

ITEM NO. 3

COMMITTEE DATE: 26/04/2010

APPLICATION NO: 10/0200/01 **OUTLINE PLANNING PERMISSION**

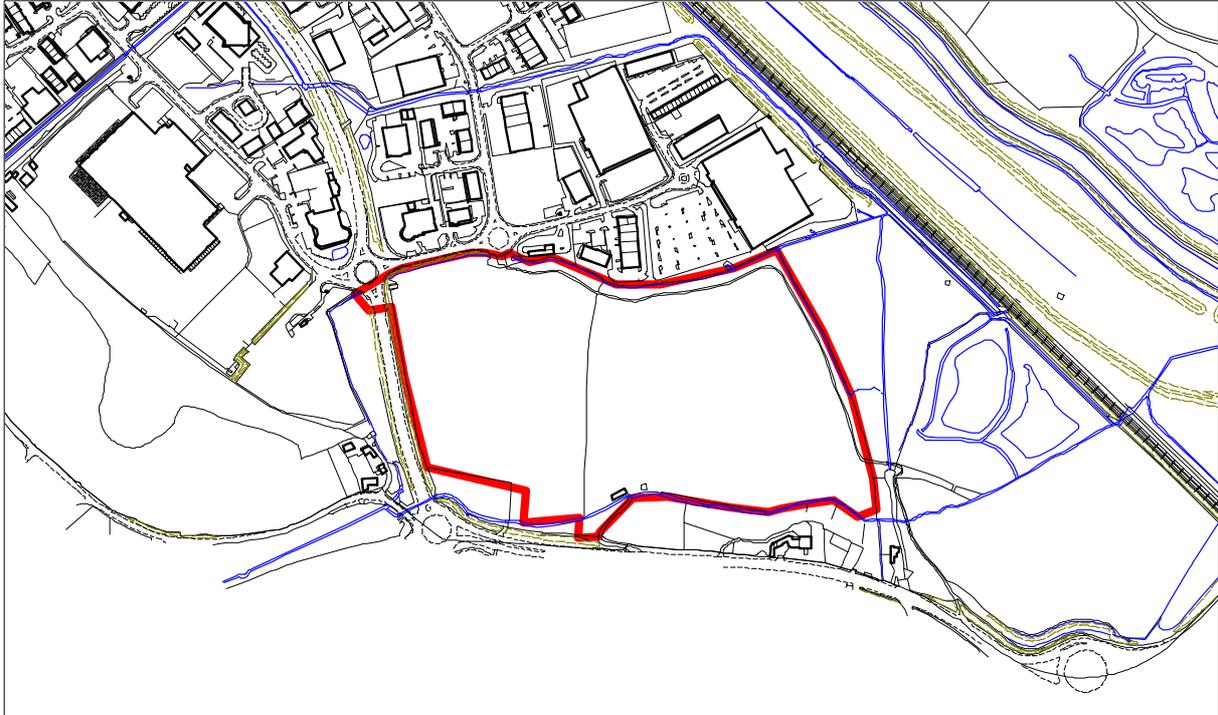
APPLICANT: Prego Developments Ltd

PROPOSAL: Development to provide mixed employment uses (all matters reserved for future consideration)

LOCATION: Land south of, Yeoford Way, Marsh Barton Trading Estate, Exeter, EX

REGISTRATION DATE: 23/02/2010

EXPIRY DATE: 25/05/2010



Scale 1:10,000

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HISTORY OF SITE

A proposal to enlarge and improve the existing drainage channels to the north (Mutton Brook) and the south (Matford Brook) of the application site was approved at Planning Committee in October 2009. This application enabled an increased capacity to contain water flows and therefore prevent floodwater overtopping the banks and accumulating within the site.

DESCRIPTION OF SITE/PROPOSAL

The site (15.14 hectares) is located on the southern edge of Exeter adjoining the Matford Park trading estate with industrial and commercial land forming the northern boundary. The western boundary is formed by Bad Homburg Way (B3123) and the southern boundary by the A379, although a buffer of land lies between the application boundary and this highway. This strip of land accommodates two residential properties Cotfield House and Basil Oak, which are screened by mature mixed woodland, protected by a Tree Preservation Order.

The site comprises four level fields which are currently used for grazing sheep. A single barn lies on the southern boundary of the site. Exeter Canal, the River Exe and Riverside Valley Park lie to the east with the railway forming part of the eastern boundary. Open land lies to

the south east of the site and this links into the green space adjacent to the south of the site alongside the highway.

A Landscape Setting designation covers the site and the eastern part is also a Site of Local Interest for Nature Conservation.

The application proposes to develop the area for a mixed employment use site for a total of 46,500 square metres. It is proposed that half the site will be for B1 Use with the remainder either falling within with Use Class B2 or B8. All matters are reserved for future consideration. The application is accompanied by a Design Guide which seeks to ensure that the site is developed in a coordinated and cohesive way.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

Planning Statement

The Exeter Local Plan covers the period to 2011 and does not identify development land to be served beyond this period. Employment land will need to be identified to serve the City's needs beyond this period and there is currently an identified shortage of employment land to serve the City of Exeter.

Strategically Exeter is identified as one of the major economic focal points of the South West. Background work associated with the emerging Exeter LDF Core Strategy has identified land at Matford as suitable to meet some of the future employment needs of the City. Commercially Matford / Marsh Barton is a major employment area meeting the needs of a wide range of different businesses and the proposed Phase 3 development is a logical extension to the existing business community and will meet a number of directly identified needs.

Development as proposed will therefore address an existing shortfall in employment land, make a contribution towards the emerging employment land requirements for Exeter and provide capacity to meet market demand.

