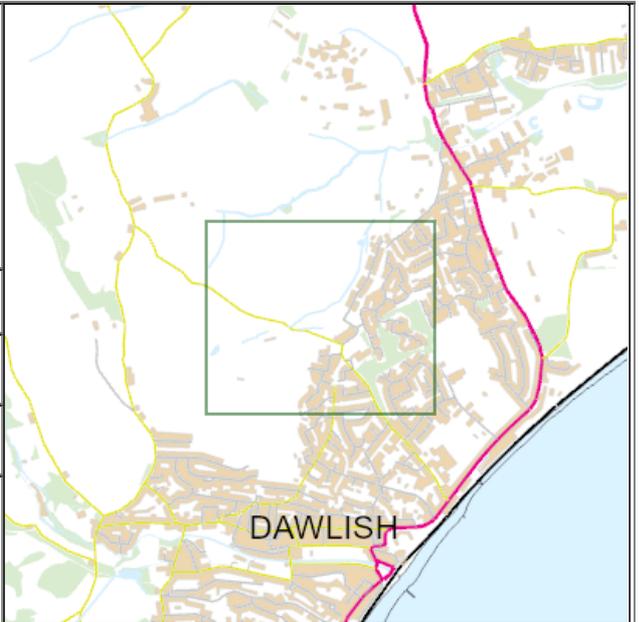


**Planning Committee Report**

**Chairman: Cllr Colin Parker**

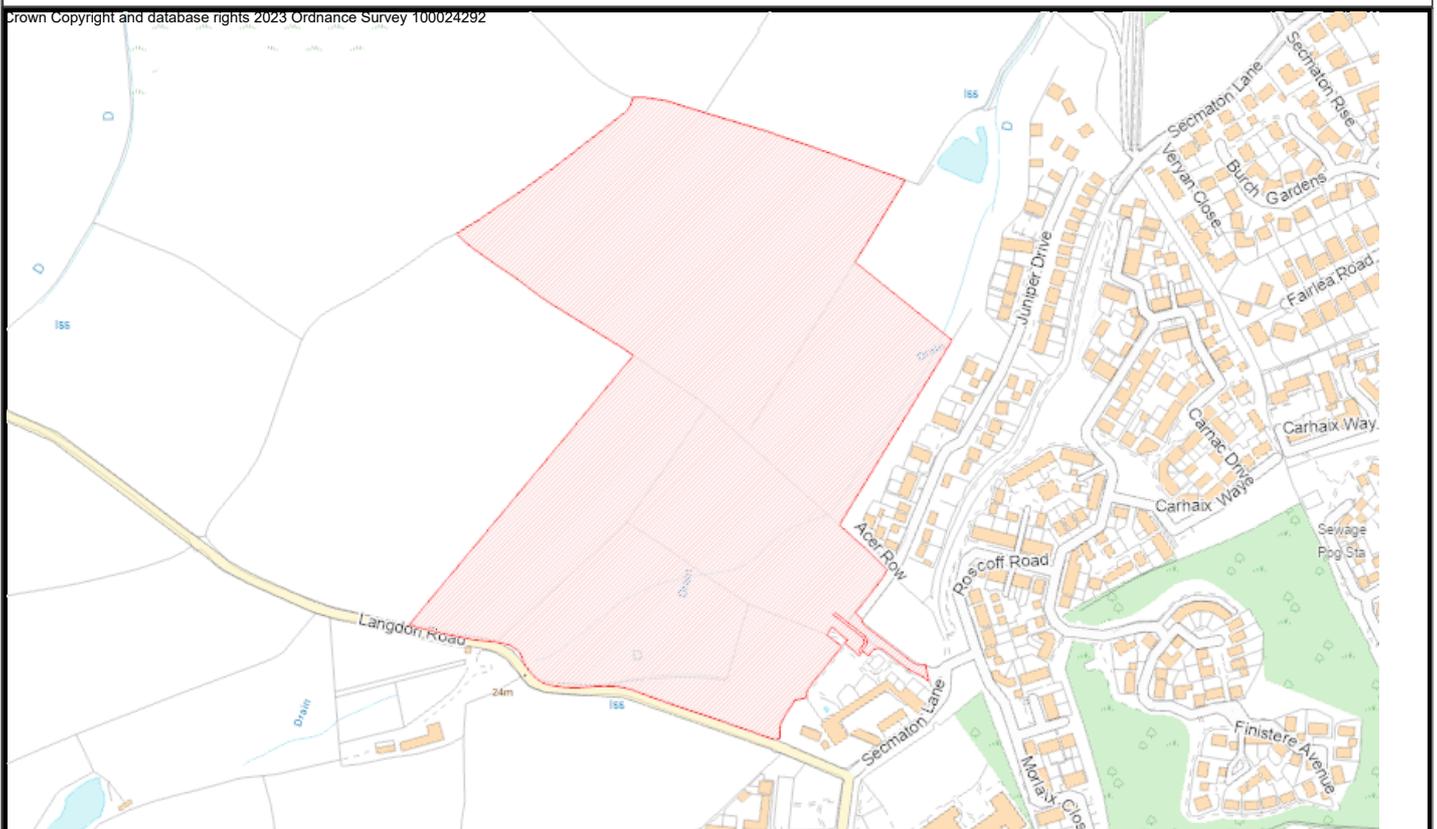
<b>Date</b>	21 November 2023
<b>Case Officer</b>	Cheryl Stansbury
<b>Location</b>	Gatehouse Farm Secmaton Lane Dawlish Devon EX7 0LW
<b>Proposal</b>	Reserved matters application for 149 dwellings, landscape works, public open space, play space and infrastructure pursuant to outline planning permission 15/02468/MAJ (Outline - Residential development providing up to 409 residential units, community based buildings consisting of shop/cafe, employment space, extra care unit, parking area for local school, new vehicular access from Secmaton Lane, public open space, landscaping and infrastructure) (approval sought for access, layout, landscaping, scale and appearance)
<b>Applicant</b>	Mr Ian Gazzard
<b>Ward</b>	Dawlish North East
<b>Member(s)</b>	Cllr Linda Goodman-Bradbury, Cllr Rosie Dawson, Cllr Martin Wrigley
<b>Reference</b>	22/01042/MAJ



[Online Details and Documents](#)

**RECOMMENDATION: RESERVED MATTERS APPROVAL**

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## **1. REASON FOR REPORT**

1.1 This application has been called to Committee by Dawlish Town Council (July 2022) for the following reasons:

- Concerns regards the link road alignment from this site to the adjoining application site 21/02674/MAJ; which application (22/01067/MAJ or 22/01042/MAJ) covers the link road access from Gatehouse School end?
- The green corridor running between application sites 22/01067/MAJ and 22/01042/MAJ is insufficient and not wide enough.

## **2. RECOMMENDATION**

2.1 RESERVED MATTERS APPROVAL BE GRANTED subject to conditions covering the following matters, the precise number and formation of which to be delegated to the Business Manager Strategic Place, to include:

1. Accord with approved plans.
2. Prior to commencement, full details of link road join into Area 3 to include details of cycle paths, pedestrian paths, signage and road markings.
3. Completion in accordance with approved WSI before occupation.
4. Details of tree pits before construction of road (other than the section already with consent) and locations of underground service runs to ensure no conflict with planted trees.
5. Trees to BS 8545:2014 standard; landscaping implementation, maintenance and replanting within 5 years if any die.
6. Sheds/cycle parking details for every dwelling to be submitted. To be provided before occupation of open market dwellings and handover of AH.
7. Bin storage details for all dwellings to be submitted and provided before occupation.
8. Architectural details and materials of dwellings before reaching damp proof course.
9. Details of boundaries, any under build to dwellings and retaining wall details before their construction. Any boundaries directly fronting open space/GI shall be brick walls, not timber fencing.
10. Details of Solar PV and installed/operational before occupation plus compliance with Energy Report.
11. Details for BNG (bat, bird and bee boxes, hedgehog holes) to be submitted and provided before occupation.
12. Timing of works at sunrise/sunset to avoid bat disturbance.

13. No lighting to be installed on site (except for domestic lighting on properties on timers) above that agreed in the approved lighting scheme; further details to be submitted and agreed if this changes. The northern and western dark corridors to be maintained at or below 0.5 lux.
14. Marking out of allocated parking and retention of parking spaces thereafter. Garages to remain as garages and not converted to living accommodation.
15. Works to accord with the Arboricultural Method Statement and Tree Protection Plans.
16. Details of and provision of electric car charging points before occupation.
17. LEAP water safety assessment with safety measures, if necessary, before LEAP is first brought into use.
18. GI Transfer Plan prior to occupation to clarify between dwelling responsibilities and management company.
19. Notwithstanding the approved plans, in the relevant phase, unless set out in the marketing details for the commercial area, demonstration that the cycle/pedestrian link will continue from the link road to the LEAP/SuDS area.

### **3. DESCRIPTION**

#### **3.1.1 Application Site**

- 3.1.2 The application relates to roughly half of Development Area 2 of Local Plan allocation DA2 "Northwest Secmaton Lane" in Dawlish. Area 2 is roughly divided into 2 parcels through the central northwest-southeast running hedgerow. It is currently undeveloped but is bordered to the south and east by modern residential development and Gatehouse Primary School. The image below shows its relationship to the other areas. Construction on Area 4 has commenced and many houses are occupied; work has commenced on the linkroad/bridge from Area 4; consent has been granted on Area 3 (approved layout shown), but has not yet commenced.



