

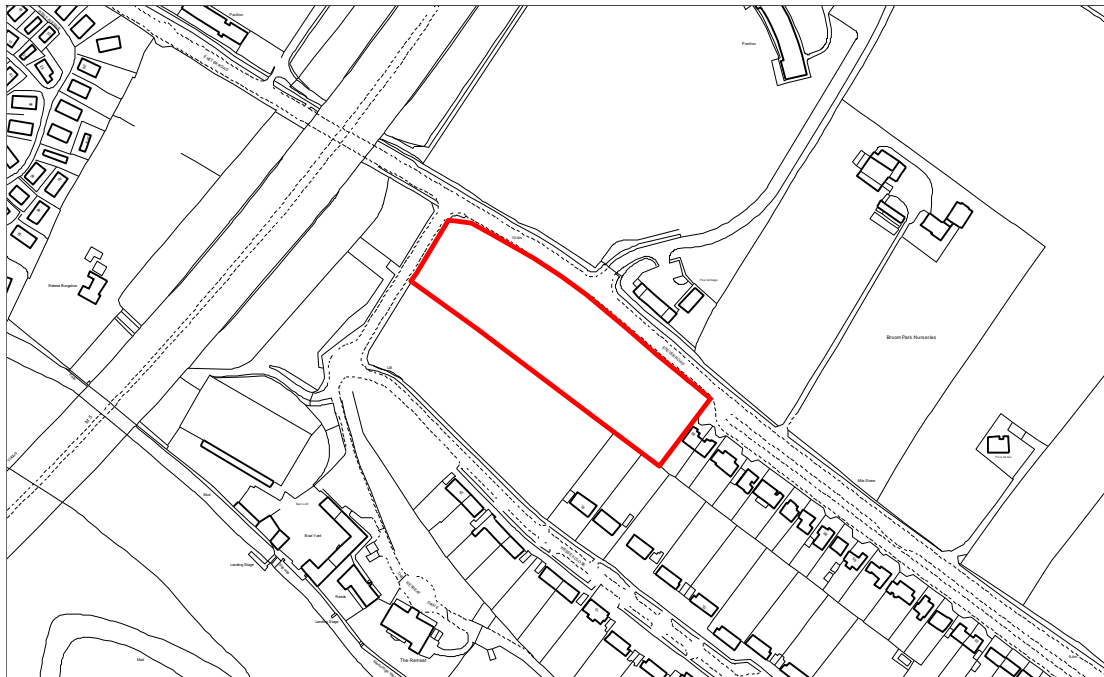
**ITEM NO.**

**COMMITTEE DATE: 29 SEPTEMBER 2014**

**APPLICATION NO:** 14/1605/01      **OUTLINE PLANNING PERMISSION**  
**APPLICANT:** Heritage Developments (SW) Ltd  
**PROPOSAL:** Development of up to 23 dwellings, access and associated services.  
**LOCATION:** Land off, Exeter Road, Topsham, Exeter, EX3  
**REGISTRATION DATE:** 27/06/2014  
**EXPIRY DATE:** 26/09/2014

**HISTORY OF SITE**

89/0772/03 -	Formation of golf driving range with driving booths and associated greens and parking areas	WDN	16/10/1991
14/1605/01 -	Development of up to 23 dwellings, access and associated services.	COM	



Scale 1:4000  
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**Policy History**

The ELPFR (1995-2011) and Core Strategy (2012) show the site as Landscape Setting. Specifically CP16 of the Core Strategy protects the 'strategic gap between Topsham and Exeter'. However, at the Core Strategy Examination it became apparent that ECC did not have a 5 year housing supply. The Inspector appointed to examine the Core Strategy asked the City Council to prepare a strategy to address this shortfall. The 'Development Management Policy Statement - Bringing Forward Housing' was subsequently adopted by Executive in January 2012.

