

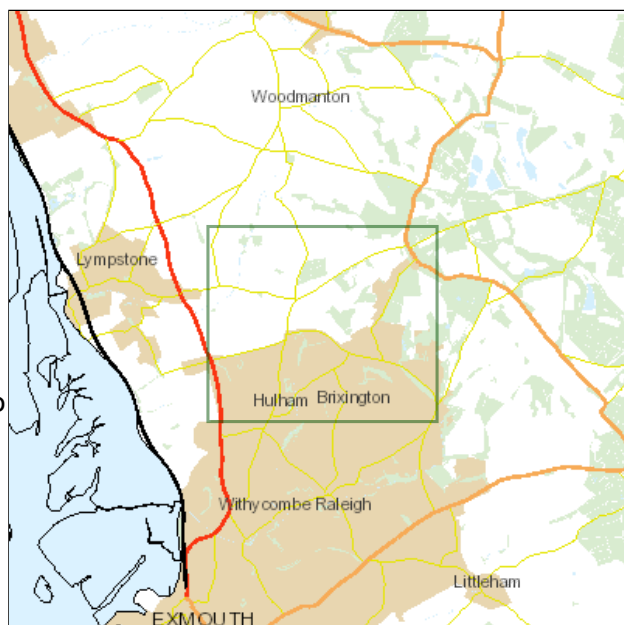
Ward Woodbury And Lymestone

Reference 22/1839/MRES

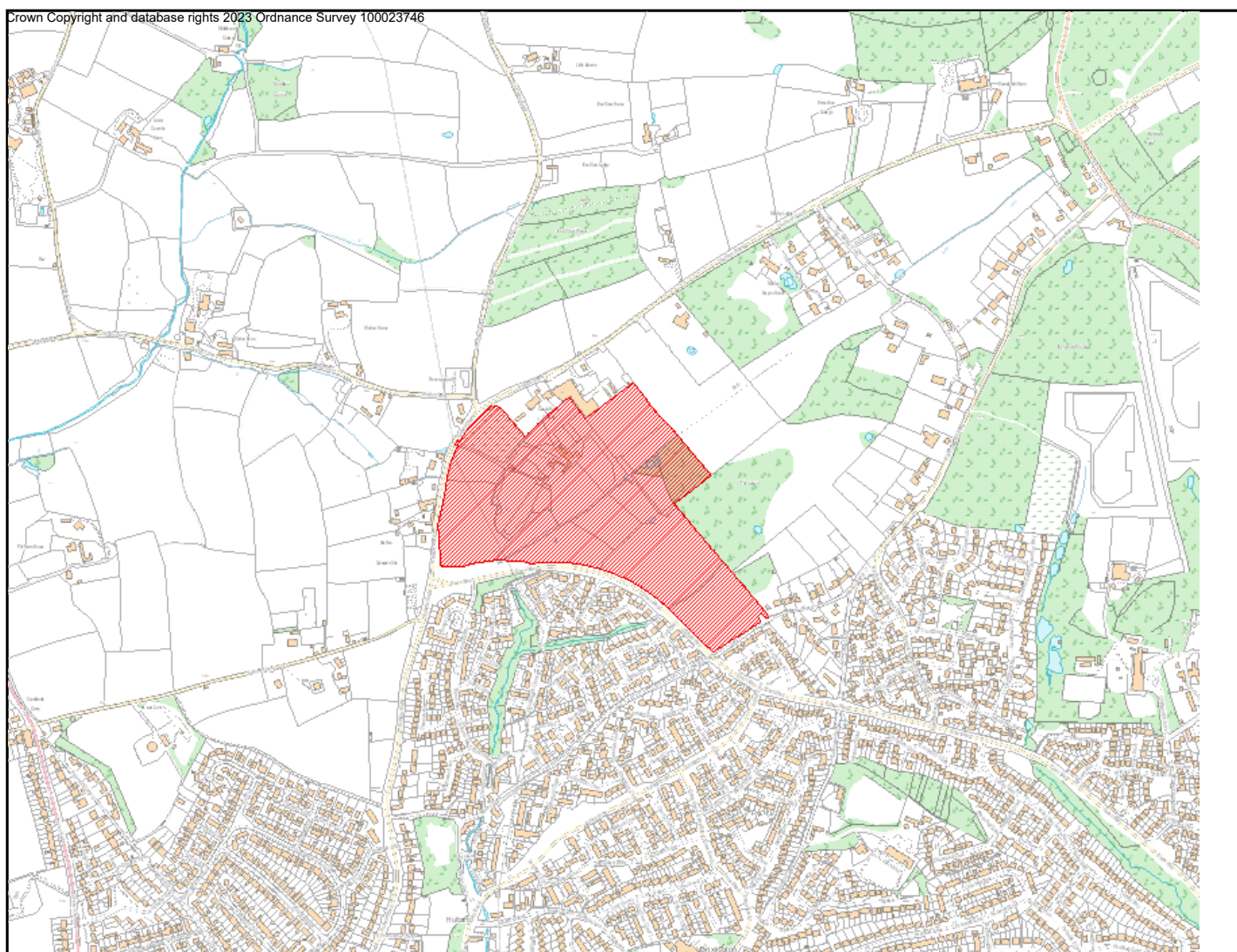
Applicant 3West Group Ltd

Location Goodmores Farm Dinan Way Exmouth

Proposal Partial reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT for 32 houses, 24 apartments (with bin and cycle stores), a fibre cabinet associated roads and parking



RECOMMENDATION: Approval with conditions



		Committee Date: 13.06.2023
Woodbury And Lympstone (Lympstone)	22/1839/MRES	Target Date: 04.01.2023
Applicant:	3West Group Ltd	
Location:	Goodmores Farm Dinan Way	
Proposal:	Partial reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT for 32 houses, 24 apartments (with bin and cycle stores), a fibre cabinet associated roads and parking	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

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

This application seeks reserved matters permission following outline approval 14/0330/MOUT for the construction of 32 houses and 24 apartments (split over 2no. 3 storey blocks of apartments, with rooms in the roof).

This represents an alternative scheme to that approved under application 21/1516/MRES where in the same red edge there were 36 houses approved, this would remain in accordance with the outline permission for up to 350 units across this phase of development and that previously approved under reference 20/0993/MRES.

The proposed development would represent an uplift in the amount of dwellings that would be provided across the wider development site by providing an additional 20 units of residential accommodation which would be of benefit to the Local Planning Authority at a time when they cannot demonstrate a 5 year supply of housing, in such circumstances there is a tilted balance imposed by Paragraph 11 of the NPPF whereby sustainable developments should be

approved without delay unless the benefits of doing so would be demonstrably outweighed by the impacts of the proposed development. There would also be a small uplift in the number of affordable units across the wider site as the S106 agreement requires 5% provision. The report indicates that there would be some impacts from the proposed development, however, these impacts have been found to be acceptable in the wider context, the