

Planning Committee Report 19/0699/FUL

- 1.0** **Application Number:** 19/0699/FUL
Applicant name: Persimmon Homes
Proposal: Residential development of 47 dwellings including all other associated infrastructure works and road access to site served off Hill Barton roundabout.
Site address: Land at Hill Barton, adjacent to boundary of Met Office, Exeter.
Registration Date: 09/05/2019
Web Link to application, drawings/plans: <http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PRWM4CHB01800>
Case Officer: Paul Jeffrey
Ward Members: Cllrs Harvey, Cllr Oliver and Cllr Wood (Pinhoe Ward)

REASON APPLICATION IS GOING TO COMMITTEE – Major application with over 10 emails/correspondence of objection.

- 2.0** **Summary of Recommendation:** DELEGATE to GRANT permission subject to completion of a S106 Agreement relating to matters identified and subject to conditions as set out in report, but with secondary recommendation to REFUSE permission in the event the S106 Agreement is not completed within the requisite timeframe for the reason set out below.

- 3.0** **Reason for the recommendation:** as set out in Section 18 at end

- Site lies within the Monkerton and Hill Barton Strategic Residential Allocation as designated in the Core Strategy. Site previously granted outline consent for residential development in 2013.
- The scheme will provide 16 affordable houses, which is a policy compliant level of affordable houses for the overall number of dwellings proposed.
- Concerns raised by local residents in respect of highway matters can be suitably addressed through planning conditions or Section 106 Agreement.
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- The proposal is not considered to be of any significant harm to residential amenity of nearby residential properties.
- There are no material considerations which it is considered would warrant refusal of this application

4.0

Table of key planning issues

Issue	Conclusion
Principle of development	Site lies within the Monkerton and Hill Barton Strategic Residential Allocation of the Core Strategy. Site previously granted outline consent for residential development
Affordable Housing	34% provision of affordable housing is proposed; 35% meets requirement of relevant policy, which can be achieved with an additional financial contribution to meet the shortfall.
Access/Impact on Local Highways and parking provision	Existing highway problems identified but subject to suitable conditions and meeting obligations within the Section 106 Agreement no objections are raised by the County Highway officer.
Scale, design, impact on character and appearance	Design is considered to be appropriate in context of the character of existing development in the locality.
Impact on Heritage Assets	No significant heritage assets impact affected, subject to a suitable condition being imposed.
Impact on Trees and Biodiversity	Limited impact. Scheme to incorporate appropriate mitigation and enhancement
Flood Risk and Surface Water Management	Devon Flood Team have consider that subject to suitable conditions being imposed the proposed approach is considered acceptable.
Sustainable Construction and Energy Conservation	Appropriate standard to be secured through condition
Economic benefits	Affordable housing and financial contribution towards highways/ education provision, and jobs in construction related industries
CIL/S106	CIL generated and S106 to secure relevant benefits identified above.

5.0

Description of Site

The application site (1.12ha) is located to the west of the Met office on currently open undulating land. Access to the site is from Hill Barton Road through recently constructed residential estates, which form part of the Hill Barton development. Vehicular access to the site is achieved via a new road (partially completed) that

which forms part of this application, from the reconfigured roundabout on Hill Barton Road. The site is located within an area identified for housing as part of the Monkerton and Hill Barton Strategic Allocation in the Core Strategy.

6.0 Description of Development

The proposal relates to the development of the site for 47 dwellings comprising a mix of terraced, semi-detached and detached properties of 1, 2, 3, 4 bed units. All dwellings are proposed to be either two or two and a half storeys in height with parking for each dwelling located within either garages or parking spaces to the front or side of the property. The scheme proposes a total of 31 open market houses and 16 affordable units (11 social rent and 5 intermediate rent which represents a 34% affordable housing provision with a 69/31 split). The layout is arranged in two distinct sections both fronting the new spine road to the west and a new cycle route to the east alongside the Met Office boundary. These residential parcels are separated by an access road with front facing dwellings and leading to private drives to serve the properties facing east. The application is also for a new access road through the Hill Barton estate, which will serve this development and future residential schemes as identified in the Monkerton and Hill Barton Masterplan.

A narrow section of public open space is located alongside the cycleway. The main area of open space for the Hill Barton estate development will be provided as part of a separate planning application for the remainder of the development to the north within the ridge park, as identified in the masterplan. This application is anticipated to be submitted shortly.

A new railway station has been identified to the south of the site beyond existing housing development within the Hill Barton Estate. This is to be safeguarded as part of this development, which accords with previous permissions approved for the Hill Barton development.