Consideration of the development has highlighted a wide range of issues which require further detailed consideration before development proposals could be brought forward. Whilst all have informed the proposals the most significant are flood risk, landscape and ecology and transport.

It is acknowledged that the scale and location of the site indicate that the proposals need to be assessed in respect to the likely significant impacts on the environment. A scoping exercise is described in the Environmental Statement and concludes that the only subject that is required to be subject to assessment is ecology.

In accordance with the provisions of the EIA Directive, the Environmental Statement which accompanies these proposals includes a description of the baseline environment; a description of the proposed development and its likely impacts; and an assessment of measures to avoid, mitigate and/or compensate for potential adverse impacts. The conclusion of the Environmental Statement and as set out in the various reports is that, with appropriate mitigation, the form of development as proposed in the outline planning application can be delivered on this site and that there are no major constraints to its delivery.

Mitigation, where appropriate or identified in the Environmental Statement, will be delivered via a wide range of on site measures and the development of a significant wildlife area. These and other matters will be secured via a Section 106 Agreement addressing the following matters; public transport, public art, provision of a culvert under Bad Homburg Way, Landscape and Ecology Management Plan, cycleway and energy strategy.

The majority of the site is not allocated for development at the present time. However there is a range of 'material considerations' which indicate an early release of this site, subject to the departure procedure. Furthermore these proposals are fully consistent with the principles guiding development, as set out in the development plan.

Design Guide - The site offers different opportunities as shown on the opportunities overlay and Zonal Design section prescribe the landscape treatment to be provided. The proposed

zones are indicated on the plan attached as an appendix. The following design principles should be adhered to:-

Zone 1 - offers the maximum opportunity for active frontages to the overall development. Buildings should be a high quality, contemporary design with a proposed maximum height of four storey (approx 14 metres). Locations are suitable for headquarters or offices and well articulated buildings.

Zone 2 - provides an ecological corridor through the centre of the overall development. Adjacent sites may be suited to offices or larger scale employment buildings but the area of ecological interest should be screened from the less attractive elements of the building uses. Services yards should providing fencing or barriers appropriate to that location and provide planting to soften boundaries.

Zone 3 - provides the greatest opportunity to engage with the adjacent ecological marsh land areas. A small to medium scale of construction is more appropriate in this location where a 'village atmosphere' may be achieved, and similar larger scale buildings will not be encouraged. A more discreet contemporary design language is proposed in this zone with a more natural, textured palette of materials being more appropriate in this location with an increased use of timber and natural renders.

Zones 4, 5 and 6 - are all to the peripheries of the site and address ecological areas and proposed cycleways. Indigenous landscape screening of industrial and storage areas may be required. A relatively discreet outlook is offered to these locations, particularly zones 5 and 6 where careful treatment may enhance the immediate environment.

Zone 8 - is adjacent to the proposed spine roads serving the development. Plots addressing these important frontages are capable of sustaining buildings of 2 or 3 storey (approx. 8-11 metres) of contemporary design which use a palette of high quality materials as described in this document. Active frontages incorporating glazing and circulation are encouraged and boundary treatments should be of high quality.

The Design Guide indicates a range of materials including shallow pitched roof - standing seam metal or profiled sheeting colour coated light grey; flat roof - high performance polymeric single ply membrane, light grey; external walls - painted or through colour render, cedar or similar natural timber cladding, reconstituted stone facings, flat composite metal panels; brickwork walls - bricks will be wire-cut or stock with natural mortar, clay rainscreen or pre-fabrication brick panels may be used as an alternative; fenestration - powder coated aluminium or aluminium/composite windows and curtain walling, colour grey/white; glass - will preferably be natural in finish although the use of a ceramic frit or sand blasted glass may be acceptable if appropriate in overall design, highly reflective finished will be discouraged; external doors - colour will be chosen as appropriate to the overall design; external stairs - the use of external escape stairs will be discouraged in prominent locations; solar shading - external solar shading will be either natural timber or powder coated aluminium; recycling/cycling storage - external stores should be finished in natural tanalised timber enclosures to complement the design of the overall site and landscaping will be undertaken in accordance with the zonal design sections. Hard and soft landscaping will be used to complement the overall design of the site.

Flood Risk Assessment and Flood Mitigation Hydraulic Modelling Report - The Environment Agency flood maps suggest that the entire site is located within Flood Zone 3 associated with both fluvial and tidal flooding. Baseline fluvial hydraulic modelling has reflected recent engineering works associated with the improvement and enlargement of the existing drainage channels which have resulted in a revision in the flood extent and a large part of the site is no longer considered to be at risk of fluvial flooding. Tidal flood risk is the most significant source at the site, but only if the anticipated affects of climate change materialise. The FRA and Flood Mitigation Report sets out the following proposals some of which have benefit to the area.

- i) a raised development platform will protect the site from tidal and fluvial sources;
- ii) a flood alleviation culvert beneath Bad Homburg Way in order to reduce flooding within the park and ride facility and Marsh Barton industrial estate. Floodwater will be transferred to the conservation management area

iii) a small proportion of the 1 in 100 year return period fluvial event plus climate change will be displaced into the conservation management area, from the footprint of the development platform.

iv) the displacement from the development footprint of the 1 in 100 year return period event and the transferral of flooding from the park and ride facility will result in a peak fluvial water level increase of 0.17 metres in the conservation management area.

The conservation management area is not considered to be a sensitive receptor as it was designed to store floodwater. It is surrounded by more elevated features and therefore the floodwater will be contained. Displacement of tidal floodwater is considered to be negligible due to the equilibrium reached between floodwater within the site and that within the River Exe Estuary.