This document identified a number of sites in Appendix A not in the 2010 SHLAA - including land east of the M5, Exeter Road, Topsham. Policy 2 of the 'Development Management Policy Statement' stated 'the Council will seek to engage with land owners and developers of

the sites listed within the accompanying schedule (Appendix A) with a view to promoting where appropriate housing development on this land to deliver completions within the next 5 years' and Policy 7 of the same Statement stated 'the Council will carry out a detailed appraisal of all significant areas of land within the City boundary not currently, or proposed to be, allocated for housing to assess the longer term potential of such land to provide additional housing development'.

Subsequent to this, the Revised 2013 SHLAA shows the site as acceptable for housing 'given its location on the otherwise developed southern side of Exeter Road, the site is considered to lie within the existing urban area of Topsham' and 'the southern side of Exeter Road is for the most part residential – site 66b (together with adjoining site 84 (land north of Wessex Close)) forms only a small area of undeveloped land within it. It is not considered that development of this small area would significantly harm the landscape setting of Exeter or Topsham.'

It is noted that the site to the rear (land north of Wessex Close) has an application for 15 dwellings - not yet determined (Application No. 14/0525/01).

### **DESCRIPTION OF SITE/PROPOSAL**

The site lies on the southern site of Exeter Road and to the east of the M5 motorway bridge. To the east, along Exeter Road, is a continuous frontage of housing accessed off a separate service road south of which lies a further area of established residential development.

The proposed development site is flat, with open frontage to the north adjacent to Exeter Road but contained on the southern boundary by a row of mature trees. These trees are covered by a group TPO (No. TPO 602). A low brick wall runs along the frontage with Exeter Road, whilst post and rail fencing forms the boundary to the west along Retreat Drive. An existing field gate provides access off Retreat Drive. To the south of this application site is a small area of land that is currently laid to meadow and screened from the motorway by mature trees along its western and southern boundaries. It is also allocated in the emerging DDPD.

This application is submitted in outline with all matters reserved except for access.

### **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

**D&A Statement:** the proposal supports Policies CP1(iv) and CP3 of the Core Strategy and is identified in the emerging Development Delivery Document. The site is approx. 0.78ha in size and forms the northern part of the Policy DD8 site.

The proposal is submitted in outline with all matters reserved except for access. However, the proposal presented includes:

The development of up to 23 dwellings of which 35% affordable homes are offered as affordable housing with a range of sizes and tenures:

- 15 no. 3 bed units – Market Housing
- 2 no. 2 bed units – Social Rented Housing
- 1 no. 2 bed wheelchair unit – Social Rented Housing
- 2 no. 3 bed units - Social Rented Housing
- 3 no. 3 bed units - Intermediate Shared Equity Housing

A cash contribution of £80,000 (equivalent to 0.635 of an additional Affordable Social Rented Dwelling) is also offered in order to adjust for the 70:30 Social Rented : Intermediate required tenure split.

Two points of access are proposed to serve the new dwellings: the main one off Exeter Road continuing the format of a Service Road along Exeter Road; the other serving the remaining five properties off Retreat Drive in the vicinity of the existing field access.

Enhancement of bio-diversity interests through additional planting and other mitigation measures are proposed. An area (0.09ha) falling within the same ownership to the west of Retreat Drive is offered as public open space.

**Draft Heads of Terms:**

- 35% affordable housing including financial contribution to adjust the tenure split requirement of 70:30 Social Rented : Intermediate Units
- Public Open Space on land to the west of Retreat Drive
- Future management of the public open space and all communal areas not otherwise to be adopted, including the tree belt along the southern boundary of the site, landscape buffer along the northern boundary of the site with Exeter Road, forecourts etc through a management company controlled by future residents

**Arboricultural Survey:** The only trees on the plot are those on the boundary between the two fields; the ownership of these trees varies with some of the trees straddling the boundary. They are covered by a Tree Preservation Order (Exeter City Council reference: TPO602). While there are some British Standard 5837:2012 Category B specimens (trees of moderate quality with an estimated remaining life expectancy of at least 20 years) on the field boundary, the majority are considered to be British Standard 5837:2012 Category C (low quality and value with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm).