7.0 Supporting information provided by applicant

The application is accompanied by the following supporting information –

- Planning Statement
- Design & Access Statement
- Transport Statement
- Affordable Housing Statement
- Utilities Statement
- Statement of Community Involvement
- Ecological Impact Assessment
- Arboricultural Impact Assessment
- Air Quality Assessment
- Noise Assessment
- Archaeology Summary Note

- Phase I Environmental Desktop Report
- Flood Risk Assessment

8.0 Relevant Planning History

Outline planning permission (12/0474/01) was approved for up to 750 dwellings, a local centre (A1, D1, D2) public open space, demolition of buildings, landscaping, highway access to Hill Barton Road and associated infrastructure works (all matters reserved for future consideration apart from access) on 29 November 2013.

9.0 List of Constraints

Smoke Control Area.
Potential Contaminated Land.
Aerodrome Safeguarding Area.
Met Office Safeguarding Area.

10.0 Consultations

All consultee responses can be viewed in full on the Council's website.

Highways England comment that due to the location of the Hill Barton site, located 0.8 kilometre from the M5 motorway, and nature of the development proposals, the applications have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), and particularly M5 Junction 29.

A Transport Assessment Addendum dated September 2019 prepared on behalf of HB Land Ltd which considers an amended split in development quantum. Whilst the combined development remains at 550 dwellings, the Addendum document refers to revised application proposals comprising: a full application for 51 (*now 47 units*) dwellings (Persimmon Homes), a full application for 200 dwellings (*Salter developments ref 19/1375/OUT*), and an outline application for 299 dwellings (*to be submitted shortly*).

With 300 dwellings delivered at the site to date, the combined proposals for an additional 550 dwellings would represent an increase of up to 100 dwellings over the original outline planning consent for 750 dwellings. Nevertheless, the current applications for 200 (*the Salters Development 19/1375/OUT*) and 47 dwellings respectively remain within the quantum of development permitted by the original outline permission (12/0472/OUT). On this basis the current proposals are considered to have no greater impact than that of the previously permitted scheme proposals.

Whilst the current applications for development at the Hill Barton site remain within the quantum of development permitted by the 2013 outline consent, it is

indicated that a forthcoming application will seek to increase the number of permitted dwellings on the site. Any future application will need to demonstrate the relative impact of increased housing on the A30 Honiton Road/Moor Lane signalised roundabout and Junction 29 of the M5, to demonstrate that the increase in development would not have a significant impact on the safe and efficient operation of the SRN. This may necessitate the preparation of additional capacity assessments to demonstrate junction performance in the development opening year.

Highway Agency recommends that on the basis that the current application remains within the quantum of development permitted by the 2013 outline consent, the current proposals are considered to have no greater impact than that of the previously permitted proposals.

Met Office comment that their assessment of the proposal has been carried out on the basis of the ridge heights of the proposed dwellings and proximity of the proposed development to the Met Office satellite reception facility. No objection is raised subject to the inclusion of suitably worded planning conditions to address the following issues:- namely the developer to agree to minimise the risk of interference to the Met Office satellite reception facility; adhere to the approved plans in terms of ridge heights; any proposed tree planting being no higher than the ridge height of the approved dwellings; a detailed plan outlining how vehicles, machinery and other equipment involved in the construction phases of the scheme will be deployed and managed to prevent interference and obstruction to MET Office satellite receivers and removal of permitted development rights in respect of mobile base stations.

Royal Devon and Exeter NHS Foundation Trust have submitted a lengthy consultation response setting out the background and justification behind a request for a S106 financial contribution of £65,758 (based on the original submission for 51 dwellings) towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit in the development.

Exeter Airport comment that they have no safeguarding objections to this development provided that all safeguarding criteria are met, as stipulated in the AOA Advice Notes (Cranes and other Construction Issues).

Police Designing Out Crime Officer comment that on the whole the layout will provide overlooking and active frontages to the new internal streets; plots generally orientated back to back to ensure rear gardens are not exposed and parking has been allocated effectively with the majority being allocated on or close to plot with the inclusion of rear parking courts avoided.

However there are some aspects that may contribute to crime and anti-social behaviour as well as the fear of crime and anti-social behaviour. In particular, there are numerous examples of rear service alleyways that do not appear to be

gated; private front garden boundaries should be clearly defined with railings/low walls/hedges (under 1m in height in order to allow for natural surveillance) to create a defensible space and clearly establish ownership and a demarcation between public and private space and concern that there appears to be a lack of adequate boundary treatments defining public and private space (including parking spaces) throughout the development, leads to areas where ownership is ambiguous

Additional comments are that the cycle way is well overlooked but it is important that any planting next to it does not hinder natural surveillance and that users are afforded good lines of sight to ensure safety. The path should also be well lit. It is presumed that the site be adopted and lit as per normal guidelines. As mentioned above, appropriate lighting for pathways, gates and parking areas needs to be considered. This will promote the safe use of such areas, reduce the fear of crime and increase surveillance opportunities.

