

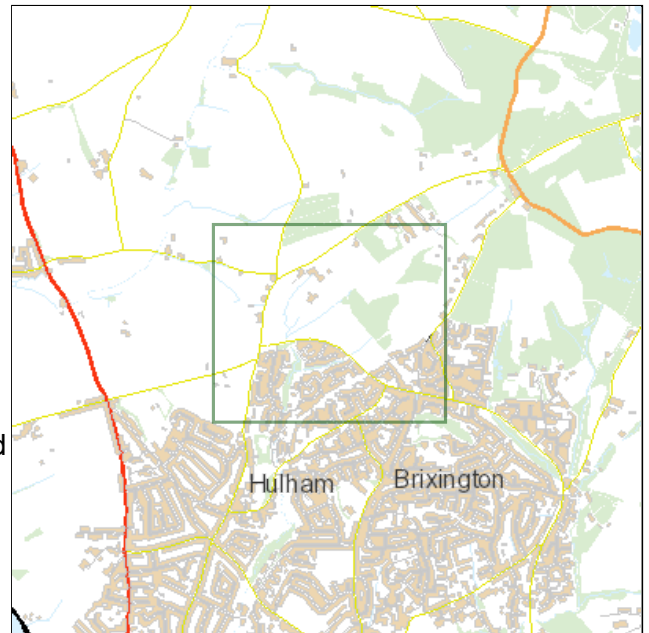
Ward Woodbury And Lymstone

Reference 20/0993/MRES

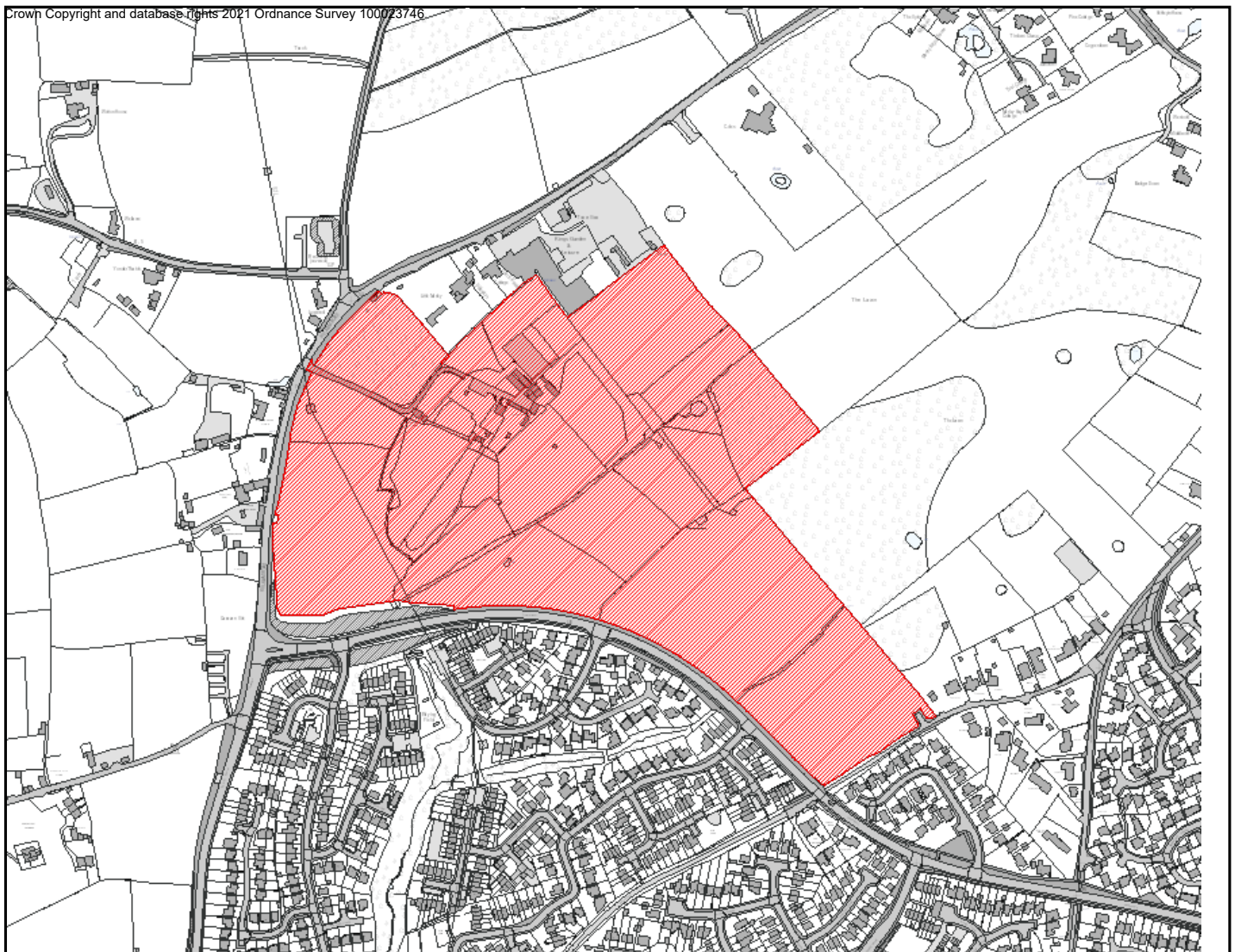
Applicant Joanna Fowler (Eagle Investments Ltd)

Location Goodmores Farm Hulham Road Exmouth EX8 5BA

Proposal Reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT for 303 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



RECOMMENDATION: Approval with conditions



		Committee Date: 10th February 2021
Woodbury And Lympstone (Lympstone) and Exmouth Halsdon.	20/0993/MRES	Target Date: 31.08.2020
Applicant:	Joanna Fowler (Eagle Investments Ltd)	
Location:	Goodmores Farm Hulham Road	
Proposal:	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	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members because the officer recommendation is contrary to the views of two Ward Members, bearing in mind that the site crosses two Wards.

The application site forms an allocation in the EDDC Local Plan under Strategy 22 and has an extant outline permission under reference 14/0330/MOUT.

It is clear that the site allocation in the EDDC Local Plan envisaged provision of up to 350 homes and around 5 hectares of mixed use employment and community facilities but given a number of constraints on the site including protected trees, existing watercourses, wildlife and the topography of the site, the quantum of development achievable is significantly reduced.

However, the scheme that has been submitted (and amended through negotiation) provides for a development that is well balanced and provides for 300 residential units, 16 of which (5%) would be for affordable occupation as secured as part of the Outline consent, 2.3 hectares of mixed use employment land, 1.3 hectares for a school and associated infrastructure, a 106 metre by 70 metre (0.85 hectares) football pitch and a 775 square metre (0.1 hectares) locally equipped area for play (LEAP) together with attenuation basins. The development is considered to be well balanced and not impact unreasonably on its surroundings, the trees on site,

existing watercourses, highway safety or the amenity of nearby residents, as such the proposal is considered to be acceptable.

Safeguarding conditions are recommended to ensure that additional information is provided to satisfy outstanding concerns of consultees.

CONSULTATIONS

Local Consultations

Clerk to Exmouth Town Council

Objection, members fully supported of resident's objections regarding proposed the new access on Marley Road which was a departure from the outline application.

Other concerns raised by members included:

- The need for the provision of a pedestrian crossing across Dinan Way.
- It was strongly felt the provision of just 16 affordable houses (5%) for a development of this size was unacceptable.
- Questioned the need for a school and should be review by DCC.
- A consultation should be held regarding CEMP with all interested parties and residents.
- Lack of recognition regarding climate change and the use of renewable energy.

Further comment:

No objection to the amended layout subject to comments from the EDDC Landscape Architect and that the plans complied with Exmouth Neighbourhood Plan policy GA3 regarding footpath and cycle network to ensure connectivity.

Ward Members asked that they were included in any future discussions regarding the CEMP as residents usually contacted Ward members in the first instance.

It was noted that the plans included the provision of 3 pedestrian refuge crossings on Dinan Way. Members were concerned about pedestrian safety given volume of traffic that the new development would generate including the provision of a school on the site. It was felt that a traffic light-controlled crossing was more appropriate.

Members continued to express their frustration at the lack of affordable housing provision that the development was delivering.

Lympstone Town Council

Recommendation: OBJECT

Lympstone Parish Council (LPC) accept the proposal will go ahead; however, the submitted plan has changed.

LPC would like to see something positive for Lympstone included. For example:

1. Houses built in the Lympstone area rather than all the industrial units.
2. More affordable housing provision.
3. Playing areas to include sport pitches for Lympstone groups.

In addition, LPC has major concerns for the following:

1. Why the school provision was slipped in at outline stage. This could have a disastrous implication for Lympstone Primary School and Pre-School.
2. It was not agreed by the Parish Council that all the industrial provision would be in the Lympstone boundary with a loss of CIL money.
3. By far the largest amount of land provision is within the Lympstone boundary. Which it appears was never distinctly clarified on the plan.
4. It appears an arbitrary building boundary has been created. What implications might this have on other potential development within the Parish boundary? i.e. Land between Dinan Way extension, Summer Lane and Courtlands Lane area.
5. It is a concern that the Parish boundary might be considered for change at the next boundary review by the Boundary Commission.
6. SWW have changed their observations as they are now satisfied works had taken place lower down the sewer pipe run, but we do not know what this entailed.
7. Additional roads proposed are too narrow to cope with the amount of traffic use.

Woodbury And Lympstone - Cllr Geoff Jung

I have viewed the documents for the major reserved matter planning application 20/0993/MRES for the reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT for 317 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 at Goodmores Farm Hulham Road Exmouth.

