

OFFICER'S REPORT AND RECOMMENDATION (19/1406/FUL)

Land west of Ringswell Avenue
Comprising part of the grounds of former St Luke's School
Exeter

HISTORY OF SITE

The site has an extensive planning history but the key history relevant to the consideration of the current application comprises the following application –

18/0534/FUL - Construction of 48 dwellings (use class C3), means of access, public open space and associated infrastructure. This application was allowed on appeal by Inspector's decision letter dated 28th February 2019 following an initial refusal by the Planning Committee contrary to the officer recommendation.

DESCRIPTION OF SITE/PROPOSAL

The application site forms part of the remaining former St Lukes High School site that was left following the construction of the St Nicholas Catholic Primary school. The site has an area of 1.52 hectares and has been cleared ready for development with the demolition of all the former school buildings that occupied the site. To the north the site is bounded by another part of the former school site on which consent has been granted for an independent hospital under application reference no. 18/0873/FUL, and a small wooded area that lies between the site and the rear of properties on Bramley Avenue. To the east it is bounded by Ringswell Avenue and to the south by the St Nicholas Catholic Primary School. The site has a short western boundary that abuts the rear of existing properties on Warwick Road

Full planning permission is now sought for redevelopment of the site to provide 60 dwellings with vehicular access points from both Ringswell Avenue and Ribston Avenue, associated parking provision (including 7 visitor parking spaces), landscaping and public open space. The proposals also include a foot/cycle path up to the application site boundary in the south-west corner of the site to facilitate connection to the existing footpath leading from Warwick Road into the school. The 60 dwellings comprise the following mix of house types, 4 x 1bed, 1 x 1bed wheelchair accessible bungalow, 23 x 2bed, 28 x 3bed, and 4 x 4bed.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by the following supporting documents –

- Planning Statement
- Design & Access Statement
- Affordable Housing Statement
- Transport Statement
- Ecological Impact Assessment
- Tree Survey and Arboricultural Impact Assessment Report
- Statement of Archaeological Survival, Impact and Mitigation
- Flood Risk Assessment
- Supplementary Ground Investigation Report
- Spoil Validation Sampling Report
- Construction Environmental Management Plan (CEMP)

- Statement of Community Involvement
- Draft Section 106 Agreement

REPRESENTATIONS

1 letter of representation has been received from the Exeter Cycling Campaign which whilst acknowledging positive aspects of the application as below also objects and raises the following issues –

“This proposed development has many positive elements that the campaign is pleased to note: no through traffic, minimal designed-in on street parking, some cycle storage, good permeability onto the development from various directions and good use of alternative road materials which are known to slow drivers down and be extra cautious.”

- Insufficient cycle parking for number of residents
- The cycle parking that is included does not serve the majority of residences
- Lack of detail on the pedestrianised area in the centre of the development – can people on bikes pass through this without having to use the pavement?
- Lack of detail on the access point to the south from Warwick Road.

CONSULTATIONS

County Head of Planning, Transportation and Environment (Highways) - A comprehensive consultation response has been provided which will be referred to later in this report in respect of the assessment of transportation impacts. The consultation response concludes with the following summary –

“The site is located within an existing urban area and the applicant has made an effort to improve pedestrian/cycling linkages promoting modal change (despite there being a change to two vehicular access points). Overall these proposals represent sustainable development with safe and suitable access for all users achieved. For these reasons, the development is felt to be acceptable on highway grounds. Therefore, subject to appropriate contributions (S106 to enable DCC to make the connection to Warwick Road and travel plan contributions) and conditions being attached in the granting of any consent, no objection.”

Recommended conditions relate to foot/cycle path connections, parking, highway construction details, CEMP and cycle parking provision.

DCC (Lead Local Flood Authority) – Response as follows –

“We have no in-principle objections to the above planning application, from a surface water drainage perspective, at this stage.”

Recommends conditions in respect of surface water drainage provisions.

