

ITEM No. 5

COMMITTEE DATE: 30 NOVEMBER 2015

APPLICATION NOS: 15/0907/03 & 15/0909/02 Full Planning & Reserved Matters

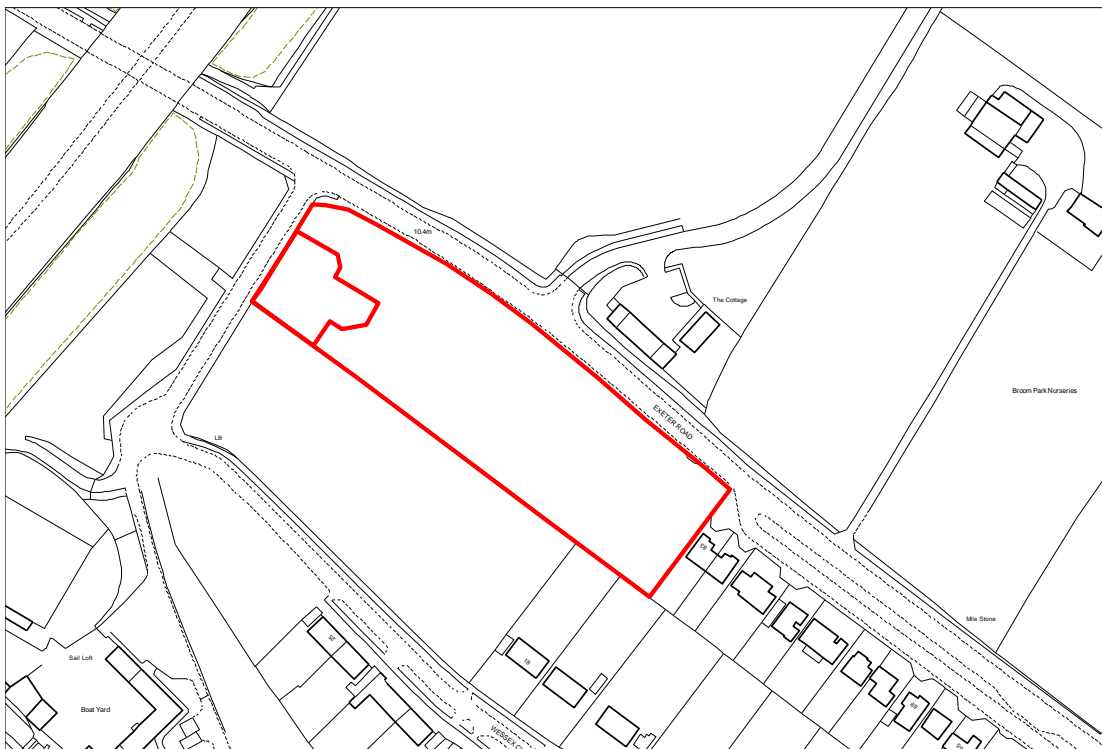
APPLICANT: Mr D Lovell
Heritage Developments (SW) Ltd

PROPOSALS: Six no. residential flats, car parking and associated facilities (15/0907/03); and Reserved Matters Application (Pursuant to Outline Planning Permission granted on 27 July 2015, ref 14/1605/01) for the approval of the appearance, landscaping, layout and scale of 22 dwellings on part of outline site (15/0909/02).

LOCATION: Land off Exeter Road, Topsham, Exeter

REGISTRATION DATES: 21/08/15 (15/0907/03) and 17/08/2015 (15/0909/02)

EXPIRY DATES: 16/10/2015 (15/0907/03) & 20/11/2015 (15/0909/02)



Scale 1:2500

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UPDATE FROM PLANNING COMMITTEE MEETING HELD 2 November 2015

At the Planning Committee meeting held on 2 November 2015 there were three speakers; Cllr Baldwin, David Burley against the application and David Lovell in support of the application.

Councillor Baldwin expressed concern at the loss of Topsham Gap, the unacceptability of calling this development a "gateway", the 2/3 storey height on the corner, parking within The Retreat Drive, the distance to Ferry Road recreational area from the development site and the high density of the development.

David Burley reiterated that the site was until recently part of the Topsham Gap and protected by landscape setting designation. Concern was also expressed regarding the increased number of units to 28, the high density compared to surrounding buildings and the three storey height, all resulting in overdevelopment of the site. The architectural-design issues raised were regarding the impact on the backdrop trees at the rear of the site, access onto The Retreat Drive (owners not consulted during consultation process), encouraged parking on The Retreat Drive creating a safety hazard, omission of on-site play space and the dropping of discounted market housing.

In support of the application, David Lovell confirmed there would be extensive landscaping and planting, it would be a contemporary housing scheme using traditional natural materials and colours with houses based around courtyards and in a linear pattern with the mass and footprint closely following the outline application. The buildings would be in proportion with their setting, creating a gateway feature with only three of the buildings being three storey. The dwellings would be zero carbon homes with sound attenuation and mechanical heat recovery and ventilation and triple glazing.