This follows the outline planning application 14/0330/MOUT 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. This application submitted in 2014 and approved finally 23.08.2019. The East Devon Local Plan Strategy 22 "Development at Exmouth" under 7a allocates this site "Goodmores Farm for a mixed-use development for 350 homes and around 5 hectares of land for mixed use employment (3ha) and community and commercial facilities(2ha).

I am disappointed on several issues regarding this application:

1. This application is simply for the granting of permission for the housing and estate roads. Although the Local Plan strategy is requiring the housing and commercial, community facilities as well. This is most concerning as the local plan

states that 19 years ago 6500 (around 50%) of working people living in Exmouth commuted out to jobs elsewhere according to the 2001 census and since then housing has increased dramatically, but developments for creating jobs within town have unfortunately lagged behind. Building the houses but not providing the employment and community facilities would exacerbate the problems already acknowledged in Exmouth.

2. The original concept developed through Strategy 22 in 2012 does not seem to have moved on in the style and design as the designs are very similar to the designs of that era. I would have preferred to have seen a better design and more thought for our emerging climate change strategies.

3. The provision of affordable housing for this development is most disappointing with just 16 affordable houses in a development of 317. The East Devon Plan requirement for Exmouth is to provide 25% affordable housing but this application is providing a mere 5%.

Therefore because of the shortfall in affordable housing, no bringing forward of the required employment opportunities other than providing a designated area, and the poor design aesthetics of the proposed housing development, I am unable to support this application.

If this application is to proceed in its present form, there are also other issues I would like to see considered by the Planning team and consultees.

1. Regarding drainage and flooding. As both the Withycombe Brook and the Wooton Brook pass through this development have a critical effect on flooding to the communities downstream in both Lymstone and Withycombe I believe this development could provide improved community resilience by reducing the water runoff during a storm event. Failure to do this would be a lost opportunity of providing a net gain to local flood resilience for the wider area.

2. I do not support the arrangements for the transport and parking arrangements for the construction period of the site.

According to the documentation the estimated requirement for works vans will be a maximum of 12, with a maximum of 24 workers on site at any one time. I feel this is an under-estimation for a site of over 300 dwellings.

I am concerned with the proposed highway routes for construction traffic during the build using Hulham road, going north to the B2080 and B3179. This route will require either crossing Woodbury Common or through the village of Woodbury. I would like to see this route totally restricted to vehicles of over 7.5 tonnes, during the build phase of this development

Prior to my supporting this application, I would like to understand further the long-term arrangements for the management and responsibility and the provision of costs of all open spaces and verges and maintenance of the playpark area, hedges and trees throughout the estate.

I therefore cannot support the proposal at this stage, but I reserve my final views on this application, until I am in full possession of all the relevant arguments for and against.

Exmouth Halsdon - Cllr Paul Millar

Please refer to comments made on the previous application which remain my concerns.

Technical Consultations

Natural England

Planning consultation: Reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT for 318 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 Location: Goodmores Farm Hulham Road Exmouth EX8 5BA

Thank you for your consultation on the above application dated 28 July 2020.

DESIGNATED SITES [EUROPEAN] - FURTHER INFORMATION REQUIRED

Habitats Regulations Assessment - Recreational Impacts on European Sites

As submitted, the application could have potential significant effects on the East Devon Pebblebed Heaths SAC, East Devon Heaths SPA and the Exe Estuary SPA/Ramsar. It is your Authorities duty to undertake a Habitats Regulations Assessment and Appropriate Assessment prior to determining the applications (see below);

The following further information is required:

How the requirement for mitigation in relation to the above European sites will be met through the provision of financial contributions and/or Suitable Alternative Natural Greenspace (SANGS).

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Additional Information required

HABITATS REGULATIONS ASSESSMENT

This development falls within the 'zone of influence' for the Exe Estuary Special Protection Area (SPA) and Ramsar site and the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and East Devon Heaths Special Protection Area (SPA) as set out in Strategy 47 of the East Devon 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.

The consultation documents provided by your authority do not include any information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations 2017 (as amended) have been considered, i.e. your authority has not recorded your assessment and conclusions with regard to the various steps within a Habitats Regulations Assessment.

If your authority is not able to rule out the likelihood of significant effects without additional mitigation measures you should undertake an Appropriate Assessment, in accordance with Regulation 61 of the Habitats Regulations, including consultation with Natural England.

SITES OF SPECIAL SCIENTIFIC INTEREST (SSSIs)

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

PROTECTED LANDSCAPES

The application site lies approximately 5km outside of the East Devon Area of Outstanding Natural Beauty (AONB). Having considered the application, Natural England does not believe that it would impact significantly upon the purposes of designation of the AONB.

PROTECTED SPECIES

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a decision checklist which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at consultations@naturalengland.org.uk.

BIODIVERSITY NET GAIN

We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the National Planning Policy Framework (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.

In accordance with the paras 170 & 174 of the NPPF, opportunities to achieve a measurable net gain for biodiversity should be sought through the delivery of this development. Note however this metric does not change existing protected site requirements.

In the Chancellor's 2019 Spring Statement, the government announced that it "...will mandate net gains for biodiversity on new developments in England to deliver an overall increase in biodiversity". Accordingly and to future proof the proposed development, we advise that the proposals are reviewed in light of this commitment towards the delivery of biodiversity net gain. On 29 July 2019, Natural England released the updated and improved Biodiversity Metric 2.0.

If you have any queries relating to the advice in this letter please contact me on Neil.Sherwood@naturalengland.org.uk.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

Please consult us again once the information requested above has been provided.

Further comments:

Thank you for your consultation on the above dated 16 November 2020 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.

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

Habitats Regulations Assessment - Recreational Impacts on European Sites

This development falls within the 'zone of influence' for the East Devon Pebblebed Heaths SAC, East Devon Heaths SPA and Exe Estuary SPA as set out in the Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). It is anticipated that new housing development in this area is 'likely to have a significant

effect', when considered either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by that development.

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

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

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

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

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has produced standing advice^[1] 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.

The Institute of Lighting Professionals has produced practical guidance on considering the impact on bats when designing lighting schemes - Guidance Note 8 Bats and Artificial Lighting. They have partnered with the Bat Conservation Trust and ecological consultants to write this document on avoiding or reducing the harmful effects which artificial lighting may have on bats and their habitats.

Net gain (East Devon)

We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the National Planning Policy Framework (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.

In accordance with the paras 170 & 174 of the NPPF, opportunities to achieve a measurable net gain for biodiversity should be sought through the delivery of this development. Note however this metric does not change existing protected site requirements.

In the Chancellor's 2019 Spring Statement, the government announced that it "...will mandate net gains for biodiversity on new developments in England to deliver an overall increase in biodiversity".

Accordingly and to future proof the proposed development, we advise that the proposals are reviewed in light of this commitment towards the delivery of biodiversity net gain. On 29 July 2019, Natural England released the updated and improved Biodiversity Metric 2.0. This replaces the earlier 'Defra biodiversity metric'.

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

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.

DCC Education

A new primary school at the Goodmores Farm site is likely to be delivered through the free school programme and at this stage we do not know who the sponsor for the new school would be or when it may be built. We could give no guarantee that the sponsor of the new school would make the playing pitch available to the wider community.

An adult playing pitch of 70m x 110m is very large for a primary school and would take approximately .8ha of the 1.5ha site. We do have concerns that a playing pitch of this size would constrain the design/ layout of the new primary school.

For us to give any further response, it would be beneficial to have more details of the type/level of community use that is currently being proposed.

Further comments:

At this stage the Education Authority requires a **single** 1.3 ha site, although it is noted that the outline planning permission allows for a slightly larger site than this. The proposal to effectively have a split site, as identified on drawing number 6637-108, could excessively constrain the design of the primary school and nursery which would impact on its cost and the ability to deliver it.

I've had a look at condition 27 (planning permission 14/0330/MOUT) which requires that land identified on the Masterplan for the primary school, is only used for educational purposes. I just wondered if the proposal for the split site would accord with this condition? The condition also mentions the interim use of the site. As there are no immediate plans to bring forward the primary school, it would be useful to know what the interim use would be. Obviously, we would not want to see a use that would hamper the future development of the site as a primary school.

Environmental Health

Reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT

I refer to the details submitted including the CEMP 24 July 2020.

The CEMP is adequate to discharge the Condition 5 and 17 conditions requirement to submit. I would recommend that the applicant includes version control on the document as it will develop with the appointment of Principle Contractor etc.

With regards to the juxtaposition of the residential and commercial zoning on the western side of the development as it is indicated that they will be B1 categories this should be considered as a reserved matter on application of proposal for these plots. Depending on the proposals there may be a requirement for acoustic boundary treatments/ orientation/ noise conditions for plant etc.

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 has proposed to drain the entire site to a single detention basin. Surface water from the site will drain to this basin via pipes.

It is understood that the outline planning application (14/0330/MOUT) discussed implementing multiple basins. The applicant should clarify why multiple basins are no longer proposed for this site.

The applicant should also discuss what features could be implemented upstream of the basin/s to provide a SuDS Management Train.

There are multiple watercourses which flow through this site. Having one basin will cause flow to drain into one watercourse. The watercourse in the east of the site is understood to drain into a culvert beneath Dinan Way. This watercourse will have reduced flows if the site drains to one basin in the west of the site.

