

ITEMNO.**COMMITTEE DATE:** 02/10/2017**APPLICATION NO:**

17/1091/RES

APPLICANT:

Mr DAVID MATTHEWS

PROPOSAL:

Approval of details for 54 dwellings, public open space, landscaping and associated highways and drainage infrastructure, i.e. for reserved matters of layout, scale, appearance and landscaping (Pursuant to outline planning permission granted on 27th April 2016, reference 14/2066/01).

LOCATION:

Land To North Of Exeter Road And Adjacent To Topsham Rugby Club

REGISTRATION DATE:

23/06/2017

EXPIRY DATE:**HISTORY OF SITE**

14/2066/01 - Phased development of a 60 bed residential care home, 47 assisted living apartments and 55 age restricted dwellings. This application was granted on appeal by Inspector's decision letter dated 27th April 2016 following a Public Inquiry.

15/0222/01 - Phased development of a 60 bed residential care home, 47 assisted living apartments and 55 age restricted dwellings. Duplicate application awaiting withdrawal.

17/1106/RES - Reserved matters application (pursuant to outline permission granted on 27th April 2016, ref 14/2066/01) for approval of the layout, scale, appearance and landscaping of the Care Home and Assisted Living Apartments. Currently under consideration.

DESCRIPTION OF SITE/PROPOSAL

The application site comprises part of a 3.14 hectare parcel of land situated on the north side of Exeter Road which has the benefit of outline planning permission for development (Ref 14/2066/01). The whole site is bounded by Topsham Rugby Club to the southeast, existing residential properties and Newcourt Road to the northeast, further open land to the northwest and Exeter Road to the southwest. The land is currently in agricultural use with an associated field gate providing access from Exeter Road. The site slopes gently from the highest point in the north of the site down to the boundary with Exeter Road.

The part of the site comprised in this reserved matter application includes the access into the site from Exeter Road and the north and west part of the overall site, excluding the SE corner which is the subject of a separate 'reserved matter' application for the 'assisted living dwellings' and care home elements of the outline consent.

This reserved matters application seeks approval for the detailed plans relating to the internal road layout within the site and the layout, appearance, landscaping and scale of the non-care residential element of the overall development. This comprises 54 dwellings with associated gardens, parking and open space and includes the new road junction approved at the outline stage. From this new junction, a central access road will lead into the site serving both the

dwelling proposed in this application, but also facilitating access to the Care Home and Assisted Living dwellings which formed part of the outline approval and are subject of a separate 'reserved matters' application. The proposal incorporates a 3m wide shared pedestrian/cycle path between Exeter Road and Newcourt Road.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by the following supporting documents –

- Design and Access Statement
- Non-technical Drainage Statement, and
- Drainage & SuDS Maintenance Plan

REPRESENTATIONS

54 letters of objection have been received (including representation from the Topsham Society) raising the following issues –

- Change away from age-restricted dwellings is contrary to basis of appeal decision and thereby will fail to address significant need for accommodation for older sector of population, and result in greater traffic generation.
- Strain on local amenities/infrastructure
- Ecological impact
- Need is for more affordable housing for young people not luxury housing
- Too close to adjoining properties
- Inadequate access
- Inadequate parking
- Highway impact/increased congestion
- Loss of light
- Loss of privacy/overlooking
- Overdevelopment – high density, height of buildings
- Out of keeping with character of area, inappropriate architecture (bland), eyesore
- Increased danger of flooding – drainage insufficient capacity in existing system
- Loss of open land separating Topsham from Exeter
- Affordable housing provision inadequate
- Increased pollution
- Inappropriate mix of luxury housing and care home
- Lack of open space within development
- Contrary to Local Plan
- Loss of agricultural land
- Houses adjoining Newcourt Road too high
- Proposal doesn't conform to wishes of residents
- Lack of bungalows
- Timing of submission deliberate attempt to circumvent public representation (i.e. during main holiday period)
- Impact of access to site upon National Cycle Route along main road – needs to give priority to pedestrians/cyclists

- Detailed design of proposed shared use path between Exeter Road and Newcourt Road – needs to extend full distance beyond current red line

CONSULTATIONS

Devon & Somerset Fire Service – No objection but highlight need to comply with emergency vehicle requirement of Building Regulations. Having examined the submitted plans with the Building Control team it has been established that the layout poses no fundamental issues with regard to meeting the requirements of the Building Regulations in terms of Emergency Vehicle access.

Environmental Health – Identify that site is within a Smoke Control Area and resultant limitations of smoke emission from domestic fires and solid fuel boilers.

DCC (Lead Local Flood Authority) - At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy CP12 (Flood Risk) of Exeter City Council's Core Strategy (2012) which requires all developments to mitigate against flood risk and utilise sustainable drainage systems, where feasible and practical. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Police Architectural Liaison Officer – No comments received.

