

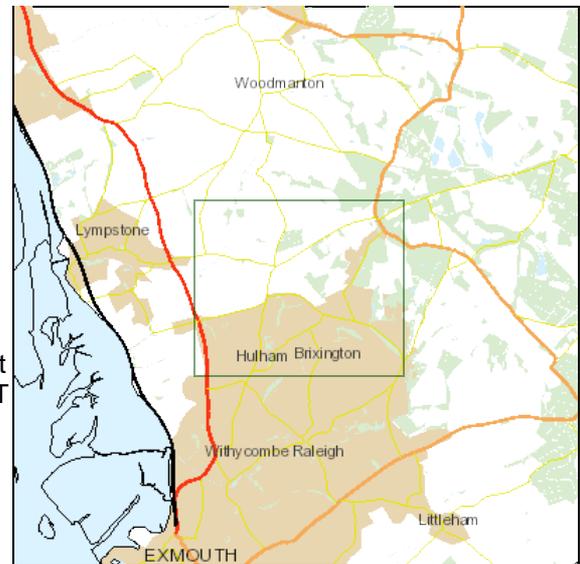
Ward Woodbury And Lympstone

Reference 21/1516/MRES

Applicant 3West Developments Ltd

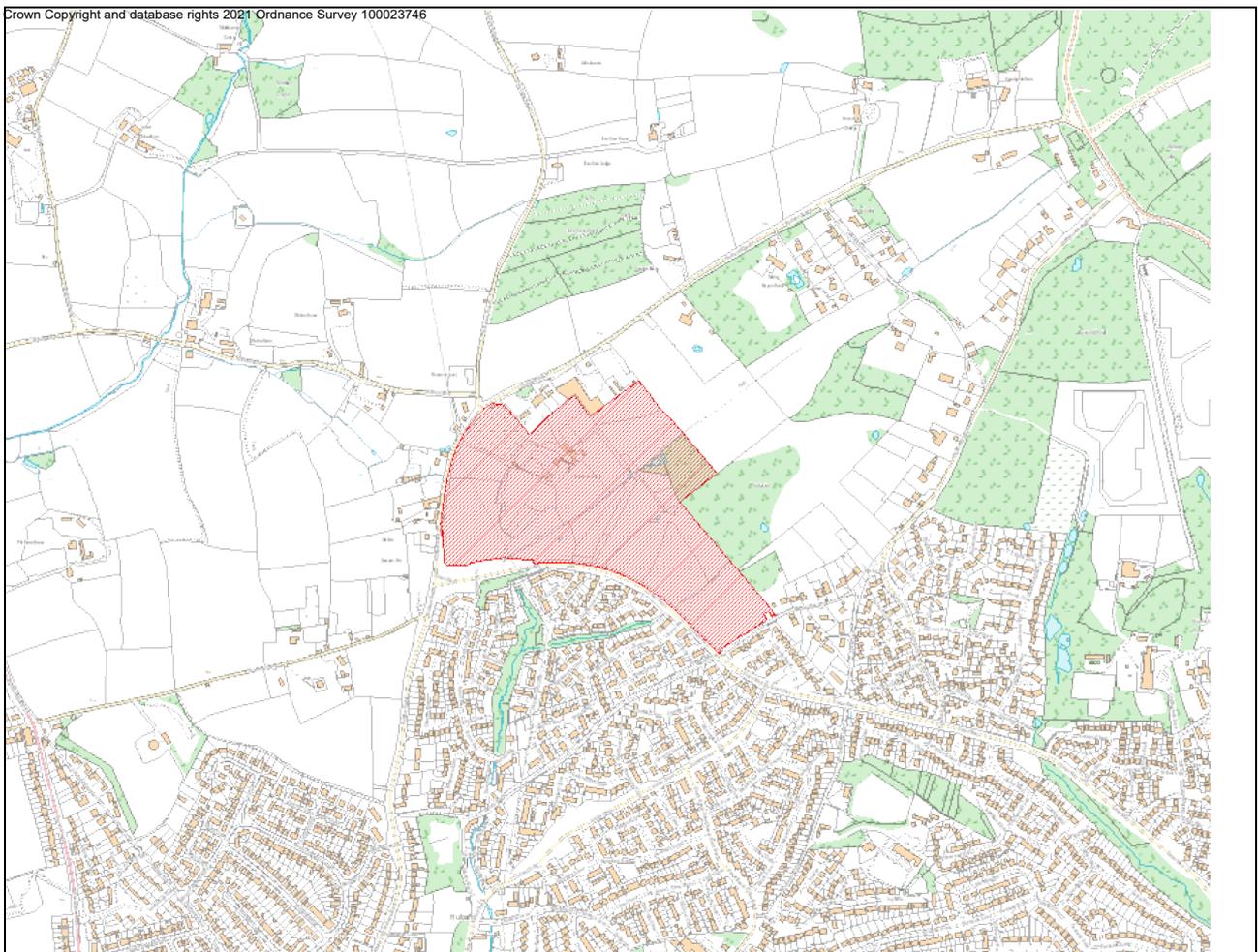
Location Goodmores Farm Hulham Road Exmouth
EX8 5BA

