

**ITEM NO. 8**

**COMMITTEE DATE:** 14/03/2016

**APPLICATION NO:** 15/0829/01      **OUTLINE PLANNING PERMISSION**  
**APPLICANT:** Mr Williams  
**PROPOSAL:** Outline application for up to eight dwellings served from Pilton Lane (all detailed matters i.e. access, appearance, landscaping, layout and scale reserved for future consideration).  
**LOCATION:** Land to the north of, Belmoor Lodge, Pilton Lane, Exeter, EX1  
**REGISTRATION DATE:** 30/07/2015  
**EXPIRY DATE:** 24/09/2015



Scale 1:1000

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

**HISTORY OF SITE**

06/1464/01 - Residential development (all matters reserved for future consideration) REF 29/09/2006

The following application on the adjoining site is also considered to be relevant -

14/1579/03 - Residential development of the site to accommodate 53 dwellings and associated works (Revised plans reducing number of dwellings from 73 to 53). Approved subject to S106 Agreement - Decision date 15/02/16.

**DESCRIPTION OF SITE/PROPOSAL**

The application site comprises a 0.21 hectare parcel of land located to the west of Pilton Lane. It is bounded to the south by Belmoor Lodge, the east by Pilton Lane and the remainder of the site abuts currently open land that is the subject of a detailed planning

application for 53 dwellings (ref 14/1579/03) which was granted consent 15/02/16. The site currently has a field gate providing access from Pilton Lane.

Outline planning permission is sought for up to 8 dwellings served off Pilton Lane. All other detailed matters, including detailed access arrangements, appearance, landscaping, layout and scale etc are reserved for later approval.

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

The application is accompanied by the following documents -

- Design and Access Statement
- Transport Statement
- Extended Phase 1 Survey
- Reptile Survey and Mitigation Strategy
- Archaeological Appraisal and Heritage Statement
- Proposed Drainage Strategy Plan
- Phase 1 Desk Study Report

### **REPRESENTATIONS**

5 letters of representation have been received raising the following issues -

- overdevelopment
- space standards of dwellings
- lack of adequate parking facilities
- poor design/out of character with area
- maintenance of common boundary wall
- visual dominance of parking
- impact of additional traffic on Pilton Lane from a safety perspective, particularly in relation to cyclists/cycle network
- underestimation of traffic generation
- loss of hedgerow to create access
- size of reptile mitigation area/relationship to proposed adjoining development
- departure from development plan i.e absence of community facilities provision
- feasibility/desirability of delivering footpath across site frontage
- relationship to/impact on adjoining site

### **CONSULTATIONS**

**DCC (Education Authority)** - Comments as follows - "This letter provides Devon County Council's response to the above planning application on education matters. Due to the number of families and children expected to move into this development, it is anticipated that this application will put pressure on local schools, where there is limited capacity to accommodate them. Exeter City have set out that they intend school facilities to be funded through CIL. It should be noted that this development will create the need for funding of new school places and it is anticipated that these will require funding equivalent to £22,126 for primary school facilities and £10,762 for secondary school facilities, equivalent to 1.66 and 0.59 children respectively. These figures have been calculated in accordance with the County Council's education infrastructure plan and s106 approach and takes into account existing capacity in the surrounding schools. It is anticipated that these contributions would be provided for through CIL. If the application is approved we will deem the houses to be built and the number of school spaces considered to be available in Exeter will be reduced accordingly - this will be taken into account when calculating contributions from future applications. I trust the above provides information that will be helpful in the determination of the application."

**Natural England** - No comments.

**Environmental Health** - Recommends conditions regarding construction hours, land contamination and Construction and Environmental Management Plan.

**DCC (Flood Risk Management Team)** - Refer to standing advice in respect of sustainable drainage design. Raise questions in connection with proposed approach and suggest detailed drainage design should be subject to a condition of any permission.

