

APPLICATION NO: 19/0543/OUT
APPLICANT: PCL Planning Ltd and Blue Cedar Homes Ltd
PROPOSAL: Construction of up to 23 residential dwellings (including market, affordable and age-restricted dwellings), provision of access off Newcourt Road, open space and associated works (outline application with details of access only for approval with scale, layout, appearance and landscaping all reserved for future consideration).
LOCATION: Land north of Newcourt Road, Topsham, Exeter.
REGISTRATION DATE: 16.04.19

HISTORY OF SITE

None directly relevant to the application site but the following applications on adjoining land are considered relevant –

18/1120/OUT – Outline planning permission for development of site to provide 7 residential units (3 open market and 4 self-build plots) with access from Newcourt Road (Appearance, Landscaping, Layout and Scale all reserved for subsequent approval). This application was considered by the Planning Committee at its' meeting on the 24th June 2019 and the resolution was to grant conditional planning permission subject to a S106 Agreement relating to affordable housing.

17/1148/OUT - Outline planning permission for up to 155 residential units and a 64-bedroom residential care home. Means of access to be determined with scale, layout, appearance and landscaping reserved for future consideration. Refused 07/03/2018. Subsequently allowed on appeal by Planning Inspector's decision letter dated 14/01/2019.

DESCRIPTION OF SITE/PROPOSAL

The application site comprises a 1.1 hectare field situated in the north side of Newcourt Road between it and the Exeter to Exmouth branch railway line.

Outline planning permission is sought for the development of the site with up to 23 dwellings comprising a mix of market, affordable and retirement homes served by an access from Newcourt Road. Approval of the means of access is sought now with matters relating to scale, layout, appearance and landscaping all reserved for future consideration.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by the following supporting information –

- Planning Statement
- Design and Access Statement
- Blue Cedar Living System Statement
- Ecological Impact Assessment

- Dormouse Survey
- Phase 2 Bat Surveys
- Noise Assessment
- Arboricultural Impact Assessment Report
- Tree Survey
- Geophysical Survey Report
- Transport Statement
- Phase 1 Geo-Environmental Assessment

REPRESENTATIONS

31 representations/objections have been received raising the following issues –

- Newcourt Road – no through road for cars lacking pavements and of restricted width
- Increasingly popular route for walking and cycling, Inc. children on way to/from school
- Road too narrow to accommodate additional traffic which will have safety implications, esp. for cyclists/pedestrians
- Inadequate visibility on Newcourt Road generally, and inadequate visibility at junction of proposed site access
- Lead to increased traffic/congestion on road network with adverse safety implications, including from large construction vehicles during construction phase
- Many Newcourt Road properties are situated close to road with dangerous front access arrangements which will be exacerbated by more traffic
- Validity of assumptions in Transport Statement
- Cumulative impact – should be considered with application 18/1120/OUT on field next door (This application has already been determined)
- Too far from facilities for elderly residents to walk
- Inadequate infrastructure – roads, sewers, schools, policing and health care facilities
- Increased crime arising from increased population
- Drainage capacity, increased flooding risk
- Loss of hedgerow – impact on wildlife and character of road/lane
- Too many houses in ‘Topsham Gap’, overdevelopment and loss of open/green space
- Loss of agricultural land
- Increased air, light and noise pollution
- Contrary to Development Plan
- Valued landscape by local people
- Precedent for further development
- Piecemeal approach to development in area, premature to GESP and consideration of strategic development potential (Para 49 NPPF)
- Propensity for developers to change intentions once consent granted
- Will put pressure on Council representation.

CONSULTATIONS

Network Rail – No Objection in principle. Comment on various matters to be considered as part of detailed design including fencing, drainage, safety, layout, piling/excavations, noise and landscaping.

South West Water (SWW) – No objection being already aware of the proposal.

Police ALO – Comments upon relationship between design and crime, boundary treatments, benefits of natural surveillance, lighting, parking provision and design.

Devon & Somerset Fire & rescue Service – Comments as follows –

“It would appear that the proposed development would require the provision of additional fire hydrants to provide a water supply capable of supporting fire-fighting operations.

Vehicular access appears suitable, however, measurements have not been provided at this stage.

It is the Fire and Rescue Authority’s expectation that the above requirements will be addressed under Approved Document B of the Building Regulations, should planning permission be granted.”

DCC (Education) – Response as follows –

“Regarding the above planning application for 23 dwellings, Devon County Council would need to request an education contribution to mitigate its impact.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

Exeter City have set out that they intend school facilities to be funded through CIL. It should be noted that this development will create the need for funding of new school places and it is anticipated that these will require funding equivalent to £30,990.00 for primary school facilities, equivalent to 2.27 children and £39,457 for secondary school facilities, equivalent to 1.80 children.

