

ITEM NO.**COMMITTEE DATE:**

13/01/2014

APPLICATION NO:

13/4524/01

OUTLINE PLANNING PERMISSION**APPLICANT:**

IKEA Properties Investments Limited

PROPOSAL:

Outline planning application (with all matters reserved except access) for erection of between 180-220 residential units together with associated access, car parking, landscaping and associated works.

LOCATION:

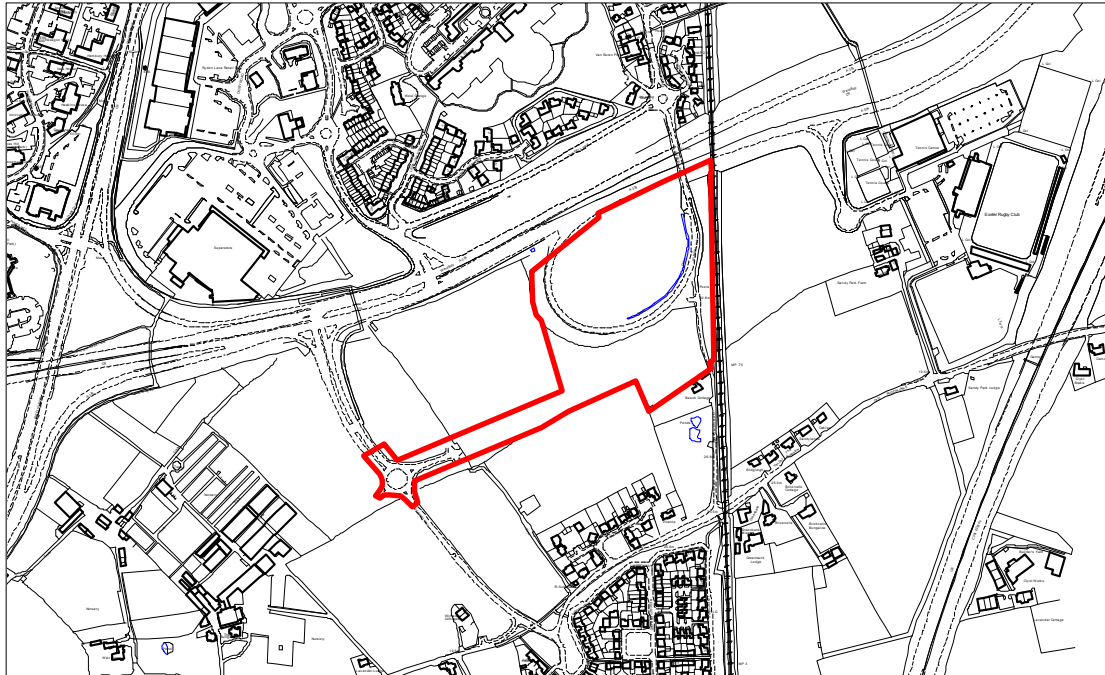
Housing Site South of A379 & West of Exmouth Branch Line, Newcourt Way, EXETER

REGISTRATION DATE:

01/10/2013

EXPIRY DATE:

31/12/2013



Scale 1:10000

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HISTORY OF SITE

The site itself has not been subject to any significant planning applications. The site forms part of the Exeter Core Strategy Newcourt Strategic Allocation, which has been the subject of numerous (principally housing) planning applications. Already more than 1,700 dwellings have been granted planning permission including 233 dwellings that are being built on land immediately to the south. The Core Strategy proposes 3,500 dwellings and 16ha of Employment development at Newcourt.

DESCRIPTION OF SITE/PROPOSAL

The application site comprises approximately 6.7 hectares of land. The majority of the site was last in agricultural use, with the north-east portion of the site containing a loop road that links west bound traffic on the A379 to existing residential development to the north. Land adjoining the application site to the west is the subject of a separate outline planning application (reference 13/4525/01) for an IKEA retail store.

The site is bounded to the north by the A379 and housing in the Digby area beyond. To the east is the Avocet railway branch line that links Exmouth to Exeter. Immediately south is Beech Cottage, which is the site of a dwelling on which there is planning permission to develop new housing. Also south of the site but west of Beech Cottage is a housing development site on which the planning permission for 233 dwellings is currently being built. To the west is the application site for an IKEA retail store.

