

ITEM NO.

6

COMMITTEE DATE:

16/01/2012

APPLICATION NO:

11/1291/01

OUTLINE PLANNING PERMISSION

APPLICANT:

Dart Properties Ltd

PROPOSAL:

Development of up to 700 dwellings and supporting infrastructure including; primary school, community building; doctors surgery and primary healthcare facilities; local store; care home/s; two access junctions on Topsham Road, roads, parking and associated works, sports fields and pavilion; informal open space; paths and cycle routes; landscaped spaces; play spaces; play areas, orchards and allotments; 3m high landform and acoustic fence at boundary with M5; surface water attenuation features; re-alignment of the Seabrook and re-profiling of channel (all matters reserved for future consideration apart from access)

LOCATION:

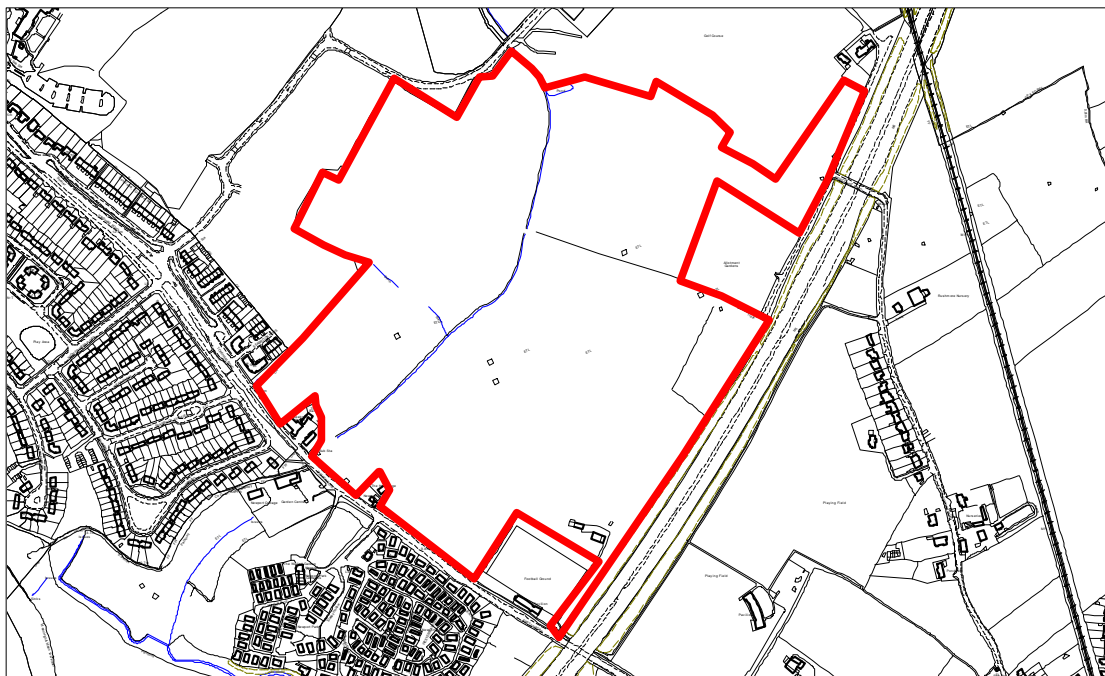
Seabrook Orchards (formerly land to north of Topsham Town AFC ground), Topsham Road, Topsham, Exeter, EX3

REGISTRATION DATE:

26/07/2011

EXPIRY DATE:

15/11/2011



Scale 1:10000

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HISTORY OF SITE

The site itself has not been subject to any significant planning applications in the recent past. However, the adjoining land (former Royal Naval Stores Depot and SEF site) has been the subject of numerous recent applications for residential development. The upper RNSD has already been developed for housing by Persimmon, and the lower site and SEF land has outline consent for residential development. The site is allocated for development as part of the Newcourt urban extension in the LDF Core Strategy and in the adopted Newcourt Masterplan (see Policy section later).

DESCRIPTION OF SITE/PROPOSAL

The application site comprises 31.44 hectares of land currently in use for agricultural purposes. The land is almost entirely devoid of buildings save for a couple of workshops/business units located in the south east corner of the site to the rear of the Topsham Town Football Ground. The site is bounded to the south by Topsham Road (and Seabrook House, The Hermitage, Newport Lodge and Topsham Town Football ground), to the west by Seabrook Mews and the former RNSD, to the north by Exeter Golf and Country Club, and to the east by the Council's Millennium Woodland and the M5 motorway (which is on an embankment along the southern part of this boundary, and in a cutting at the northern end).

The Seabrook watercourse runs through the site in a north-south direction before passing into a culvert under Topsham Road. Three high voltage overhead power lines also run across the site in a broadly north-south direction. Mature hedgerows, including a number of mature trees, separate the site from the golf course, while other sections of hedgerows line the southern and western boundaries. New planting has been undertaken in recent years particularly along the line of the Seabrook and on land alongside the M5.

The proposal comprises an outline application for up to 700 residential dwellings (final number dependant upon decisions regarding power lines) and associated supporting infrastructure to including a one form entry Primary School on a 1.3 hectare site (scope to upgrade to 2 form entry), community building, doctor's surgery and primary health care facilities, local store and two care homes. Associated infrastructure to support this includes new roads/junctions, two sports pitches and pavilion, formal and informal open space/play areas, allotments/orchards, land contouring and acoustic fence along boundary with M5, surface water attenuation features, and re-aligning and re-profiling of Seabrook.

The appearance, landscaping, layout and scale of the development are all 'reserved matters' for subsequent approval. The only detailed matter for which approval is sought at this stage are the access arrangements to the site from Topsham Road. The application proposes two new accesses into the site from Topsham Road. The primary access point is a new traffic controlled junction opposite Newport Park, which includes relocation of the existing Toucan pedestrian crossing and bus stop. The proposed secondary access is a non-traffic controlled priority junction in the south-west corner of the site next to Seabrook Mews. The position of the two new junctions from the site onto Topsham Road are to be fixed as part of the application. Other connections to adjoining land are shown in the master plan (including one onto the new spine road running through the former RNSD) but are not fixed in terms of position or design at this stage, and would be brought forward as part of subsequent detailed applications for the various phases of the development. However, the submitted Planning, Design and Access Statement includes an illustrative Master plan that identifies different potential character areas within the overall layout based upon an analysis of the physical constraints of the site/surroundings and local character appraisal. Three of the main constraints affecting the site are the presence of 3 overhead power lines crossing the site in SW/NE direction, the Seabrook running almost north-south across the site, and the presence of the M5 along the SE boundary. With the potential undergrounding of one of the power lines, and incorporation of the Seabrook corridor and land adjoining the motorway within the green infrastructure/open space strategy the developable areas begin to be defined. This along with the creation of a strong central focus for the community facilities is reflected in the identification of a distinct street hierarchy and areas of varying residential character and density. The school is shown located towards the north-west boundary of the site (adjoining the Lower RNSD site) with the central square and community facilities co-located next to it. A phasing plan is also included within the Design and Access Statement suggesting that the site would be developed in phases starting along the Topsham Road frontage and progressing in a northerly direction towards the site boundary with the Golf Course and the link road running through the former Royal Naval Stores Depot (RNSD).

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

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

- Planning, design and Access Statement
- Environmental Statement
- Environmental Statement – Non-technical summary
- Energy Statement
- Transport Assessment
- Travel plan
- Utilities capacity assessment

REPRESENTATIONS

345 representations have been received (of these 316 are a standard letter submitted by members of Exeter Golf and Country Club). These representations can be divided into 3 main categories, namely those raised on behalf of the Golf Club, those raised by consultants on behalf of adjoining land owners, and those raised by the general public.

