

# Planning Committee Report - 18/1625/FUL

**1.0 Application Number:** 18/1625/FUL

**Applicant name:** Taylor Wimpey UK Ltd

**Proposal:** Construction of 44 dwellings; car parking including garages; landscaping; internal access roads and associated infrastructure and engineering works.

**Site address:** Land To The North Of Arran Gardens, Hollow Lane And Higher Furlong Monkerton

**Registration Date:** 8<sup>th</sup> November 2018

**Web Link to application, drawings/plans:**

<http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PHVD5WHBN3Z00>

**Case Officer:** Deborah Crowther

**Ward Member(s):** Cllrs Harvey, Oliver and Wood

REASON APPLICATION IS GOING TO COMMITTEE – requested by Members at Delegation Briefing held on 23 June 2020

**2.0 Summary of Recommendation:**

DELEGATE to GRANT permission subject to completion of a S106 Agreement relating to matters identified and subject to conditions as set out in report, but with secondary recommendation to REFUSE permission in the event the S106 Agreement is not completed within the requisite timeframe for the reason set out below.

**3.0 Reason for the recommendation:** as set out in Section 17 at the end of the report.

- The site is allocated for residential development in the Core Strategy
- The application site is in a sustainable location for residential development
- The development would make a positive contribution to the Council's 5 year housing land supply
- Provision of 35% affordable housing
- No concerns in terms of highways, access or parking

- The scheme has good permeability for pedestrians and cyclists, with a link through the site to Hollow Lane, enhancing walking and cycling opportunities and reducing potential conflict with vehicular traffic
- A passing place proposed on Hollow Lane will be beneficial on a Strategic Cycle Route
- The proposal is acceptable in its layout, design and general visual impact.
- The proposal will provide a good level of amenity for future occupiers and will not result in any significant harm to neighbouring residential amenity.
- There are no other material considerations to warrant refusal of this application subject to an appropriate planning obligation under S106 being entered into.

#### 4.0 Table of key planning issues

Issue	Conclusion
Principle of Development	Acceptable in principle, allocated for residential development
Affordable Housing	Policy compliant 35% affordable dwellings to be secured by S106
Access, Highways, Parking	Acceptable subject to necessary conditions and clauses within S106.
Density, Open Space	Density in-line with vision for the character areas in the Monkerton and Hill Barton Masterplan Study. £65,000 contribution toward off-site access/recreation improvements (in-lieu of on-site provision of public open space) is acceptable. To be secured by S106.
Scale, design, character, appearance	Acceptable impacts, the proposal is in-line with the Monkerton and Hill Barton Masterplan Study. The proposal will be in keeping with existing/consented residential development in the locality.
Residential Amenity, Amenity of Surroundings	Scheme will provide future occupiers with a good level of amenity. No significant detrimental impacts on existing neighbours.
Heritage Assets	No above ground heritage affected. Archaeological evaluation has been carried out, no conditions necessary in this respect.

Trees & Biodiversity	No arboricultural objection raised. Biodiversity enhancement measures to be secured by condition.
Flood Risk, Surface Water Drainage	No objection from Lead Local Flood Authority subject to condition relating to surface water drainage design.
Sustainable Construction, Energy Conservation	Scheme will connect into Local District Heating System. Condition to secure sustainable design to accord with Policy CP15 of Council's Adopted Core Strategy.
Education	Contributions requested from DCC Education Authority towards primary, secondary and early years provision - to be secured through S106.
Economic Benefits	Affordable housing, access/recreation contributions, education contributions, contributions to enhancing GP facilities/provision, jobs in construction related industries
CIL/S106	CIL generated and S106 to secure relevant benefits identified above

## 5.0 Description of Site

The site is within the Monkerton/Hill Barton Strategic Allocation in the Core Strategy. The northern part of the site is within the 'Pilton' character area in the Monkerton & Hill Barton Masterplan Study (November 2010), while the rest is within 'The Picturesque Ridge' character area. The Illustrative Masterplan shows the land subject to the application as residential to the northern part of the site and ridgeline plots (residential) to the southern part of the site.

The site comprises 1.37 hectares of land in the Monkerton area within Pinhoe ward. The site is agricultural land and is bounded by hedgerows on all boundaries; a field access gate lies on the southern boundary with Hollow Lane. The site is relatively flat, falling gently from the north-east boundary edge to the south-east boundary. Hollow Lane forms part of the cycle and footpath system that serves the Monkerton area.

To the east of the land is Cumberland Way. Beyond Cumberland Way is a site where, on 29 June 2020, ECC Planning Committee resolved to grant approval for an outline planning application for a residential development of up to 80 dwellings (all matters reserved except access).

To the north, the site is bordered by land that received planning permission for 250 new dwellings in June 2018 (ECC reference 18/0010/RES).

To the west, the site is bordered by land that received planning permission for the construction of a two storey primary school with a nursery and associated play areas, sports pitch and parking in September 2019 (ECC reference 19/0287/FUL).

At the southern end of the site are two existing properties that are accessed from Hollow Lane, Higher Furlong on the eastern boundary and Arran Gardens on the western boundary. To the south west, on the southern side of Hollow Lane, lies Ellen Tinkham School.

To the south east of the site, on the eastern side of Cumberland Way, lies 1.41 hectares of land which was transferred to Exeter City Council as public open space (under the terms of the section 106 agreement linked to outline consent 13/4984/OUT).

The site is vacant land within Flood Zone 1. The site is within Local Energy Network Area A.

There are no above ground heritage assets in the vicinity that will be impacted by the development proposal. The closest listed buildings to the site are Monkton House, Monkerton Farmhouse and Cob Farmbuildings to the west of Monkerton Farmhouse; these are separated from the site by two main roads and existing residential development. These grade II listed buildings are all located to the north east of the site beyond Cumberland Way and the Tithebarn Link Road.

## **6.0 Description of Development**

This full planning application seeks planning permission for 44 dwellings. The planning application originally sought planning permission for 47 dwellings; this number has been reduced during the lifetime of the application as amended plans have been submitted in efforts to address various issues.

Vehicular access to the site is proposed from the north, utilising the previously approved road from Cumberland Way (18/0010/RES). No vehicular access is proposed from Hollow Lane.

A pedestrian and cycle link is proposed to run through the site from the access at the northern end connecting with Hollow Lane at the south end of the site. The section of Hollow Lane that adjoins the application site to the south is a single lane carriageway. Part of the proposals include the provision of a vehicular passing place on Hollow Lane.

The application is accompanied by Heads of Terms for a Section 106 Agreement. This document states that:

- 35% of the dwellings are proposed to be affordable dwellings, this equates to 15 affordable dwellings. One of the affordable dwellings will be wheelchair accessible.
- Contribution towards the long-term maintenance of on-site public open space; or the appointment of a management company
- A Traffic Regulation Order of £3000 will be provided to advertise the raised crossing.
- £500 per dwelling will be provided to implement a Travel Plan.
- £65,000 contribution for off-site access/recreation improvements.
- Connection to the Eon district heating system.

At the time of writing this report, the requested contributions towards Education provision (primary, secondary and early years) and enhanced GP facilities/provision in the locality remain under discussion with the applicant.

The 29 open market dwellings comprise 9 x 3-bed dwellings and 20 x 4-bed dwellings.

The 15 affordable dwellings comprise 4 x 1-bed flats, 8 x 2-bed dwellings, 1 x 3-bed dwelling and 2 x 4-bed dwellings.

## **7.0 Supporting information provided by applicant**

The application is accompanied by the following supporting information:

- Planning Statement (Barton Willmore, April 2020)
- Arboricultural Impact Assessment (Michael J Steed Natural Resource Consultant 20<sup>th</sup> September 2018)
- Transport Statement (Taylor Wimpey, September 2018)
- Air Quality Assessment (Taylor Wimpey, October 2018)
- Air Quality Assessment Addendum, WSP, 21 July 2020
- Waste Audit Statement (Taylor Wimpey, October 2018)
- Appropriate Assessment (CSA Environmental, August 2018)
- Design and Access Statement REV H (LHC Design, July 2020, 18003/BAK/RT01/H)
- Ecological Impact Assessment (CSA Environmental, CSA/3592/02, August 2018)
- Flood Risk Assessment REV G (Peter Brett Associates, 17 April 2020)
- Draft Heads of Terms dated 17th June 2020
- Archaeological Magnetometer Survey (Substrata, 21 April 2020)
- Archaeological Evaluation (Cotswold Archaeology, July 2020)
- Garden Sizes Schedule

## **8.0 Relevant Planning History**

The following applications on adjoining land are considered relevant.

13/4984/OUT - Residential development scheme of up to 400 dwellings including new access to Cumberland Way and internal roads to accommodate two way public transport link between Cumberland Way and Harts Lane, and associated infrastructure (All matters reserved for future approval). This application was considered by the Planning Committee at its' meeting on the 14<sup>th</sup> April 2014. The Committee resolved to grant conditional planning permission subject to a S106 Agreement relating securing:

- Affordable housing
- Provision of land to be used as public open space together with arrangements for its ongoing management and maintenance.
- Contribution to support the additional costs of providing bus services.
- Contribution towards implementation of a travel plan and its measures.
- Contribution to the cost of relevant Traffic Regulation Orders.
- Sustainability measures including district heating.

