

ITEM NO. 1

COMMITTEE DATE:

14/04/2014

APPLICATION NO:

13/4984/01

OUTLINE PLANNING PERMISSION

APPLICANT:

Devon County Council

PROPOSAL:

Residential development scheme including new access to Cumberland Way and internal roads to accommodate two way public transport link between Cumberland Way and Harts Lane, and associated infrastructure (All matters reserved for future consideration apart from access)

LOCATION:

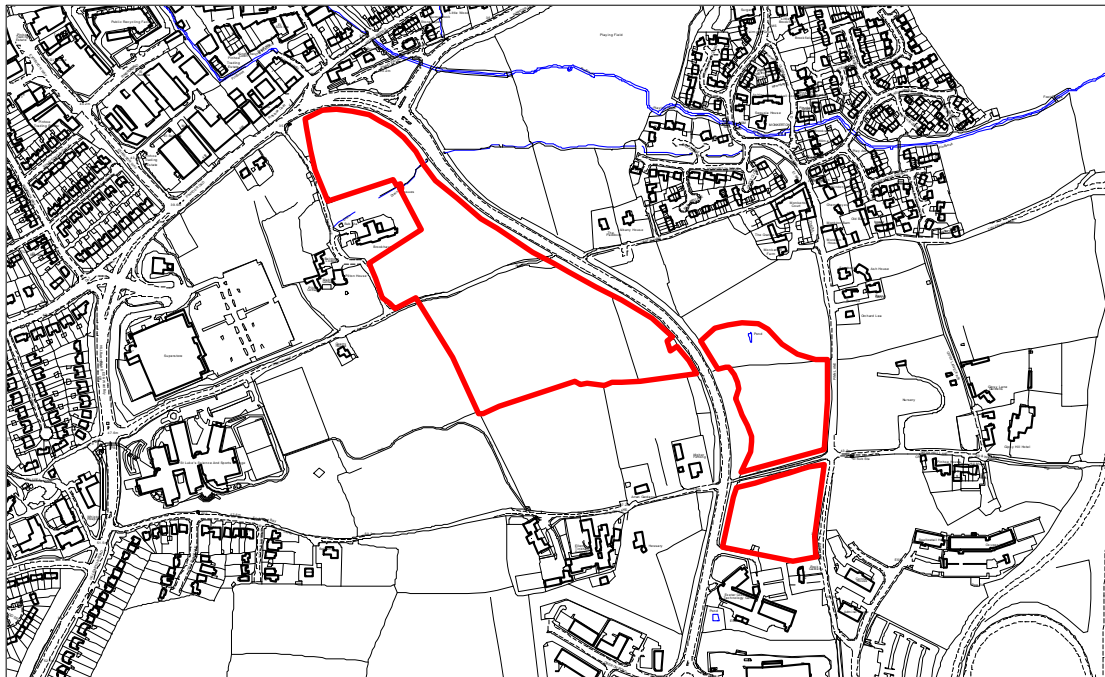
Land known as Monkerton Farm on western and eastern sides of Cumberland Way, Exeter

REGISTRATION DATE:

29/11/2013

EXPIRY DATE:

28/02/2014



Scale 1:10000

This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Exeter City Council 100049053

UPDATE

Background

This application was reported to the last meeting of the Planning Committee, when it was deferred by Members for a site inspection by all Members of the Committee (with an invitation to Ward Members), so that they could consider the traffic consequences of future developments on this area. In particular the deferral was in response to representations and the observations of a Ward Member suggesting that the development could incorporate a roundabout on Cumberland Way. This would allow access to future development to the east as well as the land within the application site to the west. This land is likely to be developed by Barratt David Wilson Homes Ltd (BDWH). There is no consent or current application for development of it.

The following information was included on the Additional Information sheet circulated before the last Planning Committee meeting:

The Highways Agency has revised the wording of its directed condition (no. 19) as follows:

The occupation of any part of the development authorised by this permission shall not be allowed, unless otherwise agreed in writing by the local planning authority (in consultation with the Secretary of State for Transport) until either:-

(a) Devon County Council (in consultation with the Secretary of State for Transport) has approved in writing a full scheme of works for improvements to Moor Lane Roundabout; and,
(b) The approved works at Moor Lane Roundabout have been completed and are open to traffic in accordance with the local highway authority's written approval (in consultation with the Secretary of State for Transport) and have been certified in writing as complete on behalf of the local planning authority, in this case Exeter City Council.

or

The Phase 3 or 'Tithebarn' Link Road has been completed in full between Cumberland Way, Tithebarn lane motorway bridge and the former A30 and open to traffic in accordance with the local Highway Authority's written approval (in consultation with the Secretary of State for Transport), and have been certified in writing as complete on behalf of the local planning authorities, in this case Exeter City Council and East Devon District Council.