Following the speakers, discussions ensued and it was agreed that the applications should be deferred to allow for further investigation into the following 3 issues:

- i) To investigate and negotiate whether open space should be provided on adjoining land instead of through a financial contribution.
- ii) To seek to achieve a lower density of development.
- iii) To clarify whether the Council's Housing Team positively supports the proposed arrangements for affordable housing.

Open Space/Contributions

The Local Plan Policy DG5 requires that family housing proposals should provide 10% of the gross development area as level open space. However, on developments of less than 50 dwellings, which this is, provision may be made off site or through a commuted sum, provided that the facilities are conveniently located to serve the development.

Consultation has been carried out with local residents to understand if the preference locally would be for open space to be provided within, adjacent to the site or a financial contribution. Seven responses have been received with the following summarised comments:

- Maintaining the land adjacent to the M5 as open space, whilst too small, would maintain a small amount of the 'Topsham Gap';
- Preference for a big open space next to Wessex Close behind the development as it is safer/healthier for children and away from the main road. Would provide more room for children, dogs, bicycling and disability access. Would stop more development, allowing a good mix of land available and providing open space aspect to Wessex Close as well as the new development;
- Possibility of a golf driving range;
- Concern that the creation of open space in Wessex Close may increase the number of people accessing the area, affecting the noise levels and privacy to the neighbourhood; access points, provision for cars and bikes; maintenance and safety issues if cars park along Retreat Drive;

Following discussions with the applicant, it has been confirmed by the applicant that there is an opportunity to provide an area of open space to the land to the rear of the development, along Wessex Close as part of the future development of that site. This, together with the open space within the Reserved Matters application and the Affordable Housing application, would comply with the 10% open space requirement for the overall development (the current

application and the site to the rear). On top of this, the developer is also still offering a financial contribution of £42,000 for the enhancement of the nearby Ferry Road Recreation Ground. The Ferry Road Recreation Ground has been confirmed as being 0.7 miles walk from the furthest point of the development site. Confirmation is awaited from the Council's Parks and Recreation department as to whether the contribution would be appropriate for the Ferry Road Recreation Ground or an alternative public open space. The use of the land within the adjacent Wessex Close plot for an area of open space would be in close proximity to the residents of this development and the immediately adjacent existing dwellings, satisfying some of the existing residents (as per the comments received), whilst also should not attract a wider area of visitors and thereby not increasing vehicle trips and additional parking.

The existing Section 106 agreement of the Outline Approval states:

2. "Before Occupation of any Dwelling the Owner shall submit to the city Council for approval:
 - a) A plan showing the area or areas comprised within the Site to be used as Open Space;
 - b) A proposed specification for the laying out and subsequent maintenance of the Open Space; and
 - c) Proposed arrangements for the transfer of the Open Space to a Management Company and for the recovery by that Management Company of service charge contributions from the owners of the Dwellings towards the upkeep and maintenance of the Open Space".
3. "Within three months of occupation of the final Dwelling on the Development to be Occupied, the Owner shall layout and construct the Open space in accordance with the specifications for them submitted for approval or approved by the City Council pursuant to Paragraph 2".

Officers suggest that if permission is granted, that the S106 agreement is amended to read: "Before Occupation of any Dwelling the Owner shall submit to the city Council for approval and implementation:

- a) A plan showing the area or areas to be used as Open Space together with a financial contribution of £42,000, unless otherwise agreed in writing with the Local Planning Authority;
- b) A proposed specification for the laying out and subsequent maintenance of the Open Space; and
- c) Proposed arrangements for the transfer of the Open Space to a Management Company and for the recovery by that Management Company of service charge contributions from the owners of the Dwellings towards the upkeep and maintenance of the Open Space".

Density of Development

It was requested that discussions take place with Heritage Homes with respect to reducing the density of the development. Following these discussions, additional data has been provided, which is shown in the table below, which demonstrates that the site coverage has reduced from Outline to the Reserved Matters/Full Application stage by 65 square metres. Although the additional Affordable Housing units have been added to the development, this has only added an additional 83 square metres to that approved at Outline. This has been achieved through a reduction in the overall size of the dwelling units in order to provide dwellings to a broader spectrum of the house buying market and the increase in height to 3 storeys for the Affordable Housing Units and 2 units within the Reserved Matters site.

Application Stage	Outline	Reserved Matters & Full Application	Overall difference (m ²)
Site Coverage (m ²)	1302	1237	65 ↓
Floor Area (m ²)	2619	2702	83 ↑

In terms of the number of dwellings, It is noted that an expected maximum yield of 16 dwellings is referenced in the Revised 2013 SHLAA. However, this is a guide and Policy CP4 of the Core Strategy seeks the highest appropriate density compatible with the protection of the character and quality of the local environment. The Outline Application granted approval to 23 dwellings and the overall total currently proposed between the Reserved Matters and the Full Application for the Affordable Housing is 28 dwellings, an increase of 5 units. The density per hectare is 30 dwellings which is in line with other developments recently approved and constructed in the Newcourt area and therefore no changes to the proposal have been proposed by the applicant. Examples of nearby developments are:

Holland Park – 25dph
RNSD Persimmon Homes – 35dph
Old Rydon Ley – Barratt Homes – 45-50dph
Seabrook Orchards – 30-40dph

Affordable Housing Provision

The Housing Team confirmed that an additional contribution of £42,827.45 as previous discussions had been based on 27 units and the overall scheme is now for 28 units. It has been confirmed by the Developer that the additional contribution is acceptable and will be incorporated into the revised Section 106 agreement. The Housing Team has confirmed that this approach is what has been negotiated and agreed with the Developer for the Affordable Housing delivery.

