

Ward Exmouth Littleham

Reference 18/2272/MFUL

Applicant Taylor Wimpey

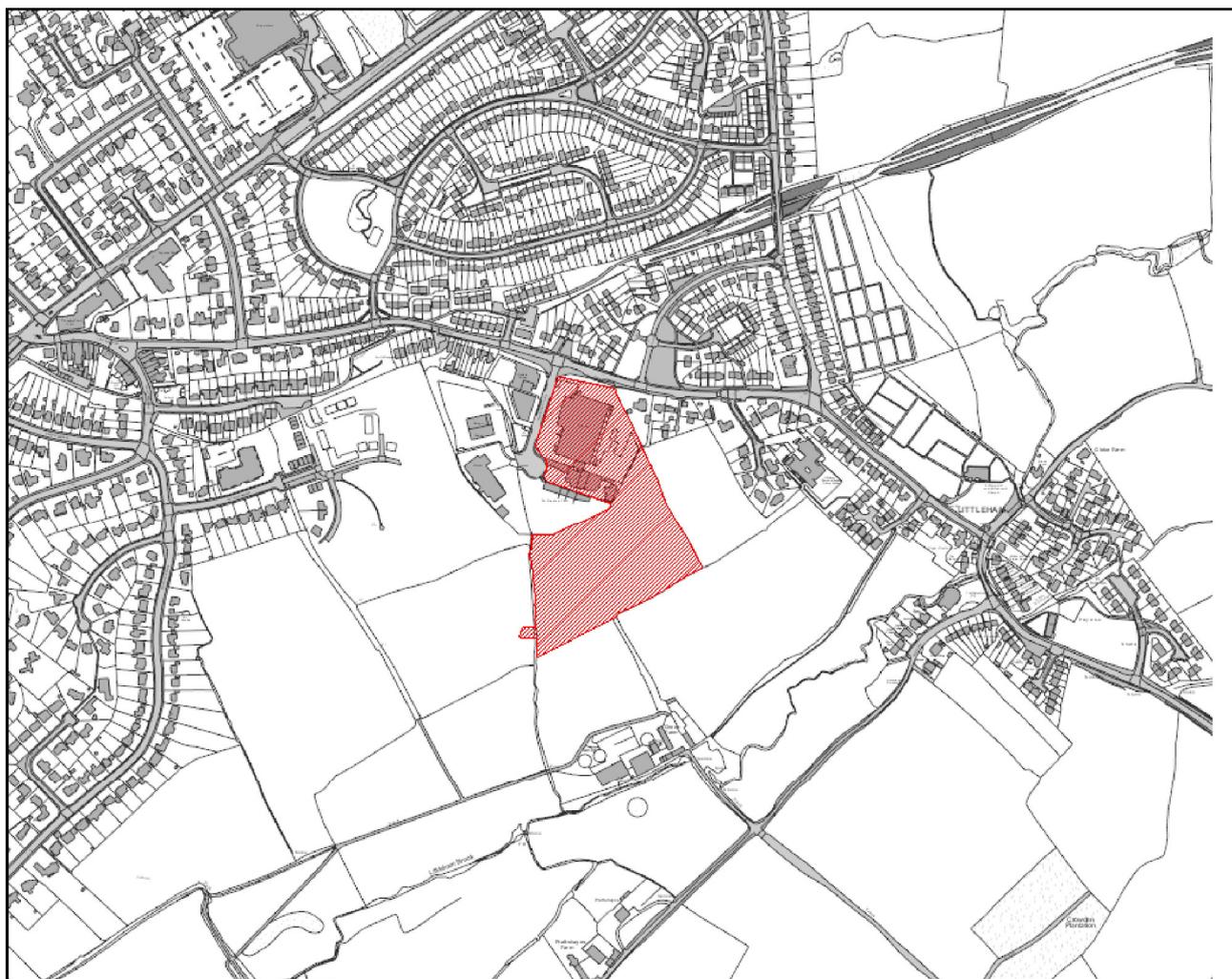
Location Land At Pankhurst Close Trading Estate
Pankhurst Close Exmouth

Proposal Construction of 120 no. dwellings with associated demolition, access, landscaping and infrastructure works



RECOMMENDATION:

- 1. That the habitat Regulations Appropriate Assessment attached to the Committee report be adopted;**
- 2. That the application be APPROVED subject to a S106 agreement and conditions.**



		Committee Date: 12th February 2019
Exmouth Littleham (EXMOUTH)	18/2272/MFUL	Target Date: 11.01.2019
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EXECUTIVE SUMMARY

This application is before Members as the officer recommendation is contrary to the views of the Ward Member and Town Council.

This application seeks planning permission for 120 dwellings providing a mix of residential units comprising a mix of 12 no 1 bedroom flats, 23 no 2 bedroom houses, 68 no 3 bedroom houses and 17 no 4 bedroom houses. In accordance with policy requirements, the proposal makes provision for 30 affordable dwellings (25%) comprising of 12 no 1 bedroom flats, 15 no 2 bedroom houses and 3 no 3 bedroom houses.

It is pertinent to note that both portions of the application site benefit from two separate extant planning permissions for residential development (full and outline) for a total of 136 dwellings. Both planning permissions remain extant where the larger hybrid application has been implemented through the commencement of the full element of the development at Plumb Park and the other through demolition works at Pankhurst Industrial Estate.

The entire site is located within the built-up area boundary of Exmouth as defined by the East Devon Local Plan where the principle of residential development is considered to be acceptable under the provisions of Strategies 6 (Development within Built-up Area Boundaries) and 22 (Development at Exmouth) of the Local Plan.

Given the site's location within the built up area boundary and the extant planning permissions across the site, the principle of development cannot be disputed. Furthermore, the design approach to the scheme across the two sites would allow

for a better designed and more comprehensive residential development rather than implementing two separate planning consents which would be of benefit to the area.

The layout and design of the proposed residential development is generally well conceived and detailed and is considered to be acceptable in terms of its wider landscape impact. The large area of multi-functional public open space to the west would help to create a high quality development, with a high standard of design providing children's play space and an interconnecting pedestrian link between the two developments. The form and layout of the scheme is considered to be appropriate to the prevailing pattern and form of development in the surrounding areas.

The impact of the development on heritage assets, flood risk and drainage, ecology, trees and European protected sites, archaeology, noise and residential amenity have been carefully assessed and are considered to be acceptable subject to further detail which can be adequately addressed through conditions.

The proposal will deliver through a section 106 legal agreement 25% affordable housing, the provision of public open space and play area, expenditure, and timing for delivery and the management and maintenance arrangements for the public open space land.

The application presents a number of clear social, economic and environmental benefits that would be of benefit to Exmouth, positively contributing to the housing needs of the town and the wider district. The application is therefore recommended for approval.

CONSULTATIONS

Local Consultations

Exmouth Littleham - Cllr M Williamson

I have many reservations about this application and recommend that it be Refused and discussions on these and the points raised by Exmouth Town Council raised with the developer as a matter of urgency.

1. Highways Congestion

The number of housing units now proposed for Pankhurst Close is significantly in excess of the number agreed in the earlier permission. The combined impact of the Plumb Park approved scheme + this development if approved + the existing huge and successful holiday complex at Sandy Bay will put intolerable pressure on the Littleham Cross junction. Already at peak commuting times there are tailbacks from Littleham Cross to Pankhurst Close, added to by the number of cars dropping off children to Littleham Primary School and 'change-over' days at Sandy Bay during Spring, Summer and early Autumn with tailbacks to and beyond Littleham Village. The Littleham community has never accepted the assessment that the congestion is less than 'severe'. Now is the time to reassess this and identify remedial measures.

2. Strategy 34

The affordable housing provided is not compliant with Strategy 34 in that it is grouped in a linear arrangement adjacent to B2 industrial premises and with an apartment block consisting entirely of socially rented accommodation. This is quite unacceptable both in policy and social integration terms. The acoustic fence does nothing to highlight the disparity in amenity to those in social as opposed to open market housing.

3. Compatibility of B2 with residential

The residual industrial uses in Pankhurst include a building supplies company entailing the delivery of building materials in heavy lorries and a garage/car breakers. It is generally said in the community that there is asbestos material on site. I do not consider that a development designed to attract young families with children alongside such uses is morally and socially acceptable.

4. Littleham Primary School

Both the Plumb Park and the Buckingham Heights sectors will be occupied by families with primary age children. I have seen no evidence whatsoever to date, as Ward Member, of the contribution to be made by the developer to the additional classrooms and facilities needed for these additional pupils. Neither have I seen a similar figure for Exmouth Community College.

5. Design

The designs illustrated in the documentation submitted with this application are to put it generously 'uninspiring'. They reflect uniformity and the standardised mass estates housing of yesteryear. There is no attempt to articulate interest, respect of the vernacular and use of local materials.

6. Ecology

There has been no opportunity sought to reflect the good practice of other developers in other parts of the country in 'greening' the estate itself to encourage wildlife. Instead the low cost community model has been used to provide 'a communal green space'. Individual dwellings have received no such attention.

7. Health

The impact of this development on local GP practices has simply not been quantified and no mitigating action in terms of financial contribution appears to have been proposed.

8. CEMP

The build-out of the Plumb Park estate has been and remains hugely damaging to the amenity of the Littleham community. Mud, dust, noise, inconsiderate parking, damage to the road surfaces of residential roads have caused distress, anxiety, ill-health and anger. The refusal by the developer to provide a window cleaning service was regarded throughout the community an indefensible 'last straw'. If this development is ever permitted it is hoped that lessons will have been learned and a neighbourly and considerate approach will be adopted from the start.

In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments both for and against.

Exmouth Littleham - Cllr B De Saram

I note that in planning terms prior to the commencement of each phase of development the applicant must provide an Environmental Statement to the satisfaction of the Local Planning Authority detailing the way in which environmental impacts will be addressed and incorporated into the design, layout and management of the site. The Statement shall consider the impacts of noise (including low frequency noise), traffic and light on the local environment, and the way in which these impacts will be mitigated.

Having now had the opportunity to read this application and visit the site I see that the following problems need to be mitigated before this application can be approved as per the planning regulations outlined earlier:

1. The proposed treatment of the affordable units. Housing Officer Melissa Wall on 05/11/18 has commented "The clustering of the affordable units could be better especially to the northern part of the site. Moving one of the groups/terraces to the southern part would disperse the units better. All the affordable units will overlook the car breakers yard although acoustic fencing is proposed.

Ideally a wheelchair accessible unit should be provided. The S106 for the southern part of the site does require that 5% of the affordable units are accessible by wheelchairs"

Therefore I would like to see this done and confirmation that the entire site is wheelchair accessible so that this problem will be dealt with.