Reason: To ensure that the capacity of Moor Lane Roundabout is enhanced to prevent the risk of queuing on the westbound A30 Honiton Road approach extending into and impacting upon the operation of M5 Junction 29. The applicants own analyses show that congestion on this approach would be exacerbated and further affect the Strategic Road Network if occupation of the development was to come forward before proposed Devon County Council improvements to Moor Lane Roundabout are in place, and full completion of the Phase 3 Link Road is not complete. The Agency do not require the full completion of the Phase 3 Link Road as a pre-requisite to occupation of the development, as the expected prior completion of the Moor Lane Roundabout improvements is demonstrated to give a sufficient safeguard against any detrimental impact affecting the Strategic Road Network.

Additional objections (7) have been received on the grounds that:

1. Once development of the land off Cumberland Way commences, Cumberland Way will become increasingly busier with traffic, including Heavy Goods vehicles serving the development. The proposed connection to the land poses a road safety issue as drivers at the junction of the development will be required to make across-the-traffic turns, interrupting the flow of traffic, even with the addition of more traffic lights to Cumberland Way.
2. There will be even further traffic congestion on all routes leading to and from Cumberland Way; travel from either the Middlemoor / Sowton / M5 routes or the Pinhoe Village / Whipton Village / Whipton Barton routes are already fraught with congestion, which would only get worse with the addition of a new junction on Cumberland Way.
3. A Roundabout should be provided to properly support the expanding infrastructure and to act as both a traffic calming device and a traffic control device, more suited to keeping traffic flowing in multiple directions than a junction.
4. Would it not be possible at this stage to plan for a roundabout which would serve developments on both sides of Cumberland Way, instead of a junction at this location? This would allow access for residential traffic to the new Monkerton development without causing extra traffic to use Station Road and Pinn Lane which are narrow and already very busy thoroughfares. We understand access off Cumberland Way is being arranged for Construction traffic, so why not make it a permanent access? Also a roundabout would reduce traffic speed on a supposedly 30mph road, something that would be a good thing considering the Planning Application includes a new school.
5. The Flood Risk Assessment for this application proposes to discharge run-off water into the 'Unnamed Watercourse' that rises in the site and flows between Monkerton Drive and Broadleaf Close before joining Pinn Brook. This watercourse has seldom been anything more than a trickle. However, several times this winter the culverts underneath the entrance to Broadleaf Close and beneath Monkerton Drive have been at capacity. The heavy rains in

January produced enough rain to raise the water level to the top of the culvert drain. If more water is to be discharged into this watercourse from the Cumberland Way development and the Barratt Homes development, then capacity must be increased.

The Highway Authority has responded as follows:

1. To provide some background, the transport strategy including access arrangements was agreed as part of the adopted Monkerton Masterplan. This was following liaison with stakeholders (including highways), councillors and public consultation. Details of the arrangements are shown on page 57 (there is also a less detailed plan on the front cover). This does not show any new access points to serve land to the east of Cumberland Way/ north of Harts Lane.
2. With regards Cumberland Way. This is a classified route carrying a reasonably amount of traffic. To maintain its function the aim has always been to minimise the access points onto it. The proposed priority junction is desired so that the proposed primary school (for 620 pupils) is not off of a cul de sac.
3. We would not want a roundabout here for the following reasons
 - Detrimental to pedestrians and cyclists travelling north south on Cumberland Way
 - A roundabout is likely to have a higher accident rate than a ghost island priority junction
 - The proximity of the roundabout to the Pinhoe Road traffic signals would not be acceptable.
 - It would be unreasonable to require the development east of Cumberland Way and north of Harts Lane(circa 60-80 dwellings) to provide a roundabout
4. Construction access off of Cumberland Way, if feasible, would be preferable.
5. With respect to pollution and emissions, it is difficult to ascertain whether the additional journey for the development traffic (roughly 350 trips a day) would be greater or less than the delay of a roundabout (giving way and geometric) to the 15,000 vehicles that use Cumberland Way each day. It is likely to be broadly similar.