Further Comments Received

Additional comments have also been received during the open space consultation, reiterating:

- The density is up to 3 times that of surroundings with an increase of numbers from the SHLAA yield of 20, outline approval of max 23 and current application of 28, creating an urban form on the suburban fringe of a small town.
- 3 storey building out of context with surroundings.
- Buildings directly abutting the footpath of the Retreat Drive, which is currently green edged, without any separation or landscape between the Drive and the new development.
- Fronting of accesses directly onto Retreat Drive, encouraging parking on a private road near a dangerous road junction.
- Residents opinions have been canvassed and generally the view is:

Option 1 – Land alongside M5 – Access could only be achieved by children leaving the development site by the service road-path, crossing Retreat Drive at the junction with Exeter Rd and is therefore undesirable on safety grounds.

Option 3 – S106 contribution to enhancement to the Recreation Ground – The Recreation Ground is 1km away and could not be used safely by most children. This was not considered viable.

Option 2 - Wessex Close – The majority responding felt this location was preferable. ECC's presentation suggested the whole field would be used for recreation use and

not be otherwise developed but only part of the field would be used for recreation. This is misleading. At the very least the area around the SW corner at the junction of Wessex Close with Retreat Drive along the full length of the field abutting Retreat Drive should be used, allowing existing mature landscape to be retained. The residents feel that a recreation space in this location should only be accessed from within the new development and no access to Wessex Close/Retreat Drive should be permitted, to deter either road to be used as overspill parking.

As neither option 1 or 2 land is within the red line the applicant only has the option of:

- a Withdrawing the current application and resubmitting with the play area incorporated and if resident suspicions of further over development allayed, with comprehensive proposals for the remaining inner field.
- b Incorporate the play space within the current red line reducing unit number on the application site.

Final Recommendation

Having discussed the above items with the applicant it is considered that:

1. Open Space – although the Local Plan Policy requires open space provision, it also states that for less than 50 dwellings, that open space can be provided elsewhere or a commuted sum will be accepted as an alternative. It has been agreed that open space will be provided and a commuted sum payable and therefore this is considered to be acceptable and the S106 amended to reflect this;
2. Following the requirement to review the density of the development by the Planning Committee, the Applicant provided additional information and the densities of other new developments have been considered. No reduction in the number of dwellings has been proposed by the applicant. The density, height and design of the development is considered to be acceptable.
3. The Affordable Housing provision offering is considered to be acceptable.

The recommendation is therefore APPROVAL subject to an amended S106, with conditions.

REPORT FROM 3 NOVEMBER 2015:

HISTORY OF SITE

14/1605/01 Development of up to 23 dwellings, access and PER 27/07/2015 associated services.

DESCRIPTION OF SITE/PROPOSAL

The site lies on the southern side of Exeter Road and to the east of the M5 motorway bridge. To the east, along Exeter Road, is a continuous frontage of housing accessed off a separate service road, south of which lies a further area of established residential development. To the west, on the opposite side of the M5 motorway embankment and facing the Topsham Football Club which has recently been granted approval for a retail store, together with a new housing development (Seabrook Orchards) adjacent to the Football Club.

The site is flat, with open frontage to the north adjacent to Exeter Road, but contained on the southern boundary, on the adjoining land, by a row of mature trees. These trees are protected by a group TPO (No. TPO 602).

The proposals are for a Reserved Matters application for the development of 22 dwellings

following approval of the Outline Application 14/1605/01 and six Affordable Housing apartments in one block, a total of 28 dwellings.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application site is approximately 0.78 hectares. The applications are for the reserved matters comprising of 22 dwellings and 6 no. 2 bedroom flats. Vehicular access is to be off Exeter Road only by way of an extension to the existing service road, as consented by the outline permission 14/1605/01 (no secondary access from Retreat Drive is required). The internal road layout serves 3 courtyard clusters of dwellings including access through the site to the remaining corner of the development where the Affordable Housing will be located.

The preliminary ecological survey concluded that the field has minimal value to wildlife and that the proposed development would not have any detrimental effect on the site's ecology or on the habitat value of adjoining land. Additional planting and landscaping will be undertaken throughout the development as well as bird nesting boxes on trees that grow along the southern boundary of the site.

A detailed gradiometer survey was carried out which detected a number of anomalies including those of possible archaeological significance. A full archaeological assessment is currently being undertaken on site.

A Tree Preservation Order covers trees along the southern boundary of the site. Only the T12 (Sycamore) and trees within A2 (Ash, Poplar, Sycamore and Willow) are affected by the proposed development and consent has been granted to fell both T12 and A2.