Natural England – No comments received.

RSPB – No comments received.

County Head of Planning, Transportation and Environment (Highways) – No objections and comments as follows –

“The application is for the approval of reserved matters for 54 dwellings at the land to the north of Exeter Road. Outline consent was previously granted for this site in 2016.

Internal Roads

The onsite layout incorporates best practice design philosophies from Manual for Streets to promote low vehicle speeds and safer environment for vulnerable users. This includes small build outs restricting road width; thereby encouraging drivers to negotiate the street scene slowly and safely. Raised tables using a change of material are also shown, acting as a calming feature and providing pedestrian priority – this is acceptable in principle, however I believe a vertical deflection is just as effective as a change in surface. Nevertheless, materials used and associate specifications can be agreed with the local highway authority under a suitable agreement (Section 38 of Highways Act 1980).

In addition, the applicant has provided tracking diagrams (for refuge vehicles), giving confidence that suitable room has been left to turn on site. It is recommended that the road adjacent to plots 39 to 40 should be built to the boundary.

The access road also serves the adjoining development (immediately east of the site), which comprises of a 60 bed residential care home and a 47 bed assisted living block. It is recommended that pedestrian and cyclists have priority over vehicles at all access points – a raised table is suggested at the access with the care home/ 47 apartment assisted living car park. Details relating to these measures can be discussed during the S38 process.

Pedestrian and Cycling Access

The proposed shared use path along the western side of the site is welcomed, ensuring a high level of pedestrian/cycling permeability. The applicant is recommended to include a chamfer at either end of the shared use path (i.e. onto Newcourt Road to the north and Exeter Road to the south), to ensure visibility for pedestrians and cyclists.

The submitted site access onto Exeter Road does not conform to the site access conditioned in outline consent. The vehicular access should be raised, giving priority to pedestrians and cyclists (as shown on drawing 4051 Revision B); suitable visibility splays should also be sought where the footway/cycleway meets Exeter Road.

The access works will disrupt the existing section of National Cycle Network 2 that is very well used, particularly during the summer. The applicant is reminded that a method for providing safe route for pedestrians and cyclists during the construction phase is ensured (conditioned in the outline consent).

On site facilities

The layout of the parking spaces annotated on the site layout plans is acceptable, but the applicant is reminded that the number of car parking standards should comply with the Residential Design SPD. Similarly, the appropriate levels of cycle parking are set out in chapter 5 of the ECC Sustainable Transport Supplementary Planning document should also be adhered to – it is noted that some properties do not have garages and that a facility for suitable cycle parking needs to be accommodated.”

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Exeter Local Development Framework Core Strategy 2012

CP1 – The Spatial Approach

CP3 – Housing Distribution

CP4 – Density

CP5 – Meeting Housing Needs

CP7 – Affordable Housing

CP9 – Transport

CP11 – Pollution and Air Quality

CP12 – Flood Risk

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 Saved Policies

AP1 – Design and Location of Development
AP2 – Sequential Approach
H1 – Search Sequence
H2 – Location Priorities
H5 – Diversity of Housing
H7 – Housing for Disabled People
T1 – Hierarchy of Modes
T2 – Accessibility Criteria
T3 – Encouraging Use of Sustainable Modes
T5 – Cycle Route Network
T9 – Access to Buildings by People with Disabilities
T10 – Car Parking Standards
C5 – Archaeology
LS1 – Landscape Setting
LS4 – Local Nature Conservation Designations
EN2 – Contaminated Land
EN4 – Flood Risk
EN5 – Noise
DG1 – Objectives of Urban Design
DG4 – Residential Layout and Amenity
DG5 – Provision of Open Space and Children's Play Areas
DG6 – Vehicle Circulation and Car Parking in Residential Development
DG7 – Crime Prevention and Safety

Development Delivery Development Plan Document (Publication Version):-This document represents a material consideration but has not been adopted and does not form part of the Development Plan.

DD9 - Housing on unallocated sites
DD21 - Accessibility and sustainable movement
DD30 - Protection of landscape setting areas

Exeter City Council Supplementary Planning Documents

Planning Obligations SPD
Affordable Housing SPD
Sustainable Transport SPD
Trees in Relation to Development SPD
Archaeology and Development SPD

OBSERVATIONS

As this application constitutes a 'reserved matters' application, with the principle of development being established via the outline consent granted on appeal following a Public Inquiry, the main

considerations relate to detailed matters in respect of the design/layout/amenity standards, transportation matters (apart from the design of the access into the site from Exeter Road which was approved as part of the outline consent), conformity with the outline consent and affordable housing provision.

