

ITEM NO. 7

COMMITTEE DATE: 29/10/2012

APPLICATION NO: 12/0920/03 FULL PLANNING PERMISSION

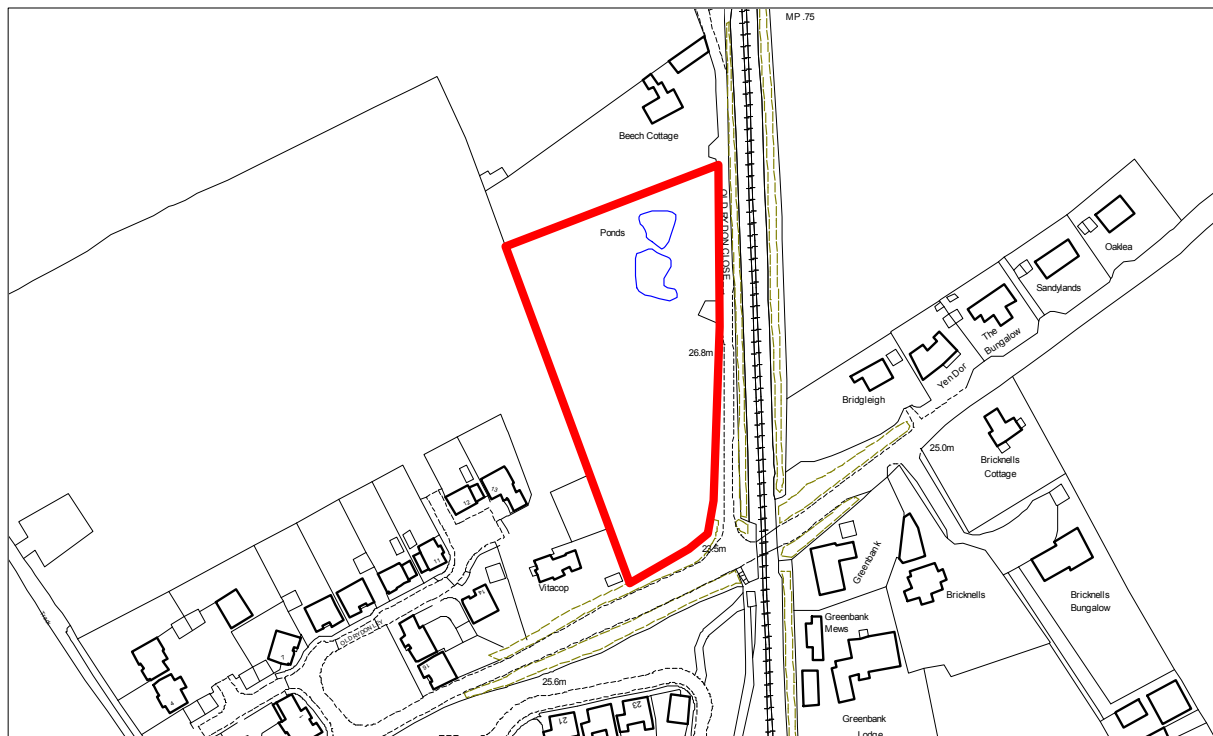
APPLICANT: Mr Dunlop
Barratt Homes Exeter

PROPOSAL: Residential development of 16 dwellings, access, parking, landscaping and associated works

LOCATION: Land adj., Beech Cottage, Old Rydon Close, Exeter, EX2 7JR

REGISTRATION DATE: 26/06/2012

EXPIRY DATE: 25/09/2012



Scale 1:3000

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HISTORY OF SITE

06/0899/01 -	Residential development to provide 30 dwellings, pedestrian and vehicular access to highway (siting, design, landscaping and external appearance reserved for future consideration)	REF	30/06/2006
07/2169/01 -	Residential redevelopment (all matters reserved for future consideration)	PER	17/05/2010

In dismissing the appeal against refusal of a scheme for 30 dwellings on this site in May 2012, the Inspector recognised that the principle of residential development was acceptable, but he was concerned about the proposed access (albeit temporary), and that the illustrative layout did not demonstrate a suitably high quality design.