In summary, as open rear service alleyways have been proven to contribute to crime and disorder, it is requested that a condition which requires that all rear service alleyways must be gated as close to the building line as possible to deter crime and reduce the fear of crime.

Exeter City Council Environmental Health recommends conditions relating to a Construction and Environmental Management Plan, land contamination, noise and air quality mitigation (in particular given the proximity of the Met Office) and external lighting.

Exeter City Council Principal Project Manager (Heritage) comments that the submitted archaeological report identifies the concentration of prehistoric remains within the “arm” or elbow of the proposed access road, within the southern part of the adjoining site, which has the potential to extend across the line of the proposed road in places. However these remains are not a constraint on the principle or layout of the proposed development, but will require proper archaeological excavation, recording and reporting in lieu of their destruction by the proposed development, in line with saved local plan policy C5, draft policy DD28, and the NPPF. Accordingly this work can be secured by attaching a suitable pre commencement condition requiring the prior approval of a scheme of archaeological work and the implementation and completion of that within an agreed programme and timescale.

Devon County Council Education (Children’s Services) comment in accordance with Devon County Council’s Education Infrastructure Plan 2016-2033.

The planning application for 47 dwellings contains 12 no 1 bedroom dwellings. Devon County Council does not request for education contributions against 1 bedroom dwellings and therefore this response is based on the 35 family type

dwellings within the development. The proposed increase of 35 family type dwellings will generate an additional 8.75 primary pupils and 5.25 secondary pupils which would have a direct impact on the primary and secondary schools in Exeter. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested.

It is forecasted that there is enough spare primary capacity for 4.71 pupils and therefore we will request primary education contributions against the remaining 4.04 pupils expected to be generated from this development. The primary contribution sought would be £64,716 (based on the DfE new build rate of £16,019 per pupil). These contributions will be used towards the new primary school at Monkerton.

It is forecasted that there is enough spare secondary capacity for 1.18 pupils and therefore we will request secondary education contributions against the remaining 4.07 pupils expected to be generated from this development. The secondary contribution sought would be £98,742 (based on the DfE new build rate of £24,261 per pupil). These contributions will go towards the new secondary school to serve Exeter housing growth at South West Exeter

In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This is calculated as £8,750 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development. These contributions will be used towards new early year's provision within the new Monkerton School.

All contributions will be subject to indexation using building cost information service (BCIS), it should be noted that education infrastructure contributions are based on March 2015 prices and any indexation applied to contributions requested should be applied from this date. Should the request for these contributions not be supported, through either s106 or CIL, then the development cannot mitigate its impact and Devon County Council will need to object to the application.

The total education sum will be £64,716 (primary); £98,742 (secondary) and £8,750 (early years) a total of £172,208.

Devon County Council (Lead Local Flood Authority) comment that they have no in-principle objection to the above planning application at this stage. However the applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development. The applicant should confirm where the long term storage for central catchment east is being proposed. Suitable conditions are considered appropriate in this instance.

County Head of Planning, Transportation and Environment (Highways)

comment that the wider development area received outline planning permission for 750 dwellings (ECC Planning Ref: 12/0472/OUT). Outline consent was granted for this site in 2013. This application has since lapsed; permission has been partially implemented, with approximately 300 residential dwellings delivered to date and therefore it is now understood that the remaining parcels of the remaining site are coming forward in piecemeal. With 300 dwellings delivered at the site to date, it has been proposed that 550 dwellings may come forward, an increase of up to 100 dwellings over the original outline planning application, giving a total of up to 850 dwellings at Hill Barton.

Vehicular Access - Access from the Hill Barton Roundabout to the site does form part of this application though; some of the access roads have been built under the first phase of Hill Barton are in situ. However, a new spine road is proposed off Myrtlebury Way, just north of the existing shared use path connecting Hill Barton Road with the Met Office. Planning Road Layout, "*Drawing number 071-000-006*" shows the continuation of a 2m footways and a 6m carriageway – this is continued to reach the primary access point for the proposed 47 dwellings.

The primary access point for 47 dwellings meets visibility splays (2.4 x 43m), but it is noted from the Site Layout "*Drawing Number 120 Rev P10*" indicates that 3 trees to the north are proposed. To ensure safe and suitable access is achieved, any vegetation must be kept below 600mm to ensure visibility splays are suitable. The junction radii into the site itself is wide and should be tightened to allow for better pedestrian crossing facilities and to slow vehicles down upon entry into the cul-de-sac.