**Preliminary Ecological Appraisal:** There is no evidence, on the basis of the scoping appraisal and survey work carried out on the 23rd April 2013, that the proposed development would have any detrimental effect on the site's ecology or on the habitat value of adjoining land. The site is not covered by any designations designed to protect wildlife or habitats and the impact of any construction within this largely urban landscape would be minimal.

**Gradiometer Survey Report:** Detailed gradiometer survey was undertaken over all accessible parts of the site and has demonstrated the presence of anomalies of likely, probable and possible archaeological significance along with regions of increased magnetic response and at least one modern service. As the survey is fairly narrow it is unclear whether the archaeological features detected are indicative of concentrated settlement activity or are agricultural in function. Given the volume of known prehistoric, Roman and medieval activity in close proximity to the site it is likely that the anomalies detected relate to at least one of these phases.

**Archaeological Evaluation Report:** The archaeological evaluation confirmed a high concentration of archaeological features and deposits across the site.

**Air Quality Assessment:** The proposed development does not conflict with Local Plan Policy EN3 or Core Strategy Policy CP11. It is concluded that air quality does not provide any constraints to the proposed development. The results of the air quality monitoring conclude that the air quality is likely to be acceptable for residential development.

**Environment Noise Assessment:** A 24 hour noise survey has been carried out and has shown that noise levels are dominated by the M5 which runs on an embankment to the west of the site. Noise levels have been shown to fall in the Lowest Observed Adverse Effect Level classification and therefore there is a requirement to "mitigate and reduce to a minimum" noise level. Internal noise levels can be controlled by the use of higher performance glazing and whole house ventilation systems that can provide purge levels of fresh air even when the windows are shut. Externally noise levels can be minimised by designing the development to make use of the acoustic screening offered by boundary walls, fences, garage blocks and the houses themselves and placing sitting-out areas in the gardens in the eastward lee of these obstacles. Noise can therefore be seen to be fully

addressed and suitable mitigation provided for the residential use of this site to comply with current national planning guidance.

**Statement of Community Involvement:** Approximately 2,600 information leaflets were circulated throughout Topsham and Countess Wear to inform people of the proposals and point them to where they can find further information including:

- A full page advert in the Express and Echo, 3rd July 2014, and
- A dedicated website where people could provide feedback and express an interest.

Consultation feedback provided 4 objections and 42 in support.

## **REPRESENTATIONS**

39 objections received. The main points include:

- loss of the Gap / green Wedge between Exeter and Topsham
- the application is premature as regards to the ECC Draft Site Allocation and Development Management DPD
- the forth coming Public Inquiry should be resolved first before attempts to obtain planning approval for this site
- loss to the character and setting of the listed building 'The Retreat' and surrounding conservation area
- the layout does not represent that of existing residential development in terms of density and is out of keeping
- the type and intensity of development is higher than the potential yield identified in the last ECC Strategic Housing Land Allocation Assessment 2013 and disproportionately higher than the surrounding context
- part of the proposal appears to rely on access from unadopted roads
- the proposal relies on the retention of existing trees on a neighbouring site that are unable to be retained (according to the developer of that site)
- proximity to the M5 and previous survey conclusions raises questions about the site providing a healthy and acceptable residential environment
- the real affordability of the affordable housing provision is questioned
- the form / layout does not lend itself to good eco design
- increased traffic congestion
- inappropriate and dangerous access
- consider re routing traffic away from Retreat Drive for reasons of safety and that the two proposed developments share access from Exeter Road and if possible Wessex Close
- devalue existing properties
- whilst this is a separate application, land north of Wessex Close (that is pending a decision), would result in a significant level of new development. This proposal is mis leading in its overall impact.
- school and surgery places are at capacity
- water treatment works and sewer system are at capacity
- an appeal was lost in 1985 and countless since - what has changed?
- planning permission has been refused for fields east of Exeter Road due to excess M5 noise. What's the difference?
- no play facilities are proposed
- loss of the wall on the Exeter Road frontage which is part of the original Retreat House Estate and should be retained
- construction on Grade 1 agricultural land
- loss of biodiversity
- no sustainable drainage system / increase of flood risk
- the trees could become a perceived nuisance by future residents so dwellings should step away from them
- the heads of terms suggest a management company to manage the trees on adjacent land - this is unnecessary