This was completed and the approval was issued on 15<sup>th</sup> June 2015.

18/0010/RES - (land to north west of application site) - Approval of Reserved Matters in respect of the appearance, landscape, layout and scale, pursuant to Planning Permission Reference 13/4984/OUT for the construction of 250 dwellings, car parking including garages, internal access roads, footpaths and circulation areas, public open space and associated infrastructure and engineering works together with additional details as required by Conditions 9 and 10. This application was conditionally approved on 5<sup>th</sup> June 2018.

18/0683/FUL - (land to south east of application site) - Development of 32 bed nursing home and 8 close-care living units (Use Class C2), with associated access, parking and landscaping. This application was conditionally approved on 5<sup>th</sup> November 2018.

18/1145/OUT - (land to east of application site) - Residential development of up to 80 dwellings (all matters reserved except access). This application was considered by the Planning Committee at its' meeting on the 29<sup>th</sup> June 2020. The Committee resolved to grant conditional planning permission subject to a S106 Agreement securing:

- Connection to District Heating Facility
- 35% affordable housing (70% social rent, 30% intermediate)
- Financial contributions towards DCC Education –
  - primary contribution of £134,079 (based on the DfE new build rate of £16,019 per pupil). This equates to a primary contribution of £1,675 per dwelling. The contributions will be used towards new primary provision at Monkerton.
  - secondary contribution of £225,142 (based on the DfE new build rate of £24,261 per pupil). This equates to a secondary contribution of £2,814 per dwelling. The contributions will be used towards new

secondary provision at South West Exeter. This new provision will release capacity at secondary schools in the East of Exeter to serve Monkerton and surrounding development.

- contribution towards Early Years provision of £20,000 (based on a rate of £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development. The contributions will be used towards new early years provision at Monkerton.
- £500 per dwelling to DCC towards implementing a residential travel plan
- Up to £5k contribution to DCC towards relevant traffic regulation orders
- ECC as landowner will enter into a Footway/Cycleway Agreement as reasonably requested by the County Council to enable the connection to Hollow Lane of the 3m effective width pedestrian/cycle link through Monkerton Ridge Line Park to Hollow Lane from the southern boundary of the application site

The decision notice is yet to be issued as the S106 is awaiting completion.

## **9.0 List of Constraints**

Potential Contaminated Land

Smoke Control Area

Buffer Zone for Exe Estuary Special Protection Area (SPA) and Ramsar site (c. 4.35 km south-west of the Site)

Buffer Zone for East Devon Heaths SPA (c. 8.80km south-east of the Site)

Met Office Safeguarding Area

## **10.0 Consultations**

**All consultee responses can be viewed in full on the Council's website.**

### **Natural England:**

#### 20 December 2018

Comment on the need to secure mitigation of recreational impacts on European Designated sites, specifically the Exe Estuary SPA and East Devon Pebblebed Heaths SAC and East Devon Heaths SPA, potential need for an Appropriate Assessment and refer to general standing advice with regard to biodiversity enhancement opportunities and protected species.

#### 15 May 2020

Advice provided in our previous response applies equally to this amendment.

### **RSPB:**

#### 20 December 2018

We have been in touch with the ecologists and they have agreed to amend the Ratio of Bat Tubes to Bird Boxes and follow the same procedure as recommended for 18/1432/FUL - Land at Brookhayes, Pilton Lane, Exeter. Recommend condition as relevant.

**Police Designing Out Crime Officer (Devon and Cornwall Police):**

17 December 2018

Do not object to the application. Comments: In general terms the layout will provide overlooking and active frontages to the new internal streets. On the whole car parking spaces have been incorporated in curtilage of properties and are well overlooked.

Private and public spaces have been clearly defined with good use of border treatments (with the exception below) and defensible space which define boundaries and in the main prevent unauthorised access to plots. Recommendations relate to boundary treatments, lockable gates, ensuring natural surveillance of paths (in relation to shrubs/hedgerow, design), side by side parking rather than tandem parking more favourable design, clearly marking allocated parking etc.

20 May 2020

No objection, provides comments and recommendations.

North elevation plot 301 must be afforded a buffer zone/defensible space.

Areas of open space within the development where ownership is somewhat ambiguous and with no boundary treatments in place. They should have appropriate boundary treatments or be allocated to the most suitable, practical plot and incorporated in their ownership, whilst being supplemented with an appropriate boundary treatment.

Other recommendations on:

- hedgerows comprising new rear garden boundaries
- lockable gates providing access to rear garden and rear service alleyways
- ensuring hedgerow used to border the proposed pedestrian and cycle link to Hollow Lane and wider area, does not hamper surveillance of the path
- Planting immediately abutting pathways should generally be avoided
- Footpaths should be wide, straight, well-lit to the relevant levels etc so as to enable natural surveillance along the path and its borders
- Where ownership of allocated parking spaces is ambiguous, ensure they are clearly marked to prevent conflict of use and disputes in ownership.
- All external doors and accessible windows should comply with the requirements of Approved Document Q (ADQ) of the Building Regulations or Secured by Design (SBD) standards as set out in *Secured by Design Homes 2019*.



## **NHS Devon Clinical Commissioning Group:**

27 May 2020

GP surgeries, namely Pinhoe, Hill Barton and Whipton surgeries that serve this area are already over capacity at 101%; 132% and 104% respectively within their existing footprints.

The Surgeries have a capacity of 19,771 patients and already have 21,896 patients registered between them (over capacity by 2,125 patients or at 111%). The new development will increase the local population by a further 100 persons.

Contribution requested = £17,682 (£402 per dwelling).

## **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 £56,732 (based on 44 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.

## **Parks and Greenspace (Exeter City Council):**

9 August 2019

A contribution of £65,000 is considered reasonable to improve the access and recreational value of the ECC land to the south of Hollow Lane and east of Cumberland Way. This would be spent on the following:

### **Hollow Lane**

- Undertake phased removal of elm pole regrowth to reduce host capacity and risk. Where opportunity exists replant gaps with native hedgerow species and choice tree species focussing on the hedgeside furthest from Hollow Lane. Allow for significant tree protection especially from rabbit damage.
- Develop east and west pedestrian access points from Hollow Lane through hedgerow at points where the hedgerow is poor.

### **Field**

- Allow DDA access as appropriate but anti motorbike measures should be implemented. Re-set gateway to improve tractor access with suitable anti-traveller measures (such as a berm inside the gate) and DDA access linking to viewpoints with adequate pathways.
- Undertake shallow ground modelling to support and promote framework woodland planting and develop habitat variation. Develop a path network

at the upper slope levels to accommodate DDA access to and use of the location. Provide locations for green gym items.

- Identify and fence areas on mid and lower slope ahead of scarifying, seeding and plug planting to enrich species diversity. Consider Yellow Rattle and Dodder.
- Source and install green gym items c/w user information. Equipment is to be sympathetic to the environment with an emphasis on natural materials. All age groups to be catered for with some items suited to those with limited physical capability.
- Enrich meadow species with seeding techniques and plug planting.
- Install habitat enhancements such as brash stacks, bumble bee sockets (very sandy soil on the site), mulch heaps, tree butts (anchored or faced so that they cannot be rolled), reptile mats, rock outcrops.
- Design and install information boards with particular reference to habitats and native species.

**Arboricultural Officer (Exeter City Council):**

11 May 2020

No Arboricultural objections to the proposal as no significant trees will be adversely affect by the proposal.

**Place Making Officer (Exeter City Council):**

14 February 2019

Provided comments on site plan.

- Identified areas that should be design-led with the objective of creating attractive places; choice of paving, planting and boundary treatment should be an important consideration.
- Design should establish a sense of place/arrival to give distinctiveness to the development rather than a layout simply determined by vehicle turning requirements.
- Identified an area of land to the south to be treated as an individual plot for a single dwelling to reflect the existing low density of the neighbouring dwellings and larger gardens and reduce the extent of vehicle access to enhance the link to Hollow Lane and to contribute to the Picturesque Ridge concept.

2 April 2019

Comments on Illustrative Site Layout Plan (18003-BAK-L02.02 Rev P4)

- The handing of the turning head improves the layout and setting of the proposed associated dwellings although more should be done to create a sense of place.
- Reduction in number of dwellings in the southern part of the site allows the building line to match the alignment of the existing adjoining dwelling

to the west (Arran Gardens): the resulting set back would reduce the impact of the dwellings on Hollow Lane.

- Comments on open space provision

### 23 June 2020

Comments on revised plans:

- Generally this is an improved layout and addresses a number of the issues previously raised.
- The proposal that the access road will be a shared surface is welcome: however the proposed paving is highway standard bitmac and the layout appears to be a typical road arrangement with the addition of a line of granite setts. Standard: further information about how this would be different from a normal estate road should be provided.
- The proposed block paving of the secondary access roads will help to improve the attractiveness of these areas together with the proposed tree and hedge planting.
- The proposed layout helps to create a better sense of place at the top end of the road: the location of the proposed dwellings, trees, grass areas and hedge planting will improve what would otherwise be perceived simply as a vehicle turning area.
- The reduction in the number of dwellings and the reduced extent of vehicle access supported by the proposed planting in the southern section of the site beyond the turning head will enhance the proposed link to Hollow Lane.
- Consideration to paving the proposed footpath/cycleway with a buff coloured bitmac (e.g. Natratex Buff) to further enhance this route and differentiate it from the access road.