DESCRIPTION OF SITE/PROPOSAL

The site comprises an area of land of approximately 0.8 ha, bounded by Old Rydon Lane to the south, Old Rydon Close to the east, and residential properties to the north (Beech

House) and west (Old Rydon Ley). The road frontages contain a number of mature trees set on embankments with the roads set at a lower level. To the east of Old Rydon Close is a railway embankment and local branch line railway track.

Full planning permission is sought for 16 detached dwellings (11 x four-bed and 5 x five-bed), in association with the 233 dwelling residential development of land to the east, which was the subject of a recent resolution to approve a reserved matters application. There is a Planning Committee resolution to approve the application on the adjoining land. Access to the proposal will be from the west through the adjoining development site.

The proposed dwellings are 2 and 2.5 storeys (i.e., they have additional rooms in the roof space which makes them slightly higher, but not a full 3 storeys) of conventional design, with detached double garages. Materials are a mixture of brick and render with some timber cladding. Roof materials are unspecified.

No public open space is provided within the site on the basis that it will be developed in association with the land to the east, which has open space which will also serve this scheme.

The land was allocated for residential development in the Exeter Local Plan 1995-2011.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- Planning Statement
- Design and Access Statement
- Ecological Impact Assessment
- Flood Risk Assessment
- Land Contamination Assessment
- Noise Impact Assessment
- Transport Assessment
- Statement of Community Involvement

REPRESENTATIONS

None.

CONSULTATIONS

Network Rail objects to the application on the grounds that "the proposed development will significantly increase the use of the private footpath level crossings known as Bolts Park Crossing which may have safety implications due to the envisaged increase in the usage.

The increased use of the crossings cannot be looked upon favourably by Network Rail and some form of mitigation may be justified to reduce any safety concerns. Network Rail is likely to withdraw an objection if an acceptable solution can be found regarding the potential safety issues associated with the increased use of the level crossing which would potentially include the applicant and owner of the crossing agreeing to the closure of the private footpath level crossing at the developer's expense."

Natural England makes general comments about biodiversity and opportunities for enhancement.

The **Environment Agency** raises no objections to the proposal.

The **County Highways and Transportation Officer** raises no objection subject to conditions requiring further technical details of the proposed highway and provision of on-site parking facilities.

The **County Children's Services Officer** recommends a contribution towards primary and secondary education infrastructure is sought.

The **Assistant Director Housing** advises that a commuted sum will be accepted on this land in lieu of on-site provision of affordable housing.

The **Assistant Director Public Realm** raises no objections in relation to public open space on the basis that this development would share open space with the associated development to the west, which is acceptable. Further information is required relating to drainage to be satisfied that flood risk is minimised. Development should not commence until water receiving attenuation facilities are provided on the adjoining site.

The **Assistant Director Environment** requests further information relating to contaminated land and noise. If this information is provided and is satisfactory, conditions are recommended relating to construction/demolition hours, provision of a Construction Environmental Management Plan, contaminated land and noise.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

Exeter Local Development Framework Core Strategy

- CP1 - The Spatial Approach
- CP3 - Housing Distribution
- CP4 - Density
- CP5 - Meeting Housing Needs
- CP9 - Transport
- CP14 - Renewable and Low Carbon Energy
- CP15 - Sustainable Construction
- CP16 - Green Infrastructure
- CP17 - Design and Local Distinctiveness
- CP18 - Infrastructure
- CP19 - Strategic Allocations
- CP7 - Affordable Housing

