

ITEM NO. 7**COMMITTEE DATE: 31 OCTOBER 2016**

APPLICATION NO: 16/0972/03 FULL PLANNING PERMISSION
APPLICANT: Redrow Homes West Country
PROPOSAL: Proposed residential development for 47 units, vehicular access, landscaping, open space and associated works
LOCATION: Land east of railway line between Apple Lane and A379, Apple Lane, Exeter, EX2
REGISTRATION DATE: 01/08/2016
EXPIRY DATE: 31/10/2016

HISTORY OF THE SITE

Planning permission was granted in 1998 for a B1, B2 and B8 Use in connection with a sand extraction business (98/0643/01). This permission was never implemented and has now expired.

Planning permission (12/0500/03) was granted for 190 dwelling at the former Bishops Court Quarry on the adjacent site in April 2013 and is currently under construction.

DESCRIPTION OF SITE/PROPOSAL

The application site (1.8 ha) is located on land to the east of the Exeter to Exmouth railway line and between Apple Lane and the A379. The site effectively forms an extension to the Bishops Way residential development by Redrow Homes, which is currently under construction. The eastern boundary of the site is marked by an existing footway which connects the footway running alongside Apple Lane across to Baker Bridge and Sandy Park. Vehicular access to the site would be created across this footway and form a continuation of Bishops Way, which ultimately connects onto Sidmouth Road from Apple Lane.

The application seeks to construct 47 dwellings in total comprising of 5 x two bedroom; 13 x three bedroom; 18 x four bedroom houses, 9 x two bedroomed flats within one block and 2 x two bedroomed disabled compliant bungalows. The dwellings are to be constructed of brick and render and are designed to reflect the style of existing properties currently being building by Redrow on the adjacent site. An area of open amenity space is proposed within the south western section of the site.

The site is identified within the Exeter Local Plan an employment site and within the minerals consultation area. The application has been publicised as a Departure from the Local Plan.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by the following supporting documents:-

Planning Statement
Design and Access Statement
Ecological Site Investigation
Tree Survey and Vegetation Management Plan
Air Quality Assessment
Noise Assessment
Flood Risk Assessment and Surface Water Drainage Strategy
Foul Drainage and Utilities Report
Geo-Technical and Ground Investigations Report
Landscape and Ecological Management Plan
Site Waste Management Plan
Transport Assessment and Travel Plan
Sustainability Statement

REPRESENTATIONS

19 letters of objection. Principal issues raised:-

1. Increased vehicular traffic using Bishops Way creating safety issues for existing residents;
2. Pedestrian safety concerns regarding proposed access road crossing the footway to Baker Bridge;
3. Increased traffic onto Sidmouth Road leading to congestion, in particular the M5 junction 30 roundabout;
4. Greater volume of traffic affecting the movement of emergency vehicles entering the site;
5. Need to prevent pedestrian access from Bishops Way to the footway serving Sandy Park to reduce the existing/future problems of noise, disturbance, disruption, litter and vandalism from rugby supporters;
6. Exacerbate existing parking problem on rugby matchdays to existing residents in Bishops Court;
7. Need for better traffic calming measures within existing estate;
8. Need to improve pedestrian/cycle link into the site from the Apple Lane footway;
9. Insufficient detail of cycle parking provision to serve the dwellings;
10. Loss of green/open space;
11. Lack of existing and future play provision within the area;
12. Poor siting of public open space;
13. Detrimental impact on wildlife within site and the surrounding area;
14. Pressure on local services and access to doctors and schools;
15. Potential overlooking into existing properties located in Apple Farm Grange and Clyst Halt Avenue;
16. Site should be used for industrial purposes as allocated in the Local Plan;
17. Unauthorised work on the public footpath;
18. Lack of sufficient regard to landscape/wildlife/ecological matters in respect of the construction of the temporary footway;
19. Need for an access off Clyst Heath Avenue or the A379 to avoid traffic congestion at Apple Lane/Sidmouth Road junction.
20. Site should be used to provide additional services for existing residents such as a shops, a pub or as public open space;
21. Unacceptable noise and disruption during construction period;
22. Increased dwellings will put pressure on internet access speeds;

2 letters of comment:-

1. Need to ensure that roundabout serving the development from Apple Lane has sufficient capacity to serve the development and that the traffic signalling has considered the additional traffic using the Apple Lane/Sidmouth Road junction.
2. Need for traffic regulation orders to be imposed on rugby match days to prevent parking problems for existing residents.