### **Heritage Officer (Exeter City Council):**

### 13 February 2019

- Site has potential archaeological remains. Geophysical survey required to indicate whether or not there are any remains present of sufficient significance to influence the layout of the proposed development, and/or to require excavation and recording as a condition of a planning permission.
- Full heritage impact desk based assessment is **not** required for this site due to previous work on adjoining sites.
- If potential remains are identified on the site, and are not of sufficient significance or quality of survival to affect the layout of the development, then their excavation and recording in mitigation of their destruction should be secured via a planning condition, or by approving a written undertaking (in the form of a written scheme of archaeological work) as part of the planning application documentation.

### 29 April 2020

Following submission of requested archaeological survey reports:

- Results are typical of this immediate area, not in themselves of sufficient significance to represent any issue with either the principle or layout of a proposed development on this site. No further information on this aspect (in the form of field evaluation/site investigation) required prior to determination.
- Recommend further programme of archaeological site investigation undertaken after a planning permission is granted, or report submitted prior to determination of the application.

16 June 2020

Results of an Archaeological Evaluation report, to confirm whether or not there are any buried remains on the site, are negative. Advise no further archaeological work is required on this site, and that no pre-commencement condition is necessary.

### **Housing (Exeter City Council)**

21 December 2018

Requirements for the affordable housing are as follows:

- 35% on the total number of units on sites with 10 or more units to be affordable housing – Policy CP7 and paragraph 3.4 of the Affordable Housing SPD.
- If the percentage of affordable housing required does not equate to a whole number of dwellings, the Council will require a financial contribution to provide ‘part’ of an affordable home, based on the formula provided in Table 1 of Appendix 3 of the Affordable Housing SPD – Paragraph 3.5.
- At least 70% of the affordable units to be social rent, remainder to be intermediate affordable housing – Policy CP7 and paragraph 3.9 of the Affordable Housing SPD.
- On schemes with 20 or more dwellings, 5% of the affordable housing to be wheelchair accessible and built in accordance with the Council’s Wheelchair Accessible Housing Design Standards. The size and type of these dwellings to meet greatest need at time of reserved matters application submission - Paragraphs 3.13 and 3.14 of the Affordable Housing SPD. This equates to 1 unit, which is what is proposed.
- Affordable housing must be spread out across the site in clusters of no more than 10 units – Paragraph 3.16 of the Affordable Housing SPD. We are happy with the layout of the affordable homes.
- The affordable dwellings to be delivered in a mix that comprise of a mixture of house types informed by context, local housing need and the

most up to date Housing Market Assessment (Policy CP5). We are happy with the percentages proposed.

### Wheelchair Flat

The wheelchair accessible dwelling must be built in accordance with the Council's Wheelchair Accessible Housing Design Standards.

### **Environmental Health (Exeter City Council):**

18 August 2020

Following receipt of additional information relating to the air quality assessment, ECC Environmental Health is satisfied with the information provided and commenting that the contribution to DCC's travel planning will be part of the S.106; no need for any separate air quality condition.

Recommendation: Approval with conditions (CEMP, contaminated land)

### **Waste Authority (Devon County Council):**

7 December 2018

Confirm the waste audit statement provides the necessary information, as required through Policy W4 of the Devon Waste Plan and the County Council's Waste Management & Infrastructure SPD. Recommends condition requiring compliance with the waste management measures outlined in the waste audit statement.

### **Local Highway Authority (Devon County Council)**

18 June 2019

Recommends conditions/clauses for legal agreement with respect to:

- Financial contributions TRO & Travel Planning Contributions
- Details of vehicular access point
- Provision of 3.0.m effective width path from Hollow Lane running through the site (with side road priority) to the vehicular access point and details of visibility splays with Hollow Lane
- Provision of vehicular layby on Hollow Lane
- Provision of vehicular parking and turning head
- Secure covered cycle parking provision

The Outline Consent (13/4984/OUT) included a number of parcel's around the Monkerton Area to which up to 400 dwellings was secured. This outline consent covers:

- The site is bordered to the north to which recently secured reserved matters approval for 250 new homes (Planning Ref:18/0010).

- An application for 80 dwellings (Planning Ref:18/1145) has been (which has not been determined as yet at the time of writing this response)
- An application for a care home (Planning Ref:18/0638) to which a sufficient evidence was presented to make the application acceptable in highway terms.

The Transport Statement submitted with this application therefore states that the proposed development together with the Land at Brookhayes for 29 dwellings (Planning Ref:18/0638) means that the impact of the proposed development has already been assessed. i.e. 400 minus 250 minus 80 minus 47 (the proposed development) minus 29 would equate to a positive impact of 6 dwellings.

The site is located in a sustainable location, within close proximity to the E4 cycle route and in the fullness of time, it is envisaged that a bus will run through Monkerton Farm, promoting alternative modes of transport to the private vehicle. Given the existing consent, the traffic generation from this site does not form a reason for refusal.

The proposed vehicular access will be created from the access road off the consented development (18/0010) to the northern boundary of the site, with the ultimate vehicular access off Cumberland Way – it is envisaged that the majority of trips will use the spur off the Cumberland Way Roundabout. The vehicular access severs a shared use path that provides access to Monkerton School and therefore the applicant should provide a Copenhagen/Blended style crossing – such an access has not been provided and therefore a condition is recommended to secure vehicular access details. Once agreed, such works should be progressed through a S278. A TRO of £3k will be required to advertise such a raised crossing.

To ensure permeability with adjacent sites and promote pedestrian and cycle accessibility, a 3m effective width shared use path must be provided from the northern site boundary to Hollow Lane (together with appropriate visibility splays onto Hollow Lane). The submitted site plan does not give priority of for pedestrians and cyclists when the shared use path crosses a side road – something that a raised table would achieve, providing a continuous shared use connection to the south and onto Hollow Lane. The cycle connection at the junction with Hollow Lane itself should be splayed in both directions, to help enable City Centre bound/east of Exeter movements, something that the current plan does not show. The applicant is also required to show visibility splays for the junction where the shared use path meets Hollow Lane – again these works should come under a S278.

The LPA has been approached by the Ellen Tinkham School and for a request for a layby to be introduced on Hollow Lane. The LHA is minded to agree with the request that a layby should be incorporated, as this may aid with the visibility splays required, but more importantly will give more room for a cyclists to

negotiate an approaching car on Hollow Lane (a Strategic Cycle Route). The plans do not incorporate this design and therefore a condition is recommended. Again, an appropriate agreement with the Highway Authority should be entered into.

Options to provide a lower speed environment that better encompasses the manual for streets philosophies should be refined through the Section 38 process. Albeit on private ground, the LPA is pointed out that the accesses into parking courts is of insufficient width for two vehicles to pass.

The proposal provides a level of parking which is in line with the requirements set out by Exeter City Council's Residential Design Guide SPD. The applicant states that cycle parking is provided within garages or within gardens for houses and apartments, however the exact details and quantum have not been provided – the applicant must abide to the standards set out in the Sustainable Transport SPD.

In accordance with paragraph 111 of the NPPF the development will be required to have a Travel Plan. For strategic allocations in the Exeter area DCC is requesting contributions are paid directly to the Council for them to implement the Travel Plan measures and a contribution of £500 per dwelling towards this should be secured through an appropriate agreement (S106). This request is consistent to the surrounding dwellings secured as part of the outline consent (Planning Ref: 13/4984/01).

#### 21 September 2020

Since the response, the applicant has provided more information in response the highway authority's observations/conditions/S06 contributions raised on the 18th June 2019.

The applicant has provided some more information on the primary vehicular access which severs a shared use path that provides access to Monkerton School. A Copenhagen/Blended style crossing was requested to provide pedestrian/cycling priority; this is indicatively shown on General Arrangement plan Rev F although the exact details have not been exactly shown (it is just demarked in green). Therefore, a condition is recommended to secure vehicular access details.

Together with the vehicular access, it was also requested that a 3m effective width shared use path must be provided from the northern site boundary to Hollow Lane (including side road priority) to ensure permeability with adjacent sites. A 3m effective width path has not been achieved but a consistent cycle width has been provided; the applicant should be widening the path where possible and provide easements for street lighting columns/front gardens to maximise the usable space for all users. It was also requested that side road

priority should be provided. This has been addressed by the way of raised tables; however, the applicant has not made it clear of shared space is to be provided on the side road. This is something that can be discussed at S38 stage.

A passing place has been introduced on Hollow Lane as is shown on the General Arrangement plan. This is acceptable in principle and the applicant should enter into a S278 agreement.