The noise survey showed that noise levels are dominated by the M5 which runs along the embankment to the west of the site. Noise levels across the site have been shown to fall in the LOAEL (Lowest Observed Adverse Effect Level) classification and therefore there is a requirement to mitigate and reduce noise levels to a minimum. The initial report concluded that noise levels can be fully addressed and suitable mitigation provided for residential use of the site to comply with current national planning guidance.

The air quality assessment concluded that the proposed development for the original 23 dwellings was unlikely to generate a significant amount of traffic and following assessment of the results of air quality monitoring by ECC, it was concluded that the air quality across the site is likely to be acceptable for residential development without the need for mitigation.

The affordable mix of dwellings is proposed to be amended. Provision for eight affordable units was made in the outline consent. It is now proposed that two of these be brought forward as part of this reserved matters application with the remaining six delivered as part of the full application dealing with the residual site area. Amenity space is provided with the layout.

The resulting overall average net density proposed would be 29dph. Adjacent residential development is built at a lower density than this, Exeter Road being 21dph and Wessex Close at 9dph. A mix of two storey dwellings are proposed, set in courtyards perpendicular to Exeter Road, with a two bedroom, three storey dwelling located at plot 18, adjacent to the block of three storey Affordable Housing. There are also 2 no. one bedroom ground floor flats. The six flats are served from a parking forecourt to the rear of the building with amenity space to the south and north and pedestrian access only onto Retreat Drive. Bin stores are incorporated within the parking forecourt.

The entire development will be designed to a high level of sustainability with each dwelling designed to achieve a zero carbon energy rating.

REPRESENTATIONS

Twelve representations for each application have been received and the objectors mention the following issues as the reasons for their objection:

- Increase in the number of dwellings from 23 at outline to 28
- Increase in density of development above yield identified in the ECC last Strategic Housing Land Assessment
- Impact of motorway noise
- Three storey height of some elements of the development
- Lack of recreation areas for children
- Impact on the highway network and increased congestion
- Access onto and increased parking on Retreat Drive
- Small garden sizes
- Loss of the Topsham Gap
- Removal of hedgerows, trees and landscape
- Materials and architecture that is out of style with the character of the area
- Change to the character of the area
- Site layout is contrary to the linear character of the existing area
- Loss of privacy

CONSULTATIONS

The Highway Development Management Officer (Exeter) at Devon County Council - comments that the development was considered in the outline and, based on an expected generation of 125 daily vehicle trips with approximately 10% of these trips occurring in the AM and PM peak hours, was not expected to have a severe impact on the operation or safety of the public highway. The traffic from the additional 6 units (representing an additional 5 units from the outline) on the site proposed through application 15/0907/03 do not change this conclusion.

Vehicular access for the 22 dwellings, plus 6 units in 15/0907/03, is proposed from a new priority junction onto Exeter Road which will replace the existing service road junction in front of number 83, which will be reinstated as verge. The new junction meets the relevant visibility standards for the 85th percentile speed on Exeter Road (55 metres for 35 mph) and is therefore accepted. This visibility and splays for the access onto Exeter Road should be secured by condition.

The development creates a new pedestrian/cycle route from the service road to Retreat Drive running parallel to Exeter Road. This route is part segregated and part along the estate road, which given the low flows and design speed on the estate roads is accepted. A connection is also proposed to the sites south west border to provide permeability to any future development on the adjacent land. A condition is recommended to ensure these delivered at an appropriately early stage of development on this site.

To tie into adjacent development proposals, and as per the outline application, off site upgrades to provide a 3.0 metre shared path on the south side of Exeter Road between the site and the Motorway bridge, including the provision of tactile paving on the crossing of Retreat Drive, should be secured through an appropriate agreement.

The applicant has also proposed relocating the existing inbound bus stop by the motorway bridge further east to better serve the development. This will also be more convenient for existing residents on the Service Road and Wessex Close and is welcomed. A request should be made to the County Council to relocate this when required, and the costs of doing so will

need to be met by the applicant.

The proposed internal road layout reflect a more contemporary approach to residential road design in keeping with the principles of Manual for Streets and is acceptable. The applicant has been in liaison with the highway authority regarding the extent of adoption and drainage strategy. These are broadly acceptable and, along with the details of the adoptable layout (street lighting/kerbs/margins) should be secured by condition. To progress adoption of the estate roads by the County Council the applicant is advised that will need to enter an agreement under Section 38 of the Highways Act 1980 with the County Council.

Senior Arboricultural Officer - comments as follows:

Oak tree T14

While the removal of Oak tree T14 was recently refused, the applicant was advised an application to reduce the tree would be looked upon sympathetically as the tree is in a state of decline (application 15/0653/04). This application was submitted prior to the submission of applications 15/0907 & 15/0909. With the proposed change of land use adjacent to the Oak tree (T14), and the increase of activity around the tree, its loss is considered acceptable.

The trees which are protected by a group TPO (no. 602) on the boundary between the two fields replaced with an area of new consolidated landscaping:

Individually the trees are of moderate quality but as a group they represent an important linear feature, as they are highly visible from Exeter Road and contribute to the visual amenity of the area. Owing to the size of the trees, once the site area between the trees and Exeter Road is developed the trees will no longer be highly visible. Owing to the above and the presence of the mature trees to the south west of Wessex Close that will remain visible, the removal of the trees will not have a significant impact on the visual amenity of the area. The planting of high quality trees adjacent to Exeter Road will provide adequate compensation for the loss of the feature.