In addition to the primary access point, there are dropped kerb access points serving driveways and parking adjacent to the main route through. The applicant has introduced speed calming measures by the way of raised tables at crossing points to forthcoming parcels (as shown on Drawing 071-003-001 Rev P4) reducing the speeds of vehicles on the link road something that is promoted by Manual for Streets. These raised tables should be built to a specification that are acceptable to buses. The rest of the vehicular layout is broadly acceptable for the residential development parcel and has been through a number of iterations with the applicant.

Pedestrian Access - The applicant has included a number of pedestrian links within the site boundary. There are 2m footways either side of the "spine road" as shown on the Planning Road Layout and within the residential site itself. These are acceptable in principle, but as highlighted before the pedestrian crossing of the main vehicular access to the residential parcel is wide and needs amending.

Drawing 071-003-001 Rev P4 shows two pedestrian connections to the south of the site from the adjacent site linking into the existing East-West footway/cycleway and ultimately into the rest of the "built elements" of Hill Barton

Phase. The applicant should therefore enter into a S278 agreement and such links are secured by condition.

Cycle Access - The applicant proposes a key north-south pedestrian/cycle link connecting the East-West vehicular road to the north of the application site, to the south of the site – this path is continued all the way so that it meets the existing shared use path connecting Hill Barton Road to the Met Office. Drawing 071-003-001 Rev P4 shows a future potential crossing point at the top of the site (within the red line boundary); the site layout shows a cycleway ending at a footway with no details of how this connects into adjacent parcels. Continuous cycle-ways linking up parcels is a key element of good planning and therefore more details prior to any forthcoming parcel is required and conditioned. The relationship between the cycle crossing and junction will need to be considered.

A cycle link through the site itself is proposed running parallel from plot 316 to plot 322 and eventually connects to the North-South link as discussed above. During pre-application discussions and during the consultation process, the applicant was informed that a 3.0m effective width shared use path should be delivered. The applicant should be widening the path where possible and provide easements for street lighting columns/front gardens to maximise the usable space for all users.

Bus Access - As a strategic site, this site as per the previous outline consent will need to be served by bus; this is in order to alleviate the impacts of the development and justify the low trip rates used. Discussions with Stagecoach have led to believe that a bus route is feasible that runs adjacent to this parcel of Hill Barton. Bus tracking's especially forward visibility will have to be considered with other parcels that fall within the Hill Barton allocation to ensure suitability is achieved, a condition is imposed to secure details of the type and exact positioning of the bus stop.

Oberon Road - As acknowledged in the Transport Assessment and through the previous consent, a link to accommodate all vehicles is required. It is once again reminded that the applicant builds any road to the red line boundary. This does fall outside of the Red Line boundary of this application, but to provide permeability through the whole site, such a connection should be made.

On site facilities - The onsite layout appears to have enough parking spaces on site together with a number of visitor parking bays. Many of the onsite parking spaces are located immediately outside of the respective properties, which should minimise on street parking and is welcomed. These vehicular spaces be secured by condition. Secure covered cycle parking needs to be provided for all of the dwellings proposed the applicant should provide further detail and the quantum should meet the standard set out in the Sustainable Transport SPD. To complement the good links to cycle routes, a condition is recommended to ensure secure cycle parking is provided.

Transport Contributions - As highlighted in the previous outline consent a series of mitigation measures are required in order to make any application at Hill Barton acceptable in highway terms. Consideration has been taken into account as some S106 monies have been invoiced as part of the original outline consent (750 dwellings), but as this has now lapsed new S106 items are required to take the application up to 850 dwellings. All calculations have been based upon an extra 550 dwellings being delivered on this site. To act as a fair and reasonable approach, a per dwelling sum has been derived and in agreement with parties of other parcels within the strategic development, any shortfall will be subsidised by later parcels.

A set out in the Hill Barton and Monkerton Masterplan, sustainable transport is required to provide a choice of routes to help distribute traffic away from busy parts of the local road network and provide convenient connections to key services and facilities including schools, jobs and shops. Key to this provision is the need for walking and cycling improvements in the area, the provision of a bus service through the site and travel planning.

The developers have requested a flat rate per dwelling, and therefore it is recommended that the contribution is classed as a “transport contribution” where the above S106 request sum per dwelling can be used flexibly, serving a useful purpose and mitigating the development impact. The total sum is £1931.82 per dwelling which include £450 each of pedestrian/cycle improvements, £981.82 bus services and £500 for travel planning. In addition to this a Traffic Regulation Order (£3,500) is required to facilitate Double Yellow Lines through the estate; this is to help and enable buses to run through the site.

Rail Halt

Following on from the Hill Barton Masterplan and to enable to modal choice, land required for a rail halt also forms part of the evidence base to reduce the reliance on the private vehicle. This request is consistent to the previous outline consent and is shown by the Blue Area as shown on the Location Plan Rev E. This safeguarded land should be secured via S106.