Site Inspection Panel

The site inspection was attended by four Members, the Senior Area Planning Officer and the County Highway Development Management Officer. The Panel viewed the site from Cumberland Way. They also viewed the site of the anticipated BDWH application from Cumberland Way, and viewed the approach to it from Monkerton Drive, Pinn Lane and Station Road. Members raised no objection to the planning application under consideration. They considered that it would be beneficial for the construction access to the BDWH development to be from Cumberland Way, and it was confirmed by the Highway Development Management Officer that this is likely to be acceptable. Members acknowledged that the finer details of the access arrangements for the BDWH application would be considered when it is determined, and that these arrangements would not be a reason for refusal of the current application.

The view of Barratt David Wilson Homes

A representative of BDWH has indicated that access will be from Monkerton Drive on the basis of advice from the Highway Authority. Construction access from Cumberland Way would be welcomed provided that this can be agreed with the Highway Authority.

Updated Recommendation

It is recommended that delegated authority be given to the Assistant Director City Development in consultation with the Chair of the Planning Committee to **APPROVE** the application subject to:

- a Section 106 Agreement to secure the matters identified in this report;
- the conditions set out in the original report (which may be varied or supplemented as appropriate), as modified by the updated condition 19 directed by the Highways Agency.

ORIGINAL REPORT TO PLANNING COMMITTEE (17 MARCH 2014)

DESCRIPTION OF SITE/PROPOSAL

The site extends to approximately 11.2 ha of land comprised in two principal parcels fronting Cumberland Way on both its eastern and western frontages. It was formerly part of the Devon County Council's County Farms Estate, and until recently was used for agricultural purposes. The land has remained fallow since February 2012. The land is bound by a number of hedgerows, many of which have suffered through Dutch Elm Disease. The "western site" of 8.05 hectares lies just north of Hollow Lane and slopes gently down to the north. Harts Lane passes east to west through the site and provides footpath/ cycleway links from Cumberland Way to St Luke's School and Hill Barton Road. The "eastern site" of 3.57 hectares spans a ridge line lying along an east to west axis. Hollow Lane passes through the site and is a single track lane which follows the ridge line. To the south of Hollow Lane the site slopes down to the new Exeter College facility. To the north the "eastern site" slopes down to a boundary identified by the proposed new Tithebarn Link Road. Pinn Lane forms the eastern boundary of this site.

The application is made for outline consent with all other matters reserved except for means of access. Detailed matters relating to design, landscaping, scale and housing mix are to be reserved for future consideration.

The western site will be accessed by a spur of the proposed roundabout that connects the Tithebarn link road to Cumberland Way. It will provide access to the proposed primary school and then extend north, connecting with Harts Lane. A second point of access from the site to Cumberland Way is proposed to connect with the main link and provide a through route within the site. The eastern site is proposed to be accessed via the new Tithebarn link road.

The application does not specify the number of dwellings proposed, but the Transport Assessment is based on an assumption of up to 400.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- Site location plan
- Design and Access Statement
- Final developable area plan
- Results of Archaeological Trench Evaluation
- Air Quality Assessment
- Written Scheme of Investigation for a Programme of Archaeological Mitigation
- Draft Heads of Terms
- Preliminary Road Layout
- Arboricultural Survey
- Transport Assessment including appendices:
- Proposed Ghost Island Right Turn Lane Access from Cumberland Way Preliminary Arrangement
- Biodiversity Map
- Statutory and Non-Statutory Sites Map
- Legally protected and notable species records

REPRESENTATIONS

Objections: 1. Comments: 1. Principal planning issues raised:

- The submission is reliant on use of public transport to minimise car journeys, but the cost of public transport is prohibitive to its regular use.
- Plans for the proposed bus link west of Cumberland Way are unclear. Harts Lane is not wide enough to accommodate the bus link and existing pedestrian/cycle/vehicular traffic.
- The proposal involves loss of good quality agricultural land, and there is not even a proposal for allotments in the application.
- Harts Lane has a 30mph speed limit; a reduction to 20mph would be safer.