In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This is calculated as £3,000 (based on £250 per family type dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

This figure has been calculated in accordance with the county council’s education infrastructure plan and S106 approach and takes into account existing capacity in the surrounding schools. It is anticipated that these contributions would be provided for through CIL.”

County Head of Planning, Transportation and Environment – Highway officers have been in direct discussion with developers in relation to highway matters and have provided the following consultation response together with recommended conditions –

“The submitted outline application is for the construction of 23 residential dwellings, provision of access off Newcourt Road and associated works at the Land north of Newcourt Road, Exeter.

Trip Generation and Access

A transport statement has been submitted with the application; analysis from the TRICS database/ previously commissioned traffic surveys at a number of existing age restricted sites has been provided, gauging the likely traffic generation of the existing and proposed development.

The resultant vehicle trip rates and associated traffic generation indicate that there will be an increase 8 two-way trips in the AM Peak and an increase of 6 two-way trips on the PM Peak. The increase in traffic generation cannot be deemed as significant and cannot form a reason for refusal.

Vehicular access will be via a simple access onto Newcourt Road. This meets the relevant visibility standards for a 20mph limit (2.4 x 25m). The applicant proposes a 2m wide footpath which should be provided within the site's red line boundary providing a link along the whole site frontage and the proposed footway that will be provided by the adjacent development proposal (18/1120/OUT).

In addition to the proposed footway, the applicant should be making the adopted carriageway width available along the site frontage. Newcourt Road narrows at the section fronting the development; the carriageway varies in width between 3.8m and 4.3m which is insufficient for two vehicles to pass (MfS advocates that at least 4.8m is required). The applicant has provided a plan (Drawing Number 183916_G_03 RevA) indicating that the applicant will make at the least 5.5m of HMPE available to use to the site entrance and should be secured by condition. The vehicular access, proposed footpath adjacent to Newcourt Road and road widening will be subject to a S278/38 agreement.

Internal Roads and layout

Well-designed residential streets are central to sustainable development and therefore the design of the internal road layout must accord with the principles of Manual for Streets and appropriate sustainable design guidance.

The applicant is advised that car parking standards are set out in the Exeter City Residential Design Guide and that secure cycle parking facilities will need to be in accordance with chapter 5 of Exeter City Councils Sustainable Transport Supplementary Planning document. Reflecting the sites proximity to a number of primary cycle routes these standards should, where practical, be exceeded.

As an outline application these details are reserved for approval at a later stage. However, to ensure a suitable layout it is recommended that the applicant liaises with the highway authority prior to any application for reserved matters approval.

Travel Planning

In accordance with paragraph 111 of the NPPF and the Sustainable Transport SPD, the development will be required to have a Travel Plan. A simple Travel Plan should be introduced including details of walking and cycling routes, as well as public transport including maps, timetables, and information about ticket offers. It should also include information about car sharing schemes, car clubs, eco-driving and motorcycle safety. These measures should be encouraged to continue the promotion of non-car based travel.

Summary

*The applicant is advised that parts of the indicated area are HMPE and therefore permission must be obtained prior to **undertaking any work on the highway**. A Section 38/278 licence will need to be applied for."*

DCC (Lead Local Flood Authority- LLFA) – Initially raised some concerns in respect of the surface water drainage proposals and requested further information. This additional

information has now been provided and DCC as LLFA have provided the following consultation response –

“Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission.” The conditions referred to are condition nos. 11, 12 and 13 set out in this report.

Natural England – Highlight potential impact upon protected European site (SPA/SAC), and need for an appropriate assessment to be undertaken. Refer to standing advice regarding landscape and protected species matters.

Environmental Health – Recommends conditions relating to land contamination, Acoustic Design Statement and Construction and Environment Management Plan (CEMP).

Royal Devon and Exeter NHS Foundation Trust submitted a lengthy consultation response setting out the background and justification behind a request for a S106 financial contribution of £29,655 (based on 23 dwellings) towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit in the development.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework (NPPF) – with particular regard to sections

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment

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, Landscape and Biodiversity
- 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
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) (DDDPD):-

This document represents a material consideration but has not been adopted and does not form part of the Development Plan.