introduction of three storey apartments (with rooms in the roof) would have a larger degree of impact than the two storey dwellings previously approved, however, by reducing the ground level and angling the view from the blocks it is considered that there would not be a detrimental impact on the character and appearance of the surroundings or residential amenity (with conditions) sufficient to withhold permission at this time.

CONSULTATIONS

Local Consultations

Clerk To Exmouth Town Council

Objection; the development failed to deliver the identified need in the Exmouth Neighbourhood Plan to deliver 25% affordable housing units and was therefore contrary to policy H2. This proposal to uplift the number units provided by 20 was considered overdevelopment of the site, further impacting on the biodiversity and ecology of the area.

Woodbury And Lympstone - Cllr Geoff Jung (adjacent ward)

22/1839/MRES

I have viewed the documents for the planning application 2/1839/MRES for partial reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT for 32 houses, 23 apartments (with bin and cycle stores), a fibre cabinet associated roads and parking at Goodmores Farm Dinan Way Exmouth.

There is already full planning permission for this development and these additional plans are adding some further detail. I support these amendments; however I reserve my final views on the application until I am in full possession of all the relevant arguments for and against.

Technical Consultations

DCC Flood Risk SuDS Consultation 06.02.2023

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage.

Observations:

Following my previous consultation response (FRM/ED/1839/2022; dated 25th October 2022), 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 exceedance flows are managed appropriately.

Joshua Lewis
Flood and Coastal Risk Officer

DCC Flood Risk SuDS Consultation 25.10.2022

Recommendation:

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 not provided any information in relation to the disposal of surface water from the site to enable me to make observations on the proposal. The applicant must therefore submit a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found at the following address:

<https://www.devon.gov.uk/floodriskmanagement/planning-and-development/suds-guidance/>.