Infiltration testing within the site has suggested that infiltration for the management of surface water runoff may only be practical in parts of the site. Storage requirement estimated can be accommodated on the site and it is likely that storage will be constructed beneath privately owned parking areas. Some attenuation may also be offered through the use of a wetland or pond system, located to the southeast of the site.

Water Resources and Hydrology Report has not identified any significant risks

Air Quality Report - Key impacts are considered to be those arising from dust at the time of construction (low risk) and traffic. The impact of the latter is considered to be low and the implementation of an operational travel plan will further minimise potential impacts

Environmental Noise Assessment did not identify any significant impacts

Transport Assessment - The assessment concludes that the development is well located in an area designated in the planning process for employment uses. The site is adjacent to the Matford Park and Ride and so can be accessed from the City Centre and designations en route by the service which operates on a 10 minutes frequency. The Park and Rail service terminal point within the City Centre allows connections to all the city's services as they all pass through the City Centre. The development is also accessible by cycle via a number of cycle routes in the area linking it with the City Centre, Alphington, St Thomas and Countess Wear.

The level of development traffic has been assessed in relation to the existing traffic levels and although there is significant traffic in the area at peak times the development traffic is not expected to impact greatly on the conditions.

The development will contribute towards reinforcing the park and ride service, to other services and towards improved bus stop facilities. The development is therefore considered to be acceptable in transport terms.

The level of development traffic has been assessed in relation to existing traffic level.

Landscape and Visual Appraisal - Landscape character studies identify the site within a predominantly open area which has been compromised by peripheral development. A local study of the fringes of Exeter finds the western two fields of the site to be fairly enclosed and visually related to the urban area. In contrast the eastern field is found to be part of a sensitive landscape with visual links to the valley to the north.

The two western fields of the site appear as an isolated parcel of land, enclosed by the urban area to the north and west, and by busy roads and hills to the west and south. The visibility of the site is largely limited to local views from adjacent busy roads, a few locations on higher land to the south and, largely with respect to the eastern field, from the valley to the east.

The edge of Exeter adjacent to the site is a well lit, highly visible, large scale commercial area. Views of the site, where available are seen in this context.

Physical constraints within the site, such as ecological interest, utility supplies and existing vegetation, are largely restricted to the field boundaries or the eastern field. Development of the two western fields would have little impact on the rural area or its landscape character, because of their close relationship with the urban area and isolation from the wider countryside. Development would provide the opportunity to screen some views of the existing trading estate in the long term, reducing the existing visual impact of the urban edge;

it would also provide the opportunity to significantly enhance the biodiversity of the site and contribute to the Green Infrastructure of Exeter.

Outline Landscape and Ecological Management Plan - The plan covers the landscape and ecological management of the landscape infrastructure and ecological mitigation areas. Subsequent detailed planning applications for site development will draw upon the management prescription detailed in the Plan. The Plan should, therefore, be viewed as an overarching document for the delivery and management of landscape and ecological infrastructure.

Tree Survey and Tree Constraints Plan - was prepared early in the assessment of the site and has informed the evolving proposals

Archaeological Assessment - The assessment report does not identify any surface remains but does conclude that the site is likely to contain buried waterlogged deposits of interest. A watching brief is recommended during the development phase.

Geo-environmental Interpretative Report - Tested ground conditions are consistent with known geology and there is no detected soil or ground water contamination.

Site Waste Management Plan accompanies the application.

Utilities Infrastructure Report - There are no known utilities infrastructure constraints to the development of the site.

Lighting Report - Careful consideration has been given to the lighting requirement and limitations of this location. The external lighting installations will incorporate automatic control system including 24 hours time switches and lighting sensors. Lanterns and light sources will be selected so that the maximum illumination requirements identified in the national standards are not exceeded.

Environment Statement - Where there may be significant impacts on the environment as a result of these proposals it is necessary to include a full assessment of that issue in the ES. As a guide to what might constitute a significant impact, the EIA Regulations identifies sensitive areas (Regulation 12) and, at Schedule IV, lists the constituent parts of the environment. The nearest sensitive area is the Exe Estuary Special Protection Area/RAMSAR/Site of Special Scientific Interest, an important wetland habitat for birds which lies to the east. The list of environmental criteria includes biodiversity, population, human health, soil, water, air, climatic factors, material assets, cultural heritage and landscape. The applicants has given detailed consideration to all the subjects listed and these have been reported as part of the planning application. Given the context of the location of the proposed development adjacent to existing similar development and the ability of local roads to absorb additional traffic, it is considered that the only issue the EIA should assess in detail is the relationship between the development and biodiversity both on the site and on adjacent land.

Assessment has found that none of the statutory designated sites outside the site would be affected during the construction or occupation of the site. In particular, habitat removal and construction noise and movement is highly unlikely to have an effect on the integrity of the Exe Estuary SPA/SSSI. Construction would lead to the removal of improved and poor semi-improved grassland and species poor hedgerow. This includes approx. 15 metres along the central hedgerow and along the western boundary. Significant adverse effects of construction were identified with respect to habitats within the site namely the entrance of sediment-laden run-off into Matford and Mutton Brook and vehicle movement within root protection areas of retained trees.

The proposed habitat retention, enhancement and creation measures would deliver positive, certain, long term and significant biodiversity benefits at the District level. In particular the

proposals would enhance the value of the SLINC, Key Network Feature and Biodiversity Network Feature with the application boundary.

The implementation and long term success of the proposed habitat measures would be assured through the implementation of the Outline Landscape and Ecological Management Plan. This would be monitored and reviewed every five years in agreement with Exeter City Council. All retained and proposed habitats would be monitored and managed in accordance with this Plan.