Finally, it is noticed that in all likelihood that the school immediately west of the site is to be open whilst works are on site. Therefore, a construction management plan is conditioned. All other comments made in 2019 still remain.

### **Local Education Authority (Devon County Council):**

9 July 2020

Devon County Council has identified that a development up to 44 family type dwellings will generate an additional 11.00 primary pupils and 6.60 secondary pupils which would have a direct impact on the primary and secondary schools in Exeter.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact is requested.

DCC has forecast that:

1. there is enough spare primary capacity to accommodate 6.71 pupils at the local primary schools and therefore request primary education contributions against the remaining 4.29 pupils expected to be generated from this development.
2. there is enough spare secondary capacity to accommodate 1.52 pupils at the local secondary schools and therefore we will request secondary education contributions against the remaining 5.08 pupils expected to be generated from this development.

The primary contribution sought is £68,721 (based on the DfE new build rate of £16,019 per pupil). The contributions will be used towards new primary provision at Monkerton.

The secondary contribution sought is £123,245 (based on the DfE new build rate of £24,261 per pupil). The contributions will be used towards new secondary provision at South West Exeter. This new provision will release capacity at secondary schools in the East of Exeter to serve Monkerton and surrounding development.

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 £11,000



(based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development. The contributions will be used towards new early years provision at Monkerton.

All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on March 2015 prices and any indexation applied to contributions requested should be applied from this date.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.

### **Lead Local Flood Authority (Devon County Council):**

24 September 2020

Following submission of additional information during the application, the Lead Local Flood Authority have no in-principle objections to the planning application. A pre-commencement condition relating to surface water drainage system details is recommended to be attached to any approval.

### **Exeter Cycling Campaign:**

27 December 2018

Objection. In summary, concerns/issues raised are:

- Lack of detail pedestrian/cycle link to Hollow Lane  
Provision appears inadequate and unsafe.
- Development does not allow for any east-west permeability.
- Seek clarification of detail about shared use path continuing to link with Tithebarn Way and also the link between Tithebarn Way and Cumberland Way.
- Improvements, using developer contributions, should be made to Hollow Lane to allow it to function as a safe route for sustainable modes of transport.
- All traffic should be prevented from entering Hollow Lane at its western end, and it should be widened from Cumberland Way to Ellen Tinkham School to allow safe passage for pedestrians and people on bikes.
- A raised platform of suitable design is required where the shared pedestrian/cycle link crosses a side road.
- Shared surface residential streets should be used.

- Requests secure cycle parking at front of houses.

## **11.0 Representations**

The application was publicised when originally received and again after it was amended to 44 dwellings. 4 letters of representation (2 neutral comment and 2 objections) were received against the original proposal for 47 dwellings.

### Comments on the original scheme

- Concern about maintenance access to a soakaway and trees to Higher Furlong. Concern about overlooking to Higher Furlong from properties to the west.
- Suggest removal of most southern house and securing a layby. Will improve safety and bring the line of proposed development back in line with the other two houses on the northern side of Hollow Lane.
- Lack of provision of low carbon energy sources, contrary to Policy CP14
- Opportunity to deliver a suitable layby in Hollow Lane to allow Mini Buses/Cars/Pedestrians/Cyclists to pass at this narrow point of the lane and make section generally a safer route for pedestrians and cyclists.
- Ellen Tinkham School is a special needs school, many pupils use the lane to gain access to the school. A pedestrian refuge would be of great benefit both to pedestrians and cyclists but a particular benefit to pupils who are wheelchair users.

Following receipt of revised plans, the application was re-advertised on 14 May 2020. No further representations have been received.

## **12.0 Relevant Policies**

### **Government Guidance**

National Planning Policy Framework (NPPF) (February 2019)

2. Achieving sustainable design
3. Plan making
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

### **Core Strategy (Adopted 21 February 2012)**

Core Strategy Objectives

CP1 – Spatial Strategy

CP3 – Housing

CP4 – Density

CP5 – Mixed Housing  
CP7 – Affordable Housing  
CP9 – Transport  
CP10 – Meeting Community Needs  
CP11 – Pollution  
CP12 – Flood Risk  
CP13 – Decentralised Energy Networks  
CP14 – Renewable and Low Carbon Energy  
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 (Adopted 31 March 2005)**

AP1 – Design and Location of Development  
AP2 – Sequential Approach  
H1 – Search Sequence  
H2 – Location Priorities  
H6 - Affordable Housing  
H7 – Housing for Disabled People  
L4 – Provision of Playing Pitches  
T1 – Hierarchy of Modes  
T2 – Accessibility Criteria  
T3 – Encouraging Use of Sustainable Modes  
T5 – Cycle Route Network  
T10 – Car Parking Standards  
C5 – Archaeology  
LS2 – Ramsar/Special Protection Area  
LS4 – Nature Conservation  
EN2 – Contaminated Land  
EN3 – Air and Water Quality  
EN4 – Flood Risk  
EN5 – Noise  
EN6 – Renewable Energy  
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 Development  
DG7 – Crime Prevention and Safety

**Devon Waste Plan 2011 – 2031 (Adopted 11 December 2014) (Devon County Council)**

W4 – Waste Prevention  
W21 – Making Provision for Waste Management

## **Devon County Council Supplementary Planning Documents**

Minerals and Waste – not just County Matters Part 1: Waste Management and Infrastructure SPD (July 2015)

### **Development Delivery Development Plan Document (Publication Version, July 2015)**

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

DD1 – Sustainable Development

DD9 – Accessible, Adaptable and Wheelchair User Dwellings

DD13 – Residential Amenity

DD20 – Accessibility and Sustainable Movement

DD21 – Parking

DD22 – Open Space, Allotments, and Sport and Recreation Provision

DD25 – Design Principles

DD26 – Designing out Crime

DD28 – Conserving and Managing Heritage Assets

DD29 – Protection of Landscape Setting Areas

DD30 – Green Infrastructure

DD31 – Biodiversity

DD32 – Local Energy Networks

DD34 – Pollution and Contaminated Land

### **Exeter City Council Supplementary Planning Documents**

Affordable Housing SPD (April 2014)

Archaeology and Development SPD (Nov 2004)

Sustainable Transport SPD (March 2013)

Planning Obligations SPD (April 2014)

Public Open Space SPD (Sept 2005)

Residential Design Guide SPD (Sept 2010)

Trees and Development SPD (Sept 2009)

### **Other documents**

Monkerton and Hill Barton Masterplan Study November 2010.

## **13.0 Human rights**

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## **14.0 Public Sector Equalities Duty**

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

### **Financial benefits**

#### Material considerations

Affordable housing, 15 dwellings and a commuted sum towards a part unit of the 35% requirement.

Highway contributions of £3000 towards a Traffic Regulation Order and £500/dwelling to implement a Travel Plan.

Contributions to educational provision will be £68,721 towards primary education; £123,245 towards secondary education and £11,000 for early years provision. A total of £202,966.

Contribution of £65,000 towards public open space.

£17,682 (£402 per dwelling) towards enhancing GP facilities/provision in the area.

The proposal will create jobs in construction and related industries.

#### Non material considerations

CIL contributions -The adopted CIL charging schedule applies a levy on proposals that create additional new floor space over and above what is already on a site. This proposal is CIL liable.

The rate at which CIL is charged for this development is £119.92 per sq. metre plus new index linking. This is charged on new floorspace, but does not include social housing (including relevant communal spaces) provided a claim for social housing relief is made. Confirmation of the final CIL charge will be provided to the applicant in a CIL liability notice issued prior to the commencement of the

development. All liability notices will be adjusted in accordance with the national All-in-Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors for the year when planning permission is granted for the development.

New Homes Bonus.

## **16.0 Planning Assessment**

The key issues are:

1. The Principle of the Proposed Development
2. Affordable Housing
3. Access/Impact on Local Highways and Parking Provision
4. Density and Open Space
5. Scale, Design, Impact on Character and Appearance
6. Residential Amenity & Impact on Amenity of Surroundings
7. Impact on Heritage Assets
8. Impact on Trees and Biodiversity
9. Flood Risk and Surface Water Management
10. Sustainable Construction and Energy Conservation
11. Education

### 1. The Principle of the Proposed Development

The application site is located within the Monkerton and Hill Barton Masterplan Study 2010 and allocated for housing within the Monkerton and Hill Barton Strategic site allocation within the Core Strategy. The proposal accords with Policies CP1 (Spatial Strategy), CP3 (Housing) and CP19 (Strategic Allocations). Policy CP19 permits around 2500 dwellings in this area. The principle of residential development in this location is acceptable in terms of planning policy.

Adding weight in favour of the proposed development, the Council has acknowledged that it has a 5 year housing supply deficiency. The site is considered to be a sustainable location for residential use and the proposal will help towards reducing the current shortfall against the 5 year required target.

### 2. Affordable Housing

The application comprises 44 residential units in total. The affordable housing requirement set out in policy CP7 is for 35% of the dwellings to be affordable, split 70% social rent / 30% intermediate. This equates to just over 15 affordable units with the part unit to be dealt with by way of financial contribution using the formula in Table 1 of Appendix 3 of the Council's Affordable Housing SPD (Paragraph 3.5). In this case a financial contribution for the remaining 0.40 of a dwelling is required.