CONSULTATIONS

The County Head of Planning, Transportation and Environment comments that this development would essentially form an extension of the Bishops Court Quarry residential development of 191 dwellings that is accessed from the Apple Lane roundabout and partially occupied.

Traffic Impact

It should be noted that the Phase 1 application was for 225 dwellings and the traffic from that level of development was accepted as part of that application. Given the 190 dwellings approved through the reserved matters that are to be constructed on site, the current

application represents an additional 12 dwellings above that already approved. The additional 12 dwellings are expected to generate in the order of 50-60 vehicular trips per day (or 5-6 in the per peak hours).

Vehicular Access

Access to the site is proposed across the existing Apple Lane path connecting to the Baker Bridge. In addition to being an important sustainable transport route, this link is exceptionally busy on Exeter Chief matchdays. It is therefore essential that an appropriate design for this to maintain a high quality pedestrian route is provided.

The proposed vehicular access from Apple Lane and onto Sidmouth Road signals that already serves the business park was considered acceptable for accommodating the traffic from the 225 dwellings in the original planning application. The modest additional traffic movements from 12 dwellings are not expected to significantly change this and therefore are acceptable.

Pedestrian Access and Internal Roads

The onsite layout has been progressed through liaison with DCC, although largely content with the vehicular layout in providing a suitable low speed residential street, the proposed cul-de-sac and lack of pedestrian and cycle permeability is not considered appropriate.

In particular, the site is within close proximity to the Digby and Sowton Rail station with some of the proposed dwellings within 300 metres of the station. With journey times of 7 minutes to the city centre and, in future, 20 minutes to Marsh Barton industrial estate, rail is an attractive alternative to the private car. To maximise the modal split for rail convenience (rather than convoluted) access needs to be provided for nearby residents to this station. However, the lack of a connection at the northern boundary of the site to the Apple Lane path doubles the walking distance from some of the proposed houses to the rail station.

Such a lack of permeability is not in-keeping with the design principles of Manual for Streets and is contrary to various policies of the Exeter Core Strategy and the underlying transport principle of the NPPF that the transport system needs to be balanced in favour of sustainable transport. To address this the applicant was advised in pre-application discussions that a pedestrian/cycle connection would need to be provided on the northern boundary, most likely in the vicinity of plots 16-18. A condition is therefore recommended to secure a shared use path of appropriate width (3.0 metres).

To ensure appropriate highway treatment and construction, particularly for the areas of shared space, a condition is also recommended to ensure appropriate construction details are approved prior to commencement.

Travel Plan

In accordance with paragraph 36 of the NPPF the development will be required to have a Travel Plan. As identified in the submitted transport statement DCC is currently adopting a new approach for residential Travel Planning in the Exeter area with contributions paid directly to the Council for them to implement the Travel Plan and its measures.

For this site it is acknowledged that the first phase of this development was consented before the introduction of the DCC centred Travel Planning and that the developer produced their own travel plan. Given that the updating of the Phase 1 Travel Plan information for the Phase 2 site is likely to be limited, it is felt that the developer should be given the option for phase 2 to either:

- Pay a Travel Plan contribution of £500 per dwelling
- Produce a Travel Plan and information packs for residents and pay a financial contribution for the provision of cycle and public transport vouchers

The financial element of these arrangements should be secured through a S106 Agreement.

Other Matters

Discussions are underway between Redrow and DCC to implement Residents Parking on the Phase 1 site and a contribution to cover the cost of this and other appropriate parking restrictions for the second phase is requested.

Summary

Given the modest scale of development and that a safe and suitable access to the site can be achieved for all users, the proposed development can be acceptable. However, critical to this is that appropriate permeability is provided to give residents convenient access to local rail and sustainable transport networks. This can be overcome with an appropriate condition. Therefore, subject to appropriate conditions and contributions toward sustainable transport being secured by appropriate legal agreement, no objection is raised.