Construction - To minimise the impact on the adjacent highway, construction traffic and arrangements should be carefully managed. This includes ensuring space is made on site to contain operatives vehicles. These arrangements should be secured by condition.

In summary, it is considered that this standalone application is not considered a severe impact on the highway. Much emphasis has been put on the accessibility of the site and its relation to other parcels/philosophies set out in the Hill Barton Masterplan and it is believed that the site has maximised permeability through the site and is acceptable subject to appropriate conditions/S106 contributions.

11.0 Representations

34 letters of representation (7 neutral comment and 27 objections) have been received, including one Exeter Cycling Campaign, raising the following issues -

- Parking in the area already beyond capacity;
- Increased traffic will lead to potential accidents;
- Increases in air pollution from further traffic attracted to the site;
- Need for new train station, as originally intended, before any additional houses are built;
- Existing access into Hill Barton estate inadequate; too narrow and unsafe;
- Exacerbate problems from parking area leading to hazards for pedestrians;
- Increased problems caused from car reversing onto the roundabout;
- Concern over adequacy of access for construction/emergency vehicle and refuse lorries accessing the estate;
- Need for double yellow lines/parking enforcement;
- Difficult access for future bus route;
- Need for traffic calming measures;
- Problems from drainage already at breaking point;
- Need for second access road into and out of the estate;
- Impact on wildlife, flora and fauna;
- Lack of shops and amenities in the area;
- Existing play area needs to be made safer;
- Loss of green open space;
- Contrary to Monkerton and Hill Barton Masterplan;
- Dwellings proposed need to adopt passive house standards;
- Current district heating scheme is inadequate.

12.0 Relevant Policies

Government Guidance

National Planning Policy Framework (NPPF) (February 2019)

2. Achieving sustainable design
3. Plan making
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Core Strategy (Adopted 21 February 2012)

Core Strategy Objectives

CP1 – Spatial Strategy

CP3 – Housing

CP4 – Density

CP5 – Mixed Housing

CP7 – Affordable Housing

CP9 – Transport

CP10 – Meeting Community Needs

CP11 – Pollution

CP12 – Flood Risk

CP14 – Renewable and Low Carbon Energy

CP15 – Sustainable Construction

CP16 – Green Infrastructure, Landscape and Biodiversity

CP17 – Design and Local Distinctiveness

CP18 – Infrastructure

Exeter Local Plan First Review 1995-2011 (Adopted 31 March 2005)

AP1 – Design and Location of Development

AP2 – Sequential Approach

H1 – Search Sequence

H2 – Location Priorities

H3 – Housing Sites

H5 – Diversity of Housing

H6 - Affordable Housing

H7 – Housing for Disabled People

T1 – Hierarchy of Modes

T2 – Accessibility Criteria

T3 – Encouraging Use of Sustainable Modes

T5 – Cycle Route Network

T10 – Car Parking Standards

C5 – Archaeology

LS4 – Nature Conservation

EN2 – Contaminated Land

EN3 – Air and Water Quality

EN4 – Flood Risk

EN5 – Noise

EN6 – Renewable Energy

DG1 – Objectives of Urban Design

DG2 – Energy Conservation

DG4 – Residential Layout and Amenity

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

DG6 – Vehicle Circulation and Car Parking in Residential Development

DG7 – Crime Prevention and Safety

Devon Waste Plan 2011 – 2031 (Adopted 11 December 2014) (Devon County Council)

W4 – Waste Prevention

W21 – Making Provision for Waste Management

Development Delivery Development Plan Document (Publication Version, July 2015)

This document represents a material consideration but has not been adopted and does not form part of the Development Plan and therefore carries limited weight.

DD1 – Sustainable Development

DD9 – Accessible, Adaptable and Wheelchair User Dwellings

DD13 – Residential Amenity

DD20 – Accessibility and Sustainable Movement

DD21 – Parking

DD22 – Open Space, Allotments, and Sport and Recreation Provision

DD25 – Design Principles

DD26 – Designing out Crime

DD28 – Conserving and Managing Heritage Assets

DD30 – Green Infrastructure

DD31 – Biodiversity

DD33 – Flood Risk

DD34 – Pollution and Contaminated Land

Exeter City Council Supplementary Planning Documents

Affordable Housing SPD (April 2014)

Archaeology and Development SPD (Nov 2004)

Sustainable Transport SPD (March 2013)

Planning Obligations SPD (April 2014)

Public Open Space SPD (Sept 2005)

Residential Design Guide SPD (Sept 2010)

Trees and Development SPD (Sept 2009)

Other documents

Monkerton and Hill Barton Masterplan Study November 2010.