- health and safety of local residents will be compromised during building works
- too many dwellings are being put in the Exeter area
- the developers consultation process has been a marketing exercise not engaged consultation with those directly effected

1 letter of support:

- support the concept of strategic planting on the Exeter Road frontage but it should be bolstered with additional planting. Pedestrian links through to the neighbouring site to the rear is supported but not vehicular links.

## **CONSULTATIONS**

**ECC Housing:** based on 23 units, 8 units shall be provided on site and a commuted sum for 0.05 homes will be required. The mix of affordable housing shall be representative of the market dwelling types and sizes. 70% of the affordable housing shall be social rented while the remainder shall be intermediate affordable housing spread across the site. A bespoke affordable housing offer has been made which is acceptable to officers.

**Environmental Health:** approve subject to conditions relating to Construction and Environment Management Plan, ambient noise and land contamination.

**Natural England:** CIL Contributions will secure the delivery of strategic mitigation measures to nearby wildlife sites of European importance.

**Highway Authority:** approve subject to conditions.

**RSPB:** ensure nesting boxes within buildings and green walls / garden boundaries by condition.

## **OBSERVATIONS**

### **Principle of Development:**

The policy history indicates that the context of this small site did not contribute significantly to the strategic landscape setting of the city and whose development would be acceptable as a strategic location for growth. As such the site is identified in the Revised 2013 SHLAA and emerging DDPD for development - indicating a presumption in favour of development on this site.

### **Highways:**

Given the modest scale of development and that a safe and suitable access to the site can be achieved for all users on to both Retreat Drive and Exeter Road, the proposed development is acceptable in highway terms. The increase in traffic resulting from the development is similarly acceptable in highway terms. Details of on-site provision will be agreed through a future reserved matters application. Subject to appropriate conditions and upgrades to the adjacent footway facilities being secured by appropriate legal agreement the proposal can meet highway requirements.

### **S106 / CIL:**

This proposal will be Community Infrastructure Levy liable. Affordable Housing can be provided to an acceptable standard subject to a S106 agreement as can open space provision with its long term management secured. Improvements to the pedestrian route between the boundary of the site with Retreat Drive and existing inbound bus stop on Exeter Road, including the provision of tactile paving at the crossing of Retreat Drive will be secured by agreement.

**Noise:**

The supporting Environment Noise Assessment report submitted by the applicant gave consideration to the use of screens or bunds on the perimeter of the site to reduce noise levels. However, with the M5 being the principle source of nuisance to the east on an embankment some 5m high, screening is not a viable option. Therefore, the control of internal noise levels will be relying on the sound insulation offered by the external fabric of the houses. This can be achieved with wall sound insulation, interlocking roof tiles or slates combined with 200mm (minimum) loft insulation and double boarded ceilings and windows to be double glazed sealed units with mechanical ventilation system. Externally, quiet sitting out areas will be provided in the lee - to the east of boundary fences, garages or adjacent houses to maximise potential for acoustic screening. As such, noise abatement measures can be introduced to British Standard requirements.

**TPO:**

Detailed assessment of the hedgerow that has a group TPO will be required as part of a detailed application and will address issues relating to the TPO boundary and its future retention. However, the TPO order should not in itself preclude development of the site.

**Sustainable Development:**

The residential development will be expected to deliver sustainable housing to Code Level 4 (in accordance to CP15 of the Core Strategy).