The watercourses are discussed within section 3.3.3 of the Flood Risk Addendum (Ref. jp/19.572; dated 7th May 2020). It is noted within this section that culverts are proposed to be constructed along the full lengths of these watercourses (within the site). However, the Design and Access Statement (Rev. A; dated 4th May 2020) notes that swales and ditches will exist within this site, which will allow for 'further and more diverse opportunities for wildlife'. The Design and Access Statement (within section 1.6) also depicts a ditch which is not depicted on any of the surface water drainage plans and would appear to flow between rear gardens.

The Flood Risk Assessment submitted for the outline planning application proposed to leave the watercourses 'open' with a buffer strip either side. The applicant should revise the site layout to ensure that the watercourses remain open and are accessible for maintenance.

The detention basin is proposed to be constructed with gabion baskets around the edge of the basin. The applicant should clarify the necessity of this and should discuss how gentle, seeded/planted slopes could be constructed.

The proposed detention basin is noted within section 5.5 of the Flood Risk Addendum (Ref. jp/19.572) to only be designed for the residential areas. A high level overflow is proposed to allow future phases to drain into this basin. The applicant should clarify the design and discharge rates for this overflow. The applicant should also clarify why the fields are not being accounted for at this stage. MicroDrainage model outputs for the whole development site are required at this stage to demonstrate that the entire surface water drainage system is designed to the 1 in 100 year (+ 40% allowance for climate change) rainfall event. These outputs are required to demonstrate that the proposed detention basin is large enough to allow future connections from future phases.

The applicant needs to discuss the proposed detention basin with Devon County Council's Highways team, as the basin will require support from the existing embankment for Dinan Way. The outfall will also require a new connection into the existing culvert, and a manhole will need to be constructed within this culvert to construct the flow control. The applicant will need to gain permission from Devon County Council, as land owner, to construct the outfall and manhole.

The proposed flow control is within a manhole located within an embankment. The applicant must clarify the method of construction for this and also clarify how this flow control shall be maintained (including how access to the manhole shall be safely achieved).

The applicant should also confirm who shall be responsible for maintaining the entire surface water drainage system. The applicant should confirm how access to each surface water drainage feature shall be achieved. The applicant should also confirm what tools will be required to maintain each surface water drainage feature.

Exceedance routes are currently proposed through the rear gardens of some dwellings. The applicant should revise the site layout and levels to ensure that exceedance routes are managed safely. Green infrastructure could be constructed to allow exceedance flows to be routed safely.

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.

The applicant should be aware that a condition for the detailed design of the proposed permanent surface water drainage system, as well as the proposals for managing surface water during the construction phase, is attached to planning permission 14/0330/MOUT.

Following my previous consultation response (FRM/ED/0993/2020; dated 3rd July 2020), the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application for which I am grateful. The applicant should ensure that these details are submitted to the Local Planning Authority for their review.

The applicant has proposed a basin within the eastern area of the site. This basin will manage flows from this eastern area only. Although the applicant has proposed to discharge at Qbar for the entire site, the eastern basin will be discharging at slightly higher than Qbar for the relevant impermeable area (the western basin will be discharging at slightly lower than Qbar to compensate for this). The applicant must assess the existing watercourse to ensure that these flows can be safely conveyed.

The applicant has confirmed that watercourses shall remain open except for access. then assess whether storing water against this embankment is suitable.

The applicant must ensure that exceedance routes are safely managed. This may require the levels or camber of the proposed highways to be adjusted to allow flows to be safely conveyed. Currently, the applicant is proposing exceedance flows within the west of the site to follow the watercourse. However, this watercourse will be within a

culvert here, therefore flows will need to follow the boundaries of plots 14, 15, 16 and 18. The applicant must ensure that these flows are safely managed.

The western basin is proposed to be designed between two ordinary watercourses. The applicant will need to ensure that these watercourses are accessible by plant and machinery for maintenance (this also includes any remedial maintenance such as replacing culverts). The applicant must also ensure that the basin is accessible and maintainable (this also includes any remedial maintenance such as adjusting levels or relining). The applicant must also ensure that the eastern basin is accessible and maintainable (this includes any remedial maintenance).

Housing Strategy Officer

The affordable housing should be provided in accordance with the S106 agreement dated 21 August 2019. This states that the development should provide 5% as affordable housing (due to viability issues). Based on 317 units, 15.85 of these should be affordable. The applicant is proposing to provide 16 units and is therefore meeting the requirements of the S106. The S106 goes on to say that the affordable housing should be provided in whatever proportion per phase as may be agreed with the district council. The development is split into 3 phases and the 16 units for affordable are all within phase 1.

I have been discussing the affordable housing provision with the applicant prior to submission of the reserved matters application. The intention is to provide the required 5% within phase 1 and early on into the development to meet the need for affordable housing sooner. Exmouth has the highest amount of need for affordable housing in East Devon. The affordable units are identified on the layout plan and are all located within a cul-de-sac. Whilst this does not meet with the requirements under the local plan for peppercotting it does ensure that the limited number of affordable units get delivered quickly and in one go. If the applicants were to peppercot the 16 units over the three phases this would delay the provision over a longer period of time.

The applicants have sought advice from a number of different registered providers on the layout and mix of units provided. The need in the district and in Exmouth is for smaller properties (1 and 2 bedrooms) to rent. The proposed mix comprises 8 x 1 bedroom houses, 6 x 2 bedroom houses and 2 x 3 bedroom houses. The house sizes and types are good and will meet the need. Registered Providers have also I understand commented that they prefer the units to be located together for management reasons.

I am happy to support the current layout and proposed mix of the unit types.

The tenure of the units have not been shown and in accordance with the S106 there should be 11 units for rent and 5 for shared ownership (70/30 split). The 1 and 2 bedroom units should ideally be for rent and 2 and 3 bedroom houses for shared ownership. A tenure plan should be submitted for approval.

The applicants have also given thought to any super profits that may be achieved which would result in extra affordable units on-site. The plan provides for certain house types which could then be affordable units. These units have been peppercotted through phases 2 and 3.

Further comments:

The applicant has now submitted a tenure plan. This shows 11 units for rent and 5 units for shared ownership. This meets the requirements of the S106 agreement.

The units for the rented accommodation comprise 8 x 1 bedroom houses and 3 x 2 bedroom houses. This will meet the housing need for smaller units and the 1 bedroom quad houses are a good alternative to flats. The shared ownership units are to comprise 3 x 2 bedroom houses and 2 x 3 bedroom houses which is a good mix.

I am satisfied with the tenure plan provided and confirm that it meets the requirements of the S106 agreement and housing need.

EDDC Landscape Architect - Chris Hariades

1 INTRODUCTION

This report forms the EDDC's landscape response to the Reserved Matters application for the above site seeking full/ partial discharge of the following landscape and green infrastructure related conditions attached to the decision notice of the outline consent reference 14/0330/MOUT, condition nos: 2, 3, 5, 7, 9, 12 (c), 16 and 27.

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

Brief site description

The site is situated in a prominent location on the northern edge of Exmouth where it interfaces with open countryside to the north and east and existing development to the south and west. Access is off Dinan Way, a busy main road which follows the western boundary.

The site comprises several small to medium sized former agricultural fields under semi-improved grassland and an area of derelict buildings to the north east. Topography varies across the site with more level areas to the east and an overall fall towards the southwest but with some northwest and south facing slopes which are steep in places. There are a number of ditches and watercourses running in a northeast to southwest direction across the site generally associated with mature hedgerows along field boundaries. The site is surrounded by mature native hedgerow with trees to the south, north and most of the eastern boundaries and by younger hedgerow to Dinan Way.

There are attractive views over the site from the vicinity of the junction of Hulham Road with Dinan Way. There are long distance views from higher ground within the site to the Pebble Bed Heaths to the northeast and high ground on Haldon Ridge to the west.

2 SCHEME PROPOSALS AND RELEVANT PLANNING POLICY AND GUIDANCE

2.1 Relevant conditions – (Information highlighted in red appears to be missing from the application)

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

3. The development hereby permitted shall be carried out in accordance with the approved plans listed [below]: 00 Location Plan 7/ROAD FUNCTION AND SIZES 4/SITE CONSTRAINTS 7A/ROAD FUNCTION HEDGEROWS

5. No development shall take place until a revised Construction and Environment Management Plan (CEMP) (to include schemes for the suppression of dust and air quality measuring and mitigation has been submitted to and agreed in writing with the Local Planning Authority. The development shall not proceed otherwise than in strict accordance with the CEMP as may be agreed unless otherwise agreed in writing with the Local Planning Authority.

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

9. The landscaping scheme to be submitted as part of the landscaping reserved matters submission following of this outline planning permission shall include the following: - A Green infrastructure statement describing the function and character of the provided open spaces and the various types of planting proposed and how this ties into the local landscape character and other elements of the proposed development. - Detailed plans outlining the soft landscape proposals accompanied by a specification detailing the proposed species, their planting size, the density at which they will be planted, any specific planting matrices, the number of plants of each species and notes describing how the scheme will be implemented. - Detailed plans outlining the hard landscape proposals and boundary treatments including proposed levels and accompanied by a material specification. - A minimum of 2 sections showing how the proposed development will integrate into the existing context. - Details of any proposed walls, fences and/or any other hard or soft landscape boundary treatments. - The various tree pits and/or Devon bank construction details. - Implementation and maintenance/management schedule.

12. Prior to the commencement of any works on site (including demolition and site clearance or tree works), details of the design of building foundations, access roads and car park surface construction (temporary and permanent) the layout (with positions, dimensions and levels) of service trenches, ditches, drains and other excavations on site (insofar as they may affect trees on or adjacent to the site), shall be submitted to and approved in writing by the Planning Authority.

16. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated and shall specifically include: - details of the drainage during the construction phase; - details of the final drainage scheme; - provision for exceedance pathways and overland flow routes; - a timetable for construction;

27. The land shown on the Masterplan extending to a total of 1.536ha and shown as a primary school and a nursery shall only be used for educational or community purposes as agreed in writing by the Local Planning Authority. As part of the first reserve matters application for the site, a scheme for the use of the site, and/or, for its interim use, shall be submitted for approval by the Local Planning Authority and thereafter carried out in accordance with the approved details.

3 REVIEW OF SUBMITTED INFORMATION

3.1 Reports and surveys

3.1.1 Topographic details Not provided. A full topographic survey of the site should be provided with the submitted details.

3.1.2 Ecology There is no ecological survey submitted with the application. As a minimum, an update should be provided to the ecological survey submitted with the outline application, together with an ecological impact assessment based on the detail design proposals.

The plans indicate the removal of a number of lengths of hedgerow and trees and culverting of watercourses. It is not clear how these losses are to be compensated for and this should be clarified.

There is no detail in the submitted information on any specific measures for mitigation/enhancement of ecological value.

In accordance with NPPF para. 170 d) and EDDC Local Plan Strategy 3 a) the proposals should provide a bio-diversity net gain. A net gain calculation should be provided to evidence this based on the current layout prepared in accordance with DEFRA guidelines by a qualified ecologist.

3.1.3 Design Code

The submitted design code is a poorly presented document and is missing required information specified in condition 7 including details of boundary treatments, paving materials and design parameters for public open space.

It is usual for the design code to be approved in advance of submission of detail design proposals. In this application the two are submitted simultaneously. It is noted that in a number of respects design principles set out in the design code are not reflected or conflict with the submitted detailed design proposals such as in provision of footways and cycle ways separate from carriageways and the hard engineered attenuation basin design.

There is insufficient consideration of site context particularly local landscape character, building styles and materials, existing site features, opportunities and constraints and how the design proposals should respond to these factors to create a clear and appropriate identity for the development.

3.2 Landscape and layout details

3.2.1 Departures from outline application

The submitted layout differs for the drawings approved at outline stage with additional hedgerow and tree removal and lack of clearly defined primary pedestrian and cycle routes through the development (ref figure 1 below). Figure 1- Road function plan submitted with outline application and forming part of condition 3. Note protected hedgerows marked by green dots which would be removed or adversely impacted by the currently proposed layout

3.2.2 Layout generally

The main block of housing, plots 111-318 , is high density comprising a mix of similar, close spaced detached and semi-detached units forming small blocks fronting onto a network of roads with no provision for incidental public space or consideration of streets as social and play spaces. Architecture is generally repetitive standard house types offering no key landmark buildings to alleviate the street scene and facilitate orientation through the site. Planting proposals are similarly lacking in variation which could otherwise help to define individual character areas and principal access routes.

The provision of street trees is very limited in both size of species selected and number.

Given the prominence and importance of the school site, associated open space and the adjacent commercial area to the development as a whole, further design detail is required for the layout of these areas as required by condition 27.

Plots 147-150 which back on to Dinan Way immediately to the east of the main site entrance are awkwardly situated in term of access and their rear garden boundaries and elevations will provide an unacceptably poor gateway entrance to the site. Similar considerations should apply the other site access points off Dinan Way.

3.2.3 Circulation

Provision for pedestrians is limited to standard width footways and there appears to be no provision for cyclists. The opportunities for providing a central pedestrian/ cycle route through the middle of the site and providing a link to Murray Road in the south east corner has been overlooked. The road layout should be based on a clear hierarchy of types that leads logically through the development.

3.2.4 Existing trees and hedgerow

Placement of rear gardens butting onto principle hedgerows is not good practice as the hedgerow and trees are then vulnerable to residents undertaking clearance/ thinning to allow more light and reduce perceived risk of branch drop. Examples of this are plots 141-146, 121-127, 102-110, 246-251 and 213-219. A wide margin should be provided between principle hedgerows and domestic curtilages with houses fronting onto them.

Rear gardens to a number of plots are too close to and overshadowed by existing important trees, particularly plots 102, 103, 145, 173, 305-308, 213-219, 93-96, 6-8, 311-312.

The hedge-line to the north of plots 162, 182-4, 304, 294, 293, 291 is sandwiched between rear garden boundaries, where it could not be effectively managed and would be vulnerable to cutting back by residents

The proposals would result in the unwarranted loss of notable sections of hedgerow and mature trees including hedges that were identified to be retained within the outline application. There is a lack of clarity as to the full extent of tree and hedgerow removal or how tree and hedgerow losses are to be compensated for.

3.2.5 Boundary treatments – No details provided – required for discharge condition 9.

3.2.6 Paving and surfacing – No details provided – required for discharge of condition 9.

3.2.7 External storage – there is no provision for covered space for cycle storage and garden equipment or bin storage within the submitted details.

3.2.8 Underground utilities services The proposed drainage strategy indicates foul and storm water drainage runs existing ditches to be culverted and attenuation basin design and location. It is unclear why it is considered necessary to culvert the large drainage ditch forming part of the main hedgerow to the southern side of the proposed school site and the further ditch to the west of plots 1-11. This would be likely to adversely impact the adjacent trees and be detrimental to ecology and site character.

The alignment of the storm and foul drain to the north of plots 148/149 appears to compromise the RPA of existing trees to the north. The alignment of the proposed private surface water drain between plots 172 and 173 appears to adversely impact the RPA of the intervening mature tree. Although details of foul and storm drainage are provided, further underground utilities details for gas, telecoms and electricity and

locations of any electrical substations/ gas governors are required prior to discharge of condition 12.

3.2.9 Site levels and sections

Submitted levels information is limited and no sections are provided through the site as required for discharge of condition 9. Further detailed proposed levels information is required together with details of proposed retaining walls and embankments. Sections should be provided along the following alignments:

- Centre line plots 5/6 looking northwards and extending across to Hulham Road.
- Centre line plot 155 and 143 looking east extending across Dynan Way and onto proposed school site.
- Centre line plots 190/191 to plot 251 looking eastwards extending across Dynan Way to northeastern site boundary.
- Centre line plots 217 to 123 looking north-eastwards extending from southern site boundary to proposed school site.

3.2.10 Soil resource plan

A soil resource plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites – DEFRA September 2009, should be included as part of the required CEMP.

3.3 Green Infrastructure Green infrastructure strategy – Not provided – required for discharge of condition 9.

The proposed play area is situated in a very isolated location in woodland at the top end of the site with no passive surveillance opportunities and is consequently unacceptable.

There is a lack of detail regarding the extent of the education site including buildings/ parking and playing fields. More detailed information should be provide for this area as required by condition 27. This should indicate clearly the extent of school grounds and adjacent public space and demonstrate good visual and pedestrian links to the smaller area of open space proposed to the east.

The submitted details do not demonstrate the provision of adequate open space types to meet the requirements of EDDC Local Plan Strategy 43 - Open Space Standards.

SuDS proposals appear to be limited to the hard engineered attenuation basin located at the main site entrance. Notwithstanding site permeability constraints an overall SuDS strategy should be provided as part of the requirements for discharge of conditions 9 and 16 which should demonstrate a SuDS treatment train with collection and attenuation such as green roofs to large community/commercial buildings and provision of water butts to private rear gardens, surface flow and treatment through linked swale features.

3.4 Planting proposals The following information as required by condition 9 is missing and should be provided:

- A specification describing how the scheme will be implemented. This should cover ground preparation, top soil and sub soil quality, soil spreading and final cultivation, planting, mulching and staking/ support, seeding, means of protection
- Detailed plans outlining the hard landscape proposals and boundary treatments including proposed levels and accompanied by a material specification.
- The various tree pits and/or Devon bank construction details.
- Implementation and maintenance/management schedule for a minimum 10 year period. This should include a condition survey of all existing hedgerow to be retained and specific management regime based on the hedge management cycle.

A clear justification should be provided for the removal of the existing roadside hedge to Dinan Way and its replacement with a Devon hedgebank.

4 CONCLUSION AND RECOMMENDATIONS

4.1 Acceptability of proposals The submitted scheme is missing specified information required under conditions 2, 3, 7, 9, 12 (c), 16 and 27 as highlighted in red at section 2.1 above.

Additional information and amendments to the current scheme are required as noted under section 3 above.

Overall the housing layout is considered too dense for the site, does not relate well to its context, is likely to provide poor amenity for residents and lead to unacceptable adverse impact on landscape character and existing trees and hedgerow worthy of retention.

For the above reasons the scheme is considered contrary to local plan policies Strategy 3 (Sustainable Development), Strategy 5 (Environment), D1 (Design and Local Distinctiveness), D2 (Landscape Requirements), D3 (Trees in Relation to Construction).

As such the submitted layout and details are unacceptable in terms of landscape design and green infrastructure provision and insufficient to enable discharge of conditions 2, 3, 5, 7, 9, 12 (c), 16 attached to the decision notice relating to the outline approval.

It is recommended that a revised design code is submitted following approval of which detail layout design should be prepared, based on the agreed design principles and parameters set out in the code.

Further comments:

This report forms the EDDC's landscape response to additional/ revised information submitted in support of the Reserved Matters application for the above site seeking full/ partial discharge of the following landscape and green infrastructure related conditions attached to the decision notice of the outline consent reference 14/0330/MOUT, condition nos: 2, 3, 5, 7, 9, 12 (c), 16 and 27.