3.1.3 The application site comprises of agricultural land with hedges and trees to the external and internal field boundaries; several mature trees exist on site, all protected by a Tree Preservation Order. Area 2 is bound to the south by Langdon Lane, a single-track rural lane, to the east by new residential development on Juniper Drive and to the west is open countryside, with hedgerow boundaries. The application site's southern boundary abuts the Taylor Wimpey reserved matters site, the other half of Area 2 of DA2, for which application 22/01067/MAJ proposes 205 dwellings and is also under consideration.

3.1.4 The entire allocation is in a Critical Drainage Area, sloping downwards from its highest point in the western tip, to the east, draining into a stream running along the eastern boundary; a small section of highway along the lowest point is in Flood Zone 2 and 3; the current access into Area 2 is also partly in those Flood Zones.

3.1.5 Outline planning permission was granted, subject to a S106 agreement, for Area 2 under 15/02468/MAJ for residential development providing up to 409 residential units, community-based buildings consisting of shop/cafe, employment space, extra care unit, parking area for local school, new vehicular access from Secmaton Lane, public open space, landscaping and infrastructure.

3.1.6 Policy DA2, which covers all the Areas shown in the image above, states-

*A site of approximately 43 hectares is allocated north-west of Secmaton Lane for a mixed use urban extension which shall:*

- a) *include a comprehensive landscape and design led masterplan for the strategic site allocation, produced with meaningful and continued input and engagement from stakeholders;*
- b) *create a high quality landmark development for the gateway to the town on the A379 Exeter Road;*
- c) *deliver at least 860 homes with a target of 25% affordable homes;*
- d) *include a 50 bed extra care housing scheme and/or other appropriate elderly housing provision;*
- e) *deliver a multi-purpose building capable of incorporating health and early years children's facilities;*
- f) *provide for vehicular access through the development between Elm Grove Road and the A379 Exeter Road, including supported bus service, cycle lanes and footpaths; and*
- g) *deliver at least 3 hectares of land for employment development, for office, general industrial or storage and distribution uses as appropriate to the site and its wider context, ensuring that there is also a mix of unit size to enable businesses to start up and expand; support will also be given to employment generating uses provided that they are compatible with the immediate surroundings and do not conflict with town centre uses.*

3.1.7 Also of relevance is Policy DA6, Dawlish Green Infrastructure:

*Approximately 15 hectares of strategic green infrastructure will be delivered in the form of a strategic 'blue and green' route from development proposed in policy DA2 to Dawlish Warren Road, including:*

- a) *a pedestrian/cycle route with linear open space along the Shutterton Brook;*
- b) *community park and sports pitch and play/informal open space;*
- c) *allotments and community orchard for local food production; and*
- d) *complementary suitable alternative natural green space.*

3.1.8 The site is also covered by the DA2 and DA6 Development Framework Plan Supplementary Planning Document, available at [Guidance - Teignbridge District Council](#).

## **Relevant Site History**

### **3.2.1 DA2 Area 1**

11/03265/MAJ: Outline for residential development and a neighbourhood centre – Approved.

13/00584/MAJ: Reserved matters for 96 dwellings pursuant to 11/03265/MAJ - Approved.

### 3.2.2 DA2 Area 2

15/02468/MAJ: Outline - Residential development providing up to 409 residential units, community-based buildings consisting of shop/cafe, employment space, extra care unit, parking area for local school, new vehicular access from Secmaton Lane, public open space, landscaping and infrastructure (all matters reserved for future consideration) - Approved subject to conditions and a Section 106 agreement.

15/02468/COND1: Discharge of condition 15 (archaeology) on planning permission 15/02468/MAJ for outline – Approved.

15/02468/COND2: Discharge of conditions 5 (phasing), 6 (drainage strategy) & 10 (LEMP) on planning permission 15/02468/MAJ for outline – Approved.

15/02468/COND3: Discharge of conditions 12 (CEMP) & 16 (waste audit statement) on planning permission 15/02468/MAJ for outline – Approved.

22/01067/MAJ: Reserved matters application for 205 dwellings, landscape works, public open space, play space and infrastructure pursuant to outline planning permission 15/02468/MAJ – pending consideration.

22/00148/MAJ: Reserved Matters application for initial infrastructure phase including the main access road to the residential, self-build, mixed use and extra care parcels and the relevant sustainable urban drainage pond and localised landscaping, pursuant to outline planning permission 15/02468/MAJ – Approved.

22/00657/FUL: Embankment to support the main access road to land at Gatehouse Farm – Approved.

### 3.2.3 DA2 Area 3

21/02674/MAJ: Erection of 201 dwellings, open space, landscaping, allotments and associated infrastructure - Approved.

17/01654/MAJ: Erection of 201 dwellings, open space, landscaping, allotments and associated infrastructure – Refused (lack of affordable housing and custom/self-build plots)

### 3.2.4 DA2 Area 4

19/01767/MAJ: Reserved Matters approval for 190 dwellings and associated works (approval sought for appearance, landscaping, layout and scale) pursuant to Outline Planning Permission 18/02404/MAJ - Approved and under construction.

18/02404/MAJ Variation of Outline application 15/02700/MAJ. Approved.

15/02700/MAJ for phased development of up to 200 dwellings, 3 hectares of employment land, including a 64-bed care home, highway works, demolition works to ancillary healthcare buildings, incidental and equipped open space, internal vehicular, pedestrian and cycle links, drainage attenuation works (approval sought for access). Approved.

### 3.2.5 DA2 road/bridge

21/02872/FUL: Construction of a new section of the Phase one link road in connection with Dawlish DA2 allocation, including 130m of road, highway bridge and associated features, highway embankments, attenuation and landscaping. Approved.

Homes England funding has been granted to enable the first section of this to be delivered; the reserved matters application subject to this report, together with the Bloor homes section of Area 2, will deliver the southern part of the link road, as shown in the image above at 3.2. Area 3 will deliver the middle section.

### 3.3 Proposed Development

3.3.1 This application seeks reserved matters approval for access, appearance, landscaping, layout and scale for 149 dwellings along with associated infrastructure and landscaping. The areas of land for the non-residential elements of the outline approval are not included under this application and would be subject to their own reserved matters applications.

3.3.2 Revised plans have been submitted to address concerns raised by Officers and consultees, and 2 further rounds of consultation have been carried out. Of the 149 dwellings, 122 will be open market homes and 27 will be affordable housing, as shown in the table below:

Open Market		Affordable Rent		Shared Ownership	
2 bed	15	2 bed	4	2 bed	2
3 bed	47	3 bed	14	3 bed	5
4 bed	60	4 bed	1	4 bed	1
Total	122		19		8
Overall Total	122		27		

3.3.3 The following parking provision is proposed:

- 2 parking spaces for 2-3 bed dwellings
- 3 parking spaces for 4 bed dwellings
- 4 unallocated visitor parking spaces.

3.3.4 All garages provide internal space measuring 6 x 3m and cycle parking is proposed to be either located in garages or garden sheds to serve every dwelling.

3.3.5 The site layout broadly follows that shown on the outline Masterplan and detailed in the SPD, with roads realigned to better fit the topography of the land and link into Area 3. The roads have a hierarchy from the primary spine road (the

link road) forming the access point from the southeast, which already has planning permission, running through the adjoining Taylor Wimpey site into the application site, and linking up to Area 3, to secondary streets and private driveways; many of these are treelined to accord with the SPD and additional trees have been included in the revised plans.

- 3.3.6 The roads are a mix of traditional highways with pavements for the primary and secondary streets, shared surfacing to the side roads, with areas of private driveway at the site edges. It is proposed to have a 20 MPH limit on all roads. A formal cycle path and pedestrian footway is proposed to run either side of the central hedgerow that divides both parcels of Area 2 as well as adjacent to the link road. A bus stop has been included near to the mixed-use/care home/self-build area (in the Taylor Wimpey half of Area 2).
- 3.3.7 A comprehensive lighting scheme has been designed with DCC lighting engineers, providing street lighting to all roads, whilst maintaining dark corridors at the edges; the central cycle/pedestrian link is also lit to encourage safe active travel.
- 3.3.8 The majority of hedgerows are retained, as are the existing trees (short sections of hedgerow are to be removed to enable access as well as 3 category C trees to the northeastern corner) with a green corridor around the perimeter of the site providing accessible greenspace and a dark wildlife corridor; tree planting is included here to bolster and screen the corridor from headlights and any streetlight overspill. Green mown and gravel bound paths run through the corridor to provide accessible routes around the site. A significant amount of the landscaping comprises native species, with areas of wildflower meadow, wet grassland, bulb planting and mown amenity grassland.
- 3.3.9 Publicly accessible open space is provided in several areas, with the main area which also contains the SuDS set in the eastern low point. This area is shared between this application and 22/01067/MAJ and also contains a LEAP of 620m<sup>2</sup> (Local Equipped Area of Play), roughly in the location shown on the Masterplan. A smaller area with a LAP (Local Area of Play) of just over 100m<sup>2</sup> is located almost centrally within the site; the Masterplan showed it in the northeastern corner. Full details of play equipment and the layout of these areas is not provided with this application as this is secured by the S106 to be submitted to the Council and agreed before works commence.
- 3.3.10 This application includes an increased northern green corridor, provided instead of the north-south central corridor that was shown on the Masterplan drawings and would have been on the Taylor Wimpey parcel, because this does not represent any features on the ground.
- 3.3.11 Residential blocks are set uniformly throughout the site, responding to landform and the access roads, with a density in broad accordance with the outline parameter plan at 31DPH to the western edge and 35DPH elsewhere across the site. Most dwellings are 2 storey with some 2 ½ storey on the primary spine road on lower ground, near to the mixed-use/retail area.
- 3.3.12 Materials for elevations comprise brick and muted render; key focal points/corner plots are finished in render; the revised drawings reduced the amount of brick to be used. Flat slate grey coloured roof tiles will be used across

the site, matching that on the Taylor Wimpey parcel. Garages and substations are finished in brick with the same roofing tiles.