Significant adverse effects of construction were identified with respect to species within the site namely disturbance of birds within Matford Marshes Reserve through the creation of scrapes and the killing and/or injury of reptiles and amphibians during site clearance and ground works.

To ensure that no reptiles were killed or injured during construction, a reptile exclusion and translocation would be undertaken. Prior to the start of construction, 30 bird boxes or various types would be installed within retained habitats. The precise location of the boxes would be specified on site by an ecologist. The majority of site clearance would be undertaken outside of the main bird breeding season.

Construction management measures would be put in place to protect foraging badgers. A security fence would be set up around the perimeter of the development area, which would minimise the entrance of badgers to the construction area. Additional measures would also be maintained throughout construction including control of the location of fire, fencing/capped pipelines and excavations overnight.

Ecological Report - A full assessment of ecology is provided as Part B to the Environment Statement. Assessment has found that none of the statutory designated sites outside the site boundary would be affected during construction or occupation of the site. In particular, habitat removal and construction noise and movement is highly unlikely to have an effect on the integrity of the Exe Estuary SPA/SSSI.

Significant adverse impacts are predicted with respect to the loss of habitats within the site. The proposed habitat retention, enhancement and creation measures would, however, deliver positive, certain, long-term and significant biodiversity benefits at the District level in the long term. In particular the proposals would enhance the value of the SLINC, Key Network Feature and Biodiversity Network Feature within the application boundary.

The implementation and long term success of the proposed habitat measures would be assured through the implementation of the Outline Landscape and Ecological Management Plan (Enderby Associates/EAD 2010). This would be monitored and reviewed every five years in agreement with Exeter City Council.

Subsequent applications to the Outline planning submission would detail public realm lighting. Ecological inputs to the lighting type and layout would mean that potential adverse effects on all retained and proposed habitat types would be minimised.

Energy Report - The developer is keen to work with the LPA to ensure that Matford Park Phase 3 land provides buildings that will meet the carbon reduction requirements as set out in the supplement to PPS1 and both emerging building regulations and policy. It is agreed that the energy from waste plant at Marsh Barton could make a significant contribution to these carbon reduction requirements.

The developer has put forward proposals which allow for the site and the buildings to be future proofed for connection into the heat network when this becomes available. The developers approach is:-

- i) in anticipation of the energy from waste plant providing an economic and renewable source of heat the developer will future proof the site to enable installation of mains pipe work infrastructure and the buildings to allow retro fit of mechanical equipment and pipe work for connection into the heat network.
- ii) the developer will also allow for pipe work infrastructure connections to be made to adjacent occupiers and proposed developments (at no extra cost to the adjacent occupiers).
- iii) should occupiers not wish to connect into the heat network (when the system is connected to the Matford Park site) then payments will be made to the Local Authority for investment into renewable energy strategies elsewhere in the city.

A **Community Engagement** exercise was undertaken by the developers which concludes that the general tone of discussion and comment by attendees was supportive with some detailed reservations concerning traffic, wildlife corridors and the impact of illumination. Comments forms provided the following comments:- sensible location to extend the existing Business Park as there is a shortage of employment land particularly for larger units; fully supportive of proposals; concern regarding the TIA which indicates no off site improvements would be required to Bad Homburg Way/Yeoford Way junction as queuing already takes place therefore consideration should be given to peak time signals or a second access directly onto Bad Homburg Way; Exeter needs a large entertainment venue that can double as a leisure/conference attraction; a good compromise of providing much needed employment land and keeping some green areas and the existing reserve; concern that the planning process will delay the scheme; a filter lane is required for those turning left at the Jaguar garage and there may need to be extra provision at the park and ride.

REPRESENTATIONS

No representations has been received in respect of this application.

CONSULTATIONS

The County Director of Environment, Economy and Culture considers that this level of development is clearly likely to be a significant traffic generator, even with the provision of good sustainable transport links (walking, cycling and public transport). The Transport Assessment (TA) indicates very significant increases in traffic at certain points on the highway network and much of the affected routes are those currently forming parts of the Principal Urban Area (PUA) scheme funding bid to the Department for Transport to secure government funding to allow the total package to go ahead. This is referred to in the TA. A significant proportion of the overall cost of the major scheme improvements also has to be met from local funding sources, including developer funding as appropriate.

The applicant has offered a financial contribution towards 'public transport and bus improvements' but it is considered that this fails to address the very significant overall impact of projected traffic generation from the proposed development on the network. It is considered inappropriate that such a significant traffic generator should not be making proportional contributions to the Major Scheme (PUA) relevant to its impact on the network. For this reason, whilst there would be no objection in principle to the development, its impact on the local highway network must be properly considered and a proportional contribution to the both the Major Scheme proposals and public transport improvements should be sought from the development through an appropriate legal agreement.

The Highways Agency have commented that whilst they now accept the further work which has been carried out in respect of the Transport Assessment, the Agency has concerns regarding the predicted impact on Junction 30, based on the level of proposed development traffic. The Agency is disappointed in the assumption that the increase in traffic impacting Junction 30 would not exceed 4% on any arms, and that this level of traffic would not affect the operation of the junction which does not assess the current or predicted capacity of the junction in future years. While it is possible that the level of traffic being proposed can be accommodated within the background growth assumptions for the junction, the Agency will need this to be quantified.