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

2 REVIEW OF SUBMITTED INFORMATION

2.1 Missing information (highlighted in red below) is required to enable full discharge of the following conditions:

Condition 7. Notwithstanding the details provided, the first reserve matters application shall be accompanied by a detailed Design Code for the whole of the residential and commercial elements of the development and be agreed in writing by the Local Planning Authority.

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

Condition 9. The landscaping scheme to be submitted as part of the landscaping reserved matters submission following of this outline planning permission shall include the following:

- A Green infrastructure statement describing the function and character of the provided open spaces and the various types of planting proposed and how this ties into the local landscape character and other elements of the proposed development.
- Detailed plans outlining the soft landscape proposals accompanied by a specification detailing the proposed species, their planting size, the density at which they will be planted, any specific planting matrices, the number of plants of each species and notes describing how the scheme will be implemented. Planting plan 04 is missing from the application.
- Detailed plans outlining the hard landscape proposals and boundary treatments including proposed levels and accompanied by a material specification.
- A minimum of 2 sections showing how the proposed development will integrate into the existing context.
- Details of any proposed walls, fences and/or any other hard or soft landscape boundary treatments.
- The various tree pits and/or Devon bank construction details.
- Implementation and maintenance/management schedule.

Condition 12. Prior to the commencement of any works on site (including demolition and site clearance or tree works), details of the design of building foundations, access roads and car park surface construction (temporary and permanent) the layout (with positions, dimensions and levels) of service trenches, ditches, drains and other excavations on site (insofar as they may affect trees on or adjacent to the site), shall be submitted to and approved in writing by the Planning Authority.

Condition 27. The land shown on the Masterplan extending to a total of 1.536ha and shown as a primary school and a nursery shall only be used for educational or community purposes as agreed in writing by the Local Planning Authority. As part of the first reserve matters application for the site, a scheme for the use of the site, and/or, for its interim use, shall be submitted for approval by the Local Planning Authority and thereafter carried out in accordance with the approved details.

2.2 Layout

- a) Given the importance of the main entrance along Road 1 to the overall development a clearer indication needs to be provided for how the 1.5 acre commercial land identified to the east of the entrance could be set out particularly given the awkward levels and presence of mature trees and hedgerow in this area. Similar considerations apply to the proposed school site.
- b) The design of the low density housing in the north east corner of the site (plot nos. 71-107) is generally acceptable. This is however at the expense of the main housing area to the southeast which is far too densely laid out providing poor legibility and no incidental open space that could relieve the tightly packed layout and provide amenity for residents and opportunity for social interaction.
- c) The steep slopes within the site are likely to create challenging levels issues particularly within the high density areas. There is a lack of detail for the revised layout, either in plan or sections, to show how level changes will be effectively dealt with.
- d) Front gardens in many instances are needlessly long and a better design could be achieved by reducing many of them and providing more public amenity space. An example of this is plots 45-48 where reduction of front gardens would free up space between their access drive and the side of plot 49 to provide more structure planting and squaring up the plots to Road 6 would also help.
- e) Car parking for terrace and non-garage units is arranged in long lines of up to 14 spaces with no planting in between to help break up these areas. This is contrary to good design guidance eg Building for Life which advocates breaking up parking into bays of four with planting between.
- f) The layout creates many awkward arrangements between building curtilages and street layout.
- g) Plots 166, 167 and 168 together with Road 22 are very awkwardly arranged. The layout would be improved by omitting plot 34 allowing plots 167 and 168 to be accessed from Road 34.
- h) Many soft landscape areas include narrowly tapering beds where even grass will struggle to survive.
- i) There is a lack of external storage provision to accommodate cycle and bin storage and outdoor equipment. This is particularly the case for flats and terrace units.

2.3 Impact on existing trees and hedgerow

- a) The existing tree and hedge lines around the boundary and crossing the site are important landscape and bio-diversity features. Although the most important of these are to be retained the placement of dwellings and garden boundaries so close to them is likely to have a serious impact on them, if not during construction then in the medium-long term as they are likely to come under pressure from occupants concerned about safety or wanting more light to their property. Their positive management will also be difficult because of a lack of maintenance access. The following locations are of particular concern

□ Plot nos. 198-205 and 290-295 are much too close to existing trees and hedgerow to the south. Consequently these hedge/ tree lines would be likely to suffer from cutting back/ removal by occupiers to allow more light to their properties.

□ Rear gardens to plot numbers 89-101, 138-140, 220-223, 270-276 should be reduced to exclude the RPA of adjacent trees/ hedge lines. Similarly with respect to the side boundaries of plots 278, 279 and 289.

□ Hedgerow/ treeline A13 appears to be compromised by proximity of plots 148, 168, 167 and 160.

b) The placement of garden boundaries close butting existing hedge lines to be retained is likely to make their future management difficult resulting in a gradual decline in their landscape and biodiversity value. Notwithstanding the shortcomings of the proposed layout there is opportunity to provide better maintenance access corridors/ buffer strips adjacent to existing hedgelines in a number of instances such as to the west of hedge A13 by reducing the length of the garden boundaries to plots 149, 155, 156, 157 and 159.

c) The existing, recently planted hedge forming the boundary to Dinan Way is to be removed and replaced with a Devon hedgebank. The existing hedgerow is well established and its replacement will have significant visual and biodiversity impact in at least the short term. A more appropriate approach would be to effectively manage the existing hedge and provide for additional trees to be established within it either through supplementary planting or selection of existing trees specimens within it to be allowed to grow out from it.

d) All existing trees and hedgerow to be retained should be placed in the ownership of the site management company with appropriate access provision/ wayleaves provided for future maintenance.

2.4 Pedestrian/ cycle circulation

The scheme appears to be designed primarily for the convenience of motorists with apparent lack of consideration for pedestrian and cycling connectivity. Key pedestrian and cycle links that should be provided are:

□ Connection to the proposed commercial area to the west of the attenuation basin from Dinan Way via a link path to the southwest of the pond, especially if this area is to be for retail use.

□ A connection to the school site from the end of Road 5, west of plots 140/141.

□ Link from Road 11 to Road 30.

□ Link from Road 30 to LEAP area.

□ Connection to Hulham Road from the northern end of the site.

□ Connection to Marley Road from the side of plot 220.

2.5 SuDS

a) The proposed attenuation pond is over engineered, surrounded completely by gabion basket retaining structures and will be a prominent, ugly, inaccessible feature at the main site entrance. It provides little amenity or biodiversity value and there is no provision for maintenance access or to enable animals who may fall in to climb out.

b) The attenuation basin is the sole SuDS feature within the scheme. This is contrary to DCC and CIRIA SuDS guidance which seeks to establish a surface water treatment train throughout developments and which was indicated in the plans submitted for the outline application for this site.

2.6 Public open space and LEAP

- a) Contrary to good practice guidelines the proposed LEAP is situated in an isolated, remote corner of the site with no natural surveillance from nearby properties. It would be better (and usual) for the LEAP to be closely sited to the school grounds and the football area.
- b) The proposed football field is situated on a relatively steeply sloping part of the site. Further detail is needed to demonstrate that there is sufficient space to provide for run-off areas around it and to accommodate the necessary grading and earth works that will be required.
- c) The proposed 100x 70m size of the football pitch is less than the FA recommendations for adult pitches which should be 116m x 76m including run-off areas.
- d) The location of the football pitch immediately adjacent to Road 5 will require appropriate ball stop fencing the details and location of which should also be confirmed.
- e) A statement should be provided confirming how the POS provision within the proposed scheme will meet EDDC standards including allotments etc.

2.7 Planting

- a) As noted at 2.1 above, planting plan 4 appears to be missing from the submission and a copy should be provided.
- b) Planting plans should clearly show the locations and RPAs of existing trees and hedgerow to be retained.
- c) There is a lack of new large canopy tree planting proposed within housing areas to compensate for the loss of those to be removed. There are opportunities for larger species to be planted in a number of locations including the end of the hedge line between plots 148-149, north of plot 132, front of plots 78-79 and 97-96.
- d) There is an excessive reliance on grass and hornbeam hedging within housing areas with very little alternative planting that would provide interest and screening and there is no sense of plant species selection being used strategically to help provide legibility and different character areas through the site. There is scope for additional planting which would provide some variation to the grass and hornbeam hedging eg. side of plot 85 and plot 90, south of plot 48 and west of plot 49.
- e) In many instances planting beds are too narrow to support proposed planting. Examples of this are the 0.5m width strip to the north side of plot 153 where a hornbeam hedge is proposed sandwiched between the footway and building. Allowing for path haunching and building foundation, which will significantly reduce the effective planting width, the proposed hedge could not be expected to survive. Similarly with plots 158, side plots 61-62, front plots 18-23, side of plot 143 etc.
- f) Proposed Acer c. Elegant are shown in the driveway of plot 92 and 93, presumably in error.
- g) Proposed native hedge mixes also lack diversity. It is recommended that proportion of Sambucus should be reduced to 5% and 5% each of Lonicera periclymenum and Rosa canina added to provide additional biodiversity value. The proportion of Oak should also be reduced from 20% to 5% and 15% Acer campestre added to the mix.
- h) Where the proposed Devon hedgebank to Dinan Way is sandwiched between hard surfaces to either side, eg to south plots 147-150, it is doubtful there will be adequate soil volume to support healthy tree growth.
- i) Planting around the attenuation basin needs further consideration. The proposed wetland mix areas to the north and south lack diversity and are located on steep slopes well above the level of the basin, so will not be wetland as stated. A revised native

species mix is required for these areas to suit the slopes and provide better biodiversity value.

j) Tree planting between the attenuation basin and Road 1 should comprise large canopy trees.