Proposal Partial reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT for 191 residential units, associated roads, open space (informal) and an attenuation basin.



RECOMMENDATION: Approval with conditions

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| | | Committee Date: 15th December 2021 |
| Woodbury And Lympstone (Lympstone) and Exmouth | 21/1516/MRES | Target Date: 27.08.2021 |
| Applicant: | 3West Developments Ltd | |
| Location: | Goodmores Farm Hulham Road | |
| Proposal: | Partial reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT for 191 residential units, associated roads, open space (informal) and an attenuation basin. | |

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the officer recommendation differs from the views of the Town Council and Ward Member

The site represents an allocation in the East Devon Local Plan on the northern fringe of Exmouth. Permission has previously been granted, at outline (14/0330/MOUT), for up to 350 dwellings, with a subsequent reserved matters application (20/0993/MRES) for 299 dwellings having been approved across the whole site.

This current application seeks an alternative reserved matters development but only covering 50% of the wider application site; the remaining 50% would be built out as approved under application 20/0993/MRES and the delivery of affordable housing, overage, wildlife corridors, open space, commercial land and play area remains under the terms of the Section 106 legal agreement signed at the outline stage

The main reason for the amended reserved matters submission is to simplify the internal road layout and reduce the amount of hard standings thereby reducing the amount of surface water run-off from the site which would be controlled using an attenuation based system to reduce the flow of water into a nearby watercourse. As a consequence of the amended layout the number of houses across the wider site would be reduced by one to 298 dwellings, the percentage of affordable homes (5%) remains the same.

The revised layout of the site provides a coherent development that is respectful of its surroundings and the constraints on the site such as trees and hedgerows and the residential properties that lie close to the site.

The conditions imposed on the previous application, insofar as they relate to this part of the site, remain to be discharged except for the details of the southern aspect of the attenuation pond, these have been addressed, through negotiation with the Flood Risk Team at Devon County Council during the determination of this application.

Accordingly, the proposal is considered acceptable as a revision to the previously approved reserved matters permission, subject to appropriate conditions.

CONSULTATIONS

Local Consultations

Woodbury And Lympstone - Cllr Geoff Jung

Comments: 21/1516/MRES

I have viewed the documents for 21/1516/MRES for a partial reserved matters application (layout, scale, appearance, and landscaping) pursuant to outline planning permission 14/0330/MOUT for 191 residential units, associated roads, open space (informal) and an attenuation basin at Goodmores Farm Hulham Road Exmouth EX8 5BA

An application for full permission has already been agreed for this site and therefore it would be difficult for the local authority not to support these alterations to what is an approved scheme with a "presumption for development" has already been agreed. I am disappointed on the number of affordable housing but again this issue was decided with the previous application and therefore because of the previous support for the previous applications I support this application, but I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

Woodbury And Lympstone - Cllr Ben Ingham

I support

Exmouth Halsdon - Cllr Paul Millar

I continue to object to this planning application along the same lines as Exmouth Town Council and will do everything I can to delay and frustrate this intellectually incoherent and madcap scheme which ought never have been approved at outline stage when the primary school was not the infrastructure that the residents of Exmouth needed most (and now school intake numbers shows it's not needed at all).

Exmouth Town Council

Exmouth Town Council notes that the impact of splitting the application site between two developers / owners and the associated submission of a new phasing plan has thrown into doubt various aspects which had been previously agreed under 20/0993/MRES. It is unclear how the original conditions associated with

20/0993/MRES, and the discharging thereof, have been affected as a result of the site now being developed in two halves by two different developers or if ultimately, the completion of the whole site could be undermined by this approach, with an associated impact on the timely delivery of the commercial land, school site and affordable housing (which were hitherto part of phase one).

The Town Council therefore objects to the plans in their current format and would like to understand how the original conditions imposed will be upheld to ensure that development, across the whole site, proceeds in the conditioned sequence to ensure that certain elements are provided by/at a particular stage or before the scheme is brought into use. The impacts on viability are also unclear.