Trees and bushes are located across many areas of the site and, in particular, line sections of its southern and eastern boundaries. Three oak trees, that are protected by a Tree Preservation Order, are spread along the eastern side and further large areas of trees and bushes lie inside and immediately to the west of the loop road.

The proposal comprises an outline application for between 180 and 220 residential units with associated access, car parking, landscaping and associated works. Associated infrastructure to support the proposals includes a road connection from the Newcourt Way roundabout to the west and a second connection over the existing A379 bridge (one-way egress for cars and motorcycles). Pedestrians and cyclists would also be able to access the site along dedicated routes from Newcourt Way to the west and via the existing pedestrian and cycle route to the east of the site, which provides a connection to Digby and its Railway Station, to Topsham, and to Old Rydon Lane and the rest of Newcourt.

The appearance, layout and scale of the development are all 'reserved matters' for subsequent approval. The only detailed matter for which approval is sought at this stage is highway access to the site. Nevertheless, the applicant has proposed to set aside land for a multi-use games area to the south east of the site and has prepared a Landscape Strategy with the intention of mitigating the visual impacts of the store. It is expected that these proposals would be secured through a Section 106 agreement.

Positioning of the access points at the south west (onto Newcourt Way) and at the north east (connecting with the bridge over the A379 to Russell Way and Clyst Halt Avenue) is to be fixed as part of the application. From Newcourt way, the access road is proposed to incorporate two access junctions (including one roundabout) to the store site and bus stops on either side of the road. Pedestrian and cycle routes either side of the road access are also proposed. At the north east, with the loop road proposed to be stopped up and removed, it is proposed that a road and pedestrian/cycle connection would be made to 'tie in' with the existing bridge over the A379. Within the site other routes and connections, including the existing north-south pedestrian and cycle route that runs alongside the railway, are shown on an illustrative masterplan. The position of internal connections however, is not fixed as part of this application and will need to be approved as part of future detailed 'reserved matters' planning applications for the development.

Whilst only indicative, the illustrative masterplan shows a layout that the applicant considers to be deliverable and that reflects the site's context including existing trees and bushes around and within the loop road, protected trees and the proposed multi use games area (with a floodlighting separation buffer to existing, emerging and proposed residential properties).

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The following documents have been submitted in support of the application:

- Drawing showing access to the site
- Tree Constraints Assessment

- Heritage Statement
- Design and Access Statement
- Ecological Surveys
- Energy Statement
- Flood Risk Assessment
- Geo Environmental Assessment
- Landscape and Visual Impact Assessment
- Noise Report
- Air Quality Assessment
- Planning Statement
- Statement of Community Involvement
- Sustainability Statement
- Drainage Strategy
- Transport Assessment
- Travel Plan

REPRESENTATIONS

13 representations have been received and can be summarised as follows:

- The proposals would result in the loss of a convenient loop road
- The proposals would result in the loss of mature trees and plants and replacement planting will require growing time
- The Russell Way/Lewis Crescent junction is dangerous and that the danger would be amplified by additional traffic
- Existing infrastructure cannot cope: health; sewers; schools; highways including Countess Wear roundabout and Heavitree Road
- Affordable housing should be provided as part of the scheme
- The development would usefully increase the supply of housing
- Housing for disabled people should be provided
- House building jobs will be created
- Strategic cycle route improvements in the wider area (particularly Ludwell Lane, which is a faster route to the city centre than the Riverside Valley Park) could result in a greater modal shift to cycling
- Rat-running along Ludwell Lane will increase with more development in the Newcourt area.

CONSULTATIONS

Highways Agency (HA) - A comprehensive response to the application and adjoining application for a non food retail store (13/4525/01) accepts the distribution of trips that are assumed within the applicant's Transport Assessment. In combination, both applications are considered to be acceptable. The HA's response concludes that, 'the Agency is able to accept the residential development and IKEA proposals on the land off the A379 at Newcourt. The typical weekday PM peak and Saturday impacts at M5 Junction 30 associated with IKEA appear realistic'.

The HA therefore 'offers no objection'.

Natural England (NE) - Comments on the proposal from the perspective of impact of the scheme on European protected sites; and ecological impacts on the site, particularly for protected species.

