

PLANNING

Date: Monday 12 October 2020

Time: 5.30 pm

Venue: Legislation has been passed that allows Council's to conduct Committee meetings remotely

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Howard Bassett, Democratic Services Officer (Committees) on 01392 265107.

During the Corona Virus outbreak, meetings will be held by virtual means. The [live stream can be viewed here](#) at the meeting start time.

Membership -

Councillors Williams (Deputy Chair), Bialyk, Branston, Foale, Ghusain, Hannaford, Harvey, Mrs Henson, Mitchell, M, Morse, Sparkes, Sutton and Wright

Agenda

Part I: Items suggested for discussion with the press and public present

1 Apologies

To receive apologies for absence from Committee members.

2 Minutes

To approve and sign the minutes of the meetings held on 7 and 17 September 2020. (Pages 5 - 32)

3 Declarations of Interest

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item.

Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

4 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC**

It is not considered that the Committee would be likely to exclude the press and public during the consideration of any of the items on this agenda but, if it should wish to do so, then the following resolution should be passed: -

RECOMMENDED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for particular item(s) on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part I of Schedule 12A of the Act.

Public Speaking

Public speaking on planning applications and tree preservation orders is permitted at this Committee. Only one speaker in support and one opposed to the application may speak and the request must be made by 10 am on the Thursday before the meeting (full details available on request from the Democratic Services Officer).

5 **Planning Application No. 20/0321/FUL - Land at Broom Park Nurseries and Five Acres, Exeter Road, Topsham**

To consider the report of the Assistant Service Lead City Development. (Pages 33 - 68)

6 **Planning Application No. 19/1465/OUT - Land adjoining Exeter Road, Topsham, Exeter**

To consider the report of the Assistant Service Lead City Development. (Pages 69 - 96)

7 **Planning Application No. 18/1625/FUL - Land to the north of Arran Gardens, Hollow Lane and Higher Furlong, Monkerton, Exeter**

To consider the report of the Assistant Service Lead City Development. (Pages 97 - 144)

8 **List of Decisions Made and Withdrawn Applications**

To consider the report of the Director City Development, Housing and Supporting People. (Pages 145 - 166)

9 **Appeals Report**

To consider the report of the Director City Development, Housing and Supporting People. (Pages 167 - 168)

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 26 October 2020** at 5.30 pm.

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PLANNING COMMITTEE **(HELD AS A VIRTUAL MEETING)**

Monday 7 September 2020

Present:-

Councillor

Councillors Williams, Bialyk, Branston, Foale, Ghusain, Hannaford, Harvey, Mrs Henson, Mitchell, M, Morse, Sparkes, Sutton and Wright

Also Present

Director City Development, Housing & Supporting People, Corporate Manager Democratic and Civic Support, Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) (PJ), Principal Project Manager (Development) (MH), Project Manager (Planning) (LD), Project Manager (Planning) (LP), Project Officer, City Development, Legal Advisor, Principal Project Manager (Strategic Policy) (JD), Principal Project Manager - Housing Delivery, Assistant Highways Development Management Officer (Exeter), Democratic Services Officer (HB) and Democratic Services Officer (MD)

59

CHAIR

Councillor Ruth Williams, the Deputy Chair, chaired the meeting.

60

MINUTES

The minutes of the meeting held on 29 June 2020 were taken as read, approved and signed by the Deputy Chair as correct.

61

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

62

PETITION REFERRED FROM COUNCIL ON 21 JULY 2020 - SAVE OUR HISTORIC EXETER

The Corporate Manager Democratic and Civic Support presented the report on the petition titled, "Save Our Historic Exeter" which the Council, at its meeting on 21 July 2020, had referred to this Committee in line with the Council's Petition Scheme. At the Council meeting, the Lord Mayor had ruled that any debate of the issue could be considered as pre-determination of a proposed development in the city and it had therefore been deemed appropriate for the matters raised in the petition to be considered by this Committee.

The report detailed the contents of the petition and the policy framework, both nationally and within the City Council itself through the Exeter Local Plan and supporting documents, which set out the existing processes the Council followed in planning matters and in determining planning applications.

Councillor D. Moore, having given notice under Standing Order No. 44, spoke on the item. She raised the following points:-

- congratulate residents on a significant petition of 4,000 signatures with over 2,000 by Exeter residents;

- the essence of the petition relates not to a specific planning application but to planning policy, as residents believe that, notwithstanding the Local Plan and supplementary planning documents, there are gaps in the city's planning policy. The Local Plan does not meet the city's current or future needs;
- although the Local Plan describes Exeter as low rise there are many high rise buildings which fail to respect historic Exeter and these developments benefit only investors. Exeter is one of five historic city centres recognised by the Ancient Monuments and Archaeological Areas Act 1979;
- residents feel that the Council lacks sufficient resources to scrutinise planning applications, many of which impact adversely on their properties especially when these are listed buildings and require mitigation measures;
- developer proposals are overwhelmingly about profit and there is little regard for protecting Exeter's heritage or its long term vision and creating thriving and coherent communities;
- petitioners seek the right to influence their environment and to encourage developments of flair and imagination with world class architecture and visionary thinking worthy of a historically important city and addressing the challenges of the city becoming zero carbon. People want to engage constructively in the future of the city;
- the absence of a Council policy on co-living on which there are two planning applications pending. Petitioners are asking the Council to put these on hold as there is inadequate evidence or information about whether these developments are needed or are in keeping with the Local Plan; and
- residents need to know how communities will be fully involved on the updating of the Local Plan and wish to contribute their local knowledge and to ensure the Council becomes a real advocate for local people

Members expressed the following views:-

- impressed with the petition and the thoughtfulness that went into it and agree with many aspects. The Council does seek to support sustainable and environmentally responsible developments but is constrained by its limited resources and national policies;
- accept growing local concern about the lack of affordable and social housing in the city given the level of student accommodation built. The City Council seeks to build more social and affordable housing in the city but lacks the necessary powers and resources;
- agree the need for planning policies specific to the needs of a historic city like Exeter;
- the current White Paper on planning could become a developers' charter and further erode local checks and balances;
- the Council seeks to lead on social housing provision and has brought forward its target of building 500 social homes in the next ten years to the next five years;
- some of issues are broad and relate to generic planning issues and, with the withdrawal of Mid and East Devon District Councils from the GESP, the Council is progressing the review of the Local Plan;
- Councils are required to undertake extensive public consultation in the development of Local Plans and Neighbourhood Plans and will do so in bringing forward the new Local Plan;
- it is noted that over 50% of signatures are from those outside Exeter;
- co living can offer a solution to housing problems and these proposals will be appropriately scrutinised; and
- it is hoped that the two recommendations will address concerns raised and that there will be a positive and structured debate going forward to inform the review of the Local Plan and the preservation of Historic Exeter.

The recommendations were moved, seconded and carried.

RECOMMENDED to Council that:-

- (1) the contents of the petition be noted; and
- (2) the progress being made to ensure robust policies and plans are in place to meet the development demands being placed on the city, be noted and supported.

63

PLANNING APPLICATION NO. 20/0581/TEL - ST THOMAS CENTRE, COWICK STREET, EXETER

The Assistant Service Lead City Development presented the application for prior approval for the installation of a 15 metre high 5G telecommunication monopole with cabinet at base and associated ancillary works. He explained the following different types of telecommunication developments:-

- permitted development, for example, alterations to an existing mast;
- permitted development - prior approval notification, for example, a new mast up to 20 metres; and
- planning application, for example, a new mast over 20 metres; and

set out the following relevant statutory requirements:-

For all Telecommunication developments:-

- National Planning Policy Framework paragraph 116: and
- Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission on Non-Ionising Radiation Protection guidelines for public exposure.

Prior Approval Notifications:-

- General Permitted Development Order Part 16: The developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development; and
- 56 days from receipt to determine and to approve/refuse siting and design.

The Assistant Service Lead City Development set out the following factors which can be considered in relation to appearance as part of the prior approval process including:-

- design, form, shape and dimensions;
- colour and materials; and
- whether there are more suitable sites for the proposed works; and

also set out the factors which can be considered concerning siting including:-

- height of the site in relation to surrounding ground;
- existing topographical features and natural vegetation;
- the effect on the skyline or horizon;
- the site when observed from any side;

- the site in relation to areas designated for scenic value;
- the site in relation to existing masts;
- the site in relation to residential properties

The Assistant Service Lead City Development, through a series of photo montages provided by the applicant, showed from a range of views the location and potential visual impact the mast would have on the street scene within the Cowick Street Conservation Area. He advised that a number of sites in St. Thomas had been considered but rejected for technical reasons and the current site proposed was the only suitable one to achieve the necessary cell radius. Due to operational reasons the mast needed to be located in the St. Thomas area and a location outside of the city was unlikely to provide sufficient coverage. The proposal was required due to acute capacity issues and would facilitate significantly improved 5G coverage in areas that had started to gain this service.

The Assistant Service Lead City Development advised that 12 representations in support had been received, seven from St. Thomas, one from Torquay and four from elsewhere. 342 objections had been received, 50 from St. Thomas. It was noted that, in the interests of highway safety, the site of the mast has been moved away from the bus shelter and pavement.

The Assistant Service Lead City Development responded as follows to Members' queries:-

- the photo montage was the one sent to English Heritage and was considered sufficiently accurate to assess the impact on the view of the Cathedral and other historical assets;
- the view of the Cathedral from the photo montage and including the mast showed that the view of the Cathedral was partly obscured by trees;
- the applicant had advised that the mast would provide the necessary coverage and that they would not seek additional masts in the area;
- as the Government had set permitted development at 20 metres, providers would seek to apply for this height in the first instance;
- other sites considered in the vicinity would not have met the guidelines set by the International Commission on Non-Ionising Radiation Protection including a suggested location which would have brought the top of the mast to be in line with passengers waiting on the St. Thomas Rail Halt. The current location would meet the guidelines;
- the mast is unlikely to have an adverse impact on wildlife; and
- not aware of any Tree Preservation Orders in the Cowick Street Conservation Area.

Councillor Packham, having given notice under Standing Order No. 44, spoke on the item. She raised the following points:-

- serious concerns amongst the residents of St. Thomas relating to scale, design and siting of the mast which is out of place within this community setting;
- the mast will dominate the skyline, is an eyesore and will impact adversely on the St. Thomas precinct which is the heart of the local community;
- concerns have also been expressed regarding the impact on the general landscaping and biodiversity of the area. Devon Wildlife Trust have confirmed the presence of Pied Wagtails which are in long term decline;
- applicant had only considered three alternatives which failed to meet the guidelines of the International Commission on Non-Ionising Radiation Protection;
- location is too close to residential properties and there have been numerous

- concerns about potential health implications; and
- more than 50 St. Thomas residents are deeply opposed to the mast on grounds of scale, design, siting and bio-diversity.

Councillor D. Moore, having given notice under Standing Order No. 44, spoke on the item. She raised the following points:-

- the mast will have a detrimental effect not only on listed buildings but the Cowick Street Conservation Area as a whole as well as other Conservation Areas such as Central, the Riverside and St. Davids;
- long distance views from the centre of the city looking out towards the hills beyond St. Thomas will also be affected;
- as St. Thomas is at a lower level, the mast will have a detrimental effect on views up to the centre of the city and of the Cathedral;
- the Cowick Street Area Conservation Management Plan states that the post war period after 1945 saw a collection of inappropriate re-development in this part of St. Thomas, fragmenting the townscape and detracting from the special character of the area. The mast and associated cabinets will further detract from the area and its amenity;
- the proposed mast and cabinets will have a poor relationship with the character of the street scene and undermine the Council's efforts to improve the street scene in line with the Conservation Area Management Plan;
- absence of an ecological study into the impact on wildlife; and
- if prior approval is granted, any future proposal for a 20 metres high mast must be refused.

Councillor Newby, having given notice under Standing Order No. 44, spoke on the item. He raised the following points:-

- mast will be located in the vicinity of a number of schools including the Little Saints Pre-School and St. Thomas and Bowhill Primary Schools and there is no guarantee that the mast will meet the requisite standards for telecommunication masts;
- potential disruption to the radio waves of emergency services;
- other providers may seek to add their equipment to the mast; and
- adverse impact on bio-diversity of the area with particular reference to bee hives and the pied wagtail.

Councillor J. Moore, having given notice under Standing Order No. 44, spoke on the item. She raised the following points:-

- wider issues including potential impact on health are also relevant;
- Historic England were misled about the scale of the mast and have suggested that alternative locations should be examined;
- the mast is significantly taller than trees and nearby street lamps and wider at the top than the street lamps and adds to the clutter of the street creating a hard industrial feel to the area;
- photos are misleading with some images not showing the mast in an accurate position and do not show the correct scale and height in some views with a distorted wide angle perspective. Revised photos are required;
- adverse impact on the view of the Cathedral; and
- prior approval should be rejected on grounds of siting and appearance.

Mr Charlie Kay spoke against the application. He raised the following points:-

- hands tied as only able to reject on the grounds of appearance and siting;
- 5G is a toxic pollutant and untested technology, studies showing that it causes biological harm and is a carcinogen impacting immune systems and wildlife;
- being 15 meters high, ugly and an extremely prominent piece of industrial infrastructure dominating the skyline it is not a normal mast;
- the applicant's photos are inaccurate and not properly assessed;
- it impacts the view of the Cathedral and Conservation Area generally from various angles;
- viewed against the existing horizon and skyline, it totally dominates the surrounding community of St. Thomas, including its amenities, businesses and residential properties;
- it is intrusive and overbearing, completely out of scale and three times taller than houses and ground level shops and to live, shop and spend recreational time close to the mast would seriously affect the whole ambiance of the area;
- allowing the application would set a dangerous precedent for other Conservation Areas in a beautiful historic city;
- it will have an adverse impact on the character and appearance of the area in breach of Exeter City Council's Local Plan;
- contrary to the applicant's proposal, the siting is in close proximity to St. Thomas Primary School, two other primary schools, two pre-schools and a nursery; and
- the siting, design and appearance is therefore completely inappropriate for St. Thomas and the Conservation area.

Before the commencement of the debate the Deputy Chair reminded Members that the application was a prior notification in respect of siting and appearance and was not a planning application and that the principal of the development was permitted by national government regulations. Moreover, as prior approval application required an applicant to seek approval from the Local Planning Authority (LPA) only certain elements of the proposal were acceptable before commencement of work and the LPA could not consider any other matters.

The Deputy Chair further emphasised that the mobile operators did not need to justify the need for the apparatus. National planning policy stated that health implications associated with new telecoms could not be considered. The Council could not therefore consider perception of health risk, or the precautionary principal as the application considerations related to siting and appearance only. The considerations to be taken into account in the determination of prior approval applications were therefore very limited under planning regulations.

The application had to be determined by the Council within 56 days of receipt and the operator had the right to install the apparatus if there was no response within this timescale.

A number of Members opposed the granting of prior approval on the following grounds:-

- the insertion of an alien structure will detract from the Cowick Street Conservation Area and negate the efforts of the Council and the local community to improve the area;
- Historic England have reservations and questioned whether the applicant had seriously examined alternative locations. Alternative sites should be explored;
- a number of trees have been removed in the area and the mast will further detract from the overall landscaping;
- Section 40 of the Natural England and Rural Communities Act 2009 sets out a duty to conserve the biodiversity of areas. The presence of a mast is likely to

- have an adverse impact on wildlife;
- as providers have stated that mast coverage has a greater impact at ground level for mobile phones, a height of 15 metres is unnecessary;
- the mast will have an adverse impact on the unique character of St. Thomas;
- the scale and massing is inappropriate and will dwarf adjacent shops and residential properties and the example of other authorities such as Norwich, Bath, Brighton and Hammersmith and Fulham Councils, who have rejected such applications, should be followed;
- the mast will detract from the view of the Cathedral and also panoramic views in the opposite direction, west to Dartmoor; and
- the mast neither preserves nor enhances the Cowick Street Conservation Area.

The recommendation was for approval, subject to the condition as set out in the report.

The following motion was moved, seconded and carried.

“That the application be refused on the grounds that the mast was not appropriate in a Conservation Area on the basis of its design, location, form and height and was not in keeping with the current topographical features in the immediate vicinity and would neither enhance nor protect the area”

RESOLVED that prior approval for the installation of a 15 metre high 5G telecommunication monopole with cabinet at base and associated ancillary works be **REFUSED** as the proposal is contrary to National Planning Policy Framework paragraphs 127 and 192, policy CP17 of the Core Strategy, policies C1, C2, DG1 and EN7 of the Exeter Local Plan First Review 1995-2011, and policies DD6, DD25 and DD28 of the emerging Development Delivery Development Plan Document because the proposed telecommunications equipment by reason of its height, siting and design would be unacceptably prominent and visually intrusive, to the detriment of visual amenity, street scene and character of the Cowick Street Conservation Area.

64 **PLANNING APPLICATION NO. 20/0809/TEL - LAND AT SIDMOUTH ROAD, EXETER**

The Deputy Chair reported that the application had been removed from the agenda as the applicant had requested an extension of time in respect of their application.

65 **PLANNING APPLICATION NO. 19/0699/FUL - LAND AT HILL BARTON, ADJACENT TO THE BOUNDARY OF THE MET OFFICE, EXETER**

The Principal Project Manager (Development) (PJ) presented the application for residential development of 47 dwellings including all other associated infrastructure works and road access to the site served off Hill Barton roundabout. He highlighted:-

- site situated within the Monkerton and Hill Barton Strategic Residential Allocation as designated in the Core Strategy and was previously granted outline consent for residential development in 2013;
- the scheme would provide 13 open market homes and 16 affordable houses, the latter being a policy compliant level of such provision for the overall number of dwellings proposed;
- concerns raised by local residents in respect of highway matters can be

suitably addressed through planning conditions and/or the Section 106 Agreement;

- access from Heritage Road, Mytlebury Way and a new section of highway;
- the open space for the scheme would be provided at the picturesque ridge line park proposed within the Hill Barton and Monkerton Master Plan; and
- Section 106 contributions are proposed towards transport and education requirements.

•
The Principal Project Manager (Development) and the Assistant Highways Development Management Officer (Exeter) gave the following responses to Members' queries:-

- the proposal for the Monkerton Rail Halt was a significant infrastructure development and there was no timescale at present for its provision. The land for the Halt would be safeguarded by the Section 106 Agreement;
- the footway/cycle way provision at the eastern boundary was adjacent to the Met Office and would feed into the overall footway and cycle way network for the area;
- detailed discussions had been held with the respective developers to develop the picturesque ridgeline park which, it was hoped, would be brought forward within a relatively short timescale as part of an outline planning application for the remainder of the Hill Barton site; and
- the Police Designing Out Crime Officer had provided detailed comments on the layout and were generally satisfied that appropriate surveillance would be provided for the benefit of households, that rear gardens would not be exposed and effective parking allocation identified. A condition would be included to ensure that all rear service alleyways would be gated.

Councillor Oliver, having given notice under Standing Order No. 44, spoke on the item. She raised the following points:-

- welcome provision of 16 affordable homes for the people of Exeter;
- the Council is constrained by existing legal frameworks and, given the support of the highway authority, there are no legal reasons to refuse;
- the Government White Paper on planning is likely to ease existing restrictions on developments;
- it is a misapprehension amongst some residents that the proposed Hill Barton Park is to be built on as part of this planning application;
- although open space will be provided in the ridgeline park, local play spaces are also necessary closer to homes. The provision of a green corridor through the site is welcome; and
- residents are concerned that there is no clear timeline for the provision of the Rail Halt.