2. The new revised 2018 NPPF suggests that in relation to transport issues:

Para 102 suggests "the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account - including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains....Para 108 suggests In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Para 109 suggests Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"

Traffic problems were clearly identified by Environmental Health on 24/08/16 where in relation to the previous application linked to this one which is why I refer to it 16/1022/MOUT it was stated on 24/08/16

I note that access to the site is proposed via the residential roads leading to and including Buckingham Close. This will cause considerable impact on the residents in this area and a similar situation in Dukes Way Axminster caused no end of impact, inconvenience and distress to residents. I do not consider this road suitable for construction traffic by way of noise, dust and health and safety. A better and more considerate solution should be proposed for such a major development which does not impact on existing residents".

Other commentators such as Campaign to Protect Rural England stated on 06/06/16 "The proposed scheme has a single access from Buckingham Close. The additional traffic will have an adverse effect on the current residents of Buckingham Close, and the noise and dust will be even worse during the construction phase

One access to this substantial development will mean unacceptable levels of traffic flow through Buckingham Close to an already congested Littleham Cross. This will cause people to take to the side roads to avoid Littleham Cross and this will increase traffic in the surrounding residential areas, particularly in Barnfield Road and Cranford Avenue.

I would therefore suggest that nothing has changed and in fact noise and dust was bad as was predicted this summer especially since in this application there is no new access to the site to be provided but if approved more homes will be put on the site.

Therefore I would say that this development should be refused under Para 109 of the NPPF as mentioned earlier and also a failure to locate the affordable units around the site as per the advice of the Housing Officer and argued by Cllr Mark Williamson in his submission that this treatment of affordable housing units is a contravention of Strategy 34. Therefore I would argue for refusal of this application which is in line with the beliefs of the Town Council and my fellow Ward members.

However In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments both for and against.

Further joint comments from Cllr B De Saram and Cllr M Williamson – Exmouth Littleham

Thanks you for sending a copy of the draft report. This Comment is on behalf of both Cllr De Saram and Cllr Williamson. Cllr Humphreys is currently away.

Our position is that this application should be Refused in line with the recommendation of Exmouth Town Council.

1.Highways

In arguing this we represent the views of the Littleham community. Highways did not give weight to their views in respect of the Plumb Park scheme which has resulted in unacceptable traffic flows even during the first year of what is a five year build. In the case of Pankhurst Close the addition of 120 dwellings with associated traffic movements will so increase the congestion at Littleham Cross and lengthen the existing tailbacks on Littleham Road to the extent of it being highly detrimental to the amenity and well-being of local residents. Congestion is exacerbated by the large Plumb Park and the new McCarthy & Stone developments, the huge and growing holiday complex at Sandy Bay, drop-off and collection of children at Littleham Primary School and the busy secondary shopping centre of Littleham Cross. Furthermore the mini-roundabout serving Pankhurst Close will be unable to cope without danger with the increased resultant vehicle movements and the existing use of the roundabout by HGVs serving the remaining industrial uses present in Pankhurst Close. Many houses in the immediate area are former Council properties which lack off-the-road parking and on-the-road parking already narrows Littleham Road to the extent of much of the road at commuting times and in the Summer months being safe for one-way traffic only.

2.Environmental

When a smaller housing development was first proposed on this site Environmental Health opposed it on the grounds that the proximity of the houses to industrial

processes of the type present at Pankhurst Close would be injurious to the health and well-being of residents. Two of the existing businesses are a scrapyards where vehicles are dismantled and a scaffolding firm. Although there has been some amendment to the original positioning of the affordable homes away from the scrapyards with noise mitigated by an acoustic screen, the proximity of houses adjacent to such businesses and in such density, is unacceptable in health and amenity terms and not what was intended in the Local Plan which encourages 'mixed-use- development. A much smaller scheme of, say 30 houses, which could be located away from these businesses with a green buffer and suitable landscaping may be appropriate and may be supported. The scale of this development makes it impossible to plan in living conditions which make it an acceptable environment in which to live.

3. Location, scale and impact

The experience of the Plumb Park build-out has shown the consequences of a large scale development on a landlocked site within an existing residential area. During the first year of what is to be a five year build-out both Environmental Health and Highways have been required to attend on too many occasions to record here to deal with dust, noise, mud on the road and footpaths, inconsiderate parking, speeding heavy lorries and damage to the road surface of Cyprus Road, Douglas Avenue, Buckingham Close and at Littleham Cross. The cost of repairs falls on the Council Tax payer, not the developer. There is nothing in this application or report which gives comfort to the residents that the same problems will not happen and damage to Littleham Road which is a busy road serving Littleham Village, its estate and surrounding residential roads, the Sandy Bay holiday complex, two leisure centres, a school and church will be rectified by the developer. The prospect of fast-moving HGVs accessing and leaving the site gives rise to huge concerns given the use of Littleham Road by children walking to school, commuting car users, holidaymakers and the many elderly in our sheltered housing.

To summarize, both the application and the draft report deal inadequately with the problems posed both by the reality of the site's location and the experience of residents. A smaller, better located development may be supportable but this present application is unacceptable and should be Refused.

In the event that this application comes to Committee we would reserve our positions until we are in full possession of all the relevant facts and arguments both for and against.

Parish/Town Council
Meeting 29.10.18

Objection on the grounds of the inadequate transport infrastructure at Littleham Cross to support further housing. The proposal did not take into consideration the increase in traffic that the Plumb Park development would generate. Members felt that consideration should be given to merge the road with the Plumb Park development to the ease traffic flow. A demolition crew had already commenced work on a site known to have asbestos, members were concerned that no CEMP was in place at this stage. A robust CEMP was required to control delivery times and the parking of construction workers vehicles whilst they worked on the site, in light of the issues with the Plumb Park development.

Meeting 26.11.18

Members did not object to the amended Ecology Report but continued to object to the proposed development as previously submitted. Members were concerned to hear from DCC Cllr Christine Channon that DCC Highways had only been given 8 days to comment on the application instead of the usual 21 days consultation period.

Technical Consultations

County Highway Authority

The site forms part of two separate developments that have extant planning permissions 13/0297/MOUT & 16/1022/MOUT. Therefore the principle of residential development in planning terms is established. This may have slightly confused the HDM officer at the Pre-Application meeting in June 2018 when asked about the requirement for details for this application. However, all relevant information has now been submitted for this detailed application response.

The applicant has supplied a Technical Note for traffic distribution and junction modelling for 136 dwellings for Pankhurst Close and the Phase 2 element of Plumb Park (originally proposed to be accessed from Pankhurst Close).

It demonstrates that the (now proposed) 120 number of dwellings can obtain access via Pankhurst Close without any severe impact on the existing mini roundabout junction and compared with the already consented Plumb Park development.

It should be noted at this point that the original proposal to create a vehicular route joining the Pankhurst Close development and the Plumb park development has been dropped and the access from Pankhurst Close will only serve the 120 dwellings which form this application and

the CHA does not dispute the findings of the Technical Note.

The site will benefit from an access directly off Pankhurst Close and footway provisions on both sides of the road for the Main Site Roads and footway provisions on one side of the Mews Lanes.

An informal pedestrian link is proposed to connect with the adjacent Plumb Park to the southwest through the landscaped area. However this is not proposed to be a primary route for pedestrians or cyclists and is not proposed to be adopted by the CHA.

The roads and junctions within the site will have suitable visibility splays for the assumed residential traffic speeds of 20mph which is determined by the constraints of the highway layout.

The roads and footways are generally of a tarmac surface finish with some changes of surface materials at some of the junctions. The CHA reserves the right to comment on the nature of these changes in surface materials within any agreement to adopt the roads. This is mainly to stop the proliferation of block paving in areas where there will be large numbers of vehicle turning movements.

Recommendation:

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

18/2272/MFUL

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. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance 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 in so far as the application site is affected.

REASON: To provide adequate visibility from and of emerging vehicles.

3. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway.

4. Any existing accesses shall be effectively and permanently closed in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the new access is capable of use.

REASON: To prevent the use of a substandard access and to minimise the number of accesses on to the public highway.

5. 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 on the public highway frontage required by this permission has been constructed up to base course level.

D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.

6. 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; 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

7. 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.

EDDC Landscape Architect - Chris Hariades

23.11.2018

1 INTRODUCTION

This report forms the EDDC's landscape and green infrastructure response to the Major Full application for the above.

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

2 SCHEME PROPOSALS AND RELEVANT PLANNING POLICY AND GUIDANCE

2.1 Location and proposals

The 'L' shaped plot is situated to the southern edge of Exmouth on high ground overlooking the Exe Estuary to the west and Channel to the south. The site is accessed off Littleham Road to the north. The northern end of the site is gently sloping steepening towards the southern end and with a steep slope dropping to the west. The proposals comprises housing on the relatively level, high ground with public open space located on the western slope.

The northern half of the site is currently industrial land and the southern half is greenfield. Surrounding land-use to the east and south is agricultural with existing residential areas to the north. Land to the northwest is industrial and a large housing development is under construction adjacent to the southwest boundary.

2.2 Relevant national, regional and local landscape related policy

The following landscape policies and guidelines are considered relevant to the

application:

East Devon Local Plan 2013-2031

D1 Proposals will only be permitted where they: Respect the key characteristics and special qualities of the area in which the development is proposed.

1. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.

2. Do not adversely affect inter alia:

- Important landscape characteristics, prominent topographical features and important ecological features.
- Trees worthy of retention.

3. Have due regard for important aspects of detail and quality and should incorporate inter alia:

- Use of appropriate building materials and techniques respecting local tradition and vernacular styles as well as, where possible, contributing to low embodied energy and CO2 reduction.

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

Landscaping

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

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

D2 Landscape Requirements

Landscape schemes should meet all of the following criteria:

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

2. Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. This should be in addition to the requirement for new landscaping proposals. Where appropriate, existing habitat should be improved and where possible new areas of nature conservation value should be created.

3. Measures to ensure safe and convenient public access for all should be incorporated.

4. Measures to ensure routine maintenance and long term management should be included.

5. Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping.

6. The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

2.3 Landscape and conservation designations

The Exe Estuary Special Area of Conservation is situated 2km to the west of the application site.

3 REVIEW OF SUBMITTED LANDSCAPE RELATED INFORMATION

3.1 Layout and hard landscape (drawing no. 8429-L-04 Rev C)

3.3.1 General

Where existing hedgerow to be retained along the southern and eastern site boundaries a post and wire fence should be provided to the development side in order to help protect the hedgerow from removal/ excessive cutting back by occupants.

The planting bed to the side of plot 67 tapers to a point where it is too narrow to support reasonable plant growth. The layout should be amended by extending the rear garden wall further along the back edge of the adjacent footway with a return at a point in line with rear elevation of the building.