Objections on behalf of Golf Club

- Lack of consultation with adjoining land owners (Golf Club)
- Impact on playability of golf course
 - Housing proposed in locations conflicting with playing lines
 - Conflict with 11th fairway –general public and future residents at risk from straying balls
 - Playability of 12th hole
 - 10th hole – conflict with new junction onto link road
- Contrary to Development Plan policies DG1 and CP17 in that it does not give due consideration to integration with adjoining land uses
- Any adverse impact upon Exeter Golf and Country Club reducing its attractiveness, and thereby contribution to local economy

Objections on behalf of adjoining land owners, principally relating to transportation issues

- Deliverability/level of proposed S106 contributions
- Capacity of Topsham Road/Countess Wear Road to accommodate traffic generation created by the development, and associated impact on functionality of existing public transport routes and the new signalised junction of the link road and Topsham Rd (again related to capacity)
- Importance of link road through former RNSD to relieving congestion at Countess Wear roundabout
- Timing of connection to link road between Topsham Rd and A379 (through former RNSD)
- Query regarding assumptions of submitted Transport Assessment, in particular contradiction between proposed timing of connection to link road, and reliance on an early connection to reduce overall traffic numbers, by facilitating choice of alternative travel modes
- Underestimation of impact on surrounding highway network

Representations by general public

- Limited capacity of existing train services to accommodate increase in potential patronage
- Wrong place for significant residential expansion given likely impact on congestion
- Impact of new junctions onto Topsham Rd upon cycle paths and highway safety generally
- Need for phasing/obligation on developer to ensure parallel provision of new housing and social facilities

- Preference for allotments between Millennium Woodland and Golf course rather than houses
- Provision of Travellers/Gypsy accommodation
- Impact of M5 upon development in terms of noise and pollution/health
- Health impacts of residential development in close proximity to electricity power lines
- Desirability of Combined heat and power, or an alternative environmentally friendly means of heat/power provision
- Absence of consideration given to grey water recycling
- exacerbation of existing smell nuisance from Countess Wear sewage works
- Impact of re profiling Seabrook upon wildlife
- loss of agricultural land
- Premature in context of other uncompleted residential developments in the area
- Proposed density and lack of recreational open space
- Impact of construction works upon amenity of existing nearby residents
- type and tenure of properties proposed
- Impact of relocation of bus stop and pelican crossing on highway safety and bus patronage
- Further erosion of 'green belt' between Topsham and Exeter
- Increased parking pressure within Topsham itself
- Impact of development upon residents of Seabrook House Care Home and its current attractiveness/character as a semi-rural facility
- Impact on property values in locality
- increased flooding potential
- likely scale/massing of proposed care homes in relation to existing properties in terms of overlooking and overshadowing
- Potential for development to relieve pressure for further development of 'green wedge' between M5 and Topsham

CONSULTATIONS

Highways Agency (HA) – Initially the HA imposed an Article 25 direction (TR110) directing the Local Planning Authority not to approve the application for 6 months (unless lifted earlier by the Agency upon production of additional work requested).

Following the submission of additional information as requested the Highways Agency now accept the submitted traffic generation figures, and the potential impact of the development upon the Strategic Road Network (SRN) in the light of the City and County Council's Infrastructure Delivery Plan, and ability of the County Council as Highway Authority to control the flow of traffic entering the M5 Junction 30 roundabout from the A379 arm through existing traffic signals. A direction requiring the following condition to be attached to any approval has now been received -

"A comprehensive Travel Plan will be developed for all elements of the development hereby permitted. The acceptability of the travel plan will need to be agreed in writing by the Local Planning Authority and Local Highway Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport), in advance of occupation of the development.

The Travel Plan will need to be prepared in line with prevailing policy and best practice and shall include as a minimum:

- The identification of targets for trip reduction and modal shift
- The methods to be employed to meet these targets
- The mechanisms for monitoring and review
- The mechanisms for reporting
- The penalties to be applied in the event that targets are not met
- The mechanisms for mitigation

- Implementation of the travel plan to an agreed time scale or timetable and its operation thereafter
 - Mechanisms to secure variation to the Travel Plan following monitoring and reviews.
- A review of the targets shall be undertaken within 3 months of occupation of the development, and on an annual basis thereafter, at the time of submission of the Annual Travel Plan Report."

County Director Environment Economy and Culture - I

Following consideration of the Transport Assessment submitted in support of the planning application, the Highway Authority had originally recommended refusal of the application (dated 15th November 2011). This recommendation was made as a result of lack of clarity at that time regarding the impact of the timing of delivery of the proposed connection of the internal road network within the site to the Royal Naval Stores spine road and more time was needed to properly assess both that and the proposed Residential Travel Plan initiatives. The County Director states;

"The original Transport Assessment provided by the applicant's traffic consultant was based upon a total of 790 dwellings being built on the application site and this was subsequently reduced to 700, although this could ultimately be varied again to some extent by the limitations that may occur as a result of existing overhead HT power lines within the site. The applicant then submitted an Addendum to the TA based upon the 700 dwellings figure.

The relative late delivery of the connection, which had been discussed at meetings between the Highway Authority, your Council and the applicant, is related to the deliverability of the site for residential development and, at those meetings, that issue was explained and discussed in some detail. It was subsequently agreed that the applicant need not make the connection until occupation of the 650th dwelling in recognition of maximising the potential for the scheme to be delivered early.

The application contains a significant and substantial commitment to the promotion of sustainable transport initiatives and usage and this is a core element of the applicant's case that the transport elements of their application be accepted. As a result of the submitted information it is clear that the traffic generation figures are challenging but not unachievable and, if we are to make progress in any significant reduction in reliance on the private car for travel, then such initiatives need to be encouraged and supported.

As stated, the Transport Assessment is based upon the scenario that the connection to the spine road from Topsham Road to the A379 is not made, in order to test the worst case scenario and it does indicate that the development can operate in such a case, subject to the very substantial Residential Travel Plan provisions being approved and implemented. The Highways Agency, in their response, have set out the parameters for the Travel Plan provisions in some detail and the County Council supports the Highways Agency case and would recommend that those be implemented and adopted as the measures are fundamental to acceptance of the Transport Assessment conclusions, both for the Agency and the County Council.

In making a judgement on the most effective means of discouraging private car journeys consideration was given to whether the developer should contribute substantially to potential improvements to the Countess Wear roundabout and Bridge Road improvements or whether contributions should be sought to improve and encourage sustainable travel. The judgement was that the long planned Newcourt railway halt could be a major element in promoting and encouraging sustainable travel in respect of this proposal and in providing a long desired sustainable transport facility for the existing and future

Newcourt development area. In negotiations, along with significant contributions to Residential Travel Plan measures and other non-car transport initiatives, the applicant has agreed to make a major financial contribution to the proposed railway halt (£1,715,000).

A third party has raised the issue what he considers to be the unacceptable impact of traffic generation from the site on the local road network as a direct consequence of the later delivery of the connection of the internal roads within the application site to the Topsham Road/A379 spine road or, indeed, the non-delivery of same. Full account has been taken of the objector's case and, as previously stated, the Transport Assessment provided in support of the application has been based upon the worse case scenario of the connection not being in existence. Balanced against the proposed sustainable transport initiatives and contributions, and the deliverability issues of the site for substantial additional housing provision in the city, it is considered an objection on highway grounds could not reasonably be pursued or substantiated.

In conclusion, having taken all relevant factors into consideration the County Council now raises no objection to the application subject to a package of Section 106 contributions relating to transportation and certain conditions.

Environment Agency – Comment as follows – “The submitted Flood Risk Assessment dated February 2011 is acceptable to this Agency and providing development proceeds in accordance with this document there are no objections to the proposal.” Additional comments are made in respect of the Seabrook corridor with regard to its detailed design and function.

DEFRA – None received.

Natural England – Comments on the proposal from the perspective of impact of the scheme on European protected sites, and ecological impact on site itself. Concludes as follows –

“Natural England objects to this application in its current form as it is likely to have a significant effect on the Exe Estuary SPA and Dawlish Warren SAC in combination with other residential development in the wider Exeter Area. Exeter City Council should not grant approval until such time as adequate mitigation for the predicted impacts has been agreed with the applicant.

In addition we recommend conditions should be attached to any permission granted relating to:

- Resurvey of the site for badger setts and co-ordination with surrounding developers to ensure that the welfare of the social group which uses the application area for foraging is not compromised by the scale and timing of this and surrounding developments.
- Survey of all trees identified as having potential to support bat roosts
- Submission of a lighting plan which avoids impacts on bat feeding corridors.

Western Power Distribution – Comment – “negotiations are continuing between Dart Properties and WPD (Western Power Distribution) to determine the apportionment of the cost of placing underground the most northerly of the 132Kv lines, as is envisaged in the current planning application. Such discussions must reflect WPD's statutory duty to develop and maintain an efficient and economical system of electrical distribution; accordingly it will resist any proposed condition that places on it a financial obligation to place power lines underground. However, it will continue in dialogue with Dart Properties to determine the appropriate level of compensation that would be payable by WPD if the powerlines were to be retained in their existing positions. Subject to final technical design and routing, WPD is in principle, not opposed to the diversion or placing underground of the most northerly 132Kv overhead lines on the site if the associated costs (that would ensure that WPD could meet its Statutory and Regulatory obligations) of any works are met and any required permissions,

planning and other consents obtained. Subject to this and completion of satisfactory negotiations, WPD would be willing to withdraw its objection to the planning application.”

Stagecoach Devon Ltd - None received.