The Chair read out a statement from Mr Tal Donahue on behalf of the Hill Barton Residents' Association, who opposed the application, a summary of which is below:-

- the Monkerton Master plan will be 10 years old in three weeks;
- seek assurance as to the extent which the Master Plan and the strategic plan for the Hill Barton development area, approved by Council in 2013, are being followed through in their delivery, particularly in relation to green space, public health and wellbeing;
- the location of the application is almost where the Master Plan earmarks land for the "Hill Barton Park";
- assurances required that such a park will be delivered within a suitable timescale and that it will conform to the goals laid out in the Master Plan;

- a green corridor should be established running across the eastern side of the Hill Barton development area adjacent to and surrounding the Met Office;
- many comments have been made regarding the unsafe nature of the Heritage Road access which has become a single lane road due to street parking;
- this development forms part of next phase of the Hill Barton Consortium's development plan approved in 2013 and these houses, added to the approximately 200 across the rest of Phase 3 and the 300 or so already delivered in Phases 1 and 2, will create dangerous road conditions around Hill Barton; and
- the Monkerton Rail Halt forms part of the wider considerations for the Devon Metro initiative. Residents require clarification on the status of the Rail Halt.

Mr Rudge spoke in support of the application.

- outline permission was originally granted on 29 November 2013 for a mixed use scheme but, as that application had lapsed, a detailed scheme has been put forward covering the same principles;
- have worked closely with the planning authority to address initial concerns with regards to density, storey heights and parking with significant changes including a reduction in the number of plots proposed on the site, creating an inviting vista with railings being incorporated to frontages of properties where they are located in a prominent location and working with the topography of the site to minimise the impact on the wider area. Cycle/pedestrian links have also been provided;
- 35% affordable dwellings will be delivered across the site, which remains policy compliant. The delivery of these units, with a mixture of tenure types, will make a positive contribution towards the delivery of housing within Exeter;
- the applicant is in a position to complete the Section 106 Agreement quickly. In the context of the growth agenda and the national and local need for housing, the application will meet the need for new homes in a sustainable manner and underpin the sustainability of Hill Barton; and
- the County Highways Officer has responded to highway concerns which can be addressed through planning conditions or the Section 106 agreement.

Members expressed the following views:-

- the provision of two access points including another access from the north will increase the strain on an already busy highway network;
- although a rail station is to be provided at Marsh Barton, the timeline for the proposed rail halt as part of the Monkerton Master Plan is unclear and may not occur for many years;
- in line with the Sport England Active Exeter pilot, there should be greater emphasis on the provision of play parks adjacent to houses in addition to the ridgeline park being provided as part of the Monkerton and Hill Barton Master Plan;
- provision of affordable homes is welcome; and
- notwithstanding general pressure on green land in Exeter, further developments are needed and, given the support of the Highway Authority, there are no planning reasons to refuse.

The Principal Project Manager (Development) and the Assistant Highways Development Management Officer (Exeter) advised that the infrastructure proposals allowed for the new cycle/footway provision and a future bus route. The cycleway was part of the strategic cycle route from the north of Hollow Lane to the City Centre and that Stagecoach had agreed in principle to introduce a new bus route to serve the emerging developments. Safety along Heritage Road would also

be improved.

The recommendation was for approval, subject to the conditions as set out in the report.

The recommendation was moved and seconded.

RESOLVED that:-

(1)subject to a Section 106 Agreement under the Town and Country Planning Act 1990 to secure the following:-

Affordable housing

16 dwellings (11 social rent and 5 intermediate rent) 50% of affordable housing 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.

Transport

Safeguard the land for the Monkerton Railway Halt

Financial contributions required as follows:

Pedestrian/cycle improvements £450 per dwelling; bus service £981.82 per dwelling and travel planning £500 per dwelling. Total transport contribution per dwelling of £1931.82

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.

Traffic Regulation Order - £3,500 (to be paid at Devon County Council's request)

Education

The total education sum will be £64,716 (primary); £98,742 (secondary) and £8,750 (early years) a total of £172,208.

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.

Open Space

No more than 75% of dwellings shall be occupied until the public open space (alongside the cycleway has been laid out in accordance with the approved plans. Prior to completion of public open space areas, details of management company to be provided.

the Assistant Service Lead City Development be authorised to **APPROVE** planning permission for residential development of 27 dwellings (including 35% affordable housing), access from Newcourt Road, public open space and associated works, subject also to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 7 July 2020 (including dwg. nos. HB3-location plan rev E ; HB3-120 P10 Site Layout; HB3-121 P2 Boundary Treatments; HB3-129 P2 Ridge Heights; HB3-130 P2 Garden Areas; HB3-200 P3 Street Scenes; HB3-PL500

P3 Welwyn LTH; HB3-PL501 P2 Hanbury LTH ; HB3-PL503 P2 Hatfield LTH; HB3-PL504 P4 Clayton LTH; HB3-PL505 P3 Souter LTH; HB3-PL506 P3 Chedworth; HB3-PL507 P4 Garages; HB3-PL508 P1 Clayton Corner LTH & HB3-SK3000 P3 Site FFLs & Site Sections.

Reason: In order to ensure compliance with the approved drawings.

- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

Reason: To ensure that the materials conform with the visual amenity requirements of the area.

- 4) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with the details specified in the Arboricultural Impact Assessment Report prepared by Aspect Tree Consultancy ref 05400 AIA 20.03.20 and accompanying drawing no. 05400 TPP 23.03.20. 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.

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

- 6) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of vehicular visibility splays for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the proposed vehicular visibility splays shall be provided in accordance with the submitted details.

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

- 7) None of the individual dwellings hereby approved shall be occupied until the cycle storage provision to serve that dwelling of a detail to be agreed with the Local Planning Authority, has been provided and made available for use by the occupant. Thereafter the said cycle

storage provision shall be retained for that purpose at all times.
Reason - To ensure that cycle storage facilities are provided to encourage the use of sustainable modes of transport by the future occupants of the properties.

- 8) Prior to occupation of the development, details shall be submitted to the Local Planning Authority of bus stops (including location and type of bus stop) for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority, and prior to occupation the bus stops shall be provided in accordance with the submitted details.
Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.
- 9) Prior to occupation of the development, details shall be submitted to the Local Planning Authority of the vehicular access radii into the development (between plots 315/316) for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority, and prior to occupation the vehicular access radii shall be provided in accordance with the submitted details.
Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.
- 10) Prior to occupation of any part of "Phase 4" of the development, details shall be submitted to the Local Planning Authority of the future pedestrian/cycle crossing facilities for the development as indicated on Drawing Number "071-003-001 Rev P4 Section 38 Plan". Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority, and prior to occupation of any part of "Phase 4" the crossing facilities shall be provided in accordance with the submitted details.
Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.
- 11) No part of the development hereby approved shall be brought into its intended use until the access roads (together with raised table crossing points), vehicular parking spaces and associated turning area as indicated on Drawing Number "071-003-001 Rev P4 Section 38 Plan" has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To provide a safe and suitable access in accordance with paragraph 108 of the National Planning Policy Framework.
- 12) No part of the development hereby approved shall be brought into its intended use until the East-West footway/cycleway connections and North-South footway/cycle connections and associated crossing points as indicated on Drawing Number "071-003-001 Rev P4 Section 38 Plan" has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local

Planning Authority.

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.

- 13) Pre-commencement condition: Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.
Reason for Pre-commencement condition: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.
- 14) A detailed scheme for landscaping, including the planting of trees and/or shrubs (in particular in respect of the southern boundary), the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no unit shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 15) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority. A photographic record of any trees, hedges on site shall be taken prior to any felling working being undertaken.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 16) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 17) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing

by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason: To ensure the protection of the trees during the carrying out of the development.

- 18) Pre-commencement condition: No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.
Reason for pre-commencement condition: To ensure that surface water runoff from the construction site is appropriately managed.
- 19) If during development contamination not previously identified is found to be present at the site then no further development, unless otherwise agreed in writing with the Local Planning Authority, shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.
Following completion of measures identified in the approved remediation strategy and verification plan, and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy, and the effectiveness of the remediation, shall be submitted to and approved, in writing, by the Local Planning Authority.
Reason: In the interests of the amenity of the occupants of the buildings hereby approved.
- 20) The dwellings hereby approved shall be designed and built to meet M4 2 of the Building Regulations Access to and Use of Building Approved Document M, 2015 edition.
Reason: To increase choice, independence and longevity of tenure in accordance with Policy CP5 point three of the Exeter Core Strategy.
- 21) Pre-commencement condition: Before commencement of construction of the development hereby permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO₂ emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO₂ saving shall

thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.

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

- 22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no mobile base stations shall be erected within the development.
Reason – To ensure adequate protection to the Met Office satellite reception facility.
- 23) Pre commencement condition: No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.
Reason for pre commencement condition: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.
- 24) Pre-Commencement condition - No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems. No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.
Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
- 25) No dwelling shall be occupied until details of gates to all rear service alleyways have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with these agreed details at all times.
Reason: In accordance with paragraphs 91 and 127 the National Planning Policy Framework in respect of reducing the fear of crime and increased surveillance opportunities.
- 26) Pre-commencement condition - A noise impact assessment shall be

submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. Any noise mitigation required shall be agreed in writing with the Local Planning Authority and implemented in full prior to occupation and maintained thereafter.

Reason: In the interest of amenity.

- 27) Pre-commencement condition: No development shall commencement until an air quality assessment has been submitted and approved in writing by the Local Planning Authority. Any mitigation measure required following the completion of the assessment shall be agreed in writing and implemented in full prior to occupation and maintained thereafter.

Reason: Insufficient information has been submitted with the application and in the interests of amenity.

- 28) No dwelling shall be occupied until a lighting assessment has been submitted and approved in writing by the Local Planning Authority. Any mitigation measure required following the completion of the assessment shall be agreed in writing and implemented in full prior to occupation and maintained thereafter.

Reason: Insufficient information has been submitted with the application and in the interests of amenity.

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.
 - 5) The applicants attention is drawn to the need to meet the Exeter Airport Aerodrome Safeguarding criteria as contained in the Airport Operators Association 'Cranes and other Construction Issues' Advice Note.
 - 6) The applicant is advised that they should contact the Met Office to discuss specific issues regarding their operational requirements prior to commencement.
- (1) the Assistant Service Lead City Development be authorised to **REFUSE** planning permission if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990(as amended) is not completed by 7 March 2021 or such extended time as agreed by the Service Lead City Development

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ADJOURNMENT OF MEETING

The meeting was adjourned for the following items to be considered at a re-convened meeting of this Committee to be held on Thursday 17 September 2020 at 5.30pm.

Planning Application No 20/0293/FUL - 89 Mount Pleasant Road, Exeter;
Planning Application No 20/0437/FUL - Land to the North East of Newcourt Road;
List of Decisions Made and Withdrawn Applications; and
Appeals Report.

(The meeting commenced at 5.30 pm and closed at 8.26 pm)

Chair

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PLANNING COMMITTEE
(HELD AS A VIRTUAL MEETING)

Thursday 17 September 2020

Present:-

Councillors Bialyk, Branston, Foale, Harvey, Mrs Henson, Mitchell, M, Morse, Sparkes and Wright

Apologies

Councillors Williams, Ghusain, Hannaford and Sutton

Also Present

Director City Development, Housing & Supporting People, Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) (MH), Democratic Services Officer (HB) and Democratic Services Officer (SLS)

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APPOINTMENT OF CHAIR FOR THE MEETING

In the absence of Councillor Williams, the Deputy Chair, Councillor Morse was appointed Chair for this meeting.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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PLANNING APPLICATION NO. 20/0293/FUL - 89 MOUNT PLEASANT ROAD, EXETER

The Assistant Service Lead City Development (RC) presented the application for the change of use from dwelling (Class C3) to House of Multiple Occupation (Class C4).

The proposal related to a two storey three-bedroom mid-terrace dwelling located within a zone where the Council had applied an Article 4 Direction in 2011 to restrict changes of use from Class C3 (dwelling) to Class C4 (House in Multiple Occupation, or HMO). The objective had been to ensure the maintenance of balanced communities and to prevent streets being dominated by short stay student residents, which leaves properties vacant for significant periods outside of the academic terms.

This property was in student HMO use prior to 2013 when the applicant bought the property and, through Permitted Development, converted it back to a Class C3 dwelling. After a period of six years, the applicant has concluded that the dwelling was not suitable for normal family life and therefore wished to move. He sought planning permission for a change of use back to a Class C4 HMO.

Mrs Partridge spoke in support of the application.

- the house has been on the market for over a year. Since June, there had been a lot of interest, but no offers received;
- although consideration had been given to further reducing the price, two estate agents had suggested that the property should be listed at a higher price so the asking price had not been reduced;

- lockdown has been particularly difficult with increased time in close proximity to neighbours in the Salvation Army house with more anti-social behaviour issues such as loud music. The Salvation Army management had been supportive, trying to remedy the situation, but the issue remains;
- the exceptional circumstances in the planning policy is as if it had been written about the house. C4 restrictions in part recognise how difficult it is for home owners to be surrounded by HMO's and are designed to protect them. In this situation it is too late for the policy to make a difference to the immediate area; and
- the feedback is the same - people do not want to buy a house which is surrounded by HMO's. It is not felt that the home is safe for the children to play in the garden and where there is little opportunity for long term relationships to be built with neighbours.

The recommendation was for approval, subject to the conditions as set out in the report and was supported by Members.

The recommendation was moved and seconded.

RESOLVED that planning permission for the change of use from dwelling (Class C3) to House of Multiple Occupation (Class C4) be approved, subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 28 February 2020 as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved details.

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**PLANNING APPLICATION NO. 20/0437/FUL - LAND TO THE NORTH EAST OF
NEWCOURT ROAD, TOPSHAM, EXETER**

The Principal Project Manager (Development) (MH) presented the application for residential development of 27 dwellings (including 35% affordable housing), access from Newcourt Road, public open space and associated works.

The Principal Project Manager (Development) referred to the key issues of design and layout, sustainable construction, economic benefits, flood risk and impact on local highways, heritage assets and trees and biodiversity and highlighted:-

- absence of a five year land supply;
- same access off Newcourt Road as agreed in the earlier planning approval;
- the location was considered to be sustainable and the proposal was acceptable in its design and general visual impact;
- the proposal was not considered to be of any significant harm to neighbouring residential amenity; and
- provision of both affordable and open market homes.

The Principal Project Manager (Development) responded as follows to Members'

queries:-

- materials for the highways were of the necessary standards to cope with refuse vehicles
- play equipment was not proposed for the area of open space as this was not merited because of the size of the development;
- the developer would be encouraged to provide hedgerows early in the development;
- no access was proposed through Yeomans Gardens where the developer did not own the necessary land.
- the developer had brought forward another development in Exeter.

Stella McLarin spoke against the application. She raised the following points:-

- speaking on behalf of many neighbours;
- the development, plus the adjacent one of seven houses; will increase the population of Newcourt Road by about 50%, spoil its country feel and set a precedent for other developments;
- a 19% reduction in CO2 emissions is inadequate;
- there has been a material change in the use of Newcourt Road as a result of Covid-19 with significantly higher cycle and pedestrian use, so the traffic surveys of 2018 and 2019 are out of date. Traffic will increase by 40% as a result of this development;
- the increased number of houses incorporates overt provision for an access to be put through to Yeomans Gardens which will leave dormice colonies potentially isolated and a new biodiversity report is required;
- no account of the requirement to erect an acoustic fence along the boundary with the railway line which is an increasingly important wildlife corridor;
- all objections were referred to in GESP publications;
- hedges may not be retained in the future;
- lorry deliveries should all be outside peak hours as schoolchildren cycle along the road and people walk on the road, not the pavement;
- lack of clarity as to where the two metre wide footpath will be provided;
- covenants are required on the houses to maintain hedgerows in the future;
- clarification required on the provision of a new sewer along most of Newcourt Road as many properties are on septic tanks; and
- the four areas of objection are Traffic, Wildlife/Environment, Sustainability and Infrastructure and the development constitutes significant harm to neighbouring amenities.

Catherine Knee spoke in support of the application. She raised the following points:-

- Strongvox Homes is an award-winning private housing developer building and selling on a number of developments in the south west offering a range of family homes, including affordable properties. All sites are designed to be sympathetic to their surroundings, with homes displaying character and individuality;
- the principle of developing the application site for housing was established in December of last year when outline permission was approved;
- a high-quality design and layout that deliver 27 dwellings on the application site, comprising of a suitable mix of 1, 2, 3, 4 and 5 bedroom homes;
- the proposal includes a footpath along the site's frontage which will be of benefit to highway safety and all existing pedestrians using this section of the road. A replacement hedgerow will be provided within the site, setback behind

the new footpath. All other boundary hedgerows will be retained. A central open space will form the focal point of the development. The proposed space standards and garden sizes for all dwellings accord with policy;

- no outstanding objections from statutory consultees, including Devon County Highways and the Local Flood Authority;
- will deliver a policy compliant 35% level of affordable housing and a contribution of £11,322 will be made towards enhancing GP facilities in Topsham; and
- the application accords with City Council policies and contributes towards the Council's five year housing land supply.

One Member was opposed to the development as it would bring additional traffic along Newcourt Road which would exacerbate highway conditions and the safety of pedestrians and cyclists.

The recommendations were for approval, subject to the conditions as set out in the report.

The recommendation was moved and seconded.

RESOLVED that:-

(1) subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure:-

- affordable housing, including financial contribution in lieu of part unit;
- open space provision, maintenance and public access in perpetuity;
- contribution of £11,322 towards enhanced GP facilities/provision in the locality;
- £250 per dwelling towards sustainable travel measures in the area;
- £3,000 Traffic Regulation Order to extend 20mph zone into the development; and
- all Section 106 contributions to be index linked from the date of resolution.

the Assistant Service Lead City Development be authorised to **APPROVE** planning permission for residential development of 27 dwellings (including 35% affordable housing), access from Newcourt Road, public open space and associated works, subject also to the following conditions:-

1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted

Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 1st April, 16th June and 10th July 2020 (including dwg. nos. 0702-101, 0702-102 Rev A, 0702-103 Rev A, 0702-104 Rev A, 0701-105 Rev A, 0702-106 Rev A, 0702-107 Rev A, 0702-108 Rev A, 0702-109 Rev A, 0702-110 Rev A, 0702-111, 0702-112, Rev A, 0702-113, Topsham-C-100_002-A- Proposed Site Sections Rev A, 3274_L_LMP_0_01 Rev H, 3274_L_LMP_3_01 Rev B, 3274_L_LMP_3_02 Rev B, Planting Schedule Rev A, 12952/P05, Garden Areas Schedule,

Parking Matrix, 0702-300, 0702-301, 0702-302, 0702-303, 0702-304, 0702-305, 0702-306, 0702-307, 0702-308, 0702-309, 0702-310, 0702-311, 0702-312, 0702-313, 0702-314, 0702-315, 0702-316, 0702-317, 0702-318, 0702-319, 0702-320, and 0702-321) as modified by other conditions of this consent.

Reason: In order to ensure compliance with the approved drawings.

3) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with the details specified in the Arboricultural Impact Assessment Report prepared by Aspect Tree Consultancy ref 05400 AIA 20.03.20 and accompanying drawing no. 05400 TPP 23.03.20. 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.

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

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to monitor and control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to monitor and minimise noise/vibration 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 LPA.

Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage. The approved Statement shall be strictly adhered to throughout the construction period of the development.

5) Pre-commencement condition: Before commencement of construction of the development hereby permitted, the applicant shall submit a SAP

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

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

6) Pre-commencement condition: Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

Reason for Pre-commencement condition: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

7) Pre-commencement condition: No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason for pre-commencement condition: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area and a plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

8) The development hereby approved shall be implemented and maintained strictly in accordance with the submitted Flood Risk Assessment & Drainage Strategy Report dated July 2020 Rev A prepared by Spring Design.

Reason: To ensure that the scheme is implemented in accordance with an agreed framework and drainage strategy in the interests of ensuring that the drainage impacts of the proposal are acceptable and sustainable.

9) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

Reason: To ensure that the materials conform with the visual amenity

requirements of the area.

10) The development hereby approved shall be implemented in accordance with the provisions and mitigation measures contained within the submitted Ecological Assessment Report Ref 12952_R01_RR-MM and the Biodiversity Management and Enhancement Plan Report Ref 12952_R02c_JP_HM dated 24th March 2020 prepared by Tyler Grange (as updated by the Bat and Bird Box location plan drawing no. 12952/P05 dated July 2020). Thereafter the mitigation measures specified shall be maintained at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the scheme is implemented to protect the existing ecological interest of the site through appropriate mitigation and to enhance the ecological value of the site.

11) The development hereby approved shall be implemented in accordance with the submitted 'Method Statement for a programme of Archaeological Work' prepared by AC archaeology report ref no: ACD2231/1/1 dated March 2020.

Reason - To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

12) All external lighting comprised in the development shall be installed and maintained in accordance with the specifications set out and specified with the Lighting Impact Assessment prepared by Designs for Lighting report ref no: 1409-DFL-LIA-001 Rev D dated 08.07.2020.

Reason - To minimise the potential for light pollution and create an acceptable residential environment for future occupants of the dwellings.

13) None of dwellings comprising plots 9 to 20 shall be occupied until the mitigation measures outlined in Clarke Saunders's Acoustic Design Statement (report ref: AS11066.200326.R2.3, dated 26.0.20), including the specific boundary treatments referred to in paragraphs 4.8.7 and 4.8.8, have been implemented in full and evidence that the mitigation measures have been implemented has been provided to the Local Planning Authority. Mitigation measures shall be maintained thereafter.

Reason - To ensure that a satisfactory environment in terms of residential amenity and protection from noise is created for potential occupants of the properties.

14) In the event of failure of any trees or shrubs, planted in accordance with the landscaping scheme hereby approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

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

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

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

16) The dwellings hereby approved on plots 11, 21, 22 and 27 shall be designed and built to meet M4 2 of the Building Regulations Access to and Use of Building Approved Document M, 2015 edition.

Reason: To increase choice, independence and longevity of tenure in accordance with Policy CP5 point three of the Exeter Core Strategy.

17) None of the individual dwellings hereby approved shall be occupied until the cycle storage provision to serve that dwelling, as indicate on drawings no's 0702-102 Rev A and 0702-109 Rev A, has been provided and made available for use by the occupant. Thereafter the said cycle storage provision shall be retained for that purpose at all times.

Reason - To ensure that cycle storage facilities are provided to encourage the use of sustainable modes of transport by the future occupants of the properties.

18) No part of the development hereby approved shall be brought into its intended use until the 2.0m footway fronting Newcourt Road, visibility splays, carriageway widening and the vehicular access point as shown on drawing ref. Topsham-C-1300_001-A - S278 General Arrangement Plan have been provided and maintained in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority and retained for that purpose at all times.

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and Policy CP9 of the Core Strategy (February 2012).

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

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

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 (with particular reference to Table 26), 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. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.

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. For further information please see www.exeter.gov.uk/cil.

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.

5) The applicant's attention is drawn to the requirements of Network Rail set out in their emailed communication dated 29th May 2020.

(2) the Assistant Service Lead City Development be authorised to **REFUSE** planning permission if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990(as amended) is not completed by 7 March 2021 or such extended time as agreed by the Service Lead City Development

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Director City Development, Housing and Supporting People was submitted.

RESOLVED that the report be noted.

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APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(The meeting commenced at 5.30 pm and closed at 6.18 pm)

Chair

DRAFT

Planning Committee Report 20/0321/FUL

1.0 Header section for all reports

Application Number: 20/0321/FUL

Applicant name: Heritage Developments (South West) Ltd

Proposal: Demolition of existing buildings: Proposed residential development of 64 no. residential units, including affordable housing, plus open space, landscaping, car parking, cycle spaces, drainage, vehicular access, internal roads, provision of link road and all associated infrastructure and development. Site address: Land at Broom Park Nurseries and Five Acres, Exeter Road, Topsham.

Registration Date: 04/03/2020

Web Link to application, drawings/plans: <http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6ODSLHBGNZ00>

Case Officer: Michael Higgins

Ward Members: Cllrs Leadbetter, Newby and Sparkes

REASON APPLICATION IS GOING TO COMMITTEE: Non-delegated.

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 18 at end

- Absence of 5 year land supply
- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- The proposal is not considered to be of any significant harm to neighbouring residential amenity.
- There are no material considerations which it is considered would warrant refusal of this application

4.0

Table of key planning issues

Issue	Conclusion
Principle of development	In context of lack of 5 year housing supply principle considered acceptable notwithstanding landscape setting policy.
Affordable Housing	The provision of affordable forms part of the proposal and will be secured through the S106 Agreement.
Access/Impact on Local Highways and parking provision	Traffic generation, access arrangements and parking provision acceptable. Highway Authority raise no objection subject to suitable conditions and S106 obligations.
Scale, design, impact on character and appearance	Design is considered to be appropriate in context of prevailing character of existing development in the locality, where the same developer has completed similar housing developments
Impact on heritage assets	Based on the results of trial trenching works undertaken it is considered that the impact of the scheme on heritage assets on the site (archaeology) can be appropriately dealt with by a condition.
Impact on Trees and Biodiversity	Limited impact, hedgerows to be retained. Scheme to incorporate appropriate mitigation and enhancement.
Flood Risk and Surface Water Management	DCC as Lead Local Flood Authority have advised no objection subject to a suitable condition being imposed relating to detailed drainage design
Sustainable Construction and Energy Conservation	Appropriate standard to be secured through condition
Economic benefits	Affordable housing, open space, Education contributions, contribution to enhances GP service provision, and jobs in construction related industries
CIL/S106	CIL generated and S106 to secure relevant benefits identified above.

5.0 Description of Site

The application site comprises the buildings and land comprising the former Broom Park Nurseries, the property 'Five Acres' and its curtilage, and also incorporates the vehicular access road serving the golf driving range that sits to the north of the site. The site extends to an area of 2.89 hectares and is bounded by the University sports grounds to the NW, Exeter Road to the SW and existing and proposed residential development to the East. The site is predominantly with a slight rise from south to north and as previously cultivated land contains few vegetation features other than a small number of trees around the complex of buildings on the site and the hedgerows forming the perimeter boundaries.

6.0 Description of Development

The proposal as originally submitted comprised the demolition of all existing buildings on the site and redevelopment to provide 64 no. residential units (including affordable housing) along with associated open space, landscaping, and parking. The development would be served with vehicular access via the existing road off Exeter Road that serves the Golf driving range, and incorporates the extension of this road through the site up to the northern boundary of the site. Through negotiations to secure more acceptable open space provision and distribution the scheme has been revised to 61 dwellings.

7.0 Supporting information provided by applicant

The following documents have been submitted in support of the application –

- Planning Statement
- Design & Access Statement
- Transport Statement
- Highways Review Statement
- Flood Risk Assessment and Drainage Strategy
- Initial Screening and Dust Risk Assessment and update letter
- Extended Phase 1 Habitat Survey & Ecological Appraisal
- Archaeological Assessment and Geophysical Survey
- Air Quality
- Environmental Noise Impact Assessment
- Geotechnical Investigation and Contamination Assessment Report

8.0 Relevant Planning History

04/1441/FUL - Semi-detached two storey building for use as bed and breakfast accommodation (Class C1). Broom Park Nurseries. Approved 29/09/2004.

92/0889/FUL – Erection of two polythene tunnels. Approved 04/12/1992.

The following application is also relevant as the proposed development uses the access from Exeter Rd that was created as part of the driving range development

–
16/0081/FUL - Development comprising change of use to Golf Driving Range including erection of an 8 bay + 2 training bay driving range building incorporating reception and tractor store; associated flood lighting, 2m high mesh security fencing and 10m high netting; associated car parking and access. Approved 12/04/2016.

9.0 List of Constraints

Zone of Influence of SPA's
Landscape Setting

10.0 Consultations

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

Devon & Somerset Fire & Rescue Service – Highlight need for Building Regulation requirements in respect of access for fire service vehicles, and provision of fire hydrants to be met. This would be dealt with at Building Regs stage.

ECC Principle Project Manager (Heritage) – Comments on the scope of archaeological assessment and findings submitted to date and recommends that a geophysical survey should be undertaken prior to determination of the application to establish whether or not potentially significant remains exist on site which have potential to impact on the proposed layout. Following the submission of a geophysical survey which shows two areas of potential archaeological remains, a revised recommendation was made that appropriate trial trenching should be undertaken prior to determination to determine their potential significance and thereby impact on the proposed layout, together with the most appropriate form of mitigation/preservation going forward. This has subsequently been undertaken and based on the results it is considered that an appropriate condition can address the impact of the scheme in terms of archaeological heritage assets.

Wales & West Utilities – No objections but highlight need for developer to discuss details with them prior to commencing work on site given apparatus on site.

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 £82,519 (based on 64 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.

NHS Devon Clinical Commissioning Group (CCG) – Draw attention to chapter 9 of Exeter’s adopted Core Strategy ‘Meeting Community needs’ which refers to the potential for S106 contributions to meet health needs and comment specifically as follows –

“The CCG’s concern is that the GP surgeries, namely Topsham Surgery and Glasshouse Medical Centre, in the Topsham area, are already over capacity within their existing footprints therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The Surgeries already have 10,933 patients registered between them and this new development will increase the local population by a further 140 to 150 persons.”

Taking this into account and drawing upon the document “Devon Health Contributions Approach: GP Provision document “ drawn up by NHS England and Devon County Council, a request for a S106 financial contribution of £26,838 towards the cost of mitigation of the pressures on the local health care facility is requested.

Police Designing Out Crime Officer – No objection. Comments generally as follows and also makes specific advisory comments in relation to boundary treatments, clear distinction between public and private space, lighting and benefits of natural surveillance –

“On the whole the layout will provide overlooking and active frontages to the new internal streets and good surveillance opportunities delivered to public open space. Plots are generally orientated back to back to ensure rear gardens are not exposed. Parking has been allocated effectively with the majority on or close to plot with good surveillance provided. Generally appropriate boundary treatments have been utilised to clearly define space and establish ownership.”

Environmental Health – Request further information/analysis in respect of land contamination, and acoustic design statement, light pollution/spill assessment in respect of golf driving range and mitigation strategy, and air quality. Also recommend conditions relating to a CEMP, and dependent on findings of above re ground contamination, noise attenuation, light spill/pollution and air quality mitigation. The relevant further information requested has been provided and is considered acceptable, with further appropriate conditions suggested to covers matters.

DCC Education (Children’s Services) – Comment as follows –

“Devon County Council has identified that a development up to 58 family type dwellings will generate an additional 14.5 primary pupils and 8.7

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 will be requested. This is set out below:

When factoring in both approved but unimplemented housing developments as well as outstanding local plan allocations we have forecast that the local primary and secondary schools have not got capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will seek contribution towards additional education infrastructure to serve the address of the proposed development.

We have forecast that there is no spare primary capacity to accommodate pupils at the local primary schools and therefore we will request primary education contributions against the 14.5 pupils expected to be generated from this development. The primary contribution sought would be £281,546 (based on the DfE new build rate of £19,417 per pupil), or £4854.24 per dwelling. The contributions will be used towards new primary provision to serve Newcourt and surrounding development.

We have forecast that there is no spare secondary capacity to accommodate pupils at the local secondary schools and therefore we will request secondary education contributions against the 8.7 pupils expected to be generated from this development. The secondary contribution sought would be £206,407 (based on the DfE new build rate of £23,725 per pupil), or £3,558.74 per dwelling. The contributions will be used towards new secondary provision at South West Exeter. This new provision will release capacity at existing secondary schools across the city.

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 £14,500 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development. These contributions will be used towards new early years provision at Trinity Primary & Nursery School.

All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on March 2019 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. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.”

Natural England – Identify need to secure mitigation of potential impact on protected European sites, and refer to standing advice relating to impact on protected species and biodiversity gain.

DCC (Lead Local Flood Authority) – Comment as follows -

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

Following submission of further information a revised consultation response has been received with the following recommendation –

“Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

- No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
 - (a) A detailed drainage design based upon the Flood Risk Assessment and Drainage Strategy (Ref.19030; Rev. A; dated 23rd July 2020).
 - (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.

- (e) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.
 - (f) Evidence there is agreement in principle from SWW/ landowner/DCC Highways to connect into their system
 - (g) An assessment of the potential impacts of groundwater on the surface water drainage system, such as 'floatation'. The assessment should also include the construction of the features.
- No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (g) 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. 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.

RSPB – Comment on the proposals to enhance biodiversity as part of the development highlighting that they don't comply with the advice contained within the Council's adopted Residential Design SPD and that they should include integral bird/bat brick provision secured through an appropriate condition.

County Head of Planning, Transportation and Environment (Highways) – Comment as follows and recommend conditions and S106 obligations –

"It is noted the most up to date plan shows 61 dwellings.
Trip Generation and Impact

The submitted Technical Note (TN) suggests two-way peak hour vehicular trips of 0.49 in the AM Peak (0.39 Outbound/0.10 Inbound) and 0.57 in the PM peak (0.14 Outbound/0.43 Inbound). These trip rates based upon the trips observed at occupied dwellings at Bewick Avenue, the residential development situated immediately to the east. Applying this to the proposed development gives rise to 30 AM peak/35 PM peak vehicle trips. The trip rates used are considered acceptable given the observations of the adjacent site.

The development access serves the driving range and is also taken into consideration. It is felt that the traffic generation of the golf club whilst having an impact, it is unlikely to have a significant impact during the usual network peak periods. It is noted the trips from the driving range are already present and does not form part of this application.

The TN makes reference that the majority of the trips are to be Exeter Bound and therefore lead to Countess Wear Roundabout junction in the AM peak. Whilst this is of some concern, 30 trips in an hour does not represent a significant impact in terms of severe impact in terms of capacity for this standalone application (the golf driving range has consent).

Nevertheless, it is worth looking at this application on its own merit – the site is located within an area where foot and cycle are a realistic choice for a wide range of journeys. The site has access to public transport services on Exeter Road and is adjacent to a strategic cycle route (NCN2) and therefore, from a transport perspective, this application has to maximise existing infrastructure to discourage the use of the private vehicle.

Access

Primary pedestrian, cyclist, and vehicular access will be via the existing access that serves the driving range; this was determined under ECC Planning Reference 16/0081/FUL.

Exeter Road

The additional traffic onto Exeter Road arising from the application does not require a right turn lane and a priority junction is acceptable. However, DCC have discussed with the applicant the accident record of Exeter Road in the vicinity of the development. Once leaving the 20mph limit of Topsham, there is a noticeable increase in speeds on Exeter Road; this immediate section of road towards the M5 bridge is straight in nature, promoting speeds. With changing character of land to the north of Exeter Road as a result from this development, appropriate traffic management/calming measures on Exeter Road should be provided to reduce vehicle speeds and improve safety for the higher numbers of pedestrians and cyclists that occur in vicinity of development (existing and proposed).

As such the application encompasses 3 raised tables on Exeter Road;

- one at the site access (an amendment to the existing site access),
- one at the site access that serves The Chasse (Exeter Road access point),
- and Retreat Drive.

These are shown on Drawing Number 205368-A-02 Rev C. The raised table at the access point to the development still gives priority to pedestrians and cyclists on the NCN 2 and all 3 access points are a vast improvement to existing access arrangements on Exeter Road. The principle of the revised access points have been discussed with the Road Safety team and a Road Safety Audit Stage 1 (RSA1) has been undertaken.

Discussions with the applicant with the aid of a RSA1 has led to the change in positioning of the existing bus stop which is located immediately opposite the site access point. The relocated bus stop is positioned just south of the primary access point where the applicant provides a crossing on the raised table and a 2m footpath to the proposed bus shelter area. These changes are acceptable in principle and have been discussed with Stagecoach.

These raised tables will require a TRO – in this case will a number of schemes being delivered (together with a Co car space mentioned later), it is recommended that £10k is required.

Vehicular Access

As highlighted earlier the primary access point is via Exeter Road. From this access, 54 units are accessed to the west of the road that leads to the driving range. This is acceptable in principle as the junction has been raised giving priority to pedestrians and cyclists. This philosophy is continued at the driving range access is also raised.

Within the parcel of 54 units, to the south, there is a footway up to plot 52, however, there is not a continuous footpath up to the shared surface and therefore a condition is recommended. To the north there are footways until the raised table at plots 32/46/47/48/16 and from that point onwards a shared surface is promoted. This is acceptable in principle with dropped kerb access points serving driveways. The applicant has introduced speed calming measures by the way of tight radii within the development parcel reducing the speeds, something that is promoted by Manual for Streets. Tracking diagrams have been conducted to ensure that refuse vehicles can still manoeuvre around the site layout.

It is noted that forward visibility is compromised at plot 16 and 32 as shown on Drawing number *BRM-010-LANDSCAPE Rev 5.1* – any vegetation should be kept below 600mm (as shown on the proposed plans). To the east of the spine road, dropped kerbs serve plots 55 – 61; this is also acceptable in principle.

The rest of the vehicular layout is broadly acceptable for the residential development parcel and has been through a number of iterations with the applicant. There are however a few elements of the design which are overly highway focused for residential streets. Options to provide a lower speed environment that better encompasses the Manual for Streets philosophies should be refined through the Section 38 process.

Pedestrian/Cycle Access

The applicant has included a number of pedestrian/cycle links within the site boundary. The “spine road” from Exeter Road has been improved; this shows a 3.5m shared use path on the western side (with side road priority) and a 2m

footway on the eastern side. During pre-application discussions and during the consultation process, the applicant was informed that a 3.0m effective width shared use path should be delivered – this has been achieved. It is noticed that adjacent to plot 50 the path does narrow down to 3.0m, but once again on the plans, there is demarcation that any planting will be kept below 600mm, keeping an effective cycle width.

The applicant has taken a shared surface approach in the majority of the housing parcel; however, the Site Plan shows a 3m connection through the POS adding permeability to the site. To avoid cyclists clashing with the NCN2, staggered barriers are proposed to slow cyclists joining – this is welcoming, but the applicant should make sure the staggered barriers are placed 3m apart. In addition to this, the site plan shows a pedestrian access point north of plot 42 connecting to an existing footpath that runs adjacent to the site.

It is also noted that there are links between the POS with an adjacent site to the east.

Provision of Link road

The application also consists of a link road that goes beyond the main access points and continues through to the red line boundary towards the north of the site. The applicant has again provided a raised crossing point at the driving range access point as per good practise. The purpose of the road is not needed to serve the parcels being promoted as part of this application and any forthcoming parcels that may use this access road and subsequent junctions will have to be determined on their own merits.