Some of the analysis demonstrate that the traffic can be accommodated at the junction, the Agency would strongly recommend that the LPA and the Local Highway Authority should consider in detail whether they are content that this proposal has been addressed in a similar manner to other applications in the area, and specifically East of Exeter applications that have been deemed to have a significant vehicular impact on J30. The Agency is concerned that not requesting funding towards works, or other forms of appropriate mitigation, could potentially set a precedent for future developers in the area, or undermine existing agreements.

At this time, the Agency is unable to accept the proposals based on the information provided. The Agency are not minded to issue an Article 14 Holding Direction at this time but, if the Council wish to determine the application before the requested information is provided and agreed with the Agency, it is requested that the Agency is re consulted.

The Environment Agency comments that providing the development proceeds in accordance with the submitted flood risk assessment (FRA) dated 2010 (Rev 02) there are no objections to this proposal in principle. However it is considered that the required flood reduction measures set out in FRA and the new culvert under Bad Homburg Way in particular are implemented in the first phase of any development. Similarly all those works to enlarge and improve drainage channels required as part of the earlier application for the site should be implemented to the satisfaction of the LPA. It is recommended that a condition is imposed to ensure that if contamination not previously identified on the site is found the developer has to submit a remediation strategy.

The applicant should ensure that the proposed development will not impact on third party water interests by carrying out water feature surveys. This should establish whether there are any abstractions (licensed or unlicensed) in the vicinity of the proposed development and assess the impact of these features. Mitigation measures may need to be considered.

From a biodiversity point of view the EA are satisfied that the Environment Impact Assessment has thoroughly considered impacts of the proposals. The recommendations made in this report on how to reduce or mitigate impacts before, during and after construction should be incorporated into the full planning application. Activities to be carried out following outline planning permission should follow the recommendations to ensure compliance with relevant legislation. The EA would like to be involved in the final detailed design of the wetland habitats to ensure that wildlife value is maximised as well as performance for flood risk.

The EA would like to ensure that the landscaping plan is appropriate to the location and setting of this site, adjacent to the land managed for wildlife by the RSPB and retains and enhances the corridors currently provided by the watercourses and hedge lines.

From a recreation point of view the retention of access along the cycle network is essential. The EA would also encourage that there is appropriate, limited public access to the wetland habitats being created as floodplain enhancements

The Head of Environmental Health Services provides the following comments. Further information in respect of noise generation other than from traffic noise alone is required. It is considered that following the recommendations made in the air quality and noise assessment reports a condition should be imposed in line with the recommendations made. A condition regarding construction hours should be imposed. Further consultation is required if the predicted flows in the Traffic Impact Assessment are changed. An operational travel plan shall be submitted to and approved in writing by the Local Planning Authority. The contamination report submitted identifies potential risks associated with imported material and any unexpected ground conditions. Accordingly a standard contamination condition should be imposed to ensure that any such risk are mitigated .

Teignbridge District Council raises no comment.

The Health and Safety Executive raise no objection on safety grounds but as the proposed development is within the consultation distance of a major hazard pipeline consider that the pipeline operator should be contacted before deciding the case. This is because the operator may have a legal interest easement, way leave etc) in the vicinity of the pipeline which may restrict certain developments within a certain proximity of the pipeline and the standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline.

The Head of Leisure and Museum Services makes a series of comments in relation to the proposed scheme namely:-

- buildings that are adjacent to the boundaries of the site, and to the central open space, should have biodiversity features designed into them bat roosting and breeding spaces, swift

nesting spaces and sparrow nesting spaces; provision should be made for green roofs and the provision of viewing 'hide' & interpretation should overlook the wildlife area.

-In addition, the wildlife/ green corridor along the southern boundary is important. If a cycle route is created, between the buildings and the green corridor, then the lighting for this could have an effect upon the use of the area by bats with any lighting for the cycle route should be of a type and design that minimised light pollution.

-Concern is expressed by several organisations about the way that this corridor is 'pinched' (by Section 5B). The development area should be pulled back to create a corridor of even width.

-On previous development at Marsh Barton a green landscape belt has been retained between the development and the road frontage e.g. on the western side of Bad Homburg Way. Over the years the occupants of those offices / showrooms in BH Way have encroached upon that landscaping belt. They have cut down the trees and hedges that were planted (so that their businesses can be seen from the road) and have even started parking demo cars etc' there. This must not be allowed to happen with this development;

-Where building can be seen from recreation / transport routes and from longer views then the colours of the builds should be carefully considered to help them blend in with landscaping etc;

-In relations to the wildlife area's design, the proposals for this area show the creation of some scrapes. There is scope for greater enhancements to this area by creating larger areas of deeper water and allowing reed beds to develop. The applicant's proposals do not go far enough in this respect. In addition, the wildlife area should be designed in conjunction with the viewing hide so that visitors enjoyment is maximised by being able to look over / into appropriate habitat types.

- It is important that the cycle routes are designed so that people using them cannot be cut-off by rising waters.

- In respect of the Outline Landscape and Ecology Management Plan it is considered that the way that the boundary corridors, and the wildlife area, are managed in the medium / long-term will be critical to how well they fulfil their biodiversity functions. Management of these areas for the enhancement of biodiversity will probably need a different approach to that of the more formal landscaping areas. Management for biodiversity is a specialist skill and the management documentation and the skill-sets of those who take on management should reflect this. The measures mitigation proposed in the application will need to compensate for the effects of the development on existing biodiversity. It is absolutely critical that the Management Plan delivers sound biodiversity gain and enhancement in the long-term. *The Head of Leisure Services overall impression of the Management Plan is that it does not adequately set out how biodiversity will be optimally managed and that further consideration should be given to this.*

- Specifications should wherever possible be performance specifications rather than process / schedules of works. The performance specification approach will be particularly important, for example, for the creation of wildflower areas.