- 3.3.13 Surface water drainage is proposed to be gravity fed into the low point to the east, where it will collect into 3 attenuation basins with controlled discharge into the existing water course; this SuDS area also forms a key part of the open space with mown paths and tree planting creating a naturalized accessible route, linking through to the main road close to the bus stops; this area is common to both applications under consideration.
- 3.3.14 Foul drainage will be gravity fed to a pumping station in the northeast of site and will connect to the existing mains sewer further east under a SWW requisition, again, common to both applications.

## **4 PLANNING CONSIDERATIONS**

### **4.1 Principle of the development/sustainability**

- 4.1.2 The application site is located within allocation DA2 Area 2, forming roughly half of this Area. The proposed development has outline planning permission for up to 409 dwellings; this application provides 149 of the 409. Combined with application 22/01067/MAJ, a total of 354 are proposed. When also considering the 20 self-build plots that are not part of either application under consideration, this gives scope to provide flats above the retail/mixed use area when further reserved matters applications are submitted to reach the maximum number.
- 4.1.3 This application seeks approval of all reserved matters, those being access, appearance, landscaping, layout and scale.
- 4.1.4 The site lies entirely within the application boundary illustrated in the approved outline site location plan. Objector comments regarding the loss of agricultural land are noted. The principle of residential development has already been agreed through the outline approval and is therefore acceptable on the site. The consideration of this application relates to compliance with the outline consent, policies in the Local Plan, the SPD and the NPPF.

### **4.2 Impact upon the character and visual amenity of the area/open countryside**

- 4.2.1 Local Plan Policy EN2A seeks to protect and enhance landscape character, requiring development to be sympathetic to natural landscape and character.
- 4.2.2 The application site lies on the edge of this built-up area of Dawlish. Development on it would be visible from Juniper Drive and nearby properties/roads to the east, Gatehouse Farm Barns and other dwellings to the south and Langdon Road/Lane, as well as when viewed from the north and west with the backdrop of the residential development recently completed or under construction. Longer range views would generally be glimpses through gaps in hedgerows.
- 4.2.3 The development seeks to maintain and respect existing built form, taking cues from nearby developments in terms of density, building form and materials,

both already constructed, and those not yet constructed on Areas 3 and 4; roof materials have been amended to solely slate grey roof tiles to address recent nearby developments. It also provides for Green Infrastructure throughout the site, the retention of mature trees and most hedgerows, and the strengthening of the external boundaries, where as well as additional planting, a 10 m dark corridor is provided.

4.2.4 Whilst it is inevitable on a development of this size that there is a more urban feel and change in the landscape, this change was fully considered as part of the site's allocation and outline approval. It is considered the existing and proposed landscaping across the site will help reduce the visual impacts, particularly once the landscaping matures. The site will not be viewed in isolation given the adjacent housing, and it is considered the proposal complies with ENV2A.

#### 4.3. Landscaping, Green Infrastructure (GI) and Public Open Space (POS)

4.3.1 Local Plan Policy WE11, (Green Infrastructure) requires residential development to provide at least 10m<sup>2</sup> per dwelling of children's and young person's play space and about 100m<sup>2</sup> per dwelling of other forms of Green Infrastructure (GI); this provision is secured in the S106 agreement. Part (f) of policy WE11 states that public open space (POS) should be designed as part of the overall GI and layout of the site, taking advantage of the potential for multiple benefits including play, wildlife, suds, tree planting and landscape provision. Also of note is the S106 requires "*...playspace and active recreation (LEAP) areas within the site in accordance with this agreement and having a minimum area of 600m<sup>2</sup>*".

4.3.2 Residential development is concentrated in the centre of the site and offset from the retained field boundaries, maintaining green corridors to the perimeter; new tree planting to green corridors is proposed to bolster green corridors. The majority of the existing trees are category B with one category A English Elm at the southernmost tip of the site (on the Taylor Wimpey parcel). The intention is to retain existing hedges and trees as far as possible; 3 small category C existing trees are to be removed in the northeastern corner and small sections of existing hedgerows are to be removed to facilitate proposed roads and access points; a larger section of hedgerow will be lost in the self-build area, but this is not part of this application. The species chosen across the site are predominantly native to the UK and have been chosen for biodiversity value, suitability to the surroundings and for aesthetic quality. Blocks of native scrub and woodland planting will provide structure and habitat opportunities, linked together through hedgerow planting and scattered trees. A matrix of wildflower meadow, bulb planting, wet grassland and close mown amenity grassland will provide seasonal interest and opportunities for recreation and leisure.

4.3.3 The site has several areas of GI and POS, the largest being to the eastern edge, where it utilises the low-lying areas adjacent to the existing stream and eastern boundary for landscaped POS, including landscaped drainage attenuation features and the Local Equipped Area of Play (LEAP); the LEAP is located outside of any Flood Zone. This provides the multi-functional benefits set out in WE11 and is shared with the adjoining Taylor Wimpey site. As noted by DCCLFA, the SuDS area is somewhat tight, with most of it taken up by the attenuation basin, however, a balance needs to be taken between providing the necessary infrastructure, GI and meeting the housing numbers set at outline stage; it is considered this is

achieved and the area, once the landscaping matures, will become a pleasant “green lung” between this site and the developments to the east.

- 4.3.4 The proposal provides, in combination with the Taylor Wimpey site, a green walking route around the perimeter, although in the northeastern corner, connects to the pedestrian path alongside the link road, rather than continuing in a loop around the edge. Some additional tree planting has been added along this route and the secondary road to link into the SuDS area, to try to maintain a green connection. It would have been preferable for this to continue around the edge of the site, however, would have resulted in the loss of the majority of the proposed dwellings in that corner, creating pressure to increase density elsewhere, or reduce other areas of green space. A central Local Area of Play (LAPs) is located off the west and north running secondary road and has been extended through revised plans with the removal of the substation that was proposed next to it. This LAP is shown in the far northwestern corner on the outline parameter plans, but it is considered the chosen location is preferable and it provides better access for all residents on the site.
- 4.3.5 There is some further deviation from the parameter plans, largely due to the topography of the land in that the GI and POS is set out differently. Of note is the NEAP (Neighbourhood Equipped Area of Play) referred to in the outline scheme. This application does not include a NEAP, instead, it has a LEAP (Local Equipped Area of Play) provided in the north-eastern area, between the primary access road and the SuDS area. The S106 only secures a LEAP and therefore the Council is unable to insist the developer provides a NEAP; it is worth noting that Area 3 must provide a combined LEAP/NEAP, so this need is catered for on the DA2 wider allocation. The proposed LEAP does, however, measure in excess of 600m<sup>2</sup>, at 630m<sup>2</sup>, meeting Fields in Trust guidelines.
- 4.3.6 In terms of the overall provision meeting the requirements of Policy WE11, given a significant amount of the GI is shared between both sites (and the wider DA2 allocation area), a calculation has been carried out across both. There should be 10m<sup>2</sup> of play space per dwelling (3540m<sup>2</sup>) and 100m<sup>2</sup> of other green provision (35400m<sup>2</sup>), giving a total of 38940m<sup>2</sup>. The overall GI and play provision does fall below that set out in WE11; across both sites the total play provision is under 1000m<sup>2</sup>; the total of other forms of GI provision should be 100m<sup>2</sup> per dwelling (35400m<sup>2</sup>). An approximate measurement for these areas across both sites, including the entire SuDS area, a significant part of which is not usable and is in Flood Zones 2 and 3, is just under 30,000m<sup>2</sup>.
- 4.3.7 There is, therefore, a shortfall in the provision of GI/Play Space across both sites which must be weighed into the planning balance. Of note is that there is other provision across the wider DA2 allocation, as well as existing play provision to the south, and that Policy DA6 has secured GI, including allotments, to the western edge of Area 3, all within a short distance of Area 2.
- 4.3.8 Revised drawings have included additional street trees, a total of 13, informed by the need to comply with NHBC offsetting distances to foundations and on-plot trees, a total of 54, many of which are in rear gardens and whilst it is recognised there can be no control over their retention, they will help break up the expanse of timber fencing and increase privacy for residents; all street trees will be covered by the site wide maintenance programme. At the developer’s suggestion a condition is included for a Green Infrastructure Transfer plan to be agreed, demonstrating which areas will be under the management company and which will be the responsibility of individual plot owners.