Devon County Structure Plan 2001-2016

- ST1 - Sustainable Development
- ST4 - Infrastructure Provision
- ST10 - Exeter Principle Urban Area
- ST11 - Exeter PUA Housing and Employment Provision
- ST18 - Affordable Housing
- CO6 - Quality of New Development
- CO8 - Archaeology
- CO9 - Biodiversity and Earth Science Diversity
- TR1 - Devon Travel Strategy
- TR2 - Coordination of Land Use/Travel Planning
- TR4 - Parking Strategy, Stands and Proposals
- TR5 - Hierarchy of Modes and Transport Assessment
- TR7 - Walking and Cycling
- TR10 - Strategic Road Network and Roadside Service Areas

Exeter Local Plan First Review 1995-2011

- AP1 - Design and Location of Development
- AP2 - Sequential Approach
- H1 - Search Sequence
- H2 - Location Priorities
- H3 - Housing Sites
- H6 - Affordable Housing

H7 - Housing for Disabled People
L4 - Provision of Playing Pitches
T1 - Hierarchy of Modes
T2 - Accessibility Criteria
T10 - Car Parking Standards
T3 - Encouraging Use of Sustainable Modes
C5 - Archaeology
EN2 - Contaminated Land
EN3 - Air and Water Quality
EN4 - Flood Risk
EN5 - Noise
EN6 - Renewable Energy
DG1 - Objectives of Urban Design
DG2 - Energy Conservation
DG4 - Residential Layout and Amenity
DG5 - Provision of Open Space and Children's Play Areas
DG6 - Vehicle Circulation and Car Parking in Residential Development
DG7 - Crime Prevention and Safety
KP8 - Newcourt Area

Exeter City Council Supplementary Planning Document

Residential Design

Affordable Housing (Draft)

Newcourt Master Plan

OBSERVATIONS

Background

This scheme is intrinsically related to the development of the adjoining land to the west. Logically the development of this site would form part of the same application as the proposals to develop that land. However, there is already an outline planning permission for that land, and therefore it has been necessary to submit this full application for 16 dwellings to run alongside the reserved matters application for the rest of the development.

Members resolved to approve the reserved matters application for the adjoining land referred to above at the Planning Committee meeting on 3 October 2012.

Design/layout

The house types and street scene arrangement are a continuation of that on the adjoining site, which Members have already resolved to approve. The houses are large and generally have substantial gardens.

The proposal complies with the space standards set out in the Residential Design SPD. The scheme has been assessed as scoring 15 ('Good') by the Building for Life Assessor.

Transportation

By accessing the development only through the adjoining development site, the Appeal Inspector's concerns about access are overcome. Development of the site in accordance with the current application is dependent on prior development of the adjoining site (at least in terms of provision of highways infrastructure) as there is no alternative means of access. Parking provision is appropriate.

Network Rail's concerns have been raised with the applicant and a response is awaited.

Open space

This scheme has been prepared simultaneously with the scheme to develop the adjoining land, and the public open space is adequate to serve the development as a whole. The public open space area is 10 per cent of the total site area of this and the neighbouring site.

A further 0.54 hectares is to form a wildlife corridor area along the southern boundary. The public open space is distributed throughout the overall development site, and includes a linear space along the northern boundary, a central open space and a local area to the west. A coloured plan indicating the extent and distribution of the open space will be displayed at the Planning Committee meeting.

Trees

The applicant has agreed to mark out the position of proposed buildings on the site to demonstrate that there will be no harm to any trees worthy of retention on the eastern site boundary. Confirmation from the Tree Officer that the proposal is acceptable is awaited.

Biodiversity

An Ecological Management Plan has been submitted by the applicant which seeks to ensure that features of biodiversity value are retained, enhanced and protected. This plan is acceptable, and a condition is recommended to secure its implementation.

Sustainability

Conditions are recommended to ensure that the proposal complies with the appropriate level of the Code for Sustainable Homes and is a low carbon development.