DCC (Education Authority) – Devon County Council submitted an initial consultation response seeking a financial contribution towards education provision of £266,415. Following the fallback position of the previous approval on appeal being drawn to their attention the request for a financial contribution was revised as set out below –

“Given the previous application on the Ringswell site was approved at appeal under reference 18/0534/FUL, it is reasonable for DCC to adjust the requested contributions against the new development based on the number of dwellings already approved. DCC will therefore not request education contributions against the dwellings that have already been approved and only request for education contributions against the additional dwellings brought forward by the new application. The original application consisted of 43 family type (2+ bedroom) dwellings and 5 no 1 bedroom dwellings. The new application consists of 55 family type dwellings and 5 no 1 bedroom dwellings. Therefore, DCC will request for education contributions against the additional 12 family-type dwellings contained within the new site. As per the DCC Education Section 106 Infrastructure Approach (attached) requests for education contributions are calculated on all family-type dwellings including affordable dwellings. DCC’s policy states that affordable housing generates a need for additional education facilities within a specific locality and therefore contributions are sought against it.

The additional 12 dwellings will generate an additional 3.00 primary pupils and 1.8 secondary pupils.

In accordance with the Education Infrastructure Plan 2016-2033, Devon County Council consider the adopted Local Plan allocations, NHS forecast numbers and approved but unimplemented developments when determining whether or not contributions are requested against a development. DCC then shares the forecast spare capacity of an area proportionately between all outstanding development sites in the Local Plan. When a new development comes forward, it is anticipated that it too will take a percentage of the spare capacity to ensure development coming forward later does not have to pay a disproportionate amount of contributions. Based upon the additional 12 dwellings, the forecast data shows capacity for 1.78 primary pupils and 0.41 secondary pupils and therefore contributions would only be sought on the remaining 1.22 primary and 1.39 secondary pupils due to the shortfall of capacity in the area. A total contribution of £ 19,543.18 towards new primary provision (based on the DfE new build rate of £16,019 per pupil) and £33,722.79 towards new secondary provision (based on the DfE new build rate of £24,261 per pupil).

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 dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

DCC consider that its approach to this Section 106 request is compliant with Regulation 122, and as set-out in our attached policy. I am unclear what the ‘alternative funding’ is that you refer to? New school provision can only be delivered through securing developer contributions. This includes centrally delivered Free Schools, whereby the DfE expect to recoup costs through developer contributions.”

Environmental Health – Recommends conditions relating to contaminated land, Construction Environmental Management Plan (CEMP) and Air Quality Impact Assessment.

Police ALO – Welcomes many aspects of design but highlights issues from a designing out crime perspective in respect of some housetypes, rear parking courts, rear access paths to properties, surveillance and ownership.

RSPB – Comment of level of bird box provision proposed and suggest additional boxes should be provided to reflect advice in the Council's Residential Design SPD and biodiversity gain generally.

RD&E NHS Foundation Trust – Have submitted lengthy comments concluding in a request for a contribution of £77,362 to be secured through a S106 towards providing additional health care services to meet patient demand arising from the development during the first year of occupation of each dwelling comprised in the development. In the absence of such a contribution being secured the RD&E NHS Trust would object to the application.

Devon and Somerset Fire & Rescue Service – Highlight that they are a statutory consultee at Building Regulation stage and would make detailed comments at that point. However on basis of submitted drawings state that scheme appears to satisfy criteria for access under building regulations and therefore have no objection to this development at this time.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework (NPPF) February 2019
National Planning Practice Guidance