In terms of the European protected sites, the response states that, 'the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts. These measures are secured through policy set out in your Core Strategy Policy CP16, Infrastructure Deliver Plan (August 2011) and CIL Regulation 123 list (October 2013) which came in to effect with introduction of CIL on 1 December 2013. Collectively these elements of the LDF will ensure that strategic avoidance and mitigation measures are delivered'.

In relation to on site protected species, NE noted that Dormouse and Bat surveys were outstanding and should be completed, with appropriate mitigation proposed, before determination of the application.

NE also comment that the proposed development should capitalise on any opportunities for biodiversity and landscape enhancements.

Environment Agency (EA) - Two responses have been received from the EA. Proposals for a Phase 2 Ground Investigation report are welcomed and initial proposals for infiltration are supported as a form of Sustainable Urban Drainage (SUDS) as opposed to any piped solution that South West Water might be willing to adopt. The EA state that, 'Given favourable ground conditions we would expect as much surface water as practicable to be disposed of at source via infiltration and ask that a detailed scheme that reflects this approach be submitted for approval in due course'.

County Director Environment Economy and Culture - A comprehensive response to the application and adjoining application for a non food retail store (13/4525/01) does not support the store proposal for reasons of insufficient car parking. The County Council provide specific comments on the residential proposals and propose certain conditions.

Transport

Relating to bus services, the County Council state that, 'To provide a viable extension of existing bus service J into the proposed residential site, arrangements at the Russell Way overbridge will need to be amended. The bridge should be altered to provide a one way route for normal vehicular traffic and a two way route for buses and cycles. The scheme should be designed and undertaken by the developer of the residential element of the scheme, and this should be secured through a S278 agreement.' They also comment that, 'appropriate bus waiting facilities will need to be provided, featuring bus shelters and real time passenger information provision...specifically regarding catering for a two-way bus service'.

In terms of trip generation across both application sites, the assumptions made by the applicant are considered to be robust. Planned improvements to M5 Junction 30 and outbound widening on Bridge Road, adjacent Countess Wear roundabout, will help to address the additional traffic that is expected to be focussed on these two key junctions. The traffic impacts of the proposed developments (including this planning application) are therefore considered acceptable.

Stopping up of the existing road loop to the Russell Way overbridge is considered acceptable but the County Council advises that the applicant will need to separately apply for highway rights to be distinguished.

The County Council advise that residential car parking will need to comply with Exeter City Council's Residential Design Guide SPD. To prevent rugby fans parking on residential streets on match days, they also propose that parking should be subject to residential

parking permits, with the cost of relevant Traffic Regulation Order by legal agreement. The County Council also states the need for the development to be supported by Travel Planning and propose that the County would implement the Travel Plan measures on receipt of appropriate financial contributions, also to be secured by legal agreement.

Education

The County Council comment that there are unlikely to be sufficient (primary and secondary) school places to accommodate the proposed housing in combination with other development that is proposed through Exeter's Development Plan. They calculate that 52 primary school places and 9 secondary school places will be needed but note that, 'it is clear that the intention is to fund school expansions that are required to meet the needs of development through CIL [Community Infrastructure Levy] rather than through a S106 agreement'. They therefore state that, 'Funding to provide these school places will be required from Exeter City Council's community infrastructure levy receipts'.

The Council support this application, however have concerns with the impact of additional traffic and congestion to the A379 and its access onto M5 Junction 30 roundabout.

Network Rail - Where one doesn't already exist, Network rail require that a suitable trespass proof fence of more than 1.8m height be provided on along the eastern boundary of the site for safety reasons. They comment that drainage for the site should not affect Network Rail land and that they should be consulted before any alterations to ground levels. Dwellings should be designed to account for railway noise and dust and the mature size of proposed planting should not encroach on railway land.

RPSB - Two separate responses provided

Cirli Bunting surveys should be completed. If Cirli Buntings are using any part of the application site, there will need to be appropriate mitigation. If the application is determined before completion of the survey work, there should be a commitment to providing appropriate mitigation in the event that the survey work identifies Cirli Buntings on site.

Recreational impacts on the European protected habitat sites should be mitigate [see also NE comments].

Submitted masterplan indicates a paucity of significant street planting and the landscape buffers and ecology corridors shown are inadequate.