In particular, it is noted that

- o no affordable housing will be delivered during this first stage of construction on the eastern part of the site
- o when taken on its own, the application for this part of the site is seemingly contrary to Strategy 29 of the Local Plan which states that largescale major development proposals will be encouraged to incorporate measures to promote enhanced opportunities for access to housing suitable for first time buyers. The situation regarding the lack of affordable housing is exacerbated by the fact that there are only 20 x two-bedroom properties out of 191 on this application; all the others are three and four bedroom homes.
- o there is a lack of amenity space and the application does not appear to adhere to Strategy 43 of the Local Plan for Open Space standards on developments which feature 50 - 199 dwellings (i.e. a requirement to provide amenity open space and children's and
- o youth play space on-site)
- o the landscaping proposals are uninspiring and contrary to Policy D2 of the Local Plan which states that "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. The plans do not include the creation of any new areas of nature conservation.

In addition, the Council notes that the CEMP contains measures to mitigate against the use of existing residential roads for construction traffic. Members believe that the CEMP needs to be strengthened to ensure that adequate route / waymarking notices for the development are placed throughout the town to ensure that all construction traffic is in compliance with local weight restrictions - e.g. heavy goods vehicles often ignore the weight restriction in Featherbed Lane and extra mitigation needs to be factored into the CEMP. It is also disappointing that the request for the applicant to engage with ward members on the proposed CEMP has not been pursued.

Lympstone Parish/Town Council

Recommendation: Support

Technical Consultations

DCC Flood Risk Management Team

At this stage, we object to the above planning application because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome our objection, the applicant will be required to submit some additional information, as outlined below.

Observations:

The applicant must submit MicroDrainage model outputs to demonstrate that the entire surface water drainage system is designed to the 1 in 100 year (+40% allowance for climate change) rainfall event.

The applicant must ensure that all surface water drainage features are accessible for maintenance. In particular, the western basin appears to be difficult to access.

The eastern basin should have gentle side slopes.

The eastern basin does not appear to be included within the Landscape Strategy (dated April 2020).

The applicant must submit maintenance details for the proposed surface water drainage system.

Further comments:

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 condition and capacity of the receiving culvert, as well as downstream culverts, are comprehensively assessed, and any necessary repair and/or improvement works are approved in writing by the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the receiving watercourse is of a satisfactory condition to receive the surface water runoff from the development.

Following my previous consultation response (FRM/ED/1516/2021; dated 29th June 2021), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

The eastern detention basin is currently proposed to be designed with a discharge rate of 14.0 litres/second. This is higher than the greenfield runoff rate for this area of the site. The previous proposals for the site (20/0993/MRES) confirmed that the discharge rate for the western basin would be lower than the greenfield runoff rates to compensate for the increased discharge rate from the eastern basin. If the discharge rate from the eastern detention basin will be higher than the greenfield runoff rate, then the applicant will need to assess the culverts downstream from the eastern

watercourse (the applicant will also need to ensure that the discharge rate from the western basin 'offsets' the increased rate).

The applicant should further assess the surface water drainage system to provide above-ground features with varied, graded side slopes less than 1 in 3.

The applicant has proposed to keep exceedance flows within the roads. The applicant must ensure that the levels, cambers and kerbs allow the exceedance flows to be designed as proposed.

If the applicant intends to progress this site further through planning, they will need to address our comments for planning application 20/0993/MRES.

Housing Strategy/Enabling Officer

No affordable housing is offered in this application, as the small percentage (5%) of the total units set aside for this purpose has been met in a previous application 20/0993/MRES. However it is my understanding that additional affordable units may be sought dependent on viability calculations made at each phase of the development.

Natural England

Thank you for your consultation on the above dated 09 June 2021 which was received by Natural England on the same day.

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.

Thank you for consulting Natural England about the above development. Please be advised that, on the basis of the mitigation previously agreed being secured (£350 per dwelling, alternatively providing an area of Strategic Alternative Green Space (SANGS) close to the application site), Natural England concurs with your authority that the proposed development will not have an adverse effect on the integrity of Exe Estuary SPA and East Devon Pebblebed Heaths SAC European sites and has no objection to the development.

If you have any queries relating to the content of this letter please contact me via neil.sherwood@naturalengland.org.uk.

Should the proposal change, please consult us again.

