 HU to a post-development target of 32.20 HU, with a net increase of 26.38 Habitat Units. Similarly, the hedgerow baseline of 2.6 Hedgerow Units will increase to 6.05 Hedgerow Units, a net increase of 3.46 Hedgerow units over the baseline. This equates to a 453.71 % increase over the baseline for Habitat Units and 133.23% increase for Hedgerow Units.'

Overall, as a package of protection and biodiversity enhancement, the site during and following development will benefit from a net gain and the measures are suitable mitigation. These measures are encapsulated in the Ecology Mitigation and Enhancement Addendum dated 23rd January 2023 and submitted with the application.

Habitats Regulation Assessment

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

combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and a financial contribution will be secured through an appropriately worded legal agreement. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

Policy EN3 of the Exmouth Neighbourhood Plan states the following:

Policy EN3: The area of land along Littleham brook extending to Littleham Village and Plumb Park towards the Maer (FIG 11) should be conserved with a view to future designation as a Valley Park. Following completion of Plumb Park development this should function as an excellent green corridor for access to the sea front.

The proposed designation as a valley park is noted and whilst concerns have been raised by the Town Council, the 'non prescriptive boundary' of the park as contained in the Neighbourhood Plan abuts the application site, development of the southern part of the site as indicated on the illustrative masterplan indicates no interference with existing hedgerows and an improvement in terms of ecology and natural grassland areas such that it is considered the integrity of the proposed designation would not be harmed by this application.

Furthermore, the Landscape Architect has suggested the development could contribute towards the Maer Valley Park, however as there is not scheme for recreational improvements or any other proposals drawn up for its designation the securing of monies would be contrary to the Section 106 regulations.

For these reasons the proposals are considered to accord with Policy EN5 of the EDDC Local Plan, Policy EN3 of the Exmouth Neighbourhood Plan, the NPPF and the stipulations of the Habitat Regulations.

Flooding and drainage

The site lies in Flood Zone 1 and is therefore not prone to flooding. Residential development is 'more vulnerable' to flooding, but is directed to Flood Zone 1 in national guidance and the development as proposed is considered appropriate. There is a ditch down the eastern side of the site which has been confirmed to be of no substantive flood risk to the site.

The submitted indicative masterplan shows a drainage attenuation pond in the south east corner of the site, which is generally the preferred SUDS method of holding water being drained and attenuated before leaving a development.

A detailed drainage methodology would be required as part of a reserved matters submission that will inevitably follow the layout design of the site.

Devon County Flood Risk department originally objected to the proposal stating the following:

'The applicant is currently proposed to attenuate the surface water runoff via an attenuation basin location in the south east corner of the site before discharging into South West Water sewer to the east. The applicant should consider the discharge into the minor tributary of the Littleham Brook to the south west in accordance with the drainage hierarchy.'

On submission of additional information and the reduction in run off rates from the land, DCC Flood Risk Team have removed their objection subject to conditions to secure a detailed design of drainage scheme to be submitted at the reserved matters stage.

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

Heritage Impact

As well as the policies of the Development Plan, the Planning Authority must give special consideration to the significance of any Listed Buildings or Conservation Areas affected by this development as required by Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

There are no Conservation Areas in close proximity to the site. The nearest Listed Buildings are Prattshayes and Green Farm around 400 metres or more to the south east. Other heritage assets included in the Historic Environment Assessment are Littleham's church which is Grade II* and other Listed Buildings in Littleham some 1000 metres east.

The applicant's Assessment concludes that whilst some of these buildings are of high and medium significance, their significance is either unchanged, has a minor or negligible impact from the development proposed. Put simply, the nearest listed buildings are a long way from the site and the interrelationship between them is distant. The listed buildings' settings will be almost entirely unchanged and their heritage worth protected. In relation to the impact from this development upon Prattshayes, given that the permission for 350 dwellings on the adjoining site (Plumb Park) was not considered to harm its setting, it would be difficult to conclude that this development causes harm adequate to justify refusal of permission.

For these reasons the proposals do not harm designated and undesignated heritage assets for which special consideration has been given. The proposal is therefore considered to be acceptable in relation to the aforementioned parts of the Act, Policy EN9 of the EDDC Local Plan and advice contained in the NPPF.

Planning obligations

The report has already discussed the affordable housing requirement and the habitat mitigation payments which would need to be secured through the prior signing of a legal agreement, however, there are other items that are required to be secured through the legal agreement, namely:

Health

The NHS clinical commissioning group (CCG) have requested a contribution from 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 place.