-It is important that a 'hands-off' approach to managing the flood channels is acceptable to the Environment Agency. In order for the channels to be of good biodiversity value then the vegetation in the channels will need to be allowed to grow up at times. If this approach to managing the vegetation in the channels is not acceptable i.e. it would compromise the flood function of the channels then this needs further consideration.

Devon Wildlife Trust raise objection to the scheme stating that whilst the current proposal recognises the importance of enhancing the Matford Brook wildlife corridor, along the southern boundary of the site, it has constricted the width of this wildlife corridor by locating a car park within it. It is considered that the resulting pinch point in the wildlife corridor is detrimental to the character and function of the wildlife corridor. As such, it dilutes the intentions of the Green Infrastructure Strategy. In addition it is considered that this constriction of the wildlife corridor conflicts with the following national planning policies as it has not maximised opportunities for building-in beneficial biodiversity; not sufficiently strengthened the habitat network; and has not sufficiently had regard to the connectivity of the green infrastructure network. However it is considered that if the plans can be revised the Trust's objections will be withdrawn.

The Royal Society for the Protection of Birds consider that as a large area of green space at the edge of the City, partly within the Exe floodplain, close to the Exe Estuary SPA, Ramsar site and Special Scientific Interest, with two waterways running through it and a network of hedgerows and trees, the proposal site is currently an important component of the south of the City's Green Infrastructure (GI) resource. It is RSPB'S view important that the strategic GI functions the site performs – wildlife corridors, flood plain wetlands, pleasant off-road cycling and walking routes are maintained and enhanced through any development. As such, we welcome and fully support the proposals' plans to retain and enhance these features. In particular, the site offers good opportunity for wetland enhancement, and we welcome the ecological corridor to the south, alongside the Matford Brook, the wetland corridor along the northern site boundary, incorporating the Mutton Brook and the wetland enhancements offered in the Eastern wetland area. However the RSPB have requested several amendments or conditions to achieve an acceptable scheme. These include the moving of the proposal's southern boundary northwards at this point to enable a consistently broad wildlife corridor. In addition, it is considered that a condition is attached that requiring the eastern wetland's design and management to be agreed between the applicant, the City Council, Natural England and the RSPB, to enable a more expansive reed bed option to be explored further with the applicant, for instance by stating that it should have a minimum of 50-70% open water/reed bed (rather than the 30-50% currently proposed). In addition, it is recommended that the Council secures minimum standards for the ecological mitigation and enhancement measures; requires ongoing management of the eastern wetland to be adequately resourced and managed by a specialist wildlife contractor; require the removal of the western part of the southern cycleway from the proposal.

National Rail raise no observations.

South West Water raise no observations.

PLANNING POLICIES/POLICY GUIDANCE

PPS1 - Delivering Sustainable Development
PPS5 - Planning for the Historic Environment
PPS9 - Biodiversity and Geological Conservation
PPS22 - Renewable Energy
PPS23 - Planning and Pollution Control
PPS25 - Development and Flood Risk
PPG13 - Transport
PPG14 - Development on Unstable Land
PPS23 - Planning and Pollution Control
PPG24 - Planning and Noise

Devon County Structure Plan 2001-2016

ST1 - Sustainable Development
ST4 - Infrastructure Provision
ST10 - Exeter Principle Urban Area
CO6 - Quality of New Development
CO8 - Archaeology
CO9 - Biodiversity and Earth Science Diversity
TR1 - Devon Travel Strategy
TR2 - Coordination of Land Use/Travel Planning
TR4 - Parking Strategy, Stands and Proposals
TR5 - Hierarchy of Modes and Transport Assessment
TR7 - Walking and Cycling
TR10 - Strategic Road Network and Roadside Service Areas

AP1 - Design and Location of Development
AP2 - Sequential Approach
L4 - Provision of Playing Pitches
T1 - Hierarchy of Modes
T2 - Accessibility Criteria
T10 - Car Parking Standards
T3 - Encouraging Use of Sustainable Modes
C5 - Archaeology
EN2 - Contaminated Land
EN3 - Air and Water Quality
EN4 - Flood Risk
EN5 - Noise
EN6 - Renewable Energy
DG1 - Objectives of Urban Design
DG2 - Energy Conservation
DG3 - Commercial Development
DG7 - Crime Prevention and Safety

OBSERVATIONS

The proposed outline planning application is for a total of approximately 15 hectares with all matters reserved for future consideration. Clarification with the applicant has confirmed that of the 46,500 square metres of proposed floor area indicated for development 50% will be for B1 (office) use and the remainder for B2 (general industrial) and B8 (storage or distribution) use. Whilst the site is located immediately to the south of the existing Matford Park employment area, the site is currently identified in the Exeter Local Plan First Review as an area of Landscape Setting in which there is a presumption against most types of development and part as a Site of Local Interest for Nature Conservation. Consequently development of the site is currently contrary to the Local Plan. However Members will be aware that the site has been identified as a Greenfield Employment Option in the Core Strategy Preferred Options in October 2006. The Core Strategy is currently at draft consultation stage. In addition, it is considered that the employment land needs report submitted with the application provides a reasonable argument in favour of the need for additional employment land to be brought forward, suggesting a strong demand for both office, industrial and warehousing in the area. Accordingly it is on the basis of identification of the site as an Employment Option and the submitted employment study that the principle of the proposal is acceptable. However given that the site is not currently covered by designation for employment use in the Local Plan, it is necessary to refer the application to Government Office for the South West as a departure from the Local Plan.