Housing Development Officer comments that 35% of the total dwellings must be affordable in line with the Affordable Housing SPD, which for 47 dwellings would be 16.45 dwellings. This would be 16 units delivered on site and a financial contribution for the remaining 0.45. The developer has proposed to provide 17 units on site which equates to 36.2% on site affordable housing. In accordance with the Affordable Housing SPD at least 70% of the affordable units are required to be social rent (12 units) the remainder to be intermediate affordable housing (5 units). The Affordable Housing SPD requires the affordable housing provision to achieve a representative mix of the open market units (including number of bedrooms), however, the Housing Development Officer has agreed a slightly different mix. In addition, 5% (1 unit) of the affordable housing is required to be provided as wheelchair accessible in accordance with the Council's Wheelchair Housing Design Standards and the developer has agreed that 2 units (11.8%) will be provided. These units will be provided as bungalows which meets the greatest need for wheelchair accessible units. The affordable housing will be provided in clusters of no more than 10 units.

The Flood and Coastal Risk Management Team initially raised objection concerned that insufficient details have been provided to ensure that the development is mitigated against flood risk and that SUDS have been suitably incorporated into the system. However further details have been provided by the developer which confirms that the proposed outfall point within the existing Bishops Court development has sufficient capacity to accept the proposed flows from the development and therefore such an arrangement is acceptable in this instance to provide a long-term maintainable drainage system at this location. However it is recommended that a condition is imposed in respect of surface water drainage during the construction phase. Accordingly the team now raise no objection to the scheme.

South West Water raise no objection.

Devon and Somerset Fire Service initially raised concern about details originally submitted but following discussions with the developer are satisfied that the road layout will accommodate fire service vehicles and accordingly raise no objection to the scheme.

Network Rail raise no objection to proposal but require issues in respect of fencing; drainage; safety; proximity of buildings to boundary; piling; excavation/earthworks; effects of noise/vibration/dust; proximity of trees and plant/scaffolding/cranes to be addressed by contacts the Network Rail's Asset Protection Western Team in advance of work commencing on site.

RSPB comment on the need for additional swift boxes and question the height of the boxes which have been indicated on the plan. (*This can be addressed by condition*).

Heritage Officer comments that the archaeological reports submitted with the application identify that there are remains of Roman date on part of the application site. These remains, although potentially significant in terms of the knowledge they may contain about how this site was used then, and what was going on around the city at that time, are not well

preserved and therefore do not represent a constraint on the principle or layout of the proposed development. It is therefore recommended that the proper excavation and recording of these remains, in lieu of their destruction, is secured by condition.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance - National Planning Policy Framework

Exeter Local Development Framework Core Strategy

CP1 - The Spatial Approach
CP2 - Employment
CP4 - Density
CP5 - Meeting Housing Needs
CP7 - Affordable Housing
CP11 - Pollution and Air Quality
CP12 - Flood Risk
CP14 - Renewable and Low Carbon Energy
CP15 - Sustainable Construction
CP16 - Green Infrastructure
CP17 - Design and Local Distinctiveness
CP18 - Infrastructure

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development
AP2 - Sequential Approach
H1 - Search Sequence
H2 - Location Priorities
E3 - Retention of Employment Land or Premises
L4 - Provision of Playing Pitches
T1 - Hierarchy of Modes
T2 - Accessibility Criteria
T3 - Encouraging Use of Sustainable Modes
EN5 - Noise
DG1 - Objectives of Urban Design
DG4 - Residential Layout and Amenity
C5 - Archaeology

Site lies within a Mineral Consultation Area

Exeter City Council Supplementary Planning Document
Residential Design Guide (adopted September 2010)
Affordable Housing SPD

OBSERVATIONS

The application site is allocated in the Exeter Local Plan as an employment site and was granted planning permission in 1998 for B1, B2 and B8 Use in connection with a sand extraction business. This permission was never implemented and has subsequently expired. Since this approval the adjacent site has subsequently been granted planning permission by Redrow Homes for 190 dwellings. This site is currently under construction and a significant number of dwellings have now been occupied. The development of the adjacent site for housing has effectively reduced the application site's potential and indeed desirability for future industrial usage. Consequently given the potential incompatibility of the site for industrial use in close proximity to residential use the site was subsequently identified in the 2015 SHLAA as a potential housing site. This approach is compatible with paragraph 22 of the National Planning Policy Framework which states that '*...planning policies should avoid*

the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.... This approach has been endorsed by Members in respect of meeting the Council's identified 5 year housing supply deficit. Accordingly it is considered that the principle of residential development on the site is considered appropriate.