Joshua Lewis
Flood and Coastal Risk Officer

Royal Society For The Protection Of Birds

Partial reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT for 32 houses, 23 apartments (with bin and cycle stores), a fibre cabinet associated roads and parking | Validated: 05/10/2022

We appreciate that this is part of a much larger scheme with the original consent dated Feb 2014, the Protected Species Report dated 15/3/2013 recommends installing bat and bird boxes which was followed by an Ecological Impact and Mitigation Assessment dated February 2021 which recommended:

"Compensatory roosting provision and enhancement will be provided in the form of 40 integrated bird nesting bricks, to be provided within the new buildings on the site. These will be situated in suitable areas of the site, adjacent to suitable bird foraging and commuting habitats, in sheltered locations away from prevailing wind and driving

rain. These would be suitable for use by house sparrows and other small hole-nesting birds."

for the whole development of approx 300 units which is approx. 260 short of what currently considered to be good practice by British Standard "BS42021:20221 Integral Nest Boxes Selection and Installation for New Developments" which was published in March this year.

We are hoping the balance might be redressed by applying the above to this phase of the development.

Contaminated Land Officer

CT3 Phased Condition:

Unless otherwise agreed by the Local Planning Authority, development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination.

(ii) an assessment of the potential risks to:

Human health,
Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
Adjoining land,
Groundwaters and surface waters,
Ecological systems,
Archeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

2. Submission of Remediation Scheme

Where identified as necessary as a result of the findings of the investigation above, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and submitted for approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development (other than any part of the development required to carry out remediation), unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and will be subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 above and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of condition 2. This must be subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance

Where identified as necessary, a monitoring and maintenance scheme to include monitoring the longterm effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of reports on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN16.

Housing Strategy/Enabling Officer - Jo Garfoot

No affordable housing is contained within this reserved matters application as all the affordable housing (5%) secured under the S106 agreement is contained in Phase 1 (west of the site). A deed of variation to the S106 agreement is being considered and the outcome of that may result in additional affordable units which could be provided in this part of the site.

EDDC Landscape Architect

2 REVIEW OF SUBMITTED DETAILS

2.1 Layout

- a) The layout shown on the enlarged site plan dwg. no. 8255 61 E differs from that shown on the site masterplan dwg. no. 8255 60D. The drawings should be checked and amended as necessary to provide consistency.
- b) The proposed apartments are poorly set in relation to their surroundings. Apartment block B appears to be especially too large.
- c) Sections at 1:100/ 1:200 scale should be provided through the apartments to show their relationship with the rest of the site to the east. A street elevation should also be provided to show their relationship with Dinan Way and housing to either side.
- d) Apartment car parks are too tightly arranged and provide no potential for planting to break up the dominance of cars.

2.2 Pedestrian and cycle links

- a) A pedestrian cycle link should be provided to Marley Road adjacent plots 97 and 98.
- b) A pedestrian and cycle link should be provided from the southwest corner of the site in the vicinity of plots 25 and 31 to provide a convenient link to the main site entrance and commercial area.

2.3 Boundaries and hard surfacing plan dwg.no. 8255 63 A

- a) The layout indicated on the drawing appears out of date and does not reflect layout on submitted masterplan and planting plans. The drawing should be updated accordingly.
- b) Where rear gardens back onto existing hedgerow to be retained no boundary treatment is shown. Boundaries in such instances should comprise 1.5m post and wire mesh fence offset 1m from face of hedge. The existing hedges should not be conveyed to individual plot owners and should instead be passed to the management company.
- c) Omit close board fence abutting Dinan Way to plot 40.
- d) Boundaries to communal parking areas should be brick walls not c/b timber fencing.

- e) The curtilages to the apartments lack any fencing. For security reasons fencing should be provided to deter unwanted access and improve security for residents.
- f) Where ground floor flats are provided with patio doors an enclosed patio/ garden area should be provided.
- g) Main entrance paths to apartments should be a minimum of 1.8m width.
- h) Apartment B is poorly linked to its bin/ cycle store. A direct surfaced path should be provided between the store and main entrance to the apartments.
- i) Surfaced patios should be provided to rear gardens and pathways provided linking patios with rear access gates.

2.4 Wall and fence details

- a) Garden gates should be framed, ledged and braced for durability.
- b) Hedgehog holes should be provided in close boarded fence lines to provide connectivity between rear gardens and surrounding areas. Locations to be shown on boundaries plan.