4.3.9 At Officer request, a revised Tree Report and Arboricultural Method Statement (AMS) has been submitted, accompanied by several Tree Protection Plans, outlining the methodology by which construction will be undertaken in order to safeguard trees during the construction period. This includes supervision of any excavation in Root Protection Areas and using no-dig construction methods for paths in these areas using “cell web” grids where necessary. A condition is imposed for works to be carried out in accordance with the AMS. A further condition is imposed to ensure that tree pits are of adequate size to secure long term retention of the trees and for details of underground service infrastructure to ensure there are no conflicts.

4.3.10 The Council’s Play Area Project Officer is not supportive of the proposal and considers that despite the revisions made to the scheme, it will not deliver a high quality mix of green infrastructure as required by Policy WE11. The following shortcomings are identified:

GI: There is minimal GI proposed, a redesign is needed, particularly in relation to the central corridor. Green corridors need widening, the density of housing, parking and gardens leaves insufficient room good quality GI delivery. The SuDS completely dominates the larger area of GI and the plans lack detail in relation to maintenance, gradients and so on.

LEAP: The SPD specifies a combined LEAP/NEAP, in a slightly different location. The proposed LEAP is a back site, lacking in surveillance, restricted by a tree, is not large enough to provide sufficient play equipment (such as areas for wheeled and ball sports), the plans fail to demonstrate how it will cater for older children and there is the added risk of it being located next to the SuDS water hazards; it is noted the developer’s safety report recommends a separate risk assessment is carried out and that additional safety measures might be required. A 30 metre buffer is required between it and nearby housing. It also lacks good connectivity. The approved parameter plans show the NEAP area, which is much better than the current proposed LEAP in terms of the above concerns.

LAP: The LAP has not been designed in accordance with guidelines given to the developer.

Drawings: There are discrepancies across various drawings, some of which do not show planting, and some do not show all of the proposed LAPS. All LAPS and the LEAP should be clearly labelled with the type of play proposed.

Connectivity: The additional planting near plots 123-124, the road connecting into the drainage area and pumping station, does not provide a satisfactory figure-of-eight which was discussed in several meetings with the developers. The walking routes along the permitter contain many pinch points, often obstructed by trees, and are largely left over mis-shapen areas of land. The central corridor is impeded by a protected tree, limiting the scope of this movement corridor. A well deigned central green corridor should be provided, linking into the LEAP, as shown on the approved parameter plans. The plans fail to show good quality active travel links along the main link road.

Trees: It is also not acceptable to have gardens with tree root protection areas (RPA). The LEAP is severely restricted by being under a large tree and within its RPA. Concern the tree will drop branches or children will climb it and there is a risk they will fall onto play equipment underneath it.

4.3.11 It is correct that the SPD and parameter plans do show a NEAP, to be provided slightly further north of the proposed LEAP. However, the S106 agreement did not secure a NEAP; it secured a LEAP. Officers therefore cannot insist a NEAP be provided. Discussions have taken place, the developer is aware of the need to provide equipment to cater for all and the Council has control over this as part of the details that will be agreed under the S106, before works can commence. In relation to the proximity to the SuDS, this was also the case with the parameter plans and the SPD notes that SuDS should be designed “...to be usable green space when they are dry, and safe when they are in flood...contribute towards...natural open spaces provision, supporting wildlife and recreation”. As with the majority of attenuation basins, it will remain dry for most of the year. Landscaping has been added across this area, as well as mown walking routes. To address the concerns raised, a condition is imposed for a safety audit to be carried out and for any necessary safety measures to be incorporated.

4.3.12 The LEAP will be overlooked, to a degree, from the proposed housing, albeit restricted by the retained tree, but also from recently constructed dwellings to the east; the land here is relatively level giving good views across the site from those dwellings. There is also opportunity to gain surveillance from the mixed use area and this will form part of the consideration of the reserved matters for that area when it is submitted. Additional surveillance will be provided from the nearby link road/pavements, close to where the bus stop will be located. It is considered that sufficient surveillance will be provided.

<b>LAP</b>	<b>0.01ha</b>	<b>10 x 10 metres</b> <i>(minimum activity zone of 100sqm)</i>	<b>5m</b> min separation between activity zone and nearest property containing a dwelling
<b>LEAP</b>	<b>0.04ha</b>	<b>20 x 20 metres</b> <i>(minimum activity zone of 400sqm)</i>	<b>20m</b> min separation between activity zone and the habitable room façade of dwellings
<b>NEAP</b>	<b>0.1ha</b>	<b>31.6 x 31.6 metres</b> <i>(minimum activity zone of 1,000sqm comprising an area for play equipment and structures &amp; a hard surfaced area of at least 465sqm (the minimum needed to play five-a-side football))</i>	<b>30m</b> min separation between activity zone and the boundary of the nearest property containing a dwelling

In relation to the size of the play areas and buffers zones, all comply with Fields in Trust guidelines as shown in the table below taken from “Guidance for Outdoor Sport and Play” [Available at this link - fieldsintrust.org](http://fieldsintrust.org) A 30 metre buffer would only be required if there was a NEAP.

4.3.13 The central green area which will contain the LAP has been increased in size through the removal of the adjacent substation; good surveillance will occur from adjacent dwellings. Its design is also subject to the S106 agreement. No LAPs have been removed from the scheme and are clearly shown on the site layout plans. Additional planting is also included across the site.

4.3.14 Connectivity has been improved through the revised plans with the northern green corridor added, and additional tree planting across the site. Officers recognise the desire for the central shared cycle/pedestrian link into the LEAP/SuDS area, however, acknowledge it is somewhat restricted by a mature protected tree. Nonetheless, it is considered a path here is feasible, but the applicant has proposed that it would likely be on land that is not part of this, or the Taylor Wimpey proposal, instead that it would be part of the commercial area. It is not clear from the first draft of the marketing material that this is the case, nor does the land in question appear to be included in the commercial land being offered for sale, so a condition is proposed for this to be clarified either through the marketing material (which has to be agreed to accord with the S106 before works commence) or by the submission of revised plans. An internal note for officers will

also be attached the Outline planning permission file to take this into account in due course.

4.3.15 In relation to trees, a balance has to be made between retaining as many trees as possible and meeting the allocation objectives. Some gardens do fall within RPAs but this is not uncommon; all buildings and walls have been sited outwith. It is also not uncommon to have play areas sited close to trees. The Arboricultural Method Statement indicates the LEAP equipment can be accommodated outside the RPA of the retained oak tree. Where paths are located in RPAs, a no-dig construction method will be used using “cell web” grids to create the hard surfacing. Concerns are noted in relation to potential future tree felling, however, save for where required to implement planning permission, separate consent would be needed for any works to protected trees.

4.3.16 In summary, it is evident that there are shortcomings in the GI provision on site (and in combination with the Taylor Wimpey site) and the deviation from the parameter plans. Balanced against this is the need to comply with the S106 and dark corridor that now extends the perimeter of the site (when the Bloor scheme is taken into consideration) and this would be easily accessible from the whole development. It is considered that the proposed provision strikes an acceptable balance between meeting the identified housing target (409 across Area 2) and providing the required infrastructure, and is in general accordance with Policy WE11, the parameter plans and the SPD.

#### 4.4. Impact on residential amenity

4.4.1 Local Plan Policy S1(e), Sustainable Development, seeks to ensure development proposals perform well against the criteria of impact on the residential amenity of existing dwellings particularly privacy, security, outlook and natural light. Policy S2, Quality Development, requires high quality design with inclusive, permeable layouts, and attractive and safe public and private spaces, amongst other criteria.

4.4.2 In terms of existing/committed neighbouring properties, the nearest occupied properties are those to the east in Juniper Drive (separated by the SuDS/POS and an area of GI as part of that development). No dwellings have yet been constructed to the north in Area 3, but the proposed layout has taken these into account, and it is considered separation distances and orientation would not result in any unneighbourly impacts.

4.4.3 It is inevitable the construction process will cause some disturbance. Construction traffic would access the site from the south, through the Taylor Wimpey parcel, although that application would potentially have more impact given there are more existing dwellings currently in that area, however, the outline application contains condition 12 which requires a CEMP (Construction Environment Management Plan) to be agreed and this will control the construction process to reduce disturbance.

4.4.4 In so far as the relationship to the Taylor Wimpey development, both schemes have been worked up and submitted together, ensuring that along the central hedgerow, with the hedgerow remaining, there is adequate separation and privacy. In relation to the properties within the scheme itself, separation distances are provided at around 20 meters back to back, which is considered to be acceptable; there are some instances where views might be gained into other gardens, but this is inevitable in such a scheme and buyers of all properties would be aware of the relationship when they purchase.

4.4.5 All dwellings are considered to be provided with adequate private amenity spaces.

4.4.6 Therefore, it is considered the scheme is acceptable in regard to residential amenity.

#### 4.5 Delivery of Affordable Housing

4.5.1. Local Plan Policy WE2 sets out a target for affordable housing provision across development sites, with (ii.) setting 25% for Dawlish. Policy WE3 sets out the requirements for securing affordable housing in a planning obligation. Policy WE4, Inclusive Design and Layout, requires affordable dwellings to be indistinguishable from open market dwellings, and to be intermixed across the site.