Environmental Health

I have considered the application 21/1516/MRES and do not anticipate any environmental health concerns

EDDC Landscape Architect - Chris Hariades

1 General

a) Planting plan sheet 9 which covers the southwestern corner of the application area does not appear to have been included with the amended drawings package.

b) Given its prominence, the proposed sub-station on Dinan Way should be set in a brick building.

c) Details of the proposed ditch across the site south of the eastern attenuation pond should be provided. This should include a detail plan with levels and accompanying cross sections. Details of proposed headwalls and any associated barriers and access arrangements to the attenuation pond should also be provided.

d) Having checked the detailed drawing provided for the eastern attenuation basin, dwg. no. 19.572/062 B I question the section A-A provided which covers the western side only and appears to show a raising of the adjacent footway and carriageway to Dinan Way. Further full longitudinal and cross sections should be provided showing the relationship of the basin to proposed garden boundaries, the edge of Dinan Way, the ditch/ culvert to the south and proposed planting.

e) Could this attenuation be designed as a wet copse? – see image below:

f) As previously noted a pedestrian/ cycle access link should be provided on to Marley Road to 2 south of plot 97.

2 Boundary treatment and hard surfacing plan dwg. no. 8255-05 rev A

a) I don't see why a security fence is necessary around the attenuation basin. There is no security fencing proposed around the larger basin to the north. I suggest the security fencing is omitted and the boundary to Dinan Way is formed by Devon hedgebank.

b) Confirm rear garden boundary details adjacent to existing hedgebanks and show extent on boundaries plan.

c) Confirm how retained hedgerows will be accessed for maintenance purposes. Show access gates on plan.

d) Rear garden boundary fences to public facing areas should be brick walls. The following are instances where this occurs – plots 146, 49, 14, between 41/2, 53-55, 150, 69, 161, 172, 177, 170, 146, 120, 145, 36.

e) Drawing appears to show curved feature walls at the entrances to roads 2 and 3 off Dinan Way. Please confirm detail and heights for these.

3 Planting Plans

Generally

As previously noted there is an excessive use of hornbeam hedging throughout the scheme to the virtual exclusion of any other ornamental planting. This affords poor visual amenity, biodiversity value and resilience against disease and climate change. Change *Prunus avium Plena* to *Prunus avium* to increase biodiversity value as the Plena form has sterile flowers.

Planting drawing 04 rev E

Provide 2 no. large canopy trees in verge to side plots 103-106.

Provide street trees to front plots 1, 2, 4 (x2), 5, 6, side plot 189 (x2), 183, verge between 181/2.

Planting drawing 05 rev E

Maintenance access provision required to existing hedgerow between plots 40 and 41.

Provide fruit trees in verge opposite plots 38 and 40.

Provide additional tree to side plot 36, front of plots 155 and 156.

Provide trees in verge opposite plots 38-40.

Provide understorey shrub mix to side plots 60 and 64 in lieu of amenity grass.

Planting drawing 07 Rev D

No specific comments

Planting drawing 08 Rev D

Adjust alignment of proposed Devon hedgebank to Dinan Way to abut back edge of Dinan Way footway. Opposite plots 80-83 and 84-88.

Extend Devon hedgebank across Dinan Way frontage of attenuation basin.

Provide willow or understorey mix to south side of parking bays to plot 76.

Provide 6 no. trees to south side drainage ditch at side plots 77-83 3 at side plots 124 and 141..

Provide street trees to front plots 147, 148, 70, 71, 74 and 75.

Extend proposed hedge planting to south side of sub station.

Details and notes (planting) – drawing 12 Rev A

Devon hedgebank – confirm source for turves. Provide detail for hedgebank ends.

4 Conclusion and Recommendations

The submitted details are still considered inadequate to enable discharge of relevant landscape related conditions and further amendment and information are required as noted above.

Police Architectural Liaison Officer - Kris Calderhead

21/1516/MRES | Partial reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT for 191 residential units, associated roads, open space (informal) and an attenuation basin | Goodmores Farm Hulham Road Exmouth EX8 5BA

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application. Whilst I have no objection to the application, I would like to make the following comments and recommendations for consideration.

On the whole the layout will provide overlooking and active frontages to the new internal streets which is supported and in the main gardens have been arranged back to back with public access to the rear of plot boundaries restricted.

o Where there are rear gardens which have existing hedgerows as part of their rear boundary, they must be of sufficient height (min 1.8m) and depth to provide both a

consistent and effective defensive boundary which prevent unauthorised access all year round. It must not be prone to wide seasonal variation which may affect this function and clearly must also be fairly uniform in depth and height to be effective.

o Presumably the site will be adopted and lit as per normal guidelines (BS 5489). Appropriate lighting for pathways, gates and parking areas must be considered. This will promote the safe use of such areas, reduce the fear of crime and increase surveillance opportunities.

o Gates proving access to rear gardens should be fitted with locks that are lockable from both sides.

o Where ownership of parking spaces is ambiguous, spaces should be clearly marked in order to reduce the potential for ownership disputes.