Background – age restriction

The outline consent granted on appeal (ref 14/2066/01) comprised a development including a 60 bed residential care home, 47 assisted living apartments and 55 age restricted dwellings. The development has been split into 2 separate 'reserved matters' applications, this one covering the residential dwellings and a separate application relating to the Care Home and Assisted Living accommodation which is also on this agenda for consideration (Ref 17/1106/RES).

At the time of the outline application the dwelling element of the scheme was put forward as age restricted housing, and the legal agreement put forward at the Public Inquiry was intended to control this matter and the provision of affordable housing. However, the legal agreement fails to define the actual age restriction in relation to the occupancy of this element of the scheme and in light of this the legal advice is that an age restriction would be unenforceable. In practical terms this makes little difference as the internal and external amenity standards would be the same irrespective of any age restriction on occupancy and there is sufficient open space incorporated into this element of the scheme to serve family housing. Given that traditionally age restrictions have tended to be set at 55 years old, with the increased mobility of people around that age or slightly older that would tend to occupy such properties it is not considered that the fact these dwellings are now proposed as open market dwellings would have any significantly greater transportation/highway impacts. A Deed of Variation of the existing legal agreement will be required to clarify this matter and remove the age restriction.

Design/layout and amenity standards

The layout is based around a central spine road serving the dwellings comprised in this reserved matter application and the assisted living units/care home comprised in reserved matter application 17/1106/RES. The road layout loops around the central open space and also incorporates two small sections of spur road serving the remainder of the dwellings. The dwellings comprise a mix of 2 and 2.5 storey buildings fronting onto the internal roads and the central open space. Along the western boundary the layout has been designed so that houses front onto the combined foot/cycle path running through the site thereby creating natural surveillance and integration of the path into the overall scheme.

The 54 dwellings proposed comprise a mix of 1, 2, 3, 4 and 5bed properties as follows –

- 4 x 1bed
- 12 x 2bed
- 17 x 3bed
- 13 x 4bed
- 8 x 5bed

The properties backing onto existing properties on Newcourt Road are located off the common boundary by a reasonable distance. This coupled with the length of the gardens of the existing properties ensures separation distances well in excess of the guidelines set out in the Council's Residential Design SPD. Separation distances internally within the development are also considered acceptable.

In terms of amenity standards the house types proposed are generous in size and comply the relevant internal space standards. All properties are provided with private gardens which are considered acceptable judged in the context of the standards set out in the Residential Design SPD.

The design incorporates front gardens to all dwellings which incorporate defensible space enclosed by appropriate boundary treatments comprising a mix of railings, brick walls and hedges.

Materials proposed are predominantly brick with elements of stone and timber cladding as feature elements adding variety and interest. Two different roof materials (natural and concrete tiles are proposed to break up the roof scape, both of which are considered acceptable in the context of this site and its surroundings.

The main open space in the centre of the site will form an attractive focal point for the development and benefit from a high level of natural surveillance as a result of the fact that it is overlooked by the fronts of dwellings on three sides. The other open space at the front of the site next to the access into the development will form an attractive entrance and help to maintain an element of openness on the frontage to Exeter Road.

Transportation matters, layout, parking strategy

The outline consent that was allowed on appeal approved the detail of the junction of the new road serving the development with the main road (Exeter Road), including the crossing of the existing pavement and the National Cycle route running across the frontage of the site. Only the remaining layout of the internal roads within the development was reserved for approval via this reserved matter application. The originally submitted drawings departed slightly from the approved access details however following negotiations with the applicant this has been corrected through the submission of revised drawings which are now consistent with the approved access details. In any event condition 4 of the outline consent requires the development to be carried out in accordance with the access drawing approved as part of that consent.

The outline consent established the quantum of development proposed for the site. The number of dwellings now proposed is one less than that for which outline consent was granted. Even without any age restriction on the occupation of these dwellings it is not considered that the level of traffic generation associated with them would have a significantly greater impact on the highway network than that assumed when the Inspector granted the outline consent. The Highway Authority have not raised any objection to the current proposal in this respect.

Minor comments from the Highway Authority regarding visibility have been incorporated in the revised plans by slightly moving the position of proposed trees and boundary treatments.

The scheme incorporates the provision of a 3-metre-wide combined pedestrian/cycle path running through the development from Exeter Road to Newcourt Road along the western boundary of the site as required by a condition attached to the outline approval.

The parking strategy to serve the dwellings comprises a combination of on-plot, and on-street parking, with one small parking court of 12 spaces within the centre of the site. The level of parking provision proposed is considered acceptable. The on-plot parking comprises garages and driveways with all garages designed to a size that accommodates cycle parking and refuge storage. Cycle parking for those properties served by on street parking provision is accommodated within sheds located within rear gardens as shown on the submitted plans.