Retained rear boundaries to properties backing on to the public open space (POS), plots 40-45 inclusive, should be formed with stone faced Devon hedge bank planted on top with suitable native hedgerow mix to include blackthorn and hawthorn with specimen trees at intervals to provide an attractive backdrop to the open space and soften the built form of the development to views into the site.

3.1.2 Public open space

The DAS places strong emphasis on delivering a high quality, multifunctional Public open space (POS). Unfortunately the vision illustrated in concept plans and sketches within the DAS has been lost in the final design iteration and in comparison to the housing areas the POS seems poorly designed with little apparent thought for users.

The proposed footpath link across the POS from the housing area to Plumb Park is important, as is the potential to provide a future pedestrian link to the east of the site to the primary school. Given these two destinations either side of the application site

the path needs to provide an attractive, accessible and convenient pedestrian link between the two to encourage walking.

Proposed path gradients indicated on the levels strategy range up to 1:12 which does not comply with Building Reg standards. Apart from a short section immediately above the swale there is no provision for level rest areas along the path or associated seating which would benefit those less able or fit. While it may not be possible to provide a maximum 1:20 path gradient due to the steepness of the slope there is opportunity to provide a more uniform gradient with regular level rest areas.

Consideration should be given to providing stepped shortcuts up the slope where appropriate to provide a shorter route for more able-bodied users.

At 1.2m width the proposed open space access path is too narrow and should be increased to a minimum of 1.5m to allow pushchairs to pass with ease.

There is no indication of lighting for the access path which should be a requirement to enable evening and early morning use.

The proposed swale/ attenuation pond is awkwardly situated across the bottom (southwestern) entrance to the open space and has an over-engineered shape and profile. The location and design of drainage attenuation should be reconsidered to provide a more naturalistic solution that integrates better with the site contours and does not adversely impact pedestrian access.

Opportunity to utilise attenuation as part of the natural play provision should also be considered as in the example below.

Where the top of the open space path meets the housing estate road, the path should be realigned if possible to centre on Mews Lane by taking it between plots 40 and 41 rather than plots 41-42 as currently proposed. Where the path runs through the passage between the two plots it should be more formally treated with a viewing platform/ sitting area provided.

Details of the proposed natural play area should be provided. This should include details of play features, surfacing, proposed means of access and drainage which should aim to ensure that the area is useable as intended all year round.

3.2 Levels & drainage

Note comments above re levels of proposed pedestrian link through POS and the location and shape of the attenuation pond.

A revised SuDS scheme is required and details of the revised scheme should be provided that include sections through the swale/ attenuation pond and details of inlet and outlets to be provided.

Clarification should also be provided on whether attenuation basin/ swales are intended to hold standing water or act as temporary storage.

3.3 Architectural details

The proposed bin-store (dwg. no. P.17-2206_13) is an uninteresting brick walled, flat roofed structure. There is an opportunity to provide ecological benefit by providing a green roofed structure with wildlife panel walls such as shown in the example below.

3.4 Planting and landscape specification (drawing nos. 8429-L-02 rev C and 8429-L-03 rev C)

3.4.1 General

The proposed native hedgerow mix to front gardens comprising 10 different plant species is not really suitable for short sections of low, regularly clipped formal hedges. It would be better to limit the species to a simple mix such as hawthorn, field maple and holly.

Planting details should be provided for private on plot landscape areas to include details of species, location, number of plants, density and form.

Additional trees should be planted within existing and proposed boundary hedge-line to help soften the development in views from outside the development.

3.4.2 Public open space planting

The submitted planting details cover the housing areas only and there is no detail of proposed planting for the open space. A separate planting plan for the open space should be provided identifying locations, species, numbers and form of trees, shrubs and hedgerow and areas and mixes of meadow and amenity grassland and bulb planting together with appropriate maintenance specifications.

3.4.3 Specification and maintenance notes

Specification for Premium topsoil used on drawings is out of date. Under the 2015 British Standard for topsoil, Premium Quality no longer exists. Where existing site topsoil is to be reused it shall be tested for compliance with BS 5837 Multipurpose soil specification. Soil failing to meet this standard shall be ameliorated if appropriate to bring it up to the standard required or rejected.

The specification of 1200mm minimum topsoil depth for trees is not in accordance with current best practice. Tree pits should be excavated to a sufficient size to accommodate the full depth and spread of roots.

Reference is made under tree planting to soil ameliorants for tree pits but no information is provided on what the ameliorants should be. This should be confirmed.

3.5 Ecology

A landscape and ecology management plan (LEMP) should be provided which includes details, locations and specifications of ecological mitigation measures identified in the ecology survey including:

- Bat and bird boxes
- Wetland meadow
- Hedgehog passes
- Invasive species control

5 CONCLUSIONS & RECOMMENDATION

5.1 Acceptability of proposals

The layout of the housing areas is generally well conceived and detailed and subject to minor amendments as noted above being received is considered acceptable in terms of landscape design and impact.

The Public Open Space and SuDS drainage proposals however are unsatisfactory and further design input is required to achieve an acceptable scheme that meets the stated multifunctional objectives set out in the DAS and further comments relating to POS above.

On the basis of the details submitted the scheme should be considered in conflict with the following Local Plan policies:

D1 item 4 - Have due regard for important aspects of detail and quality and should incorporate inter alia appropriate 'greening' measures relating to landscaping and planting, open space provision and permeability of hard surfaces.

D2 Landscape schemes should meet all of the following criteria [inter-alia]:

- Measures to ensure safe and convenient public access for all should be incorporated.
- The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

The scheme is consequently unacceptable in terms of landscape design/ impact, however, subject to the points noted at section 3.0 above being adequately addressed the scheme could be considered for approval. In the event that amended information is provided and approval is recommended, the following conditions should be imposed:

5.2 Landscape conditions

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

- a) A full set of hard landscape details covering earthworks, walls, retaining structures, fencing, pavings and edgings, site furniture and signage.
- b) Details of the public open space including proposed levels and drainage scheme incorporating appropriate SuDS features.

- c) Details of locations, heights and specifications of proposed external lighting.
- d) A landscape management which should include the following details:
- Extent, ownership and responsibilities for management and maintenance.
 - Details of how the management and maintenance of open space will be funded for the life of the development.
 - Inspection and management arrangements for existing and proposed trees and hedgerows.
 - Management and maintenance of grass areas.
 - Management and enhancement of biodiversity value.
 - Management and maintenance of any boundary structures, drainage swales and other infrastructure/ facilities within public areas.

Further comments in response to amended plans to be updated verbally at Committee.

South West Water

I refer to the above application and would advise that South West Water has no further comments to those already given.

EDDC Trees

Initial arboricultural comments made in brief, to allow for consideration at forthcoming site meeting.

Principle issues on suite layout

The main issue I wish to raise on the submitted scheme relates to the south and east field boundaries. These are Devon hedgebanks a locally distinctive landscape feature, of historical (shown on the 1888-1890 OS maps) and local biodiversity importance. The hedgebanks are shown as between 1.5 and 10 metres from the adjacent dwellings, but more typically 6 to 8 metres. Given the size of the residential gardens there is likely to be a degradation of these boundary features overtime, which will impact on their biodiversity and longevity. Ideally the hedgebanks should be retained in the public realm, however as a minimum they need to be separated from the residential gardens and their management wholly secured in perpetuity through the site landscape management plan.

With respect of residential unit 30 and the garages associated with units 22 to 24 these are in close proximity to the hedgebanks possibly within the rooting environment of the hedgebank and adjacent trees (I say possibly as I cannot download the tree constraint plans and they are not shown on the tree protection plan).

Submitted Arboricultural information

As stated above the tree constraints plans are not downloading from Civica, so at present I am concerned that all of the trees on the eastern boundary have not been recorded and are certainly not included within the tree protection plan.

Why is the root protection area of the site hedgebank boundaries not show on the tree protection plan? Will this be fenced off? If so how?

What impact will the construction of and future occupation dwelling number 30 have on the adjacent tree and hedgebanks?

Landscape details

I cannot seem to find detailed landscaping planting plan for the lower western section of the site, is this available?

Why is the hedge bank not show as connecting with existing hedgebank to the south of unit 40?

Why is there no street tree planting in the public real within the roadside aspect of the proposed development. Ideally the street tree planting should be within the public real to ensure its longevity and appropriate future management.

Support the comments made by the landscape architect regarding tree planting and would also add that we will require detail tree pit design for the trees planted within the developed area. Due to nature of construction building up of hard surfaces and necessary compaction of ground these trees will be in a planted in a hostile soil environment. Details of soil volume and planting pit design suitable to tree growth for anticipated mature crown size will be required.

Some of the submitted plans seem to show a new hedgebank around the most western residential units, yet this detail is missing on the submitted landscaping plans.

Housing Strategy Officer Melissa Wall

This site is located within the development boundary for Exmouth and we are assuming that residential use is acceptable on the employment land due to the previous consent. The southern part of the site already has outline planning permission under application 16/1022/MOUT for 86 units. This application is for a larger site area and is for 120 units. In accordance with strategy 34 we would be seeking 25% affordable housing (30 units). We would expect to see a tenure mix of 70% rented accommodation (21 units) and 30% (9 units) for shared ownership or a similar route to home ownership product as defined by NPPF.

The plans show 30 affordable units comprising of a mixture of 1, 2 and 3 bedroom houses and flats. The mix of house type will provide 12 x 1 bedroom flats, 15 x 2 bed houses and 3 x 3 bedroom houses and will meet the identified need in the district. The proposed tenure split will be provide 1 and 2 bedroom properties for rent and 2 and 3 bedroom homes for shared ownership and this is acceptable to meet the identified need. The sizes of the affordable dwellings are good and adequate parking is provided.

The clustering of the affordable units could be better especially to the northern part of the site. Moving one of the groups/terraces to the southern part would disperse the units better. All the affordable units will overlook the car breakers yard although acoustic fencing is proposed.

All the affordable housing should all be constructed to meet Building Regulations part M4(2) as per strategy 36. A number of the flats have been designed to meet this standard but all the affordable units should. Ideally a wheelchair accessible unit should be provided. The S106 for the southern part of the site does require that 5% of the affordable units are accessible by wheelchairs.

The affordable units should be tenure blind and transferred to and managed by a preferred registered provider. The affordable homes should be available in perpetuity. Nominations for the completed units should come through Devon Home Choice for the rented units and Help to Buy Southwest for the shared ownership. Future occupants of the affordable units should have a local connection to Exmouth, cascading to surrounding parishes and finally the district.

Natural England

Thank you for your consultation on the above dated, which was received by Natural England on 16 October 2018.