Nesting cavities and/or nesting bricks should be incorporated in the scheme in accordance with the Council's Residential Design Guide SPD.

If planning permission is granted, the lowest number of dwellings applied for or fewer should be consented and a long term Landscape and Ecological Management Plan for the whole site should be a condition of the consent.

Exeter City Council Archaeology Officer - The comprehensive impact of the proposal on any buried remains must be mitigated via a programme of investigation and recording work to be approved by the City Council.

Exeter City Council Environmental Health - Approval with conditions. A Planning condition seeking a more comprehensive noise impact assessment is sought in order to establish background noise and inform noise mitigation measures if necessary. A further

condition is proposed to limit construction hours, and one requiring implementation of a construction environmental management plan.

Bishops Clyst Parish Council - Support

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework

Exeter Local Development Framework Core Strategy

CP1 - Spatial Strategy

CP3 - Housing

CP4 - Density

CP5 - Meeting Housing Needs

CP7 - Affordable Housing

CP9 - Transport

CP10 - Meeting Community Needs

CP11 - Environment

CP12 - Flood Risk

CP13 - Decentralised Energy Networks

CP14 - Renewable and Low Carbon Energy in New Development

CP15 - Sustainable Construction

CP16 - Green Infrastructure

CP17 - Design and Local Distinctiveness

CP18 - Infrastructure

CP19 - Strategic Allocations

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development

AP2 - Sequential Approach

E1 - Employment Sites

H1 - Search Sequence

H2 - Location Priorities

H7 - Housing for Disabled People

L4 - Provision of Playing Pitches

T1 - Hierarchy of Modes

T2 - Accessibility Criteria

T3 - Encouraging Use of Sustainable Modes

T8 - Safeguarding Former Railway Land and Access to Rail

C5 - Archaeology

LS2 - Ramsar/Special Protection Area

EN2 - Contaminated Land

EN3 - Air and Water Quality

EN5 - Noise

DG1 - Objectives of Urban Design

DG4 - Residential Layout and Amenity

DG5 - Provision of Open Space and Children's Play Areas

KP8 - Newcourt Area

Exeter City Council Supplementary Planning Documents

Affordable Housing SPD

Archaeology and Development SPG

Planning Obligations SPD

Public Open Space SPD

Residential Design Guide SPD

Trees and Development SPD

Newcourt Masterplan

OBSERVATIONS

Principle of Development

The Exeter Core Strategy includes a strategic allocation for around 3,500 dwellings alongside 16ha of Employment Land in the Newcourt area. Nevertheless, the application has been identified and advertised as a departure from a Development Plan policy because it conflicts with Policy KP8 of the Exeter Local Plan. KP8 proposes much of the application site (except for an area broadly within the existing road loop) for science and technology employment uses. Whilst the proposals might depart from one element of the Development Plan, the less specific Strategic Allocation at Newcourt that is contained in the 2012 Core Strategy is considered to be more up to date. This is a point emphasised by the fact that a Science Park is currently being constructed at M5 Motorway Junction 29 and the Emerging Development Delivery DPD no longer proposes to allocate the majority of the site for employment.

It is therefore considered that the development of housing on the application site accords with the most up to date provisions of the Exeter Core Strategy and its strategic allocation at Newcourt, which is not specific about the disposition of employment and housing uses within the area and within which only around 1,700 of the proposed (around) 3,500 dwellings have been granted planning permission to date.

Assessment of the Proposal

In assessing the impact of this proposal it is acknowledged that it will result in a significant change in the character of the application site. The site is currently comprised of an agricultural field and a loop road to Russell Way surrounding a variety of vegetation. The proposal would result in many of the site's key features being replaced with housing, roads and associated infrastructure, although it is intended that some landscape features (including protected trees) at the periphery of this site and within the loop road would be retained and/or enhanced.

Environmental Impact Assessment (EIA)

On receipt of a 'screening request', the proposal was screened (in combination with the adjoining retail application) in accordance with the Environmental Impact Assessment Regulations and was not considered to require an Environmental Statement. Potential significant effects were identified in relation to the Exe Estuary, Dawlish Warren and East Devon Pebblebed Heaths European Sites where increased recreational pressures on the European sites (in combination with other residential development in the Exeter area) were considered likely to impact on the Sites' designated habitats. However, it was concluded measures were in place for mitigation to be delivered through Community Infrastructure Levy (or other City Council controlled) funding. No Environmental Statement was required.