- Parking outside St Luke's College in Harts Lane causes highway safety concerns and inconvenience. Double yellow lines would help to solve this.
- The 'Road Ahead Closed' sign in Harts Lane should be moved as it makes vehicle activity unclear to pedestrians.
- Up to 40 cars a day visit Brookhayes and this should be taken into account in traffic counts.
- There is an opportunity to join roads in the proposed development up with a recently approved road off Pinhoe Road, allowing safer access into Pilton Lane.
- Pilton Lane and Harts Lane are used by pedestrians and vehicles to visit St Luke's College. The proposal should ensure the pedestrian safety of children.
- There is a planning permission for two dwellings and a number of significant trees close to the Pilton Cottage entrance. It is not clear if the existing road will alter along this boundary.
- It is disappointing that the community facilities identified in the Monkerton and Hill Barton Masterplan study do not appear to be emerging in any of the development proposals for the area. A doctor's surgery or a library would be more beneficial to local residents than a district heating system.

CONSULTATIONS

Highways Agency - On the basis of the information and analyses provided the Agency is able to accept the residential development proposals, but subject to a condition restricting occupation of any of these dwellings until such a time as the proposed DCC improvement works to Moor Lane Roundabout are implemented. This is to ensure that predicted operating problems with the current layout are addressed to prevent this development compounding congestion problems here if coming forward before the Phase 3 Link Road (Tithebarn Link Road) is fully open to traffic.

Network Rail - no objection subject to no impact on the safe operation of the railway network.

RSPB - a combined landscape and Environmental Management Plan should be made a condition of any consent granted.

Natural England - comments awaited.

CTC - objects on grounds of loss of cycle lanes on Cumberland Way, disruption of the Harts Lane footpath and cycle route, and stopping up of Pinn Lane.

Devon and Somerset Fire and Rescue - no objections.

Exeter International Airport - no objections subject to meeting standard safeguarding criteria.

Ministry of Defence - no objections.

South West Water - no objection subject to suitable planning conditions/S106 planning obligation terms requiring no development to proceed on site until such time as a detailed sewerage evaluation has been carried out and funding provided for improvements identified as necessary. It will be crucial that no building shall be occupied, and no connection to the public sewerage system take place, until all improvements to the public sewerage network, rendered necessary by the development, have been completed.

Sport England - the development cannot be supported unless it meets the additional demand for sports facilities created by the development.

County Education Planning Manager - a share of the CIL funding will be required to provide sufficient education facilities to serve the new development.

County Head of Planning Transportation and Environment - the proposals and accompanying analysis are broadly acceptable from a highways view. The site can be divided into three parts for highway purposes. The first, Cumberland Way North (circa 140 dwellings) is to the west of Cumberland Way and north of Harts/Pilton Lane; the second, Cumberland Way South (170) is west of Cumberland Way, south of Harts/Pilton Lane, and the third is Tithebarn Link (90), which lies east of Cumberland Way either side of Hollow Lane. Subject to contributions towards public transport and travel planning being secured through an appropriate legal agreement and conditions, no objection is raised to the proposed development. The conditions required relate to:

- Securing a link between Cumberland Way North and South sites if they are delivered by different developers.
- A requirement to provide the priority junction onto Cumberland Way from before occupation of 200 dwellings in the Cumberland Way North/South sites.
- Ensuring that no more than 50% of the development east of Cumberland Way is occupied until a vehicular connection has been provided onto Pinn Lane from the Tithebarn Link part of the development, so that Sandrock to the east may also be served by this part of the highway network.
- Prevention of occupation of the development until Moor Lane roundabout improvements or the Tithebarn Link Road have been delivered.
- Provision of a link from Cumberland Way South to Harts Lane prior to occupation of the 125th dwelling in the Cumberland Way South land, in the interests of providing a strategic public transport link.
- Securing cycle parking facilities in accordance with the Council's Sustainable Transport SPD.
- Securing design of an internal road layout including arrangements suitable for a high quality bus link and for pedestrian/cycle connections to adjoining land.
- Securing appropriate facilities for construction traffic.

The legal agreement requirements relate to:

- A contribution to support the additional costs of providing bus services.
- A contribution towards implementation of a travel plan and its measures.
- A contribution to the cost of relevant Traffic Regulation Orders.