4.5.2 The application proposes 27 affordable dwellings of 2, 3 and 4 bedrooms; none of these are flats, and given the other parcel caters for these needs, as well as 1 bed units, this mix is considered acceptable. The dwellings cover a range of forms and sizes from detached to semi-detached, and terraces; whilst the Council has not adopted Nationally Designated Space Standards (NDSS) the majority exceed this.

4.5.3 As noted by the Council's Housing Enabler, the affordable housing provision achieves the 70/30 affordable rent/shared ownership ratio in accordance with the S106 agreement and meets the agreed 17.5% requirement (subject to viability review 3 years after commencement). The earlier objection in terms of the affordable dwellings not being distributed across the site has been addressed through the revised plans and they are now located in 5 small groups.

4.5.4 The S106 requirement for the whole of Area 2 for M4(3) wheelchair accessible dwellings has been met on the Taylor Wimpey parcel. The requirement for 5% accessible adaptable M4(2) standards is met by the provision of 6 dwellings on this site. Design and material finishes of all affordable units is identical to the open market dwellings, making them indistinguishable. None of the affordable dwellings have garages, although it is worth noting that a significant number of open market dwellings also do not have garages; in any event, Registered Providers tend to not want garages on their properties.

4.5.5 The allocation, future occupancy, and delivery of the affordable units alongside the open market dwellings is secured under the outline permission's S106 agreement.

4.5.6 The proposed development is therefore considered consistent with Policies WE2 and WE4.

#### 4.6 Design/Appearance and Layout

4.6.1 As well as the design requirements of Local Plan Policy DA2, Policy S2, Quality Development, is also of relevance and requires new development to be of high-quality design, to support the creation of attractive, vibrant places. There are a number of objectives that new development is expected to consider, including; integrating with and enhancing the character of the adjoining built and natural environment; making the most effective use of the site; distinguishable, well defined public and private spaces that are attractive, accessible and safe; allow for permeability and ease of movement, placing the needs of pedestrians, cyclists and

public transport above those of motorists; buildings exhibiting design quality using materials appropriate to the area; an appropriate range of dwelling types; incorporation of public art; protect and incorporate key environmental assets including trees, hedgerows and wildlife habitats; location and scale of SuDS.

- 4.6.2 The density and building heights make efficient use of the site, complying broadly with the outline parameter plans, with minor adjustments made due to the topography of the land. The density parameter plan requires a density of 40-50 DPH across most of the site and a density of 30-40 DPH toward the northwest. The application proposes 31 DPH to the northwestern edge, with 35 DPH across the rest of the site; together with the Taylor Wimpey parcel, an average of 37.5 DPH is achieved. The density is considered to accord with the parameter plan.
- 4.6.3 The proposed development consists of dwellings which are 2 and 2.5 storey in height; the majority of the proposed development is to be 2 storey, in broad compliance with the approved parameter plans. No bungalows are proposed in Area 2, but the other Areas in the allocation have these included, meaning the allocation as a whole, has a wide range of appropriate dwelling forms, especially when reserved matters are submitted for the extra care facility.
- 4.6.4 The site takes its access through the Taylor Wimpey parcel, from the existing roundabout on Secmaton Lane, which is in accordance with the approved parameter plans; this is the southernmost end of the link road. The primary road broadly follows that shown although there is some deviation in the secondary roads, namely, to avoid the lower area of the site where the SuDs is now located, and to address the topography of the site.
- 4.6.5 Footpaths and cycle paths generally follow the parameter plans, although it is noted the paths from the west do not link through the centre of the site connecting to the LEAP, instead, stopping at the link road. This is discussed above in the Green Infrastructure and Public Open Spaces section earlier in this report. Movement throughout the site is considered to be generally adequately planned, and improved through the amended plans which added a route around the perimeter of the site, with good provision for cyclists and pedestrians.
- 4.6.6 The proposals seek to create an identity for the development appropriate to its settlement edge location. Materials and architectural style pay regard to the other Areas of the allocation, as well as nearby recently constructed dwellings. The primary street is a mix of brick and render, with prominent corners render finished.
- 4.6.7 Public art is secured in the S106 agreement and is not part of this application; the applicant has indicated a willingness for there to be community involvement in its design.
- 4.6.8 In relation to waste management, each dwelling is capable of having sufficient waste storage in its rear amenity area. No details serving the dwellings has been provided so a condition is imposed to secure details of this, and provision required before each dwelling is occupied. The Council's Waste Officer, following the submission of further drawings clarifying bin collection distances, is satisfied that the proposal makes adequate provision for waste storage and collection. The outline consent also carries a condition for full details of waste

management, which will include the construction phases, to be agreed before commencement.

- 4.6.9 The proposed design and layout is considered to be acceptable with regards to the parameters set out in the outline permission, the SPD and in accordance with Policy S2.

#### 4.7 Access and Highways Matters, including Delivery of the Link Road

- 4.7.1 Local Plan Policy S9 requires development to promote public transport, cycling and walking to minimise dependence on cars, provide improved GI networks, appropriate parking, and infrastructure for electric vehicle charging, with an aim of reducing the need to travel.

- 4.7.2 The provision of a continuous link between the Sainsbury's roundabout on the A379 Exeter Road, through the DA2 allocation forms part of Policy DA2 and the Development Framework for the delivery of DA2 and DA6. This link road is already under construction through Area 4 with HIF funding secured to support its delivery

and Shutterton Brook Bridge to connect Areas 3 and 4. The Bridge has received planning permission and will be constructed by the highway authority. The local highway authority is also intending to construct the carriageway to base course level through Development Area 3 between the Bridge and the connection with Development Area 2, which would enable construction traffic to access Area 2 from the north.

- 4.7.3 Consent has already been granted for the southernmost section of the link road through Area 2 (Taylor Wimpey parcel), as well as the roundabout and section of road now in use to the southeast (15/02003/FUL). The delivery of the DA2 link road forms an important element of the DA2 allocation and significant weight must therefore be given to its early delivery. Revised plans have been received demonstrating how the road in Area 2 will link into Area 3, which has conditions attached to its approval for full details to be submitted and approved, to include the provision of the cycle path along the length of the link road; a similar condition is imposed on this permission, given the plans do not show high level detail. Condition 2 attached to the outline planning permission for Area 2 requires that no more than 50 dwellings shall be occupied across the entire development until the road linking with Area 3, has been provided to an acceptable standard.

- 4.7.4 This application seeks to secure the remainder of the internal access, from the primary spine road, through to the secondary streets and private driveways. In terms of general layout and design, the roads have generally been designed to accord with the access parameter plan. Manual for Streets and the Devon County Council "Highways in Residential and Commercial Estates" design guide has been used to inform the proposal. The roads are proposed to be restricted to 20 MPH and a future bus route is also proposed throughout the site on the link roads routed towards the western boundary.

- 4.7.5 Notwithstanding the concerns raised by the Council's GI officers, it is considered adequate cycle routes are also provided throughout the development in the form of segregated cycle routes and shared footway/cycleways through the site and along the link road, meeting the requirements of the Section 106 Agreement and the earlier permission for the link road. No objection has been

received from the Highways Officer. Travel vouchers have been secured under the S106 to assist in reducing reliance on the use of cars.

- 4.7.6 The Highways Authority has raised no objections subject to the necessary technical approvals being obtained. There is a concern raised by the County Lighting Engineer in relation to street lighting in that some lighting was removed to enable light levels at the dark corridors to remain under 0.5 lux, however this can be addressed by condition. The consultations did confirm that a bus stop needs to be provided within Area 2 in order to meet the SPD requirements and foster good public transport opportunities, because the distances between current bus stop provision and that approved under Area 3 was too great. The revised drawings have included bus stop close to the site access, near to the mixed use and care home elements of the proposal.
- 4.7.7 The number of parking spaces proposed for the dwellings and dimensions are in accordance with requisite expectations. All 3-bedroom dwellings have 2 parking spaces, the 4-bedroom dwellings have 3 parking spaces (many of these have garage provision) and there are 4 unallocated visitor spaces. It is recognised visitor parking is on the low side, however, some spaces were removed to provide additional tree planting along the link road and the applicant has pointed out the provision is consistent with the other approvals across the DA2 allocation. There is scope for vehicles to park on street, if necessary, without causing an obstruction. There has been no objection raised by the Highways Officer to the parking provision. Garages have been designed to be 3m x 6m internally which is large enough to accommodate modern cars and allow for cycle parking. The scheme has been future proofed for charging electric vehicles and it is noted this is now a requirement under Building Regulations. A condition is imposed for all parking spaces to be provided before the dwelling to which it relates is occupied, and for it to be retained as such thereafter to ensure there is no loss in the number of spaces through either non-vehicle storage or by converting garages to additional living accommodation. Allocated spaces are also to be clearly marked to avoid potential conflict, as requested by the Police Design Officer.
- 4.7.9 Cycle parking is required for every dwelling; however, none is shown on the drawings. It has been stated that where there are no garages, cycle parking will be within garden sheds; a condition is imposed to secure details of these at an early stage, and for the sheds to be provided before first occupation of the dwellings.
- 4.7.10 Subject to the aforementioned conditions, the proposed highway elements of the proposal are deemed acceptable and significant weight should be given to the delivery of this section of the DA2 link road.