Habitat Regulations Assessment

For the same reasons, and in accordance with Natural England's consultation response, no site specific Habitat Regulations 'Appropriate Assessment' is required. Article 6 of the Habitats Directive 92/43/EEC requires development projects to be assessed in terms of impact, in isolation or combination with other projects on the (Natura 2000) European Sites but because the City Council as 'competent authority' has identified a strategic approach to mitigating recreational impacts arising from additional housing and this has been subject to a Habitat Regulations Assessment in preparation of the Core Strategy, no further Assessment is required.

Ecology

A Phase 1 Habitat Survey was submitted with the application and accompanied by specific Dormouse, Bat and Reptile surveys. A final Cirl Bunting survey is awaited.

When Natural England commented on the application, final Dormouse and Bat surveys were outstanding (interim reports had been submitted). They required that these reports should be finalised before the application was determined and, when they were, Natural England's standing advice should be applied. The final reports have been submitted and, in consideration of the proposed Landscape Strategy and the habitat that will be created or retained through the development proposed, it is considered that protected species are not likely to be affected by the application.

The RSPB have commented that because the applicant will be completing Cirl Bunting surveys over the winter, it may be necessary to secure a financial contribution towards creation/management of replacement habitat contingent on the findings of that survey. On that basis, a planning obligation is proposed as part of a section 106 agreement for this site and the adjacent retail store application site. In line with the Residential Design SPD and other comments from RSPB, it is considered feasible that dwellings approved at the 'reserved matters' stage should incorporate swift and other bird boxes.

Highways

The Core Strategy's strategic allocation at Newcourt was accompanied by evidence, including a Transport Access Strategy that supported the combined proposals for housing development in the Newcourt area. Whilst additional trips would arise from the proposed development the Strategy and accompanying infrastructure planning work have sought to plan for and address the associated impacts.

The applicant, the Highway Authority (Devon County Council) and Highways Agency have all agreed traffic modelling for the proposed development. The most frequent highway trips to and from the proposed housing are expected to involve movements through Countess Wear roundabout the A379/Newcourt Way Junction, the A379/Russell Way junction and egress via the bridge to the north east of the site to Russell Way. None of the expected impacts on the highway network are considered to be severe and on this basis the County Council does not object to the development for highway reasons.

At Countess Wear, modelling shows the most significant traffic movements to be those between the A379 and west-bound Topsham road in the weekday AM peak; and between east-bound Topsham Road and the A379 in the PM peak. In both cases, the additional traffic anticipated would represent around 5 per cent of total peak hour movements in those directions. However, even when taking into account the proposed development and adjoining retail proposals (13/4525/01), the Highway Authority advise that the planned widening improvements at Bridge Road are, 'expected to go a long way to removing the

current issues'. On this basis, the expected impact of the forecast additional trips at Countess Wear roundabout are not considered to be significant or severe.

At M5 Junction 30, the number of movements expected to arise from the proposed development are not considered to be significant and neither the Highways Agency nor Devon County Council object to the proposed development in relation to the motorway junction.

Several representations have raised concern that an increase in vehicular traffic arising from the proposed development and adjoining retail proposals would increase the risk of accidents on the junction between Lewis Crescent and Russell Way, which is already perceived as dangerous. The County Council's Highway Development Management Officer has advised that, 'there has not been a single PIA [Personal Injury Accident] accident at this junction since the layout was changed'. Safety of the junction is therefore not considered to be a reason not to approve the proposed development.

The access routes are considered to be appropriate and feasible. The Access Layout drawing submitted shows a roundabout and T-junction along the main (south west) access route both of which are intended to provide access to the proposed retail store. The A379/Russell Way junction now provides for all movements, including a right turn from the A379 into the Digby area. As a result, the loop road over the A379 and onto Russell Way is no longer required and its removal, excepting (substantively) the bridge over the A379 is considered acceptable.