Given that Redrow Homes is also developing the adjacent site there will be a continuity in respect of layout and house type design. It is considered that the existing development, currently under construction, represents a positive form of development for this area and the continuation of this approach is therefore supported. The scheme provides a strong streetscape along the main spine road and the overall level of private amenity provision for individual households is compatible with the Council's Residential Design SPD. Although the proposed open space is not centrally located it does meet the 10% requirement and is intended to have a wildlife amenity function rather than as a formally laid out play area. Whilst the number of dwellings proposed do not require, in local plan policy terms, an equipped play area, it is recognised that the estate will be used as a whole and consequently the developers have agreed to provide additional play provision within the central play area. This will be addressed within the legal agreement.

Existing residents within Bishops Court have raised concern about highway issues particularly in terms of the pressure additional vehicles from the new houses will have on the main spine road and the junction of Apple Lane and Sidmouth Road. The County Highway officer has raised no objection to the scheme subject to suitable conditions being imposed, particularly in respect of details of the highway treatment where the road crosses the footway to Baker Bridge and the need for a financial contribution towards travel planning. The Highway officer comments that the original traffic report for the Bishops Quarry was based on an anticipated 225 dwelling from the adjacent development site. Consequently the combination of the approved development and the additional dwellings proposed amount to an increase of 12 from the original report and is not considered significant in traffic flow terms. It is therefore concluded that the existing access and signal arrangement at Sidmouth Road for the site are acceptable. However the Highway officer has sought to improve the sustainable aspect of the development by requiring a pedestrian/cycle link to the north of the site and therefore ensure that residents have better access to and from the adjacent footpath and importantly to the Digby and Sowton railway station. This new route has been included on revised plans and is considered acceptable in principle, subject to details being agreed by a planning condition.

Residents have raised concern regarding the increased access potential visitors to Sandy Park in vehicular and pedestrian terms, the new development will create by opening up the footpath to the Sandy Park rugby stadium from Bishops Court. Residents have experienced parking problems and incidents of noise, disturbance, litter and vandalism from rugby supporters on matchdays and are concerned that these problems will be exacerbated with the increased possibility for parking on the spine roads and with better access for supporters to use the footway from the existing estate. Whilst it is not possible, within the planning system, to police the movement and behaviour of supporters, it is recognised that on matchdays this can be a real concern for residents. The Highway officer has required a financial contribution towards a Traffic Regulation Order within the terms of the legal agreement and it is anticipated that this will help address parking problems on matchdays, although this will only occur following highway adoption. In the meantime, it is understood that Redrow will continue to provide parking enforcement for the area, although this is outside planning control.

The Council's Housing officer has been in discussion with the developer regarding the affordable housing provision on site. The developer has proposed to provide 17 units on site which equates to 36.2% on site affordable housing and above the 35% as required by Local Plan policy. In addition, a slightly different mix from the Affordable Housing SPD has been agreed but this has enabled the provision of two wheelchair compliant bungalows to be

provided. Consequently it is considered that the affordable housing requirement on the site has been met and this will be delivered through the Section 106 Agreement.

Local residents have raised objection to the reduction in the site's wildlife potential and the loss of existing hedgerows which surround the site. The developer has prepared a Landscape and Ecology Management Plan which addresses the overall approach to landscape provision within the site and the mitigation measures proposed. This document outlines the design of the open space as a wildlife pond and wildflower/grassed area; the provision of existing trees within the front gardens of properties and along the perimeter of the site and the creation of a Devon Bank around part of the site adjacent to the footway. Given that the site was originally designated in the Local Plan as an industrial site, it is considered that the environmental improvements proposed represent a positive improvement for the area and therefore subject to a landscape condition that ensures these works are carried is considered appropriate.