#### 4.8 Land Drainage/Flood Risk

- 4.8.1 Local Plan Policy EN4 requires a sequential approach to development, guiding it to lower flood risk areas. Development must also ensure drainage, both surface water and foul, is adequate, using Sustainable Urban Drainage Systems (SuDS) wherever feasible.
- 4.8.2 The site is located in Flood Zone 1, although part of the lower eastern edge and a small area of the site access fall in Flood Zones 2 and 3; this is the section of road already agreed under application 22/00148/MAJ, and whilst the EA comments around emergency access are noted, it is not therefore appropriate to

revisit this at this stage. All of the proposed dwellings and the LEAP are located in Flood Zone 1, at low risk of flooding.

4.8.3 With regards surface water, the strategy has been designed in accordance with the Flood Risk Assessment approved at outline stage and designed for the full complement of dwellings as well as commercial areas. The outline S106 also secured contributions towards Shutterton Brook flood risk mitigation. The applicant has liaised directly with the Lead Local Flood Authority (LLFA) to address their initial objection and they have provided additional technical information on the surface water drainage regime. The LLFA have now confirmed that they have no objections to the proposed drainage, although have noted the SuDS basins are tight and it would be preferable if some dwellings were removed to allow more room in this area.

4.8.4 The foul water flows generated by the development will drain via gravity to a pump station located in the northeast of the site. The rising main will then be routed through the adjacent development to the east and discharge to a gravity sewer in Secmaton Lane which will be requisitioned by South West Water (SWW).

4.8.5 Comments raised in representations are noted, but given this is a reserved matters application, the principle has already been established, and therefore matters such as water provision and sewerage capacity are not up for reconsideration. Nonetheless, the applicant has provided confirmation from SWW that clean water can be supplied to the dwellings. Foul drainage was noted to be an issue at outline stage due to the lack of capacity and it should be noted the outline consent carries a condition preventing any dwellings from being occupied until foul drainage is connected, with details to first be submitted and agreed by the Council.

4.8.6 The proposal is considered compliant with Local Plan Policy ENV4.

#### 4.9 Biodiversity

4.9.1 Local Plan Policies EN8 – Biodiversity Protection and Enhancement, EN9 – Important Habitats and Features, EN10 – European Wildlife Sites and EN11 – Legally Protected and Priority Species, all seek to protect and enhance protected species and habitats, requiring appropriate management measures to be put in place for all developments.

4.9.2 The developer has discussed the ecological impacts of the proposal with the Council's Biodiversity Officer at length, given objections were originally made based on insufficient provision for bats along the northern and western corridors of the site in terms of the lack of a consistent dark 10m corridor and light spill; the greatest concern did relate to the Taylor Wimpey section. Following the submission of amended plans which showed an increase in the corridor width, a new northern corridor, together with details of lighting, and assurances that the addition of walking routes through the dark corridor will not be illuminated, the objections have been withdrawn subject to the imposition of conditions as set out above to prevent the installation of additional lighting and for details of bat/bird/bee boxes and hedgehog holes in fencing to be agreed.

4.9.3 In relation to European sites, the application site is within 10km of the Exe Estuary SPA and Dawlish Warren SAC and is therefore subject to the

requirements of the Conservation of Habitat and Species Regulations 2017. An Appropriate Assessment of the impacts was undertaken at outline application stage, concluding there will not be an adverse effect on the integrity of those sites; given this proposal follows that outline consent, there is no requirement to re-visit that Assessment. The necessary financial contributions were secured in the S106, along with money towards Cirl Bunting mitigation. This application (and that on the adjacent land) has been re-screened for likely Significant Effect on the South Hams SAC for Greater Horseshoe Bats, including potential in-combination impacts. As the proposal includes measures to protect bats, it has been concluded that Significant Effects are unlikely for this proposal and therefore an Appropriate Assessment of the proposal with regards to the South Hams SAC is not necessary. Therefore, the LPA, as Competent Authority, is able to conclude that there will be no effect on the integrity of the European sites; Natural England has concurred with this conclusion.

4.9.4 Objector comments are noted, but largely relate to the principle of development upon this site, which has already been agreed through the site allocation and at outline stage. Measures are in place under the S106, including the Biodiversity Offsetting Scheme which secured an area of land to the northeast, and contributions towards European Site recreational mitigation, and it is therefore concluded the proposal will not result in harm to biodiversity.

#### 4.10 Carbon Reduction

4.10.1 Local Plan Policy S7 - Carbon Emission Targets, seeks a reduction in carbon emissions per person in Teignbridge of 48% by 2030. Policy EN3 - Carbon Reduction Plans, requires major developments to indicate how the carbon reduction will be achieved, including consideration of materials, design, energy, water, waste, travel and so on.

4.10.2 The outline planning permission is subject to conditions 14 (Carbon Reduction Plan) and 16 (Waste Audit Statement). An Energy and Sustainability Statement (ESS) has been submitted with this application; condition 16 was discharged under 15/02468/COND3. The strategy in the ESS sets out a 'fabric first' approach with construction specification exceeding the minimum requirements of Building Regulations Approved Document Part L by almost 9%, with insulation standards, thermal bridging and air leakage all improved beyond the minimum compliance levels. Renewable energy has been considered, with Solar PV the preferred option. Air Source Heat Pumps are feasible but have been discounted for reasons stated to be the potential increase in running costs compared to a gas boiler and solar PV approach. This is disappointing, particularly as Area 3 proposed to incorporate these, but under current Policy, they cannot be insisted upon. A plan showing indicative PV panels on every dwelling, and the flats, has been submitted and a condition imposed for final details to be provided and to ensure these are fitted and commissioned before occupation.

4.10.3 In relation to overheating, as noted by the Climate Officer, the layout has been designed to maximise solar gain. The detailed design, window openings, glazing values and the like will be addressed at Building Regulations approval under Approved Document Part O. The Climate Officer has requested further details be secured by condition in relation to overheating, SAP calculations and operation of heat emitters and pipework, however, these would be covered by Building Regulations and are beyond the remit of what can be secured under

current Local Plan Policies. A condition is imposed to ensure compliance with the Energy Statement and demonstrate the carbon saving has been achieved. The request for bus travel vouchers is secured by the outline S106 agreement. A condition is imposed to secure the Electric Car Charging Points at a minimum specification of Mode 3 Type 2 32A.

4.10.4 Concerns raised in representations are noted, in that this proposal will not help TDC meet its carbon reduction targets, however, it must be remembered this is an allocated site and Officers cannot secure any further carbon reduction measures above current Local Plan requirements, until such time the new Local Plan carries weight/is adopted. Building Regulations do now require significant energy and carbon saving measures.

4.10.5 Subject to compliance with conditions, it is considered the application broadly meets Policies S7 and EN3.

#### 4.11. Historic Environment/Impact upon setting of listed buildings

4.11.2 The outline approval was subject to condition 15, which required the submission of a Written Scheme of Investigation (WSI) to investigate potential underground features and secure mitigation, if necessary. The content of the WSI was agreed under 15/02468/COND1, and it was noted initial investigations uncovered evidence of a Romano-British settlement site, probably a farmstead, comprising a rectangular enclosure surrounded by several ditches, likely to represent outlying agricultural enclosures.

4.11.3 It is clear that development here will have an impact upon the archaeological deposits associated with the historic activity within the application area and the Historic Environment team at Devon County Council have therefore requested that a condition be included to secure the excavation and recording specified in the WSI. This condition is imposed.

#### 4.12 Other matters

4.12.1 Concerns raised over the lack of infrastructure improvements are noted. The SPD set out the contributions that would be required and these were secured in the outline S106 which contains several clauses to secure contributions toward health provision at Dawlish Barton Surgery, extra care facilities, public art, Dawlish library and the Red Rock community centre; these will be met by the developer at the applicable stage in the construction process. Some infrastructure is provided as part of Area 3, including allotments and a community orchard. This development will also help secure the final piece of the DA2 link road.

4.12.2 Once the non-residential elements of Area 2 are developed, they will meet some of the immediate infrastructure/facility needs of residents, both on Area 2 and the other Areas under DA2 as well as existing nearby residents; the details relating to these are not part of this application and will be subject to their own reserved matters. The developer has already commenced on the marketing strategies as required under the outline S106.

4.12.3 Education land was also secured in the S106 but is on land outside of the red line boundary for this application. Other wider infrastructure needs will be met through CIL contributions.

1.12.5 Some concerns were raised by objectors over the robustness of the technical reports and that they have been written for the developer. It must be remembered that such reports are written by persons who are qualified in their relevant subjects and are generally governed by their own Technical “Bodies” and standards. Officers have no reason to doubt any of these reports, especially as they have been independently scrutinised by consultees.