Assistant Director Environment - no objection subject to conditions relating to construction hours, noise and a Construction Environmental Management Plan.

Assistant Director Housing and Contracts - affordable housing should be provided in accordance with the draft Affordable Housing SPD.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework 2012

Exeter Local Development Framework Core Strategy 2012

- CP1 – Spatial approach
- CP3 – Housing development
- CP4 – Housing density
- CP5 – Meeting housing needs
- CP7 – Affordable housing
- CP9 – Strategic transport measures to accommodate development
- CP10 – Community facilities
- CP11 – Pollution and air quality
- CP12 – Flood risk
- CP13 – Decentralised energy networks

CP14 – Renewable and low carbon energy
CP15 – Sustainable design and construction
CP16 – Strategic green infrastructure
CP17 – Design and local distinctiveness
CP18 – Infrastructure requirements and developer contributions
CP19 – Strategic allocations for growth

Exeter Local Plan First Review 1995-2011 Saved Policies

H1 – Housing land search sequence
H2 – Housing location priorities
H5 – Diversity of housing
H6 – Affordable housing
H7 – Housing for disabled people
L4 – Provision of playing pitches
T1 – Hierarchy of modes of transport
T2 – Accessibility criteria
T3 – Encouraging use of sustainable modes of transport
T9 – Access to building by people with disabilities
T10 – Car parking standards
T14 – Highway schemes
C5 – Archaeology
LS1 – Landscape setting
EN2 – Contaminated land
EN3 – Air and water quality
EN4 – Flood risk
EN5 – Noise
DG1 – Objectives of urban design
DG2 – Energy conservation
DG4 – Residential layout and amenity
DG5 – Provision of open space and children's play areas
DG6 – Vehicle circulation and car parking in residential developments
DG7 – Crime prevention and safety

Exeter City Council Supplementary Planning Documents

Draft Affordable Housing SPD 2014
Archaeology and Development SPG 2004
Planning Obligations SPD 2009
Public Open Space SPD 2005
Residential Design SPD 2010
Sustainable Transport SPD 2013
Trees and Development SPD 2009

Monkerton & Hill Barton Masterplan Study 2010

Exeter Draft Development Delivery Development Plan Document 2013

OBSERVATIONS

Principle of development

The site is identified for development in the Exeter Local Development Framework Core Strategy and the Monkerton and Hill Barton Masterplan Study. The Core Strategy states that around 2,500 houses should be built at Monkerton/Hill Barton. Policy CP15 states that due to its scale, the development of Monkerton/Hill Barton should "achieve levels of sustainability in advance of those set out nationally."

The Core Strategy states that the Monkerton/Hill Barton urban extension should create its "own sense of place, that both respects the surrounding development, and is innovative in its design approach. The most successful urban places are unique and memorable and

combine an attractive built environment with a lively mix of functions. Accordingly, design must be considered from the outset and should guide the spatial distribution of uses within a development. Getting this right will create sustainable and prosperous communities and truly distinctive places. In designing development...particular attention should be given to ensuring:

- i) High quality townscape, landscape and amenity
- ii) High architectural quality
- iii) Places have their own distinct identity
- iv) Permeable layouts
- v) Pedestrian and cycle friendly places and routes
- vi) Sustainable design and resilience to climate change
- vii) Attractive well managed and maintained public realm
- viii) Inclusive places
- xi) Safe places reducing the fear of, and opportunities for, crime
- x) High quality integrated Green infrastructure

Policy CP17 states that development at Monkerton and Hill Barton will:

- employ high quality design to create a distinctive sense of place that relates well to existing communities;
- reinforce the east west ridgeline and provide a strategic green way that links to developments to the east of the city, including Cranbrook;
- integrate green lanes, hedgerows and trees and provide open space, playing fields and allotments;
- be orientated on the sustainable movement network and designed so as to reduce the dominance of vehicles within the public realm;
- create a safe and secure environment that encourages social interaction and inclusion and promotes healthy living and a sense of well-being;
- retain and enhance the biodiversity of the site and adjacent areas;
- apply innovative design to overcome constraints, such as noise, pollution and topography;
- aim to install low and zero carbon energy provision (for example, Combined Heat and Power (CHP)).