13.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

14.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

15.0 Financial benefits

Material considerations

Affordable housing, 16 dwellings and a commuted sum towards a part unit of the 35% requirement.

Highway contributions of £1931.82 per dwelling towards pedestrian/cycle improvement, bus service provision and travel planning.

Contributions to educational provision will be £64,716 (primary); £98,742 (secondary) and £8,750 (early years). A total of £172,208.

Proposal will create jobs in construction and related industries.

Non material considerations

CIL contributions -The adopted CIL charging schedule applies a levy on proposals that create additional new floor space over and above what is already on a site. This proposal is CIL liable.

The rate at which CIL is charged for this development is £119.92 per sq. metre plus new index linking. Confirmation of the final CIL charge will be provided to the applicant in a CIL liability notice issued prior to the commencement of the development. All liability notices will be adjusted in accordance with the national All-in-Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors for the year when planning permission is granted for the development.

New Homes Bonus.

16.0 Planning Assessment

The key issues are:

1. The Principle of the Proposed Development
2. Affordable Housing
3. Access/Impact on Local Highways and parking provision
4. Scale, design, impact on character and appearance
5. Impact on Heritage Assets
6. Impact on Trees and Biodiversity
7. Flood Risk and Surface Water Management
8. Sustainable Construction and Energy Conservation
9. Education
10. Met office requirements

1. The Principle of the Proposed Development

The application site is located within the Monkerton and Hill Barton Masterplan Study 2010 and allocated for housing within the Monkerton and Hill Barton Strategic site allocation within the Core Strategy. The site formed part of a wider area granted planning consent for residential development in 2013 under planning application 12/0472/01. Neighbouring sites have received reserved matters approval and are either built and occupied or under construction. Whilst these development site were determined with the time specified within the outline application, this consent has now expired. There has been no change in policy in respect of the development of this site for residential uses and indeed since this time the Council has acknowledged that it has a 5 year housing supply deficiency. Consequently the development of the site for residential use is wholly appropriate.

2. Affordable Housing

The application comprises 47 units in total and the affordable housing requirement set out in policy CP7 is for the provision of 35% to be affordable (split 70% social rent/30% intermediate). This equates to just over 16 units (34%) with the part unit to be dealt with by way of financial contribution as set out in the Council's Affordable Housing SPD. The submitted plans indicates 16 units (a mix of 1/2/3 bed houses) split 69/31% between social rent/intermediate. The affordable housing and associated financial contribution will be secured through S106 obligations.

3. Access/Impact on Local Highways and parking provision

Development at Hill Barton forms part of wider housing growth at Monkerton/Hill Barton promoted through the Exeter City Council Core Strategy. The land at Hill Barton site previously benefitted from outline planning permission (Local

Authority reference 12/0472/OUT) for a mixed-use scheme comprising up to 750 dwellings and a local centre which was granted in November 2013. The outline permission has been partially implemented, with approximately 300 residential dwellings constructed on the site to date. The current application relate to the same site and would in part effectively update the extant permission (12/0472/OUT).

With 300 dwellings delivered at the site to date, the combined proposals for an additional 550 dwellings would represent an increase of up to 100 dwellings over the original outline planning consent for 750 dwellings. Nevertheless, the current applications for 200 (*the Salters Development 19/1375/OUT*) and 47 dwellings respectively remain within the quantum of development permitted by the original outline permission (12/0472/OUT). On this basis the current proposals both the Highways England and the County Highway officer considered that the scheme will have no greater impact than that of the previously permitted scheme proposals.

The Highway officer has provided detailed comment in respect of this application and a summary is contained with section 10 of this report. Clearly the site has previously been identified in highway terms as suitable for this scale of development. Local residents have raised a number of highway related issues which the highway officer is aware of and detailed discussions have been held with the developer to achieve an acceptable highway arrangement. Whilst on-site cycle and vehicles parking are considered acceptable, subject to suitable conditions being imposed, the discussion have focused on the details in respect of the main spine road and ensuring that it is safe for the proposed traffic associated with this scheme and future development at Hill Barton. In particular it has been important to ensure that the road is suitable to accommodate the proposed bus route, as this will be a significant contribution towards sustainable travel in the future. Following these discussions agreement between the highway officer and the developer has been reached and subject to conditions the highway arrangement is considered acceptable. Similar discussion have been held in respect of the proposed cycle route to the east of the site and how this will link with the existing network. The imposition of suitable conditions will address this matter.

In summary, it is considered that with appropriate conditions this scheme is acceptable in highway terms. In addition, a financial contribution of £1931.82 per dwelling is requested though the 106 Agreement to meet improvements to pedestrian/cycle provision, bus service and travel planning for the wider area. The 106 agreement will also ensure the safeguarding of land for the future rail halt which formed part of the Monkerton and Hill Barton masterplan.