However, the NHS have submitted a bid for gap funding for the RD&E which has been found to be acceptable by inspectors in the past and was agreed in principle by the Councils Strategic Planning Committee in 2021. 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 £1010 per dwelling (£44,437 overall) is sought to provide essential funding to the RD&E for potential patients created by the proposed development.

As things stand some caution must be expressed as to the weight given in respect of East Devon's previously agreed position with the RDUH Foundation Trust funding requests. This is because on the 13 February 2023, the High Court handed down a judgement on a legal challenge brought by the University Hospitals of Leicester NHS Trust in respect of a decision by Harborough District Council not to secure gap funding for health related services.

The Trust challenged this position and lost – principally on the grounds that it had not established that a gap existed. The judgement goes further and is clear in identifying that funding for “services” (which is different to an infrastructure project) could be viewed as a National issue. It recognises that as the CCG funding formula recognises at least in part projected population migration, it can be argued that people moving into an area are already considered within the health funding provision even if not at a local level.

Clearly more work needs to be undertaken within East Devon and between this Council and the RDUH to understand the implications of this decision but as a material consideration in itself, it does act as a caution to the weight that should be given to East Devon's previously agreed approach. However as things stand Members have agreed to support these contributions subject to viability and so if Members are minded to approve this application they are requested to give delegated authority to the Assistant Director to delete the requirement for this contribution in the event that the referred to High Court decision means that it cannot reasonably be required.

Openspace

Strategy 43 of the Local Plan requires development of a certain size to provide and/or contribute towards on-site open space provision and maintenance. The adopted Planning Obligations Supplementary Planning Document is clear that for developments of this scale the requirement would be to provide amenity open space

as part of the development which is shown on the indicative layout plan, however this will also need to be reflected in the reserved matters should consent be granted.

The Planning Balance and Conclusion

Having taken all of the previous comments into consideration, the NPPF requires Planning Authorities to apply a planning balance, where the social, environmental and economic factors of the scheme are attached relative weight with regard to the guidance of the NPPF and the up to date policies of the Development Plan.

In this scheme, weight is attached to the offer of 11 affordable housing units that will provide social sustainability benefits. Similar importance is attached to the potential (net) 43 new homes where the 5 year housing land supply cannot be given full weight at this point in time.

Without a 5 year housing land supply there is diminished countryside protection from the relevant parts of Local Plan policies i.e Strategies 6 and 7.

The economic benefits of building, furnishing and living in 44 new homes and the filter down effect this would have on the local and regional economy weigh in favour of the proposal.

The development would be accessible by a range of transport means to Exmouth's varied amenities and facilities without the need to resort to the private car, together with transport links to further afield settlements. Although the local road network would receive additional pressure, the impact is not considered severe and there are no objections from the County Highway Authority. This also weighs in favour of the proposal.

There is not a significant adverse impact on local residential amenity and an acceptable impact on the local and wider rural landscape and the setting of the town. Although there will be an inevitable erosion of the countryside with the new housing being built, the Landscape Officer's assessment does not consider the visual impact to be significantly adverse in light of the current policy position. A similar conclusion is drawn on local heritage assets where special consideration has been given and whose significance would not be harmed.

Ecological impacts are considered to be fully mitigated ensuring compliance with planning policy and the Habitat Regulations. There would be retention of the primary hedgerow around the site with minimal tree or hedge removal overall (5%).

The development is outside of the floodplain with a site that can be drained by sustainable means.

The proposals offer an appropriate package of mitigating measures to offset the impact that the new housing would have on local infrastructure through payment of CIL and a contribution to the NHS.

It is considered that there are substantial social and economic benefits to development at Douglas Gardens. The affordable housing, the open market housing and the benefit

to the local economy should be given great weight. The environmental impacts are limited, the most significant being the erosion of countryside on the edge of Exmouth. However, given the current policy position, and given that the impact is not so harmful in light of the comments from the Landscape Officer, the environmental impact is not so adverse that it outweighs the substantial housing offer being tabled.

On balance the proposals are considered to represent sustainable development in the light of the guidance in the National Planning Policy Framework and the up to date policies of the Development Plan.

RECOMMENDATION

1. Adopt the appropriate assessment

2. APPROVE subject to a legal agreement securing the following matters:

- **Habitat mitigation contribution of £367.62 per residential unit.**
- **25% affordable housing to be 3 First Homes, 6 rented and 2 shared ownership**
- **NHS contribution of £44,437 (44x£1,010) to fund the gap of 1 year from when the houses are occupied (subject to this being reasonable in light of the recent high court ruling referred to above).**
- **Management company to maintain common areas on site.**

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission. The development hereby permitted shall be begun before the expiration of one year from the date of approval of the last of the reserved matters to be approved.