Policy CP7 and paragraph 3.9 of the Affordable Housing SPD require that at least 70% of the affordable units are social rent, with the remainder intermediate affordable housing. This equates to 11 social rent and 4 shared ownership dwellings.

The submitted plans indicates 15 affordable dwellings (a mix of 1 bed flats, 2, 3 and 4 bed houses). The affordable housing and associated financial contribution will be secured through Section 106 obligations. The proposal is therefore considered policy compliant in terms of securing affordable housing provision.

### 3. Access/Impact on Local Highways and Parking Provision

In terms of sustainability of location of the site and traffic generation, the development is considered to be acceptable. Devon County Council Highways Officer has commented on the site's close proximity to the E4 cycle route and how in the future it is envisaged that a bus will run through Monkerton Farm, promoting alternative modes of transport to the private vehicle. Pinhoe Railway Station is just over 500 metres from the boundary of the site.

The proposed vehicular access to the site is from the north, off the consented development (18/0010/RES) which links to Cumberland Way. No vehicular access is proposed from the south of the site (Hollow Lane).

Amended plans submitted during the application show a vehicular passing place on Hollow Lane. Devon County Council Highways has confirmed that the detail of the passing place shown in the plans is acceptable. The passing place would be adopted by Devon County Council under S278/38 of the Highway Act 1980. It is considered that the passing place will give more room for a cyclists to negotiate an approaching car on Hollow Lane (a Strategic Cycle Route). Ellen Tinkham School has also requested provision of this passing place.

Given the proximity of Ellen Tinkham School to the application site and the increase in likely vehicular movements to and from the site, the proposed passing place, to improve highway safety for drivers, pedestrians and cyclists, is considered to be reasonable and necessary to make the development acceptable.

The vehicular access, at the northern end of the site, severs a shared use path that provides access to Monkerton School and therefore the local highway authority has requested the applicant to provide a Copenhagen/Blended style crossing. These works would be progressed through a S278 agreement with the highway authority. A Traffic Regulation Order of £3,000 is required to advertise such a raised crossing.

Devon County Council Highways has stated that, to ensure permeability with adjacent sites and promote pedestrian and cycle accessibility, a 3m effective width shared use path must be provided from the northern site boundary to Hollow Lane (together with appropriate visibility splays onto Hollow Lane).

The policy justification to provide the shared use path through the site to Hollow Lane is strong: Policy CP16 states that opportunities to enhance cycling and walking opportunities will be implemented. Policy CP17 states that all proposals for development will exhibit a high standard of sustainable design that is resilient to climate change, and the supporting text states that particular attention should be given to designing permeable layouts and pedestrian and cycle friendly places and routes. Saved Policy T3 states that development should be laid out and linked to existing or proposed developments and facilities in ways that will maximise the use of sustainable modes of transport. The Sustainable Transport SPD states that contributions may be required towards improving facilities for pedestrians and cyclists in the vicinity of the site, including the creation of links to reduce walking and cycling distances to public transport and other local facilities (paragraph 9.2.5). It goes on to state that for larger sites a pedestrian and cycle network should be devised across the whole site, in conjunction with connections beyond its boundaries, to minimise walking and cycling distances, especially between homes and local facilities, schools, parks, bus stops and rail stations (paragraph 10.2.6).

The request from Exeter Cycling Campaign for east-west connections through the site were not considered necessary to make the development acceptable in planning terms. The school to the west has already been granted planning permission without any such connection to the east of their site. There is likely to be a safeguarding issue around multiple points of access to the school site. The cost of providing such a link from the development would be disproportionate compared to the benefits, taking into account the demand for such an access generated from 44 dwellings.

As requested by the Local Highway Authority, the pedestrian/cycle connection at the junction with Hollow Lane itself is now shown on the plans to be splayed in both directions, to help enable City Centre bound/east of Exeter movements. These works will be subject to a S278 agreement.

The Highway officer has recommended a number of conditions, relating to:

- Details of vehicular access point
- Securing the pedestrian/cycle link from Hollow Lane running through the site (with side road priority) to the vehicular access point and details of visibility splays with Hollow Lane
- Provision of vehicular layby on Hollow Lane
- Provision of vehicular parking and turning head
- Appropriate cycle parking for the dwellings



These conditions are considered necessary in order to make the development acceptable in terms of impact on highways, accessibility and permeability of the scheme.

The Local Highway Authority has requested financial contributions of:

- £3000 towards the necessary Traffic Regulation Order arising from the development.
- £500 per dwelling towards Travel Plan measures. Travel Plans for residential developments are promoted in the Sustainable Transport SPD. In this case it has been agreed to pay a financial contribution to Devon County Council to implement strategic travel plan measures for the area.

Both of these requirements are considered to comply with the 'tests' for planning obligations and must be secured in a Section 106 legal agreement.

Parking is provided by a mixture of garages, on plot parking spaces and small parking courts. The one bed dwellings each have one allocated parking space. All other dwellings have two allocated spaces. This exceeds the indicative standard of a maximum average of 1.5 spaces per dwelling in the Residential Design Guide SPD. This is considered acceptable when balanced against the sustainable transport benefits of the scheme, i.e. pedestrian/cycle link to Hollow Lane, financial contribution towards strategic travel plan measures and cycle parking. It will also limit the amount of overspill parking on-street, which can impede sustainable movement particularly when people park on pavements.

The applicant states that cycle parking is provided within garages or within gardens for houses and apartments. The minimum cycle parking standards are set out in the Sustainable Transport SPD. The standards for houses and flats are 1 space per 1 or 2-bed dwellings and 2 spaces per 3+-bed dwellings. Design details have not been provided and must be conditioned to ensure that the standards are met and ideally exceeded.

Given the above provisions it is considered that the highway needs for sustainable movement is acceptable against adopted policy.

#### 4. Density and Open Space

The application proposes up to 44 dwellings on an area of land that is 1.37 hectares. This equates to a proposed density of approximately 32 dwellings/hectare. To accord with policy CP4 of the Exeter Core Strategy and Policy H2 of the Exeter Local Plan, residential development should achieve the highest appropriate density compatible with the protection of local amenities and the character and quality of the local environment.

This density is considered appropriate for the character of the area. The Monkerton and Hill Barton Masterplan Study states that density should allow for

a strong landscape structure to be retained within the Picturesque Ridge area. Predominantly 35-45 dph rising to 45-55 dph in the western part of the area.

As set out in Policy CP16, Green Infrastructure is an integral part of planning for the urban extensions Monkerton/Hill Barton. A sustainable movement network will link the urban area to the urban extensions and beyond to the open countryside. Hollow Lane to the south is a strategic cycleway. The application seeks to connect the residential development with Hollow Lane and encourage cyclist and pedestrian movements in order to create a permeable layout that is well connected with existing green infrastructure.

Policy DG5 requires family housing proposals to provide 10% of the gross development area as level open space, including equipped children's play space, unless there is open space and play provision in the area which is well located and of sufficient size and quality to serve the development. The Public Open Space SPD clarifies that for the purposes of Policy DG5 family housing developments are defined as those in which a majority of dwellings have two or more bedrooms.

As the development is under 50 dwellings, provision may be made off site or through a commuted sum provided that the facilities are conveniently located to serve the development (Paragraph 13.41, Exeter Local Plan First Review). Public Open Space SPD Paragraph 7.4 sets out, the aim is that family housing is closely associated with an informal recreation area which is:

- Fully accessible to the public
- Comprise at least 1000sq m of which no part is less than 20m wide and/or contain slopes greater than 1:6
- Appropriate in character and function to the surrounding area but also offering varied potential activities and surroundings
- Highly visible so that all residents are fully aware of its existence
- Easily reached on foot or cycle by a convenient and safe route
- No more than 250m away

During the application, Taylor Wimpey submitted an open space assessment plan (drawing number 18003 L94.01 Rev A), for Bakerland, Brookhayes and Monkerton. Taylor Wimpey originally put forward that they had overprovided Public Open Space on the main Monkerton sites and therefore the open space requirements for the current proposal had already been provided for.

However, the planning officer was not in agreement and set out the table below to show a breakdown of the Public Open Space on each site:

Site	Gross Development Area (GDA)	Public Open Space	POS as % of GDA	Notes
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		<b>(POS) on site</b>		
Mayfield Gardens (250 dwellings)	4.2 + 3.2 = 7.4ha	0.37 + 0.32 = 0.69ha	9.3%	Not all level as includes SUDS basins
Land North of Hollow Lane (up to 80 dwellings)	1.96ha	0.2ha	10.2%	Currently subject to application ref. 18/1145/OUT. Figures based on s106 plans.
Brookhayes (29/30 dwellings)	0.9ha	0.09ha	10%	Not all level as includes SUDS basins

Taylor Wimpey originally put forward that the open space requirement would be met through landscaping and ecology areas and facilities adjacent to the Baker site. Officers did not agree. Officers considered that the policy requirement for open space would not be achieved because no public open space (level or otherwise) is proposed on-site and there is limited provision on the other sites. In addition, the provision on the other sites is not fully level and/or easily accessible.