Oak tree T1

The large Oak tree T1 on the attached plan will not be impacted if the access road to this part of the site is dug to full depth construction.

The construction of the road and the installation of associate services will encroach into the root protection area of the Oak tree. Provided tree protection fencing is erected prior to the commencement of any work on site, (see tree protection condition) the tree should not be significantly adversely affected.

Sycamore Tree T4

This tree is shown for removal, the tree is located close to tree T3 a Norway Maple. The Sycamore tree is an attractive tree but together with tree T3 dominate the north western boundary of an adjacent property. The Norway Maple tree (T3) will be retained accordingly, there will not be a significant adverse impact upon the visual amenity of the area.

Environmental Health - has no objection subject to the receipt of additional information regarding noise levels at second floor level of the residential flats, contaminated land investigation and results, a Construction and Environment Management Pland and Noise Insulation.

Environment Agency - has no comment.

Natural England - advises that the proposal is not necessary for the management of the European site and is unlikely to have a significant effect on a European site, and could therefore be screened out from any requirement for further assessment. A separate Habitat Regulations Assessment will not be required providing that the authority ensures that mitigation measures will be delivered at a rate commensurate with that of permissions for new

dwellings.

Mitigation for this development should be secured through an appropriate condition restricting occupancy until sufficient mitigation has been delivered.

Principal Project Manager (Heritage) - advises that the site for the Affordable Housing forms part of the overall site that contains Roman remains that are currently being excavated and recorded under a condition of the outline approval. As a full planning permission would supersede the outline permission, the standard condition for Archaeological Recording shall be attached to the current application.

Devon & Cornwall Police - makes the following comments:

Defensible Space and territoriality: defensible space is provided but not segregated. This arrangement often leads to resident conflict when people park in front of gardens or when children are playing. There are also pockets of green space where ownership is unclear. These should be within the ownership and control of individual properties and clear boundaries should be established. Left over spaces become neglected or mis-used for play areas, dog fouling or parking.

Excessive or unsafe permeability: the parking area to plots 21 and 22 is pedestrian permeable to public space and this is a concern as it opens car parking areas and rear gardens to multiple access points. It also creates a short cut through semi-private space. This is a potential escape route for criminals and a cut through that can generate anti-social behaviour. It is recommended to close off this route with a defensible space boundary treatment such as railings or railing top wall to border the pavement of Retreat Drive and the new development returning to building line of plot 21.

Lighting: Effecting lighting schemes ensure effective surveillance and reduce fear of crime. Areas of parking that will be on un-adopted roads must maintain the highways level of lighting using pole mounted solutions not bollard lighting.

Service alleyways breaking building line: gates to garden areas should be fixed as near as practicable to the front of the building line to prevent void areas where criminals can hide.

Senior Housing Development Officer - confirms that there have been ongoing discussions with the developer regarding the Affordable Housing provision prior to the submission of the two applications based on 27 units and it was agreed that there would be 6 no. two bedroom flats for social rent and 2 no. one bedroom flats for intermediate rent. This is different from the Affordable Housing provision set out in the existing Section 106 Agreement.

The two applications now provide 28 units. The additional open market unit now needs to be taken into account and the most appropriate way of calculating is via a commuted sum, which equates to £42,827.45.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework 2012

Manual for Streets 2007

Exeter Local Development Framework Core Strategy

CP1 – Spatial approach

CP3 – Housing development

CP4 – Housing density

CP5 – Meeting Housing Needs

CP7 – Affordable Housing

CP11 – Environment

CP13 – Decentralised energy networks
CP14 – Renewable and low carbon energy
CP15 – Sustainable design and construction
CP17 – Design and Local Distinctiveness
CP18 – Infrastructure requirements and developer contributions

Exeter Local Plan First Review 1995-2011

AP1 – Design and Location of Development
H1 – Housing land search sequence
H7 – Housing for disabled people
L4 – Provision of playing pitches
T1 – Hierarchy of modes of transport
T2 – Accessibility criteria
T3 – Encouraging use of sustainable modes of transport
T10 – Car parking standards
LS1 – Landscape setting
EN2 – Contaminated land
DG1 - Objectives of Urban Design
DG2 – Energy conservation
DG4 – Residential Layout and Amenity
DG5 – Provision of open space and children’s play areas
DG6 – Vehicle circulation and car parking in residential developments
DG7 – Crime prevention and safety

Exeter Development Delivery Document – Publication Version 2015

DD1 – Sustainable Development
DD8 - Housing on Unallocated Sites
DD9 - Accessible, Adoptable and Wheelchair User Dwellings
DD13 - Residential Amenity
DD20 - Sustainable Movement
DD21 - Parking
DD25 - Design Principles
DD26 - Designing out Crime
DD29 – Landscape Setting Areas

Exeter City Council Supplementary Planning Documents

Affordable Housing SPD 2014
Archaeology and Development SPG 2004
Draft Planning Obligations SPD 2014
Public Open Space SPD 2005
Residential Design Guide SPD
Trees and Development SPD
Sustainable Transport SPD 2013