Exeter Local Development Framework Core Strategy 2012

Objectives 1-10

CP1 – Spatial approach

CP3 – Housing development

CP4 – Housing density

CP5 – Meeting housing needs

CP7 – Affordable housing

CP9 – Strategic transport measures to accommodate development

CP10 – Meeting Community Needs

CP11 – Pollution and air quality

CP12 – Flood risk

CP14 – Renewable and low carbon energy

CP15 – Sustainable design and construction

CP16 – Strategic green infrastructure

CP17 – Design and local distinctiveness

CP18 – Infrastructure requirements and developer contributions

Exeter Local Plan First Review 1995-2011 Saved Policies

AP1 – Design and location of development

AP2 – Sequential approach

H1 – Housing land search sequence

H2 – Housing location priorities

H3 – Housing sites

H7 – Housing for disabled people

L4 – Provision of playing pitches

T1 – Hierarchy of modes of transport

T2 – Accessibility criteria

T3 – Encouraging use of sustainable modes of transport

T5 – Cycle Route Network
T10 – Car parking standards
C5 – Archaeology
EN2 – Contaminated land
EN3 – Air and water quality
EN4 – Flood risk
EN5 – Noise
DG1 – Objectives of urban design
DG2 – Energy conservation
DG4 – Residential layout and amenity
DG5 – Provision of open space and children’s play areas
DG6 – Vehicle circulation and car parking in residential developments
DG7 – Crime prevention and safety

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.

DD1 - Sustainable Development
DD8 - Housing on Unallocated Sites
DD9 - Accessibility, Adoptable and Wheelchair User Dwellings
DD13 - Residential Amenity
DD20 - Sustainable Movement
DD21 – Parking
DD25 - Design Principles
DD26 - Designing Out Crime
DD30 - Green Infrastructure
DD31 - Biodiversity
DD34 - Pollution

Exeter City Council Supplementary Planning Documents

Affordable Housing SPD 2013
Archaeology and Development SPG 2004
Planning Obligations SPD 2009
Public Open Space SPD 2005
Residential Design SPD 2010
Sustainable Transport SPD 2013
Trees and Development SPD 2009

OBSERVATIONS

Introduction

There are a number of detailed material planning considerations that need to be assessed in connection with this application. However, before examining each of those issues individually it is important to set the context in respect of the position in relation to the Council's 5 year housing land supply. The Council is still unable to demonstrate a five year housing land supply.

Development Plan and NPPF Policy Context

Notwithstanding the Council's inability to demonstrate a five year housing land supply this application should be determined in accordance with the Development Plan unless material

considerations indicate otherwise (NPPF paragraph 11). The absence of a five year housing land supply can legitimately be considered to constitute an 'other material consideration' in the context of the assessment of the merits of this application and the absence of a 5 year land supply means that Development Plan policies for the supply of housing should not be considered up-to-date.

The main considerations in respect of this application relate to the acceptability in principle of the development, highway/transportation matters, affordable housing provision, design/layout/amenity standards, relationship to surrounding land/properties, landscaping/ecology/sustainability/drainage.

Context/background

Following St Lukes High School relocating to brand new premises at Hill Barton part of the site was redeveloped to provide St Nicholas Catholic Primary school while the remainder was used for a variety of education related uses until the part of the former school comprising the current application site was sold to the Exeter Royal Academy for Deaf Education (eRADE) for the demolition of existing buildings and redevelopment to relocate the deaf school on Topsham Road on this site. However, following demolition of the existing buildings the relocation plans of eRADE switched to a location outside the city boundaries. Thereby the application site became surplus to requirements and available for alternative redevelopments proposal resulting in the scheme recently allowed on appeal (application no 18/0534/FUL) and the current proposal.

Principle of development

The site comprises previously developed land within the urban area, and is a sustainable location in terms of access to facilities, and sustainable transport (bus and train). The site is not allocated for any specific use in the adopted development plan, nor is it subject to any landscape designations. In this respect the principle of residential development of the site is considered acceptable and consistent with relevant development plan policies relating to the provision of additional housing. The fact that the previously approved scheme (ref 18/0534/FUL) was allowed on appeal also confirms that the principle of residential development is acceptable.