#### 4.13 Conclusion

4.13.1 Whilst there is some minor deviation from the parameter plans and SPD, these have been fully explained and justified by the applicant. The SPD does allow for changes at paragraph 1.5, where it states these can be permitted based on detailed evidence, providing that the key principles and location of infrastructure are adhered to and where it does not require the document to be revised. These deviations are considered acceptable in order to balance the need to make the most efficient use of the land and achieving the outline applicant housing figures, given the topography of the land, and delivering the DA2 link road.

4.13.2 Third party objections and concerns have been noted and considered throughout the determination of this application and where material, are either adequately addressed by the proposal, through the submission of amended drawings and reports, or conditioned where necessary.

4.13.3 A planning balance must be taken. The site is part of the wider DA2 allocation, and significant weight must be given to the delivery of housing, both open market and affordable, especially where the affordable provision meets the requirements of the S106. Significant weight should also be given to the delivery of this section of the link road. These benefits are considered to outweigh the areas, namely GI and play provision, where there is some conflict with policy, the approved parameter plans or the SPD.

4.13.4 Therefore, subject to the conditions set out above, this residential phase of the development granted outline planning permission under reference 15/02468/MAJ is considered acceptable and it is recommended that reserved matters approval be granted.

## 4 **POLICY DOCUMENTS**

### Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S3 Land for Business, General Industry and Storage and Distribution

S4 Land for New Homes

S5 Infrastructure

S6 Resilience

S7 Carbon Emission Targets

S9 Sustainable Transport

S10 Transport Networks

S11 Pollution

S17 Dawlish

S21A Settlement Limits

EC1 Business Development

WE1 Housing Plan, Monitor and Manage

WE2 Affordable Housing Site Targets

WE7 Custom Build Dwellings

WE11 Green Infrastructure

EN2A Landscape Protection and Enhancement

EN3 Carbon Reduction Plans

EN4 Flood Risk

EN7 Contaminated Land

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN10 European Wildlife Sites

EN11 Legally Protected and Priority Species

EN12 Woodlands, Trees and Hedgerows

DA2 North West Secmaton Lane

DA6 Dawlish Green Infrastructure

DA2 and DA6 Development Framework Plan Supplementary Planning Document

Devon Waste Plan

National Planning Policy Framework

National Planning Practice Guidance

Natural Environment and Rural Communities Act 2006

## **5 CONSULTTEES (Full comments are available in the online case file)**

### **Environment Agency**

25<sup>th</sup> Sept 2023

No objection.

21st July 2022

No objection. The site plan indicates that all built development, including the SuDS Pond, will be located outside of the floodplain. However a small section of the access/egress route could be affected by flooding. Recommend that you consult with your Emergency Planners for advice.

We refer the applicant to the advice in Pollution Prevention Guidelines PPG5 – Works and maintenance in or near water and PPG6 – Working at construction and demolition sites. <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Run off from exposed ground/soils can pose a significant risk of pollution to nearby watercourses. A Construction Environment Management Plan (CEMP) should be prepared for each phase of the development to address how such run-off can be minimised, controlled and treated. The applicant should ensure that this is considered well in advance because some treatment methods can require an Environmental Permit to be obtained.

### **DCC Lead Local Flood Authority**

7<sup>th</sup> November 2023

No objections to the updated proposals for surface water management. I won't provide comments on the landscaping of the 3 basins. They look to be squeezed in, ideally, if 4 or 5 dwellings could be removed and the road moved a bit, this might give more space for the basins to be designed within.

24th March 2023

The applicant has provided additional information. Our objection is withdrawn, and we have no in-principle objections to the above planning application at this stage. 31<sup>st</sup> October 2022

Object. The applicant has not submitted sufficient information in demonstrate all aspects of the surface water drainage management plan have been considered.

### **DCC Historic Environment**

21<sup>st</sup> July 2022

This reserved matters application occupies part of the area granted outline planning consent, conditional upon a programme of archaeological work being undertaken - Condition 15. A written scheme of investigation (WSI) has been submitted and approved by this office. This WSI identified three areas where archaeological work is required.

Of these Area C lies within the area covered by this reserved matters application. As such, I would advise that the applicant is made aware that the agreed programme of archaeological work will need to be implemented in advance of any development commencing.

## **TDC Housing**

31 October 2023

Revised plans address previous concerns in relation to M4(2) and M4(3) provision and the distribution of AH across the site.

25th July 2022

As part of a proposed AH layout/scheme, small clusters of affordable housing will be acceptable. It will be important to ensure it is well distributed throughout the development. Max clusters of no more than 6 Affordable houses grouped together.

Design of affordable housing should be indistinguishable from the overall development design (in all aspects including materials and car parking provision) in line with supplementary planning guidance. Early negotiation is suggested with Registered Provider partners to assess proposed construction standards. Each Housing Association will have specific business model requirements.

On plot parking is preferred, with a representative amount of parking allocated to the affordable housing units. (A minimum of 2 spaces for houses.)

The S106 Agreement attached to the Outline Approval sets out the Affordable Housing requirements as follows:

- 1.1 (a) 17.5% of the dwellings in each phase are Affordable Dwellings (b) The Affordable Dwellings are all constructed to housing standards to be agreed in writing with the Council
- (c) 70% of the Affordable Dwellings shall be Affordable Rented Housing and 30% Shared Ownership Housing
- (d) A minimum of 3% of the number of Affordable Dwellings are Wheelchair Accessible;
- (e) A minimum of 5% of the number of Affordable Dwellings are constructed to Accessible Adaptable standards

Conclusion; The percentage of affordable units at 27 of the total 149 units meets the requirements of the S106. The Site Layout Plan, drawing No. SL01 shows 4 No. 2 bedroom units built to M4(2) standard which is below the 5% requirement of the S106 and further there are no M4(3) wheelchair accessible units shown. In addition, the number of affordable units situated in one area of the site does not

comply with Policy WE4 as the number of units in one area is too high. For these reasons we cannot support this application in its current form.

### **South West Water**

No comments received.

### **DCC Highways**

6<sup>th</sup> November 2023

Verbal response. Generally satisfied with the proposal. Final highway details, link road join and lighting can be addressed at S38 highways approval stage, for which the developer has commenced discussions.

2<sup>nd</sup> August 2023

Bus stops are needed on the entire length of the road linking through to Sainsburys, aiming for 500 metres apart. There are bus stops on the A379 Exeter Road, then none through Area 4 (Langdon). One has been approved as part of application 21/02674/MAJ (Area 3) that is approx. 500m from Exeter Road. There is then a gap between here and Secmaton Lane of approx. 1km, so Area 2 would need to have at least one bus stop. By the substation on the spine road would seem a good location as this would not interfere with the driveways.

23<sup>rd</sup> March 2023

No objections following further information from the applicant, along with the updated general arrangement drawing 19919-HYD-XX-XX-DR-C-2001-P03.

4th July 2022

Other than a general layout there are no highway drawings to comment on at this stage.

### **TDC Biodiversity**

25 Sept 2023

Welcome the improvements for biodiversity, including the partial widening, scattered native tree planting and Devon hedgebank planting to the western and southern dark corridors; agreement with DCC of the lighting strategy to maintain light levels in the dark corridors at or below 0.5lux.

I am happy with the inclusion of walking routes through the dark corridors, provided no lighting is installed in, or illuminating, the dark corridors in association with the paths. The surfaced width of the paths should ideally be 1.5m or less, except at occasional passing places for buggies/prams.

I have re-screened this application and the adjacent reserved matters proposal for Likely Significant Effect on the South Hams SAC, the conclusion is Significant Effects are Unlikely. Therefore, no Appropriate Assessment is required, and it is not necessary to consult Natural England.

As there is now to be one less dwelling, an improvement in on-site Public Open Space, through additional walking routes and, I believe, no change to the proposed Habitat Regulations/CIL financial contributions, I consider it is not necessary to re-visit the Appropriate Assessment for the Exe Estuary and Dawlish Warren.

#### 5th December 2022

Objection. Dark Corridors need screening from headlights, new hedges should be planted atop Devon banks, lighting must be carefully designed to not exceed 0.5 lux; a Lighting strategy should be conditioned.

Biodiversity net gain should be delivered through dark corridors and other green corridors/boundaries and provision of bat, bird and bee boxes and hedgehog holes

Request submission of revised layout and landscape plans showing dark corridors along the western boundary and in association with the southeastern most turning head, with retained existing hedges, 10m wide grassy corridors and new hedgebanks on the development side.

#### **TDC Waste**

#### 9th November 2023

Issues have been resolved.

#### 25th Sept 2023

The swept path analysis indicates our vehicles can safely access the site. Concerns raised in relation to the distance of collection points for properties located in the "private drive" sections; distances were previously acceptable but now appear to be more than 10m from the adopted highway. Request this is reviewed.

The apartment bin store needs to accommodate the following, with doors large enough to remove the bins and should be accessible to residents at all times without needing to move bins to access others:

2 x 1100L wheeled bins for general waste; 6 x 240L wheeled bins for dry recycling; 12 x 23 L food waste caddies.

#### 7th July 2022

No objections. All considerations have been made in relation to waste and recycling collections.

#### **Police Designing Out Crime Officer**

#### 27th Sept 2023

Repeats previous response with the addition of a comment that small pockets of green space should be supplemented with a low-level boundary treatment to clearly define them, control movement, and reduce the potential for misuse, conflict and nuisance.