2.8 Bio-diversity

a) The scheme as proposed is likely to have a significant adverse impact on biodiversity particularly in the short term with the removal of mature oaks and other large canopy trees and the loss of hundreds of metres of hedgerow and large areas of semi improved grassland and open stream habitat.

b) An updated ecological assessment should be provided based on the current scheme proposals to include mitigation measures and a calculation of biodiversity loss/ net-gain, in accordance with DEFRA guidelines, that are likely to arise from the proposals.

3 CONCLUSIONS AND RECOMMENDATIONS

I am aware that the provision of 303 homes is considerably less than the 350 allocation for this site within the Local Plan but it is clear that even this reduction exceeds the reasonable site capacity and severely compromises design quality. The existing allocation should not be a reason for acceptance of such a poorly designed scheme. Notwithstanding the limitations due to design density there are a number of areas identified above where the design could be improved.

There is also a significant amount of missing information required under the relevant conditions and highlighted at section 2 above which need to be provided prior to their discharge.

For the above reasons the scheme is considered contrary to NPPF paragraph 127 and the following local plan policies:

- ☐ Strategy 3 (Sustainable development) – item a)
- ☐ Strategy 5 (Environment) – Items 1 and 2
- ☐ Strategy 43 (Open space standards)
- ☐ D1 (Design and Local Distinctiveness)
- ☐ D2 (Landscape requirements)
- ☐ D3 (Trees and development sites)

As such the details submitted should be considered unacceptable in terms of landscape design visual and biodiversity impact and the application should be refused.

NHS Royal Devon & Exeter NHS Foundation Trust

This is a consultation response to the planning application ref: 20/0993/MRES in relation to: Reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT for 317 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

Introduction

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The creation and maintenance of healthy communities is an essential component of a sustainability healthy community

as articulated in the Government's National Planning Policy Framework, which is a significant material consideration. Development plans have to be in conformity with the NPPF and less weight should be given to policies that are not consistent with the NPPF. Consequently, local planning policies along with development management decisions also have to be formulated with a view to securing sustainable healthy communities. Access to health services is a fundamental part of a sustainable healthy community.

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

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

The Trust's funding is based on the previous year's activity it has delivered subject to satisfying the quality requirements set down in the NHS Standard Contract. Quality requirements are linked to the on-time delivery of care and intervention and are evidenced by best clinical practice to ensure optimal outcomes for patients.

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

CIL Regulation 122

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

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

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

S 106

S 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request that a developer contribute towards the impact that a development creates on the services. The contribution in the amount £454,133.00 sought will go towards the gap in funding created by each potential patient from this development. The detailed explanation and calculations are provided within the attached document.

Without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed

development due to conflict with NPPF and Local Development Plan policies as explained in the attached document.

Devon County Highway Authority

The County Highway Authority (CHA) has examined the application details, drawings and plans digitally online via the planning authority's web site, but it has not had the opportunity to examine the drawings and plans that have been submitted with the application or print drawings and plans from the web site as would normally be the case, because of home-working. It has not visited the site recently, because of Coronavirus precautions, but has relied upon digital mapping of the site and its surroundings and previous visits to site for the outline application (14/0330/MOUT).

The CHA contacted the LPA on 10/06/2020 requesting some further details for the planning application and an extension in time for a response. As of today's date I have not received a reply to this request.

Unapproved Access

The Proposed Highway Layout plans show a new access from Marley Road to serve Roads 20 and 21, this access has not been approved in the Outline Consent (14/0330/MOUT). The Decision Notice of 14/0330/MOUT conditions 3 number accesses from Dinan Way only:

"20. The site accesses shall be constructed, laid out and maintained thereafter in accordance with the attached diagram F.

(Reason: To provide a satisfactory access to the site and to protect the pedestrian priority on the footway in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan)."

"21. The site accesses shall be constructed, laid out and maintained thereafter in accordance with the attached diagram Appendix 8.1 and Appendix 8.2 in the Transport Assessment dated February 2014 prepared by Peter Evans Partnership.

(Reason: To provide a satisfactory access to the site and to protect the pedestrian priority on the footway in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan)."

Condition 22 of the 14/0330/MOUT Decision Notice conditions the closure of the existing access from Marley Road:

22. The 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).

The CHA does not support this proposed access from Marley Road as this access has not been approved in the outline application or in any Transport Assessment or discussed previously.

Points of Clarification Required by the CHA

Priority to Pedestrian and Cycle Movements:

The proposed layout does not give priority to pedestrian and cycle movement within the scheme or how these would connect with the proposed Primary School or pedestrian and cycle movement outside of the scheme.

Road Design Categories:

The Road Construction Drawing quotes road categories (R2 and R33 as contained in the Devon Design Guide) but the Proposed Highway Layout plans does not show which roads are R2 and which roads are R33.

Finished Road Surface:

Road 18 shows this road to be adopted by the CHA, but the finished road surface is Block Paved which is not now a road finish that is acceptable to the CHA.

Because of the unapproved access and lack of information contained in the application the CHA recommends that the application is refused.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

1. The proposal does not comply with Condition 20 and 21 of the Outline Approval reference 14/0330/MOUT dated 23 August 2019.
2. The proposal does not comply with Condition 22 of the Outline Approval reference 14/0330/MOUT dated 23 August 2019.
3. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, pedestrian and cycle priority, road layout and road construction contrary to paragraph 109 and 110
This is a large development with up to 31 roads, 317 dwellings, plus access to employment/commercial parcels and a school site.

Normally HDM would use full scale plans (A1) to be examined, scaled and discussed by the team to be able to make comments to the LPA. However, because of lock-down and home working I don't think this will be possible at present and foresee that the time needed by us to make a full response to this application will need to be extended. Examination of drawings on single small screen laptops without us being able to scale is an arduous task.

I would be grateful if you could contact the applicant and request the following details/explanations.

My initial overview of the plans reveal that there is some further information that we require from the applicant at this time:

- o Proposed Highway Layout Drg. No. 19.572/001 Rev. B shows the road layouts and numbering but it does not say which Devon Design Guide Road Type (R1, R2, R3 etc....) each road is designed at. This notation for each road save us a lot of time as it informs the number of dwellings, carriage width, design speed, maximum length, speed restraint spacing, etc.

- o Drg. No. 19.572/001 Rev. B also shows at least 6 roads that are proposed to be private of which Rd 31 would serve 14 dwellings; Rd 26 would serve 13 dwellings; Rd29 / 8 dwellings; Rd 14 / 10 dwellings; Rd 25 / 4 dwellings and Rd 19 / 11 dwellings - Officially the CHA recommends that roads serving more than 3 dwellings should be adopted (although I have stretched this to 5 or 6 where further development is restricted). We will require confirmation that the LPA are happy with this prospect and that all roads will be constructed to acceptable standards and how such private roads (if acceptable) will be maintained in perpetuity so that residents do not invoke S37 of the Highway Act to force DCC to adopt in the future.

- o Drg. No. 19.572/001 Rev. B shows Rd 18 (shown as adoptable) is proposed to be a block paved finished surface which is not an adoptable item for us now.

Further comments:

Amended Details:

This response is in reply to the amended details received by East Devon District Council from the Applicant's Agent validated 24/07/2020.

The CHA is glad to see that the amended layout does-away-with the proposed inappropriate access from Marley Road and amends all subsequent plans so that all roads within the development can be accessed from at least one of approved entrances on Dinan Way.

The addition of drawing 118 showing 'Road Types' and updated proposed roads drawings showing more of the residential roads for adoption and within the Section 38 boundary, is also now more akin to CHA policy. Also, the change of road surface finish from block paved to bitumen on Road 18 aligns with DCC's current adoption criteria.

The CHA accepts that Road 26 cannot be offered for adoption, even though it will serve 16 dwellings, due to 'hand dig within the root protection area' and is satisfied that Road 26 will remain privately owned/maintained in perpetuity, meaning that S37 of the Highways Act cannot be invoked by residents/owners at a later date.

Cycling Provisions:

Whilst the Agent explains in his letter that Road 1, a commercial access road, has a 3 metre wide footway/cycleway on one side and a 2.5 metre footway on the other side which could accommodate a crossing, the latest DfT communique 'Gear Change - A bold vision for cycling and walking' - explains that cycling should be integrated into the wider network.

The cycle provision for this development does not appear to integrate its cycling provision fully throughout the site, onto Dinan Way (at any or all the accesses), the locality of Exmouth or the wider network. For instance, Road 33 ((private) Connecting Footpath) could be widened with a suitable junction with Road 1 to accommodate cycles.

Lack of cycling provision was one of the reasons for my recommendation of refusal on the original layout and therefore I would ask for some further discussions, ideas on how this site could improve its cycling credentials.

CEMP incorporating CMP:

Appendix 4.3 Photographic Evidence of adjacent highway requires the exact locations of these photographs and the CHA wishes that the applicant or On-site Main Contractor arranges to meet with the Highway Agreements Officer and the Neighbourhood Highways Officer to agree any remedial measure prior to commencement and any on-going highway measures.

Updated Highway Drawings:

The general layout and arrangement are acceptable subject to suitable engineering details of embankments that support the existing or any proposed highways and suitable engineering details of any Fall Protection/Vehicle Restraint Systems where required, these matters to be agreed and confirmed by the CHA prior to any construction.

Roads 7 & 8 showing new agricultural accesses. These accesses will require private drainage systems to prevent private surface water from reaching the adoptable highway; these, however, maybe exceeded by the Flood Exceedance Overland Flow Route.