DD8 - Housing on unallocated sites
DD21 - Accessibility and sustainable movement
DD29 - Protection of landscape setting areas

Exeter City Council Supplementary Planning Documents

Residential Design SPD
Planning Obligations SPD
Sustainable Transport SPD
Trees in Relation to Development SPD
Archaeology and Development SPD

Other documents

Exeter Fringes Landscape Sensitivity and Capacity Study February 2007
Visual Land Parcel Evaluation for Potential Residential Sites in Exeter September 2013

OBSERVATIONS

There are a number of material planning considerations that need to be assessed in connection with this application. However in terms of the overall context for determination of the application it is important to highlight the position in relation to the Council’s 5 year housing land supply and implications for relevant development plan policies.

Most recently this position has been highlighted in the consideration of an application for residential development of land in close proximity to the current application site, namely application 17/1148/OUT for land at Clyst Road that is only separated from the current application site by the intervening Exeter to Exmouth branch railway line. During this recent Public Inquiry it was accepted that the Council could only demonstrate a 5 year land supply of just over 2 years and 1 month. Although this has improved slightly recently the Council is still significantly short of being able to demonstrate a 5 year housing land supply. This is important when weighing up the planning balance in reaching a decision on the current application.

The current application site lies within an area identified as Landscape Setting in both the Adopted Local Plan and Core Strategy – Policies LS1 and CP16 respectively.

Policy LS1 states –

“Development which would harm the Landscape Setting of the city will not be permitted. Proposals should maintain local distinctiveness and character and:

- (a) Be reasonably necessary for the purposes of agriculture, forestry, the rural economy, outdoor recreation or the provision of infrastructure; or
- (b) Be concerned with change of use, conversion or extension of existing buildings;

Any built development associated with outdoor recreation must be essential to the viability of the proposal unless the recreational activity provides sufficient benefit to outweigh any harm to the character and amenity of the area.”

Whilst it is not considered that the proposed development would satisfy the requirements of this policy, in the Clyst Rd appeal mentioned above the Inspector referred to the policy as being based on outdated information, superseded by national policy and thereby concluded that conflict with this policy should be afforded limited weight. These comments are considered valid and as such it is equally considered that conflict with policy LS1 should be afforded limited weight in the determination of this application. The Inspector also attached no weight to policy DD29 of the emerging Development Delivery DPD due to the fact that it has not been progressed to submission and is likely to be delayed until sufficient progress has been made with the intended Greater Exeter Strategic Plan (GESP). It is accepted that no significant weight should be attached to DDDPD policies in the consideration of this current application

Therefore the critical policy against which to judge the merits of the principle of residential development of the application site is policy CP16. The relevant section of policy CP16 is its third paragraph which reads as follows -

“The character and local distinctiveness of the areas identified below, will be protected and proposals for landscape, recreation, biodiversity and educational enhancement brought forward, in accordance with guidance in the Green Infrastructure Strategy, through the Development Management DPD:

- the hills to the north and north west;
- Knowle Hill to the south west;
- the strategic gap between Topsham and Exeter;
- and the Valley Parks: Riverside, Duryard, Mincinglake, Ludwell, Alphington to Whitestone Cross, Savoy Hill and Hoopern.”

The key consideration therefore in respect of the application proposal in terms of its acceptability from a policy context is considered to be –

- a) whether it would harm the landscape setting of the city by virtue of its impact upon the local distinctiveness and character of the area, and
- b) if it is determined that there is harm in this respect, whether taking into account other material considerations, such as the absence of a 5yr housing land supply, that harm/adverse impact significantly and demonstrably outweighs the benefits of the proposal in terms of the provision of much needed housing to meet identified needs.

Therefore a case specific assessment of the harm/impact arising from the scheme is required. The explanatory text to policy CP16 states the following in respect of the Topsham Gap –

“The strategic gap between Topsham and Exeter is also particularly important in that it forms an open break between the two settlements, thus preventing their coalescence, whilst also protecting Topsham’s attractive setting. Whilst this area has a low intrinsic landscape value, the role it plays makes it sensitive to development.”

The site does form part of the ‘Topsham Gap’ and whilst it is located more towards the norther fringes of the town it still contributes to the sense of separation from Exeter as part of the more open countryside to the north of Topsham. In terms of the Exeter Fringes Landscape Sensitivity and Capacity Study 2007 the land forms part of land parcel 21 which is identified as being of ‘medium’ landscape sensitivity. The site is also one of those assessed in the Visual Land Parcel Evaluation for Potential Residential Sites in Exeter (Sept 2013) as site no 68. The assessment of this site concludes that does not make an important contribution to the visual amenity of the urban fringe, and has limited impact in views both of, and from the site. In terms of visual value and susceptibility the site is evaluated as being low and medium/low respectively, with no distinct features other than the hedge site boundaries. It is also identified as being of very low visual sensitivity.