OBSERVATIONS

Density, Scale and Design

The design of the properties is contemporary using smooth render with white finish and natural clay rain screen cladding in terracotta and beige to match the localised brick and stone colouring but using modern materials. The clay will weather naturally as it ages. The pitched roofs would be zinc coated aluminium standing seam with the flat roofs finished with a single ply membrane. The windows will be dark grey foil coated uPVC and the entrance

doors aluminium with high thermal insulation to assist with achieving zero carbon efficiency. There is a mix of two and three storey elements with the three storeys being located at the corner of the site on Exeter Road and Retreat Drive and the Affordable Housing 3 storey building located further along Retreat Drive. It is considered that the varied height elements are acceptable given that they create a gateway to the entrance to Topsham, creating a feature and are in scale given the height of the adjacent embankment and bridge of the M5. The building line is forward of that of the original dwellings further along Exeter Road, however, the placement of the gateway buildings allows the buildings to be brought forward, with a gradual step back, opening up views along Exeter road and to the existing houses. The proposed landscaping scheme as it matures, will also screen much of the new development.

It is acknowledged that local objectors are still concerned with the loss of the Topsham Gap, however, the principle of development on this site was established through the approval of the outline application. The density of the development has subsequently increased from the previously approved 23 units to 28 in total with the current two applications. However, this increase is considered to be acceptable given that the design of the properties is still meeting the National Housing Standards and the ECC garden size standards.

The courtyards create smaller residential communities off the main access road, with natural surveillance over the parking spaces. The Devon & Cornwall Police has raised concerns regarding the parking area to plots 21 and 22, which is pedestrian permeable and this is a concern as it opens car parking areas and rear gardens to multiple access points creating a potential escape route for criminals and a cut through that can generate anti-social behaviour. It has been recommended to close off this route with a defensible space boundary treatment to Retreat Drive. However, this would create a semi-gated community, which is contrary to Policy DG4 and the Residential Design Guide where pedestrian permeability is encouraged. The parking area will have the benefit of natural surveillance from the living rooms of the affordable housing units and the living rooms of plots 20 and 22. The entrance to the parking area is also directly visible from the Exeter Road.

The D&C Police has also expressed concern regarding the pockets of green space where ownership is unclear and service alleyways breaking building line with gates to garden areas set back. The pocket spaces are important to create informal recreation spaces for play and will be under the management company for maintenance. It is agreed that the creation of service alleyways should be avoided and therefore a condition is recommended to bring the gates to private gardens in line with the front building line of the dwellings to avoid hiding spaces.

Boundary Treatments

Private garden and parking areas will be enclosed by fences as described below as well as rendered block walls with blue engineering brick plinth finished on top with plain tiles and a single course of blue engineering bricks.

Noise

It is accepted that the proximity to the M5 and Exeter Road will create noise and this is taken into account through the construction methods of the dwellings and flats. The buildings will be solid construction, with triple glazing, acoustic ceilings and additional roof insulation. Ventilation is mechanical, to ensure compliance with the zero carbon rating.

In order to reduce the noise within garden areas, the buildings have been placed to provide a buffer. In other, more open areas, 1.8m high fences and acoustic fences are proposed.

The original outline application proposed the use of the green area on the opposite side of Retreat Drive to be used as open space. However, with the site being immediately adjacent

to the M5 bridge and embankment, it is now proposed to instead make a financial contribution of £40,500 for the enhancement of the existing playing fields and recreation ground in Ferry Road, Topsham. Within the site, there are small areas of open public space where landscaping is proposed which could be used as informal play areas.

Highways

Concerns have been raised regarding the future impact on the Highway network and additional congestion. However, the DCC Highways Engineer has confirmed that there is no objection to the number of dwellings on the site and the number of resulting vehicle trips. There is support for the removal of the access onto Retreat Drive, instead moving all vehicle movements to Exeter Road where a longer and clearer visibility splay is available. The majority of the internal roads will be adopted by DCC, with the courtyard and parking areas remaining with a private management company for ongoing upkeep and maintenance. The main access road will be tarmac, with the courtyards and parking spaces being constructed of block paving and setts. There remains concern by local residents that Retreat Drive may be used for parking but since this is a private road, permission would need to be sought from the landowner to secure and enforce yellow lines to prevent parking.

The internal road has been narrowed through discussions with the Highways Officer to 3.5m, reducing the amount of tarmac required whilst still providing adequate width for cars, refuse and fire engines.

Landscaping

There have been continued discussions with the Trees Officer regarding the existing trees on the site and the proposed re-planting. The majority of the protected trees are on the site to the south but there were two protected trees within this plot, both of which have been granted approval for removal. The existing stone wall adjacent to Exeter Road is to be renovated and re-pointed with a beech hedge to the rear and new lime trees planted with an area of turf below to screen the development in the future. Across the site areas of mixed planting are proposed with new alder, snowy mespilus, cockspur, crab apple and callery pear trees.