Agricultural gates to be hung so they open away from the highway and dropped kerbing and footway crossovers designs for any adjacent footway.

Roads 14, 15 (private), 17 (private) and Plot 192 are close the boundary of Dinan Way and may require protection from a Vehicle Restraint Systems.

Transport Assessment

The original Transport Assessment used traffic data which goes back well over ten years, some of which was supplied by DCC. It would appear that the Dinan Way Extension may not come on-line for some years to come and although the original TA discounted the Dinan Way Extension as a primary means of access to this site, I have been approached by County Cllr's and members of the public with regard to the perceived uplift of traffic in Exmouth and routes leading to it from Exeter, the A30 and the A3052. I have therefore commissioned the County's Transportation Data Team to examine their most recent traffic data to see if there are any specific rises in traffic which are disproportionate with those as forecasted in the TA for this development. I have yet to receive this information and will comment further when I have it.

I have made the above observations however; these are not comprehensive and further observations maybe required.

Recommendation:

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

Other Representations

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

- Wrong site for this many house, let nature have its place in society;
- The access onto Marley Road was not approved at the outline stage, it should be removed;
- No mention of biodiversity net gain;
- 50% of houses should be fitted with bat/bird boxes;
- Mature trees should not be felled
- There should be a playing pitch on this site as identified in the playing pitch strategy;
- What happens if the school is not provided;
- Why is there no convenience shop;
- Bownfield land should be developed before this site;
- Employment land should be for local businesses;
- 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;
- 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;
- Destruction of woodland;
- Affordable homes are a top priority of the Council yet there is only 5%;
- 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;
- Loss of important agricultural land, has had horses grazing on it;

These issues will be addressed in the report.

PLANNING HISTORY

Reference	Description	Decision	Date
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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
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POLICIES

Adopted East Devon Local Plan 2013-2031 Policies Strategy 22 (Development at Exmouth)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN14 (Control of Pollution)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN5 (Wildlife Habitats and Features)

EN22 (Surface Run-Off Implications of New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Other Plans

Exmouth Neighbourhood Plan (Made)

Lympstone Neighbourhood Plan (Made)

Site Location and Description

The application site lies with the built up area boundary of Exmouth, although its northern most part lies within Lympstone Parish. 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 up to its junction with Hulham Road. 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, save for the north western most part of the site which slopes steeply from both Dinan Way and Hulham Road down to a valley with various watercourse running through it.

Proposed Development

This application seeks reserved matters approval for the erection of 300 residential units pursuant to outline planning permission 14/0330/MOUT which granted permission for up to 350 residential units.

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.

Of the 300 units, 16 would be for affordable housing (70% affordable rent and 30% shared ownership) in accordance with the legal agreement accompanying the associated outline application.

The application has been amended a number of times since first submission, principally to remove an additional access onto Marley Road that was not secured at the outline stage, to provide the playing pitch and school site that were secured as part of the legal agreement on the outline permission and to revise the drainage and landscape design; other minor changes have also been made.

ANALYSIS

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.

Therefore the main considerations in the determination of this Reserved Matters application relate to:

- Layout including commercial land, school site and public open space provision;
- Scale;
- Appearance;

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

Layout

The site extends to 15.25 hectares and constitutes an allocation under Strategy 22 of the EDDC Local Plan where the site is envisaged to provide up to 350 residential units, around 5 hectares of land for mixed use employment (3 hectares) and community and commercial facilities (2 hectares), a 210 pupil primary school of 1.5 hectares is envisaged to be provided as part of the community facilities. The provision and phasing of these facilities were secured through the signing of a Section 106 legal agreement as part of outline application 14/0330/MOUT.

The proposed layout provides for 300 residential units, 16 of which (5%) would be for affordable occupation, 2.3 hectares of mixed use employment land, 1.3 hectares for a school and associated infrastructure, a 106 metre by 70 metre (0.85 hectares) football pitch (required as part of the legal agreement attached to the outline permission) and a 775 square metre (0.1 hectares) locally equipped area for play (LEAP) (also required as part of the legal agreement attached to the outline permission).

It is acknowledged that the proposal does not align exactly with Strategy 22 in that the amount of serviced employment land does not equate to 'around' 3 hectares and the total of the non-residential development is 4.55ha and not 5ha. However, the community facilities including a school, football pitch and LEAP equate to more than 'around' 2 hectares (2.25ha). Furthermore, the site was envisaged to provide 350 homes, however only 300 homes, including 5% affordable homes, are now proposed (as the site is covered by numerous constraints including trees covered by tree preservation orders (TPOs), various water courses and hedgerows that are protected as wildlife corridors) and accordingly the quantum of development envisaged by Strategy 22 is not possible on the site. With a lower level of residential development, and slightly greater area for community and education uses, the full area of employment land is not possible to secure, or be viable to provide. However, the proposed development is considered to provide a development that is well balanced and achieves the aims of a comprehensive mixed-use development as required by the Strategy.

There is potential for a conflict between land uses where the commercial/industrial land and houses are located next to each other in the western part of the site through noise and emissions disturbance, however, this part of the proposal only seeks permission for the layout and not the position of the commercial buildings or any of their boundary treatments. Further planning permission will be required for the layout and design of buildings on the commercial land and it will be during the determination of these applications that will determine the need for any mitigation planting or fencing (acoustic or otherwise). This is a view shared by the Council's Environmental Health Officer. However, in principle there is no objection to these uses being sited adjacent to each other as was inevitable as part of the original site allocation.

The Council's Landscape Architect has raised concerns during the course of the application that the majority of the housing areas on site are far too densely laid out, providing poor legibility and no incidental open space that could relieve the tightly packed layout and provide amenity for residents and opportunity for social interaction. Whilst the Landscape Officer remains of this view, significant changes have been made following discussions with the applicant and the layout is considered to be similar to the numerous housing estates that are served by Dinan Way such that it will not be out of context. There are areas of informal space and formal open space through the development which is further aided by the retention of the majority of the mature trees and hedgerows together with provision of a large football pitch and locally equipped area for play within a woodland setting. Furthermore, larger front gardens for properties achieve more of a sense of green space. It is acknowledged that the play area does not benefit from high amounts of natural surveillance with no properties overlooking it, however, it provides for a much improved setting away from roads and a natural environment for children to explore rather than a hard surfaced play area with standard equipment and is seen as a benefit to the scheme.

On balance therefore, despite the remaining concerns of the Landscape Architect, the proposal is considered to be acceptable and the outstanding matters not of enough significance to be able to justify refusal on appeal.

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 is 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.

To the north west of the site lie a handful of properties served by Hulham Road, Little Marley is the closest property that would face towards the proposal site, however as there would be in excess of 25 metres between the aforementioned property and the gable end of plot 65 it is considered that there would not be a detrimental impact on the living conditions of that property.

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

Scale

The site is characterised by its undulating nature not least at its south-western corner which drops substantially down from Dinan Way towards watercourses before rising again to the North West, its eastern half has a more consistent gradient sloping up from Dinan Way. The mixed use employment land would be provided at a relatively level datum using cut and fill techniques. At this stage the exact scale of the commercial buildings are not known as the legal agreement only secured serviced plots with the detail of the scale and design of these buildings to be submitted through further applications in due course. The primary school would also be required to be submitted through a further application in due course.

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 Council's Landscape Architect raised a number of concerns with the submitted document indicating that a number of the items contained in the condition were missing. Whilst this is the case, 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. 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 will not appear out of character.

The structure planting and on plot planting has been amended during the 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

The design and appearance of the commercial units and primary school will be dealt with separately under further planning applications in due course.

It will be necessary to agree the height and design of any fencing required to prevent balls leaving the football pitch by condition.

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, as part of the initial submission of this application a further access was proposed from Marley Road, however as this access did not accord with the outline permission it was removed from the proposal and would now be a turning area for Marley Road.

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.

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 site 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 the application 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 area of woodland where the LEAP is proposed has been the subject of a number of concerns by local residents and wildlife groups who see the loss of trees in this area to be detrimental to the scheme and the local wildlife, however, the applicant's tree consultant has provided evidence that a number of these trees are suffering from ash dieback and other trees are typical of woodland growth, including Douglas Fir, and not individually great species and therefore whilst there would be some trees removed (30% thinning) and some disturbance to habitats, the LEAP proposed would assimilate well into the woodland and still be appropriately screened from its surroundings and biodiversity safeguards and enhancements will be provided elsewhere on the site.

Overall the landscape strategy has been well conceived working with the constraints of the site and ensuring that the majority of the existing trees and hedgerows would be retained and protected (it is acknowledged that some would be lost) together with new planting to enhance the character of the area and is considered acceptable in relation to Policies D2 and D3 of the EDDC Local Plan.

Drainage

The application proposes to provide an onsite surface water drainage attenuation basin in the south western corner of the site adjacent to the commercial land to collect the water from 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 and the diversion of the existing watercourses away from draining into the proposed drainage basin so that during times of flooding and water surges the basin can accommodate the increased flows from the site and not the watercourses which serve a much wider catchment along their route, this could have increase potential for the basin control valves to be breaches and increase flood risk to third parties downstream.

The amendments to the scheme have now been finalised with the applicant's drainage consultant proposing a basin within the eastern area of the site. This basin would manage flows from this eastern area only. 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.