2.5 Planting plans

- a) Generally acceptable but new native hedge should be provided to the southern end of existing hedge A13 to connect to the proposed hedgebank to Dinan Way in order to provide security for the apartments and improved habitat connectivity for wildlife.
- b) Rear gardens should be provided with minimum 250mm depth topsoil and turfed.

2.6 Bin/ cycle store

- a) Proposed materials/ finishes should be confirmed.
- b) PIR sensor internal lighting should be provided to bin and cycle store. Cycle store to be fitted with secure lock. E-bike charging points to be provided.

2.7 Fibre cabinet

A justification should be provided for requiring security fencing to the fibre cabinet as these are not usually fenced. Details of the materials, and height the fibre cabinet should be provided.

3 CONCLUSION & RECOMMENDATIONS

Satisfactory amendments and further details are required as noted above before the submitted details can be considered acceptable in terms of landscape and visual impact and design.

Police Architectural Liaison Officer - Kris Calderhead

Thank you for further consultation in relation to the revised plans for this application.

I note the amendments and my previous comments are still pertinent and are submitted for your consideration.

I appreciate that the design of the parking court for Apartment Block B has better lines of sight to improve surveillance opportunities and that the block will provide some surveillance over the space. However, there is still a lot of accessible space to the rear of a number of plots via the parking court and via the open space around the apartment blocks, some of which is somewhat hidden and some that could create unwanted desire lines either side of Apartment Block B for example.

Where possible, accessible space to the rear of plots should be avoided, as should areas of concealment and potential desire lines, in order to reduce the opportunity for crime and anti-social behaviour.

Submitted for your consideration.

Other Representations

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

- Too many houses on greenfield land, no need for any more;
- Apartments blocks are way too big;
- Not enough parking provision;
- Increase surface water run off;
- Impact on local wildlife;
- Increased congestion on local roads;
- Dinan Way extension should be built before this is approved;
- No public benefits only benefits for developer;
- Infrastructure needs improving locally; and
- Marley Road should not be used to serve the development.

PLANNING HISTORY

Reference	Description	Decision	Date
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

20/0993/MRES	Reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT for 300 residential units including 16 affordable units, associated roads, open space (formal and informal) and an attenuation basin. The provision of serviced land for mixed-use employment/commercial uses and land for the provision of a primary school	Approval with conditions	12.02.2021
21/1516/MRES	Partial reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT for 191 residential units, associated roads, open space (informal) and an attenuation basin.	Approval with conditions	17.12.2021

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

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

Exmouth Neighbourhood Plan (Made)

EN5 (Wildlife Habitats and Features)

Strategy 22 (Development at Exmouth)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Neighbourhood Plan

Exmouth Neighbourhood Plan – Policy EB2

Site Location and Description

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

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

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

Proposed Development

This application seeks reserved matters permission following outline approval 14/0330/MOUT for the construction of 32 houses and 24 apartments (split over 2 no. 3 storey blocks of apartments, with rooms in the roof).

This represents an alternative scheme to that approved under application 21/1516/MRES where in the same red edge there were 36 houses approved, this would therefore result in an uplift of 20 residential units, this would remain in accordance with the outline permission for up to 350 units across this phase of development and that previously approved under reference 20/0993/MRES.

The development would be concentrated across two specific areas of the site, the north east corner adjacent to the turning head where three dwellings would replace two previously approved and the south western part of the site where there would be a mixture of apartment blocks and houses replacing houses that were previously approved.

The application has been amended during its determination following concerns raised by officers over the relative height of the proposed apartment blocks in

relation to their surroundings and the design of the proposed apartment blocks (flat roofs).

Main considerations

The principle of development was secured through the granting of outline planning application 14/0330/MOUT and the access points onto Dinan Way. A Section 106 legal agreement was signed as part of the outline permission which secured 5% affordable housing on the site which was subject to vigorous viability testing at the time, other financial contributions were secured together with other on site infrastructure and securing of wildlife corridors. A subsequent reserved matters application for 300 residential units including 16 affordable units, associated roads, open space (formal and informal) and an attenuation basin, the provision of serviced land for mixed-use employment/commercial uses and land for the provision of a primary school, 20/0993/MRES, was granted for the whole site. A subsequent reserved matters application for the site subject to this application (21/1516/MRES) was granted for 191 residential units.