It is noted however that there is a kink in the “link road” and that the position of the driving range impinges on the link road; therefore prior to any construction of the link road, details of its geometry will need to be provided.

Continuous cycleways linking up parcels is a key element of good planning; it is noted there is a live planning application to the east of the link road (ECC Planning Ref: 19/1465/OUT); Drawing number *BRM-010-LANDSCAPE Rev 5.1* shows an indicative link to this and therefore more details prior to construction of the link road is required and conditioned. The relationship between the cycle crossing and the link road will need to be considered.

On site facilities

The onsite layout appears to have enough parking spaces on site together with a number of visitor parking bays. Many of the onsite parking spaces are located immediately outside of the respective properties which should minimise on street parking and is welcomed.

It is not clear if secure covered cycle parking has been provided for all of the dwellings proposed the applicant should provide further detail and the quantum should meet the standard set out in the Sustainable Transport SPD. To complement the good links to cycle routes, a condition is recommended to ensure secure cycle parking is provided.

To further advocate the requirement for sustainable development, the applicant has provided space for parking of a shared car together with the electricity supply. In addition, the applicant has provided an area for up to 10 Co-bike stands with electricity supply. These are located to the site entrance and are shown on Drawing number *BRM-010-LANDSCAPE Rev 5.1*; the provision of both of these measures are supported as advocate the sustainable transport mantra as supported by ECC Policy CP9 and the NPPF.

Travel Planning

In accordance with paragraph 111 of the NPPF the development will be required to have a Travel Plan. DCC is currently adopting an approach for residential Travel Planning in the Exeter area with contributions paid directly to the Council for them to implement the Travel Plan and its measures. Consequently, a contribution of £500 per dwelling should be secured as part of any S106 agreement.

Construction

To minimise the impact on the adjacent highway, construction traffic and arrangements should be carefully managed, this includes ensuring space is made on site to contain operatives vehicles. These arrangements should be secured by condition.

Summary

In summary, it is considered that this standalone application is not considered a severe impact on the highway. Much emphasis has been put on the accessibility of the site and its relation to Exeter Road and it is believed that the site has maximised permeability through the site and is acceptable subject to appropriate conditions/S106 contributions (Travel Planning and TRO).”

11.0 Representations

65 letters of representation have been received (61 objections (including one from the Topsham Society), and 4 support), raising the following issues:

Objections -

- Developer should complete their other developments before starting another one
- Obliterate 'Topsham Gap' and separation from Exeter contrary to Council's policy LS1
- Lack of affordable housing – that provided isn't affordable
- If permitted should be 100% affordable housing
- Extra traffic congestion – rush hour traffic backed up from Countess Wear roundabout. Associated impact on employment efficiency due to extended travel to work times
- Difficulties of access for emergency vehicles resulting from congestion/extra traffic
- Traffic Study flawed assessment – not take into account potential future development facilitated by potential link road
- Lack of infrastructure capacity – dentists, doctors, opticians, schools, vets etc.
- Timing of application – Due to Coronavirus situation lack of opportunity for proper public consultation and scrutiny
- Topsham overrun with traffic and cars, congestion, roads can't cope
- Loss of character of town and consequent impact on Exeter's tourism offer
- Topsham had more than its fair share of development
- Question the need for more housing in this location
- Air pollution, light pollution, noise pollution
- Loss of farm/agricultural for valuable food production
- Impact on wildlife
- Shouldn't be influenced by precedence of previous decision, unless to appreciate negative impacts
- Impact on pedestrian path/National cycle route along site frontage
- Developers change plans after achieving consent – comments should not be trusted
- Increased flooding risk – drain capacity
- Sewerage problems
- Loss of green space – physical and psychological importance
- Impact on trees/hedgerows
- Not address housing needs of people of Exeter
- Potential link to land to north (Newcourt Road) opening up further development exacerbates concerns
- Disturbance during construction – dust, noise etc.
- Reference to previous decision where Inspector identified only 'moderate harm' – not a precedent
- Poor design – not in character, inadequate landscaping to mitigate
- Overdevelopment
- Local residents don't want it
- Contrary to policy LS1

- Parking provision level encourages more car use
- Under provision of parking
- Not represent sustainable development
- Compromise safe operation of Topsham Golf Academy due to proximity – risk to future residents. Would need 30 and 20 metre high fences – adverse visual impact
- Impacts of floodlights on potential residents
- Need for pedestrian permeability within development
- Excessive development in Topsham adversely affecting property values

Support -

- Owners have right to dispose of their land and retire
- Topsham character is not merely a product of its physical separation from Exeter but its history and architecture – this development not adversely impact that
- Additional housing needed – brings revenue
- Infrastructure comes with development, especially drainage and sewage
- More job opportunities
- Will naturally slow traffic along Exeter Road and thereby help safety
- Site not currently publically accessible – no real scenic contribution
- Exeter needs housing sites to expand
- Welcome cycle storage provision, confirmation that cycle priority on National Cycle Route will be maintained, pedestrian permeability within site (Exeter Cycling Campaign).

12.0 Relevant Policies

Government Guidance

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

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

CP14 – Renewable and Low Carbon Energy

CP15 – Sustainable Construction

CP16 – Green Infrastructure, Landscape and Biodiversity

CP17 – Design and Local Distinctiveness
CP18 – Infrastructure

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
H5 – Diversity of Housing
H7 – Housing for Disabled People
L3 – Protection of Open Space
L4 – Provision of Playing Pitches
T1 – Hierarchy of Modes
T2 – Accessibility Criteria
T3 – Encouraging Use of Sustainable Modes
T5 – Cycle Route Network
T6 – Bus Priority Measures
T9 – Access to Buildings by People with Disabilities
T10 – Car Parking Standards
C5 – Archaeology
LS1 – Landscape Setting
LS2 – Ramsar/Special Protection Area
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

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
DD8 – Housing on Unallocated Sites

DD9 – Accessible, Adaptable and Wheelchair User Dwellings
DD10 – Loss of Residential Accommodation
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
DD33 – Flood Risk
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

Exeter Fringes Landscape Sensitivity and Capacity Study February 2007 (Zone 22)

Devon County Council Supplementary Planning Documents

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

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.

- Combined foot/cycle paths facilitating level access to public transport
- Level access to dwellings
- Health Care – Contribution secured towards enhanced GP services provision.

15.0 Financial benefits

Material considerations

Affordable housing, 20 dwellings

Quantum of greenspace – approx. 3210sq m split into 3 parcels across site.

Contributions to health care of £26,838 towards enhanced GP services provision.

£500 per dwelling towards Travel Plan initiatives

Education Contributions

Up to £10,000 Traffic Regulation Order contributions.

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. 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. Full details of current charges are on the Council’s website. The rate per sq m granted for 2020 for this development is £119.29.

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. Scale, design, impact on character and appearance
5. Impact on Heritage Assets
6. Impact on Trees and Biodiversity
7. Flood Risk and Surface Water Management
8. Sustainable Construction and Energy Conservation

1. The Principle of the Proposed Development

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

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

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

Policy LS1 states –

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

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

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

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

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

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

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

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

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

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

“The strategic gap between Topsham and Exeter is also particularly important in that it forms an open break between the two settlements, thus preventing their coalescence, whilst also protecting Topsham’s attractive setting. Whilst this area

has a low intrinsic landscape value, the role it plays makes it sensitive to development.”

The site forms does form part of the ‘Topsham Gap’ and whilst it is located more towards the norther fringes of the town it still contributes to the sense of separation from Exeter as part of the more open countryside to the north of Topsham. In terms of the Exeter Fringes Landscape Sensitivity and Capacity Study 2007 the land forms part of land parcel 22 which is identified as being of ‘medium’ landscape sensitivity. In terms of housing capacity this document concludes it has limited capacity and that the land to the north of Exeter Road should remain open.

It is fact that the scheme would result in development of part of the Topsham gap and landscape setting around Topsham, and would consequently harm the character of part of it. However, the development of this site, which already contains a single residential dwellings and holiday accommodation, would not in itself lead to any material coalescence between the two settlements. Its landscape sensitivity is identified as medium and in the context of the character of the immediate vicinity of the site, and the fact that other land nearby has recently been granted permission for residential development (some on appeal), it is not considered that this proposal would have a significant urbanising effect to the extent that refusal would be justified. There would still remain open land between the site and the Motorway and therefore whilst the ‘gap’ would be eroded its function in respect of preventing coalescence in terms of policy CP16 would be maintained and the remaining gap would continue to serve its purpose of separation. In this context the harm to the landscape setting arising from this particular proposal is considered acceptable.

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

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

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

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

2. Affordable Housing

The development will provide 20 affordable dwellings of which 14 (70%) will be provided as social rent and 6 as intermediate units (shared equity). The submitted plans identify the following breakdown of the social rented units 6 2-bed dwellings, 4 3-bed dwellings and 4 1-bed flats. The Intermediate units comprise 6 3-bed units.

The affordable housing dwellings will be spread across the site in a number of clusters the largest of which comprises 12 units, with further smaller clusters comprised of 2 and 4 dwellings. The affordable housing and associated financial contribution will be secured through S106 obligations.

3. Access/Impact on Local Highways and parking provision

The access to the development is provided from the existing road junction onto Exeter Road that serves the Golf Driving range. A series of internal roads will feed off this to serve the individual dwellings in the form of a loop and a series of cul-de-sacs. The proposal also provides for the provision of the extension of existing road into the site past the Golf Driving range up to the northern boundary of the site which could potentially open up further land for development in the future. Any such proposals in the future would obviously have to be subject to separate planning applications for consideration on their own individual merits. As part of the proposal 3 raised tables are proposed on Exeter Road as traffic calming measures reflecting the changing nature of the road and increased traffic arising from the proposed dwellings, together with relocation of the Exeter bound bus stop in line with discussions with both the Highway Authority and Stagecoach.

The proposal incorporates appropriate provision for pedestrian and cycle usage as part of the road layout, including connections to adjoining land and the National Cycle Route that runs along the site frontage.

The parking strategy adopted comprises predominantly on-plot provision through a combination of garages and driveways, with one small section of parking spaces grouped in a run at right angles to the road appropriately broken up with landscaping to avoid an overly vehicle dominated environment. Those properties without garages are provided with separate cycle storage provision in the form of sheds within the rear gardens of the properties. Also included with the layout is

provision of space for a car club parking bay and space for up to 10 publically available electric bikes ready for an appropriate provider.

As can be seen from the consultation response above the Highway Authority have given consideration to the traffic generation of the scheme and its impacts on the highway network, access arrangements, parking provision and the sustainable transport credentials of scheme in reaching their recommendation of approval subject to S106 contributions and appropriate conditions. Paragraph 109 of the NPPF states:

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

Based on the recommendation of the Highway Authority, Officers consider there are no highways grounds to refuse the application, as the impacts will not be severe and the layout incorporates appropriate provision to ensure safe access is provided for all users. Conditions are proposed to cover appropriate matters as raised by the Local Highway Authority.

4. Scale, design, impact on character and appearance

The layout incorporates 3 areas of open space of different sizes. The two main areas of open space are located on the front part of the site adjoining Exeter Road (although separated from it by the retained or new hedgerows. Each of these open spaces have dwellings fronting onto them providing natural surveillance whilst at the same time reinforcing their function as focal points of the development. Initially there were concerns over the amount of open space and its usability and given the existing and potential developments to the east of the site, it was considered desirable that a greater degree of the open space be provided alongside this boundary so that combined the open spaces from these developments could provide a larger and more useable space that would maintain a sense of openness along the road frontage. Due to constraints relating to the possible locations for underground surface water attenuation tanks, it has not been possible to locate all the open space in this position. However, the applicant has responded to the officer concerns expressed and increased the overall amount of open space provided, with the additional amount situated in the preferred position requested during negotiations. This has resulted in the reduction of number of dwellings provided on the site by 3 but is considered to have resulted in better scheme overall, with more useable open space, as a result.

Parking provided predominantly on-plot ensures that the public realm is not highway dominated and the use of differing road materials within private drives helps to create visual variety and break-up the hard surfaces. The majority of buildings are 2 storey in height which reflects the prevailing character of existing

dwellings in the locality. The design of the dwellings, and materials proposed, reflect the approach adopted by the same developer on a site nearby on the opposite side of Exeter Road. The contemporary design will provide an interesting contrast to the other styles in the vicinity, and overall the development is considered visually acceptable and appropriate in the context of the character and appearance of the locality generally.

The dwellings have been located appropriate distances off the site boundaries and therefore the impact on the amenity of surrounding properties is considered acceptable. With regard to the Golf Driving range to the north the representation from the golf club has been noted. However, there is existing residential and B&B accommodation close to this boundary and the issue of stray golf balls landing within the grounds of this property already exists. It is the responsibility of the driving range operators to ensure that measures are in place to prevent stray balls causing a nuisance to adjoining land. The applicant has pointed that the existing problem is partly a result of the incorrect setting out of the driving range building. Discussions have taken place between the applicant and the Golf Club regarding the matter and potential solutions. However in this context it is not considered that it would be reasonable to require the applicant, through a condition, to provide a boundary treatment on their land to address an existing issue, or to effectively sterilise part of their site by requiring dwellings along this boundary to be located further away.

In terms of internal space standards and garden sizes the proposed development is considered acceptable. The layout is also considered to represent an appropriate compromise between securing the greatest number of dwellings on the site, whilst at the same time creating an attractive residential environment appropriate to the character and appearance of the area.

5. Impact on Heritage Assets

The submitted geophysical survey identifies two areas of potential archaeological remains which requires some trial trenching to establish their importance/significance, and potential impact on the proposed layout prior to determination of the application. The applicant has commissioned this, and the work has recently been undertaken. Based on the results it is considered that the below ground heritage assets are not of such significance or level of preservation that they would impact on the proposed layout. Further recording and reporting of the results can be appropriately addressed through a condition attached to any approval. Aside from archaeological matters there are no other heritage assets that will be affected by the proposal. Therefore in this respect the scheme is considered acceptable subject to the recommended condition.

6. Impact on Trees and Biodiversity

Aside from the boundary hedgerows, and a couple of relatively small trees, the site does not contain any significant trees or landscaping features. The existing hedgerow to the road frontage will be retained and enhanced (by an additional section of bank and hedgerow to fill in the gap comprising the existing access to Broompark itself). The existing hedgerows to the east and west boundaries of the site will also be retained whilst the northern boundary to the driving range will be enhanced with new planting and trees as part of the boundary treatment of the new housing.

The submitted Ecological Appraisal identifies the site as being of very limited ecological value and appropriate surveys for protected species have been carried out, the conclusions of which are that the development would have no significant adverse impacts, and in respect of badger habitat impacts can be appropriately addressed through the licencing process following any grant of planning permission. The creation of various parcels of open space throughout the site, and associated landscaping together with incorporation of bat/bird bricks within the fabric of the new houses could actually result in enhancement of the site's biodiversity/ecological interest. This can be secured through appropriate conditions relating to landscaping and a Biodiversity Mitigation and Enhancement Plan (BMEP).

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

7. Flood Risk and Surface Water Management

The revised submitted Flood Risk Assessment (FRA) and Drainage Strategy identifies that the site is located within Flood Zone 1 and is therefore at very low risk of flooding from rivers or sea and not at risk from surface water flooding. Therefore the site is considered suitable for residential development in this respect.

The approach to surface water drainage is influenced by the relatively high groundwater level across the site which limits the feasibility of utilising soakaways as an approach. Consequently, the approach proposed is a combination of subbase infiltration in areas of private drives with attenuation for the remainder of the site. Discharge rates from the surface water attenuation

features into the surface water drainage system will be controlled to greenfield run off rates. The FRA also states that SWW have confirmed capacity exists to accommodate the drainage from the site.

DCC as the LLFA objected to the initial FRA and Drainage Strategy. Following negotiations revised information, including a revised FRA and Drainage Strategy, has been submitted. Based on this revised information the LLFA have withdrawn their initial objection and recommended a condition relating to the detailed design of the drainage proposals.

8. Sustainable Construction and Energy Conservation

In line with Core Strategy policy a condition is proposed relating to sustainable construction to achieve a betterment in relation to the Building Regulations.

CIL/S106

The development is CIL liable and a S106 agreement will be required to secure the affordable housing provision, open space (provision, equipped play area details, public access and maintenance), and a financial contribution towards enhanced GP facilities/provision in the locality.

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.

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.

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. The proposed heads of terms for the S106 thus reflect DCC education contributions request.

Highway related S106 contributions as set out in the formal consultation response.

17.0 Conclusion

The Council is still unable to demonstrate a 5 year housing land supply and the proposal will make a contribution towards housing delivery. The development is considered acceptable in terms of its design/amenity and transportation impacts, and sustainable in terms of its location. Therefore, the officer recommendation is one of approval 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 SERVICE LEAD – CITY DEVELOPMENT 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:

- Affordable housing.
- Open space provision including equipped children’s play area, maintenance and public access in perpetuity.
- Education contributions – Early Years £14,500, Primary £281,546 and Secondary £206,407.
- Contribution of £26,838 towards enhanced GP facilities/provision in the locality.
- £500 per dwelling towards sustainable travel measures (Travel Planning)
- Up to £10,000 Traffic Regulation Order contributions relating to the proposed raised tables, car club and electric cycle parking spaces
- All S106 contributions should be index linked from the date of resolution.

And the following conditions:

1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 4th March, 27th, 28th and 29th July, and 15th September 2020 (including dwg. nos. 1415/P100 Rev G, BRM-010-Landscape Rev 5.2, BRM-010-Phasing Rev 5.2, 1415/P103 Rev C, 1415/P104 Rev D, 1415/P105 Rev D, 1415/P120 Rev C, 1415/P121 Rev C, SK008, 1415/Dn-3 Rev C, 1415/Dn-4 Rev

C, 1415/T-1 Rev A, 1415/Ap-1 Rev C, 1415/Bm-1 Rev B, 1415/Ap-2 Rev C, 1415/But-3 Rev A, 1415/T-2 Rev A, 1415/But-4 Rev A, 1415/Bm-2 Rev B, 1415/Gr-1 Rev C, 1415/Gr-2 Rev B, 1415/FI-1 Rev A, 1415/Gr-3 Rev B, 1415/FI-2 Rev A, 1415/Hr-1 Rev A, 1415/Hc-2 Rev B, 1415/Hr-2 Rev A, 1415/Hc-1 Rev B, 1415/Kn-1 Rev C, 1415/Slt-1 Rev A, 1415/Pt-1 Rev C, 1415/Pt-2 Rev C, 1415/Slt-2 Rev A, 1415/Kn-2 Rev C, 1415/T5, and 1415/T6) as modified by other conditions of this consent.

Reason: In order to ensure compliance with the approved drawings.

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

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

4) **Pre-commencement condition:** - No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- (a) A detailed drainage design based upon the Flood Risk Assessment and Drainage Strategy (Ref.19030; Rev. A; dated 23rd July 2020).
- (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.
- (e) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.
- (f) Evidence there is agreement in principle from SWW/ landowner/DCC Highways to connect into their system
- (g) An assessment of the potential impacts of groundwater on the surface water drainage system, such as 'floatation'. The assessment should also include the construction of the features.

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

Reason for pre-commencement condition: 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. 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.

5) Pre-commencement condition: A Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.

Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

6) Pre-commencement condition: Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

Reason for pre-commencement condition: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

7) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior

written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

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

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

9) Pre-commencement condition: Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan (BMEP) which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The BMEP will be expected to include the provision of integral bat/bird bricks within the dwellings equivalent to a ratio of one/dwelling in line with the advice contained with the Council's adopted Residential Design SPD. The development shall thereafter be implemented and maintained in accordance with the approved Plan and programme of implementation.

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

10) Pre commencement condition: No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason for pre commencement condition: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development

commences to ensure that historic remains are not damaged during the construction process.

11) **Pre-commencement condition:** - Prior to the commencement of the development hereby approved a construction programme detailing the order in which the phases identified on drawing no. BRM-010-Phasing Rev 5.2 will be constructed shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed construction programme.

Reason for Pre-commencement condition:- To ensure that the implementation of the development, and hence relevant triggers referred to in the conditions attached to this consent are clearly understood and agreed.

12) Prior to the first occupation of any dwelling hereby approved the relevant mitigation requirements outlined in Acoustic Associates SW Ltd's Environmental Noise Impact Assessment (project ref: 7363, date: 24/07/2020) shall be met and implemented in full, and be maintained thereafter at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that an acceptable residential environment is created for future occupants of the properties.

13) Prior to commencement of construction of any part of the link road beyond plot 61 up to the northern boundary, as hatched in yellow on drawing no. BRM-010-Landscape Rev 5.2, details shall be submitted to the Local Planning Authority of its geometry and construction, together with details (including a timeframe for delivery) of a pedestrian/cycle connection from this road up to the boundary of the applicant's land ownership with the adjoining land to the east of the application site at a point to be agreed in writing as part of those details. Construction of this link road shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Highway Authority, and thereafter this section of road, and the pedestrian/cycle connection, shall be completed in accordance with the approved details.

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

14) Prior to the first occupation of any individual dwelling identified on drawing no. 1415/P104 Rev D as being provided with cycle storage provision within the rear garden of that property, the said cycle storage provision shall be provided and made available for use in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that adequate provision for the storage of cycles is provided to serve these dwellings.

15) A 3m footway/cycleway link (together with staggered barriers) adjacent to Plot 54 to Exeter Road shall be delivered as part of Phase 1 or such other trigger point as shall be agreed in writing with the Local Planning Authority in

consultation with the Local Highway Authority as indicated on Drawing Number BRM-010-LANDSCAPE Rev 5.2

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.

16) A footway link to the east of plot 42 shall be delivered up to the boundary of the applicant's land ownership as part of Phase 4 or such other trigger point as shall be agreed in writing with the Local Planning Authority in consultation with the Local Highway Authority as indicated on Drawing Number BRM-010 LANDSCAPE Rev 5.2

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.

17) Prior to the first occupation of the 15th dwelling comprising part of the development hereby approved a 2m wide footway adjacent to Exeter Road, associated crossing point and relocated bus shelter as indicated on Drawing number BRM-010-LANDSCAPE Rev 5.2 shall be provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.

18) Prior to the first occupation of any dwelling hereby approved within Phase 2 or 3 as identified on drawing no. BRM-010-Phasing Rev 5.2 the space for a 10 bike Co bike docking station and Parking bay for a Car Club vehicle within the respective phase (together with electricity supply to each element) shall be provided and made available for use as indicated on Drawing number BRM-010-LANDSCAPE Rev 5.2 in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To provide adequate facilities for sustainable transport and ECC Core Strategy CP9.

19) Prior to the first occupation of the 15th dwelling comprising part of the development hereby approved, the three raised tables on Exeter Road (together with crossing points) as indicated on Drawing Number 205368-A-02 Rev C shall be provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.

20) A detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall

be submitted to the Local Planning Authority and no dwelling or building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

21) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

22) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

Reason: To ensure that the materials conform with the visual amenity requirements of the area.

23) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

24) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.

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

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 (with particular reference to Table 26), 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) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

3) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.

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. For further information please see www.exeter.gov.uk/cil.

4) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this 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 12th APRIL 2021 OR SUCH EXTENDED TIME AS AGREED BY THE SERVICE LEAD – CITY DEVELOPMENT

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 – play equipment, maintenance arrangements and public access in perpetuity
- Education contributions
- GP facilities contribution
- Sustainable Travel Planning contribution
- Traffic Regulation Order contributions

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 3, 5, 6 and 10, policies CP7, CP9, CP10, and CP18, Exeter Local Plan First Review 1995-2011 saved policies AP1, T1, T3 and DG5, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.

Dimensions are not to be scaled from this drawing

Rev	Date	Description	Author
E	2020.05.26	Redline amended as per drwg no.BRM-010-LANDSCAPE rev 2.0 dated 18.05.2020 Redline amended at Retreat Drive junction as per client email 26.05.2020.	bb
F	2020.07.21	Redline amendment to bus stop.	bb
G	2020.09.14	Redline amendment to extend around future road	bb

— Site Application Boundary



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PLANNING

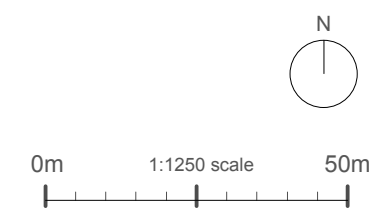
Broom Park Nurseries,
Topsham Road
for
Heritage Developments
(South West) Ltd

Site Location Plan

Scale: 1:1250 @ A3

Drawing No: 1415/ P100 Rev G

The Boat Shed, Michael Browning Way
Exeter, EX2 8DD
01392 438051 mail@g-a.uk.com



B R O O M P A R K N U R S E R I E S

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Planning Committee Report 19/1465/OUT

1.0 Header section for all reports

Application Number: 19/1465/OUT

Applicant name: Burrington Estates Ltd

Proposal: Outline planning application for the construction of up to 24 dwellings (Use Class C3) - Means of access to be determined only (All other matters reserved).

Site address: Land Adjoining Exeter Road, Topsham, Exeter

Registration Date: 21/10/2019

Web Link to application, drawings/plans:

<http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PZQCE0HBLQF00>

Case Officer: Michael Higgins

Ward Members: Cllrs Leadbetter, Newby and Sparkes.

REASON APPLICATION IS GOING TO COMMITTEE – Non- delegated.

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 18 at end

- Absence of 5 year land supply
- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- The proposal is not considered to be of any significant harm to neighbouring residential amenity.
- There are no material considerations which it is considered would warrant refusal of this application

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	In context of lack of 5 year housing supply principle considered

	acceptable notwithstanding landscape setting policy.
Design/layout and amenity standards	Outline – Feasibility sufficient to demonstrate site capable of accommodating proposed development in design and visual terms subject to later consideration of detailed proposals.
Transportation matters, Access and Impact on Local Highways, layout, parking strategy	Traffic generation, access arrangements are acceptable. Detailed layout and parking strategy will be addressed at reserved matters stage. Highway Authority raise no objection subject to suitable conditions.
Affordable Housing	Provision to meet requirement of relevant policy. Secured through S106.
Sustainability/drainage and ecology	Condition to secure CO2 standard, submitted documents demonstrate ecological impact acceptable. Detailed drainage matters addresses by condition.
Impact on Heritage Assets	Only potential impact is from archaeological perspective – conditioned.
Economic benefits	Affordable housing, open space, contribution to enhances GP service provision, and jobs in construction related industries.
CIL/S106	CIL generated and S106 to secure relevant benefits identified above.

5.0 Description of Site

The application site comprises a parcel of land extending to 2.acres in size. The site fronts Exeter Road and is 39 metres wide. The site is bounded to one side by the recent Burrington Homes development and to the other by a golf driving range and associated access road and a single residential property. To the north the site abuts an existing public footpath. The site is currently used for arable agricultural purposes and is essentially featureless apart from the boundary hedgerows.

6.0 Description of Development

Outline planning permission is sought for up to 24 dwellings with all matters apart from the means of access reserved for future consideration. The means of access proposed comprises two vehicular access points from the adjacent residential development, which in turn is accessed from Exeter Road. The indicative feasibility plan which accompanies the application depicts a predominantly linear form of development with an area of open space situated at the front of the site adjoining Exeter Road. Notwithstanding this the detailed layout will be subject to further approval via a 'reserved matters' application.

7.0 Supporting information provided by applicant

The application is accompanied by the following supporting documents –

- Planning Statement
- Design and Access Statement
- Ecological Impact Assessment and Ecological Impact Assessment Addendum
- Summary of Ground Conditions
- Flood Risk Assessment

8.0 Relevant Planning History

There is no planning history relating to the site itself. However, the following history on the adjoining site is considered relevant as access to the proposed site would be gained via this adjoining development. –

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

17/1106/RES - Reserved matters application (pursuant to outline permission granted on 27th April 2016, ref 14/2066/01) for approval of the layout, scale, appearance and landscaping of the Care Home and Assisted Living Apartments. Approved 03/10/2017.

17/1091/RES - Approval of details for 54 dwellings, public open space, landscaping and associated highways and drainage infrastructure, i.e. for reserved matters of layout, scale, appearance and landscaping (Pursuant to outline planning permission granted on 27th April 2016, reference 14/2066/OUT). Approved 12/12/2017.

19/1376/FUL - Construction of assisted living/extra care accommodation with communal facilities (Use Class C2) and car parking. Approval pending completion of a S106 Agreement.

20/0229/FUL - Construction of a 72-bed care home and associated parking with vehicular access from Bewick Avenue. Approved 10/09/2020.

9.0 List of Constraints

Zone of Influence of SPA's
Landscape Setting
Adjacent branch railway line

10.0 Consultations

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

Environmental Health – Highlights need for noise survey and air quality assessment to identify if any mitigation measures are required which could be secured through conditions, and further conditions relating to land contamination and CEMP.

RSPB – Note ecologists recommendations regarding bird brick but points out that quantum suggested is less than our Residential Design SPD advocates. Therefore suggests a ratio of one bird/bat brick per dwelling should be provided.

Police (ALO) – No objection but makes comments on detailed design matters relating to public open space surveillance, boundary treatments/defensible space, parking locations, and lighting and surveillance of pedestrian routes for consideration at detailed design stage.

DCC (Lead Local Flood Authority – LLFA) – Comment as follow –

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

Following submission of further information a revised consultation response has been received with the following recommendation and condition –

“Following my previous consultation response FRM/EC/1465/2019, dated 26.08.2020, the applicant has submitted additional information in relation to the

surface water drainage aspects of the above planning application, for which I am grateful.

- Micro Drainage output SW Storage Highway Attenuation dated October 2019

The applicant has proposed a feasible drainage strategy comprising permeable paving and underground attenuation tanks with a restricted discharge into the local sewer network. The applicant should undertake further infiltration testing at the proposed depth and location of the proposed permeable paving. The current infiltration testing was undertaken at 2 m in depth and it is unlikely the permeable paving will extend to this depth. We also recommend that the applicant reads our groundwater monitoring policy details available on our website <https://www.devon.gov.uk/floodriskmanagement/planning-and-development/suds-guidance/>.”

Condition –

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- (a) Soakaway test results in the area proposed for permeable paving in accordance with BRE 365 and groundwater monitoring results in line with our DCC groundwater monitoring policy.
- (b) A detailed drainage design based upon the approved Surface Water Drainage Strategy Drawing Number 19.489/050 Rev C and the results of the information submitted in relation to (a) above
- (c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (e) A plan indicating how exceedance flows will be safely managed at the site.
- (f) Evidence there is agreement in principle from the South West Water.

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

SWW – Highlight location of public sewer and restrictions in terms of building in proximity to it. Confirm that potable water supply (drinkable) and foul drainage is available to serve the development.

RD&E NHS Foundation Trust – submitted a lengthy consultation response setting out the background and justification behind a request for a S106 financial contribution of £30,945 (based on 24 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.

DCC (Education) – Comments as follows –

“Devon County Council has considered the application above and would like to provide an education response. This is in accordance with Devon County Council’s Education Infrastructure Plan 2016-2033.

Regarding the above planning application, Devon County Council has identified that a development up to 24 family type dwellings will generate an additional 6 primary pupils and 3.6 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 will be requested. This is set out below:

When factoring in both approved but unimplemented housing developments as well as outstanding local plan allocations we have forecast that the local primary and secondary schools have not got capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will seek contribution towards additional education infrastructure to serve the address of the proposed development.

We have forecast that there is no spare primary capacity to accommodate pupils at the local primary schools and therefore we will request primary education contributions against the 6 pupils expected to be generated from this development. The primary contribution sought would be £96,114 (based on the DfE new build rate of £16,019 per pupil), or £4,004.75 per dwelling. The contributions will be used towards new primary provision to serve Newcourt and surrounding development.

We have forecast that there is no spare secondary capacity to accommodate pupils at the local secondary schools and therefore we will request secondary education contributions against the 3.6 pupils expected to be generated from this development. The secondary contribution sought would be £87,339 (based on the DfE new build rate of £24,261 per pupil), or £3,639.13 per dwelling. The contributions will be used towards new secondary provision at South West Exeter. This new provision will release capacity at existing secondary schools across the city.

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 £6,000 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development. These contributions will be used towards new early years provision at Trinity Primary & Nursery School.

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. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.”

County Head of Planning, Transportation and Environment (Highways) –
Comment as follows and recommend conditions and S106 obligations –

“The submitted outline application is for the construction of 24 residential dwellings at the Land adjoining Exeter Road, Topsham, Exeter. This development would essentially form an extension of the residential development adjacent which was granted consent at appeal that is accessed from the priority junction onto Exeter Road and currently on site/partially occupied.

Trip Generation

No transport statement has been submitted with the application. However, the highway authority has used trip rates from trips observed at occupied dwellings at Bewick Avenue, the residential development situated immediately to the east. Applying this to the proposed development gives rise to 12AM peak/14PM peak vehicle trips.

The additional trips onto the highway network are unlikely to have a significant impact on the highway network. The site is located within an area where foot and cycle are a realistic choice for a wide range of journeys. The site has access to public transport services on Exeter Road and is adjacent to a strategic cycle route (NCN2) and therefore, from a transport perspective, this application has to maximise existing infrastructure to discourage the use of the private vehicle.

Access

Vehicular access to the site is proposed across the existing shared use path connecting to Newcourt Road to Exeter Road. Two points of vehicular access are indicated joining the existing residential development to the application site; in addition to being an important sustainable transport route, this link provides an alternative route from Newcourt Road to reach Exeter Road/Topsham (Newcourt Road, in places has no footway). It is therefore essential that an appropriate design for this to maintain a high-quality pedestrian/cycling route is provided.

The layout of the crossing point has been progressed through liaison with DCC and is indicatively shown on *Drawing Number 19.489/002 REVF*. This provides priority to pedestrians and cyclists over motor vehicles and is akin to other schemes around the city. This is acceptable in principle and should be secured via condition. The applicant must apply for a relevant highways act to implement the scheme.

To further enhance sustainability to the site, the applicant has provided two further pedestrian/cycle access points which can be seen on the Indicative site plan (*Drawing Number 9408-PL03C*). One ped/cycle point can be seen towards the bottom of the site, next to plot 1 providing a link to the east and the other is a safeguarded link to the west, between plots 16 and 18. Both of these access points are necessary to promote modal choice, providing pedestrian and cycle connections between the existing residential site to the east and the live application (ECC Planning Ref: 20/0321/FUL) to the west. However, this plan is only indicative and therefore more details are required and hence a condition is recommended.

Internal Roads and layout

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

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

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

Travel Planning

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

Summary

In summary, it is considered that this standalone application is not considered a severe impact on the highway. Much emphasis has been put on the accessibility

of the site and its relation to adjacent sites; it is believed that the site has maximised permeability is acceptable subject to appropriate conditions.”

Principle Project Manager (Heritage) – Comments as follows –

“As discussed, and as per the adjoining site, due to the known presence of Roman remains in particular - within the adjoining site, directly across Exeter Road from the present site, and on the SW side of Exeter Road from Aldi down to the Topsham School - there is the potential for the present site to contain remains as well.

As the impact of development on such remains is a material planning consideration, a basic level of survey information on whether or not such remains are present on the current site should be provided as supporting information with this application, before it is determined. This is in case the presence of such remains has an effect on the likely layout of the proposed development.

As a first stage, a geophysical survey (a magnetometer survey of the whole site) should be undertaken and the results provided. If the results show remains that have the potential to influence the intended layout of the development then these should then be tested by targeted archaeological trial trenching (site evaluation in NPPF para 189 parlance) with the results of this being provided before determination of the application. If however it does not show any potential remains, or only those that appear unlikely to affect the layout, then these can be investigated and recorded further as a condition of a planning permission. Alternatively, a written scheme setting out the work to be undertaken can be provided and approved as part of the application documentation, thus negating the need for a pre-commencement condition.

Please can you ask for a geophysical survey to be undertaken and the results provided; I will then be able to advise further. There is no need in this instance for a desk based assessment or heritage statement to be provided, as it is not going to provide any more information than we have already.”

11.0 Representations

17 letters of objection have been received (including representations from the Topsham Society and Exeter Cycling Campaign) raising the following issues –

- Access – noise/disturbance to existing residents, safety implications (crossing cycle path) for cyclists/pedestrians (need for ped/cycle priority)
- Impact of access on hedgerow/wildlife – 2 points of access
- Lack of dropped curbs – wheelchair accessibility
- Further increased traffic congestion/road widths/access onto main road
- More noise/air pollution

- Construction access arrangements, adequacy of roads and disturbance
- On-street parking/lack of parking provision
- Cycle parking – no reference to provision
- Access should be direct from Exeter Road
- Overdevelopment – loss of gap/green wedge
- Impact on wildlife, flora and fauna generally
- Loss of agricultural land
- Impact on social infrastructure e.g. schools/doctors surgeries
- If approved should be 100% affordable housing
- Proximity to golf practice range – potential impact on residents
- Lighting/golf balls – need for mitigation by the housing scheme.

12.0 Relevant Policies

Central Government Guidance

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

Exeter Local Development Framework Core Strategy 2012

CP1 – The Spatial Approach
 CP3 – Housing Distribution
 CP4 – Density
 CP5 – Meeting Housing Needs
 CP7 – Affordable Housing
 CP9 – Transport
 CP11 – Pollution and Air Quality
 CP12 – Flood Risk
 CP14 – Renewable and Low Carbon Energy in New Development
 CP15 – Sustainable Construction
 CP16 – Green Infrastructure
 CP17 – Design and Local Distinctiveness
 CP18 – Infrastructure

Exeter Local Plan First Review 1995-2011 Saved Policies

AP1 – Design and Location of Development
 AP2 – Sequential Approach
 H1 – Search Sequence
 H2 – Location Priorities
 H5 – Diversity of Housing
 H7 – Housing for Disabled People
 T1 – Hierarchy of Modes
 T2 – Accessibility Criteria
 T3 – Encouraging Use of Sustainable Modes

T5 – Cycle Route Network
T9 – Access to Buildings by People with Disabilities
T10 – Car Parking Standards
C5 – Archaeology
LS1 – Landscape Setting
LS4 – Local Nature Conservation Designations
EN2 – Contaminated Land
EN4 – Flood Risk
EN5 – Noise
DG1 – Objectives of Urban Design
DG4 – Residential Layout and Amenity
DG5 – Provision of Open Space and Children’s Play Areas
DG6 – Vehicle Circulation and Car Parking in Residential Development
DG7 – Crime Prevention and Safety

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

W4 – Waste Prevention
W21 – Making Provision for Waste Management

Development Delivery Development Plan Document (Publication Version):-

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

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

Exeter City Council Supplementary Planning Documents

Planning Obligations SPD
Affordable Housing SPD
Sustainable Transport SPD
Trees in Relation to Development SPD
Archaeology and Development SPD
Public Open Space SPD (Sept 2005)
Residential Design Guide SPD (Sept 2010)

Devon County Council Supplementary Planning Documents

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

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.