The route to the north east of the site over the remaining loop road bridge onto Russell Way is proposed as a one way egress for private vehicles (the bridge is currently one-way) but with continued two-way access for pedestrians and cyclists. A section 106 planning obligation is proposed for traffic lights in order to provide a priority two-way route for buses and extend the current 'J' bus route (which runs half-hourly) through the site. Bus stops are proposed on either side of the main access road with the intention of serving both residential and retail passengers.

The County Council seeks a section 106 planning obligation for the proposed developer to contribute towards costs of applying a rugby match day permit parking traffic order in the residential area in order to prevent fans from parking within the development. Similar parking restrictions have been imposed in the vicinity and the proposed obligation is considered necessary and acceptable.

Sustainable Transport

The accessibility and frequency of bus services to the site is considered sufficient to serve the site, especially as a result of the proposals to extend the 'J' service through the proposed residential area. In addition, a new rail station at Newcourt (less than 800 metres from the proposed dwellings) is expected to open by the beginning of 2015. The station will provide an additional stop on the 'Avocet' Exmouth branch line and result in a half hourly service to the city centre and onto mainline rail services. The station is a critical component of the Transport Access Strategy for Newcourt and will provide an important alternative to travelling by car. On a weekday, the applicant anticipates that 15 per cent of the site's peak hour trips will be by public transport.

A further 21% of weekday peak hour trips are expected to be by walking or cycling. Section 106 planning obligations will secure links to adjoining development (including the proposed retail store if approved). The proposed development is also well related to the strategic pedestrian and cycle route that runs north over the A379 in to the Digby area and towards

Digby and Sowton rail station, and runs south across Old Rydon Lane, past the proposed Newcourt rail station and towards Topsham. Whilst the planning application is in outline with all matters reserved except for access to the site (as proposed through the Access Layout drawing 120633/A/07/B), the indicative masterplan (reference: 2745/030/E) that supports the application is considered to demonstrate a residential layout that offers adequate permeability within and through the site. The proposals are therefore considered to accord with the Council's Residential Design Guide SPD and Sustainable Transport SPD insofar as they provide good opportunities for local and strategic trips by sustainable modes. These opportunities should be maximised through travel planning and Travel Plan implementation.

One comment has been received stating that Ludwell Lane should be recognised as an attractive cycle route serving the development and wider Newcourt area. The same comment identifies a prospect of more vehicles using Ludwell Lane to access the development area. It is proposed that Ludwell Lane should be improved as a cycle route and that vehicular traffic calming measures should be applied including reducing the speed limit from 30 to 20 mph. Whilst these aspirations are understood, it is considered that the ongoing and significant sustainable transport investments being made in the area, including enhanced cycle facilities, are resulting in a range and choice of attractive sustainable routes to key destinations. Ludwell Lane does form part of the cycle network serving the development but it is considered that there are a variety of viable alternative routes serving the same destinations (including Woodwater Lane and the Exe riverside). Improvements to Ludwell Lane do not form part of the Masterplan or Transport Access Strategy for Newcourt and are not considered necessary for the proposed development to be acceptable.

Network Rail comment that additional fencing should be provided by the applicant on the boundary with the railway line. An appropriately worded planning condition can ensure that this is provided.

Housing Mix and Affordable Housing

The applicant has submitted a drawing that demonstrates that 220 dwellings can be delivered on the application site (40 dwellings per hectare) with a mix of dwelling types and sizes that accord with the Council's Housing Market Assessment. The applicant has also committed to providing 35 per cent affordable housing, of which at least 70 per cent would be for social rent and 5 per cent would be wheelchair accessible. This accords with the Council's affordable housing policies. The location of the affordable units and the phasing of their provision will be for determination at the 'reserved matters' stage in accordance with an appropriately worded section 106 planning obligation.

Residential Amenity

As an outline application, with only access to the site being approved at this stage, the details of the housing in terms of internal and external amenity standards will be subject to consideration at the 'reserved matters' stage. However, it is considered that the submitted indicative masterplan sufficiently demonstrates that the standards set out in the Council's adopted Residential Design SPD are capable of being achieved. Consent is sought for between 180 and 220 dwellings and this flexibility will enable the internal and external amenity space standards to be achieved.