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

SUMMARY OF NATURAL ENGLAND'S ADVICE DESIGNATED SITES [EUROPEAN] - FURTHER INFORMATION REQUIRED

Habitats Regulations Assessment - Recreational Impacts on European Sites

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

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

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

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

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

Landscape advice

The proposed development is for a site within or close to a nationally designated landscape namely East Devon AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Sites of Special Scientific Interest Impact Risk Zones

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

requires local planning authorities to consult Natural England on "Development in or likely to affect a

Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The

dataset and user guidance can be accessed from the data.gov.uk website Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

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

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

ANNEX A

Natural England offers the following additional advice:

Protected Species

Natural England has produced standing advice¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Environmental enhancement

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

Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.

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

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

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

Access and Recreation

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

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making.

Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

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

Further comments:

Thank you for consulting us on the Addendum to the Ecological Report, providing the results of protected species surveys for the proposed development of 120 dwellings at Pankhurst Close, Exmouth.

Having considered the additional information, Natural England has no further comments to make in addition to our response dated 30th October 2018.

Environmental Health

I have considered the application and have liaised with the noise consultant prior to its submission in order that our concerns regarding the site layout and mitigation against existing noise from the adjacent scrap yard and commercial area could be designed in. The applicant has taken up our concerns and requirements and these have been incorporated into the noise report prepared by 24 Acoustics and dated 18th September 2018. I recommend the following condition:

"The recommendations specified in the noise report prepared by 24 Acoustics and dated 18th September 2018 shall be incorporated in full on the site and within any dwellings built on the site.

Reason: In order to protect the amenity of residents moving into the new homes from noise arising from existing commercial premises."

I am very concerned because access to this development involves all transport to approach and leave via busy residential roads. This has the potential to impact on local residents if not strictly controlled. I therefore recommend that a specific condition is included which deals with the impact of construction traffic on the existing community. I recommend that the route to and from the site shall be specified, requirements should be imposed on the developer to manage traffic to and from the site, to restrict transport hours to 8am - 6pm Monday to Friday, and 8am - 1pm on Saturdays, and to keep all approach roads clean. The absence of these kinds of clear commitments on a nearby site has had a significant impact on the amenity of local residents, much of which could be avoided. Please can you suggest draft wording for this condition.

A comprehensive Construction and Environment Management Plan is required to be submitted together with a commitment to ensure that its contents are shared with all site managers and sub-contractors. A suitable condition would be:

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

burning on site. There shall be no high frequency audible reversing alarms used on the site.

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

In addition, I think a specific noise condition should be required in order to ensure that the amenity of existing residents is protected from noise:

"No machinery shall be operated, no processes carried out and no deliveries accepted or despatched except between the hours of 8am and 6pm Monday to Friday, or 8am and 1pm on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of local residents from noise."

Contaminated Land Officer

I have considered the application and am aware of the past use of part of this site for commercial purposes. Most of the buildings have now been demolished and the clearance of oversite will remove any remaining debris. I do not anticipate any remaining materials which are likely to impact on the development process, or likely to remain on the site post-construction. However in a site of this nature there is always the potential to encounter unforeseen material and therefore I recommend that the following condition is included in any approval:

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

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.

Conservation

CONSULTATION REPLY TO WEST TEAM
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Land at Pankhurst Close Trading Estate, Pankhurst Close,
Exmouth

GRADE: Setting II APPLICATION NO: 18/2213/FUL

PROPOSAL: Construction of 120 no. dwellings with associated demolition, access, landscaping and infrastructure works

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

See listing description and information on file. Considerable detail is contained within the submitted Historic Environment Assessment dated October 2012, see file. The two designated heritage assets most closely affected by the development are Prattshayes and Green Farm and these are considered below.

Prattshayes is currently owned by the National Trust with associated outbuildings now used as a bunkhouse, camp site etc. It dates from circa 1700, but altered in the C18/19.

Green Farmhouse probably dates from C17 and C18 and is a long thatched two storey house with roughcast rendered elevations and several large chimneys. It is located to the east of the farm group and some of the original farm buildings appear to have been removed some time ago.

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

The proposed residential development site lies on higher ground to the north of Prattshayes and even closer to the north west of Green Farm. These comments relate to the impact of the development on the setting of the two designated heritage assets.

Both listed buildings currently enjoy a 'green farmland' setting lying in the valley to the south of the development site. There is clear intervisibility between them and the development site with any masking or screening arising from existing mature trees, particularly Prattshayes, and more limited hedging on the southern boundary of the development site. There is a direct link between the access track from Maer Lane, past Green Farm and up towards the site.

The rural farmland setting of both properties contributes to their significance and the development is therefore likely to impact on this setting and in turn its significance. The development is to the east of the open greenspace and due to the existing topography will be restricted to the top of the hill and the existing hedge line boundary. The immediate setting of the listed buildings will therefore be preserved, but the wider visual and landscaped setting will be certainly compromised, albeit that the impact will be minimal.

Due to the location of the development and the existing topography and vegetation, there is certainly opportunity for providing additional planting and landscaping to ensure that the boundary on the horizon remains strong, protecting the setting as far as is possible. In particular, plots 39 & 40 closest to the track running directly southeast to Green Farm will need careful attention and the line of development running along the hedge boundary and onto the open greenspace.

PROVISIONAL RECOMMENDATION - PROPOSAL

ACCEPTABLE in principle, subject to appropriate screening/planting, see above

DATE: 03/12/18

INITIALS: KBH

Devon County Archaeologist

I refer to the above application and your recent consultation. Previous archaeological work in this area has demonstrated that the greenfield element of the proposed development site has low archaeological potential. The northern part of the site has been subject to substantial disturbance through the construction of the extant industrial estate. As such, I do not consider that the scale and situation of this development will have any impact upon any known heritage assets.

The Historic Environment Team has no comments to make on this planning application.

South West Water

I refer to the above and would advise that South West Water has no objection and would further confirm that the public drainage and water distribution networks have capacity to support the development.

DCC Flood Risk SuDS Consultation

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 areas in the impermeable area plan do not correspond with the areas in the greenfield runoff calculations within the Flood Risk Assessment dated 27th September 2018 Revision 2. In line with DCC SuDS Guidance, only the impermeable areas should be used during calculation of greenfield runoff rates.

At the southern parcel of land, the flow control device has a very small diameter and is therefore at risk of blockage and causing localised flooding at the site.

We are delighted to see that an above ground feature is being utilised at the site to attenuate the runoff however, we would require two levels of treatment to the surface water runoff from the site prior to restricted discharge into the watercourse. This could take the form of underdrained permeable paving, swales or rain gardens or other sustainable drainage techniques.

It is acknowledged South West Water have stated that there is capacity in their network to accommodate flows from the northern parcel of land.

Further comments:

16/01/19- The proposed surface water drainage strategy provides a betterment, in terms of runoff rates, within the northern parcel. The proposed surface water drainage for the southern parcel utilises an attenuation basin to hold back flows and offers treatment to the runoff as well as amenity and biodiversity benefits. The southern parcel has been designed for long term storage in line with DCC SuDS Guidance (2017). 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:

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in

consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment Buckingham Heights Development At Pankhurst Close, dated 12th December Rev 3, Report Reference 5165-FR001.

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

(Reason for being a pre-commencement condition: A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream).

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

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

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

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

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

Historic England

LAND AT PANKHURST CLOSE TRADING ESTATE, PANKHURST CLOSE, EXMOUTH, DEVON

Application No. 18/2272/MFUL

Thank you for your letter of 20 November 2018 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments.

We suggest that you seek the views of your specialist conservation and archaeological advisers. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Environment Agency

Thank you for consulting us on this application.

Environment Agency position

We have reviewed the Ground Investigation Report Plumb Park Exmouth (Report: GCE00482/R1 October 2014) and the Contamination Investigation & Environmental Assessment Report (Report No: SR/TN/DT/09447/CIEAR February 2010). We have no objection to the proposal.

Reason

However, if, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

This is to ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

Other Representations

5 letters of objection have been received at the time of writing this report raising concerns which can be summarised as:

- Impact on local highway network, highway and pedestrian safety through additional traffic generation
- Design and materials are uninspiring
- Affordable units are next to scrapyards
- Does Littleham school have sufficient capacity?
- Suggestions made on how to improve biodiversity, habitat creation and to improve Green Infrastructure
- Does Exmouth have the infrastructure to cope with additional large scale housing?

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Exmouth Neighbourhood Plan

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 2 (Scale and Distribution of Residential Development)

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5 (Environment)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 49 (The Historic Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

H2 (Range and Mix of New Housing Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN5 (Wildlife Habitats and Features)

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

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off implications of New Development)

EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)

EN8 (Significance of Heritage Assets and their Setting)

EN9 (Development Affecting a Designated Heritage Asset)

EN14 (Control of Pollution)

EN16 (Contaminated land)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Site Location and Description

The site refers to land at Pankhurst Trading Estate, a 3.6 hectare site located to the east of Exmouth on the southern side of Littleham Road. The site is formed in two distinct parts; the northern part of the site is occupied by former industrial buildings which formed part of the Pankhurst trading estate. The southern part of the site is agricultural land. Both parts of the site are currently sub-divided by a species poor hedgerow.

The site is bounded to the east and west by existing hedgerow, residential properties and a school playing field. To the west is Pankhurst Trading Estate and a car breakers yard. Beyond this is the Plumb Park residential development of 264 dwellings currently under construction under planning approval ref 16/1022/MOUT.

The southern part of the site is open fields which slope down to the south and the west towards the Plumb Park development.

The entire site is located within the built-up area boundary of Exmouth as defined by the East Devon Local Plan. It is not the subject of any national or landscape designations however the East Devon Area of Outstanding Natural Beauty (AONB) is situated approximately 200 metres to the east of the site as its lowest point.

Planning History

It is pertinent to note that both portions of the application site benefit from two separate extant planning permissions for residential development.

13/1230/MFUL- on the northern part of the site for 50 dwellings

This planning permission was granted in 2016 on this former employment site for 50 dwellings which included the provision of 25% on-site affordable housing.

16/1022/MOUT- on the southern part of the site for 86 dwellings in outline with all matters reserved (as part of a wider hybrid planning permission).

This planning permission was granted in 2017 as a hybrid application for 264 dwellings and outline planning (with all matters reserved) for the construction of 86 dwellings on the southern part of the site known as Plumb Park.

Across the two planning permissions the site has planning permission (full and outline) for a total of 136 dwellings. Both planning permissions remain extant. The larger hybrid application has been implemented through the commencement of the full element of the development at Plumb Park and the 13/1230/MFUL planning permission has been implemented through demolition works undertaken at Pankhurst industrial estate.

Proposed Development

This application seeks planning permission for 120 dwellings providing a mix of residential units comprising a mix of 12 no 1 bedroom flats, 23 no 2 bedroom houses, 68 no 3 bedroom houses and 17 no 4 bedroom houses.