Highway/Transportation matters

During the consideration of the previously approved application which was eventually allowed on appeal the transportation impacts of the scheme were one of the main considerations. The Planning Inspector concluding that the transportation impacts of 48 dwellings on the local highway network was acceptable. At this time all of the proposed dwellings would have been served with vehicular access from Ringswell Avenue. The current revised application comprises 60 dwellings (i.e. an increase of 12 on the extant approval). However, the proposed access arrangements are different to the consented scheme in that the site would now be served with vehicular access from both Ringswell Avenue and Ribston Avenue with a central landscaped area and bollards within the shared surface highway that prevents a vehicular through route being possible (except for cyclists and pedestrians). Practically this means that 29 of the dwellings will have vehicular access from Ringswell Avenue and the remaining 31 from Ribston Avenue. Compared to the approved scheme these revised proposals will reduce the potential additional traffic generated by the development of the site that utilises Ringswell Avenue.

The Highway Authority have rightly acknowledged that the current proposal needs to be considered on its own merit and state –

“the site is located within an existing urban area where foot and cycle are a realistic choice for a wide range of journeys. The site has access to public transport services on Honiton Road/Ribston Avenue and therefore, from a transport perspective, is a sustainable site. The increase of trips onto Ribston Avenue is not considered severe to warrant a reason for refusal”

More generally in their response the Highway Authority have highlighted the importance of the pedestrian/cycle links to Ribston Avenue and Warwick Road in terms of permeability and promoting/facilitating use of sustainable transport modes by both residents of the proposed development and existing surrounding houses. Particularly it is suggested that the Ribston link could act as a shortcut through the new development for those wishing to access the school on Ringswell Avenue. Following comments by the Highway Authority the width of the foot/cycle path within the development up to the site boundary that facilitates a potential link to Warwick Road has been increased to 2.5 metres.

The level of private parking provision is considered acceptable. The scheme also incorporates two covered parking spaces with electric charging points that could be utilised by car club vehicles subject to demand for such a facility from an appropriate provider and agreement with the developer. Cycle parking is provided for all properties either within private garden buildings or in undercover communal areas. There are also some public/visitor cycle parking spaces incorporated within the landscaped design feature in the centre of the scheme that prevents the road being used as a vehicular through route. The level of cycle parking provision is considered sufficient to serve this development. The communal cycle parking provision incorporated under buildings will be secure and gated. The scheme as designed and negotiated is considered to satisfactorily address the points raised by the Exeter Cycling Campaign.

The applicant’s submitted Transport Assessment states the following as part of its summary –

“This Transport Statement demonstrates that there have been no significant changes to local transport networks in the period that has elapsed since the 18/0534/FUL application was submitted. In this regard, the conclusions reached with the principle of development in this location, from a transport perspective with respect to Application 18/0534/FUL, remain valid; namely, the site is accessible by a variety of modes of transport that have the potential to reduce reliance on the private car.”

The Transport Assessment also concludes as follows –

“The proposed development makes provision for an appropriate level of parking. It is therefore evident that the proposed development will provide sufficient levels of operational parking to reduce the likelihood of car parking on surrounding roads. It has also been demonstrated that the proposals are expected to result in a minimal increase in vehicle trips that are unlikely to have a material impact upon the local highway network. On the basis of the above, it is clear that the construction of 60 residential units in this location accords with national and local policies. It is therefore concluded that there are no highways or transport related reasons for not permitting the development.”

The Highway Authority conclude as follows in their consultation response –

“The site is located within an existing urban area and the applicant has made an effort to improve pedestrian/cycling linkages promoting modal change (despite there being a change to two vehicular access points). Overall these proposals represent sustainable development with safe and suitable access for all users achieved. For these reasons, the development is felt to be acceptable on highway grounds.

Therefore, subject to appropriate contributions (S106 to enable DCC to make the connection to Warwick Road and travel plan contributions) and conditions being attached in the granting of any consent, no objection.”