Devon County Council Social Services – None received

RSPB – Comment on the potential impact of the scheme upon Designated Wildlife sites (Exe Estuary Special Protection Area (SPA), East Devon Heaths SPA, East Devon Pebbledbed Heaths SPA and Dawlish Warren SAC, collectively known as Natura 2000 sites), and the need to secure appropriate mitigation. Comments are also made on the Green Infrastructure elements of the proposal, possible impact on Cirl Buntings and general urban biodiversity enhancements. The summary of the RSPB’s comment is as follows –

“In summary, whilst we welcome aspects of the proposal, we have concerns regarding the potential impacts of the development on the nearby designated wildlife sites and consider that further biodiversity enhancements could be included in the design, particularly to benefit the Seabrook corridor and cirl buntings.”

Devon Wildlife Trust – Comment on the potential impact of the scheme from a biodiversity perspective. Welcome proposal to design two green corridors through the site but stress that for the approach to be successful the design of these corridors will need to give equal weight to biodiversity issues and the recreational, flood protection, and pedestrian/cycle movement functions of these spaces. Desirable design features to be incorporated in the detailed design are highlighted.

Architectural Liaison Officer (Devon and Cornwall Constabulary) – Comment that it is disappointing that the Design and Access Statement makes no reference to designing out crime. Noting that the application is for outline consent highlight some of the key issues which should be considered when designing out crime as permeability, landscaping, car parking, communal areas, dwelling boundaries, layout, building design, and express desire to be consulted on future applications over detailed design.

Devon Primary Care Trust – None received although at the pre-application stage the Trust confirmed in writing that it supported the principle of a healthcare facility within the community hub because of its locational advantages and synergy with the proposed school and the other facilities being provided.

Devon and Somerset Fire Service – None received

Head of Environmental Health – Seeks clarification over a number of points relating to Air Quality and Noise Impact Assessment associated with the development, and highlights that further work will be required with regard to Land Contamination and lighting relating to the proposed sports pitches and MUGA. Subject to satisfactory clarification of the above recommends that conditions are attached to any approval relating to the following – construction hours, a Construction Environmental Management Plan (CEMP), noise mitigation measures, land contamination and foul sewage disposal.

South West Water – Advise that the public foul sewer network is not capable of supporting this development without improvement and therefore the application cannot be fully supported. Request condition is attached to any consent requiring the applicant to fund an evaluation of the sewer network to establish the level and cost of improvements necessary. They also advise that once the evaluation has been completed they will require full payment of the cost of the improvements to be paid by the applicant/developer prior to any development commencing.

Living Options – Comment as follows – “It is hoped that access needs of disabled people will be kept in mind throughout the whole development including access to external areas – paths, cycle routes, play spaces, allotments etc.”

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

PPG13 - Transport

PPS1 - Delivering Sustainable Development

PPS3 - Housing

Devon County Structure Plan 2001-2016

ST1 - Sustainable Development

ST4 - Infrastructure Provision

ST10 - Exeter Principle Urban Area

ST17 - Housing and Employment Provision

ST18 - Affordable Housing

ST18a - Mix and Type of Housing

CO6 - Quality of New Development

CO10 - Protection of Nature Conservation Sites and Species

CO11 - Conserving Energy Resources

CO13 - Protecting Water Resources and Flood Defence

CO14 - Conserving Agricultural Land

CO16 - Noise Pollution

TR1 - Devon Travel Strategy

TR2 - Coordination of Land Use/Travel Planning

TR5 - Hierarchy of Modes and Transport Assessment

TR7 - Walking and Cycling

TR9 - Public Transport

TR10 - Strategic Road Network and Roadside Service Areas

TO6 - Long distance Recreational Footpaths and Cycle Routes

Exeter Local Plan First Review 1995-2011

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

CS2 - Community Health Services

T1 - Hierarchy of Modes

T2 - Accessibility Criteria

T3 - Encouraging Use of Sustainable Modes

T10 - Car Parking Standards

C5 - Archaeology

LS1 - Landscape Setting

LS2 - RAMSAR/Special Protection Area/Special Area of Conservation

LS3 - Sites of Special Scientific Interest

LS4 - Local Nature Conservation Designation/RIGS

EN3 - Air and Water Quality

EN4 - Flood Risk

EN5 - Noise

DG1 - Objectives of Urban Design

DG2 - Energy Conservation

DG4 - Residential Layout and Amenity

DG5 - Provision of Open Space and Children's Play Areas

DG6 - Vehicle Circulation and Car Parking in Residential Development

DG7 - Crime Prevention and Safety

Draft Exeter City Council Core Strategy

CP1 - Spatial Strategy

CP3 - Housing

CP4 - Density

CP5 - Meeting Housing Needs

CP7 - Affordable Housing

CP8 - Retail

CP10 - Meeting Community Needs

CP11 - Pollution

CP12 - Flood Risk

CP14 - Renewable and Low Carbon Energy

CP15 - Sustainable Construction

CP16 - Green Infrastructure

CP17 - Design and Local Distinctiveness

CP18 - Infrastructure

CP19 - Strategic Allocations

Exeter City Council Supplementary Planning Documents

Affordable Housing (August 2010)

Public Open Space (September 2005)

Planning Obligations (November 2009)

Residential Design Guide (adopted September 2010)

Newcourt Masterplan

OBSERVATIONS

Policy guidance on development opportunities in the Newcourt Area, beyond the sites allocated in the Exeter Local Plan First Review 1995-2011 (which includes a small part of the current application site), has been brought forward through the Newcourt Masterplan and the Council's emerging Core Strategy. Although only a small part of the site is allocated for residential development in the Adopted Local Plan the entire application site is included within the Newcourt Strategic Allocation boundary. In advance of the Core Strategy being adopted the current proposal represents a departure from the Adopted Development Plan (Exeter Local Plan First Review 1995-2011) and has been advertised accordingly.

However, given the inclusion of the application site within the Newcourt Strategic Allocation boundary, the principle of residential development of this land is supported by the Local Planning Authority, and the development of this land is seen as one of the critical elements in meeting the Council's plan for new housing delivery over the next 5 years.

Within this context it is necessary to first assess the **impact** of the proposed development, and then to examine whether sufficient **infrastructure** is provided to support the new housing and ensure that its potential impact is satisfactorily ameliorated. Alongside this it needs to be considered how the proposed scheme addresses one of the Council's key corporate priorities - the delivery of **affordable housing**, and whether the **design** approach is likely to achieve the vision of a sustainable community as identified in the applicant's Design and Access Statement and consistent with the requirements of PPS3 (Housing).

Impact

In assessing the impact of this proposal it has to be acknowledged that it will result in a significant change in the character of the area. At present the site has a very open nature by virtue of its status as greenfield agricultural land bisected by the Seabrook watercourse which runs in a north-south direction across the site. The 3 high voltage electricity power lines that cross the site also form a prominent visual feature. This will fundamentally change with the replacement of these open fields with a built development comprising residential

dwellings, associated open space, school and a neighbourhood centre. The proposal will effectively extend the urban environment of Exeter out to the boundary with the M5 as part of the wider Newcourt urban extension identified as a Strategic Allocation in the Council's Core Strategy.

The assessment of the impact of the scheme can be split into 6 main areas as follows -

- Environmental Impact Assessment (EIA)
- Appropriate Assessment
- Transportation
- Landscape/visual impact
- Air Quality/Noise
- Relationship to surrounding properties

Environmental Impact Assessment (EIA)

Environmental Impact Assessment is a process that aims to improve the environmental design of a development proposal and provide decision-makers with sufficient information about the environmental effects of implementing a project. This process is then reported in an Environmental Statement (ES) which is submitted to support a planning application and sets out predicted impacts and measures proposed to ameliorate any adverse effects. Areas of impact covered in the ES include Community effects (socio-economic), Education, Transport, Air Quality, Noise, Flood Risk and Surface Water Management, Landscape, Ecology, Ground Condition, and Archaeology.

The ES concludes that the development would not have any significant adverse impacts across the range of issues identified above that are not either mitigated directly by provision as part of the development, or that cannot be mitigated through design, conditions attached to any approval, or through an appropriate Section 106 agreement. The merits of the scheme judged against many of the areas identified above will be addressed in more detail in later sections of this report. However, a brief summary of the conclusions of the ES with regard to the impact in each area from the perspective of the Environmental Impact Assessment is set out below:-

Community effects/education

Based on an average of 2.4 people/household and 700 dwellings this development would generate 1,680 people and this would inevitably increase demand upon local facilities such as open space, schools, health care and other community facilities. The construction of the development would also have some short-term impact on the locality. The scheme incorporates open space provision, playing pitches, health care facilities, a community facility and land for a new primary school, all of which would be secured through conditions and/or Section 106 agreement. Likewise the direct impact of the construction process can be minimised through conditions. Through these mechanisms the impact of the scheme upon the community can be ameliorated. In a positive respect implementation of this development will result in indirect benefits to the local economy in terms of employment opportunities and associated local expenditure. The range of education and community facilities proposed in the application will also serve the residential developments on the upper and lower RNSD residential schemes acting as a community focus and benefitting the wider Newcourt development area.