Other Representations

15 representations have been received as a result of this application, 14 of which raise concerns and the other is in support of the proposal. The concerns raised relate to the following matters:

- Wrong site for this many houses, let nature have its place in society;
- The access onto Marley Road was not approved it is now mentioned as an access for construction traffic, it should be removed;
- Mature trees should not be felled
- Surface water run off in time of heavy rain onto Dinan Way is terrible, surely this will make the situation worse;
- Increased traffic in the area will cause issues, particularly during construction;
- The woodland helps massively with groundwater uptake, rain interception and flood prevention for that whole area - and keeps the land below (for the development) much drier in general;
- Planting of new suitable trees in the right place is, of course, welcomed, but by no means mitigates the huge loss of mature individual trees, mature hedgerow trees and the ancient hedgerows themselves;
- No affordable homes shown on the plans;
- The houses will be developed and not the play areas or business units;
- Shouldn't be bought forward until the Dinan Way extension is complete;
- Impact on existing properties in the area through noise and dust pollution;
- Impact on local services through increased population;
- Impact of drainage downstream;

These issues will be addressed in the report.

PLANNING HISTORY

| Reference | Description | Decision | Date |
|------------------|--------------------|-----------------|-------------|
|------------------|--------------------|-----------------|-------------|

| | | | |
|--------------|--|--------------------------|------------|
| 20/0993/MRES | Reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT for 300 residential units including 16 affordable units, associated roads, open space (formal and informal) and an attenuation basin. The provision of serviced land for mixed-use employment/commercial uses and land for the provision of a primary school | Approval with conditions | 12.02.2021 |
| 14/0330/MOUT | Outline application for residential development (up to 350 dwellings) with associated roads and open space. The provision of land for mixed-use employment; land for commercial and community uses and land for the provision of a primary school. All matters reserved with the exception of the proposed vehicular access points onto Dinan Way. | Approval with conditions | 23.08.2019 |

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN14 (Control of Pollution)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

EN5 (Wildlife Habitats and Features)

EN22 (Surface Run-Off Implications of New Development)

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

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Neighbourhood Plan

Exmouth Neighbourhood Plan (Made) – Policy EB2 - Design

Lympstone Neighbourhood Plan

Site Location and Description

The application site lies with the built up area boundary of Exmouth forming part of a larger allocation in the Local Plan. It currently comprises agricultural land, with some evidence of equestrian use, bound by mature hedges and trees, there are also a network of mature hedges within the site together with a woodland.

On its southern boundary the site borders onto Dinan Way. On the opposite side of Dinan Way lie established housing estates.

The site generally follows the gradient of Dinan Way albeit at a higher level than the road, there are housing bounding the site to the east on the opposite side of a public footpath.

Proposed Development

This application seeks reserved matters permission for the erection of 191 dwellings pursuant to outline permission 14/0330/MOUT. This application covers part of the site granted outline permission, a previous application covering all of the site was approved earlier this year, and amendments are proposed to the previously granted reserved matters permission. The total number of dwellings on the wider site previously approved was 299, this application proposes to reduce that to 298 in order to secure a layout that reduces significantly the amount of hard surfacing including internal roadways.

The matters to be considered at this stage relate to layout, scale, appearance and landscaping. The access points onto Dinan Way were approved as part of the outline application and as such are already approved and do not form part of this application

Assessment

The principle of development was secured through the granting of outline planning application 14/0330/MOUT and the access points onto Dinan Way. A Section 106 legal agreement was signed as part of the outline permission which secured 5% affordable

housing on the site which was subject to vigorous viability testing at the time, other financial contributions were secured together with other on site infrastructure and securing of wildlife corridors. A subsequent reserved matters application for 300 residential units including 16 affordable units, associated roads, open space (formal and informal) and an attenuation basin, the provision of serviced land for mixed-use employment/commercial uses and land for the provision of a primary school, 20/0993/MRES, was granted for the whole site.

Therefore the main considerations in the determination of this Reserved Matters application relate to the amendments made, insofar as they relate to the part of the site to which this application relates, since the previous reserved matters application was granted under the following considerations:

- Layout
- Scale;
- Appearance;
- Internal road layout;
- Trees and landscaping;
- Drainage;
- Other matters.