Residents in Apple Farm Grange/Clyst Halt Avenue have raised concern about possible overlooking from the new development however it is considered that given the distance between the proposed and existing properties is over 40 metres this relationship is considered acceptable. Residents have also raised issues regarding flooding and noise and disturbance during future construction work but these have been addressed either through the consultation responses or through the imposition of suitable planning conditions.

In summary, it is considered that this extension to the site currently being developed for housing is acceptable in planning policy terms and would represent a more appropriate use than the industrial use which was previously approved and allocated. The layout of the scheme reflects the neighbouring development which is viewed positively and therefore given the incorporation of landscaping within the site will ultimately result in an appropriate form of development for the site. Accordingly it is recommended that the application is approved.

The proposed development is estimated to yield approximately £398,413 in Community Infrastructure Levy and approximately £360,000 at the current 6 year rate (£288,000 to ECC and £72,000 to DCC) in New Homes Bonus.

RECOMMENDATION

Subject to the completion of a Section 106 Agreement to secure affordable housing, a financial contribution toward a Traffic Regulations Order, Travel Planning and provision of additional play equipment within the adjacent site's central play area **APPROVE** the application subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C23 - Permitted Development Restriction
- 5) C35 - Landscape Scheme
- 6) C37 - Replacement Planting
- 7) 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 buildings shall not be occupied until the approved remedial works have been implemented and details of compliance

provided to the local authority.

Reason: In the interests of the amenity of the occupants of the buildings hereby approved.

- 8) No construction work shall be undertaken, or machinery operated, within the site outside the hours of 0730 to 1800hrs Mondays to Fridays, 0730 to 1300hrs on Saturdays, nor at any time on Sundays or public holidays without the prior written consent of the Local Planning Authority.
Reason: In the interests of the residential amenity of the occupants of surrounding property.
- 9) A Construction Environmental Management Plans (CEMP) shall be submitted to and agreed in writing by the local planning authority prior to the commencement of development on site and work during the construction period shall be carried out in accordance with the approved details. This shall include details of mitigation measures to control the environmental impact of construction phases, including site traffic, vibration, noise and dust, as well as details of monitoring, complaints handling and arrangements to meet regularly with the local authority.
Reason: In the interest of the environment of the site and surrounding areas.
- 10) C72 - Highway - Estate Roads etc
- 11) Prior to the occupation of any dwelling the means of access and parking for that dwelling shall be provided in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 12) No development shall take place until an Environmental Management Plan, to include the on-site open space provision, which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan.
Reason: To ensure that the wildlife opportunities associated with the site are maximised in the interests of biodiversity.
- 13) Notwithstanding condition no 2 and prior to first occupation of the dwellings full details of the sound insulation measures shall be submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
Reason: Insufficient information has been submitted with the application and in the interests of residential amenity.
- 14) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained thereafter.
Reason: To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.
- 15) No part of the development shall be occupied until the proposed raised table access crossing the Apple Lane path to Baker Bridge footway has been provided in accordance with details to be submitted to and agreed in writing by the Local Planning Authority and retained for those purposes at all times.
Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with paragraph 32 of the National Planning Policy Framework.

- 16) No more than 15 dwellings on the development hereby approved shall be occupied until details of a pedestrian/cycle connection of at least 3 metres width between the site roads and Apple Lane path to be provided on the northern boundary of the site, in the vicinity of plots 16/17 and 18 has been submitted and approved in writing and implemented in accordance with the agreed details. The agreed link shall be maintained for public use at all times.
Reason: To provide safe and suitable access for sustainable transport modes in accordance with Section 4 of the National Planning Policy Framework.
- 17) Prior to occupation of any dwelling hereby approved details of provision for nesting swifts shall be submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.
Reason: In the interests of preservation and enhancement of biodiversity in the locality.
- 18) C57 - Archaeological Recording
- 19) No part of the development hereby permitted shall be commenced until a detailed surface water drainage management plan for the full period of the development's construction, has been submitted to, and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system shall be constructed in accordance with the approved details at all times during the construction period unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the surface water from the construction site is appropriately managed to prevent increase to flood risk or pose water quality uses to the surrounding area.

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