Transport

Based on predicted traffic generation figures, proposed mitigation measures, and the location of the site relative to sustainable travel opportunities, the ES concludes that the impact of the development upon the highway network will be negligible. Mitigation measures (including financial contributions towards the rail halt at Newcourt and bus priority measures on

Topsham Road), and design features will encourage the use of sustainable transport by residents of the development. A Construction and Environmental Management Plan will include details of construction traffic routes, hours of operations and management procedures to ameliorate direct impacts of the construction process.

Air Quality/Noise

The ES concludes that in terms of both Air Quality and Noise the impact of the proposal will not be significant and can be ameliorated/mitigated through the detailed design process and appropriate conditions covering working practices and construction specifications.

Flood Risk and Surface Water Management

The ES concludes that the impact of the development will be acceptable in this respect as the rate of surface water run-off from the development will be controlled through a surface water management strategy with water being returned to the environment via a range of sustainable drainage features including soakaways, swales, permeable paving and an extensive infiltration layer under the proposed pitches. Attenuation basins will also allow control over discharges to the Seabrook during severe rainfall events.

Landscape

The ES concludes that "with appropriate design and mitigation, including further refinement of the urban design detail, architectural and landscape proposals and incorporating ecological mitigation measures, it is considered that the development could be integrated into the city without being intrusive in views, and without significant adverse landscape effects."

Ecology/Biodiversity

The specific issue of the impact of the development upon Natura 2000 sites that are protected by European legislation will be dealt with in a separate section later in the report and the following conclusion in the ES regarding the ecological impact of the scheme needs to be considered in this context. The impact on a variety of flora and fauna found on the site has been analysed, and appropriate mitigation measures identified. In terms of the Ecological/biodiversity impact of the scheme the ES concludes -

"The proposal would lead to the loss of farmland habitat of limited value to wildlife. Overall, the development once built should have a beneficial effect on wildlife. It is necessary to re-align the Seabrook as part of the development proposal but this should lead to the creation of a wetland habitat of greater value to wildlife than the existing watercourse. It is also proposed to create new ponds as part of the drainage scheme. All of the veteran trees and the hedgerows comprising native species will be retained. These hedgerows will be re-enforced with new planting to create habitats of value to wildlife. It is necessary to remove conifer hedgerows and a small number of conifer trees, but new tree, shrub and hedgerow planting will compensate for the habitat lost. Other habitats of benefit to wildlife that would be created as part of the landscaping proposals include orchards, allotments and areas of grassland habitat. Overall, the proposed development would have a beneficial effect on wildlife as the newly created habitats mature and are managed to benefit wildlife. The proposals would not have any effect on designated sites of nature conservation importance."

Ground Conditions

Given the existing agricultural use of the land the potential for land contamination is considered minimal. Further investigation and any resultant mitigation considered necessary can be dealt with by conditions attached to any approval.

Archaeology

The ES concludes that the potential archaeological impact of the scheme is insignificant and can be dealt with/mitigated by appropriate conditions attached to any approval.

Whilst the conclusions of the submitted ES in respect of the impact of the proposal upon the Natura 2000 sites, and thereby the appropriate mitigation measures are disputed, the remainder of the conclusions in the ES are considered reasonable. It is considered that some further work to address the potential impact upon specific species, e.g. badgers and bats (as advised by Natural England) will be required but this, along with the detailed design of the Seabrook corridor, could be covered by appropriate conditions attached to any approval.

Appropriate Assessment

Under European legislation certain sites have been identified as being of Community importance or special protection areas via the Habitats Directive 92/43/EEC and the Birds Directive 79/409/EEC respectively. These sites are collectively known as Natura 2000 sites. Article 6 of the Habitats Directive requires development projects to be assessed in terms of their impact, in isolation or combination with other projects, upon the Natura 2000 sites, and this process is known as Appropriate Assessment.

The City Council is the 'competent authority' in terms of determining the need for an Appropriate Assessment in relation to this scheme. In development of its Core Strategy the Council also commissioned a Habitats Regulations Assessment (HRA) which concluded that all additional development within the City could result in potentially significant negative effects on the Exe Estuary SPA and other Natura 2000 sites unless appropriately mitigated.

The main impact on these areas arising from new residential development relates to increased recreational use of the sites by the new occupants of the development. In respect of this development the main activities likely to have an impact upon the designated sites are walking (especially of dogs) and water based leisure activities.

Natural England were consulted on the Authority's Appropriate Assessment Screening Opinion which concluded that, subject to appropriate conditions and Section 106 provisions the proposal would not require Appropriate Assessment. Natural England advised that the provision of open space within the site alone, notwithstanding its size and nature, did not constitute appropriate mitigation, and that in the absence of an appropriate financial contribution towards further mitigation measures Appropriate Assessment would be required.

On the basis of this advice further negotiations have been undertaken with the applicant over an appropriate package of mitigation measures. Negotiations are on-going but so far measures identified that could form part of a mitigation package are as follows:-

- Provision of SANG (Suitable Alternative Natural Greenspace) on site
- Provision of SANG off site
- Financial contribution to wider mitigation measures, and
- Funding of further studies into the impact of additional development upon the Exe Estuary SPA.

The outcome of the on-going negotiations between the Authority and the applicant, and associated consultation with Natural England in relation to this issue, will be reported at Committee.

Transportation

The transportation issues in respect of this proposal can be broken down into 2 main categories. Firstly, there are the wider implications for the existing highway network that will arise from additional traffic generation associated with a development of this scale comprising new dwellings, care homes, community facilities, and a school. The main impact

in this respect is upon Topsham Road, the Rydon Lane/Bridge Road corridor (including Countess Wear roundabout), the link road through the RNSD, the A379 and Junction 30. The second category relates to more detailed aspects such as the road layout within the development, parking provision and pedestrian/cycle arrangements.

The major implications of this development relate to impact upon Topsham Road itself, the Rydon Lane/Bridge Rd corridor (including Countess Wear roundabout), the A379 and Junction 30. The submitted Transport Assessment (TA) identifies a link from the application site onto the Newcourt link road as desirable in terms of providing good linkages and permeability but concludes that the connection is unnecessary in terms of capacity and provision of alternative routes. The impact has therefore been assessed on the premise that the development is served by the 2 proposed junctions onto Topsham Road, with a connection to the link road coming forward at a later date. In concluding that the development would not have an unacceptable impact on the functioning/capacity of the highway network the TA has relied on a range of sustainable transport measures put forward as part of the scheme (Travel Plan) to significantly reduce the anticipated traffic generation associated with the development.

The potential impact of this development upon the highway network has been one of the factors raised in objections to the proposal, including a detailed critique by Transport Consultants on behalf of the developers of the adjoining land (former RNSD and SEF land) that has consent for residential development and through which the link road passes. As well as questioning the assumptions on which the submitted TA is based, and hence its conclusions regarding the potential impact of the development, this stresses the importance of an early connection from the development direct to the link in permeability and sustainability terms. In general terms it highlights the strength of previous concerns with regard to the capacity of Topsham Rd and Countess Wear roundabout, evidenced by the limit placed on the number of houses that could be served on the Upper RNSD site prior to the opening of the new link road. The capacity of Countess Wear roundabout to accommodate the additional traffic generated, and the potential for additional queuing along Topsham Road to affect the ability to turn right off Topsham Road and onto the new link road is also raised.

The HA initially expressed concern about the submitted TA in terms of its assumptions, and hence conclusion on the potential impact of the scheme upon the SRN, with particular focus upon the impact upon Junction 30. Consequently, pending the submission of further information to address their concerns the HA directed that the application should not be approved (direction valid for 6 months). Subsequently, further information was submitted to the HA by the applicant's highway consultant clarifying that the approach taken to the TA was consistent with the guidance on Transport Assessments 2007, and providing further information in response to the HA's concerns. The HA have since confirmed that, whilst they still have some concerns regarding the assumed reductions in traffic generation associated with the development (based upon implementation of sustainable transport measures/contributions set out in the Travel Plan), having considered the total impact of the development on the SRN, they accept the proposed traffic generation figures and have replaced their direction of non-approval with one requiring a condition to be imposed regarding a comprehensive Travel Plan.

The County Highway Authority have considered very carefully the impact of the development on the local highway network and in particular the flows along Topsham Road pending the connection to the link road. They are mindful however of the applicant's significant and substantial commitment to public transport initiatives and consider that the applicant's assertions on trip generation, though challenging, are achievable and that subject to a suite of Section 106 commitments including a £1,715,000 contribution to the new rail halt and a further contribution of £735,000 towards other public transport infrastructure the impact of the development is acceptable.