Permission 21/1516/MRES covered the 'eastern half' of the wider development site to provide a mix of 2,3 and 4 bedroom housing, open space, roads and associated drainage with attenuation pond. The majority of the trees and intersecting hedges on the peripheries of the site were retained and protected (with fencing around the root protection areas) as part of that permission.

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

- the proposed development verses that already approved under application 21/1516/MRES;
- its impact on its surroundings;
- the impact on residential amenity;
- impact on ecology;
- impact on trees;
- impact on highway safety; and
- flooding/drainage.

Comparisons to development already extant on this area of the development site

The south western part of the application site would witness the most significant changes from that previously approved through the introduction of 2 no. 3 storey apartment blocks (with rooms in the roof), these would be set at road level (Dinan Way) with the land rising up, sharply in places, to the north where houses were approved at a higher level following the natural topography of the land. The apartment blocks would allow for greater open space adjacent to the road with increased hedge planting and create more of a sense of place rather than 2 storey houses as previously approved and which cover the remainder of the large development site. Overall the proposed development would create a wider variety of units on offer for a wider cross section of the population, there is a strong need in Exmouth for smaller one and two bedroom properties which the apartments would, in part, fulfil.

The north east corner of the site would witness a slight variation through the introduction of an additional unit, though this would have little impact on the overall appearance and layout compared with that previously approved.

The increase in units across the wider Goodmores Farm site from the 300 approved under application 20/0993/MRES to the 298 approved under application 21/1516/MRES would increase the total number of units to 318 well within the upper amount of 350 units approved at the outline stage. The additional 20 units would be beneficial to the LPA as this point in time where it cannot currently demonstrate an up to date 5 year supply of housing. However, the impacts of the proposed development must be considered to ensure the development is acceptable in relation to all of the policies of the plan and the NPPF.

The Town Council have raised concerns regarding the uplift in the number of residential units that are proposed and how these would be an overdevelopment of the site, these concerns will be addressed in the relevant sections of this report below.

Impact on its surroundings

The foremost impact of the proposed development would be on Dinan Way to both drivers and pedestrians as well as the occupiers of the dwellings which lie to the south of the site. The housing to the south of the site is all of two storey form comprising a mixture of semi-detached and detached market housing which either have views towards the site from their front elevations or their back/side gardens face towards the application site. The three storey apartment blocks (with rooms in the roof) would be set back from the highway with grassed areas in front, they would be 31 metres from the nearest residential property, 45+ metres to the majority of properties opposite and would measure 14 metres in height on the elevation facing onto Dinan Way and 11 metres facing into the development site due to the significant rise in topography (3.25m would effectively be underground at the rear), the blocks have also been angled so that they both face towards the entrance to Shakespeare Way on the opposite side of Dinan Way.

Whilst it is appreciated that the two apartment blocks would have a much larger scale than the houses previously approved, their design and scale in the wider surroundings would not be harmful. They would use the existing topography to good effect and provide wide open grassed areas adjacent to the public highway which would return a sense of openness breaking up the larger residential development, they would have an existing mature hedgerow between them which would be strengthened and extended towards the road and the car parking would be obscured from public view by the buildings themselves.

The spectrum of materials to be used across the wider development site as a whole are relatively limited with designs of houses sticking with the traditional red brick and render with occasional use of timber cladding, this remains unchanged since the previous reserved matters approval. Whilst it could be argued that this is a missed opportunity to design a scheme that raises the design qualities of the area with a less traditional housing estate design and layout, that is not to say that the designs

are poor or unacceptable. In fact, the designs and materials would echo those used on the various housing estates built during different decades as you travel along Dinan Way and as such would not appear out of character and would be in line with the design code that was agreed on application 21/1515/MRES.

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

The development in the north east corner of the site would have very little additional impact on its surroundings than previously approved, it would make two plots into three plots adjacent to the turning head on Marley Road.

Accordingly it is considered that the proposed amendments to the previously approved layout and scale of buildings, whilst maintaining consistent use of materials and finishes, would not detrimentally impact upon the surroundings in accordance with Policy D1 of the EDDC Local Plan and Policy EB2 of the Exmouth Neighbourhood Plan.