**DCC (Head of Planning, Transportation and Environment)** - Comment as follows - "The submitted application is an outline application for 8 dwellings on land north of Belmoor Lodge, Pilton Lane, Pinhoe. Access was initially a detailed matter, but has subsequently been removed for future consideration. It is noted that future access will in all likelihood be from Pilton Lane. The addition of traffic from up to 8 dwellings is not ideal, however the access arrangements for the whole lane are subject to change in future as developments in the Monkerton Masterplan area get built out. These changes will be subject to Traffic Regulation Orders and a proportional contribution of £4,000 towards these orders is sought from this development. In accordance with paragraph 36 of the NPPF the development will be required to have a Travel Plan. For strategic allocations in the Exeter area DCC is requesting contributions are paid directly to the Council for them to implement the Travel Plan measures and a contribution of £500 per dwelling towards this should be secured through an appropriate agreement. Pilton Lane is a narrow lane with sufficient width for only a single vehicle. To ensure that access for other properties is not compromised, a condition is recommended to ensure adequate space for construction traffic is made available on site. The applicant is advised that the levels of secure cycle parking and vehicular parking required as part of future reserved matters applications are set out in Exeter City Councils Sustainable Transport SPD (Chapter 5) and Residential Design Guide (Chapter 6) respectively. Subject to a condition to secure on site area for construction traffic and contributions towards Traffic Regulation Orders and Travel Planning, no objection."

### **POLICIES/POLICY GUIDANCE**

Central Government Guidance - NPPF - particularly Paras 11-16 Presumption in favour of sustainable development, Para 17 Core Planning Principles, Paras 29-41 Promoting sustainable transport. Paras 47-55 Delivering a wide choice of high quality homes, Paras 56-68 Requiring Good Design, Paras 126-141 Conserving and enhancing the historic environment.

Exeter Local Development Framework Core Strategy

Objectives 1, 3, 8 and 9

CP1 - The Spatial Approach

CP3 - Housing Distribution

CP4 - Density

CP5 - Meeting Housing Needs

CP7 - Affordable Housing

CP12 - Flood Risk

CP14 - Renewable and Low Carbon Energy

CP15 - Sustainable Construction

CP16 - Green Infrastructure

CP17 - Design and Local Distinctiveness

CP19 - Strategic Allocations

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of New Development

AP2 - Sequential Approach

H1 - Search Sequence

H2 - Location Priorities

H5 - Diversity of Housing  
T1 - Hierarchy of Modes  
T2 - Accessibility Criteria  
T3 - Encouraging Use of Sustainable Modes  
T10 - Car Parking Standards  
C1 - Conservation Areas  
C2 - Listed Buildings  
C5 - Archaeology  
LS1 - Landscape Setting  
EN2 - Contaminated Land  
EN4 - Flood Risk  
EN5 - Noise  
DG1 - Objectives of Urban Design  
DG2 - Energy Conservation  
DG4 - Residential layout and Amenity  
DG6 - Vehicle Circulation and Car Parking in Residential development  
DG7 - Crime Prevention and Safety

Development Delivery DPD Publication Version 2015

DD1 - Sustainable Development  
DD13 - Residential Amenity  
DD20 - Sustainable Movement  
DD21 - Parking  
DD22 - Open Space  
DD25 - Design Principles  
DD26 - Designing out crime  
DD28 - Heritage Assets  
DD30 - Green Infrastructure  
DD31 - Biodiversity  
DD32 - Local Energy Networks  
DD34 - Pollution

Exeter City Council Supplementary Planning Documents :-

Residential Design Guide  
Affordable Housing  
Planning Obligations  
Public Open Space  
Trees and Development  
Archaeology and Development  
Sustainable Transport

Other relevant documents: -  
Monkerton and Hill Barton Master plan

## **OBSERVATIONS**

The main considerations in respect of this application relate to the principle of development, capacity of the site, relationship to surrounding properties/land, transportation issues, affordable housing, archaeological impact and sustainability/drainage matters.

### **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. On the "Illustrative Masterplan" the land is indicated as potentially comprising part mixed use centre with the remainder as residential development. The masterplan only signifies one potential way in

which the development of the land could come forward as part of the strategic allocation. It does not signify the only acceptable way in which the land/development could come forward. Since the Masterplan Study was undertaken numerous development proposals have come forward in the strategic allocation, including the consented mixed use development on land at Fitzroy Road and the new public house adjoining the site. It is not considered that the development of the application site for residential purposes would be inconsistent with the Core Strategy policies CP17 and CP19 or the Monkerton and Hill Barton Masterplan, particularly in the context of the demonstrable need for the provision of additional housing.