4. Scale, design, impact on character and appearance

The original scheme proposed a total of 51 dwellings. Following discussions with the developer the number of units has been reduced to 47 to meet the requirements of Residential Design SPD. In particular, concern was raised in respect of the distance between the proposed dwelling and the potential impact this could have on future occupant's amenity. The revised plans have shown suitable distances being maintained but as a consequence this has resulted in the loss of four units. In addition, concern was raised regarding the predominance of parking to the front of the dwellings and the impact this would have on the overall character and appearance of the street scene. Revised plans indicate that although parking remains to the front for some units, the overall impact has been minimised by the introduction of tree planting and relocation of parking spaces. It is therefore considered that the overall layout is acceptable in this location and will be complementary to the existing estate. It is considered that conditions are required to ensure that the proposed materials used are of a suitable quality for this site, sufficient and appropriate hard and soft landscaping is provided and that adequate space is made available for refuse and cycle storage within the site.

It is noted that the area of public open space to the east of the site is limited and rather than provided an area whereby future residents are able to sit or use, in effect the area creates a setting for the overall estate and the proposed cycleway. The principal area of public open space will be created to the north of the site with the ridgeline park in accordance with the Monkerton and Hill Barton Masterplan. This area is currently being discussed to ensure it provides the strategic area of public open space, which the masterplan envisaged in terms of size and quality. This area will form part of any future planning application, which it is understood will be submitted shortly. Consequently whilst it is considered that the public open space to serve this application falls below the 10% required to be policy compliant, it is considered that this is acceptable given the future intention to provide a large open space to the north in the near future. This approach has been accepted within the assessment of previous residential applications on Hill Barton and was anticipated in the original masterplan for the area.

5. Impact on Heritage Assets

The submitted method statement for a programme of archaeological work has been considered and the Heritage Officer is satisfied on the basis of this that there are no archaeological constraints on the principle or layout of the proposed development. There are no other heritage assets that will be affected by the proposal and therefore in this respect the scheme is considered acceptable subject to compliance with the standard archaeological condition.

6. Impact on Trees and Biodiversity

Aside from the boundary hedgerows the site does not contain any significant trees or landscaping features. The other hedgerows forming the boundaries of the site will be retained as part of the development with additional native planting to fill in any gaps. The Met Office have stated that the proposed trees as part of the landscape scheme, which will be conditioned, shall not exceed the height of the proposed ridgeline of the dwellings.

This development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature of the development it has been concluded that an AA is required in relation to potential impact on the relevant SPA's. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South-east Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council which is being funded through a proportion of the CIL collected in respect of the development being allocated to funding the mitigation strategy.

7. Flood Risk and Surface Water Management

The Devon County Flood Team has raised no objection in principle to the scheme subject to the imposition of suitable conditions. In particular they require the applicant to submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development. In addition the applicant should confirm where the long term storage for central catchment east is being proposed.

8. Sustainable Construction and Energy Conservation

In line with Core Strategy policy a condition is proposed relating to sustainable construction to achieve a betterment in relation to the Building Regulations.

9. Education

Devon County Council as the educational authority has requested a financial contribution towards meet the increased demands on educational institutions as a result of this development. A total of £172,208 has been requested incorporating £64,716 (primary); £98,742 (secondary) and £8,750 (early years). This is to be secured via the Section 106 Agreement.

10. Met Office requirements

The Met Office has raised a number of concerns regarding the development given the close proximity of the site to their building. They have highlighted the importance of their role in providing essential operational forecast and warning services to UK stakeholders including defence and emergency services, such as flood risk. Consequently they are concerned that the works during the construction phase and following occupation does not impinge of their operational requirement. It is consider that many of these concerns will be addressed by adherence to the approval plans, which the Met Office has confirmed are acceptable in terms of siting and height. Any significance changes to these plans or use of the buildings will require the submission of a separate planning application when any concerns can then be reassessed. However it is considered appropriate to refer to the Met Office specifically in the CEMP and a condition removing permitted development rights for mobile base stations. In addition, an informative is attached advising that the developer should contact the Met Office to discuss specific issues regarding their operational requirements prior to commencement.

CIL/S106

The development is CIL liable and a S106 agreement will be required to secure the affordable housing provision.

Community Infrastructure Levy - The residential development at the site will be liable for the payment of Community Infrastructure Levy (CIL). The current rate for 2020 is £119.29 per square metre (gross internal floor space) and is applicable to all market housing within the development.

Section 106 Agreement – a detailed breakdown of the Head of Terms is contained within section 18 of this report.