Outline planning permission 13/4984/OUT secured a land contribution towards the Monkerton Ridge Park to the east of the site/Cumberland Way. This land has now been transferred to Exeter City Council from the applicant, Devon County Council. This land is within 250m of the site via Hollow Lane and a pelican crossing of Cumberland Way. While the majority of this land is sloping, the Public and Greenspace Manager agreed with the planning officer that an appropriate contribution from the development towards enhancing the accessibility and recreational value of this land would be a fair and satisfactory way of meeting the open space requirement of Policy DG5 for this application. There is currently no pedestrian access to the land from Hollow Lane to the north and officers consider it would be beneficial to provide a pedestrian access in the northwest corner from Hollow Lane that will facilitate easy access to the land from the application site.

The level of contribution that is considered reasonable, in relation to the scale of the development, to improve the access and recreational value of the Exeter City Council land to the south of Hollow Lane and east of Cumberland Way is a financial contribution of £65,000. The consultation response from the Parks and Greenspace Manager fully details how this financial contribution would be spent by Exeter City Council.

The applicant has agreed to provide a financial contribution of £65,000 for off-site access/recreation improvements to mitigate the fact that the proposed scheme

does not provide any on-site public open space or play facility. This financial contribution will need to be secured through the Section 106 agreement.

In terms of equipped play areas, the Open Space SPD sets the following standards:

- Where practicable all children under 8 to live within 500m of a play area equipped to meet the needs/interests of their age group and be able to reach it safely and conveniently on foot.
- The same applies for children up to and including 12 years of age, but the distance is increased to 1,000m.

The Local Equipped Area for Play on Mayfield Gardens will be within 500m of the application site and will contain 8 pieces of equipment/activity. While the equipment/activities do not appear to cater for younger children, officers are satisfied that it will meet the play provision requirement for the application proposal having regard to the Open Space SPD.

With the provisions set out above for play equipment and the contribution of £65,000 to be secured through the S106 for open space/access improvements the proposal is considered to be acceptable.

#### 5. Scale, Design, Impact on Character and Appearance

The supporting Design and Access Statement states that the proposed scheme focuses on the delivery of key elements that meet the objectives of the Core Strategy and DPD policies through retaining and enhancing the existing landscape features and connecting the wider area to the strategic Green Infrastructure corridor running along Hollow Lane. These key elements comprise:

- Providing a high quality pedestrian/cycle connection from the wider area to the north of the site to the East – West Cycle Route along Hollow Lane
- A high quality landscape structure running north-south through the centre of the application site
- Retention of trees/hedges along the ridgeline and site boundaries

The Design and Access Statement sets out that the scheme has been designed to provide continuity with the consented scheme to the north with the same materials and soft landscaping being used.

#### **Urban Design**

During the planning application a number of revisions have been made to the scheme in response to officer feedback to enhance 'place making.' The consultations responses of Exeter City Council's Place Making Officer have helped shape the design and layout of the scheme.

The original scheme proposed a total of 47 dwellings. Following discussions with the developer the number of units has been reduced to 44. The proposed number of dwellings in the southern part of the site was reduced and a passing place introduced on Hollow Lane in response to officer/consultee feedback and third party representations.

The handing of the turning head has been changed since originally submitted. This has improved the layout and setting of the proposed associated dwellings.

A range of house types are proposed including 1 bed apartments and 2, 3 and 4 bed terraced, semi-detached and detached houses. All the dwellings are two storeys in height.

The scale of buildings and the design of the scheme is appropriate for the site. The appearance of the buildings is considered acceptable. A materials condition should be added.

The built form is lower density towards the southern and western edges of the site. The reduction in the number of dwellings in the southern part of the site allows the building line to match the alignment of the existing adjoining dwelling to the west (Arran Gardens). The set back of properties from Hollow Lane is now considered to be acceptable.

The garden sizes to each dwelling, as set out in the Garden Sizes Schedule, are broadly in-line with the minimum garden size requirements set out in the Residential Design SPD.

As detailed in the Residential Design SPD, refuse storage must be within purpose built structures which preserve residential amenity and the quality of the townscape. Bin storage is not shown on the submitted plans and therefore would need to be subject to a planning condition.

Paragraph 12.18 of the adopted Core Strategy states the development of the Monkerton/Hill Barton area should have general regard to guidance contained within the Monkerton and Hill Barton Masterplanning Study. The application site is zoned for residential development in the Masterplan.

The Vision for Pilton (Monkerton and Hill Barton Masterplan Study) is high density residential neighbourhood with a tight urban form and excellent links to quality green open space. Terraces and town houses, either opening directly onto the street or with narrow privacy strips/gardens, will form consistent frontage and define urban but leafy streets and spaces.

The Vision for the Picturesque Ridge (Monkerton and Hill Barton Masterplan Study) is that residential development will reinforce the special character of this area. Larger buildings or clusters of buildings within large or communal gardens

will create distinctive housing types and provide a strong, generous and memorable landscape structure.

The proposed layout shows a built form that is lower density towards the southern and western edges of the site, where dwellings are enclosed by existing hedgerows and planting new hedgerows to plot boundaries.

To ensure that a high quality development is achieved, external materials and landscaping, including details of lighting, should be conditioned.

The Design and Access Statement states, *“all buildings will be two storeys high, reflecting the aspirations of the approved Monkerton and Hill Barton Masterplan. Larger properties within robust landscaping have been located within the southern part of the site, reflecting the picturesque ridge proposals.”*

Landscaped areas that lie outside residential curtilages are important as they create a setting for the overall residential development and the proposed pedestrian/cycle path running through the site. These areas will need long term management via a Management Company; this requirement needs to be controlled by way of Section 106 Agreement.

Officers consider that the proposed layout responds well to the vision of the Masterplan Study. The layout of residential development is acceptable in this location and will be complementary to the existing/consented adjacent residential area.

## 6. Residential Amenity & Impact on Amenity of Surroundings

The dwellings all comply with the national space standards. The proposed gardens to the dwellings are shown to be level, usable spaces located towards the private, non-main entrance side of the house with separate rear or side access. The Residential Design Guide SPD sets out guidance for minimum garden sizes which takes into account dwelling size and orientation. The majority of gardens either exceed the guidelines or are within 10m<sup>2</sup> of this figure. Those that do not meet the guideline figures do so to support other factors such as providing on-plot parking to the rear which in turn supports strong frontages. The one bed flats benefit from private rather than communal gardens.

The proposal will not have an adverse impact on the amenity of the surroundings, which comprises existing and under construction/permitted housing. The proposed layout and design of the housing will integrate into the larger housing site permitted on the adjoining land to the north.

ECC Environmental Health have recommended a number of planning conditions. A Construction Method Statement should be conditioned to ensure that the impacts of the construction phase are controlled in the interests of the amenity of

the area. A pre-commencement condition to undertake a contaminated land site investigation is necessary to meet the requirements of Policy EN2.

With the above safeguards the scheme is considered acceptable in terms of residential amenity.

### 7. Impact on Heritage Assets

As set out in Section 5.0 the proposal will not affect any above ground heritage assets.

During the planning application, an Archaeological Geophysical Survey report and an Archaeological Evaluation (Cotswold Archaeology, July 2020) were received by the Council. The site investigation was carried out to confirm whether or not there are any buried remains on the site; the results of this are negative. ECC Heritage Officer has therefore confirmed that no further archaeological work is required on this site.

### 8. Impact on Trees and Biodiversity

The supporting arboricultural impact assessment sets out that the main constraints posed from the existing trees is in relation to category B hedgerows and trees around the north, east and western boundaries. A small section of hedgerow will be removed to facilitate access into the site from the north.

The proposed layout will have minimal impact on the boundary hedgerows. No significant trees will be adversely affected by the proposals. The Council's Arboricultural Officer raised no objections to the development.

Relevant conditions are recommended to require tree/hedgerow protection measures to be in place on the site prior to commencement of development.

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 which is being funded through a proportion of the CIL collected in respect of the development being allocated to funding the mitigation strategy.

The application is supported by an Ecological Impact Assessment. Key landscape features of the proposed development which will have a positive biodiversity impact include:

- Existing hedgerows. The mixed native hedgerows to the all site boundaries are retained and will be managed to enhance the structure of the hedgerow and improve biodiversity.
- New native hedgerow planting to infill gaps in existing hedges. A new hedgerow along the southern boundary is proposed which will improve biodiversity.
- New Native Tree Planting along the north-south corridor and to the side streets. A total of 34 new trees are proposed within the scheme.
- Front gardens to the north-south route will feature privet hedges, with shrub planting or grass to gardens/verges. Other front gardens will have shrub planting to front gardens.
- Bird and bat boxes will be integrated into the design of houses.

Measures to protect and enhance biodiversity on the site need to be secured by way of condition requiring a Biodiversity Mitigation and Enhancement Plan.

Given the measures set out above which will mitigate and enhance the biodiversity offer on the site, the proposal is considered acceptable.