#### Capacity of site

Permission is sought for up to 8 dwellings to be served by vehicular access from Pilton Lane. As originally submitted approval was sought for the detailed access arrangements and a feasibility plan was submitted depicting 8 dwellings. Based on the submitted indicative layout there were concerns about whether the site was capable of accommodating 8 dwellings proposed in a satisfactory manner. In particular the suggested approach to parking provision was considered unacceptable in visual and operational terms. Consequently the application has been amended so that the detailed access arrangements are now also reserved for subsequent approval and the indicative layout replaced with a plan merely identifying the extent of the site. Given the size, shape and context of the site it is considered that subject to the form of development up to 8 dwellings with associated parking and amenity space could be accommodated on the site. To achieve near the upper limit of 8 dwellings the form of development is likely to have to incorporate flats/apartments with communal amenity space, whilst a lower number of dwellings could be provided as houses with private gardens. As all matters of detail and design are reserved for subsequent approval the exact number and type of dwellings (to a maximum of 8) would be the subject of a further application for consideration in due course.

#### Relationship to surrounding properties/land

It is not considered that there should be any problem in principle with residential development of the land in terms of potential relationship to the existing residential property to the south of the site (Belmoor Lodge). It would need to be demonstrated as part of any future 'reserved matters' application that the relationship between this property and those proposed for the site was acceptable in terms of both privacy and massing.

The applicant's agent had previously argued that the layout on the adjoining site prejudiced the efficient and viable development of the application site. In negotiations relating to both sites, Officers have sought to encourage a comprehensive development however these attempts have been unsuccessful. The applicant's agent has subsequently accepted that the approval of a scheme on the adjoining site did set the context in which this current scheme should be considered. The scheme approved on the adjoining site was the subject of extensive negotiations over a long period of time. In these situations it is always the case that to some degree the first scheme to come forward will set a context for the next site. It is not considered that the adjoining scheme will significantly compromise the efficient development of this site. However, it does inevitably have implications for the potential layout in terms of proximity of properties and inter visibility/privacy. Any detailed layout brought forward through a subsequent reserved matters application will need to take the approved development on the adjoining site into account in terms of proximity and massing to ensure an acceptable relationship is achieved.

#### Transportation Issues

The Highway Authority has noted that access to these properties will be from Pilton Lane. Whilst they have indicated this is not ideal, in the context that access arrangements for the whole lane are likely to change in the light of wider development in the locality, they have resolved not to raise any formal highway objection to this modest proposal. The detailed form of the access arrangements to individual dwellings, along with the location and number of

associated parking spaces to be provided will be subject to further approval via a subsequent reserved matters application.

### Affordable Housing

Following recent case law the threshold for affordable housing provision set out in Core Strategy policy CP7 would apply to this site and affordable housing provision would be required. This would equate to 35% of the number of units provided on site. This matter has been raised with the applicant and would need to be secured through an appropriate section 106 agreement.

### Archaeological Impact

The site has potential to contain important buried remains relating to earlier settlement of the site, including a potential medieval hamlet. Consequently, were permission to be granted on site this would need to be subject to an appropriate condition requiring on site investigation to be undertaken before any 'reserved matter' application were considered in case the existence of remains had implications for the future layout of the site.

### Sustainability/drainage matters

The site lies within the Monkerton and Hill Barton Strategic allocation and therefore it is expected that the dwellings would be connected to the proposed district heating network and designed accordingly to facilitate such connections. This will be secured through the proposed Section 106 Agreement. Conditions are proposed to secure compliance with Level 4 of the Code for Sustainable Homes in respect of energy and CO2 emissions in line with Core Strategy policy.

The site is accessible to local facilities and in close proximity to bus routes that facilitate connections to public transport nodes. Overall it is considered that the proposal amounts to sustainable development in this respect.

Given that all matters of detail in terms of the number, layout, form/design, and detailed access/parking arrangements for the dwellings to be provided on the site are reserved for subsequent approval it is considered appropriate that details of the proposed means of surface water drainage are subject to a condition requiring submission and approval of a detailed scheme prior to the commencement of any development.

The application is accompanied by a Reptile Survey and Mitigation Strategy. A small number of slow worms have been recorded as present on the site and these would need to be captured and translocated prior to the commencement of any development on site. A condition is proposed requiring the development to be carried out in accordance with the recommendations contained in the submitted Reptile Survey and Mitigation Strategy.

To ensure that the ecological interest of the site is enhanced as part of the proposal a condition requiring a Wildlife Plan to be agreed in writing is proposed.

### S106/CIL

This development will be CIL liable. Given that all matters are reserved for subsequent approval it is not possible to calculate the final CIL liability at this stage. The Education Authority have referred to funding of additional school places through CIL contributions derived from this proposal. However, no decision on the allocation of CIL contributions associated with this application have been taken, and therefore there can be no assumptions made in this respect.