The two new junctions onto Topsham Road are considered acceptable in principle in terms of their position and capacity. Some concern has been expressed regarding the position of the pedestrian/cycle 'Toucan' crossing of Topsham Road in terms of impact on the National Cycle Network Route 2 which runs along Topsham Road. However it is considered that this could be ameliorated by placing the 'toucan' crossing point on the Topsham side of the new junction and this has been raised with the applicant. It is proposed that the detailed design of both the new junctions is conditioned for subsequent approval prior to commencement of the development.

Landscape/visual impact

The proposal will inevitably have an impact in landscape and visual terms as it will result in a permanent change in the character of this site from its current status as open agricultural land with surrounding vegetation to one of built/urban development punctuated by green corridors and ancillary open spaces. Locally this does represent a significant change. However, given the inclusion of this land with the Newcourt Strategic development allocation, this change has already been accepted in principle.

The landscape/visual impact of the development falls to be assessed in 2 main respects, firstly in terms of impact on the more immediate vicinity and secondly, from the perspective of wider views towards the site from more distant locations. As part of a landscape and visual assessment of their scheme the impact from immediately surrounding land/dwellings, as well as from much wider vantage-points, such as the motorway and Exminster have been considered.

The significance of the changes associated with the proposal upon immediately adjoining land uses, including existing residential properties is acknowledged. However, in the context of the inevitable changes arising from development of land within the Newcourt strategic allocation area it is considered that the impact upon the immediate surroundings is acceptable. Retention of the main perimeter landscape features, along with careful consideration of the detailed design/layout of the site and further supplemental landscaping as part of the proposal will mitigate the inevitable change in character of the area and ensure the visual impact in relation to the immediate environment is acceptable.

In terms of impact from wider vantage-points it is considered that through sensitive design, including the overall landscape strategy, the wider visual impact can be ameliorated and the development satisfactorily integrated into the city without being intrusive in views, and without significant adverse landscape effects.

Air Quality/Noise

In terms of potential air quality impacts the main factors are considered to be dust during the construction phase, and vehicle associated pollution. The ES states that although properties in the locality may experience short-term dust annoyance mitigation measures could be included within a Construction and Environmental Management Plan to minimise airborne dust generated during the build process. With regard to vehicle associated pollutants the ES concludes that any increases are likely to be imperceptible or small. Importantly for existing receptors, and those associated with the new development, concentrations of the key pollutants associated with vehicle emissions are predicted to remain well below the air quality objectives set by the Government.

In terms of noise impacts the key areas are construction noise and impact of external noise sources e.g. the motorway, upon future occupants of the development. Construction noise impact on the locality can be minimised through appropriate conditions, and a combination of physical noise attenuation features in the form of a 3 metre high mound, acoustic fencing and build specifications (such as glazing standards) will ensure that the development meets appropriate standards for occupation.

Relationship to surrounding properties

The site is bounded to the north by the Golf Course, to the east by the Motorway, to the south by Topsham Road, and to the west by other land with consent for residential development. There are relatively few residential properties directly bordering the site. In the north-east corner of the site there are 3 properties (off Newport Road), Seabrook Mews is located adjoining the south-west corner, and the site wraps around the Seabrook House complex, Newport Lodge, The Hermitage and Topsham Town FC along the Topsham Road frontage. There has been concern expressed regarding the impact of housing adjoining the Golf Course boundary in terms of the impact upon the playability of the course and safety of future occupants. It is possible to mitigate this concern through a combination of measures including housing positions, boundary treatments, and works within the course itself. Discussions between the applicant and the Golf Course are on-going and it is believed that agreement has been reached in principle on a scheme to mitigate potential conflict between the housing and the golf course. It is appropriate to address the issue by way of a condition requiring an approved scheme of works to be carried out prior to the occupation of dwellings adjoining this boundary.

Whilst the development of this site will represent a significant change in the character of the land surrounding the properties referred to above, and their outlook, it is considered that there is no fundamental reason why an acceptable relationship between the existing buildings and the new development would not be achievable with careful siting and appropriate boundary treatments between the two. Seabrook House and Newport Lodge are both locally listed buildings but it is not considered that the development of the land around them would have any significant adverse impact upon them or their setting. The detailed relationship in terms of building positions, height and inter visibility will be further considered at the detailed design stage. There will inevitably be additional traffic movements within the vicinity of these new properties associated with the two new junctions and the additional development. However development of this land is required to meet the additional housing demand facing the City and the impact on these properties is not considered to be significant.

Infrastructure

It is vital that essential infrastructure is provided as part of major development proposals. In respect of this application the main relevant areas of required infrastructure provision are identified and appraised below.

Green Infrastructure

The Newcourt Masterplan identifies the need for a framework of green infrastructure to be provided across the masterplan area to connect new green spaces with existing ones and enhance existing wildlife habitats. The Seabrook corridor crossing the application site has been identified as a key habitat corridor and is designated as a site Site of Local Interest for Nature Conservation (SLINC).

The submitted Planning, Design and Access Statement sets out a clear strategy for the provision of green infrastructure on the site to take advantage of its connections with adjoining land and its potential function linking strategic wildlife areas such as the River Exe, Ludwell Valley Park and to the River Clyst further to the east. The two main elements of green infrastructure advocated as part of the proposal are the Seabrook corridor (to be re-profiled, partially re-aligned and enhanced as a wildlife corridor and linear habitat) and an additional green corridor under the route of the existing electricity pylons linking Topsham Road and the Millenium Woodland. These two elements would incorporate flood risk management requirements, surface water balancing features and provide a range of opportunities in respect of wildlife/ecology enhancement, and both formal and informal recreation opportunities.

POS/Recreation

To some extent the required infrastructure in terms of public open space (POS) and recreation opportunities associated with the residential development of this site will be intrinsically linked with the main green infrastructure features. Local Plan policies require the provision of POS on the basis of 10% of the site area, to include equipped play areas, and separate provision of formal recreation areas in the form of youth and adult play space directly related to, and necessary for, the specific development proposed. In respect of the latter the required level of provision will take into account the general level of provision on a City wide basis.

The illustrative masterplan and Design and Access Statement refer to the provision of two equipped children's play areas within the green corridor running under the electricity pylons, one near the boundary with the Millennium Wood and a second more centrally on part of this corridor that is contiguous with the re-aligned Seabrook corridor. Whilst the application is an outline one, and hence final distribution and uses within the POS open to variation, it is anticipated that the nature of the open space will vary. It will accommodate surface water balancing features but could also include more formal areas such as allotments, planted woodland and informal space for more general recreation and walking. Other areas include strategic landscaping along the eastern boundary adjacent to the motorway and a further balancing pond and associated open space in the south-west corner adjoining Seabrook Mews. It is considered that provision of open space as suggested would exceed the minimum required provision.

In terms of youth/adult play space the two components are a MUGA that would be within the school site, but available to the community outside of school hours, and two playing pitches with associated pavilion/changing facilities. Taking into account existing city wide provision of playing pitches the level of provision is considered acceptable notwithstanding that it is marginally below the policy standard.

Public and Sustainable Transport

The highway impact of this development will be moderated by both direct and indirect measures that facilitate and promote/encourage the use of sustainable transport as opposed to the private car. Consequently public and sustainable transport infrastructure forms an important component of the development. Aside from the new physical infrastructure comprising 2 new junctions onto Topsham Road, and two connections to adjoining development land/the RNSD link road, the proposal incorporates the following provisions in relation to public and sustainable transport infrastructure -

- Financial contribution to Newcourt rail halt
- Financial contribution to further bus priority measures along Topsham Road
- Provision of a community bus on occupation of 100th dwelling (funded for 5 years)
- Car club (on occupation of 100th dwelling)
- Network of footpath/cycleways within site
- Potential diversion of T bus route into site (subject to discussions with bus operator)
- Travel Plan (to promote and encourage sustainable transport choices)

Education

A significant new residential development will inevitably generate additional demand for school places within the locality. This outline application also seeks consent for a new Primary School in recognition of the fact that existing Primary schools in the area are operating in excess of their capacity and therefore further provision is required. Consequently the submitted masterplan incorporates a site for the development of a 1 form entry primary school. The site is also sufficient to enable expansion to a 2 form entry school in recognition of the wider demands arising from development with the Newcourt Strategic Allocation area,

and future Education Authority decisions regarding the appropriate location for this provision. Financial contributions would also be secured via a Section 106 agreement in relation to the provision of both primary and secondary education.

Community Facilities/Health

In terms of community infrastructure associated with the proposal consent is also sought for a community building, doctors surgery/primary health care facility and a local store. Provision of these facilities would meet some of the immediate social needs of occupants of the development, and the wider community. Delivery would be by direct provision on site, although in respect of the doctors surgery/primary health care facility an alternative would be by way of financial contribution towards extension of an existing facility within 1500 metres of the site boundary if off site provision is preferred by the Primary Care Trust.