15.0 Financial benefits

Material considerations

Affordable housing, 35% of total number of units achieved.

Quantum of greenspace Minimum 10% of site area – to be confirmed through reserved matters.

Education contributions

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. 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. Full details of current charges are on the Council's website. The rate per sq. m granted for 2020 for this development is residential £119.29
New Homes Bonus

16.0 Planning Assessment

There are a number of determined applications within close proximity to the site which are considered relevant material to the consideration of the acceptability of this development in principle, namely 14/2066/01 referred to in the site history above, and more recently 17/1148/OUT which is referred to below. Aside from the principle of the development the main considerations relate to detailed matters in respect of design/layout/amenity standards, transportation matters, affordable housing, and sustainability/drainage/ecology matters.

The Principle of the Proposed Development

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

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

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

Policy LS1 states –

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

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

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

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

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

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

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

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

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

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

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

The site forms does form part of the ‘Topsham Gap’ and contributes to the sense of separation from Exeter as part of the more open countryside to the north of Topsham. In terms of the Exeter Fringes Landscape Sensitivity and Capacity Study 2007 the land forms part of land parcel 22 which is identified as being of ‘medium’ landscape sensitivity. The site is also one of those assessed in the Visual Land Parcel Evaluation for Potential Residential Sites in Exeter (Sept 2013) as forming part of site no 85. The assessment of this site concludes that it does make a contribution to the visual amenity of the urban fringe, but has limited impact in views both of, and from the site. In terms of visual value and susceptibility the site is evaluated as being medium, with no distinct features other than the hedge site boundaries. It is also identified as being of medium visual sensitivity. The application site only forms part of site 85 as assessed, forming a relatively narrow field directly abutting recent residential development.

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

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

In light of the early stage of the GESP, which has not yet been subject to public consultation in respect of potential site allocations, it is not considered that a refusal of the current proposal on the grounds of prematurity could be sustained. It is necessary therefore to consider the proposal in the context of the adopted Development Plan and the Council's position in respect of its 5 year housing land supply.

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

Design/layout and amenity standards

The site is narrow and featureless apart from the boundary hedgerows. Although the layout, scale and appearance of the development is reserved for subsequent approval a feasibility plan has been submitted in support of the application. Consent is sought for up to 24 dwellings and the submitted feasibility layout is considered to provide sufficient information to conclude that the site is capable of accommodating the proposed quantum of development in manner that could be visually acceptable and provide adequate private amenity space for the potential occupants of the dwellings along with an appropriate level of public open space.

Transportation matters, Access and Impact on Local Highways, layout, parking strategy

Although the exact layout, type of dwellings And associated parking arrangements are all reserved for subsequent approval the proposed means of access to serve the development is something for which approval is sought as part of this application. The submitted proposal seeks permission for access to the development to be via the road network of the recently constructed adjoining housing site that is in turn served by a junction with Exeter Road. This adjoining development was constructed by the same developer, and the two connections proposed would link to Dunlins Walk and Plover Close which in turn lead to Bewick Avenue and the junction with Exeter Road. The two access points would allow the new development to be notionally split into two cul-de-sacs and thereby dispersing the vehicles associated with the new housing through the development. These two new access points involve crossing of the pedestrian/cycle path provided as part of the adjoining development and negotiations have taken place with the Highway Authority to ensure the details of these junctions, along with adequate visibility splays are provided. The design includes ensuring ease of access for all users of the combined foot/cycle path across the two new junctions having regard to the public sector equality duty.

As can be seen from the consultation response above the Highway Authority have given consideration to the traffic generation of the scheme and its impacts

on the highway network, access arrangements, parking provision and the sustainable transport credentials of scheme in reaching their recommendation of approval subject to S106 contributions and appropriate conditions. Paragraph 109 of the NPPF states:

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

The detailed layout/position of the dwellings, and the parking arrangements to serve them will be subject of a separate reserved matters application but the feasibility plan submitted as part of the application provides sufficient comfort that up to 24 dwellings and parking could be accommodated on the site.

Based on the recommendation of the Highway Authority, and assessment of the scheme, Officers consider there are no highways grounds to refuse the application, as the impacts will not be severe and the access proposals incorporate appropriate provision to ensure safe access is provided for all users. Conditions are proposed to cover appropriate matters as raised by the Local Highway Authority.

Affordable Housing

As submitted the proposed intention was to provide a policy compliant level of affordable housing (35%). However, depending upon the outcome of the position in relation to Devon County Council’s request for an education contribution the developer has indicated that this would affect the viability of the scheme in terms of providing the required level of affordable housing provision and the 70/30 split between social rented and intermediate forms of affordable housing.

Sustainability/drainage and ecology

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

The application is accompanied by an Ecological Impact Assessment that examines the potential impact on protected species. This identified the need for

further survey work relating to potential dormouse presence and bat activity. This has subsequently been carried out and the results presented in an Ecological Impact Assessment Addendum. The conclusions of these two documents are that dormice are not present on the site. In respect of other protected species the documents set out mitigation measures to ensure that potential impacts are minimised to the point where no significant residual effects are predicted.

In line with Core Strategy policy a condition is proposed relating to sustainable construction to achieve a betterment in relation to the Building Regulations.

In terms of surface water drainage the Lead Local Flood Authority has confirmed no objection to the principle of the approach and have recommended a condition relating to the development of the detailed drainage approach as part of any forthcoming reserved matters application.

Impact on Heritage Assets

As the proposal is only seeking outline planning permission with all matters apart from access reserved for subsequent approval it is considered appropriate for an archaeological survey to be dealt with by way of a suitable condition. Aside from archaeology it is not considered that the proposal would have any significant impact from a heritage asset perspective.

CIL/S106

A S106 agreement will be required to secure the affordable housing provision (35% of the total number of dwellings to be provided), open space (Public access and maintenance).

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. The applicant's agent has disputed the validity of this request. Furthermore, 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.

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.

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. The proposed heads of terms for the S106 thus reflect DCC education contributions request.

17.0 Conclusion

The Council is still unable to demonstrate a 5 year housing land supply and the proposal will make a contribution towards housing delivery. The development is considered acceptable in terms of its access arrangements and transportation impacts, and sustainable in terms of its location. In terms of design/visual amenity impact it is considered that in principle the site is capable of accommodating the level of development proposed in a satisfactory manner through a subsequent 'reserved matters' application. Therefore, the officer recommendation is one of approval 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:

- Affordable Housing
- Open space provision, maintenance and public access in perpetuity
- Education contributions – Early Years £6,000, Primary £96,114 and Secondary £87,339.
- All S106 contributions should be index linked from the date of resolution.

And the following conditions:

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

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

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

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

3) In respect of those matters not reserved for later approval the development hereby permitted shall be carried out in accordance with the proposed access scheme shown on drawing no. 19.489/002 Rev F. No part of the development shall be occupied until the proposed raised table access crossing points on the shared use path between Newcourt Road and Exeter Road shown therein have been provided in accordance with further details that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the means of access to the site are acceptable.

4) **Pre-commencement condition:** No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

5) **Pre-commencement condition:** A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling, and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as

provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact. No construction/demolition work shall take place outside the following times: 8am to 6pm (Mondays to Fridays) 8am to 1 pm (Saturdays) nor at any time on Sundays, Bank or Public Holidays.

Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

6) **Pre-commencement condition:** Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan (BMEP) which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The BEMP will be expected to incorporate the measures set out in Section 4 of the submitted Ecological Impact Assessment dated October 2019 prepared by EAD Ecology. The development shall be implemented and maintained in accordance with the approved Plan and programme of implementation.

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

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

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

8) **Pre-commencement condition:** Prior to commencement of the development the applicant shall submit for approval in writing by the LPA an Acoustic Design Statement. Any mitigation measures required shall be implemented in full prior to occupation of the development, and maintained thereafter.

Reason for Pre-commencement condition: In the interests of the residential amenities of the potential occupants of the properties.

9) **Pre-commencement condition** - Prior to the commencement of the development a scheme for the mitigation/reduction of emissions to air from vehicular traffic generated by the proposed housing, based on an assessment of the quantum of those emissions, shall be submitted to and be approved in writing

by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed mitigation measures and timescale.

Reason for Pre-commencement condition: To ensure that the impact of vehicle emissions associated with the development is reduced in the interests of air quality.

10) **Pre commencement condition:** No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

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

11) **Pre-commencement condition:** The development hereby permitted shall not commence until a Standard Assessment Procedure (SAP) calculation which demonstrates that a 19% reduction in CO₂ emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved has been submitted to and approved by the local planning authority. The measures necessary to achieve this CO₂ saving shall thereafter be implemented on site and within 3 months of completion of any dwelling a report from a suitably qualified consultant to demonstrate compliance with this condition will be submitted to and approved in writing by the local planning authority.

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

12) **Pre-commencement condition:** Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

Reason for Pre-commencement condition: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

13) **Pre-commencement condition:** Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- (a) Soakaway test results in the area proposed for permeable paving in accordance with BRE 365 and groundwater monitoring results in line with our DCC groundwater monitoring policy.
- (b) A detailed drainage design based upon the approved Surface Water Drainage Strategy Drawing Number 19.489/050 Rev C and the results of the information submitted in relation to (a) above
- (c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (e) A plan indicating how exceedance flows will be safely managed at the site.
- (f) Evidence there is agreement in principle from the South West Water.

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

Reason for pre-commencement condition: 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. The condition 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.

14) Any reserved matters application submitted pursuant to the outline consent hereby approved shall incorporate within the layout a pedestrian/cycle path to the boundary of the adjoining land to both the west and east of the application site at points to be agreed by the Local Planning Authority in consultation with the Local Highway Authority as part of the consideration of the reserved matters application. The said pedestrian/cycle connection points shall thereafter be constructed up to the boundary of the applicant's land ownership prior to the first occupation of any dwelling contained within the development in respect of the connection to the east, and prior to the 5th occupation in respect of the connection to the west, or such other trigger point as shall be agreed in writing by the Local Planning Authority.

Reason: To ensure that the opportunity to provide a pedestrian and cycle connection between the site and adjoining land is secured in the interests of permeability and facilitation of the use of sustainable modes of transport in accordance with policy CP9 of the Council's Adopted Core Strategy.

15) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

16) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

17) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

Reason: To ensure that the materials conform with the visual amenity requirements of the area.

18) The dwellings hereby approved shall be designed and built to meet M4 2 of the Building Regulations Access to and Use of Building Approved Document M, 2015 edition.

Reason: To increase choice, independence and longevity of tenure in accordance with Policy CP5 point three of the Exeter Core Strategy.

19) Prior to the first occupation or use of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

All post-construction site management shall be undertaken in accordance with the LEMP.

Reason: In the interests of biodiversity and good design in accordance with Policy CP16 of the Core Strategy, Policies LS4 and DG1 of the Local Plan First Review and paragraphs 58, 109 and 118 of the NPPF.

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

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

Informatives

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

2) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.

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. For further information please see www.exeter.gov.uk/cil.

3) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

4) 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 (with particular reference to Table 26), 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).

5) The Professional Practice Guidance Note (ProPG): Planning and Noise for New Residential Development May 2017 (ANC, IoA and CIEH) describes the expected content and approach of an Acoustic Design Statement.

6) Your attention is drawn to the consultation response of South West Water in terms of protection of their assets and the presence of a public sewer within the site.

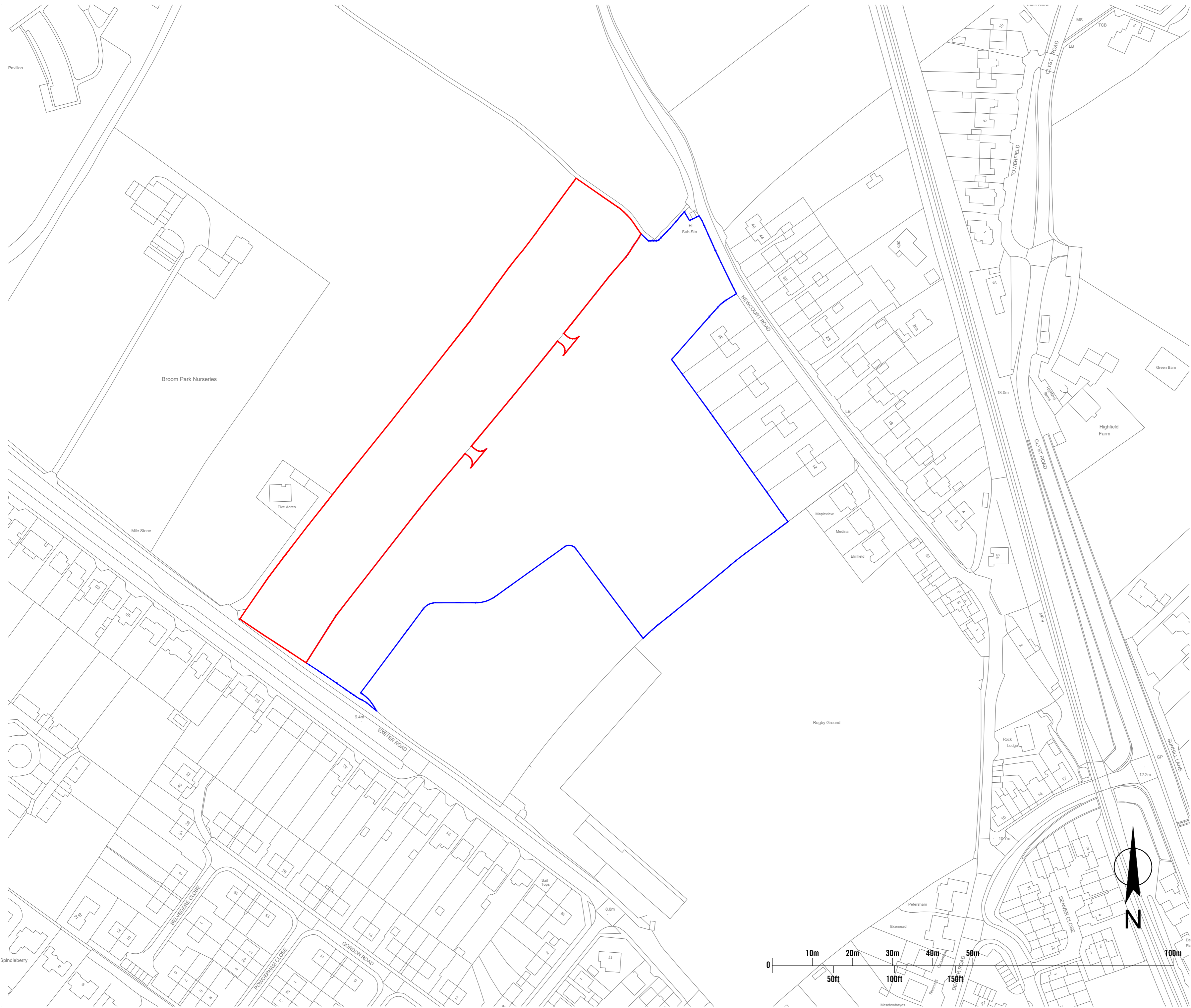
7) Drawing no. 9408-PL03C dated 14.10.2019 entitled 'Indicative Site Layout' is not hereby approved and has been treated as a feasibility plan only and therefore it should not be assumed that the layout depicted on this drawing would be considered acceptable at reserved matters stage without further negotiation.

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 12th APRIL 2021 OR SUCH EXTENDED TIME AS AGREED BY THE SERVICE LEAD - CITY DEVELOPMENT

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
- 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.



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rev.	date	description
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project
RESIDENTIAL DEVELOPMENT
TOPSHAM EXTENSION
EXETER ROAD, TOPSHAM
EXETER

client
BURRINGTON ESTATES

drawing
SITE LOCATION PLAN
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status
PLANNING

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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: 8th 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 20th 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 14th 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 15th 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 5th 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 5th 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 29th 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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		(POS) on site		
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 10m² 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 20th 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.

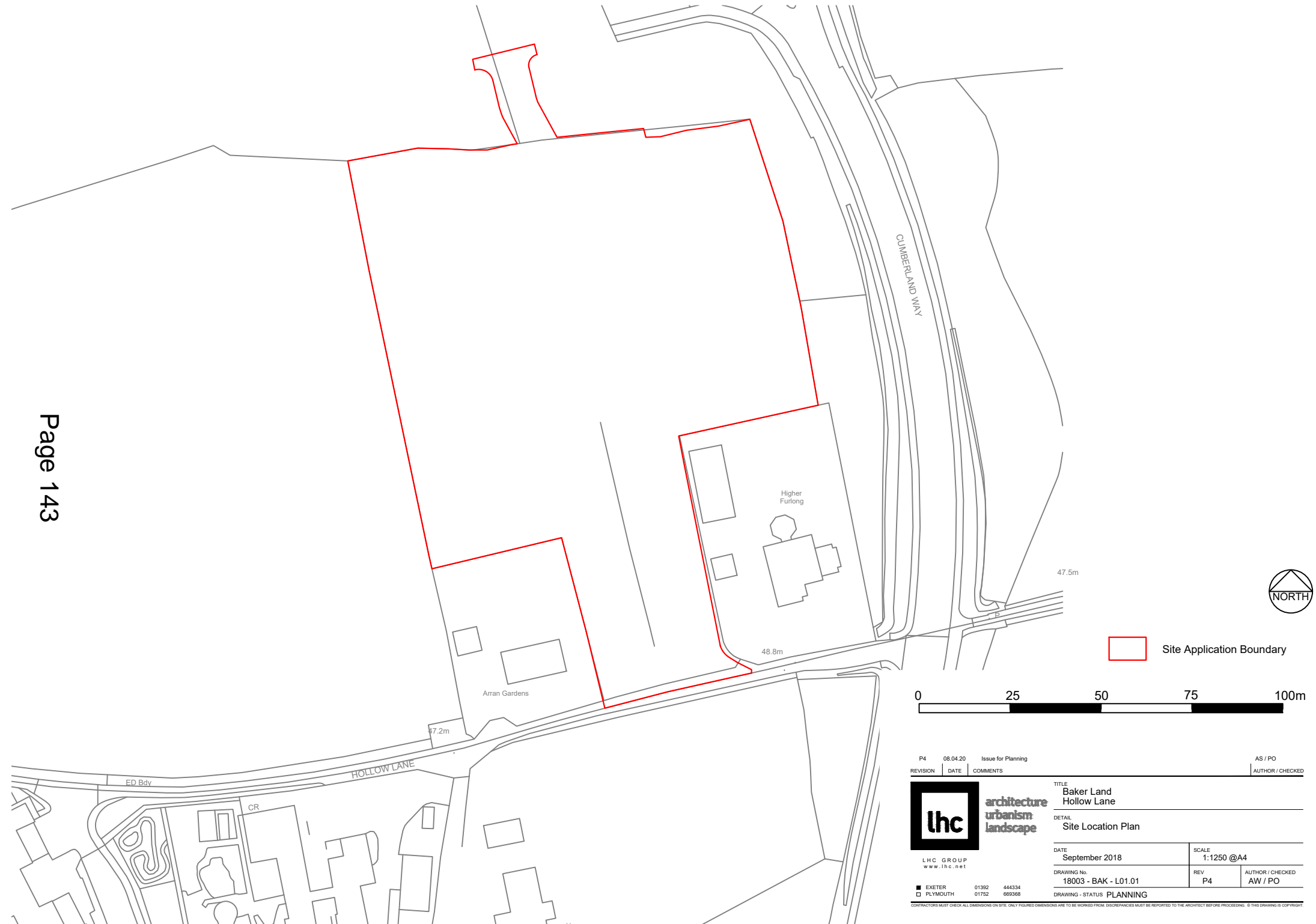
B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 12 April 2021 OR SUCH EXTENDED TIME AS AGREED BY THE CITY DEVELOPMENT MANAGER

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 –

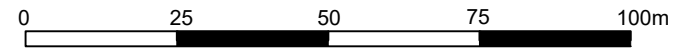
- Affordable Housing
- Open space provision, maintenance and public access in perpetuity / Off-site Access/Recreation Improvements
- Highways Infrastructure
- Education contributions


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.