Notwithstanding the above it is fact that the scheme would result in development of part of the Topsham gap and landscape setting around Topsham, and would consequently harm the character of part of it. However, the development of this small site would not in itself lead to any material coalescence between the two settlements. Its visual sensitivity is identified as low and in the context of the character of the immediate vicinity of the site, and the fact that land adjoining the site on the other side of the railway line has recently been granted permission for residential development on appeal, it is not considered that this proposal would have a significant urbanising effect. There would still remain open land between the site and the Motorway and therefore whilst the ‘gap’ would be eroded its function in respect of preventing coalescence in terms of policy CP16 would be maintained and the remaining gap would continue to serve its purpose of separation. In this context the harm to the landscape setting arising from this particular proposal is considered minimal.

Even if a contrary view of the proposal with regard to the degree of harm resulting from it on the landscape setting and local distinctiveness and character of the area is adopted, it would be necessary to balance this against the Council’s inability to demonstrate a 5 year housing supply. In the recent appeal decision in respect of the Clyst Road site, despite considering that the scheme would not protect the character and local distinctiveness of the strategic gap in that case the Inspector concluded “in the light of the considerable housing shortfall, the contribution that the appeal scheme would make to the supply of housing is an important material consideration that is sufficient to outweigh the adverse effect that would be caused to the character and local distinctiveness of the strategic gap and conflicts with the relevant development plan policies in this instance.”

In light of the early stage of the GESP, which has not yet been subject to public consultation in respect of potential site allocations, it is not considered that a refusal of the current proposal on the grounds of prematurity could be sustained. It is necessary therefore to

consider the proposal in the context of the adopted Development Plan and the Council's position in respect of its 5 year housing land supply.

Given the above assessment of the merits of the scheme the proposal is considered acceptable from a landscape setting policy perspective.

Highways

Access is proposed in the form of a new road junction onto Newcourt Road at approximately the midpoint of the site frontage. This will involve the partial removal of the existing hedgerow north of the proposed access point and complete removal to the south in order to achieve required visibility splays. A new footpath will be provided across the site frontage as part of the formation of the access. On the site frontage to the north this footpath will run behind the retained section of hedgerow.

In considering the transportation merits of the proposal it is important to have regard to paragraph 109 of the NPPF (February 2019) which states –

“Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

The Highway Authority have no in principle objection to the scheme. The level of traffic generation from the proposed dwellings on this site is expected to be modest and the additional traffic generated is not a significant concern. The proposed access arrangements to serve the site are considered acceptable subject to conditions as set out in this report. With these conditions in place it is considered that this site, which is in close proximity to Topsham District Centre, can be considered a sustainable location for development, particularly in the light of the Inspector's conclusions regarding the Clyst Road site on the other side of the railway line to this application. Detailed matters relating to the internal layout of the development and vehicle/cycle parking provision will be addressed at reserved matters stage.

Affordable Housing

The proposal would provide 35% of the total number of dwellings provided on site as affordable housing in line with the Council's adopted policy. This provision would be secured through a Section 106 agreement.

Other matters

The scale, layout, appearance and landscaping of the proposed development are all reserved for subsequent approval. Based on the character of the surroundings, size of the site, and the juxtaposition of surrounding buildings, it is considered that the site would be capable of accommodating up to 23 dwellings that meet the required internal/external amenity standards and achieve an acceptable relationship to adjoining properties without any significant adverse impact upon the residential amenity of those properties.

Drainage – tests have demonstrated that infiltration is not an appropriate surface water drainage approach for this site. Consequently, an attenuated discharge to the existing surface water sewer will form the surface water drainage strategy. Foul drainage will be connected via a private on site pumping station and a new section of requisitioned sewer to the existing public foul sewer. This approach has been accepted by SWW.

Ecology – The application is accompanied by an Ecological assessment, dormouse and bat surveys. Mitigation measures set out in the ecological reports referred to above would ensure that no significant adverse impacts would result towards any protected habitats or species. Evidence of dormouse in the form of two nests were found within the roadside hedge bank. Creation of the new access will be preceded by a successful Natural England licence. New species rich hedge bank will be created adjacent to the railway boundary and will compensate for the loss of species poor hedge bank proposed to be removed alongside the road. Existing hedgerows and trees on other boundaries will be retained. Based on the above the ecological impact of the scheme is considered acceptable, and the scheme actually represents an opportunity to enhance the ecological interest of the site through the proposed landscaping of the site and the incorporation of integral bat/bird bricks within the design of the houses.