Utilities (including drainage/waste)

It is important when considering major development proposals to ensure that the proposal would not have any significant adverse impact upon the existing utilities, and that adequate provision is made to serve the development. The application is accompanied by a Utilities Capacity Assessment. The main elements of essential infrastructure considered include electricity, gas, water (both in terms of potable (drinkable) water supply to the new dwellings and foul drainage disposal) and telecommunications. The assessment identifies that all these utilities/services are either already present within the site, or within the public highway immediately adjacent to the site and therefore capable of being extended/diverted to serve the proposed development.

In terms of electricity, as well as the capability of Western Power Distribution (WPD) to serve the site, the proposal impacts upon this utility provider due to the proposal to divert and underground one of the existing high voltage power lines to reduce the physical constraints on site and allow its development potential to be maximised. The cost of these works is a matter for resolution between WPD and the applicant. In terms of providing electricity supply to the site WPD have indicated that the development would trigger a need for some off-site reinforcement works.

With regard to gas supply there is no problem in principle with serving the site but again some network reinforcement works may be required.

There is no obstacle in principle to the provision of telecommunications infrastructure to serve the development.

The submitted Utilities Capacity Assessment states that it is possible provide a potable water supply (drinking water) to serve the site. With regard to foul drainage capacity South West Water (SWW) have advised that the public foul sewer network is not capable of supporting this development without improvement works. There is no suggestion that the network cannot be improved to accommodate the development but liability for the costs associated with an appraisal of the required works, and their subsequent financing is matter for further negotiation between the developer and SWW.

The proposed surface water attenuation ponds within the green corridors will form an important element of the overall approach to surface water drainage associated with the development of this site.

Affordable Housing

The provision of affordable housing is one of the Council's key priorities, and the level of provision sought as part of development proposals is informed by adopted Local Plan policy (H6), and the emerging Core Strategy policy (CP7). Pursuant to Policy H6 affordable has been sought at a rate of 25% of the overall number of dwellings to be provided on a site. Under Policy CP7 of the emerging Core Strategy this rate will increase to 35%.

During negotiations regarding the provision of affordable housing associated with this development the impact of this upon the deliverability of the scheme has been highlighted as a significant issue by the applicant. The initial offer was significantly below current policy at 15% affordable housing subject to viability assessment. However extensive negotiations have resulted in a revised offer that overall meets the current policy requirement of 25% affordable housing across the site. However, in recognition of the deliverability issue it has been agreed to split the overall development into two equal phases of 350 dwellings with 20% affordable housing being provided in the first phase (i.e 70 units) and 30% in the second phase (i.e 105 units). This approach slightly reduces the cost to the developer in the early phases when other infrastructure costs are also significant but ensures that ultimately as the site is developed out provision 'catches up' and the full 25% affordable housing requirement is met. The mix between social rent and shared ownership has also been varied slightly from the current position of an 85/15 percent split to a 75/25 percent split. The effect of this is that within the first half of the development the affordable housing will comprise 53 social rented units and 17 for shared ownership. In the second half, of the 105 affordable units in that phase, 79 will be for social rent and 26 for shared ownership.

Given the nature of the scheme, and the desire to secure its early delivery this offer is considered acceptable by the Council's Head of Housing. Delivery of affordable housing in line with these provisions will be secured via the proposed section 106 agreement.

Design

Although this is an outline application, with all matters other than the two access points onto Topsham Road reserved for subsequent approval, design analysis still forms an important element of the consideration of the merits of this application. In terms of demonstrating that the quantum of development sought is reasonable a certain level of consideration to potential form, layout and scale of the development is required. The submitted Planning, Design and Access Statement demonstrates how the scheme has evolved, and through the indicative master plan and identification of different character areas that might be brought forward in subsequent 'reserved matter' applications, how the site can deliver the quantum of development proposed.

Masterplan

The Masterplan has been developed following a thorough analysis of the site's context, it's opportunities/constraints, and the desire to create a sustainable development with appropriate infrastructure that will have a distinct character and become an attractive place in which to live. Notable constraints affecting the site include the routes of overhead electricity lines across the site, road noise from the M5, existing landscape features and the need for management of flows in the Seabrook from a flood risk management perspective. Other design considerations influencing the masterplan include adjacent land uses in the form of existing dwellings along Topsham Road and Newcourt Road, future residential development of the former RNSD, Topsham Town football ground, and the open space of the Millennium Woodland and the golf course. In recognition of the Education Authority's desire for a school on this site the masterplan incorporates such provision. This formed a further constraint in terms of its most appropriate location given that it would serve a wider area than just the application site. Having established that a school would form part of the proposal, and the merits of locating it near to the boundary with other land to be developed for new dwellings (lower RNSD), a clear rationale for a central community hub to the development evolved.

In respect of the overhead power lines numerous options were considered ranging from leaving them in situ through to undergrounding all 3 lines. In assessing options the desire to maximise the capacity of the site had to be weighed against costs associated with undergrounding works. Leaving the lines in situ was considered less satisfactory in terms of residential amenity and would have failed to maximise the sites in terms of housing delivery. Complete undergrounding did not really result in a significant improvement in the effective

distribution of land uses and weighed against the significant cost was discarded as an option. The compromise embodied in the application of undergrounding the northern power line between the other two in a new green corridor was considered to strike an appropriate balance between maximising the development potential of the site, improving residential and public amenity, and cost.

Analysis of the impact of noise associated with the M5 upon potential development within the site, and opportunities for mitigation, led to a masterplan approach of locating less noise sensitive development closest to the M5 boundary (open space and sports pitches) and thereby providing a buffer between the motorway and the more noise sensitive residential development.

The need for future management of water flow within the Seabrook on flood risk grounds, coupled with the route of the retained powerlines and green infrastructure/ecological considerations, shaped the masterplan in terms of provision of openspace/recreation opportunities and the facilitation of wildlife movement through established corridors across the site.

Placemaking, including character areas

An analysis of local townscape characteristics has been undertaken as part of the masterplan development process. This analysis has informed the masterplan and led to the identification of distinctly identifiable character areas across the site. These different character areas are not only identifiable by differences in building design, but also through their linkages between neighbourhoods and relationship to features such as site entrances, watercourses, and landscape/open space corridors. The masterplan identifies 5 different residential character areas, the central community square/hub, and 3 distinct landscape/openspace character areas reflecting the slightly different functions. The Planning, Design and Access Statement states that these areas have been identified on the basis of both existing site characteristics and the roles and responsibilities of the place being created. The aim is to create a cohesive sense of place for the overall development within each character area which will incorporate subtle differences in public realm, relationship to the stream, landscape features, scale, grain, mix of dwelling types and uses (such as the local centre. The submitted information states that "Each character area will be connected by a comprehensive palette of materials for the buildings, landscaped areas, public realm and street paving. In addition, the character areas will be physically connected by a network of streets, squares, spaces, footpaths and cycleways." For each character area the Design and Access Statement suggests a density, built form characteristics and scale of buildings.

Sustainability, inc allotments/orchards

Even at the stage of an application for outline planning permission the issue of sustainability needs to form a fundamental part of any assessment of the scheme's merit. The submitted Planning, Design and Access Statement includes a section on Sustainability and identifies key features that have been considered to ensure that the proposal will deliver a sustainable development.

It highlights the location of the development relative to existing public transport networks, and the fact that the scheme is designed to minimise car travel and maximise the potential for walking, cycling and use of public transport. Inclusion of many everyday facilities within the development (e.g. school, community hall, doctors, local store and recreational facilities) will reduce the need for trips off site. The design (including long term connection to adjoining developments), together with the proposed contributions to transport infrastructure and features of the Green Travel Plan, will ensure the scheme has a high level of transport sustainability.

In terms of the built form the layout embodied in the masterplan incorporates a building and street orientation that will allow solar gain opportunities to be maximised across the site.

From the outset all dwellings will meet Code 3 of the Code for Sustainable homes rising to Code 4 on subsequent phases in line with the required Building Regulations in force at the time of construction. Although a site wide district heating system has been ruled out by the applicant on economic viability grounds, smaller scale combined heat and power systems may be considered for the community/commercial uses grouped around Seabrook Square.

An important feature of the open space/landscape strategy is the provision of new community allotments and orchards. These will have the potential to further enhance the overall sustainability features of the development. These open spaces incorporate surface water attenuation basins which will form part of a site wide sustainable drainage approach to control surface water run-off associated with the development. Ground infiltration will be the favoured approach where ground conditions are suitable. A separate Energy Statement has been submitted appraising the various options available to reduce energy usage and carbon emissions associated with the development. This concludes that the strategy for reducing energy use and associated carbon emissions through the design of the scheme follows a three step approach -

- Reducing the energy demand through passive design strategies and provision of a high quality building envelope
- Reducing the energy consumption through best practice design of building services, lighting and energy control
- Installation of on site Renewable Energy Technologies and where applicable use of allowable solutions to reduce the carbon emissions further.