Layout

The site extends to approximately half of the 15.25 hectares of the wider site and would provide 191 dwellings and an attenuation basin in a similar layout to that previously approved under reserved matters permission 20/0993/MRES. The main reason for seeking an amendment to the permission granted is to reduce the amount of internal roadways with the site and to reduce the overall amount of hard standing thereby reducing the amount of surface water run off for the site and including more porous surfaces and a greener living environment for the residents.

The Council's Landscape Architect raised concerns on the previous application regarding the dense layout and opportunity to introduce more trees by removing plots, whilst this application only proposes to remove 1 plot from the scheme, the reduction in hard surfacing has produced a more visually coherent scheme that allows for increased tree planting, albeit that the details of these are still required through submission of an alternative landscaping scheme to provide a wider variety of trees and hedgerow species.

The eastern attenuation pond which would be situated adjacent to Dinan Way has been a point of concerns from both the Councils Landscape Architect and the engineers at Devon County Council Flood Risk Team, these have been resolved through submission of additional details and amended plans including how the area would be planted.

Accordingly, it is considered that the revised layout is acceptable and the reduction in hard surfacing can be seen as a benefit to the site and surrounding area.

Residential amenity

There are a number of residential properties surrounding the site which have the potential to be impacted upon as a result of this application.

To the south of the site there are a wealth of houses served by Dinan Way. The closest to the proposed houses on the application site would be in excess of 25 metres and therefore it is considered that the proposed development would not have a detrimental impact on the living conditions of these existing properties.

To the east of the site there are a handful of properties served by Marley Road that face towards the site where there would again be in excess of 25 metres between properties and some that side onto the proposal site where there would be 30 metres between properties. Given these distances it is considered that the proposed dwellings would not impact unreasonably on the living conditions, through overlooking or the properties being overbearing, of the aforementioned properties.

Accordingly the layout of the proposal is considered acceptable in relation to Strategy 43 and Policy D1 of the EDDC Local Plan.

Scale

As previously approved, the residential units would all be two stories in height, though as the site has various gradients the development would be of varying scales from different viewpoints, with a mixture of 2, 3 and 4 bedroom houses and a variety of house types the scale would be considered appropriate and assimilate well into its surroundings and be consistent with the existing pockets of residential development carried out by different developers over the years that front and back onto both sides of Dinan Way as it extends south eastwards from the application site. The houses would be framed on the skyline by the backdrop of trees on the northern boundaries of the site and be at a scale consistent with their surroundings.

Accordingly, the scale of the proposed development is considered acceptable in accordance with Policy D1 of the EDDC Local Plan.

Appearance

The outline permission contained a condition requiring the submission of a design code to accompany any reserved matters application(s) with a number of items listed to be contained in the document. The application has been submitted with a wealth of landscape and boundary enclosure plans to indicate how the different areas of the site would be developed, and is also been supplemented by a landscape strategy and design code document that has been produced as an addendum to the design code document.

The spectrum of materials to be used are relatively limited with designs of houses sticking with the traditional red brick and render with occasional use of timber cladding, this remains unchanged since the previous reserved matters approval. Whilst it could be argued that this is a missed opportunity to design a scheme that raises the design qualities of the area with a less traditional housing estate design and layout, that is not to say that the designs are poor or unacceptable. In fact, the designs and materials would echo those used on the various housing estates built during different decades

as you travel along Dinan Way and as such would not appear out of character. In addition, similar designs have been found to be acceptable in relation to the previous reserve matters application.

The structure planting and on plot planting which was amended during the previous application to ensure that there are more trees in the street scene to ensure that the current rural character with hedgerows and trees is not lost when the houses are constructed, this has been carried forward through the submission of this application.

Accordingly, the proposed development is considered to be acceptable in relation to Policy D1 of the EDDC Local Plan and Policy EB2 of the Exmouth Neighbourhood Plan.

Access and parking

The access points from Dinan Way were secured as part of the outline approval. The internal road layout is considered acceptable by Devon County Highways Engineer together with footpath linkages to the wider strategic footpath network. Each dwelling would be served by two no. parking spaces whether this be 2 no. parking spaces or 1 no. space and a garage or carport.

Reference to the use of Marley Road for construction purposes in the submitted construction management plan has been removed during the course of this application using only accesses off Dinan Way to ensure limited disturbance to the local highway network and residents.

As such the proposal is considered to accord with Policies TC7 and TC9 of the EDDC Local Plan.