Impact on residential amenity

A number of concerns have been raised by local residents regarding the application, chiefly regarding the height of the apartment blocks and the impact that they would have on the living conditions of nearby residents through the introduction of three storey buildings (with rooms in the roof) with a large number of window openings.

The foremost impacts would be on the neighbours on the opposite side of the public highway, those served by Shakespeare Way. The proposed apartment blocks would be angled so that the predominant views would be down Shakespeare Way rather than at houses themselves, save for the blank side elevation of no. 2 Shakespeare Way and the front elevations of Nos 1 and 3 Shakespeare Way which are currently open to full public views from the highway. With a distance of 31 metres from the side elevation of No. 2. Shakespeare Way and 45+metres from the front elevations of Nos 1 and 3 Shakespeare Way it is considered that any overlooking would be at too great a distance together with being viewed across a heavily trafficked highway. Similarly the mass and the bulk of the buildings, even with their height at approximately 5 metres higher to ridge than those in Shakespeare Way would not be harmful at such a distance and when viewed in their context. There is a concern however, regarding potential for overlooking from the external balcony areas of the rooms in the fourth storey (roof) of the buildings which would have views from a higher level down across the road, being set slightly outside the building they would be afforded greater angled views and there is a concern that this could look down into private garden areas, particularly of No. 2 Shakespeare Way and the amenity areas of some of the other plots on the development site. For this reason, it is considered necessary to condition that side panel screens are provided to the balcony areas to narrow the angle of view to down Shakespeare Way only.

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

Accordingly, and subject to the previously mentioned condition, the proposed development would not give rise to any detrimental impacts on residential amenity in accordance with Policy D1 of the EDDC Local Plan.

Ecology

A representation has been received from the RSPB requesting an uplift on the number of bird boxes provided on the wider site but particularly the areas covered by this application. A review of the ecology report submitted for previous application on site indicates those plots that were identified by the ecologist to be provided with bird and bat boxes, these were restricted to the North East and South East boundaries abutting existing tree or hedgerows, there was nothing proposed for the area that forms part of the current application. Notwithstanding this, the developer has indicated that they would be open to a condition that required the installation of 12 bird boxes - installed adjacent to tree group A13, this is considered to be of ecological benefit/enhancement to the proposed development in accordance with Policy EN5 of the EDDC Local Plan.

Habitats Regulation Assessment

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

The habitat mitigation measures (payment) required to ensure this development is acceptable in terms of its impact on protected areas was secured at the outline stage and is contained in the section 106 associated with application 14/0330/MOUT.

Trees and landscaping

A large proportion of the trees and hedgerows on the wider site, together with the part of the site seeking amendments through this application, would be retained as part of this development and protection fencing provided during the development to ensure that the root protection areas of the important landscaping are protected

against damage and storage of materials upon them. Through the course of the determination of this application and the previous application (20/0993/MRES) discussions have been held between the Council's Tree Officer and the applicant's agent to overcome issues and provide amended layouts that allow for the majority of important trees and hedgerows to be retained, most notably on this application retained group of trees/hedgerow A13. 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 Landscape Architect initially raise a number of concerns regarding landscaping, paving, access for wildlife and parking area, the concerns were valid concerns and cumulatively would have a detrimental impact on the proposed development, its layout and appearance together with how enjoyable it would be to live in or visit. The applicant and their agent have worked with the Planning Officer to overcome these concerns and provided amended plans, specifications and details which have overcome the majority of the Landscape Architects concerns. The outstanding items from his initial consultation response represent concerns that are outside of planning control or go strategically beyond what was secured at the outline stage or previous reserved matters stage i.e. cycleway access through the site.

Accordingly, taking into account the amendments that have been made and improvements to the layout, landscaping and wildlife connectivity, the proposal is considered to be acceptable in relation to Policies D2 and D3 of the EDDC Local Plan.

Access and parking

The access points from Dinan Way were secured as part of the outline approval. The internal road layout as varied by this application compared to 21/15/16/MRES is considered acceptable by Devon County Highways Engineer together with footpath linkages to the wider strategic footpath network. Each dwelling and apartment 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.

Drainage

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

Although the eastern basin will be discharging at slightly higher than Greenfield rates for the relevant impermeable area, the western basin will be discharging at slightly lower than Greenfield rates to compensate for this.