Landscape and Biodiversity

The scheme proposes enhancement of the existing landscape and biodiversity features through its approach to flood risk management and the provision of public open space and recreation facilities. The Seabrook comprises an existing green corridor through the site that has some nature conservation value, as recognised in its designation as a SLINC in the adopted Local Plan. It has been identified as being beneficial in flood risk management terms to undertake re-modelling of the profile of the Seabrook so that the whole site would then fall within Flood Risk Zone 1 (lowest risk) and thereby minimise the potential for future flooding of the new dwellings. At the same time the opportunity to re-align the route of part of the Seabrook, within the new green corridor to be created beneath the retained powerlines, will be taken to maximise the development potential of the site. A staged approach to the re-modelling of the Seabrook will ensure that its nature conservation function is maintained over the construction period. Ultimately it is envisaged that the new Seabrook corridor will have a dual function as both a watercourse and wildlife corridor, and an attractive part of the green infrastructure of the site facilitating both pedestrian and cycle access through the site. The detailed design of the re-modelled Seabrook corridor will be the subject of a condition requiring approval of the details to ensure its design and layout does not compromise its nature conservation function.

The most important current landscape features of the site, in the form of hedgerows and trees, will be retained wherever possible as part of the development, and this along with additional landscaping provided as part of the overall development will help to ensure that the proposal is effectively assimilated into the local landscape.

The scheme will result in a variety of landscape and biodiversity features across the site that will be managed according to their form, from the informal wildlife areas around the stream, woodland and site edges, to the wetland/semi-wetland habitats around the Seabrook and surface water balancing areas. Other parts of the landscape/open space strategy will provide opportunities for habitat creation and management, including the community allotments and orchards and the general open space beneath the pylons linking the Exe Estuary with the Millenium Woodland and beyond to the Ludwell Valley Park.

The submitted Planning, Design and Access Statement states "The site has only pockets of wildlife and ecology value at present. The scheme produces better managed habitats, coupled with enhanced landscape diversity and a strong landscape framework, components varying from formal landscape to wild areas."

It is envisaged that much of the open space/green infrastructure of the site will be managed in future by a Management Company set up as part of the development, although there is also the option of some parts being transferred to the Council for future management.

Southern Area Working Party (17 /08 /11)

Members noted that the application would be determined by Planning Committee. There was some discussion about the highway impact of the development and the desirability of as early a connection as possible between this site and the link road running through the RNSD. Members noted that a representative of the Highway Authority would be asked to attend Committee to address any transportation related queries arising from the scheme.

Conclusions

The application is for a high quality and attractive scheme providing a wide range of community facilities serving not only the Seabrook Orchards development but also of significant benefit to the wider needs of the Newcourt urban extension. These include a new primary school, multi-purpose community hall, doctors surgery/primary healthcare and local store focussed around a new square in the form of a community hub. The scheme also provides community allotments and orchards, two playing pitches, changing rooms/pavilion, multi use games area (MUGA) and informal open space in excess of the 10% policy requirement. The phased construction of 700 new dwellings across a range of house types, sizes and tenures will play a major role in delivering a significant part of the Council's housing allocation reinforcing the Council's 5 year housing land supply. The Design and Access Statement sets out a framework for the delivery of high design quality and placemaking. Planning conditions will facilitate a connection to the adjacent development by the 301st dwelling or the opening of the primary school, whichever is the sooner. Other technical and environmental issues are considered satisfactory and acceptable.

Section 106 Summary

- 25% affordable housing of which 75% will be social rent.
- Financial contribution to Newcourt rail halt
- Financial contribution to further bus priority measures along Topsham Road
- Provision of a community bus on occupation of 100th dwelling (funded for 5 years)
- Car club contribution and provision of parking space (on occupation of 100th dwelling)
- Commitment to enter into a Section 278 Agreement for junction works, bus stops and shelters and pedestrian/cycle crossing on Topsham Road.
- Provision of a Primary school site and a financial contribution to both primary and secondary school education.
- Construction of a multi-purpose community hall.
- Construction of a Doctor's Surgery/Primary Healthcare Facility
- Provision of two playing pitches with associated pavilion/changing facilities
- Provision of a Multi Use Games Area
- Provision of community allotments and orchards and arrangements for their future maintenance.
- Completion of the M5 Landscape Corridor (including acoustic fencing) prior to the occupation of any dwelling in the adjacent phase of development that requires noise attenuation
- Arrangements for the laying out and future maintenance of Public Open Space, including the Seabrook Corridor, and for the erection and future maintenance of play equipment.

RECOMMENDATION

Having had regard to the Environmental Impact Assessment submitted with the application and the representations made about the environmental effects of the development **APPROVE** subject to the completion of a Section 106 Agreement securing the matters referred to in the summary above, and subject to the following conditions;

- 1) C01 - Standard Outline
- 2) The development hereby approved must be begun within five years from the date of the grant of outline planning permission, or two years from the final approval of the reserved matters, whichever is the later.
Reason: To ensure compliance with section 91 - 92 of the Town and Country Planning Act 1990.
- 3) C15 - Compliance with Drawings
- 4) Notwithstanding drawing nos. 17329/001/012 Rev F and 17329/001/013 Rev B detailed drawings of the design and layout of the two new junctions on Topsham Road shown on Masterplan drawing no. PLAN004 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on site.
Reason: To ensure that the detailed designs of the junctions are acceptable and take into full consideration the needs of cyclists and pedestrians as well as motorised vehicles (including public transport vehicles).
- 5) Unless otherwise agreed in writing by the Local Planning Authority 'reserved matter' applications submitted pursuant to this outline approval shall be in broad accordance with the Masterplan drawing no. PLAN004.
Reason: To ensure that the design and layout of the development is approached comprehensively and achieves a high quality design that creates a unique sense of place for this significant urban expansion of Exeter in line with the submitted Planning, Design and Access Statement dated July 2011.
- 6) Prior to the submission of any reserved matters application a detailed set of design codes for the various character areas identified in Section 5.7 of the submitted Planning, Design and Access Statement dated July 2011 shall be submitted to, and be approved in writing by, the Local Planning Authority. The design codes shall be based upon the principles already identified for each character area within that document. Thereafter subsequent reserved matter applications shall conform to the detailed design codes approved pursuant to this condition.
Reason: To ensure that the detailed design and layout of the development is approached comprehensively and achieves a high quality design that creates a unique sense of place for this significant urban expansion of Exeter in line with the submitted Planning, Design and Access Statement dated July 2011.
- 7) Prior to the commencement of the development a detailed phasing plan based on that identified on page 83 of the submitted Planning, Design and Access Statement dated July 2011 shall be submitted to, and be approved in writing by, the Local Planning Authority. The phasing plan shall specify the proposed timing for the undergrounding of the high voltage electricity cable, the re-profiling and re-alignment of the Seabrook, and the delivery of the areas of public open space/green infrastructure as well as the construction programme for the housing and other built elements of the development.
Reason: To ensure that the development proceeds in accordance with an agreed programme of delivery and that within individual phases the open space associated with the development is co-ordinated with the construction of the houses which it will serve.

- 8) None of the dwellings/buildings within any phase of the development over sailed by the existing high-voltage power line to be undergrounded as part of the application shall be occupied/brought into use until that power line has been removed from overhead in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of residential amenity.
- 9) All of the dwellings constructed pursuant to this application shall be designed to at least meet the standards specified in Level 3 of the Code for Sustainable Homes published in 2008. A Code Post Completion Certificate shall be submitted to the Local Planning Authority within 6 months of the substantial completion of the development hereby approved.
Reason: In the interests of sustainable development and to ensure that the development is consistent with the objectives for sustainable development set out in PPS1 – Delivering Sustainable Development and PPS22 - Renewable Energy.
- 10) Prior to commencement of the development a scheme for generating a minimum of 20% of the predicted energy requirement of the development from on-site renewable or low carbon energy sources shall be submitted to, and be approved in writing by, the Local Planning Authority. The approved scheme shall be implemented before the dwellings are first occupied and shall thereafter be maintained so that it provides the required level of generation.
Reason: To ensure that the development contributes towards the achievement of sustainable development in accordance with guidance contained in PPS1 – Delivering Sustainable Development and PPS22 - Renewable Energy and that the scheme is developed in such a way as to reduce reliance on non-renewable energy sources and maximise energy efficiency in the interest of sustainable development.
- 11) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development aside from that contained within Part 40 shall be carried out within the curtilage of the dwelling(s) without the formal consent of the Local Planning Authority.
Reason: In order to protect the visual and residential amenities of the surrounding area and to prevent overdevelopment.
- 12) C34 - Landscape Scheme - Outline
- 13) C38 - Trees - Temporary Fencing
- 14) C36 - No Trees to be Felled
- 15) The development shall not begin until full details of all drainage works associated with the development have been submitted to, and approved in writing by, the Local Planning Authority. These details should include full details of the proposed surface water drainage scheme and demonstrate how the scheme has followed the recommendations contained in the Flood Risk Assessment dated February 2011 submitted in support of this application.
Reason: To ensure the satisfactory drainage of the development.
- 16) C57 - Archaeological Recording
- 17) No development shall take place on any individual phase of the site identified pursuant to Condition 7 until a full survey of the site has taken place to determine the extent of contamination of the land and the results together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. In respect of each phase the buildings shall not be occupied or the open spaces

landscaped until the approved remedial works relating to that phase of the development 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 the site is in such a condition as to be suitable for the proposed use.