Trees and landscaping

A large proportion of the trees and hedgerows on the wider site, together with the part of the site seeking amendments through this application, would be retained as part of this development and protection fencing provided during the development to ensure that the root protection areas of the important landscaping are protected against damage and storage of materials upon them. Through the course of the determination of this application and the previous application (20/0993/MRES) discussions have been held between the Council's Tree Officer and the applicant's agent to overcome issues and provide amended layouts that allow for the majority of important trees and hedgerows to be retained. Discussions have also confirmed that the maintenance of the majority of the trees will be dealt with by a management company rather than being in third party ownerships.

The landscaping scheme that has been provided is acceptable in principle, however, it does not satisfy some of the conditions imposed on the previous reserved matters submission (20/0993/MRES) namely conditions 6 and 8 and therefore these conditions would need to be re-imposed so that appropriate information that is absent can be assessed before works on site, other than the access points, can progress.

Accordingly, the proposal is considered to be acceptable in relation to Policies D2 and D3 of the EDDC Local Plan.

Drainage

The application proposes to provide an on-site surface water drainage attenuation basin in the south eastern part of the site adjacent to Dinan Way to collect the water from this part of the development and slowly release it at a controlled rate into an existing watercourse. There has been much discussion between the applicant's drainage engineer and the Flood Risk Management Team and Devon County Council regards the size of the basin, the non-culverting of some of the existing watercourses which run through the site for ease of maintenance and to ensure they are not consumed into third party properties.

Although the eastern basin will be discharging at slightly higher than Greenfield rates for the relevant impermeable area, the western basin will be discharging at slightly lower than Greenfield rates to compensate for this. The applicant must assess the existing watercourse to ensure that these flows can be safely conveyed and would form part of a pre-commencement condition on any approval. The applicant has confirmed that watercourses shall remain open except for access. These conditions were imposed on the previous application 20/0993/MRES but remain to be discharged at this point in time so would need to be re-imposed on this application on any approval.

The concerns expressed by the Flood Risk Team on this application relate to the design of the eastern basin in terms of future maintenance of the basin with particular reference to the gabion baskets and how the southern part of the basin would be retained adjacent to the public highway. Agreement has been reached and the consultee has now withdrawn their objection subject to conditions being imposed on any approval.

Accordingly, subject to appropriate safeguarding conditions, the proposal is considered acceptable in relation to Policy EN22 of the EDDC Local Plan and advice contained in the NPPF.

Other matters

There have been a number of representations raising concerns over the submitted construction and ecological management plan (CEMP) which includes access from Marley Road to be used during the construction period, however, the agent has confirmed that this was an error in the drafting of the document and amended version of the document has been submitted removing any reference to the use of the Marley Road access which would only be a turning head for users of Marley Road and not accessible by or via the proposed development.

Concerns have been expressed regarding the fact that there would be no affordable homes on this site and the commercial land is proposed on the other part of the site not covered by this application with fears that only houses would be built with none of the other development taking place. The legal agreement signed prior to the decision being issued on application 14/0330/MOUT ensures that the development of the whole

site will come forward in a holistic manner and fears over only houses being built are not correct. The 16 affordable units are being provided on the other part of the site as agreed as part of the previous outline consent and are secured to be provided through the legal agreement.

RECOMMENDATION

APPROVE subject to the following conditions:

1. East Devon District Council as Local Planning Authority HEREBY APPROVE THE FOLLOWING RESERVED MATTERS of the above described development proposed in the application numbered as shown above and in the plans and drawings attached thereto, copies of which are attached to this notice relating to:-
 - (a) Appearance
 - (b) Landscaping
 - (c) Layout
 - (d) Scale

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. No. 14/0330/MOUT) granted on 23 August 2019.

The following reserved matters have yet to be approved:

None

The following Conditions attached to the Outline Planning Permission (ref 14/030/MOUT) referred to above are discharged:

2, 5, 7, 9, 14, 17, 18, 19

The following conditions attached to the Outline Planning Permission (ref 14/1227/MOUT) referred to above remain to be complied with during the implementation of the development:

4, 6, 8, 10, 11, 12, 13, 15, 16, 20, 21, 22, 23, 24, 25, 26, 27

The following additional conditions are attached to this reserved matters approval:

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. No part of the development hereby permitted shall be commenced until the condition and capacity of the receiving culvert, as well as downstream culverts, are comprehensively assessed, and any necessary repair and/or improvement

works are approved in writing by the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority.

(Reason - To ensure that the receiving watercourse is of a satisfactory condition to receive the surface water runoff from the development in accordance with Policy EN22 (Surface Water Run-Off) of the East Devon Local Plan).