Based on the proposal as submitted, having regard to the consultation response of the Highway Authority and the following advice in paragraph 109 of the NPPF 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.”

It is not considered that the highway impacts would be so severe as to justify refusal and therefore the proposal is considered acceptable on transportation impact grounds.

Design/layout/amenity standards

The proposed development has an overall density of 39.5 dwellings/ha which is considered appropriate given the context of the site and its surroundings. A central spine road running through the site with dwellings either side comprises the most logical approach to the layout of the development. This facilitates a majority of dwellings fronting the road providing natural surveillance and maximum opportunity for interaction between potential residents. The incorporation of a central landscape design feature splitting this spine road into 2 elements ensures that the road cannot be used as through route and distributes vehicular traffic associated with the development between the two access routes. However the design/layout does allow pedestrians and cyclists to move between the two access routes.

In terms of internal space standards the majority of the house types proposed in this application are in accordance with the National Space standards published by the DCLG in March 2015, with a number of units exceeding the space standards. Consequently overall the proposal is considered acceptable in this respect.

All of the dwellings are provided with private gardens except for the Partridge units (FOGs) which have generous balconies. The majority of the private gardens comply with the space standards advocated in the Council’s adopted Residential Design SPD. In the context of achieving an overall layout that is acceptable in design terms the level of private amenity space provision across the scheme is considered acceptable.

In response to the Police ALO comments the scheme has been amended to address the comments in so far as they related to planning matters.

The central road running through the site providing access to the proposed houses (but no through route) and their parking incorporates turning heads in each half providing appropriate access for emergency and refuse vehicles. Bin storage areas are provided for each property, with a large proportion being integrally designed as part of entrance porches. Refuse collection points are all within the required distances for collection.

The most significant tree on the site, as identified in the submitted Tree Survey, has been retained within the main area of proposed public open space. Two further areas of open space are proposed, one centrally as a focal point to the development and the other at the Warwick Road end of the site. Together these areas equates to more than 10% of overall site area. In the context the site this level of open space provision is considered appropriate. The open space will be retained and managed by the applicant and be made available for use by the residents of the development and the general public.

The foot/cycle path links to Ribston Avenue to the north and Warwick Road to the west (the later to be delivered by the DCC) will create permeability and facilitate the use of sustainable modes of transport both by residents of the new development and of existing properties in the locality.

Overall the proposed layout is considered a suitable response to the shape and constraints of site that delivers an appropriate number of houses in a visually acceptable manner with good levels of amenity for prospective residents.

Relationship to surrounding land/properties

The proposed layout has taken into consideration the location of existing properties surrounding the site and achieves appropriate separation distances that are generally in excess of those recommended in the Council's adopted Residential Design SPD. Existing properties on Bramley Avenue to the north of the site are separated from the proposed dwellings by an existing area of vegetation that is outside the application site and provides a visual barrier between the existing and proposed housing.

Affordable housing

The proposal includes 21 affordable dwellings which equates to 35% of the total number of dwellings to be provided on site, 15 for social rent and 6 for shared ownership. The affordable housing is distributed throughout the site and in appropriate clusters. The mix of house types includes 1, 2, 3 and 4 bed dwellings, includes one wheelchair accessible bungalow and all meet the relevant minimum gross internal floor area standards. This provision is compliant with Core Strategy policy CP7 and has been agreed with officers. The provision of the affordable housing will be secured through relevant obligations within a Section 106 Agreement.

Landscaping/Appropriate Assessment/ecology/drainage

This development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature of the development it has been concluded that an AA is required in relation to potential impact on the relevant SPA's. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South-east Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the CIL collected in respect of the development being allocated to funding the mitigation strategy.

The ecological appraisal submitted concludes based on appropriate surveys undertaken that there is no ecological barrier to the development of the site subject to appropriate mitigation measures relating to protected species. Previously identified translocation of reptiles, and badger mitigation under licence from Natural England has already been carried out. Other mitigation measures including timings of construction work to avoid the nesting season.