Section 106

The Section 106 Agreement is proposed to be revised to take account of the variation to the Open Space requirement and to the Affordable Housing typology proposed:

Open Space:

The S106 agreement shall be amended to read:

“Before Occupation of any Dwelling the Owner shall submit to the city Council for approval:

- a) A plan showing the area or areas within the current application sites to be used as Open Space together with a financial contribution of £42,000, unless otherwise agreed in writing with the Local Planning Authority;*
- b) A proposed specification for the laying out and subsequent maintenance of the Open Space; and*
- c) Proposed arrangements for the transfer of the Open Space to a Management Company and for the recovery by that Management Company of service charge contributions from the owners of the Dwellings towards the upkeep and maintenance of the Open Space”.*

Affordable Housing:

Previously, it was agreed that there would be five 2/3 bedroom houses socially rented, with three 2/3 bedroom intermediate rental housing. The revision seeks to instead provide 2 no. one bedroom flats as intermediate rental housing and 6 no. two bedroom flats to be socially rented. The housing team has advised that this revision is acceptable but was based on the overall provision of 27 houses. As 28 houses are now proposed in total, there will be an

additional commuted sum payable. This is to be finalised with the developer and will also form part of the varied S106.

DELEGATION BRIEFING – 13 OCTOBER 2015

It was confirmed at the Delegation Briefing that the two submissions would come to Committee on 2 November with clarification to be provided on the Affordable Housing Provision and who is paying for the relocation of the bus stop.

The Affordable Housing Provision is now clarified within the Housing comment in the earlier Consultation Section of this report. Devon County Highways have also confirmed that the funding of the bus stop relocation will be via the developer.

Reserved Matters Application (Pursuant to Outline Planning Permission granted on 27 July 2015, ref 14/1605/01) for the approval of the appearance, landscaping, layout and scale of 22 dwellings on part of outline site (15/0909/02).

APPROVE subject to a revised Section 106 agreement and the following conditions:

- 1) C06 - Time Limit - Approval of Reserved Matter
- 2) 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 17th August 2015 (*Dwg. Nos. EXRD-PL1,3,7 & 9/ EXRD-PL2,8 & 10/ EXRD-PL18 & 19/ EXRD-PL20-22*) and 20th October 2015 *Dwg. Nos. EXRD-001-SITE PLAN/EXRD-002-HARD LANDSCAPING LAYOUT 1 of 2/ EXRD-002-HARD LANDSCAPING LAYOUT 2 of 2/EXRD-004-SITE PLAN WITH OPEN SPACE/ EXRD-PL4/ EXRD-PL5 & 6/ EXRD-PL11 & 12/ EXRD-PL13/ EXRD-PL14-17*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) The proposed estate road, cycleways, 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
- 4) No part of the development hereby approved shall be occupied until cycle parking facilities have been provided in accordance with details (including access arrangements) that shall previously have been submitted to agreed and approved in writing by the Local Planning Authority and maintained for that purpose at all times.
Reason: To encourage travel by sustainable modes
- 5) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for the construction period.
Reason: In the interest of public safety.

- 6) No more than 14 dwellings in the development hereby approved shall be occupied until a pedestrian/cycle connection of at least 3.0 metres width between the site access and Retreat Drive, as indicated on the October 2015 site plan, has been provided and made available for public use. Such a link shall be maintained for this purpose at all times.
Reason: To provide adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.
- 7) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- 8) 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.
- 9) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by 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.
- 10) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
Reason: To ensure the protection of the trees during the carrying out of the development.
- 11) All trees shall be a minimum of 10-12cm girth and shall be container grown, the trees shall not be planted until written approval has been provided by the Council's Arboricultural Officer that he/she is satisfied with the condition and form of the proposed trees. Any trees delivered to site or planted must comply with *Trees: from nursery to independence in the landscape – Recommendations BS 8545:2014*. The Council reserves the right to reject, and require the replacement of any trees that do not comply with the above British Standard either prior to or following the planting of the trees. Owing to the above, and prior to the trees being delivered to site or planted, the applicant is advised to seek approval from the Planning Department that the form and quality of the trees is acceptable.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

All trees planted within or adjacent to hard surfaces should be planted into tree pits utilising an underground crating system.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 12) All trees planted within or adjacent to hard surfaces should be planted into tree pits utilising an underground crating system.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 13) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 in respect of Energy and CO2 Emissions including a 44% CO2 emissions rate reduction from Building Regulations Part L 2006 as a minimum, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical Guide November 2010 and the Code Addendum May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.
Reason: In the interests of sustainable development.
- 14) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority an assessment to show how the requirements of condition 13 above will be met. The measures set out in that assessment shall subsequently be implemented on site in relation to each individual dwelling prior to the first occupation of that dwelling.
Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.
- 15) No part of the development hereby approved shall be brought into its intended use until a visibility splay at the site access to Exeter Road has been provided, where the visibility splay provides inter-visibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distance along the nearer edge of the carriageway of the public highway (identified as Y) shall be 55 metres in both directions, and retained for that purpose.
Reason: To provide adequate visibility from and of emerging vehicles required to provide a safe and suitable access to the site.
- 16) No development related works shall take place within the site until a written scheme of archaeological work has been submitted to 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, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, 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.
- 17) Prior to the occupation of the dwellings hereby approved, a wildlife plan indicating how the design and layout of the site and buildings will maximise wildlife opportunities and habitat within the site, shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that wildlife opportunities and habitat are maximised in the development of the site in the interests of biodiversity.