A Section 106 agreement will be required in respect of the following matters -

- affordable housing
- district heating
- travel plan - financial contribution £500/dwelling and Traffic Order contribution

## Conclusions

The principle of the development of the site for residential use is considered acceptable. As all detailed matters will be the subject of a further application for consideration it is considered that the upper limit of 8 dwellings is appropriate for this site.

## Delegation Briefing (09/02/16)

Notwithstanding that the application has been changed so that approval of the detailed access arrangements are no longer sought at this stage, in the light of the 5 representations, the local ward Member requested that this application be determined by Planning Committee.

## **RECOMMENDATION**

**APPROVE** subject to the completion of a Section 106 Agreement covering the items referred to above, and subject to the following conditions:

In the event that the Section 106 agreement is not completed within 6 months of the date of this Committee meeting, authority be delegated to the Assistant Director City Development to REFUSE permission for the reason that inadequate provision has been made for matters which were intended to be dealt with in the Section 106 agreement.

- 1) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of the permission and the development hereby permitted shall be begun before the expiration of five years from the date of the permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved whichever is the later.  
**Reason:** To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.
- 2) Approval of the details of the layout, scale, appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.  
**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.
- 4) A detailed scheme for landscaping, including the planting of trees and/or shrubs and hard landscaping including boundary screen walls and fences shall be submitted to the Local Planning Authority as part of the submission of reserved matters; such scheme shall specify types and species, and any earthworks required, together with a programme of planting and the timing of implementation of the scheme. Thereafter the development shall be implemented in accordance with the approved

details.

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

- 5) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 6) Prior to the commencement of the development a Sustainable Urban Drainage Scheme (SUDS) to deal with surface water associated with the development shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Devon County Council as the Lead Local Flood Authority). The said scheme shall include details of the on-going maintenance arrangements associated with any drainage system to be installed. The development shall be implemented strictly in accordance with the approved scheme.  
**Reason:** - To ensure the satisfactory drainage of the development. This information is required before development commences to ensure that adequate arrangements are put in place to deal with surface water drainage associated with the proposal.
- 7) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority an assessment to show how the requirements of condition 12 will be met. The measures set out in that assessment shall subsequently be implemented on site in relation to each individual dwelling prior to the first occupation of that dwelling.  
**Reason:** To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.
- 8) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.  
**Reason:** In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure that the site will be fit for residential occupation.
- 9) No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.”
- 10) No development related works shall take place within the site until a Construction Environmental Management Plans (CEMP) shall be submitted to and agreed in

writing by the Local Planning Authority. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic, the effects of piling, and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact. Thereafter the CEMP shall be adhered to during the construction period unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interest of the environment of the site and surrounding areas.

- 11) No 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 those purposes during the construction period.  
**Reason:** To ensure that adequate facilities are available for the construction traffic attracted to the site, in the interest of public safety.
- 12) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 in respect of Energy and CO2 Emissions including a 44% CO2 emissions rate reduction from Building Regulations 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 and the Code Addendum May 2014 (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.
- 13) Prior to occupation of any dwelling hereby approved a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.  
**Reason:** In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 14) Prior to the occupation of each dwelling hereby approved, ducting or equivalent service routes should be installed capable of accommodating at least 6 separate fibre-optic cables that enable electronic communications services network suppliers to freely connect between the boundary of the site and the inside of each dwelling for the purposes electronic communications.  
**Reason:** To contribute to the development of high speed broadband communication networks and to ensure that adequate provision is made to meet the needs of future occupants of the dwellings for high speed internet access in line with paragraph 42 of the NPPF.
- 15) Unless otherwise agreed in writing the development hereby approved shall be carried out strictly in accordance with the provisions and recommendations contained in the submitted Reptile Survey and Mitigation Strategy by PLANeco.  
**Reason:** To ensure that adequate mitigation measures are implemented to protect and preserve the identified slow worm population present on the site.
- 16) Construction work shall not take place outside the following times: 8am to 6pm (Monday to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interests of the amenity of occupants of nearby buildings.

- 17) No individual dwelling hereby approved shall be brought into its intended use until secure cycle parking facilities for residents have been provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said cycle parking facilities shall be retained for that purpose at all times  
**Reason:** To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.

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