The proposal also incorporates a full landscaping scheme and provision of integral bat/bird nesting, the number of which have been increased in response to comments from the RSPB with a total of 60 now to be provided. The mitigation and enhancement measures as set out in ecological appraisal will be secured via an appropriate condition. Although there is some necessary removal of existing trees on the site, to facilitate the development and achieve an appropriate density, the mitigation measures and landscaping scheme proposed are

considered appropriate and should ensure an overall positive contribution to the ecological value of the site post development.

Drainage will be dealt with by way of connection to the public sewer systems for both foul and surface water. The adopted approach to surface water drainage will incorporate underground attenuation with controlled discharge rates to the public surface water sewer system. This approach has been previously accepted by DCC as the Lead Local Flood Authority in respect of the approved scheme for 48 dwellings.

Other matters

Following the comments of the Environmental Health officer the Air Quality Impact Assessment submitted in respect of the previously approved 48 dwelling scheme will be revised in the context of the additional 12 dwelling comprised in this application. The submitted CEMP will also be updated to include monitoring of dust and noise/vibration associated with construction.

Financial Considerations

The proposal will be CIL liable at a rate of £119.29/m². Based on the figures quoted in the applicant's revised submitted CIL Additional Information form regarding floor areas the CIL would equate to £601,698.76p before the application of any relief associated with affordable housing. The developer would however be entitled to claim relief from CIL in respect of the affordable housing units. Based on the 21 affordable units comprised in the scheme the relief would equate to £211,024.01p, in which case the final CIL sum payable in such circumstances would be £390,674.75p.

Section 106

DCC as Education Authority have requested an education contribution to be secured via a S106 agreement to mitigate the impact of the development in terms of additional demand for education provision. Contributions are sought for Early Years, Primary and Secondary provision. In the context of the extant approval for 48 dwellings on this site, and the fact the Education featured on the Council's CIL 123 list until the recent changes to the CIL regulations, the developer has contested both the legality of such a request in terms of meeting the relevant tests for S106 contributions, and the level of contribution sought. Following negotiations on this matter DCC have acknowledged the fallback position of the previous, but still extant, consent and have therefore reduced the financial contribution accordingly to £56,266. Whilst still expressing reservations regarding the legality of the request for an education contribution, and without prejudice to their response to any future requests for education contributions on other developments, the applicant has, in the interests of expediting a decision and hence the delivery of housing comprised in this application, agreed to the revised education contribution.

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 £77,362 (based on 60 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. 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.

A Section 106 agreement would be required in the event of approval of the application in respect of the following matters –

- Affordable housing provision.
- Open space – provision/maintenance.
- Contribution to footpath connection to Warwick Road.(£20,624)
- TRO contribution relating to extension of existing 20mph zone into development site.
- Education contribution (£56,266)
- Travel Pan contribution (£500/dwelling)

Conclusions

Based on the above appraisal of the proposal the application is considered to be compliant with relevant development plan policies. Specifically in relation to transportation impact, having regard to the advice in paragraph 109 of the NPPF that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe, and the absence of an objection from Highway Authority, the application is considered acceptable in transportation terms. Consequently overall the proposal is considered acceptable.

RECOMMENDATION

Subject to completion of a S106 covering the matters referred to above **APPROVE** the application subject to the condition listed below:-

In the event that the section 106 agreement is not completed within 6 months of the date of this committee meeting, authority be delegated to the City Development Manager to REFUSE permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the section 106 agreement.