Reason: In the interests of the amenity of the occupants of the buildings and users of the facilities hereby approved

- 18) Samples of the materials it is intended to use externally in the construction of any individual phase of the development identified pursuant to Condition 7 shall be submitted to the Local Planning Authority and the development of that phase shall not be started before their approval is obtained in writing and 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.
- 19) Prior to the commencement of any phase of the development hereby approved details of the location and specifications of any proposed site compound, including any constituent buildings, shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details.
Reason: To ensure that the location and design of any site compound are acceptable in terms of visual and amenity impact.
- 20) Prior to any works commencing on any phase of the development site, a Construction Environmental Management Plan (CEMP) relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimize the creation and impact of noise, vibration, dust, waste resulting from the site preparation and construction phases of development. Once approved the CEMP shall be adhered to at all times, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of the environment of the site and surrounding areas.
- 21) No construction work shall be undertaken, or machinery operated, within the site outside the hours of 0800 to 1800hrs Mondays to Fridays, 0800 to 1300hrs on Saturdays, nor at any time on Sundays or public holidays without the prior written consent of the Local Planning Authority.
Reason: In the interests of the residential amenity of the occupants of surrounding property.
- 22) The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture for any phase of the development identified pursuant to condition 7 shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.
- 23) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, any reserved matters application submitted pursuant to this application shall include details of the proposed location, design and means of enclosure of any electricity

sub-stations required as part of the development.

Reason: To ensure that these facilities are incorporated as an integral part of the design and layout of the development and in the interests of the visual amenities of the area.

- 24) H02 - Highways - Provision parking, etc
- 25) No phase of the development hereby approved shall commence until details of the proposed levels of that phase of the development in relation to existing ground levels and an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority. The submitted information shall include ultimate finished floor levels and overall ridge heights of the new buildings in relation to the final road levels.
Reason: In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.
- 26) A comprehensive Travel Plan will be developed for all elements of the development hereby permitted. The acceptability of the travel plan will need to be agreed in writing by the Local Planning Authority and Local Highway Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport), in advance of occupation of the development.
The Travel Plan will need to be prepared in line with prevailing policy and best practice and shall include as a minimum:
- The methods to be employed to meet these targets
 - The mechanisms for monitoring and review
 - The mechanisms for reporting
 - The penalties to be applied in the event that targets are not met
 - The mechanisms for mitigation
 - Implementation of the travel plan to an agreed time scale or timetable and its operation thereafter
 - Mechanisms to secure variation to the Travel Plan following monitoring and reviews.
- A review of the targets shall be undertaken within 3 months of occupation of the development, and on an annual basis thereafter, at the time of submission of the Annual Travel Plan Report.
Reason: In order that the development promotes public transport, walking and cycling and limits the reliance on the private car to the benefit of the Strategic Road Network.
- 27) Prior to the commencement of any development in phases 4, 6 or 7 of the development, as identified on the phasing plan on Page 83 of the submitted Planning, Design and Access Statement, a scheme for mitigating the effects of the housing development on the adjacent golf course shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme of works shall then be implemented prior to the occupation of any dwellings in those phases.
Reason: To ensure that appropriate measures are put into place to minimise the potential adverse impact of the development upon the operation of the golf course, and to protect the residential amenity of future occupants of dwellings within these phases of the development.
- 28) Prior to the submission of any reserved matters application pursuant to this consent the site shall be resurveyed to ascertain the presence or otherwise of any badgers setts, and to identify any other badger activity on the site such as feeding/foraging patterns, and the survey shall be submitted to and approved in writing by the Local Planning Authority.
Subsequent 'reserved matters' applications shall clearly demonstrate how the findings of the survey in respect of habitat/feeding/movement of badgers on the site have been protected/enhanced within the design/layout proposed.

Reason: To ensure that the potential impact of the proposal upon badgers is appropriately addressed and mitigated

- 29) Prior to the submission of any reserved matter applications pursuant to this consent a site wide Landscape and Habitat Management Strategy incorporating the recommendations contained in the Environmental Statement dated July 2011 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved document, and each subsequent 'reserved matter' application shall incorporate a statement demonstrating how compliance with the approved Landscape and Habitat Management Strategy has been incorporated/achieved.

Reason: In the interests of securing a comprehensive approach to the preservation and enhancement of the landscape and ecological interest of the site

- 30) Prior to the submission of any reserved matter applications pursuant to this consent all trees on site shall be surveyed to ascertain the presence or otherwise of bat roosts. The survey shall be carried out by an appropriately qualified expert and include proposed mitigation measures where required. The results of the survey and details of any necessary mitigation measures identified shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved document, and each subsequent 'reserved matter' application shall incorporate a statement that prior to any trees being pruned or felled they will be assessed for possible bat interest prior to works being carried out. This should involve inspection of the tree / limbs to be removed for potential roosting opportunities. If bats are found to be using limbs or trees, the advice of a bat consultant should be sought to prevent disturbance / injury to bats which would constitute an offence.

Reason: To comply with the Wildlife and Countryside Act 1981 and amended by the Countryside and Rights of Way Act 2000

- 31) Prior to the commencement of any development within phases 2b or 3 as identified in the phasing plan on page 83 of the submitted Planning, Design and Access Statement dated July 2011 detailed plans, including sections, of the proposed noise attenuation feature along the eastern boundary with the motorway, along with a timeframe for its implementation, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details and no building intended for residential use shall be occupied until the noise attenuation feature has been completed in accordance with the approved details.

Reason: In the interests of the residential amenity of the future occupants of buildings within these phases of the development

- 32) Prior to the commencement of any works affecting the Seabrook watercourse detailed plans, including sections, of the entirety of its re-profiling and re-alignment, along with the proposed landscaping, layout and measures to facilitate public access associated with the creation of the new Seabrook corridor feature shall be submitted to and be approved in writing by the Local Planning Authority. The details shall demonstrate how the flood risk management, wildlife and public recreation functions of the corridor have integrated without detriment to each other. Thereafter the Seabrook corridor shall be provided in phases in accordance with the approved details as part of each related phase of the development in line with details approved pursuant to condition 7.

Reason - To ensure that the proposed works to the Seabrook maximise the potential for recreational use and habitat enhancement and meet flood risk management requirements.

- 33) No development shall take place within any phase of the development site identified pursuant to Condition 7 until a scheme for the mitigation of external noise upon the

occupants of buildings within that phase, including details of building orientation, layout and building specifications, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

Reason: In the interests of the amenity of future occupants of the buildings.

- 34) Prior to occupation of the development hereby permitted, cycle parking shall be provided for all premises in accordance with details previously submitted to and approved in writing by the Local Planning Authority. In the case of workplaces and other premises, secure parking, showers and lockers should be provided for staff, and more casual parking for short term visitors. The cycle parking and other facilities shall be maintained at all times thereafter.

Reason: to ensure that cycle parking is provided, in accordance with Local Plan policy T3, to encourage travel by sustainable means.

- 35) A road (to an agreed specification) to be built to the Dukeminster boundary north of the school site (at a point to be agreed within the 50m corridor specified in the Dukeminster approval) before the occupation of the 301st house or opening of the school, whichever is the earlier.

Reason: To ensure that the facility to connect the proposed development to adjacent development is made available and not negated by the development.

- 36) Not more than 650 dwellings to be occupied prior to the construction and opening of the northern road connection within the site to the spine road between Topsham Road and the A379.

Reason: to ensure that, when the major part of the proposed development is occupied, the site has appropriate levels of permeability to allow maximum accessibility to and from the site by all residents and all travel modes.

- 37) Prior to commencement of the development, a detailed scheme for the pedestrian and cycle network shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-

(a) details of routes, road crossings, bridges, surface treatments, lighting, street furniture and signage;

(b) a programme for implementation synchronised with the progressive occupation of the development; and

(c) such temporary measures as are necessary (such as ramps where routes cross unfinished roads) to ensure the routes are fully usable during the construction period.

The approved scheme shall be adhered to at all times, including (where applicable) any amendments subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure that the pedestrian and cycle routes are provided and maintained in accordance with Local Plan policy T3, to encourage travel by sustainable means.

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

Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223