In accordance with policy requirements, the proposal makes provision for 30 affordable dwellings (25%) comprising of 12 no 1 bedroom flats, 15 no 2 bedroom house and 3 no 3 bedroom houses.

Within the site a principal street would run from the northern access point and loop around the southern part of the site. Secondary streets in the form of Mews Lanes would feed off the principal street.

The development would be predominantly two storey with a three storey apartment block backing onto the Pankhurst Industrial Estate. The scheme would allow for differing densities across the site with higher density housing being provided towards the existing urban form and lower density housing nearer the more landscape sensitive areas and the transition to open countryside. There would be a clear hierarchy of dwellings from large detached properties with larger plots to smaller terraced forms allowing for a variety in the proposed streetscape.

The dwellings would be a modern interpretation of the architectural style of dwellings in the area. Dwellings would be constructed from a pallet of materials which include red brick and off white render, grey roof slates. Key buildings would incorporate linear strips of timber effect boarding.

A large area of open space is proposed within the south west of the development which would include a Local Area of Play and sustainable drainage systems/attenuation features. A pedestrian pathway across the open space is proposed to link the Plumb Park development and the application site.

Vehicular access into the development would be via Pankhurst Close off of Littleham Road. Parking would be provided within private driveways and some off street parking allocated to residential units.

ANALYSIS

Issues and Assessment

The main issues to consider in determining this application are in terms of the principle of development, the impact on the landscape character and appearance of the area, the impact on the residential amenity of the occupiers of surrounding properties and future occupiers of the proposed development, the ecological, arboricultural and archaeological impact, the impact on the setting of heritage assets, highway safety and parking, flood risk and drainage, contaminated land.

Principle of Development

The entirety of the application site is located within the built-up area boundary of Exmouth as defined by the Adopted East Devon Local Plan. Strategy 6 (Development within Built-up Area Boundaries) and Strategy 22 (Development at Exmouth) both support residential growth within built-up area boundaries of towns and villages through strategic policy to accommodate growth and development. Strategy 22 in

particular allows for larger scale development with an emphasis on moderate new housing provision.

Furthermore, the aforementioned extant hybrid and full planning permissions for residential development on the site have established the principle of residential development for 130 dwellings on the site.

As such, it is considered that the principle of residential development on the site is acceptable and should be supported in order to contribute to meeting the housing need for Exmouth. The site is considered to be in a highly sustainable location within the Littleham area of Exmouth which has good services to everyday facilities and services to meet the needs of future residents and public transport. In this respect, the proposal is considered to comply with the provisions of policy TC2 (Accessibility of New Development) which requires new development to be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.

Whilst not yet 'made', the Exmouth Neighbourhood Plan is at an advanced stage of preparation having recently been found sound at examination. Subject to some minor modifications, the Neighbourhood Plan is due to go to referendum in March this year. As such it is considered that moderate weight should be attributed to the NP. It isn't considered that this proposal conflicts with any of the policies with the Exmouth Neighbourhood Plan.

The principle of development is therefore considered to be acceptable.

Landscape, Visual Impact and Design

The site is not the subject of any statutory landscape designation. However the East Devon AONB is situated approximately 200 metres to the east of the site at its closest point.

Paragraphs 170 to 172 of the National Planning Policy Framework gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape. Strategy 46 - Landscape Conservation and Enhancement and AONBs of the Local Plan states that when considering development in or affecting AONBs, great weight will be given to conserving and enhancing their natural beauty and major development will only be permitted where it can be shown that it cannot be reasonably accommodated elsewhere outside of the AONB.

No part of the application site is falls within the AONB landscape designation however it is important to assess the impact of the proposal on the wider landscape taking into account its nature, scale and setting and whether it would have a significant adverse impact on the purposes for which the area has been designated or defined.

The application is accompanied by a Landscape Visual Impact Assessment which concludes that the visual envelop of the site is restricted by landform, vegetation and the built-up area of Exmouth, such that views of the proposed development would be

largely restricted in extent to partial views from some points on nearby public rights of way and roads to the south of the site as well as some distant views from the PROW within the East Devon AONB.

Officers agree with the assessment noting that the proposal seeks to retain and enhance the majority of the trees and hedgerows within the site and vegetation on the perimeter of the site which would be strengthened by new planting. Whilst it is accepted that there would be some adverse landscape and visual effects in relation to development on the southern agricultural part of the site, the effects of the proposed development would be localised and limited in their extent due to the restricted landform and the topography of the site noting that from longer distance views the development would be viewed in the context of the settlement of Littleham and the adjacent Plumb Park development currently under construction. As such it is not considered that the proposal would result in any unacceptable long term landscape and visual effects or result in any significant adverse impact on the AONB and the wider landscape.

The Council's Landscape Architect has considered the proposals and has advised that the layout of the housing areas is generally well conceived and detailed and subject to some minor changes is considered acceptable in terms of landscape design and impact. It should also be noted that the design approach to the scheme across the two sites which already benefit from extant planning permissions would allow for a better designed and more comprehensive residential development rather than implementing two separate planning consents.

Amended plans have been received addressing the Landscape Officers comments on the proposal.

With the large area of multi-functional public open space physically separating the proposed scheme from the Plumb Park development, the residential scheme would create a high quality development in a form and layout which is considered to be appropriate to the prevailing pattern and form of development in the surrounding areas. The layout of the scheme would allow for a higher density of housing to be provided with smaller dwellings in smaller plots to the north of the site where closest to the urban form with larger dwellings in larger plots at a lower density to the south which would respect the transition to the open countryside. This is considered to be a sensitive and appropriate approach to development of the site.

Whilst concerns have been raised about the design of the dwellings, it is considered that the house types, their design and use of materials would be appropriate for the site's context and surrounding residential development. It is considered that the proposals would meet the requirements of policy 127 of the NPPF which seeks to ensure that developments function and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate effective landscaping, are sympathetic to local character, including the surrounding built environment and landscape setting, establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live. The proposal is considered to comply with the provisions of Strategy 6 (Development within Built-Up Area Boundaries) and policy D1 (Design and Local Distinctiveness) of the Local Plan.

Highway Safety

Policy TC7 (Adequacy of Road Network and Site Access) of the Local Plan states that planning permission will not be granted if the proposed access or the traffic generated by the development would be detrimental to the safe and satisfactory operation of the local, or wider, highway network. The County Highway Authority have been consulted on the application and has advised the following:

The site forms part of two separate developments that have extant planning permissions 13/0297/MOUT & 16/1022/MOUT. Therefore the principle of residential development in planning terms is established.

The applicant has supplied a Technical Note for traffic distribution and junction modelling for 136 dwellings for Pankhurst Close and the Phase 2 element of Plumb Park (originally proposed to be accessed from Pankhurst Close). It demonstrates that the (now proposed) 120 number of dwellings can obtain access via Pankhurst Close without any severe impact on the existing mini roundabout junction and compared with the already consented Plumb Park development.

It should be noted at this point that the original proposal to create a vehicular route joining the Pankhurst Close development and the Plumb Park development has been dropped and the access from Pankhurst Close will only serve the 120 dwellings which form this application and the CHA does not dispute the findings of the Technical Note.

The site will benefit from an access directly off Pankhurst Close and footway provisions on both sides of the road for the Main Site Roads and footway provisions on one side of the Mews Lanes.

An informal pedestrian link is proposed to connect with the adjacent Plumb Park to the southwest through the landscaped area. However this is not proposed to be a primary route for pedestrians or cyclists and is not proposed to be adopted by the CHA.

The roads and junctions within the site will have suitable visibility splays for the assumed residential traffic speeds of 20mph which is determined by the constraints of the highway layout.

The roads and footways are generally of a tarmac surface finish with some changes of surface materials at some of the junctions. The CHA reserves the right to comment on the nature of these changes in surface materials within any agreement to adopt the roads. This is mainly to stop the proliferation of block paving in areas where there will be large numbers of vehicle turning movements.

Whilst the concerns regarding the increased traffic generation are noted, the applications justifies this and these concerns are to some extent off-set by the benefit to the residents of Buckingham Place who will have less cars access the Plumb park development from that residential road.

In the absence of any concerns from the County Highway Authority, it is considered the proposed development would comply with the provisions of policy TC7 of the Local Plan.

Residential Amenity

Policy D1 (Design and Local Distinctiveness) of the Local Plan requires that proposals do not adversely affect the amenity of occupants of proposed future residential properties. In this respect it is important to consider the standards of amenity that would be provided for those dwellings which back onto an existing scrap yard and other commercial uses at Pankhurst.

In this respect, the Council's Environmental Health Officer has liaised with the applicant's noise consultant prior to application submission in order that concerns regarding the site layout and mitigation against existing noise from the adjacent scrap yard and commercial area could be designed in. The applicant has taken up the EHO's concerns and requirements and these have been incorporated into the noise report prepared by 24 Acoustics and dated 18th September 2018.

The EHO is satisfied that the noise mitigation recommendations contained within the report which include acoustic fencing to rear boundaries and glazing and ventilation requirements to reduce noise levels in habitable rooms are sufficient to ensure that the amenities of future occupiers of dwellings nearest to the scrap yard are acceptable.

The Council's EHO has also raised concerns about the impact construction traffic could have on local residents if not strictly controlled. A condition for the submission of a Construction and Environmental Management Plan is therefore recommended which deals with the impact of construction traffic on the existing community to include the following: that the route to and from the site shall be specified, requirements should be imposed on the developer to manage traffic to and from the site, to restrict transport hours to 8am - 6pm Monday to Friday, and 8am - 1pm on Saturdays, and to keep all approach roads clean. The absence of these kinds of clear commitments on a nearby site has had a significant impact on the amenity of local residents, much of which could be avoided.

The proposed development would have its greatest impact on the occupiers of no 86 and 86a Littleham Road whose curtilage borders the sites eastern boundary. The layout of the development would be such that a number of plots (6-15) would be orientated with their rear elevations facing towards 86 and 86a. Whilst this would be a noticeable change to the former industrial unit, it is considered that these plots would be positioned a sufficient distance from the boundary in planning terms so as not to result in excessive overlooking or unacceptable levels of loss of privacy. It would not result in a relationship that would be uncommon in an urban environment.

Affordable Housing

In accordance with strategy 34 (District Wide Affordable Housing Provision Targets) of the Local Plan, this proposal would provide 25% affordable housing (30 units).

The submitted plans show 30 affordable units comprising of a mixture of 1, 2 and 3 bedroom houses and flats. The Council's Housing Strategy Officer has advised that the mix of house types would provide 12 x 1 bedroom flats, 15 x 2 bed houses and 3 x 3 bedroom houses would meet the identified need in the district. The proposed tenure split would provide 1 and 2 bedroom properties for rent and 2 and 3 bedroom

homes for shared ownership and this is acceptable to meet the identified need. The sizes of the affordable dwellings are good and adequate parking would be provided.