It is considered that a 50/50 split of B1 uses and B2/B8 is reasonable and indeed it is upon this basis that the conclusions of the applicant's Transport Assessment have been calculated. In addition, recent research carried out for the South West Regional for Employment Land Demand Spatial Implications identifies significant demand in all employment sectors in Exeter, including industrial and warehouses. Consequently it is considered that a planning condition which limits the amount of office use to 22,250 square metres with the remainder of the site to B2/B8 is warranted.

Future development of the built form within the site will be subject to detailed reserved matters applications. However given that the site will be developed over a number of years, it is essential that the outline application provides the necessary control and phasing of the site to ensure a coordinated approach to the area's development. This will be achieved through a combination of conditions and the requirements of the Section 106 Agreement. Given the site's prominent location and its current designation as an area of landscape setting, it is considered that matters covering the landscaping, design of buildings within the site and the creation of the wildlife area are particularly important.

The previous planning application to widen the Mutton and Matford brook were designed to address the comments raised by the Environment Agency who have previously raised objections to the principle of the site's development. Given the works that have been undertaken to these channels, the Environment Agency has raised no objection to this current proposal, subject to the early installation of a new culvert beneath Bad Homburg Way to relieve the potential for flooding in the Park and Ride car park. However as with the previous application specific conditions are required to ensure that suitable landscaping takes place along the perimeters of the site. Whilst it is accepted that existing tree and hedges are located along the boundary, additional planting and a future management regime is necessary to ensure that the development is integrated within an appropriate landscape framework and that harm to biodiversity is minimised. It is acknowledged that the overall site area identified for development will take many years to be fully occupied and consequently it is considered that a suitable phasing of the proposed landscaping is necessary. This can be achieved through the requirements of the Section 106 Agreement, with phasing based on the applicant's submitted "Outline Landscaping and Ecology Management Plan" produced by Enderby Associates.

A similar approach should be adopted for the proposed design of the buildings within this site. The applicant's have submitted a Design Guide which sets out the overall principles in respect of various zones within the site for future buildings, for example in terms of height, scale and material. Reference to this Design Code will enable greater control over future reserved matters applications and ensure that a cohesive approach to the design aspirations for this site are met. It is considered that a suitable condition could address this issue and ensure, for example, that active frontages are achieved on the road frontages both when seen from outside the site and from the internal access roads, and that buildings of a suitable scale and design front the wildlife areas to the eastern side of the site.

It is considered that the submitted Environmental Statement provides the necessary level of detail to address the site's important location in respect of landscape setting and nature conservation value. It identifies the site's importance in the biodiversity of the area given its close proximity to the Exe Estuary Special Protection Area, RAMSAR and SSSI and in particular its importance as a habitat for birds. Consequently it is considered that the creation of an additional wildlife area to the east of the development site is wholly appropriate in part mitigation for the proposed loss of habitat. The Wildlife Area located between the development site and the railway, with the Riverside Valley Park beyond, would create an expansion of the wildlife areas previously created by earlier phases of the Matford Park developments. It is acknowledged that Devon Wildlife Trust and the RSPB have made detailed comments in respect of the environmental enhancement proposed. Consequently it will be necessary to address these points within a revised Management Plan. However subject to the satisfactory conclusion of these discussions, it is considered that the introduction of this area should be phased through the provisions of the Section 106 Agreement and once created will enhance the biodiversity of the area.

The applicants have submitted a Transport Assessment which concludes that the level of traffic generated by the development will not have significant impact on the existing road system. The County Director of Environment, Economy and Culture has raised no objection in principle and are broadly happy with the documentation submitted. The applicants does acknowledge the development will require additional funding towards highway improvements in the area and a financial contribution has been offered. However the appropriateness of the level of financial contribution in respect of highway works and public transport is still be resolved. Whilst the Highways Agency initially raised concern regarding the impact of the proposed developments on Junction 30 further discussions have concluded that the information submitted is acceptable and a comment of no objection subject to conditions is anticipated from the Highway Agency.

An Energy Strategy for the site has been submitted with the application. This study has been prepared following discussions with the Local Planning Authority. Its aim is to ensure that the

future development meets the necessary carbon reduction requirements of the site. The report assessed the various options available to reduce the energy requirements of the development and has formulated a strategy which will apply to all new buildings within the site. In particular, it is proposed that the buildings should be future proofed to enable the subsequent installation of energy saving equipment and significantly, there is a commitment to connection with the 'Energy from Waste' plant which is to be constructed in Marsh Barton. The requirement of the Energy Strategy will be linked to the Section 106 Agreement to ensure compliance.

The application is supported by numerous detailed reports and studies, which are referred to within the section on "Information Supplied by the Applicant". It is considered that the recommendations formulated within many of these reports, notably the Air Quality Plan, Lighting Assessment, Noise Report and Construction Management Plan, together with the design brief and the landscape management plan previously referred to, provide a basis for future consideration of reserved matters applications. Accordingly it is considered that where these conclusions are not addressed by the Section 106 Agreement suitable planning conditions should be imposed.

WESTERN AREA WORKING PARTY

Members were advised of the nature of the application, the designation of the site in the Exeter Local Plan, design principles as identified in the submitted Design Guide, provision of additional landscape and wildlife area and location of new cycleways. Requirements for the Section 106 Agreement which include a financial contribution towards public transport and public art, the construction of a culvert under Bad Homburg Way and compliance with the submitted energy strategy were also discussed. Members were advised that the application would be reported to the Planning Committee.

RECOMMENDATION

Subject to referral to the Government Office for the South West as a departure from the Local Plan, **APPROVE** subject to the completion of a Section 106 Agreement which requires a financial contribution towards public transport improvements and public art, landscape and cycleway phasing, implementation of Wildlife Area, installation of new culvert under Bad Homburg Way and compliance with the Energy Strategy.