The site sits adjacent the A379 and Avocet rail branch line. The residential amenity of the occupants will be affected by transport and traffic noise but the site is not in an air quality management area. The proposed retail store to the west would also impact on residents' amenity, principally through the noise of the store's operations and visitors. It is, however, considered that a good level of residential amenity can be achieved on this site through appropriately worded conditions and the design of the proposed dwellings. Conditions would

relate to the design of the proposed dwellings themselves, e.g. sound insulation/glazing standards. In respect of noise arising from the retail store proposed through application 13/4525/01, an appropriate level of amenity could be ensured by limits on noise levels and through a deliveries management plan. The Landscape Strategy accompanying the application will also help to mitigate amenity impacts (principally visual and noise) and contribute to the attractiveness of the development.

Landscape and Visual Impact

Whilst housing design is not a matter for consideration at this stage, the proposal for dwellings on the site is not considered to be out of context with the surrounding area. The indicative site masterplan and indicative sections demonstrate that housing can be delivered to complement the residential scheme that is currently being built to the south (12/0921/02). The Landscape Strategy included at chapter 8 of the applicant's Design and Access statement incorporates proposals for structural landscaping; to retain, protect and enhance much of the site's existing vegetation; and to integrate with the open space and landscaping that will be delivered on the site to the south. The Landscape Strategy straddles this development proposal and the adjacent retail store application (13/4525/01). It is therefore proposed that the Strategy will be secured by Section 106 agreement.

Drainage

It is proposed that the site will be drained through infiltration, on the basis that the ground conditions are conducive to this. Infiltration would constitute a form of Sustainable Urban Drainage (SUDS) in accordance with the Council's Core Strategy and this solution is considered acceptable by the Environment Agency.

Sustainability

Policies CP13 (Decentralised energy networks) is not considered applicable to this proposal. No decentralised energy networks are proposed in the area and it is not considered economic to connect into those that are proposed further away. CP15 (Sustainable construction) is relevant to this proposal and requires new dwellings whose construction commences prior to 2016 to meet Level 4 of the Code for Sustainable Homes, and those after that date to meet Code Level 5. The applicant has submitted supporting information that shows that Code Level 4 can be achieved. A condition is proposed to secure full compliance with the policy.

Archaeology

There is potential for archaeological artefacts to be present within the site. A heritage statement has submitted that commits to a programme of archaeological works as part of the development process. The Council's Archaeology Officer has advised that it would be appropriate to secure these works through a planning condition.

Recreation and open space

The Landscape Strategy for the site demonstrates that the Council's open space planning policy requirements can be satisfied. Much of the open space is shown to the east and south east of the site, interlinked with the existing pedestrian and cycle route and connecting with the open space that will be provided as part of the residential development to the south. The combined area of open space for these two developments will deliver a more strategic area for recreation. A Multi Use Games Area (MUGA) and play area is also proposed in response to Local Plan Policy L4 on youth and adult play space. It is recognised that there is local demand for a MUGA in the Newcourt area. Because one is proposed to the south of Newcourt on the area of land known as Seabrook Orchards (planning application reference 11/1291/01), the application site, which is to the north of Newcourt, is considered to be a good strategic location for a second MUGA.

Financial Considerations

This proposal will be Community Infrastructure Levy liable. However, the final CIL contribution will be dependent on the details approved at any subsequent reserved matters application. Based on drawing number 2745/073/A, which shows 220 dwellings at a policy compliant mix, it is estimated that CIL will raise around £892,000. On the same basis, it is estimated that approximately £1,890,000 (£1,512,000 to the City Council and £378,000 to the County Council) would be raised in total through the New Homes Bonus.

Section 106 Agreement

An agreement under Section 106 of the Town and Country Planning Act 1990 will be required to secure the following. This is expected to be a joint agreement also relating to the adjacent residential proposals (ref. 13/4524/01):

- Affordable housing;
- Implementation of Landscape Strategy;
- Provision and future management of on-site open space and children's play areas, including maintenance where appropriate;
- Travel Plan implementation;
- Contribution towards match day permit parking traffic orders;
- Provision of two-way signalised bus priority measures at overbridge to Russell Way and associated works;
- Pedestrian route providing a direct connection, at the north west of the application site, to the proposed retail store;
- Land transfer and construction access to MUGA site.