Policy CP19 states that the Monkerton/Hill Barton area is proposed for around 2500 dwellings, around 5 hectares of employment land and all associated infrastructure including:

- local centre to provide shops, doctors surgery and community facilities
- a primary school;
- green infrastructure framework;
- low and zero carbon infrastructure;
- gypsy and traveller site provision if necessary;
- new pedestrian and cycle bridge over the motorway;
- new link road from Cumberland Way to the motorway to provide vehicular access;
- safeguarding the new rail halt on the Exeter to Exmouth line;
- A new training and educational facility by Exeter College; and
- contributions towards other educational, social and community facilities

The Monkerton and Hill Barton Masterplan Study illustrative masterplan shows the application site land as being predominantly residential to the west of Cumberland Way, with education land to the east. The position in respect of the eastern land has subsequently been modified by:

- the decision not to relocate Ellen Tinkham School
- the decision by Exeter College to develop a smaller area of land than originally anticipated
- the emergence of the proposed Monkerton Ridge Park concept (see below).

The Council's Draft Development Delivery Development Plan Document (DPD) identifies a new Monkerton Ridge Park based around Hollow Lane and Gipsy Hill Lane and including land within this application site.

It is acknowledged that a substantial urban extension will have significant impacts on matters which will be of concern to local residents, such as traffic generation, impacts on wildlife, loss of agricultural land, and appropriate infrastructure provision. The purpose of the relevant Core Strategy policies and the Masterplan Study is to ensure that proposals such as this are properly planned for in the context of the wider development of the area.

Transport issues

The Highways Agency has directed a condition which requires the completion of improvements to Moor Lane Roundabout before occupation of any of the proposed development. This is to ensure that the strategic road network is adequate to accommodate the traffic attracted to the development.

Following some modifications to the proposals, including reinstatement of a cycle lane on Cumberland Way, the Highway Authority has confirmed that the highway arrangements are acceptable. Contrary to concerns raised by the CTC, Pinn Lane will not be closed to cyclists.

A range of conditions are required to ensure that the relevant road links and sustainability measures are delivered by the eventual developers of the land. Contributions towards public transport, travel planning and traffic regulation orders will need to be secured by legal agreement.

The strategic link through the development will be a continuation of the Tithebarn Link Road which crosses over the motorway from East Devon. It will tie in to Harts Lane. There are implications for the areas of Harts Lane that lie west of the application site. The Highway Authority has advised that it is intended to create a sustainable transport corridor that is attractive for pedestrians and cyclists. The precise design will be finalised in due course as part of the overall bus link design and should address many of the concerns raised in the representations.

Affordable housing issues

The applicant has confirmed that affordable housing will be provided in accordance with the requirements of the Council's draft Affordable Housing SPD, and this will be secured by a legal agreement.

Biodiversity issues

In accordance with the views of the RSPB, a combined Landscape and Environmental Management Plan can be made a condition of any consent granted.

Drainage issues

In accordance with the advice of South West Water, and to be consistent with approvals for other large scale housing developments in the area, a condition can be imposed to ensure that the public sewerage network can accommodate the proposed development.

Sport, leisure and recreation issues

The demand for additional or enhanced sports facilities created by the development will be funded through CIL payments. The applicant is offering 0.91 hectares of land for public open space adjacent to Cumberland Way and south of Hollow Lane so as to assist the provision of the proposed Ridgeline Park. A further 0.25 hectares of public open space is expected to be located within the proposed housing development, making a total of 1.16 hectares. This is approximately 10 per cent of the total application site.

Discussions are taking place with the applicant about securing more than 10 per cent of the land as public open space. This is justified on the basis that the provision of land for the

Ridgeline Park is a policy requirement in addition to the normal open space requirements for residential development.

The 0.25 hectares of public open space within the proposed housing development will be distributed to provide small play areas close to the housing.

Sustainability

The Monkerton and Hill Barton Masterplan proposes that the Masterplan area is serviced by a District Heating System. The applicant has confirmed that the proposed development will support such a system where possible by permitting the laying of District Heating System pipes within areas of the site which eventually will be in public use i.e. roads, footpaths and verges etc. The individual dwellings will be offered for connection to the District Heating System if one is available at the time of a reserved matters application. The delivery of district heating will be sought via a Section 106 Agreement.