In the event that the Section 106 Agreement is not completed within 6 months of the date of this committee meeting, authority be delegated to the Head of Planning and Building Control to REFUSE permission for the reason that inadequate provision has been made for the matters which were intended to be dealt within the Section 106 Agreement.

APPROVE subject to the following conditions:

- 1) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of the permission and the development hereby permitted shall be begun before the expiration of five years from the date of the permission.
Reason: To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.

- 2) Approval of the details of the layout, scale, appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

- 3) This consent does not imply the approval of the details of siting, layout or design shown on the submitted plan, which must be the subject of a further application for approval of reserved matters.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 4) No building(s) shall be occupied until the drainage details have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the satisfactory drainage of the development.
- 5) The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.
- 6) No development shall take place on site until a full survey of the site has taken place to determine the extent of contamination of the land and the results together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that the site is in such a condition as to be suitable for the proposed use.
Reason: In the interests of the amenity of the occupants of the building(s) hereby approved and to protect controlled waters.
- 7) If, during development, contamination not previously identified is found to be present at site then no further development, unless otherwise agreed in writing with the Local Planning Authority shall be carried until the developer has submitted and obtained written approval from the Local Plan Authority for an amendment to the remediation strategy detailing how this contamination shall be dealt with.
Reason: In the interests of the amenity of the occupants of the building(s) hereby approved and to protect controlled waters.
- 8) Applications for reserved matters shall include a Design Statement, scope of which must be agreed with the Local Planning Authority prior to preparation, which demonstrates compliance with the Archial Design Guide, submitted with the planning application, dated January 2010.
Reason: To ensure that the design and layout of the development is approached comprehensively.
- 9) No development shall take place until an Outline Landscape and Ecology Management Plan has been submitted to and approved by the Local Planning Authority. The Management Plan shall indicate
 - a) how the existing biodiversity of the site will be protected, in accordance with all

relevant legislation, and

b) how the proposed development and associated works will enhance wildlife in the area;

and shall be submitted to the Local Planning Authority for review on an annual basis unless otherwise agreed in writing.

Reason: In the interests of nature conservation.

- 10) No development shall take place within the site until a written scheme of archaeological work has been submitted and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.
- 11) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 12) The cycleways and walkways within the application site, and connections to and from routes outside the site boundaries, shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure satisfactory provision of these facilities, pursuant to Local Plan Policy T3.
- 13) Prior to the commencement of any individual building, an assessment of the impact of all external lighting associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The assessment should address the impact of the lights (including hours of use) on the nearest receptors. Thereafter the lighting shall be installed and maintained in accordance with the specifications within the assessment.
Reason: To reduce light pollution in the area and protect the amenity of nearby residents.
- 14) The construction of the development hereby permitted shall not commence until there has been a Construction Management Plan submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority and Highways Agency acting on behalf of the Secretary of State for Transport). The plan shall include construction vehicle movements, construction operation hours, construction vehicle routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of Public Transport amongst contractors. The construction of the development hereby permitted shall be carried out in accordance with the approved Construction Management Plan.
Reason: In the interests of highway safety, the efficient operation of the local and trunk road networks and to safeguard the amenity of neighbouring residents.

- 15) Construction work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.
Reason: To protect the amenities nearby residential occupiers.
- 16) Prior to the commencement of any individual building details of all external plant/ventilation equipment plant (including any boiler and associated flue), including sound power levels at a specified location outside the building envelope, to be submitted to and approved in writing by the LPA.
Reason: To reduce noise pollution and protect the amenity of nearby residential occupiers.
- 17) A comprehensive Travel Plan(s) will be developed for all elements of the development hereby permitted. The acceptability of the Travel Plan will need to be agreed in writing by the Local Planning Authority (in consultation with the Local Highway Authority and Highways Agency acting on behalf of the Secretary of State for Transport), in advance of occupation of the development. A review of the targets contained in the travel plan shall be undertaken and submitted to the Local Planning Authority within 6 months of the occupation of the development and on an annual basis thereafter. The Travel Plan as shall be approved in writing by the Local Planning Authority and Local Highway Authority) shall be adhered to throughout the lifetime of the development.
Reason: To encourage the use of mode of transport other than the private car.
- 18) Before works commence on any individual building(s) a Sustainability Statement detailing the measures to reduce the impact of the building on the environment during both construction and operational phases shall have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried in accordance with that statement unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of sustainable development.
- 19) No development shall take place on site until an air quality assessment has been carried out in accordance with a programme and methodology to be agreed in writing by the Local Planning Authority and the results, together with any mitigation measures necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved mitigation measures have been implemented.
Reason: In the interests of ensuring adequate air quality.
- 20) The development hereby permitted shall be limited to a total floor space of 46,500 sq metres.
Reason: To comply with the criteria of the submitted Environment Statement.
- 21) No more than 23,250 sq metres of the floor space shall be used for B1 (Office) Use.
Reason: To ensure that a range of employment opportunities are provided in accordance with Local Plan Objectives.

- 22) Before works commence on any individual building(s) details of the finished floor levels and overall roof heights of the building(s) in relation to a fixed point or O.S datum shall have been submitted to, and approved in writing by the Local Planning Authority.
Reason: In the interest of visual amenity and the appropriate development of the site.
- 23) No development work to raise the ground levels of the site shall commence until finished ground floor levels and sectional plans indicating the profile with the original levels have been submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the agreed plans.
Reason: In the interests of visual amenity.

Local Government (Access to Information) 1985 (as amended).

Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223