RECOMMENDATION

It is recommended that delegated authority be given to the Assistant Director City Development in consultation with the Chair of the Planning Committee to APPROVE the application subject to:

- A Section 106 Agreement to secure the matters identified above;
 - The following conditions (which may be varied or supplemented as appropriate)
- 1) C07 - Time Limit - Outline
 - 2) C12 - Drainage Details
 - 3) C57 - Archaeological Recording
 - 4) C37 - Replacement Planting
 - 5) C38 - Trees - Temporary Fencing
 - 6) No individual dwelling hereby approved shall be brought into its intended use until secure cycle parking facilities for residents have been provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter said cycle parking facilities shall be retained for that purpose at all times.
Reason: To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.

- 7) 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.
Reason: In the interests of the amenity of occupants of nearby buildings.
- 8) The results of a site investigation (Phase II intrusive ground investigation) shall be submitted to and approved by the Local Planning Authority before development commences. If contamination posing unacceptable risks is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the approved use shall be submitted to and approved in writing by the Local Planning Authority before development commences. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority before any part of the development is occupied.

If, during the course of development, contamination posing unacceptable risks is found, which has not been identified in the site investigation, additional measures for the remediation of this shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report shall be submitted to and approved by the Local Planning Authority before any part of the development is occupied.
Reason: To prevent unacceptable risks to human health or the environment, in accordance with Exeter Local Plan Policy EN2.
- 9) The dwellings hereby approved shall be designed and built to meet Lifetime Homes Standards.
Reason: To increase choice, independence and longevity of tenure in accordance with Policy CP5 point three of the Exeter Core Strategy.
- 10) The development hereby approved should be constructed to incorporate a Sustainable Urban Drainage (SUDS) scheme that should be approved in writing by the Local Planning Authority prior to the commencement of development.
Reason: To reduce overall flood risk in accordance with Policy CP12 of the Exeter Core Strategy
- 11) Prior to occupation of the first dwelling details of a fence spanning the to the east of the site and bounding the railway line should be submitted to the Council for approval in consultation with Network Rail and constructed in accordance with the approved scheme.
Reason: For reasons of public safety.
- 12) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 1 October 2013 (*dwg. no. 120633/A/07/A*) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 13) The proposed estate roads, footways, footpaths, junctions, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, cycle routes, bus passenger waiting facilities (including shelters and real time passenger information), 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 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.

- 14) No part of the development shall be occupied until the access arrangements across the Russell Way overbridge have been designed and constructed fully in accordance with details previously submitted to and approved in writing by the Local Planning Authority and the Local Highway Authority.

Reason: To ensure the site is served by sustainable transport modes required to meet the agreed residential trip rates.

- 15) No part of the development hereby approved shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement should include details of access arrangements and timings and management of arrivals and departures of vehicles.

Reason: In the interests of highway safety and public amenity.

- 16) No part of the development hereby approved shall be brought into its intended use until a comprehensive travel plan has been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 36 of the NPPF.

- 17) A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: To control the environmental impact of the development during demolition and construction.

- 18) An additional noise impact assessment is required which should be of sufficient duration and detail to establish a representative background noise level and enable the noise impact of railway, road traffic noise, and the impact of external store plant equipment on the proposed development. The report CRN/ CRTN calculation should include consideration of the predicted increase in road traffic usage over the next 15 years as well as the effect of use of the retail store extraction/ air handling units, and use of the retail store service/ delivery yard. The report's assessment of the impact of the retail stores extraction/ air handling units and use of the stores service/ delivery yard should fully comply with the reporting requirements of Section 10 of BS4142 and include details of measurement locations for compliance; plant noise should be at a rating level of 5dB below background. Details of the source of input data e.g. levels from car parks, loading bays etc should be referenced in the report. The proposed assessment methodology, as well as the noise impact assessment report shall be submitted to the Local Planning Authority for approval at the same time as any reserved matters planning application submitted pursuant to this planning permission.

If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall also submit a scheme for protecting the proposed residential development from noise from road/ rail noise, noise from the air handling units, and noise from use of the service/ delivery yard at the proposed

retail store development. This shall be based on the results of the aforementioned assessment and shall be submitted to and approved by the Local Planning Authority before development commences. All works that form part of the scheme shall be completed before any of the permitted development is occupied.

Reason: In the interests of the residential amenity of the future occupants of the dwellings.

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