- 18) No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP, the following restrictions shall be adhered to:
- a) There shall be no burning on site during demolition, construction or site preparation works;
 - b) Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays and not at all on Sundays and Public Holidays;
 - c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.

The approved CEMP shall be adhered to throughout the construction period.

Reason: To protect neighbouring residential amenity.

- 19) No development shall take place until a scheme for protecting the proposed development from noise has been submitted to the Local Planning Authority and approved in writing. All works that form part of the scheme shall be completed before any of the permitted development is occupied. *The applicant should aim to achieve at least the standards for internal and external noise levels specified in BS8233:2014 Sound Insulation and Noise Reduction for Buildings.*

Reason: To protect future residential amenity.

- 20) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any 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 no unacceptable risks remain.

Reason: In the interests of the amenity of the occupants of the building(s) hereby approved.

- 21) Prior to the commencement of the development a Sustainable Urban Drainage Scheme (SUDS) to deal with surface water associated with the development shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Devon County Council as the Lead Local Flood Authority). The said scheme shall include details of the on-going maintenance arrangements associated with any drainage system to be installed. The development shall be implemented strictly in accordance with the approved scheme.

Reason: To ensure the satisfactory drainage of the development.

- 22) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development shall be carried out within the curtilage of the dwellings without the formal consent of the Local Planning Authority.

Reason: In order to protect the visual and residential amenities of the surrounding area and to prevent overdevelopment.

- 23) All gates to private gardens shall only be recessed by a maximum of 500mm.

Reason: To ensure the community is designed in a safe and secure way and in compliance with Policy DG7 of the Exeter Local Plan.

Six no. residential flats, car parking and associated facilities (15/0907/03)

APPROVE subject to a revised Section 106 agreement and the following conditions:

- 1) C05 – Time Limit – Commencement
- 2) 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 17th August 2015 (*Dwg. No. EXRD-PL23-28*) and 20th October 2015 (*Dwg. Nos. EXRD-001-SITE PLAN/EXRD-002-HARD LANDSCAPING LAYOUT/EXRD-004-SITE PLAN WITH OPEN SPACE*), as modified by other conditions of this consent
Reason: In order to ensure compliance with the approved drawings.
- 3) The proposed estate road, cycleways, 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.
- 4) No part of the development hereby approved shall be occupied until cycle parking facilities have been provided in accordance with details (including access arrangements) that shall previously have been submitted to agreed and approved in writing by the Local Planning Authority and maintained for that purpose at all times.
Reason: To encourage travel by sustainable modes.
- 5) No part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for the construction period.
Reason: In the interest of public safety.
- 6) No part of the development hereby approved shall be occupied until a pedestrian/cycle connection of at least 3.0 metres width between the site access and Retreat Drive, as indicated on the October 2015 site plan, has been provided and made available for public use. Such a link shall be maintained for this purpose at all times.
Reason: To provide adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.
- 7) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.

- 8) 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.
- 9) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by 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.
- 10) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
Reason: To ensure the protection of the trees during the carrying out of the development.
- 11) All trees shall be a minimum of 10-12cm girth and shall be container grown, the trees shall not be planted until written approval has been provided by the Council's Arboricultural Officer that he/she is satisfied with the condition and form of the proposed trees. Any trees delivered to site or planted must comply with *Trees: from nursery to independence in the landscape – Recommendations BS 8545:2014*. The Council reserves the right to reject, and require the replacement of any trees that do not comply with the above British Standard either prior to or following the planting of the trees. Owing to the above, and prior to the trees being delivered to site or planted, the applicant is advised to seek approval from the Planning Department that the form and quality of the trees is acceptable.
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Reason: In the interests of sustainable development.

14) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority an assessment to show how the requirements of condition 13 above will be met. The measures set out in that assessment shall subsequently be implemented on site in relation to each individual dwelling prior to the first occupation of that dwelling.

Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.

15) No part of the development hereby approved shall be brought into its intended use until a visibility splay at the site access to Exeter Road has been provided, where the visibility splay provides intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distance along the nearer edge of the carriageway of the public highway (identified as Y) shall be 55 metres in both directions, and retained for that purpose.

Reason: To provide adequate visibility from and of emerging vehicles required to provide a safe and suitable access to the site.

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Reason: To protect neighbouring residential amenity.

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any of the permitted development is occupied. *The applicant should aim to achieve at least the standards for internal and external noise levels specified in BS8233:2014 Sound Insulation and Noise Reduction for Buildings.*

Reason: To protect future residential amenity.

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Reason: In the interests of the amenity of the occupants of the building(s) hereby approved.

- 21) Prior to the commencement of the development a Sustainable Urban Drainage Scheme (SUDS) to deal with surface water associated with the development shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Devon County Council as the Lead Local Flood Authority). The said scheme shall include details of the on-going maintenance arrangements associated with any drainage system to be installed. The development shall be implemented strictly in accordance with the approved scheme.

Reason: To ensure the satisfactory drainage of the development.