#### 4th June 2022

No objections subject to comments/recommendations.

- The LAP and LEAP should have adequate boundary treatments that prevent vehicular access and will also help to define the space and aid supervision.
- Gates that provide access to the rear gardens of dwellings should be capable of being locked (operable by key from both sides of the gate).
- Where the ownership of allocated parking spaces is not obvious, ensure that they are clearly marked in order to reduce the likelihood of conflict and disputes.
- Presumably the site will be lit in accordance with relevant British standards (BS 5489:2020), this should include effective lighting of pathways, gates and parking areas. This will promote the safe use of such areas, reduce the fear of crime and increase surveillance opportunities.

### **Green Infrastructure/Play Officer (joint responses for both applications)**

2<sup>nd</sup> November 2023

On the whole there are still a number of concerns which have still not been addressed in the latest submission. Safety concerns in relation to LEAP not addressed. LEAP is located in a tree root protection area, reducing the area available and the design will be compromised. Access for all is not evidenced. Risk of limbs falling from the tree. Also a concern it is located next to water hazards; the safety report does not address these concerns. The approved parameter plan shows a different location for a NEAP.

Note additional tree planting but does not satisfactorily provide the requested figure of eight green connections.

The POS is not fit for purpose with irregular green areas, and poorly designed miss-shaped areas of left over land around north, east and western boundaries, obstructed in places with trees.

Consider the central cycle/pedestrian route is poorly designed, failing to connect to the large area of open space. This link should be delivered now and not left to the adjacent site.

10<sup>th</sup> October 2023

Objection maintained Concerns that the LEAP is on a back site, at a lower level, not overlooked. Tree branches will need trimming and it is not likely to be overlooked when the mixed-use area is developed.

Green corridors and pedestrian connectivity is inadequate.

Tree protection information is needed.

Plans are difficult to read and show different provision, a LAP is missing from some plans, footpaths are shown misaligned.

28th October 2022

The aspects we would comment on are the active travel links for walking and cycling, and the quantum and quality of green infrastructure. Can't see any plan showing the active travel routes, either in these or the outline application. These need to be suitable, appealing and linking effectively into the surrounding existing and upcoming provision. Has this been achieved, and is this shown on a plan? Also couldn't find a plan and details showing the quantum of the GI provision, how good quality will be achieved, or arrangements for its maintenance.

## **Natural England**

20<sup>th</sup> October 2023

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

31st October 2022

The HRA concludes no likely significant effects. No in-combination effects have been identified, although this section of the HRA appears incomplete. Where no Appropriate Assessment (AA) is necessary, NE are not a statutory consultee.

Due to the scale of multiple developments and full application 21/02674/MAJ for 201 dwellings being assessed as requiring AA and greater horseshoe bat mitigation, we advise that the Landscape and Ecological Management Plan (LEMP) and lighting details required for outline 15/02468/MAJ should protect and manage bat habitats.

For the residential applications, mitigation is required with respect to the EXE Estuary SPA and Dawlish Warren SAC recreational impacts. We understand this mitigation was secured via a S106 on the outline consent and concurred with your AA for application 22/01042/MAJ in August 2022.

23 August 2022

We concur with the AA conclusion for the Exe Estuary and Dawlish Warren.

27 July 2022

More information is needed.

## **TDC Environmental Health – Contaminated Land**

No objection.

## **TDC Climate Change Officer**

Policy S6a & S6b requires consideration of the future effects of climate change. The sustainability statement identifies the development will comply with Building

Regulations Part O, however, this doesn't consider the future effects of climate change. If approved, condition a CIBSE TM59 overheating risk assessment.

Policy S6c: use or contamination of energy, water, soil and materials should be minimised.

Operational Energy: target energy efficiency rate in Part L is used to determine whether proposals achieve a fabric first approach. The sustainability statement sets out the U-value and air permeability specification for the proposed thermal elements; there is uncertainty as to whether the external wall specification will meet this standard. A condition is recommended to require the applicant to provide a representative sample of SAP calculations covering at least 25% of all dwellings proposed to confirm the U-value, air permeability rate, and demonstrate a 5% improvement over the target fabric energy efficiency rate.

Air source heat pumps are technically viable but discounted in favour of gas boilers on the suggestion that heat pumps have higher running costs. If the specification of gas-fired heating has been made on this basis, the developer should reconsider the use of heat pumps, which can achieve cost-parity when installed in dwellings constructed to thermal fabric standards described above, and where installed by experienced specialists.

Renewable energy, such as that proposed, should not be used as a substitute for good fabric energy efficiency standards or the specification of low carbon heat. As such, the applicant is advised to reconsider the strategy for thermal fabric efficiency, low carbon heat, and renewable energy.

Policy S7 requires a 48% reduction in operational carbon emissions. On the assumption that the proposed development will be constructed to Part L1 2021, it is likely that the application will be compliant with Policy S7 subject to the provision of SAP calculations requested by condition above.

Policy S9a promotes public transport, cycling and walking as transport modes of choice and minimising dependence on cars. A proactive approach should be taken to encourage residents to use shared transport through the provision of bus travel vouchers, secured by condition.

Welcome the inclusion of external rear accesses. These should be at least one meter wide and avoid sharp changes in direction to allow for low impedance access when handling bicycles.

Policy S9e supports infrastructure for electric vehicles. A condition should be imposed to ensure the installation of EV charging infrastructure for each and every dwelling with off-street parking, with a minimum specification of a Mode 3 Type 2 32A EV Charger.

## **RSPB**

No comments received.

## **7 REPRESENTATIONS**

7.1.1 The application was advertised by way of press advert and site notice. Three letters of objection and one comment have been received, summarised as follows (see case file for full comments):

- Loss of productive agricultural land which only adds to the climate emergency. In light of Covid19, self-sufficiency and food production are important considerations. Increases food miles.
- What grade farmland is this?
- The environmental reports are not a fair representation of the actual position or neutral balanced.
- Urban Heat Island effect needs consideration.
- Increased provision of services particularly the NHS.
- Increased carbon emissions making it harder for Teignbridge to meet its targets.
- Increased light and noise pollution.
- Development will continue to destroy the countryside and wildlife. Loss of habitat, impacts on protected species and wilding.
- Will the houses utilise grey water recycling. Are the dwellings triple glazed? More pressure on reservoirs and waste disposal.
- Additional traffic in area where the same Council is trying to reduce traffic movements.
- Houses will be homogenous, poorly designed and poor build quality which will not enhance the character of the surrounding area. More urban sprawl.
- How will the site be accessed? Via the yet to be built Gatehouse Farm/Sainsbury's roundabout link road or elsewhere via existing roads in residential areas with play parks located on them?
- Will there be schools, play areas and sporting facilities provided prior to the housing?
- The rate of change is staggering, urbanisation of a rural county. Residents appreciate the need for housing, but this is too much. Is there an end goal when we say enough building?

## **7.1.2 DAWLISH TOWN COUNCIL**

6<sup>th</sup> October 2023

Recommends Refusal on the grounds that;

- There are concerns over no correspondence from South West Water regarding the capacity for fresh water supply and sewage processing by South West Water and Timaru Gardens processing plant.
- The layout creates a lack of green areas on the estate.

This Council have no objection to the houses being built providing the infrastructure, plans and treatment plants are put in place first.

21st July 2022

Resolved that this Council recommends refusal on the grounds that:

- The Committee has severe concerns regards the link road alignment from this site to the adjoining application site 21/ 02674
- The Committee has concerns regards which application (22/01067/MAJ or 22/01042/MAJ) covers the link road access from Gatehouse School end; and
- The green corridor running between application sites 22/01067/MAJ and 22/01042/MAJ is insufficient and not wide enough.

It was further resolved that should the Planning Officer be minded to approve the application, the Town Council Planning Committee requests that the application is called-in to the

Teignbridge Planning Committee for determination.

The following further comments were made:

- Garages should be wide enough to accommodate modern vehicles,
- Driveways should be constructed using permeable materials; and
- Fences should have hedgehog access.

The Committee was pleased to note the inclusion of a solar gain plan with the application.

## **8 COMMUNITY INFRASTRUCTURE LEVY**

*The proposal is CIL liable. The CIL liability for the development is being calculated but each m2 of open market housing will be liable for CIL at a rate of at least £126.26 (includes an adjustment for inflation in line with the BCIS since the introduction of CIL). This will likely generate liability in excess of £2m of CIL.*

## **9 ENVIRONMENTAL IMPACT ASSESSMENT**

In determining the “host” outline planning application considered under reference 15/02468/MAJ, the Local Planning Authority took into consideration the Environmental Statement submitted with the planning application and also all of

the consultation responses and representations received, in accordance with Regulation 3 (4) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

The current application, which seeks reserved matters approval, is considered in compliance with the outline planning permission for the purposes of EIA.

The need for a further EIA has therefore been “screened out” for this application as the proposals, with the mitigation secured by the Conditions and s106 Obligations as detailed within the outline planning permission and the conditions imposed, will not give rise to any significant environmental effects within the meaning of the Environmental Impact Assessment Regulations 2017.

## **10 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.

## **Business Manager – Strategic Place**