To address concerns expressed about the clustering of the affordable units, amended plans have been received which have moved one of the groups/terraces to the southern part of the site such that it is considered that the affordable housing is dispersed more evenly across the development as required by Strategy 34. In addition, all the affordable housing would be constructed to lifetime homes standards which includes wider parking spaces.

Subject to securing the affordable housing through a S106 agreement, it is considered that the proposal is policy compliant in respect of affordable housing provision.

Heritage Impact

Considerable detail is contained within the submitted Historic Environment Assessment dated October 2012. The two designated heritage assets most closely affected by the development would be Prattshayes and Green Farm and these are considered below.

Prattshayes is currently owned by the National Trust with associated outbuildings now used as a bunkhouse, camp site etc. It dates from circa 1700, but altered in the C18/19.

Green Farmhouse probably dates from C17 and C18 and is a long thatched two storey house with roughcast rendered elevations and several large chimneys. It is located to the east of the farm group and some of the original farm buildings appear to have been removed some time ago.

The proposed residential development site lies on higher ground to the north of Prattshayes and even closer to the north west of Green Farm and the Council's Conservation Officer has provided an assessment of the impact of the development on the setting of the two designated heritage assets.

Both listed buildings currently enjoy a 'green farmland' setting lying in the valley to the south of the development site. There is clear intervisibility between them and the development site with any masking or screening arising from existing mature trees, particularly Prattshayes, and more limited hedging on the southern boundary of the development site. There is a direct link between the access track from Maer Lane, past Green Farm and up towards the site.

The Conservation Officer has advised that the rural farmland setting of both properties contributes to their significance and the development is therefore likely to impact on this setting and in turn its significance. The development is to the east of the open greenspace and due to the existing topography would be restricted to the top of the hill and the existing hedge line boundary. The immediate setting of the listed buildings would therefore be preserved, but the wider visual and landscaped setting would be compromised, albeit that the impact would result in less than substantial harm.

In accordance with the requirements of paragraph 196 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a

designated heritage asset, the harm has to be weighed against the public benefits of the proposal.

In this case, whilst the concerns of the Conservation Officer in respect of the impact of the development on the wider visual and landscape setting of heritage assets are noted, it is considered that the proposed residential development would give rise to a number of public benefits to Exmouth which includes the provision of additional housing stock for the town, the provision of 30 units of affordable housing to meet a clear need in the town, jobs created through construction and the provision of a large area of public open space for local residents. On balance, it is considered that the less than substantial harm that would result to the wider landscape setting of heritage assets is outweighed by the public benefits of the scheme such that an objection could not be sustained on these grounds. The proposal is considered to comply with the provisions of policy EN9 (Development Affecting a Designated Heritage Asset) of the Local Plan.

Archaeological Impact

The County Council's Historic Environment Team has considered the application and advised that previous archaeological work in this area has demonstrated that the greenfield element of the proposed development site has low archaeological potential. The northern part of the site has been subject to substantial disturbance through the construction of the extant industrial estate. As such, it is not considered that the scale and situation of this development would have any impact upon any known heritage assets and that the proposal would comply with the provisions of policy EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance) of the Local Plan.

Contaminated Land

The application has been considered by the Council's Contaminated Land Officer who has advised that they are aware of the past use of part of this site for commercial purposes. Most of the buildings have now been demolished and the clearance of oversite will remove any remaining debris. It is not anticipated that any remaining materials which are likely to impact on the development process, or likely to remain on the site post-construction. However in a site of this nature there is always the potential to encounter unforeseen material and therefore a condition is recommended that in the event of contamination of soil or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. The proposal is considered to comply with the provisions of policy EN16 (Contaminated Land) of the Local Plan.

Public Open Space and On Site Play

The Design and Access Statement places a strong emphasis on delivering a high quality, multifunctional Public open space (POS) on land to the west of the site. In response to concerns raised by the Council's Landscape Architect, amended plans have been received which propos a better and more usable footpath link across the POS from the housing area to Plumb Park. Given these two destinations either side of the application site the path needs to provide an attractive, accessible and

convenient pedestrian link between the two to encourage walking. The footpath route through the public open space has been amended, along with its gradient, its width and with the introduction of rest stops, view points and steps.

Whilst the concerns from the Landscape Architect in respect of a lack of lighting for the access path are noted, these concerns have been passed onto the applicants whose ecologist has advised that such public realm lighting could disturb commuting bats moving along the existing hedgerow on the site's western boundary. Whilst lack of lighting on the footpath and within the open space area is a missed opportunity, it is broadly accepted that the impacts of such lighting on bats could be significant and should be avoided as per the recommendations contained within the submitted ecology report.

Further consideration has been given to the proposed swale/ attenuation pond following concerns about it being awkwardly situated across the bottom (southwestern) entrance to the open space with an over-engineered shape and profile. The location and design of drainage attenuation has been reconsidered and now provides a more naturalistic solution that integrates better with the site contours and does not adversely impact pedestrian access.

Further details of the proposed natural play area have been provided including details of play features, surfacing, proposed means of access and drainage which should aim to ensure that the area is useable as intended all year round.

It is important to consider infrastructure required for future occupiers of the development. In accordance with Strategy 43 (Open Space standards) of the Local Plan it would be necessary to provide amenity open space and children's and youth play space on site. The costing of providing the local equipped area of play (LEAP) is calculated as £43,819.20 covering an area of 257.76 sqm. The proposal includes details of a LEAP in the public open space consisting of a low level climbing timber frame around a central post. Whilst the play equipment is acceptable in principle, the site area does not cover the required 260 sqm and no costing breakdown has been provided. These issues can be appropriately secured through a section 106 agreement and a condition is also recommended requiring the submission of additional details of the LEAP. In addition, this development requires £13,532.40 to be spent on the provision of amenity open space which could be attributed to the provision of a pedestrian pathway, steps, seating and viewing platforms within the POS. This can be secured through a legal agreement.

In principle it is considered that the proposal is in accordance with Strategy 43. A final detailed scheme for the LEAP can be secured through condition, the appropriate size and costing of which can be secured through a legal agreement.

Ecological Impact

The application is accompanied by an Ecological Impact Assessment prepared by a suitably qualified ecologist. The report identifies that the northern section of the site comprises of derelict industrial buildings set amongst areas of hard standing, amenity grassland, poor semi-improved grassland, semi-improved neutral grassland and patches of bramble scrub. The southern section of the site comprises of improved

grassland bordered by a species rich hedge with trees to the west, a species poor hedge to the south, west and north.

In accordance with the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017, under the provisions of EN5 (Wildlife Habitats and Features) of the Local Plan there is a legal duty to assess the impact the proposed development would have on protected species. In this respect, the ecological impacts are considered to be the following:

Badgers- the surveys recorded two partially used subsidiary badger setts in the hedgerows in the south east of the site and a further four single entrance outlier setts in the western boundary hedgerow. A licence from Natural England will be required for any active setts likely to be damaged or disturbed during site clearance/ construction. This would enable the temporary or permanent closure of the affected setts between July and November. Best practice measures have also been put forward during construction to protect badger welfare, excavations and piping to deter badgers from entering.

Dormice- Hazel dormice were not recorded during a nest tube survey or feeding sign survey, confirming the absence of this species within the site. An application for a licence from Natural England will be required and a mitigation statement has been put forward to ensure that habitat removal is undertaken sensitively. In addition, plating of approximately 311 linear metres of native species-rich hedgerow would provide habitat for dormice and enhance habitat connectivity with existing retained hedgerows.

Reptiles- The grassland and scrub within the site provided suitable habitat for reptiles. A good population of slow worm was recorded mainly within the semi-improved neutral and poor semi-improved grassland in the north of the site. To ensure no reptiles are affected during construction, a reptile exclusion zone and translocation of the northern section of the site would be undertaken.

Amphibians- No suitable amphibian breeding habitat (ponds) was recorded on site. The presence of great crested newt on-site is considered to be highly unlikely.

Birds- To avoid impacts on nesting birds, hedgerow and scrub clearance would be undertaken outside of the main bird breeding season. Hedgerow protection fencing would be installed to ensure that retained hedgerows adjacent to the construction area are protected from disturbance. To enhance nesting habitat on site, the proposal makes for the provision of 20 Schwelger Type 1A swift boxes to be integrated into the development.

Cirl Bunting: No Cirl bunting were recorded during site surveys and are considered to be absent from the site.

Bats- Hedgerows and field margins provide suitable bat foraging habitat and flight-lines, although bat activity was dominated by common/ widespread species. No bat roosts were recorded. The report advises that retained hedgerows would be maintained as corridors remaining suitable for use by foraging and commuting bats and that contractors compounds and lighting should be located away from trees and hedgerows to minimise potential lighting and disturbance.

To enhance roost availability for crevice roosting species, it is proposed to install a minimum of 20 1FR Schwegler bat tubs on the gable walls of new residential units.

Accordingly, subject to a condition requiring the development to be carried out in accordance with the mitigation measures contained within the Ecological Surveys and for the submission of a Landscape and Ecological Management Plan detailing how retained and proposed habitats will be managed in the long term, it is considered that the proposed development would not result in significant adverse residual or cumulative effects or impact unreasonably on protected species that may be evident on site. The proposal is considered to comply with the provisions of Policy EN5 of the Local Plan.

Arboricultural Impact

With the exception of the removal of around 70 metres of species poor hedgerow which separates the northern and southern parts of the site, the proposal is considered to be arboriculturally sustainable with the majority of trees and vegetation around the perimeters of the site being retained and enhanced. Amended plans have been received which have addressed the concerns of the Council's tree officer in respect of the tree constraints plan and tree protection plan providing further clarification over protective fencing for retained trees and hedgerows. Subject to conditions requiring the submission of detailed tree pit design for the trees planted within the developed area, details of soil volume and planting pit design suitable to tree growth for anticipated mature crown size the proposal is considered to be acceptable in terms of its arboricultural impact and would comply with the provisions of policy D3 (Trees and Development Sites) of the Local Plan.

Flood Risk and Drainage

The application is accompanied by a drainage strategy which confirms that disposal of surface water via infiltration techniques is not suitable for the site given its low permeability. The shape of the site and its topography favour a surface water drainage system using two outfalls:

- Development within the southern natural catchment of the site would drain south west to the stream that runs along the western boundary of the site.
- Development within the northern natural catchment of the site will drain to the existing south west water surface water sewer in Pankhurst Close.

The report concludes that long term storage will need to be provided to mitigate the effects of increased volumes of surface water run-off discharged from the site due to the increase in impermeable areas associated with the development.