The concerns expressed by the Flood Risk Team on this application relate to the amount of additional water that would be entering the basin as a result of the re-designed layout of the site. A revised surface water drainage strategy has been submitted which concludes that the amount of hard surfacing of the site would be reduced as a result of this application compared to that which was approved under application 21/1516/MRES, upon receipt of this information the Flood Risk Management Team have removed their objection and no raise no objections to the revised drainage scheme.

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.

Conclusion

The proposed development would represent an uplift in the amount of dwellings that would be provided across the wider development site by providing an additional 20 units of residential accommodation which would be of benefit to the Local Planning Authority at a time when they cannot demonstrate a 5 year supply of housing, in such circumstances there is a tilted balance imposed by Paragraph 11 of the NPPF whereby sustainable developments should be approved without delay unless the benefits of doing so would be demonstrably outweighed by the impacts of the proposed development. There would also be a small uplift in the number of affordable units across the wider site as the S106 agreement requires 5% provision. The report indicates that there would be some impacts from the proposed development, however, these impacts have been found to be acceptable in the wider context, the introduction of three storey apartments (with rooms in the roof) would have a larger degree of impact than the two storey dwellings previously approved, however, by reducing the ground level and angling the view from the blocks it is considered that there would not be a detrimental impact on the character and appearance of the surroundings or residential amenity (with conditions) sufficient to withhold permission at this time.

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 14/0330/MOUT) referred to above are discharged:

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

The following conditions attached to the Outline Planning Permission (ref 14/0330/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. The development shall not be implemented in combination with any other reserved matters application previously approved on this site.
(Reason - For the avoidance of doubt and to ensure an appropriate form of development.)
3. Prior to occupation of the first dwelling on site a detailed Landscape and Ecology Management Plan (LEMP) for a minimum period of 25 years shall be submitted and should include the following details:
 - Aims and objectives of the management plan;
 - Extent, ownership and responsibilities for management and maintenance;
 - Details of how the management and maintenance of open space will be funded for the life of the development;
 - Details of bat and bird boxes to serve the development;
 - Inspection and reporting arrangements for existing and proposed trees and hedgerows and monitoring of bio-diversity net-gain;
 - Management and maintenance of trees and hedgerow;
 - Management and maintenance of shrub, herbaceous and grass areas.
 - Management of ecological habitat, maintenance of any ecological mitigation measures and further measures for enhancement of biodiversity value;
 - Management and maintenance of any boundary structures, drainage swales and other infrastructure/ facilities within public areas.

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

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

4. Prior to occupation of any of the residential units in the apartment buildings (A or B) hereby approved, details of privacy screens for the external balcony areas on units 11 and 12 in each block shall be submitted to and approved in writing by the Local Planning Authority. The screens as approved shall be provided prior to occupation of the units they serve and be retained and maintained as such in perpetuity.

Reason - In order to safeguard the residential amenity of neighbouring properties from overlooking in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan).

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

- i) detailed external works proposals have been submitted and approved to include details of ground levels, individual plot boundaries, pavings, surfacings and edgings, walls, retaining structures, under-build and site furniture.
- ii) design code to include details of external materials
- iii) `landscape strategy including maintenance schedule and design code

(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.)

Statement on Human Rights and Equalities Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

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:

8255-40 L : apartment block A	Proposed Combined Plans	13.12.22
8255-41 K : apartment block B	Proposed Combined Plans	13.12.22
8255-42 E : apartment block A+B	Proposed Elevation	13.12.22
8255-68 A : apartment block A	Sections	13.12.22
8255-69 A : apartment block B	Sections	13.12.22

8255-09 C : house type E5.OM	Proposed Combined Plans	19.08.22
8255-10 C : house type D.OM	Proposed Combined Plans	19.08.22
8255-11 C : house type D2.OM	Proposed Combined Plans	19.08.22
8255-12 D : house type E3.OM	Proposed Combined Plans	19.08.22
8255-13 D : house type E4.OM	Proposed Combined Plans	19.08.22
8255-19 : car port	Layout	19.08.22
8255-LP A	Location Plan	19.08.22
677/05 M : planting plan 05	Landscaping	26.01.23
8255-63 J : boundary treatment/surfaci ng	Landscaping	26.01.23
8255-61 S	Proposed Site Plan	26.01.23
8255-60 S	Proposed Site Plan	26.01.23
667/05a A : planting schedule (apartments)	Landscaping	26.01.23
667/11 Q : schedules	Landscaping	26.01.23

List of Background Papers

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