1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

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 9th October, 9th December and 17th December 2019 (including dwg. nos. P1823:01, P1823:02 Rev A, P1823:05, P1823:06, P1823:07, 0588-SBL-AM Version 1.0, P1823:09 Rev A, P1823:10 Rev A, P1823:11 Rev A, P1823:12, P1823:prelim, P1823:20, P1823:21, P1823:22, P1823:23, P1823:24, P1823:25, P1823:26, P1823:27, P1823:28, P1823:29, P1823:30; P1823:31, P1823:32, P1823:33, P1823:34 Rev A, P1823:35, P1823:36, P1823:37, P1823:38, P1823:39, P1823:40, P1823:41, P1823:42 Rev A, P1823:43, P1823:44, P1823:45, P1823:46, P1823:47, P1823:48, P1823:49, P1823:50, P1823:51, P1823:52, P1823:53, P1823:54, P1823:55, P1823:56, P1823:57, P1823:58, P1823:59, P1823:60, P1823:61, P1823:62 Rev A, P1823:63, P1823:64, P1823:65, P1823:66, P1823:67, P1823:68, P1823:69, P1823:70, P1823:71, P1823:72, P1823:73, P1823:74, P1823:75, 643/01, 643/02, 643/03, C-07226-C003 Rev E, C-07226-C002 Rev E and C-07226-C005 Rev D) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.

3) No development above slab level shall take place until a schedule of materials to be used in the construction of the external doors & walls, roofs and windows has been submitted to

and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason - In the interests of the visual amenities of the area.

4) The development hereby approved shall be carried out in strict accordance with the findings and mitigation measures identified in the Ecological Appraisal by Green Ecology dated September 2019 document ref 0588-EclA-DM except as modified by drawing no. 0588-SBL-AM Version 1.0 and agent email dated 17th December 2019 in respect of the location, number and type of swift bricks to be incorporated within the development. Any licences required from Natural England in respect of the mitigation measures set out in the Ecological Appraisal shall be obtained prior to the commencement of the development.

Reason - To ensure that the development is implemented in a manner that minimises the direct ecological impact of the construction of the development and incorporates features that contribute to ecological enhancement of the site post development.

5) The landscaping scheme comprised in red bay design landscape consultants drawing nos. 643/01, 643/02 and 643/03 shall be fully implemented in accordance with a timetable that shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the commencement of the development.

Reason - To ensure that the landscaping of the development is carried out in an appropriate manner in the interests of the character and appearance of area and the ecological enhancement of the site.

6) 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.

7) 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 the recommendations contained in the Arboricultural Impact Assessment Report by Aspect Tree Consultancy document ref 04921 AIA 20.08.2019 and Aspect Tree Consultancy drawing no 04921 TPP Rev B 2019. 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.

8) Pre commencement condition: 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 a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason for pre-commencement condition: In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

9) The development hereby approved shall be implemented strictly in accordance with the provisions and details set out in the submitted Construction Environmental Management Plan (CEMP) Revision A dated 25th September 2019. Explicitly there shall be no use of Ringswell Avenue by any vehicular traffic associated with the construction of the development, including that related to construction workers employed on the site.

Reason - In the interests of the occupants of nearby buildings and to minimise impact of the construction of the development on highway safety in Ringswell Avenue.

10) No development above slab level shall take place until the applicant has submitted 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 - In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.

11) 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 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 Proposed Residential Flood Risk Assessment Report (Report Ref. RIN-HYD-PH1-XX-RP-D-5001, Rev. P3, dated 24th September 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 life time of the development.

Reason for being a 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 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 being a 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.

13) No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local

Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason for being a pre-commencement condition: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

14) No part of the development hereby approved shall be brought into its intended use until details of the extension of the shared use path on Ringswell Avenue fronting the development site have been approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of any individual dwelling.

Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108/110 of the NPPF.

15) Prior to continuation of construction work above DPC level of any dwelling comprised in the development hereby approved a scheme of provision of electric car charging points within the development shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

Reason - To promote and facilitate the use of sustainable modes of transport and thereby minimise potential air pollution associated with the use of private motor vehicles by future occupants of the development.

16) 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.

17) Air Quality report condition if required.