Financial Considerations

The proposal is CIL liable in respect of any dwellings constructed on the site. However, in the absence of any detailed information in respect of the size/design of the dwellings (which would follow at 'reserved matters' stage) it is not possible to quantify the amount of CIL that will be payable in association with the development.

All new dwellings would attract New Homes Bonus payments in line with legislation in force at the relevant time

Habitats Regulations Assessment

A Habitat Regulations Assessment has been undertaken. This concludes that whilst the development has the potential for have a significant effect on a European site, the impacts of the development can be mitigated through top-slicing receipts from CIL to contribute towards the implementation of measures in the South East Devon European Site Mitigation Strategy.

S106

A S106 agreement will be required to secure the affordable housing provision (35% of the total number of dwellings to be provided).

The request from the Royal Devon and Exeter NHS Foundation Trust for a financial contribution to be secured through a S106 agreement is one of a number of similar requests submitted by the Trust in respect of recent residential applications under consideration by the Council. Officers have responded generically to these requests outlining why it is considered that they are not considered to meet the necessary tests relating to S106 obligations, and consequently are not being sought in connection with these developments.

Conclusions

Having considered all the matters outlined above, with particular reference to the relatively modest impact of the development in terms of landscape setting policy, the conclusion that the development would not have any severe transport impacts and is sustainably located, the contribution that this site would make to housing delivery (including affordable housing), and having due regard to the weight to be attached to the fact that the Council is unable to demonstrate a 5 year supply of housing land, the proposal is considered acceptable.

RECOMMENDATION

Subject to completion of a S106 covering the matter referred to above APPROVE the application subject to the conditions listed below :-

1) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun not later than two years from the final approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 rule 2 of the Town and Country Planning Act 1990 as amended.

2) Pre-commencement condition: Details of the appearance, landscaping, layout, and scale, (hereinafter called the reserved matters) shall be submitted to and be approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason for pre-commencement condition: To safeguard the rights of the local planning authority in respect of the reserved matters. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matters.

3) In respect of those matters not reserved for later approval no part of the development hereby approved shall be brought into its intended use until the site access, including 2.0m footway fronting Newcourt Road, visibility splays and the vehicular access point, has been provided in accordance with the details as indicated on the following approved plans: drawing no. 183916_G_01 Rev E.

Reason: To ensure that the means of access to serve the development (which is not a reserved matter) are acceptable from a highway safety perspective and thereby provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and policy CP9 of the ECC Core Strategy.

4) No part of the development hereby approved shall be brought into its intended use until the at least 5.5m of HMPE carriageway width has been made available for public use on Newcourt Road as indicated on Drawing Number 183916_G_03 Rev A.

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework

5) Pre-commencement condition: 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 for pre commencement condition: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

6) Pre-commencement condition: No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to control the emission of dust and dirt during construction.

- h) No burning on site during construction or site preparation works.
- i) Measures to minimise noise nuisance to neighbours from plant and machinery.
- j) No driven piling without prior consent from the LPA.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

Reason for pre-commencement condition: In the interests of the occupants of nearby buildings. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

7) Pre-commencement condition: Prior to commencement of the development the applicant shall submit for approval in writing by the LPA an Acoustic Design Statement. Any mitigation measures required shall be implemented in full prior to occupation of the development, and maintained thereafter. The Professional Practice Guidance Note (ProPG): Planning and Noise for New Residential Development May 2017 (ANC, IoA and CIEH) describes the expected content and approach of an Acoustic Design Statement.

Reason for pre commencement condition: In the interests of residential amenity

8) Pre-commencement condition: Before commencement of construction of the development hereby permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.

Reason for pre commencement condition: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.

9) Pre-commencement condition: 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 5837:2012 - Trees in Relation to Design, demolition and 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 for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

10) Pre-commencement condition: Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan (BMEP) which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The BMEP shall incorporate the mitigation and enhancement measures set out in the following submitted documents prepared by J.L Ecology Ltd - Ecological Impact Assessment, Dormouse Survey, and Phase 2 Bat Surveys). The development shall be implemented and maintained in accordance with the approved Plan and programme of implementation.

Reason for pre-commencement condition - In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

11) Pre-commencement condition: No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its 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 must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason for pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

12) No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system 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. The application for the detailed drainage should be submitted and agreed at the same time that the reserved matters for layout are submitted and agreed. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment (Rev. B; dated 3rd July 2019). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

13) At the reserved matters stage, details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system must be submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

14) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

15) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except

between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

16) 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.

17) No part of the development shall be occupied until a travel plan (including recommendations/arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the travel plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority

Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 111 of the NPPF.