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 Site Application Boundary



P4	08.04.20	Issue for Planning	AS / PO
REVISION	DATE	COMMENTS	AUTHOR / CHECKED
 architecture urbanism landscape			
TITLE Baker Land Hollow Lane			
DETAIL Site Location Plan			
DATE September 2018		SCALE 1:1250 @A4	
DRAWING No. 18003 - BAK - L01.01		REV P4	AUTHOR / CHECKED AW / PO
DRAWING - STATUS PLANNING			

CONTRACTORS MUST CHECK ALL DIMENSIONS ON SITE. ONLY FIGURED DIMENSIONS ARE TO BE WORKED FROM. DISCREPANCIES MUST BE REPORTED TO THE ARCHITECT BEFORE PROCEEDING. © THIS DRAWING IS COPYRIGHT

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REPORT TO: PLANNING COMMITTEE

Date of Meeting: 12 October 2020

Report of: Director

Title: Delegated Decisions and Planning Report Acronyms

1 WHAT IS THE REPORT ABOUT

- 1.1 This report lists planning applications determined and applications that have been withdrawn between the date of finalising the agenda of the last Planning Committee and the date of finalising this agenda. Applications are listed by Ward.

2 RECOMMENDATION

- 2.1 Members are requested to advise the Assistant City Development Manager [Planning] (Roger Clotworthy) or the Director (Bindu Arjoon) of any questions on the schedule prior to Planning Committee meeting.
- 2.2 Members are asked to note the report.

3 PLANNING APPLICATION CODES

- 3.1 The latter part of the application reference number indicates the type of application:

OUT	Outline Planning Permission
RES	Approval of Reserved Matters
FUL	Full Planning Permission
TPO	Works to Tree(s) with Preservation Order
ADV	Advertisement Consent
CAT	Works to Tree(s) in Conservation Area
LBC	Listed Building Consent
ECC	Exeter City Council Regulation 3
LED	Lawfulness of Existing Use/Development
LPD	Certificate of Proposed Use/Development
TEL	Telecommunication Apparatus Determination
CMA	County Matter Application
CTY	Devon County Council Application
MDO	Modification and Discharge of Planning Obligation Regulations
NMA	Non Material Amendment
EXT	Extension to Extant Planning Consent
PD	Extension - Prior Approval
PDJ	Office to Dwelling - Prior Approval

- 3.2 The decision type uses the following codes:

DREF	Deemed Refusal
DTD	Declined To Determine
NLU	Was Not Lawful Use
PAN	Prior Approval Not Required
PAR	Prior Approval Required
PER	Permitted
REF	Refuse Planning Permission
RNO	Raise No Objection
ROB	Raise Objections
SPL	Split Decision
WDN	Withdrawn by Applicant
WLU	Was Lawful Use
WTD	Withdrawn - Appeal against non-determination

4 PLANNING REPORT ACRONYMS

The following list explains the acronyms used in Officers reports:

AH	Affordable Housing
AIP	Approval in Principle

BCIS	Building Cost Information Service
CEMP	Construction Environmental Management Plan
CIL	Community Infrastructure Levy
DCC	Devon County Council
DCLG	Department for Communities and Local Government: the former name of the Ministry of Housing, Communities & Local Government
DfE	Department for Education
DfT	Department for Transport
dph	Dwellings per hectare
ECC	Exeter City Council
EIA	Environment Impact Assessment
EPS	European Protected Species
ESFA	Education and Skills Funding Agency
ha	Hectares
HMPE	Highway Maintainable at Public Expense
ICNIRP	International Commission on Non-Ionizing Radiation Protection
MHCLG	Ministry of Housing, Communities & Local Government
NPPF	National Planning Policy Framework
QBAR	The mean annual flood: the value of the average annual flood event recorded in a river
SAM	Scheduled Ancient Monument
SANGS	Suitable Alternative Natural Green Space
SEDEMS	South East Devon European Sites Mitigation Strategy
SPA	Special Protection Area
SPD	Supplementary Planning Document
SPR	Standard Percentage Runoff
TA	Transport Assessment
TEMPro	Trip End Model Presentation Program
TPO	Tree Preservation Order
TRO	Traffic Regulation Order
UE	Urban Extension

Bindu Arjoon
Director

Delegated Decision			
Application Number:	20/0265/FUL	Delegation Briefing:	19/03/2020
Decision Type:	Permitted	Date:	09/09/2020
Location Address:	Belle Vue Belle Vue Road Exeter Devon EX4 5BP		
Proposal:	Construction of replacement dwelling.		
Delegated Decision			
Application Number:	20/0472/FUL	Delegation Briefing:	04/06/2020
Decision Type:	Permitted	Date:	04/09/2020
Location Address:	9 Hoopern Avenue Exeter Devon EX4 6DN		
Proposal:	Single storey front, rear and side extension.		
Delegated Decision			
Application Number:	20/0795/FUL	Delegation Briefing:	30/07/2020
Decision Type:	Permitted	Date:	08/09/2020
Location Address:	9 Powderham Crescent Exeter Devon EX4 6DA		
Proposal:	Proposed new double garage at the rear		
Delegated Decision			
Application Number:	20/0808/TPO	Delegation Briefing:	
Decision Type:	Split Decision	Date:	08/09/2020
Location Address:	145 Pennsylvania Road Exeter Devon EX4 6DZ		
Proposal:	<p>Following notice from Devon County Council Highways and Traffic Management (Ref W201327423) I wish to apply to carry out the remedial work as outlined and at the same time apply for crown thinning and lifting in order to reduce the potential for further hazard. Highways have identified that an oak tree has at least 2 branches overhanging the highway with cracks at branch forks. My inspection confirms that this relates to Quercus cerris no. 959 in your survey of 1997 subject of TPO 386 2005 area W1, and I propose to carry out this remedial work, with your permission, and would further propose to crown lift to remove future hazard from other branches over hanging the highway. There is also another Q. cerris (unnumbered) alongside Ilex no. 961 with branches overhanging the highway. I propose crown thinning this tree. In area G5 straddling the boundary with Cumbre, 143 Pennsylvania Road, there is an ash tree showing die back. Should this be removed as it too overhangs the highway? if so please could you also notify 143 Pennsylvania Road.</p>		
Delegated Decision			
Application Number:	20/0857/FUL	Delegation Briefing:	13/08/2020
Decision Type:	Permitted	Date:	29/09/2020
Location Address:	Bury Meadow Lodge New North Road Exeter Devon EX4 4HH		
Proposal:	Timber boundary fence and gate over 1m in height (Retrospective application).		

Delegated Decision	
Application Number: 20/0860/FUL	Delegation Briefing: 23/07/2020
Decision Type: Permitted	Date: 28/08/2020
Location Address: 4 Oxford Road Exeter Devon EX4 6QU	
Proposal: Single storey rear extension.	
Delegated Decision	
Application Number: 20/0861/LBC	Delegation Briefing: 23/07/2020
Decision Type: Permitted	Date: 28/08/2020
Location Address: 4 Oxford Road Exeter Devon EX4 6QU	
Proposal: Single storey rear extension.	
Delegated Decision	
Application Number: 20/0898/FUL	Delegation Briefing: 06/08/2020
Decision Type: Permitted	Date: 10/09/2020
Location Address: 5 Waverley Avenue Exeter Devon EX4 4NL	
Proposal: Replacement uPVC windows to front and rear of property.	
Delegated Decision	
Application Number: 20/1028/LBC	Delegation Briefing: 13/08/2020
Decision Type: Permitted	Date: 29/09/2020
Location Address: Bury Meadow Lodge New North Road Exeter Devon EX4 4HH	
Proposal: Timber boundary fence and gate over 1m in height, and installation of CCTV cameras (Retrospective application).	
Delegated Decision	
Application Number: 20/1169/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 16/09/2020
Location Address: Pine Lodge Argyll Road Exeter Devon EX4 4RZ	
Proposal: Non material amendment of application reference 18/0573/FUL (granted 10 May 2019) to square up corners in ground floor salon, kitchen and first floor shower room; pattern of glazing to south elevation altered; openable windows added to north, south and east facades; small window added to south facade of existing house; solar panels added to extension roof; small increase in height of roof to glazed link and reduction in size of garage floor plan.	

Delegated Decision			
Application Number:	20/0946/FUL	Delegation Briefing:	06/08/2020
Decision Type:	Permitted	Date:	11/09/2020
Location Address:	68 Butts Road Exeter Devon EX2 5BG		
Proposal:	Replacement of conservatory with extension of the same footprint; New roof to existing and proposed extension.		

Delegated Decision			
Application Number:	20/1008/FUL	Delegation Briefing:	20/08/2020
Decision Type:	Permitted	Date:	14/09/2020
Location Address:	14 Sweetbrier Lane Exeter Devon EX1 3AF		
Proposal:	Single storey rear extension with raised decking.		

Mincinglake And Whipton

Delegated Decision			
Application Number:	20/0791/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	07/09/2020
Location Address:	48 Celia Crescent Exeter Devon EX4 9DU		
Proposal:	T1 Oak located in rear garden. Reduce by approximately 2m and crown lift to a height of approximately 4.5m due to excessive shading, help slow root growth and potential damage of property and help ensure overall longevity of the tree.		

Delegated Decision			
Application Number:	20/0895/FUL	Delegation Briefing:	13/08/2020
Decision Type:	Permitted	Date:	07/09/2020
Location Address:	Cheynegate House Cheynegate Lane Exeter Devon EX4 9HZ		
Proposal:	Construction of 2 storey side annexe extension and orangery to rear elevation.		

Delegated Decision			
Application Number:	20/0981/FUL	Delegation Briefing:	13/08/2020
Decision Type:	Permitted	Date:	28/09/2020
Location Address:	6 Pinwood Meadow Drive Exeter Devon EX4 9JP		
Proposal:	Two storey side extension.		

Newtown And St Leonards

Delegated Decision			
Application Number:	20/0543/FUL	Delegation Briefing:	30/07/2020
Decision Type:	Permitted	Date:	28/09/2020
Location Address:	12 Portland Street Exeter Devon EX1 2EQ		
Proposal:	Ground and first floor rear extensions (retrospective application).		

Delegated Decision	
Application Number: 20/0640/FUL	Delegation Briefing: 02/07/2020
Decision Type: Permitted	Date: 28/08/2020
Location Address: 35 Wonford Road Exeter Devon EX2 4PG	
Proposal: Conversion of existing outbuilding into 1 bed dwelling house and associated alterations to site access, parking and landscaping.	
Delegated Decision	
Application Number: 20/0834/FUL	Delegation Briefing: 30/07/2020
Decision Type: Permitted	Date: 24/09/2020
Location Address: Lord Mamhead Homes Matford Road Exeter Devon EX2 4PD	
Proposal: Change of use from six flats (Class C3) to residential care home (Class C2)	
Delegated Decision	
Application Number: 20/1060/LBC	Delegation Briefing: 27/08/2020
Decision Type: Permitted	Date: 25/09/2020
Location Address: 67 Marlborough Road Exeter Devon EX2 4LN	
Proposal: Replace first floor rear flat roof with low-pitched Sarnafil-covered roof and roof light.	
Delegated Decision	
Application Number: 20/1069/FUL	Delegation Briefing: 27/08/2020
Decision Type: Permitted	Date: 22/09/2020
Location Address: Magdalen Court School Victoria Park Road Exeter Devon EX2 4NU	
Proposal: Two storey extension to sports hall to provide disabled changing facilities, storage and apartment.	
Delegated Decision	
Application Number: 20/1070/LBC	Delegation Briefing:
Decision Type: Permitted	Date: 11/09/2020
Location Address: 25 St Leonards Road Exeter Devon EX2 4LA	
Proposal: Installation of gas flue and Unibox to house gas connection and meter to external wall	
Pennsylvania	
Delegated Decision	
Application Number: 19/1614/FUL	Delegation Briefing: 30/07/2020
Decision Type: Permitted	Date: 26/08/2020
Location Address: 30 Marypole Road Exeter Devon EX4 7HD	
Proposal: Change of use of public open space to residential to incorporate into garden of property	

Committee Decision	
Application Number: 20/0293/FUL	Delegation Briefing: 05/03/2020
Decision Type: Permitted	Date: 23/09/2020
Location Address: 89 Mount Pleasant Road Exeter Devon EX4 7AD	
Proposal: Change of use from dwelling (Class C3) to House of Multiple Occupation (Class C4)	
Delegated Decision	
Application Number: 20/0596/OUT	Delegation Briefing: 04/06/2020
Decision Type: Refuse Planning Permission	Date: 26/08/2020
Location Address: Land At Pennsylvania Road Exeter EX4 5BL	
Proposal: Resubmission of outline application for residential development for up to 26 dwellings (All matters reserved except access).	
Delegated Decision	
Application Number: 20/0706/FUL	Delegation Briefing: 06/08/2020
Decision Type: Permitted	Date: 10/09/2020
Location Address: 11 Rosebarn Avenue Exeter Devon EX4 6DY	
Proposal: Rear glassroom extension with decking, and additional trellis to boundary fence	
Delegated Decision	
Application Number: 20/0729/FUL	Delegation Briefing: 13/08/2020
Decision Type: Permitted	Date: 09/09/2020
Location Address: 33 Pinhoe Road Exeter Devon EX4 7HS	
Proposal: Change of use from hostel for rough sleepers (sui generis) to a four bed house in multiple occupation (C4 use).	
Delegated Decision	
Application Number: 20/0806/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 03/09/2020
Location Address: 36 St Johns Road Exeter Devon EX1 2HR	
Proposal: Change of use from small HMO (C4) to large HMO (Sui generis) to permit increase from 6 to 7 persons HMO.	
Delegated Decision	
Application Number: 20/0879/FUL	Delegation Briefing: 30/07/2020
Decision Type: Permitted	Date: 27/08/2020
Location Address: 18 Rolleston Crescent Exeter Devon EX4 5EB	
Proposal: Remove existing conservatory and build rear single-storey extension (Amended scheme to Ref: 19/0166/FUL granted planning permission on 5 April 2019)	

Delegated Decision	
Application Number: 20/0929/FUL	Delegation Briefing: 06/08/2020
Decision Type: Permitted	Date: 16/09/2020
Location Address: Mellowstone 1 Rosebank Crescent Exeter Devon EX4 6EJ	
Proposal: Replacement shed with max height of 2.9m.	
Delegated Decision	
Application Number: 20/1057/FUL	Delegation Briefing: 20/08/2020
Decision Type: Permitted	Date: 14/09/2020
Location Address: 1 Calthorpe Road Exeter Devon EX4 7JS	
Proposal: New garage.	
Delegated Decision	
Application Number: 20/1175/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 23/09/2020
Location Address: 23 Herbert Road Exeter Devon EX1 2UH	
Proposal: 1. Install Juliet Balcony with French doors and glass safety panel; 2. 5cm adjustment to position of wall	
Pinhoe	
Delegated Decision	
Application Number: 20/0442/FUL	Delegation Briefing: 14/05/2020
Decision Type: Refuse Planning Permission	Date: 08/09/2020
Location Address: 28 Bindon Road Exeter Devon EX4 9HN	
Proposal: Demolition of part existing dwelling, construction of new extensions, with internal and external alterations.	
Delegated Decision	
Application Number: 20/0457/FUL	Delegation Briefing: 11/06/2020
Decision Type: Permitted	Date: 27/08/2020
Location Address: 358A Pinhoe Road Exeter Devon EX4 8AJ	
Proposal: Change of use from A1 (Bakery) to mixed A3 and A5 (Pizza restaurant and takeaway) with installation of external extraction equipment.	
Delegated Decision	
Application Number: 20/0671/LBC	Delegation Briefing: 23/07/2020
Decision Type: Permitted	Date: 27/08/2020
Location Address: 102 Main Road Exeter Devon EX4 9HF	
Proposal: Replacement of thatch roof and retention of timber outbuilding (retrospective application).	

Delegated Decision	
Application Number: 20/1034/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 26/08/2020
Location Address: 10 Shales Road Exeter Devon EX4 8FW	
Proposal: Side Extension.	
Delegated Decision	
Application Number: 20/1045/CTY	Delegation Briefing:
Decision Type: Raise No Objection	Date: 03/09/2020
Location Address: Pinhoe Railway Station Station Road Pinhoe Exeter Devon EX1 3SA	
Proposal: DCC Consultation: Provision for additional parking and bike storage areas for customers wishing to use the railway network	
Delegated Decision	
Application Number: 20/1059/FUL	Delegation Briefing: 20/08/2020
Decision Type: Permitted	Date: 14/09/2020
Location Address: 1 Venny Gardens Venny Bridge Exeter Devon EX4 8BH	
Proposal: Insertion of roof lights to front and rear roof slopes.	
Delegated Decision	
Application Number: 20/1072/PD	Delegation Briefing:
Decision Type: Prior Approval Required and Granted	Date: 21/09/2020
Location Address: 21 Thackeray Road Exeter Devon EX4 8HD	
Proposal: Single storey rear extension extending a maximum 6m and max. overall height 3.25m with max. height to eaves 2.50m.	
Prory	
Delegated Decision	
Application Number: 19/0909/FUL	Delegation Briefing: 18/07/2019
Decision Type: Permitted	Date: 18/09/2020
Location Address: Royal Devon And Exeter Hospital Barrack Road Exeter Devon	
Proposal: Extension to Accident and Emergency department by construction of part three-storey, part two-storey and part single-storey extension to hospital building, partial demolition of existing boiler house, new access road, replacement car parking and landscaped grounds.	
Delegated Decision	
Application Number: 19/1333/FUL	Delegation Briefing: 23/01/2020
Decision Type: Refuse Planning Permission	Date: 02/09/2020
Location Address: Flying Horse Dryden Road Exeter Devon EX2 5BS	
Proposal: Construction of three storey building containing 6 flats and associated works	

County Decisions	
Application Number:	19/1627/FUL
Delegation Briefing:	09/01/2020
Decision Type:	Permitted
Date:	22/09/2020
Location Address:	Royal Devon And Exeter Hospital Barrack Road Exeter Devon
Proposal:	Installation of air handling unit, associated ductwork and railings on roof, and new windows
Delegated Decision	
Application Number:	20/0306/FUL
Delegation Briefing:	16/04/2020
Decision Type:	Permitted
Date:	25/09/2020
Location Address:	Royal Devon And Exeter Hospital Barrack Road Exeter Devon
Proposal:	Replacement of four main substations, two switchgear panels and two generators, three new air intake attenuators on roof, replacement of two existing flues with larger flues and installation of new flue, replacement of two existing discharge attenuators and installation of new discharge attenuator, alterations to two doors.
Delegated Decision	
Application Number:	20/0501/FUL
Delegation Briefing:	30/07/2020
Decision Type:	Permitted
Date:	17/09/2020
Location Address:	Royal Devon And Exeter Hospital Barrack Road Exeter Devon
Proposal:	Installation of 4 no. storage containers for a temporary 2 year period.
Delegated Decision	
Application Number:	20/0739/FUL
Delegation Briefing:	30/07/2020
Decision Type:	Permitted
Date:	01/09/2020
Location Address:	Royal Devon And Exeter Hospital Barrack Road Exeter Devon
Proposal:	Retrospective application for the relocation of vacuum insulated evaporator (VIE), associated compound, plant and apparatus and re-provision of car parking space.
Delegated Decision	
Application Number:	20/0777/FUL
Delegation Briefing:	16/07/2020
Decision Type:	Permitted
Date:	01/09/2020
Location Address:	2 Mansell Copse Walk Exeter Devon EX2 5GU
Proposal:	Installation in the rear garden of an air source heat pump to replace existing boiler.
Delegated Decision	
Application Number:	20/1053/VOC
Delegation Briefing:	
Decision Type:	Permitted
Date:	21/09/2020
Location Address:	Elm Trees 22 Salmonpool Lane Exeter Devon EX2 4SN
Proposal:	Variation of Condition 2 of application 20/0433/FUL to include; Alterations to windows on rear and side elevations and insertion of two rooflights to side elevation.