In this respect it is proposed that the southern part of the site would drain into the existing stream to the west via two attenuation basins located in the public open space area providing 141 m³ of long term storage. Discharge from the southern network would be restricted by a complex flow control which would ensure that discharge rates do not exceed the equivalent greenfield rates for this part of the site. A swale at the top of the open space is proposed to allow treatment of pollutants.

Following an objection from the County Council's Flood Risk Management Team, the flood risk assessment and drainage strategy has been revised to address the concerns raised. The County Council has now removed their objections to the proposal and are satisfied that the proposed surface water drainage strategy provides a betterment, in terms of runoff rates, within the northern parcel of the site.

The proposed surface water drainage for the southern parcel utilises an attenuation basin to hold back flows and offers treatment to the runoff as well as amenity and biodiversity benefits. The southern parcel has been designed for long term storage in line with DCC SuDS Guidance (2017). Subject to pre-commencement conditions requiring the submission of a detailed surface water scheme during construction and to serve the development being imposed the proposal is considered to conform with the provisions Policy EN22 (Surface Run-Off Implications of New Development) of the Local Plan. The additional information submitted demonstrates in principle that all aspects of the proposed surface water drainage management system have been considered and that the surface water principles set out will ensure that the development does not increase the risk of flooding to surrounding areas and will mimic the existing site and deal with the impacts of climate change.

Appropriate Assessment

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

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

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

- o Dawlish Warren
- o South West Exeter
- o Cranbrook
- o Exmouth

The delivery of the mitigation strategy is overseen by the South East Devon Habitat Regulations Partnership which includes representatives from East Devon, Exeter and Teignbridge Councils. Significant progress is being made with delivery of the first two of these spaces with monies having been identified for purchase of these sites and in the case of the Dawlish Warren SANGS work is understood to be underway for its delivery. Negotiations are on-going with the Cranbrook consortium regarding the third

SANGS area but it is envisaged that the necessary SANGS area will be delivered as part of the expansion areas. This just leaves the Exmouth SANGS, however Natural England are content that the required mitigation is being delivered across the wider area through the partnership and acknowledge that the Exmouth SANGS can come forward later in the plan period. It is considered to be the least significant of the 4 in mitigation terms because of the relatively modest levels of housing development proposed in the Local Plan for Exmouth compared to the other areas where SANGS are required. This is not however to diminish its importance in terms of delivery of the overall strategy.

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

Given that SANGS is being provided within the area to mitigate development, and given that the development will contribute financially to the provision of these area through CIL payments, it is considered that the proposal adequately mitigates any impacts upon the Pebblebed Heaths and Exe Estuary and will not result in any likely significant effects.

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

Planning Obligations

The application is accompanied by a draft Section 106 Agreement which acknowledges the requirement for the payment of financial contributions towards habitat mitigation in view of the location of the site within the 10 km. radius of the Exe estuary SPA, SAC and SSSI within which the current joint interim approach towards such requests are applied by the Authority in common with both Exeter City and Teignbridge District Councils. The Section 106 agreement would also secure the following:

- The provision of 25% (30 units) of the proposed dwellings as affordable housing.
- The provision of public open space and play area, expenditure, and timing for delivery.
- The management and maintenance arrangements for the public open space land.

CONCLUSION

This application seeks planning permission for 120 dwellings providing a mix of residential units including 25% affordable housing on-site.

It is pertinent to note the application site benefit from two separate extant planning permissions for residential development (full and outline) for a total of 136 dwellings. Given this and as the entire site is located within the built-up area boundary of Exmouth, the principle of development is acceptable.

The design approach provides a more comprehensive residential development than the two separate planning consents with the layout and design of the proposed residential development being generally well conceived and detailed and is considered to be acceptable in terms of its wider landscape impact.

Concerns have been raised regarding the number of vehicles accessing the site and the impact upon the wider highway network but this has been justified by the applicant and there is no objection from Devon County as the Highway Authority. Whilst more vehicles will use the local roads and roundabout to access the site, the proposal will reduce the traffic pressure on Buckingham Close that forms part of the Plumb Park development.

The impact of the development on heritage assets, flood risk and drainage, ecology, trees and European protected sites, archaeology, noise and residential amenity have been carefully assessed and are considered to be acceptable subject to further detail which can be adequately addressed through conditions.

The application presents a number of clear social, economic and environmental benefits that would be of benefit to Exmouth, positively contributing to the housing needs of the town and the wider district. The application is therefore recommended for approval.

RECOMMENDATION

1. That the Habitat Regulations Appropriate Assessment attached to the Committee Report be adopted.

2. That the application be APPROVED subject to a S106 legal agreement and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Notwithstanding the submitted details, no development above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
4. Prior to commencement of any part of the site a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 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;

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

(Reason: To ensure that adequate on site facilities are available for all traffic attracted to the site during construction and to minimise the impact of the construction period on the residential amenities of residential properties in accordance with policies TC7 (Adequacy of Road Network and Site Access) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031).

5. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance 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 in so far as the application site is affected.

(Reason: To provide adequate visibility from and of emerging vehicles in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031).

6. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway (Reason: In the interest of public safety and to prevent damage to the highway in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031).

7. Any existing accesses shall be effectively and permanently closed in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the new access is capable of use.

(Reason: To prevent the use of a substandard access and to minimise the number of accesses on to the public highway in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031).

8. No other 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 on the public highway frontage required by this permission has been constructed up to base course level.

D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.

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

9. 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;

(Reason: To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031).

10. 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 TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031).

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

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

12. Prior to the commencement of development (including any demolition and site preparation works) a detailed construction traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. The construction traffic management plan shall include at least the prescribed routes to the site, delivery times and instructions, contractors on-site parking arrangements and facilities for road cleansing. The development shall thereafter be carried out in full accordance with the approved details.

(Reason: To protect the amenity of local residents in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

13. No machinery shall be operated, no processes carried out and no deliveries

accepted or despatched except between the hours of 8am and 6pm Monday to Friday, or 8am and 1pm on Saturdays, and not at all on Sundays or Bank Holidays. (Reason: To protect the amenities of local residents from noise in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

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

(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

15. No dwelling identified in zones of 2 and 3 of figure 4 Rev B shall be occupied until its mitigation measures specified within sections 5 and 6 of noise report prepared by 24 Acoustics including the installation of the acoustic fence have been implemented in full. The noise mitigation measures including the acoustic fencing shall thereafter remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

(Reason: To ensure a good standard of amenity for future occupiers of the development in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031).

16. The landscaping scheme hereby approved (except for the details required by condition 17 of this permission) shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

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

17. Notwithstanding the submitted landscape proposals (ref 8429-L-01 REV E and 8429-L-04 REV E)) no work to the public open space shall commence until the following information has been submitted to and approved in writing to the Local Planning Authority:

a) A full set of hard landscape details covering earthworks, walls, retaining structures, fencing, pavings and edgings, site furniture and signage, bridge and culvert and surfacing of the footpath.

b) Details of the public open space including proposed levels and drainage scheme

incorporating SuDS features to include sections through the drainage basins and details of inlets and outlets

c) Details of landscaping to the western boundary of the residential plots to include the planting of heavy standard trees in the boundary hedge.

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

(Reason: To ensure that the layout and design of public open space makes a positive contribution to the development and to integrate the area into the landscape in accordance with policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031).

18. Prior to commencement of any development, a Landscape and Ecological Management Plan (LEMP) for the whole site shall be submitted to and approved in writing by the Local Planning Authority. This shall be based on the proposed mitigation, compensation and enhancement measures contained within the Ecological Impact Assessment and Addendum prepared by EAD Ecology received on the 4th October 2018 and 8th November 2018. The development shall thereafter be carried out in accordance with the approved details.

(Reason: To ensure that the impacts of the development on ecology/ protected species and the landscape is suitably mitigated for and to comply with policies EN5 (Wildlife Habitats and Features), D2 (Landscape Requirements) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013-2031. The LEMP is required prior to commencement as some mitigation will be needed at the start of the development).

19. The development hereby permitted shall be carried out in accordance with the ecological mitigation measures and recommendations contained within Section 4 of the Ecological Impact Assessment and Addendum received on the 4th October 2018 and 8th November 2018.

(Reason: In the interests of ecology and biodiversity in accordance with policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031).

20. The development hereby approved shall be carried out in accordance with the finished floor levels and levels strategies submitted.

(Reason - In the interest of the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

21. Notwithstanding the submitted details and prior to the construction of the Local Equipped Area of Play, details of the play equipment, boundary treatment, seating, bins and surfacing shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

(Reason: To ensure a good standard of children's play equipment is provided for

the development in accordance with Strategy 43 (Open Space Standards) of the East Devon Local Plan 2013-2031).

22. The garages and car parking spaces necessary for and associated with each individual dwelling shall be kept available for the parking of a vehicle at all times.
(Reason: To ensure that adequate garaging/ parking provision remains available in accordance with policy TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the East Devon Local Plan 2013-2031).
23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken to plots 40-52 within the Schedule 2 Part 1 Classes B, or E for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool, [other than any enclosure approved as part of the landscape management scheme]
(Reason - The space available would not permit such additions with detriment to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
24. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment Buckingham Heights Development at Pankhurst Close, dated 12th December Rev 3, Report Reference 5165-FR001.
(Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
Reason for being a pre-commencement condition: A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream in accordance with the provisions of policy EN22 (Surface Run-Off Implications of New Development of the East Devon Local Plan 2013-2031).
25. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.
(Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.
Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure).

26. No retained hedges shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the Local Planning Authority. Any hedges removed or reduced without such consent or which die or become severely damaged shall be replaced with hedging plants of such size and species as may be agreed with the Local Planning Authority. Any hedges dying or becoming seriously diseased within five years of the completion of the development shall be replaced with hedging plants of such size and species as may be agreed with the Local Planning Authority. (Reason: To ensure that hedgerows are satisfactorily safeguarded, managed and maintained in the long term / in perpetuity, in the interest of nature conservation and the visual amenity of the area and to accord with policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031).
27. The development hereby approved shall be carried out in accordance with the tree protection plan and Arboricultural Method Statement shown on drawing number T05072 TPP REV D.
(Reason: To ensure that retained trees and hedgerows are adequately protected during construction in the interests of the rural landscape character and appearance of the area in accordance with policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031).
28. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.
(Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031).
29. Notwithstanding the submitted details and prior to commencement of any landscaping of the site details of tree pit designs for all tree shall be submitted to and approved in writing by the Local Planning Authority. All tree pit preparation and tree planting shall be strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
- a) Details of tree pit design within the: 1) modified soil construction area and 2) undisturbed ground.
 - b) For trees planted within the construction area details of: 1) Soil volume available for root growth in relation to anticipated mature crown size 2) Suitable tree pit design to achieve mature crown size suitable surface treatment.

Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall

be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

(Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policies D1 (Design and Local Distinctiveness) D2 (Landscape Requirements) and D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031).

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:

Impact Assessment Addendum	Ecological Assessment	08.11.18
12 DEC 2018 REV 3 (ADDITIONAL)	Flood Risk Assessment	17.12.18
P17-2206_03 REV U1 (AMENDED)	Layout	17.12.18
P17-2206_11 SHEET 01 REV G : MATERIALS PLAN (AMENDED)	Other Plans	17.12.18
P17-2206_11 SHEET 07 REV 1 : REFUSE STRAT PLAN (ADDITIONAL)	Other Plans	17.12.18
P17-2206_11 SHEET 06 REV B : PARKING STRAT PLAN (ADDITIONAL)	Other Plans	17.12.18
P17-2206_08 REV G (AMENDED)	Street Scene	17.12.18
P17-2206_08 SHEET 02 REV A (AMENDED)	Street Scene	17.12.18

P17-2206_03
SHEET 01 REV
A (AMENDED)

Block Plan

17.12.18

5165-1513 REV P8 : LEVELS STRAT SHEET 3 (AMENDED)	Other Plans	17.12.18
5165-1511 REV P6 : LEVELS STRAT SHEET 1 (ADDITIONAL)	Other Plans	23.11.18
5165-1512 REV P6 : LEVELS STRAT SHEET 2 (ADDITIONAL)	Other Plans	23.11.18
5165-1514 REV P1 VEH SWEPT PATHS/REFUSE/ FIRE (ADDITIONAL)	Other Plans	23.11.18
P17_2206_04 SHEET 02 REV E (AMENDED)	Proposed Combined Plans	17.12.18
P17_2206_04 SHEET 03 REV E (AMENDED)	Proposed Combined Plans	17.12.18
P17_2206_04 SHEET 04 REV D (AMENDED)	Proposed Combined Plans	17.12.18
P17_2206_04 SHEET 06 REV D (AMENDED)	Proposed Combined Plans	17.12.18
P17_2206_04 SHEET _7 REV F (AMENDED)	Proposed Combined Plans	17.12.18
P17_2206_04 SHEET _14 REV E (AMENDED)	Proposed Combined Plans	17.12.18
P17_2206_04 SHEET 15 REV E (AMENDED)	Proposed Combined Plans	17.12.18

EAD ECOLOGY : AUGUST 2018	Ecological Assessment	04.10.18
AC ARCHAEOLOGY : JULY 2016	Archaeological Report	04.10.18
CONTAMINATION INVESTIGATION +ENV ASSESSMENT : FEB 2010	General Correspondence	04.10.18
24ACOUSTICS : R7391-3 REV 1 18 SEPT 2018	Noise Impact Assessment	04.10.18
P17-2206_09 REV B1	Location Plan	12.10.18
P17-2206_04 SHEET_01 REV _C1 : PA34	Proposed Combined Plans	04.10.18
P17-2206_04 SHEET_05 REV _D1 PT36	Proposed Combined Plans	04.10.18
P17-2206_04 SHEET_8 REV _C1 PA25	Proposed Combined Plans	04.10.18
P17-2206_04 SHEET_9 REV _C1 PA25	Proposed Combined Plans	04.10.18
P17-2206_04 SHEET_10 REV _D1 PA33	Proposed Combined Plans	04.10.18
P17-2206_04 SHEET_11 REV _C1 PA33	Proposed Combined Plans	04.10.18
P17-2206_04 SHEET_12 REV _D1 PT35	Proposed Combined Plans	04.10.18
P17-2206_04 SHEET_12.1 REV _D1 PT35 AFF	Proposed Combined Plans	04.10.18

P17-2206_04 SHEET_13 REV _C1 AA23	Proposed Combined Plans	04.10.18
P17-2206_04 SHEET_16 REV_1 : GARAGES	Proposed Combined Plans	04.10.18
P17-2206_07 SHEET 02 REV 11 : APARTMENT	Proposed Elevation	04.10.18
05072 TPP REV D	Tree Protection Plan	23.01.19
8429-L-02 REV E	Landscaping	22.01.19
8429-L-03 REV E	Landscaping	22.01.19

Appropriate Assessment		
The Conservation of Habitats and Species Regulations 2017, Section (63)		
Application Reference	18/2272/MFUL	
Brief description of proposal	Construction of 120 no. dwellings with associated demolition, access, landscaping and infrastructure works	
Location	Land At Pankhurst Close Trading Estate Pankhurst Close Exmouth	
Site is:	<p>Within 10km of Dawlish Warren SAC and the Exe Estuary SPA site</p> <p>Within 10km of the Exe Estuary SPA site alone (UK9010081)</p> <p>Within 10km of the East Devon Heaths SPA (UK9010121)</p> <p>Within 10km of the East Devon Pebblebed Heaths SAC (UK0012602)</p> <p>Within 10km of the Exe Estuary Ramsar (UK 542)</p> <p>(See Appendix 1 for list of interest features of the SPA/SAC)</p>	
Step 1		
Screening for Likely Significant Effect on Dawlish Warren SAC, Exe Estuary SPA or Pebblebed Heaths SPA/SAC or Exe Estuary Ramsar sites		
Risk Assessment		
<p>Could the Qualifying Features of the European site be affected by the proposal?</p> <p>Consider both construction and operational stages.</p>	<p>Yes - additional housing within 10km of the SPA/SAC will increase recreation impacts on the interest features.</p>	
Conclusion of Screening		
<p>Is the proposal likely to have a significant effect, either 'alone' or 'in combination' on a European site?</p>	<p>East Devon District Council concludes that there would be Likely Significant Effects 'alone' and/or 'in-combination' on features associated with the proposal at Land At Pankhurst Close Trading Estate, Pankhurst Close, Exmouth in the absence of mitigation.</p> <p>See evidence documents on impact of development on SPA/SAC at: East Devon District Council - http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf</p> <p>An Appropriate Assessment of the plan or proposal is necessary.</p>	
Local Authority Officer		Date:

Step 2

Appropriate Assessment

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

In-combination Effects

Plans or projects with potential cumulative in-combination impacts. How impacts of current proposal combine with other plans or projects individually or severally.	Additional housing or tourist accommodation within 10km of the SPA/SAC add to the existing issues of damage and disturbance arising from recreational use. In –combination plans/projects include around 29,000 new dwellings allocated around the estuary in Teignbridge, Exeter and East Devon Local Plans. This many houses equates to around 65,000 additional people contributing to recreational impacts.
Mitigation of in-combination effects.	The Joint Approach sets out a mechanism by which developers can make a standard contribution to mitigation measures delivered by the South East Devon Habitat Regulations Partnership. Residential development is also liable for CIL and a proportion of CIL income is spent on Habitats Regulations Infrastructure. A Suitable Alternative Natural Green Space (SANGS) has been delivered at Dawlish and a second is planned at South West Exeter to attract recreational use away from the Exe Estuary and Dawlish Warren.

Assessment of Impacts with Mitigation Measures

Mitigation measures included in the proposal.	Joint approach standard mitigation contribution required <ul style="list-style-type: none">Residential units £201.61 x 120 = £24,193.20
Are the proposed mitigation measures sufficient to overcome the likely significant effects?	Yes - the Joint Approach contribution offered is considered to be sufficient.

Conclusion

List of mitigation measures and safeguards	Total Joint Approach contribution of £24,193.20 will be secured through Section 106 agreement.	
The Integrity Test	Adverse impacts on features necessary to maintain the integrity of the land at Pankhurst Trading Estate can be ruled out.	
Conclusion of Appropriate Assessment	East Devon District Council concludes that there would be NO adverse effect on integrity of the Dawlish Warren SAC, Exe Estuary SPA or Pebblebed Heaths SPA/SAC or Exe Estuary Ramsar sites provided the mitigation measures are secured as above.	
Local Authority Officer		Date:

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

Appendix 1. List of interest features:

Exe Estuary SPA

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

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

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

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

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

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

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

Wintering populations of Slavonian Grebe *Podiceps auritus*

Wintering populations of Oystercatcher *Haematopus ostralegus*

Waterfowl Assemblage

>20,000 waterfowl over winter

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

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

Saltmarsh NVC communities: SM6 *Spartina anglica* saltmarsh

SPA Conservation Objectives

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

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

The extent and distribution of the habitats of the qualifying features

The structure and function of the habitats of the qualifying features

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

The population of each of the qualifying features, and,

The distribution of the qualifying features within the site.

Dawlish Warren SAC

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

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

(Strandline, embryo and mobile dunes.)

SD1 *Rumex crispus-Glaucium flavum* shingle community

SD2 *Cakile maritima-Honkenya peploides* strandline community

SD6 *Ammophila arenaria* mobile dune community

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

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

SD8 *Festuca rubra-Galium verum* fixed dune grassland

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

SD19 *Phleum arenarium-Arenaria serpyllifolia* dune annual community

Annex I habitat: Humid dune slacks.

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

SD16 *Salix repens-Holcus lanatus* dune slack community

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

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

Petalwort (*Petalophyllum ralfsii*)

SAC Conservation Objectives

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

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

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

List of interest features:

East Devon Heaths SPA:

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

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

Objectives:

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

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

East Devon Pebblebed Heaths SAC:

This is the largest block of lowland heathland in Devon. The site includes extensive areas of dry heath and wet heath associated with various other mire communities. The wet element occupies the lower-lying areas and includes good examples of cross-leaved heath – bog-moss (*Erica tetralix* – *Sphagnum compactum*) wet heath. The dry heaths are characterised by the presence of heather *Calluna vulgaris*, bell heather *Erica cinerea*, western gorse *Ulex gallii*, bristle bent *Agrostis curtisii*, purple moor-grass *Molinia caerulea*, cross-leaved heath *E. tetralix* and tormentil *Potentilla erecta*. The presence of plants such as cross-leaved heath illustrates the more oceanic nature of these heathlands, as this species is typical of wet heath in the more continental parts of the UK. Populations of southern damselfly *Coenagrion mercuriale* occur in wet flushes within the site.

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

**H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath
H4030. European dry heaths**

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

S1044. *Coenagrion mercuriale*; Southern damselfly

Objectives:

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

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats

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

Exe Estuary SPA

Qualifying Features:

A007 Podiceps auritus; Slavonian grebe (Non-breeding)

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

A130 Haematopus ostralegus; Eurasian oystercatcher (Non-breeding)

A132 Recurvirostra avosetta; Pied avocet (Non-breeding)

A141 Pluvialis squatarola; Grey plover (Non-breeding)

A149 Calidris alpina alpina; Dunlin (Non-breeding)

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

Waterbird assemblage

Objectives:

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

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

Exe Estuary Ramsar

Principal Features (updated 1999)

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

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

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