Section 106

A legal agreement will be necessary to secure financial contributions towards:

- affordable housing in lieu of on-site provision
- education infrastructure
- mitigation of the impact of development on Natura 2000 sites within 10km
- indoor leisure facilities (£675 per dwelling)
- community facilities (£625 per dwelling)

It will also secure production and implementation of a Green Travel Plan.

SOUTHERN AREA WORKING PARTY

Members supported the application in principle and noted that it would be determined at a future Planning Committee meeting.

RECOMMENDATION

Subject to completion of a Section 106 Agreement relating to the items identified above,

APPROVE subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of two years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C12 - Drainage Details
- 5) C57 - Archaeological Recording
- 6) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of the dwellings, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in

writing by, the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties

- 7) C35 - Landscape Scheme
- 8) C37 - Replacement Planting
- 9) C38 - Trees - Temporary Fencing
- 10) C72 - Highway - Estate Roads etc
- 11) No part of the development hereby approved shall be occupied until the on-site parking facilities together with any means of access have been provided and surfaced in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 12) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for the construction period.
Reason: To ensure that adequate on-site facilities are available for the construction traffic attracted to the site.
- 13) Unless otherwise agreed in writing, prior to first occupation of more than eight of the dwellings hereby permitted, the road link between plots 48 and 49 shall be constructed up to, and contiguous with, the boundary line dividing the application site from the land to the immediate north, and the 3 metre wide pedestrian and cycle link between plots 45 and 46 shall be constructed up to the surfaced public highway in Old Rydon Close, both in accordance with details to be approved pursuant to condition 10.
Reason: To ensure that appropriate connections are made between the site and adjoining land in the interests of promoting the use of sustainable modes of transport in accordance with policies T1 and T3 of the adopted Exeter Local Plan First Review and policy CP17 of the Exeter Local Development Framework Core Strategy.
- 14) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking 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.
- 15) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be

submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of the amenity of the occupants of the building(s) hereby approved.

- 16) A Construction and Demolition Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and adhered to during the construction period. This should include details of the monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and emissions of noise and dust. This should include details of the phasing and timing of work and measures that will minimise the impact of construction traffic on the local road network, including parking. The CEMP should contain a procedure for handling and investigation complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development, in order to discuss forthcoming work and its environmental impact.
Reason: To minimise the potential for disruption during the construction process.
- 17) Unless otherwise agreed in writing, construction/demolition work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interest of residential amenity.
- 18) The development shall be carried out in accordance with the Ecological Management Plan prepared by EAD Ecological Consultants, and received by the City Council on 25 June 2012.
Reason: In the interests of protecting and improving existing and creating new wildlife habitats in the area.
- 19) No dwelling hereby approved shall be occupied until the applicant has submitted a SAP calculation which demonstrates that, through the use of decentralised energy or local energy networks and/or renewable or low carbon energy sources, a 10% reduction in CO2 emissions over that necessary to meet the requirements of the Building Regulations current at the time of Building Regulations approval can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site.
Reason: In the interests of sustainable development.
- 20) Any individual dwelling hereby approved shall achieve a Code Level 3 (including a 25% CO2 emissions rate reduction from Part L 2006) as a minimum, but shall achieve a Code Level 4 (including a 44% CO2 emissions rate reduction from Part L 2006) if commenced on or after 1st January 2013, and a Code Level 5 (Zero Carbon) if commenced on or after 1st January 2016, in accordance with the requirements of the Code for Sustainable Homes 2006 and the Code for Sustainable Homes Technical Guide November 2010 (or such equivalent standard that is approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15. No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that a Final Code Level of 3, 4 or 5 has been achieved as appropriate.
Reason: In the interests of sustainable development.
- 21) The Local Planning Authority shall be notified in writing of the identity of all dwellings for which construction has commenced before 1st January 2013, and of the identity of all dwellings for which construction has commenced thereafter but before 1st January 2016, within 10 working days following each of those dates.
Reason: In the interests of sustainable development.

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