At the detailed design stage, the applicant will need to ensure that the location of the basins are acceptable to any relevant landowners. At the moment, DCC Flood Risk are unsure whether the basins are located adjacent to embankments, and whether these are Devon County Council owned embankments. If the basins will use an embankment as a bank, then the applicant will need to assess the formation of the embankment and then assess whether storing water against this embankment is suitable. It is considered necessary to impose a suitably worded condition to ensure that additional structural details of these embankments are provided prior to the drainage basins being installed and consultation with DCC Highways on these matters.

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 wildlife on site and how this was dealt with at the outline application stage, however, as part of the legal agreement a wildlife corridor of hedgerow running through the middle of the site was secured to ensure that the bat activity identified of foraging and commuting would continue, this has been provided for on the plans submitted with the application. In accordance with the paragraphs 170 & 174 of the NPPF, opportunities to achieve a

measurable net gain for biodiversity should be sought through the delivery of this development. As part of the proposal there are large areas of the application site where net gain could be achieved, and as such it is proposed that a landscape and ecological management plan (LEMP) is provided by condition to secure such gains over and above the submitted landscaping scheme/details.

Concerns have been expressed regarding the limited number of affordable homes on such a large development. However, during the determination of the outline planning application (14/0330/MOUT), the viability discussions concluded that only 5% affordable housing was possible due to the topography of the site and other abnormal costs. This provision was secured by a legal agreement. Furthermore in accordance with the adopted Planning Obligations SPD the total floor space of the development to be delivered at the reserved matters stage was capped so that the viability position was maintained. As a consequence of the number of houses for determination being 300 rather than the 350 envisaged at outline, the total floor space of the development is much less than secured in the legal agreement; the number of affordable houses remains at 5% of the overall development (16). As the affordable housing was secured as part of the Outline consent, this proposal provides the required number of affordable housing units and the Housing Officer has confirmed that the proposed mix is acceptable, the proposal is in accordance with the outline consents and its legal requirements in terms of affordable housing provision.

Should the profits of the developer exceed those stated in the original viability report, the overage clause secured in the legal agreement as part of the Outline consent will be triggered and the 'super profit' shared 50/50 with the developer or additional affordable units provided on site.

NHS England has requested a financial contribution towards the cost of care of new residents for 1 year following occupation of each dwelling as there is a lag between housing completions and receiving NHS funding. However such contributions need to be sought at the Outline planning application stage and are only currently justified for unplanned development (i.e. departures from the development plan). As the application site is allocated/planned form in the Local Plan, the NHS should have secured their future funding based on this planned development in the Local Plan. Furthermore, at this point in time, whilst a request for funding on non-allocated sites is justified in principle, the evidence behind the amount requested from the NHS is not in sufficient detail to ascertain how the money will be spent and if the amount requested is correct given that different patients would require care others would not.

Accordingly, as further contributions cannot be secured at the reserve Matters stage, as the NHS should have planned for this development due to its strategic allocation in the Local Plan, and as the exact contribution amount remains unjustified, this request cannot be secured and is not justified.

Comments have been received regarding the layout (in relation to the location of the employment units falling within Lymptone) that it will reduce the CIL receipts received by Lymptone. However this is not a material planning consideration that could be used to justify refusal of planning permission. In addition, it was indicated at the outline stage that the employment units would be located on the western part of the site and with a suitable layout, the proposal is acceptable in planning terms.

CONCLUSION

It is clear that the site allocation in the EDDC Local Plan which envisaged provision of up to 350 homes and around 5 hectares of mixed use employment and community facilities did not take full account of the constraints of the site, as when taking into account protected trees, existing watercourses, wildlife and the topography of the site, the quantum of development achievable is significantly reduced. However, the scheme that has been submitted (and amended through negotiation) provides for a development that is well balanced and provides for 300 residential units, 16 of which (5%) would be for affordable occupation, 2.3 hectares of mixed use employment land, 1.3 hectares for a school and associated infrastructure, a 106 metre by 70 metre (0.85 hectares) football pitch and a 775 square metre (0.1 hectares) locally equipped area for play (LEAP) together with attenuation basins.

Following considerable negotiation and amendment, the development is considered to be well balanced and will have an acceptable impact on its surroundings, the trees on site, existing watercourses, highway safety or the amenity of nearby residents.

In light of this, and subject to a number of conditions, the proposal is considered to be acceptable.

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. Prior to the football pitch being brought into use details including design, height, materials and a maintenance schedule for ball stop fencing around the football pitch, together with any lighting design shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the fencing is suitable given the proximity to highways and third party properties in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.
4. 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 Est Devon Local Plan.
5. Prior to any works commencing on the eastern attenuation basin hereby approved, the detailed design and structural stability of the embankment/retaining structure for the southern side of the basin adjacent to Dinan Way shall be submitted to and approved in writing by the Local Planning Authority in consultation with DCC Flood Risk Department and DCC Highways Department. The development shall thereafter be carried out in accordance with the agreed details only.
Reason – To ensure that the stability of any embankment for the basin is suitable adjacent to the public highway in accordance with policies TC7 (Adequacy of Site Access and Road Network) and EN22 (Surface Water Run Off) of the East Devon Local Plan.
6. 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:
 - ☐ Extent, ownership and responsibilities for management and maintenance.
 - ☐ Details of how the management and maintenance of open space will be funded for the life of the development.

- ☐ Inspection arrangements for existing and proposed trees and hedgerows and monitoring of bio-diversity net-gain.
- ☐ Management and maintenance of trees and hedgerow.
- ☐ Management and maintenance of shrub, herbaceous and grass areas.
- ☐ Management of ecological habitat, maintenance of any ecological mitigation measures and further measures for enhancement of biodiversity value.
- ☐ Management and maintenance of any boundary structures, drainage swales and other infrastructure/ facilities within public areas.

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

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

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:

6637-200 C : HOUSE TYPE A.AH	Proposed Combined Plans	14.05.20
6637-201 C HOUSE TYPE B	Proposed Combined Plans	14.05.20
6637-202 D HOUSE TYPE C.AH	Proposed Combined Plans	14.05.20
6637-203 A HOUSE TYPE D.OM	Proposed Combined Plans	14.05.20
6637-204 A HOUSE TYPE E.OM	Proposed Combined Plans	14.05.20

6637-206 A HOUSE TYPE G.OM	Proposed Combined Plans	14.05.20
6637-207 A HOUSE TYPE H.OM	Proposed Combined Plans	14.05.20
6637-208 A HOUSE TYPE J.OM	Proposed Combined Plans	14.05.20
6637-210 A HOUSE TYPE F2.OM	Proposed Combined Plans	14.05.20
6637-211 : GARAGE	Layout	14.05.20
6637-212 : CAR PORT	Layout	14.05.20
6637-213 A HOUSE TYPE D2.OM	Proposed Combined Plans	14.05.20
6637-215 A HOUSE TYPE L.OM	Proposed Combined Plans	14.05.20
6637-217 HOUSE TYPE M.OM	Proposed Combined Plans	14.05.20
6637-LP	Location Plan	14.05.20
6637-106	Proposed Site Plan	24.07.20
6637-300 F	Other Plans	24.07.20
6637101AA	Proposed Site Plan	22.01.21
6637 102AA	Proposed Site Plan	22.01.21
6637 103AA	Proposed Site Plan	22.01.21
6637 104AA	Proposed Site Plan	22.01.21
6637 300K	Proposed Site Plan	22.01.21

6637 205A	Proposed Combined Plans	22.01.21
A235	Agricultural Survey or Appraisal	22.01.21
667_01 REV C	Landscaping	22.01.21
667_02 REVC	Landscaping	22.01.21
667_03 REVD	Landscaping	22.01.21
667_04 REVC	Landscaping	22.01.21
6637 100AA	Proposed Site Plan	22.01.21
667_05 REVD	Landscaping	22.01.21
667_06 REVC	Landscaping	22.01.21
667_07 REVB	Landscaping	22.01.21
667_09 REVB	Landscaping	22.01.21
667_10 REVD	Landscaping	22.01.21
667_101 REVB	Landscaping	22.01.21
667_08	Landscaping	22.01.21
667_11	Landscaping	22.01.21
19.572 14LS_B	Other Plans	22.01.21
19.572_13.38HA_A	Other Plans	22.01.21
19.572 12.21S_C	Other Plans	22.01.21
19572 022_G	Other Plans	22.01.21
19572 056_H	Other Plans	22.01.21
19572 110_H	Other Plans	22.01.21
19572 102_A	Other Plans	22.01.21
19572 061_B	Other Plans	22.01.21
19572 060_F	Other Plans	22.01.21
19572 062_A	Other Plans	22.01.21

19572 050_G	Other Plans	22.01.21
19572 001_G	Other Plans	22.01.21
19572 002_C	Other Plans	22.01.21
19572 003_E	Other Plans	22.01.21
19572 004_E	Other Plans	22.01.21
19572 005_E	Other Plans	22.01.21
19572 006_C	Other Plans	22.01.21
19572 007_E	Other Plans	22.01.21
19572 008_D	Other Plans	22.01.21
19572 009_F	Other Plans	22.01.21
19572 010_E	Other Plans	22.01.21
19572 011_C	Other Plans	22.01.21
19572 012_C	Other Plans	22.01.21
19572 013_E	Other Plans	22.01.21
19572 014_E	Other Plans	22.01.21
19572 015_D	Other Plans	22.01.21
19572 016_D	Other Plans	22.01.21
19572 017_D	Other Plans	22.01.21
19572 018_D	Other Plans	22.01.21
19572 118_E	Other Plans	22.01.21
19572 055_K	Other Plans	22.01.21
19572 023_H	Other Plans	22.01.21

List of Background Papers

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