**Design**

Owing to this being an outline application detailed design discussions relating to the form, layout and design of the site have not taken place and will be addressed at full application stage. It is noted that an expected maximum yield of 16 dwellings is referenced in the Revised 2013 SHLAA. However, this is a guide and Policy CP4 of the Core Strategy seeks the highest appropriate density compatible with the protection of the character and quality of the local environment. The conservation area boundary is a significant distance from this site as is the listed building 'The Retreat'. The setting of the conservation area and listed building will not be adversely affected by the proposal due to the distances involved. Detailed discussions at full application stage will address the wall on the frontage to Exeter Road and it is not assumed that it will be removed. It is noted that this is a strategically important site because of its high profile. A Landscape Plan will be required at full application stage.

**Response to Representations**

A number of the representations have been addressed through this report including:

- loss of the 'Topsham Gap / Green Wedge'
- density and the layout not being in keeping with the existing
- inappropriate and dangerous access on to Retreat Drive and Exeter Road
- impact on The Retreat and conservation area
- proximity of the M5 and associated quality of residential environment
- retention of trees
- affordable housing provision; and
- play facilities.

However, the construction of additional housing in this location should not result in a direct loss in value to existing residential properties, sustainable drainage systems will be addressed through a future reserved matters application, compromised health and safety during any construction period and biodiversity may be addressed through conditions at full application stage. Reference to services and facilities being at capacity, the developer's consultation exercise being a management exercise and comments relating to a management company managing the trees on adjacent land as unnecessary are noted.

## **DELEGATION BRIEFING 26th August 2014**

Members were advised of the application. The policy history of the site was explained and whilst some discussion ensued, Members supported approval of the application.

### **RECOMMENDATION**

It is recommended that delegated authority be given to Assistant Director (City Development) to **APPROVE** the application subject to a S106 agreement and the following:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) No part of the development hereby approved shall be occupied until cycle parking facilities have been provided in accordance with details (including as to access arrangements) that shall previously have been submitted to agreed and approved in writing by the Local Planning Authority and maintained for that purpose at all times.  
**Reason:** To encourage travel by sustainable modes.
- 4) 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.
- 5) 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:** In the interest of public safety.
- 6) No more than 50% of the development hereby approved shall be occupied until a pedestrian/cycle connection of at least 3.0 metres width from the development to its north east boundary with Exeter Road, as indicated on Drawing EXRD0001- SITE PLAN, has been provided and made available for public use. Such a link shall be maintained for this purpose at all times.  
**Reason:** To provide adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.
- 7) A visibility splay shall be provided, laid out and maintained for that purpose at the site access to Exeter Road where the visibility splay provides intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distance along the nearer edge of the carriageway of the public highway (identified as Y) shall be 55 metres in both directions.  
**Reason:** To provide adequate visibility from and of emerging vehicles, in the interest of public safety.
- 8) No part of the development hereby approved shall be brought into its intended use until the access, visibility splay as specified in condition 7, on-site vehicular parking

facilities and turning areas 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.

- 9) No more than 50% of the development hereby approved shall be occupied until a pedestrian/cycle connection of at least 3.0 metres width from the development to the south west boundary of the site, as indicated on Drawing EXRD0001- SITE PLAN, has been provided and maintained for this purpose at all times.

**Reason:** To provide adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.

- 10) 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, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical Guide November 2010, the addendum thereto dated May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.

**Reason:** to promote best practice in sustainable development.

- 11) 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:** to promote best practice in sustainable construction.

- 12) C57 - Archaeological Recording

- 13) Prior to the commencement of the development hereby approved a wildlife plan, indicating how the design and layout of the site and buildings will maximise wildlife opportunities and habitat within the site, shall be submitted to and be approved in writing by the Local Planning Authority.

**Reason:** To ensure that wildlife opportunities and habitat are maximised in the development of the site in the interests of biodiversity.

- 14) UR2 - Unique Reason 2

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