Core Strategy policy CP15 requires achievement of Code for Sustainable Homes Level 4 or higher. Appropriate conditions will be applied to require this.

Financial considerations

This proposal will be Community Infrastructure Levy liable. However, the final CIL contribution will be dependent on the details approved at any subsequent reserved matters application. Based on an assumption of 400 dwellings at a policy compliant mix, it is estimated that CIL will raise around £1.87m. On the same basis, it is estimated that approximately £3.45m (£2.75 to the City Council and £0.7m to the County Council) would be raised in total through the New Homes Bonus.

Section 106 Agreement

A legal agreement will be required to secure:

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

RECOMMENDATION

It is recommended that delegated authority be given to the Assistant Director City Development in consultation with the Chair of the Planning Committee to **APPROVE** the application subject to:

- a Section 106 Agreement to secure the matters identified in this report;
- the following conditions (which may be varied or supplemented as appropriate):

APPROVE subject to the following conditions:

- 1) C01 - Standard Outline
- 2) C04 - Outline - Exclude Details
- 3) C06 - Time Limit - Approval of Reserved Matter
- 4) C07 - Time Limit - Outline
- 5) C15 - Compliance with Drawings

- 6) C17 - Submission of Materials
- 7) Unless otherwise agreed in writing by the Local Planning Authority, as part of the first application for approval of reserved matters, a phasing plan shall be submitted to, and be approved in writing by, the Local Planning Authority. The phasing plan shall include details of the anticipated timing for 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. The development shall take place in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the development proceeds in accordance with an agreed programme of delivery, that areas closest to existing transport services are developed first, 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) Prior to the submission of any reserved matters application(s) for an agreed phase or phases of the development, a framework plan and statement on the appearance palette for the agreed phase or phases of the development shall be submitted to and approved in writing by the LPA. The framework plan(s) (1:1000) shall show the indicative location of buildings and their type, public and private open spaces and parking typologies. The appearance palette shall be provided in the form of a statement providing information and guidance on building design and character, constructional materials and detailing, surface materials and their finishes, street furniture and street tree species. Unless otherwise agreed in writing, the reserved matters application or applications shall adhere to the approved framework plan(s) and accompanying appearance palette relevant to that part of the site.
Reason: In order to ensure compliance with the approved drawings and associated details.
- 9) C34 - Landscape Scheme - Outline
- 10) C36 - No Trees to be Felled
- 11) C37 - Replacement Planting
- 12) C38 - Trees - Temporary Fencing
- 13) C57 - Archaeological Recording
- 14) Unless otherwise agreed in writing, the buildings comprised in the development hereby approved shall be constructed so that their internal systems for heating (space and water) are capable of being connected to the proposed decentralised energy network.
Reason: In the interests of sustainable development.
- 15) 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 interests of local amenity.
- 16) A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the construction and demolition phases and highway safety, including but not limited to details of access arrangements and timings and management of arrivals and departures of vehicles, site traffic, emissions of noise and dust and the phasing and

timing of work. The CEMP should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development, in order to discuss forthcoming work and its environmental impact.

Reason: In the interests of local amenity.

- 17) The applicant shall undertake a noise impact assessment for this application, which shall be submitted and approved in writing prior to commencement of the development. This report shall consider the impact of noise from the development on local receptors and shall include noise from plant and equipment. If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme of works to ensure that the development does not have a significant negative impact on local amenity. These measures shall be agreed in writing by the LPA and shall be implemented prior to and throughout the occupation of the development.

Reason: In the interests of local amenity.

- 18) 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: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

- 19) The occupation of any part of the development authorised by this permission shall not be allowed, unless otherwise agreed in writing by the local planning authority (in consultation with the Secretary of State for Transport) until either:-

(a) Devon County Council (in consultation with the Secretary of State for Transport) has approved in writing a full scheme of works for improvements to Moor Lane Roundabout; and,

(b) The approved works at Moor Lane Roundabout have been completed and are open to traffic in accordance with the local highway authority's written approval (in consultation with the Secretary of State for Transport) and have been certified in writing as complete on behalf of the local planning authority, in this case Exeter City Council.

OR

The Phase 3 or 'Tithebarn' Link Road has been completed in full between Cumberland Way, Tithebarn lane motorway bridge and the former A30 and open to traffic in accordance with the local Highway Authority's written approval (in consultation with the Secretary of State for Transport), and have been certified in writing as complete on behalf of the local planning authorities, in this case Exeter City Council and East Devon District Council.