(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure the development comes forward in a timely manner).

2. Approval of the details of the layout, scale and appearance of the building (s) and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(Reason - The application is in outline with one or more matters reserved.)

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

(Reason - For the avoidance of doubt.)

4. The details to be submitted as part of the reserved matters shall adhere to the key design principles set out within the Design & Access Statement and indicative Masterplan drawing number DR-UD-0104 REV P5 received on 2nd September 2022.

(Reason: To ensure that the development proceeds in accordance with the design principles established at the outline stage in the interests of ensuring a development that is compatible with and appropriate for the area and to accord with Policies D1 (Design and Local Distinctiveness) and EN5 (Wildlife Habitats and Features) of the East Devon Local Plan.)

5. All future reserved matters applications submitted pursuant to condition 2 of this permission shall be accompanied by a Construction and Environment Management Plan that 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. The plan shall also consider construction vehicle routing and delivery arrangements. Construction working hours and all site deliveries 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 in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan.)

6. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

(Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

7. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with diagram BTC22056 P-01 P2 contained in the transport assessment where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43.0 metres in both directions. (REASON: To provide adequate visibility from and of emerging vehicles in accordance with Policy TA7 of the adopted East Devon Local Plan).

8. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
- A) The main road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - B) The main road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - C) The cul-de-sac visibility splays have been laid out to their final level;
 - D) The street lighting for the main road and cul-de-sac and footpaths has been erected and is operational;
 - E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - G) The street nameplates for the main road and cul-de-sac have been provided and erected.

(Reason: To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with Policies TA7 (Adequacy of Road Network and Site Access) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

9. Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:
- (a) A detailed drainage design based upon the approved Douglas Gardens, Exmouth Flood Risk Assessment and Drainage Strategy (Report Ref. E06005/0001, Rev. V3, dated 13th September 2022) (the drainage principle only) and CB Response to LLFA Comments Ref. 22/1954/MOUT Technical Note (Report Ref. E06005 - TN001, Rev P1, dated 07th December 2022).
 - (b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
 - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (d) A plan indicating how exceedance flows will be safely managed at the site.
 - (e) Evidence there is agreement in principle from the landowner/DCC highways/SWW

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

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in

flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG.

The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

10. The details of the landscaping and layout to be submitted as part of the reserved matters shall include all fences, gates, walls and retaining structures. The development shall be carried out in accordance with the approved details. Thereafter and notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further fences, gates or walls shall be erected within the curtilage of any dwelling house.
(Reason: In the interests of the character and appearance of the area and to maintain open landscaped areas where necessary to accord with Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) of the East Devon Local Plan.)

11. 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:
 - o Extent, ownership and responsibilities for management and maintenance.
 - o A description and evaluation of landscape and ecological features to be created/ managed and any site constraints that might influence management.
 - o Landscape and ecological aims and objectives for the site.
 - o 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/ hedgebanks and scrub 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.
 - o Arrangements for Inspection and monitoring of the site and maintenance practices.
 - o 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.

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 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.)

12. No development work shall commence on site until the following information has been submitted and approved:
 - a) A full set of hard landscape details for proposed walls, hedgebanks, fencing, retaining structures, pavings and edgings, site furniture and signage.
 - b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation. 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 - Guidance notes for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK.
 - c) A site levels plan indicating existing and proposed levels and showing the extent of earthworks and any retaining walls. This shall be accompanied by at least 3 sections through the site at scale of 1:100 or greater clearly showing existing and proposed ground level profiles across the site and relationship to surroundings.
 - d) 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.
 - e) A full set of soft landscape details including:
 - i) Planting plan(s) showing locations, species and number of new tree, shrub planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.
 - ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
 - iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support

and protection during establishment period together with a 5 year maintenance schedule.

iv) Tree pit and tree staking/ guying details

f) Measures for protection of existing perimeter trees/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

g) 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.

(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 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.)

13. Development shall proceed in accordance with the ecological mitigation measures detailed in the Ecology: Mitigation and Enhancement Addendum dated 23rd January 2023 undertaken by Code 7 consulting.

(Reason: To ensure that the mitigation measures are in place to safeguard the biodiversity and protected species displaced by the development in accordance with Policy EN5 (Wildlife Habitats and Features).

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:

DR-UD-0101 P1	Location Plan	20.09.22
AUGUST 2022	Transport Statement	02.09.22

List of Background Papers

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