4. Prior to occupation of the first dwelling on site a detailed Landscape and Ecology Management Plan (LEMP) for a minimum period of 25 years shall be submitted and should include the following details:

- Aims and objectives of the management plan;
- 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;
- Details of bat and bird boxes to the dwelling;
- Inspection and reporting arrangements for existing and proposed trees and hedgerows and monitoring of bio-diversity net-gain;
- Management and maintenance of trees and hedgerow;
- Management and maintenance of shrub, herbaceous and grass areas.
- Management of ecological habitat, maintenance of any ecological mitigation measures and further measures for enhancement of biodiversity value;
- Management and maintenance of any boundary structures, drainage swales and other infrastructure/ facilities within public areas.

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

(Reason - In the interests of the protection of wildlife on the site and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy EN5 (Wildlife Habitats and Features), Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan.)

5. With the exception of works to form the creation of the accesses into the site, no site works shall commence until an ecological impact and mitigation assessment (EIA) has been submitted and approved in writing by the Local Planning Authority. The assessment shall include measures for safeguarding wildlife during construction in accordance with the EIA and the monitoring and reporting arrangements for this. Thereafter the development shall be carried out in accordance with the approved details.

(Reason - In the interests of the protection of wildlife on the site in accordance with Policy EN5 - Wildlife Habitats and Features of the adopted East Devon Local Plan).

6. With the exception of works to form the creation of the accesses into the site, and notwithstanding the submitted landscaping details hereby approved, no site works shall commence until the following have been submitted and approved in writing by the Local Planning Authority:

- i) detailed hard landscape proposals have been submitted and approved to include details of individual plot boundaries, pavings, surfacings and edgings, walls, retaining structures and site furniture.
- ii) detailed levels plans and minimum of 2 sections provided (existing and proposed) to include details of embankments and any retaining structures and means of enclosure to the SUDs features.
- iii) landscape strategy and design code
- iv) detailed planting plans

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

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

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|-----------|-------------------------|----------|
| 8255-LP | Location Plan | 28.05.21 |
| 8255-19 | Proposed Combined Plans | 28.05.21 |
| 8255-18 | Proposed Combined Plans | 28.05.21 |
| 8255-16 C | Proposed Combined Plans | 28.05.21 |
| 8255-15 C | Proposed Combined Plans | 28.05.21 |
| 8255-14 C | Proposed Combined Plans | 28.05.21 |
| 8255-13 C | Proposed Combined Plans | 28.05.21 |

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| 8255-12 C | Proposed Combined Plans | 28.05.21 |
| 8255-11 B | Proposed Combined Plans | 28.05.21 |
| 8255-10 B | Proposed Combined Plans | 28.05.21 |
| 8255-09 B | Proposed Combined Plans | 28.05.21 |
| 8255-06 | Proposed Elevation | 28.05.21 |
| 8255-05 | Other Plans | 28.05.21 |
| 8255-04 | Proposed Site Plan | 28.05.21 |
| 8255-02 G | Proposed Site Plan | 28.05.21 |
| 8255-01 H | Proposed Site Plan | 28.05.21 |
| 677/05 D | Landscaping | 28.05.21 |
| 677/04 C | Landscaping | 28.05.21 |
| 671/03 D | Landscaping | 28.05.21 |
| 671/02 C | Landscaping | 28.05.21 |
| 671/01 C | Landscaping | 28.05.21 |
| 667/11 | Landscaping | 28.05.21 |
| 667/101 B | Landscaping | 28.05.21 |
| 667/06 C | Landscaping | 28.05.21 |
| 19.572/604 B | Other Plans | 28.05.21 |
| 19.572/601 D | Other Plans | 28.05.21 |
| 19.572/040 B | Other Plans | 28.05.21 |
| 19.572.307 A | Other Plans | 28.05.21 |
| 19.572-032 B | Other Plans | 28.05.21 |
| 19.572-031 B | Other Plans | 28.05.21 |

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| 19.572/051 D | Other Plans | 17.11.21 |
| 19.572/050 H | Other Plans | 17.11.21 |
| 19.572/055 L | Other Plans | 17.11.21 |
| 19.572/062 C | Other Plans | 12.11.21 |
| 19.572/02 D | Other Plans | 12.11.21 |
| 19.572/051 C | Other Plans | 11.11.21 |
| 19.572/06 A | Other Plans | 11.11.21 |
| 667/09 D | Landscaping | 01.10.21 |
| 667/08 E | Landscaping | 01.10.21 |

List of Background Papers

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