Delegated Decision	
Application Number: 20/0928/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 03/09/2020
Location Address: 5 Friars Walk Exeter Devon EX2 4AY	
Proposal: Mature Monterey Cypress - Fell.	
Delegated Decision	
Application Number: 20/1043/FUL	Delegation Briefing: 27/08/2020
Decision Type: Permitted	Date: 23/09/2020
Location Address: Lloyds Lounge Catherine Square Exeter Devon EX1 1DY	
Proposal: Marquee to cover outside seating area	
Delegated Decision	
Application Number: 20/1065/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 21/09/2020
Location Address: The City Arcade Fore Street St Davids Exeter Devon EX4 3JE	
Proposal: Lettered signage on the side of the building at a high level.	
Delegated Decision	
Application Number: 20/1086/FUL	Delegation Briefing: 03/09/2020
Decision Type: Permitted	Date: 28/09/2020
Location Address: 25 Richmond Road Exeter Devon EX4 4JF	
Proposal: Rear single storey extension.	
Delegated Decision	
Application Number: 20/1137/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 11/09/2020
Location Address: Greenslades St Davids Hill Exeter Devon EX4 4BD	
Proposal: Proposed change of use from Vehicle Workshop (B2 Use Class) to Self-Storage Facility (B8 Use Class).	
St Loyes	
Committee Decision	
Application Number: 19/1406/FUL	Delegation Briefing: 07/11/2019
Decision Type: Permitted	Date: 02/09/2020
Location Address: Land West Of Ringswell Avenue, Comprising Part Of The Grounds Of Former St Luke's School Exeter	
Proposal: Construction of 60 dwellings (use class C3), means of access, public open space and associated infrastructure.	

Delegated Decision	
Application Number:	20/0423/FUL Delegation Briefing: 09/07/2020
Decision Type:	Refuse Planning Permission Date: 28/08/2020
Location Address:	1 Chardstock Close Exeter Devon EX1 3UP
Proposal:	Rear first floor extension over conservatory to provide third bedroom.
Delegated Decision	
Application Number:	20/0744/FUL Delegation Briefing: 09/07/2020
Decision Type:	Permitted Date: 02/09/2020
Location Address:	Former Homebase Ltd Osprey Road Exeter Devon EX2 7XX
Proposal:	Change of use from A1 retail to flexible use as builders merchant, D1, B1c, B2 or B8 uses.
Delegated Decision	
Application Number:	20/0765/FUL Delegation Briefing: 30/07/2020
Decision Type:	Permitted Date: 02/09/2020
Location Address:	Homebase Ltd Osprey Road Sowton Industrial Estate Exeter EX2 7JG
Proposal:	Retrospective temporary change to field hospital (C2), associated ancillary uses, infrastructure, and signage.
Delegated Decision	
Application Number:	20/0778/FUL Delegation Briefing: 13/08/2020
Decision Type:	Refuse Planning Permission Date: 18/09/2020
Location Address:	74 Honiton Road St Loyes Exeter Devon EX1 3ED
Proposal:	Installation of a single, wooden garage forward of the front elevation of the existing property.
Delegated Decision	
Application Number:	20/0805/TPO Delegation Briefing:
Decision Type:	Refuse Planning Permission Date: 08/09/2020
Location Address:	Unit 9 Centurion Mill Business Park Kestrel Way Exeter Devon EX2 7LA
Proposal:	T1 - Weeping Willow - Branch/Limb Failure, Crown close to building, Large & prominent feature tree, Historic basal root plate damage, very slight lean to the south east (5?) Previously reduced in height. One limb broken and hung-up in crown-still attached and growing - Pollard /re-pollard - back to suitable points to create a good pollard framework- approx 3-4m to be removed, leaving tree approx 10m in height and spread.

Delegated Decision	
Application Number: 20/0811/FUL	Delegation Briefing: 13/08/2020
Decision Type: Permitted	Date: 22/09/2020
Location Address: West Grange Clyst Heath Exeter Devon EX2 7EY	
Proposal: Removal of external storage cage and construction of storage structure to the rear of the building with associated works.	
Delegated Decision	
Application Number: 20/0812/LBC	Delegation Briefing: 13/08/2020
Decision Type: Permitted	Date: 22/09/2020
Location Address: West Grange Clyst Heath Exeter Devon EX2 7EY	
Proposal: Removal of external storage cage and construction of storage structure to the rear of the building with associated works.	
Delegated Decision	
Application Number: 20/0943/FUL	Delegation Briefing: 06/08/2020
Decision Type: Permitted	Date: 21/09/2020
Location Address: Jewsons Ltd Kestrel Way Exeter Devon EX2 7LA	
Proposal: Replacement of collapsed wall with 2.4m high Palisade fencing along boundary with Bittern Road.	
St Thomas	
Delegated Decision	
Application Number: 20/0297/FUL	Delegation Briefing: 30/04/2020
Decision Type: Permitted	Date: 24/09/2020
Location Address: 42-44 Buller Road Exeter Devon EX4 1BJ	
Proposal: Change of use and conversion of former chapel to two dwellinghouses	
Delegated Decision	
Application Number: 20/0413/FUL	Delegation Briefing: 02/07/2020
Decision Type: Permitted	Date: 30/09/2020
Location Address: 52 Church Road St Thomas Exeter Devon EX2 9BQ	
Proposal: Provision of 1 no. additional dwelling flat within roof space, 1st floor rear extension, refurbishment of detached outbuilding and associated landscaping works.	
Committee Decision	
Application Number: 20/0581/TEL	Delegation Briefing: 04/06/2020
Decision Type: Prior Approval Required and Refused	Date: 09/09/2020
Location Address: St Thomas Centre Cowick Street Exeter	
Proposal: Installation of 15m high 5G telecommunication monopole with cabinet at base and associated ancillary works.	

Delegated Decision			
Application Number:	20/0862/FUL	Delegation Briefing:	30/07/2020
Decision Type:	Permitted	Date:	11/09/2020
Location Address:	28 School Road Exeter Devon EX2 9AF		
Proposal:	Provision of attached single garage within front garden to mirror existing front extension to No. 30 School Road.		
Delegated Decision			
Application Number:	20/0907/FUL	Delegation Briefing:	13/08/2020
Decision Type:	Permitted	Date:	21/09/2020
Location Address:	25 Okehampton Road Exeter Devon EX4 1EH		
Proposal:	Drop kerb for vehicular access to front driveway.		
Delegated Decision			
Application Number:	20/0919/PD	Delegation Briefing:	
Decision Type:	Prior Approval Required and Granted	Date:	09/09/2020
Location Address:	6 Clarence Road Exeter Devon EX4 1BL		
Proposal:	Single storey rear extension extending a maximum 5.340m from rear elevation and max overall height 3m and max eaves height 3m.		
Delegated Decision			
Application Number:	20/0934/DIS	Delegation Briefing:	
Decision Type:	Condition(s) Fully Discharged	Date:	17/09/2020
Location Address:	Morwenna House Alphington Street Exeter Devon EX2 8AT		
Proposal:	Discharge of condition 7 (noise assessment) of 19/0777/FUL		
Delegated Decision			
Application Number:	20/0935/DIS	Delegation Briefing:	
Decision Type:	Condition(s) Fully Discharged	Date:	17/09/2020
Location Address:	Pear Main Alphington Street Exeter Devon EX2 8AU		
Proposal:	Discharge of condition 7 (noise assessment) of 19/1091/FUL		
Delegated Decision			
Application Number:	20/1134/NMA	Delegation Briefing:	
Decision Type:	Permitted	Date:	22/09/2020
Location Address:	5 Croft Chase Exeter Devon EX4 1TB		
Proposal:	Non-material amendments sought on planning approval ref. 19/0132/FUL to change driveway and lawn to gravel finish and to remove planting by Eastern boundary.		

Delegated Decision	
Application Number:	20/1195/LPD
Decision Type:	Was lawful use
Location Address:	29 Croft Chase Exeter Devon EX4 1TB
Proposal:	Repositioning of the entrance door and windows; demolition of existing garage and rear extension; construction of a single storey side extension; re-build of existing retaining wall; alterations to parking area; rebuilding of existing stairs; installation of new disabled access and internal remodelling.

Topsham

Delegated Decision	
Application Number:	19/1376/FUL
Decision Type:	Permitted
Location Address:	Land Off Bewick Avenue Topsham EXETER EX3 0LX
Proposal:	Construction of assisted living/extra care accommodation with communal facilities (Use Class C2) and car parking.

Delegated Decision	
Application Number:	19/1753/LBC
Decision Type:	Permitted
Location Address:	Station House Holman Way Topsham Exeter Devon EX3 0EN
Proposal:	Conversion of part of the station building into two flats, replacement windows, removal of porch on front elevation, internal alterations to doors and walls on ground floor

Delegated Decision	
Application Number:	19/1769/FUL
Decision Type:	Permitted
Location Address:	74 Fore Street Topsham Exeter Devon EX3 0HQ
Proposal:	Alterations to rear warehouse/storeroom to create additional residential unit

Delegated Decision	
Application Number:	20/0229/FUL
Decision Type:	Permitted
Location Address:	Land To North Of Exeter Road Topsham Exeter EX3 0LX
Proposal:	Construction of a 72-bed care home and associated parking with vehicular access from Bewick Avenue.

Delegated Decision	
Application Number:	20/0332/FUL
Decision Type:	Refuse Planning Permission
Location Address:	5 Gordon Road Topsham Exeter Devon EX3 0LJ
Proposal:	Construction of attached dwelling

Delegated Decision	
Application Number:	20/0377/FUL
Delegation Briefing:	30/04/2020
Decision Type:	Permitted
Date:	28/08/2020
Location Address:	Whistledown Old Rydon Lane Topsham Exeter Devon EX2 7JW
Proposal:	Conversion of existing pool house to 1 Bed Annexe and replacement of existing garage with 1 Bed Annexe.
Delegated Decision	
Application Number:	20/0517/FUL
Delegation Briefing:	13/08/2020
Decision Type:	Permitted
Date:	11/09/2020
Location Address:	3 Monmouth Hill Topsham Exeter Devon EX3 0JQ
Proposal:	Five window replacements: Kitchen x 1, Lounge x 2, Bedrooms x 2.
Delegated Decision	
Application Number:	20/0721/FUL
Delegation Briefing:	20/08/2020
Decision Type:	Permitted
Date:	15/09/2020
Location Address:	Land Adjoining St Margarets Terrace Fore Street Topsham EX3 0HN
Proposal:	Double Garage.
Delegated Decision	
Application Number:	20/0722/LBC
Delegation Briefing:	20/08/2020
Decision Type:	Permitted
Date:	15/09/2020
Location Address:	Land Adjoining St Margarets Terrace Fore Street Topsham EX3 0HN
Proposal:	Double Garage.
Delegated Decision	
Application Number:	20/0802/FUL
Delegation Briefing:	23/07/2020
Decision Type:	Permitted
Date:	15/09/2020
Location Address:	85 Newcourt Road Topsham Exeter Devon EX3 0BU
Proposal:	Ground and roof extensions to an existing bungalow.
Delegated Decision	
Application Number:	20/0804/TPO
Delegation Briefing:	
Decision Type:	Refuse Planning Permission
Date:	08/09/2020
Location Address:	45 The Strand Topsham Exeter Devon EX3 0BB
Proposal:	4 Horse Chestnuts 1 Walnut.Reduce all these trees to 12 feet in order to comply with restrictive covenant specifying that they should not exceed 12 feet in height.There are no proposals to replace them.

Delegated Decision	
Application Number: 20/0863/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 03/09/2020
Location Address: Cranford House Denver Road Topsham Exeter Devon EX3 0BS	
Proposal: T1 - Plum - Reduce height by 2m and shape crown, prune roadside back to boundary	
Delegated Decision	
Application Number: 20/0869/FUL	Delegation Briefing: 30/07/2020
Decision Type: Permitted	Date: 08/09/2020
Location Address: 40 The Strand Topsham Exeter Devon EX3 0AY	
Proposal: Small extension to garden studio.	
Delegated Decision	
Application Number: 20/0873/FUL	Delegation Briefing: 23/07/2020
Decision Type: Refuse Planning Permission	Date: 14/09/2020
Location Address: Quay Gardens Monmouth Avenue Topsham Exeter Devon EX3 0JF	
Proposal: Construction of a detached 3 bedroom house with an integral garage.	
Delegated Decision	
Application Number: 20/0887/FUL	Delegation Briefing: 20/08/2020
Decision Type: Permitted	Date: 17/09/2020
Location Address: 433 Topsham Road Exeter Devon EX2 7AB	
Proposal: Single storey front extension; two storey rear extension, first floor rear balcony.	
Delegated Decision	
Application Number: 20/0894/LBC	Delegation Briefing: 20/08/2020
Decision Type: Permitted	Date: 21/09/2020
Location Address: 74A Fore Street Topsham Exeter Devon EX3 0HQ	
Proposal: Partial roof replacement and installation of roof lights.	
Delegated Decision	
Application Number: 20/0906/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 03/09/2020
Location Address: 25 White Street Topsham Exeter Devon EX3 0AE	
Proposal: Walnut (T1) Raise crown over garden and foot path to achieve a 2.4m clearance. Reduce crown from neighbouring garden by up to 1.5m. Reduce crown from Walnut Cottage by up to 1.5m. Max cut diameter 30mm	

Delegated Decision	
Application Number: 20/0936/PD	Delegation Briefing:
Decision Type: Prior Approval Not Required	Date: 07/09/2020
Location Address: 3 Beech Copse Exeter Devon EX2 7SZ	
Proposal: Prior approval sought for single storey rear extension measuring 6.81m (Depth), 4m (Max. height) and 2.25m (Eaves height).	
Delegated Decision	
Application Number: 20/0992/FUL	Delegation Briefing: 03/09/2020
Decision Type: Permitted	Date: 28/09/2020
Location Address: 91 Fore Street Topsham Exeter Devon EX3 0HQ	
Proposal: New slate roof to existing outbuilding and new timber window.	
Delegated Decision	
Application Number: 20/0993/LBC	Delegation Briefing: 03/09/2020
Decision Type: Permitted	Date: 28/09/2020
Location Address: 91 Fore Street Topsham Exeter Devon EX3 0HQ	
Proposal: New slate roof to existing outbuilding and new timber window.	
Delegated Decision	
Application Number: 20/1025/FUL	Delegation Briefing: 20/08/2020
Decision Type: Permitted	Date: 28/09/2020
Location Address: 16 Majorfield Road Topsham Exeter Devon EX3 0ES	
Proposal: Replacement conservatory.	
Delegated Decision	
Application Number: 20/1026/LBC	Delegation Briefing: 20/08/2020
Decision Type: Permitted	Date: 28/09/2020
Location Address: 16 Majorfield Road Topsham Exeter Devon EX3 0ES	
Proposal: Replacement conservatory.	
Delegated Decision	
Application Number: 20/1062/FUL	Delegation Briefing: 20/08/2020
Decision Type: Permitted	Date: 14/09/2020
Location Address: 12 Riverside Road Topsham Exeter Devon EX3 0LR	
Proposal: Front roof extension and rear single storey extension.	

Delegated Decision

Application Number:	20/1103/DIS	Delegation Briefing:	
Decision Type:	Condition(s) Fully Discharged	Date:	25/09/2020
Location Address:	Land Adjacent To 2A Newcourt Road Topsham Exeter Devon EX3 0BT		
Proposal:	Discharge of condition 3 (Construction and Environmental Management Plan) of approved planning permission 19/1168/FUL granted 23 January 2020.		

Total Applications: 110

REPORT TO: PLANNING COMMITTEE
Date of Meeting: 12 October 2020
Report of: Director
Title: Appeals Report

Is this a Key Decision? No

Is this an Executive or Council Function? No

1. What is the report about?

- 1.1 The report provides Members with information on latest decisions received and new appeals since the last report.

2. Recommendation:

- 2.1 Members are asked to note the report.

3. Appeal Decisions

- 3.1 **ENF/19/00115 – Rosedale, 4 Newcombe Street Gardens.** An Inspector has dismissed an appeal against an enforcement notice issued for the construction of a dormer window on the rear elevation.

Rosedale is a two storey semi-detached house at the southern end of Newcombe Street, a street of predominantly small Victorian terraced houses within the Heavitree Conservation Area.

The appeal is solely underground (a), that in respect of any breach of planning control stated within the notice, planning permission ought to be granted. The main issues relate to the Council's for issuing the notice, namely whether the rear dormer would harm the character and appearance of the dwelling and street scene and whether it would preserve or enhance the character of the Heavitree Conservation Area.

The inspector acknowledges that the property has a neutral impact on the conservation area, but considers that the dormer harms the positive contribution the Victoria terrace, within Newcombe Street, makes to the conservation area as a result of its clumsy design and prominence within the surrounding area.

Furthermore the Inspector states that the dormer unbalances no.4 itself, giving it a disproportionate and top heavy appearance compared to no.3. The Inspector states that this box dormer only serves to illustrate the unsuitability of such dormers to the character and appearance of the area, especially within the conservation area.

The dormer is considered contrary to Policy DG1 (g) and (h) and Policy C1 of the Exeter Local Plan First Review, the council's guidance for dormers set out in chapter 4 of the Householders Guide to Extension Design SPD and Sections 12 and 16 of the National Planning Policy Framework.

For these reasons the Inspector concluded that the appeal should not succeed and the enforcement notice is upheld. The inspector refused to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 act as amended.

4. New Appeals

- 4.1 [20/0582/FUL](#) - 4 Oxford Road

Installation of Electric Vehicle Charging Station.

- 4.2 [20/0873/FUL](#) – Quay Gardens, Monmouth Avenue, Topsham

Construction of a detached 3 bedroom house with an integral garage.

Bindu Arjoon

Director

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling the report:

Letters, application files and appeal documents referred to in report are available for inspection from: City Development, Civic Centre, Paris Street, Exeter

Contact for enquiries: Democratic Services (Committees) - Room 2.3. Tel: 01392 265275