## 9. Flood Risk and Surface Water Management

Policy EN4 does not permit development if it would be at risk of flooding. The site is within Flood Zone 1 and the proposed use is classified as 'more vulnerable' (see PPG). 'More vulnerable' uses are appropriate in Flood Zone 1, therefore the proposal accords with Policy EN4.

Devon County Council, as Lead Local Flood Authority (LLFA) raise no objection to the development subject to a pre-commencement condition relating to details of the surface water drainage system.

## 10. Sustainable Construction and Energy Conservation

Policy CP13 requires new development comprising 10 or more dwellings to connect to any existing, or proposed, Decentralised Energy Network in the locality to bring forward low and zero carbon energy supply and distribution. The proposed development is located in one of the network areas. It has therefore been agreed to make this a requirement of the s106 legal agreement.

A planning condition relating to CO2 emissions of the dwellings is imposed as required by Core Strategy Policy CP15.



## 11. Education

In their consultation response as Education Authority DCC have highlighted the additional demand for early years, primary and secondary places arising from the development. They have also identified a lack of capacity within the system to meet this additional demand generated by the new housing proposed. Consequently they have requested education contributions be secured through S106 contributions as set out under the consultations section of this report in line with their published methodology. A total of £202,966 has been requested incorporating £68,721 (primary); £123,245 (secondary) and £11,000 (early years).

The applicant's agent has sought Counsel's opinion on this matter and contests the basis of the County's request for such S106 contributions, and its compliance with the relevant legal tests appertaining to S106 contributions. This matter has been passed to the County for their consideration but in the absence of any further consultation response from them revising their position it remains the case that the relevant contributions identified by the Education Authority as a consultee to the City Council on the proposal are required to be secured through S106 contributions to mitigate the impacts arising from the development and make it acceptable in this respect. The proposed heads of terms for the S106 thus reflect DCC education contributions request.

Providing that the S106 is agreed the necessary arrangements for education can be secured in accordance with policy requirements.

### **CIL/S106**

The development is CIL liable and a S106 agreement will be required to secure the affordable housing provision, contributions towards education, contributions to access/recreation improvements (in-lieu of on-site provision of public open space), maintenance of on-site spaces that lie outside residential curtilage, connection to the local district heating system and a financial contribution towards enhanced GP facilities/provision in the locality. Highway related S106 contributions as set out in the formal consultation response.

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. This follows the advice made to Planning Member Working Group on 27 August 2019.

The development will result in additional population in the locality which will create additional demand for GP services. Given that the existing GP provision in the locality is already at over-capacity the requested S106 financial contribution towards enhanced provision to meet the demand generated by the proposed development is considered justified in terms of the relevant tests to be applied to requested contributions.

## **17.0 Conclusion**

- The site is allocated for residential development in the Core Strategy therefore the principle of development is acceptable.
- The application site is in a sustainable location for residential development.
- The development would make a positive contribution to the Council's 5 year housing land supply
- The proposal makes provision for 35% affordable housing
- The proposal raises no concerns in terms of highways
- The scheme has good permeability for pedestrians and cyclists, with a link through the site to Hollow Lane, enhancing walking and cycling opportunities and reducing potential conflict with vehicular traffic
- The passing place proposed on Hollow Lane will be beneficial on a Strategic Cycle Route
- The proposal is acceptable in its layout, design and general visual impact.
- The proposal will provide a good level of amenity for future occupiers and will not result in any significant harm to neighbouring residential amenity.
- There are no other material considerations which it is considered would warrant refusal of this application

The officer recommendation is therefore for approval subject to suitable conditions and a Section 106 agreement as set out below.

## **18.0 RECOMMENDATION** Dual recommendation as set out below with B) only applying in the event of the failure to complete the S106 Agreement within the prescribed timeframe:-

**A) DELEGATE TO CITY DEVELOPMENT MANAGER TO GRANT PERMISSION SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO SECURE THE FOLLOWING:**

### **Section 106 Agreement – Heads of Terms**

#### **Affordable housing**

15.4 dwellings to be provided as affordable housing, 11 social rent and 4 intermediate rent. A financial contribution will be made towards the remaining 0.4 affordable dwelling. One of the affordable dwellings to be wheelchair accessible. 50% of AH units to be constructed and made available for occupation prior to the occupation of 50% of Open Market units. Remaining 50% of AH units to be constructed and made available for occupation prior to occupation of 80% of Open Market units.

5% of the affordable dwellings (1 dwelling) to be wheelchair accessible

### **Public open space**

Provisions to transfer the public open spaces to a management company with an agreed specification for the laying out and maintenance of these areas to mitigate and enhance biodiversity (i.e. LEMP).

### **Highways infrastructure**

Financial contributions required as follows:

Traffic Regulation Order - £3000.00 (to be paid at Devon County Council's request)

Travel Plan - £500 per dwelling to be paid to Devon County Council

### **Off site Access/Recreation Improvements**

£65,000 contribution for off-site access/recreation improvements.

50% of the contribution to be paid prior to open market houses being occupied and remainder to be paid prior to 80% of units occupied.

### **District Heating Network**

Connection of the dwellings to the Eon district heating system in the area.

### **Education Contributions**

Primary - £68,721;

Secondary - £123,245

Early Years - £11,000

### **GP Facilities/Provision**

£17,682 (£402 per dwelling) towards enhanced GP facilities/provision in the locality.

All S106 contributions to be index linked from the date of resolution.

And the following conditions:

#### **1. Standard Time Limit – Full Planning Permission**

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 comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

## 2. Approved Plans and Documents

The development hereby permitted shall be carried out in complete accordance with the approved plans and documents listed below, unless modified by the other conditions of this consent:

- Site Location Plan (Dwg. No. 18003-BAK-L01.01 Rev P4)
- Elevational Treatment Plan (Dwg. No. 18003-BAK-L01.10 Rev P2)
- Proposed Site Plan (Dwg. No. 18003-BAK-L02.01 Rev P11)
- Illustrative Site Layout (Dwg. No. 18003-BAK- L02.02 Rev P7)
- Typical Street Elevations (Dwg. No. 18003-BAK-L04.01 Rev F)
- Illustrative Adoption Plan (Dwg. No. 18003-BAK-L05.01 Rev P7)
- Boundary Treatment Plan (Dwg. No. 18003-BAK-L92.01 Rev P7)
- Landscape and Boundary Details (Dwg. No. 18003-BAK-L92.02 Rev P3)
- Hardworks Plan (Dwg. No. 18003-BAK-L93.01 Rev P8)
- Softworks Plan (Dwg. No. 18003-BAK-L94.01 Rev P8)
- Single Garage Plans & Elevations (Dwg. No. 18003 G01-02.00 Rev P4)
- Attached Single Garages Plans & Elevations (Dwg. No. 18003 G02-02.00 Rev P4)
- H01 A – 2 Bed – (NA20) Floor Plans & Typical Section A-A (Dwg. No. 18003 H01 A-02.00 Rev P4)
- H01 A – 2 Bed – (NA20) Elevations (Dwg. No. 18003 H01 A-04.00 Rev P3)
- H02 A – 3 Bed – (NA30) Plans & Typical Section A-A (Dwg. No. 18003 H02 A-02.00 Rev P5)
- H02 A – 3 Bed – (NA30) Elevations (Dwg. No. 18003 H02 A-04.00 Rev P4)
- H04 A – 3 Bed – (NT31) Floor Plans & Typical Section A-A (Dwg. No. 18003 H04 A-02.00 Rev P4)
- H04 A – 3 Bed – (NT31) Elevations 01 (Dwg. No. 18003 H04 A-04.00 Rev P3)
- H06 A – 4 Bed – (NA42) Floor Plans & Typical Section A-A (Dwg. No. 18003 H06 A-02.00 Rev P4)
- H06 A – 4 Bed – (NA42) Elevations (Dwg. No. 18003 H06 A-04.00 Rev P3)
- H07 A – 4 Bed – (NA45) Floor Plans & Typical Section A-A (Dwg. No. 18003 H07 A-02.00 Rev P4)
- H07 A – 4 Bed – (NA45) Elevations (Dwg. No. 18003 H07 A-04.00 Rev P3)
- H08 A – 4 Bed – (NT41) Floor Plans & Typical Section A-A (Dwg. No. 18003 H08 A-02.00 Rev P4)
- H08 A – 4 Bed – (NT41) Elevations (Dwg. No. 18003 H08 A-04.00 Rev P3)
- H10 A – 4 Bed – (NT42) Floor Plans & Typical Section A-A (Dwg. No. 18003 H10 A-02.00 Rev P4)

- H10 A – 4 Bed – (NT42) Elevations (Dwg. No. 18003 H10 A-04.00 Rev P3)
- H13 A – 1 Bed Flats Floor Plans & Typical Section A-A (Dwg. No. 18003 H13 A-02.00 Rev P5)
- H13 A – 1 Bed Flats Elevations (Dwg. No. 18003 H13 A-04.00 Rev P4)
- Proposed Levels (Dwg. No. 41196/2018/141 Rev E)
- Refuse Vehicle Tracking (Dwg. No. 41196/2018/111 Rev F)
- General Arrangement (Dwg. No. 41196/2018/101 Rev F)
- Drawing showing visibility splay for pedestrian/cycle path access to Hollow Lane and passing place on Hollow Lane (41196/2018/SK02)
- Surface and Foul Water Drainage (41196/2014/500 Rev I)
- Waste Audit Statement (Taylor Wimpey, October 2018).
- Arboricultural Impact Assessment (Michael J Steed Natural Resource Consultant 20<sup>th</sup> September 2018)
- Flood Risk Assessment REV G (Peter Brett Associates, 17 April 2020)
- Ecological Impact Assessment (CSA Environmental, CSA/3592/02, August 2018)

**Reason:** To ensure the development is constructed in accordance with the approved plans and documents.

### ***Pre-commencement Details***

#### **3. Surface Water Drainage Management System**

No development hereby permitted shall commence until the following information 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:

(a) A detailed drainage design based upon the approved Baker Land, Monkerton, Flood Risk Assessment, Project Ref: 41196/4002 Rev G Date April 2020 which should include evidence that the downstream Monkerton network and basins have capacity to accept flows from this development, long term storage and calculations reflecting the runoff rate based on the impermeable area only.