Affordable housing

The S106 agreement completed at the time of the outline consent refers to the provision of 35% of the dwellings comprising the non-assisted living dwellings/care home elements of the scheme, as affordable dwellings with a 70/30 split between social rented and intermediate affordable housing. With 54 dwellings comprised in this scheme this equates to a total of 19 units of which 13 would be required as social rent and 6 as intermediate housing. The 13 affordable dwellings shown on the plan comprise a mix of 1, 2, and 3 bed dwellings and have been confirmed as social rented units. The 1bed properties comprise a block of 4 apartments forming a feature at the road junction on the spine road leading into the site, 7 2bed dwellings and 2 3bed dwellings. The majority of these properties are located either side of the main open space in the centre of the site in clusters that comply with Council's guidance.

Following negotiations between the developer and affordable housing officers it has been accepted that the 6 intermediate dwelling requirement could be met through a financial contribution to the Council enabling off-site provision. Negotiations regarding the level of financial contribution are continuing and the outcome of these negotiations will be reported at Committee. Subject to satisfactory conclusion of these negotiations the combination of on-site provision of 13 social rented dwellings and a financial contribution in-lieu of the provision of the 6 intermediate dwellings on site would satisfactorily address the required level of affordable housing provision for this development. A Deed of Variation to the existing legal agreement is proposed to clarify the affordable housing provision for this development.

Sustainability/drainage – photovoltaics, SuDs and ecology

The preliminary surface water drainage strategy for the site comprises the use of two large crated soakaways located under the areas of open space within the site. The suitability of ground conditions on the site for the use of soakaways in this respect will need to be the subject of further on-site tests. Should this confirm that ground conditions are not suitable for soakaways the contingency approach would be to substitute the soakaway crates with underground surface water attenuation tanks incorporating a controlled discharge rate to the public surface water sewer. The submitted information confirms that this approach is in accordance with the approved Flood Risk Assessment. Foul sewage will be connected to the public foul sewer network. South West Water have confirmed to the applicant that there is sufficient capacity in the network to accommodate the drainage associated with this development. Details of the surface water drainage scheme will need to be submitted for approval pursuant to condition 12 of the outline consent and this will allow the exact details of the scheme to be refined.

In terms of the sustainability of the proposal for an energy perspective all of the proposed dwellings incorporate photovoltaic panels on the roof. Condition 15 of the outline consent also secures energy performance equivalent to level 4 of the Code for Sustainable Homes.

The ecological interest of the site will be enhanced by the extensive proposed landscaping scheme which incorporates significant tree planting within the areas of open space and at appropriate focal points within the layout. A biodiversity management and enhancement programme will need to be submitted pursuant to a condition of the outline consent, and this will include the provision of bat/bird boxes within the proposed dwellings.

Conclusions

Overall this proposal is considered acceptable in terms of its visual impact and level of amenity provision for prospective occupants. In the context of the principle and quantum of development having been established by the outline consent granted in 2016 it is not considered that this reserved matters application raises any significant issues that would warrant refusal of the current proposal. The scale, layout, landscaping and appearance of the development are considered acceptable.

RECOMMENDATION

Subject to the completion of a Deed of Variation to the existing legal agreement covering the matters of the age restriction on occupancy and affordable housing matters

APPROVE subject to the following conditions –

- 1) All conditions imposed on application number 14/2066/01 are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.
Reason - To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 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 23rd June and 14th September 2017 including drawing nos. PL01, PL03 Rev A, PL04 Rev B, PL05 Rev A, PL06 Rev A, PL07 Rev A, PL08 Rev A, PL10 Rev A, PL17 Rev B, PL18 Rev A, PL12, PL14, PL15, PL20, PL21, PL22, PL23, PL24, PL25, PL26, PL27, PL28, PL29, PL50, 450/01, 450/02 Rev A, 450/03, 450/04 Rev A and 450/05 Rev A as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) Samples of the proposed bricks to be used in the construction of the dwellings hereby approved shall be submitted to the Local Planning Authority. No brick 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 – in the interests of the visual amenities of the area.

- 4) The development hereby approved shall be completed in accordance with detailed information demonstrating the finished floor levels and overall ridge heights of the proposed dwellings in relation to existing ground levels and properties surrounding the site.

Reason: To ensure that the relative heights of the proposed dwellings in relation to prevailing surrounding land levels and existing properties is acceptable in terms of visual and amenity impact.

- 5) Prior to the commencement of the construction of any individual dwelling comprised in this application details of proposed bat/bird bricks to be incorporated into the building fabric of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To enhance the ecological interest of the site in line with guidelines set out in the Council's adopted Residential Design SPD.