Reason: To ensure that the capacity of Moor Lane Roundabout is enhanced to prevent the risk of queuing on the westbound A30 Honiton Road approach extending into and impacting upon the operation of M5 Junction 29. The applicants own analyses show that congestion on this approach would be exacerbated and

further affect the Strategic Road Network if occupation of the development was to come forward before proposed Devon County Council improvements to Moor Lane Roundabout are in place, and full completion of the Phase 3 Link Road is not complete. The Agency do not require the full completion of the Phase 3 Link Road as a pre-requisite to occupation of the development, as the expected prior completion of the Moor Lane Roundabout improvements is demonstrated to give a sufficient safeguard against any detrimental impact affecting the Strategic Road Network.

- 20) No development shall proceed on site until such time as a detailed sewerage evaluation has been carried out and funding provided for improvements identified as necessary. No building shall be occupied, and no connection to the public sewerage system take place, until all improvements to the public sewerage network, rendered necessary by the development, have been completed to the Local Planning Authority's satisfaction.
Reason: To ensure that the sewerage infrastructure is adequate to accommodate the proposed development.
- 21) Unless otherwise agreed by the planning authority, development on the Cumberland Way South land shall be limited to the occupation of 125 dwellings until such time that a link suitable for bus services into the site is provided from Cumberland Way to Harts Lane to a specification agreed in writing with the Local Planning Authority (in consultation with the Highway Authority).
Reason: To ensure the site is served by sustainable transport modes required to meet the agreed residential trip rates.
- 22) The proposed ghost island priority access onto Cumberland Way (indicated in drawing GA-002) be designed and constructed fully in accordance with details to be submitted to and agreed in writing by the Local Planning Authority and the Local Highway Authority.
Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 32 of the National Planning Policy Framework.
- 23) Development of the land west of Cumberland Way shall be limited to the occupation of 200 dwellings until a full means of vehicular access has been provided through the priority junction onto Cumberland Way to the design agreed in condition 3.
Reason: To ensure a permeable layout that minimises journey lengths to and from the site
- 24) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement should include details of access arrangements and timings and management of arrivals and departures of vehicles. The approved Statement shall be adhered to throughout the construction period.
Reason: In the interests of highway safety and public amenity
- 25) Unless otherwise agreed by the planning authority, no more than 50% of the dwellings approved on the land between Hollow Lane and the link road (approved through a reserved matters application) shall be occupied until a vehicular connection to the site has been provided onto Pinn Lane to a specification agreed in writing by the Local Planning Authority (in consultation with the Highway Authority).
Reason: To protect the function of Hollow Lane as a primary cycle route, in accordance with Paragraphs 35 and 41 of the National Planning Policy Framework.
- 26) No part of the development hereby approved shall be brought into its intended use until secure cycle parking facilities have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing

by, the Local Planning Authority and retained for that purpose at all times.

Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

- 27) The proposed estate road, cycleways, 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 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.

- 28) The buildings comprised in the development hereby approved shall be constructed so that their internal systems for space and water heating are capable of being connected to the proposed decentralised energy network. Prior to occupation of the development the necessary on site infrastructure shall be put in place for connection of those systems to the network at points at the application site boundary agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

- 29) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes Level 4 (including a 44% CO2 emissions rate reduction from Part L 2006) as a minimum, and a CSH 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 maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.

Reason: In the interests of sustainable development.

- 30) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority a Design Stage CSH assessment including the score expected to be achieved and which standard this relates to. Where this does not meet the minimum required standard the developer must provide details of what changes will be made to the development to achieve the minimum standard, and thereafter implement those changes. Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until an application for a Final Code Certificate has been made seeking certification that the required Code Level has been achieved and within one year of occupation of any dwelling the developer shall submit to the Local Planning Authority a Final Code Certificate to demonstrate that a Final Code Level of 4 or 5 has been achieved as required above.

Reason: In the interests of sustainable development.

- 31) Where construction of any dwelling hereby permitted has not been commenced before 1st January 2016, the Local Planning Authority shall be notified in writing of the identity of those dwellings for which construction has commenced before 1st January 2016, within 10 working days following that date.

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