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

**Reason:** The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG and Policy CP12 of the Core Strategy, Policy EN4 of the Exeter Local Plan First Review. The conditions should be pre-commencement since it is essential

that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

#### 4. Contamination

No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

**Reason:** In the interests of the amenity of the occupants of the 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.

#### 5. Construction Method Statement

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) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent from the Local Planning Authority.

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

**Reason:** To ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that building operations are carried out in an appropriate manner.

## 6. Energy & CO2 Emissions

Prior to the construction of the dwellings hereby permitted, including construction of the foundations of the dwellings but excluding other site works, the developer shall submit a SAP calculation for the dwellings which demonstrates that a 19% reduction in carbon dioxide emissions from that required to meet the 2013 Building Regulations can be achieved. The measures necessary to achieve this carbon dioxide saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer shall submit a report to the Local Planning Authority by a suitably qualified consultant to demonstrate compliance with this condition.

**Reason:** To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. These details are required pre-commencement as specified to ensure that a sustainable design is finalised before any irreversible element of the construction process takes place.

## 7. Ecological Surveys

Prior to the commencement of development, an Extended Phase 1 Habitat Survey shall be carried out and the results of the survey shall be submitted to and approved in writing by the Local Planning Authority, unless the Ecological Impact Assessment (CSA Environmental, CSA/3592/02, August 2018) was dated in the preceding three years. The recommendations of the Extended Phase 1 Habitat Survey shall be implemented in full, including any recommended further survey work in which case no development shall take place until the further survey work has been carried out and the results have been submitted to and approved in writing by the Local Planning Authority. The recommendations of the further surveys shall be implemented in full.

**Reason:** To ensure that the implications of the development on biodiversity are fully understood based on up-to-date survey and any measures necessary to mitigate the impact of the development on protected species are identified and carried out at the appropriate time in accordance with saved Policy LS4 of the Exeter Local Plan First Review and paragraph 175 of the NPPF. Natural England's Standing Advice states that Local Planning Authorities can ask for extra surveys to be done as a condition of planning permission for outline or multi-phased developments to make sure protected species aren't affected at each stage. These details are required pre-commencement as specified to ensure that protected species are not killed or otherwise harmed by building operations.

## 8. Biodiversity Mitigation Enhancement Plan

Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan (BMEP) which demonstrates how the proposed development has been designed to enhance the biodiversity value of the site and how it will be managed in perpetuity to enhance biodiversity, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The BMEP shall take into account the mitigation and enhancement assessment of the submitted Ecological Impact Assessment (CSA Environmental, CSA/3592/02, August 2018) and the results of survey required by planning condition 7. Thereafter, the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.

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

### ***Pre-specific Works***

## 9. Tree & Hedge Protection

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 details specified in the Arboricultural Impact Assessment Report prepared by Michael J Steed ref 00140 and accompanying Tree Protection Plan (Rev 3). 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. Bird Breeding Season

No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird breeding season from March to September, inclusive. If this period cannot be avoided, these works shall not be carried out unless they are overseen by a suitably qualified ecologist and the reasons why have previously been submitted to and approved in writing by the Local Planning Authority, including the date of the intended



works and the name and contact details of the ecologist. If breeding birds are found or suspected during the works, the works shall cease until the ecologist is satisfied that breeding is complete.

**Reason:** To protect breeding birds in accordance with Policy LS4 of the Exeter Local Plan First Review, and paragraphs 174 and 175 of the NPPF. These details are required pre-commencement as specified to ensure that breeding birds are not harmed by building operations or vegetation removal.

#### 11. Materials

Prior to the construction of the external walls of any dwelling hereby permitted, samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials of all dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall be constructed in accordance with the approved materials.

**Reason:** In the interests of good design and the character of the area, in accordance with Policy CP17 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review and paragraph 127 of the NPPF.

#### 12. Nesting and Roosting Boxes

Prior to the construction of the external walls of any dwelling hereby permitted, details of the provision for nesting birds and roosting bats in the built fabric of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as part of the development and retained thereafter.

**Reason:** To enhance biodiversity on the site in accordance with the Residential Design Guide SPD (Appendix 2) and paragraph 175 of the NPPF.

#### 13. External Lighting

No external lighting shall be installed on the site unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.

**Reason:** To ensure lighting is well designed to protect the amenities of the area and wildlife.

### ***Pre-occupation***

#### 14. District Heating Network

The buildings comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that their internal systems for space and water heating are capable of being connected to the local decentralised energy district heating network. Prior to occupation of the development, the necessary on site infrastructure (including pipework, plant and machinery) for connection of those systems to the network in a manner agreed in writing by the LPA shall be put in place.

**Reason:** To ensure that the proposal complies with Policy CP13 of the Council's Adopted Core Strategy and paragraph 153 of the NPPF, and in the interests of delivering sustainable development.

#### 15. Shared Use Pedestrian/Cycle Path

Prior to the occupation of the forty four dwellings hereby permitted, the shared use pedestrian/cycle path connecting the site to Hollow Lane shall be constructed in accordance with plans previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

**Reason:** To maximise the use of sustainable modes of transport in accordance with saved Policy T3 of the Exeter Local Plan First Review and paragraph 108 of the NPPF (February 2019).

#### 16. Cycle Parking

Prior to the occupation of any dwelling hereby permitted, cycle parking facilities for the dwelling shall be provided in accordance with plans previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. Thereafter the said cycle storage provision shall be retained for that purpose at all times.

**Reason:** To promote cycling as a sustainable mode of travel and to accord with the Sustainable Transport SPD.

#### 17. Bin Stores

Prior to the occupation of any dwelling hereby permitted, bin storage for the dwelling shall be provided in accordance with plans previously submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that bin storage is provided for the dwellings in the interests of good design and residential amenity.

#### 18. Detailed Landscaping Scheme

Prior to the occupation of any dwelling hereby permitted, a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments and signage. The plan shall

specify tree/plant species and methods of planting, including tree pit details. The hard landscaping shall be constructed as approved prior to the occupation of the dwellings. The soft landscaping shall be planted in the first planting season following the occupation of the dwellings or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** In the interests of good design in accordance with saved Policy DG1 of the Exeter Local Plan First Review and paragraph 127 of the NPPF (February 2019).

#### 19. Vehicular Access

Prior to occupation of any of the dwellings, details of the vehicular access point shall have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. No dwelling shall be occupied until the vehicular access point has been provided, surfaced and marked out in accordance with the approved plans.

**Reason:** To provide a safe and suitable access for pedestrians and cyclists in accordance with Paragraph 108 of the NPPF.

#### 20. Layby

Prior to occupation of any of the dwellings, details of the vehicular passing place on Hollow Lane shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. No dwelling shall be occupied until the vehicular passing place has been provided, surfaced and marked out in accordance with the approved plans and the passing place shall be retained for that purpose at all times.

**REASON:** To provide a safe and suitable access for pedestrians and cyclists on Hollow Lane in accordance with Paragraph 108 of the NPPF

#### 21. Vehicular turning heads

Prior to occupation of any dwelling hereby permitted, details of the vehicular turning heads shown on *Drawing Number 18003-BAK-L02.01 Rev P11*, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. No dwelling shall be occupied until the vehicular turning heads have been provided in accordance with the approved details. These facilities shall be retained for that purpose at all times.

**Reason:** To provide safe and suitable facilities for the traffic attracted to the site.

## INFORMATIVES

1) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. 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, which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

2) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development.  
It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (i.e. where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development.

3) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

4) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

**B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 12 April 2021 OR SUCH EXTENDED TIME AS AGREED BY THE CITY DEVELOPMENT MANAGER**

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters –

- Affordable Housing
- Open space provision, maintenance and public access in perpetuity / Off-site Access/Recreation Improvements
- Highways Infrastructure
- Education contributions

The proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 3, 6 and 10, policies CP7, CP10, and CP18, Exeter Local Plan First Review 1995-2011 saved policies AP1, and DG5, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.