The request from the Royal Devon and Exeter NHS Foundation Trust for a financial contribution to be secured through a S106 agreement is one of a number of similar requests submitted by the Trust in respect of recent residential applications under consideration by the Council. Officers have responded generically to these requests outlining why it is considered that they are not considered to meet the necessary tests relating to S106 obligations, and consequently are not being sought in connection with these developments.

17.0 Conclusion

The site is allocated with the Core Strategy for residential development and indeed outline planning permission has already been allocated to include this site. Consequently the principle of development is considered to be acceptable. In addition, the application is proposing a scheme that would help meet the

Council's 5 year delivery of housing shortfall and 16 affordable housing, which would meet the requirements of the Affordable Housing SPD. It is evident from the objections received from existing local residents that there are significant concerns about access and parking problems in the area. The County highway officer has provided a detailed response that recognises the issues raised and how these can be addressed through the imposition of planning conditions or through the 106 agreement. This includes financial contribution towards pedestrian/cycle improvement; bus service and the provision of travel planning for individual houses and the safeguarding of land for the future Monkerton railway station. It is considered that the layout broadly meets the Residential Design SPD and provides a layout and design of dwelling compatible with other built in the area and therefore acceptable. The officer recommendation is therefore for approval subject to suitable conditions and a Section 106 agreement.

18.0 RECOMMENDATION Dual Recommendation as set out below with B) only applying in the event of the failure to complete the S106 Agreement within the prescribed timeframe: -

A) DELEGATE TO CITY DEVELOPMENT MANAGER TO GRANT PERMISSION SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO SECURE THE FOLLOWING:

Section 106 Agreement – Heads of Terms

Affordable housing

16 dwellings (11 social rent and 5 intermediate rent)
50% of AH units to be constructed and made available for occupation prior to the occupation of 50% of Open Market units. Remaining 50% of AH units to be constructed and made available for occupation prior to occupation of 80% of Open Market units.

Transport

Safeguard the land for the Monkerton Railway Halt
Financial contributions required as follows:
Pedestrian/cycle improvements £450 per dwelling; bus service £981.82 per dwelling and travel planning £500 per dwelling. Total transport contribution per dwelling of £1931.82
50% of the contribution to be paid prior to open market houses being occupied and remainder to be paid prior to 80% of units occupied.
Traffic Regulation Order - £3,500 (to be paid at Devon County Council's request)

Education

The total education sum will be £64,716 (primary); £98,742 (secondary) and £8,750 (early years) a total of £172,208.

50% of the contribution to be paid prior to open market houses being occupied and remainder to be paid prior to 80% of units occupied.

Open Space

No more than 75% of dwellings shall be occupied until the public open space (alongside the cycleway has been laid out in accordance with the approved plans. Prior to completion of POS areas, details of management company to be provided.

And the following conditions:

1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 7 July 2020 (including dwg. nos. HB3-location plan rev E ; HB3-120 P10 Site Layout; HB3-121 P2 Boundary Treatments; HB3-129 P2 Ridge Heights; HB3-130 P2 Garden Areas; HB3-200 P3 Street Scenes; HB3-PL500 P3 Welwyn LTH; HB3-PL501 P2 Hanbury LTH ; HB3-PL503 P2 Hatfield LTH; HB3-PL504 P4 Clayton LTH; HB3-PL505 P3 Souter LTH; HB3-PL506 P3 Chedworth; HB3-PL507 P4 Garages; HB3-PL508 P1 Clayton Corner LTH & HB3-SK3000 P3 Site FFLs & Site Sections.

Reason: In order to ensure compliance with the approved drawings.

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) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with the details specified in the Arboricultural Impact Assessment Report prepared by Aspect Tree Consultancy ref 05400 AIA 20.03.20 and accompanying drawing no. 05400 TPP 23.03.20. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials

shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

5) Pre-commencement condition: No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to monitor and control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to monitor and minimise noise/vibration nuisance to neighbours and the Me Office from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent from the LPA.

Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

6) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of vehicular visibility splays for the development.

Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the proposed vehicular visibility splays shall be provided in accordance with the submitted details.

Reason: To provide a safe and suitable access in accordance with paragraph 108 of the National Planning Policy Framework.

7) None of the individual dwellings hereby approved shall be occupied until the cycle storage provision to serve that dwelling of a detail to be agreed with the

Local Planning Authority, has been provided and made available for use by the occupant. Thereafter the said cycle storage provision shall be retained for that purpose at all times.

Reason - To ensure that cycle storage facilities are provided to encourage the use of sustainable modes of transport by the future occupants of the properties.

8) Prior to occupation of the development, details shall be submitted to the Local Planning Authority of bus stops (including location and type of bus stop) for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority, and prior to occupation the bus stops shall be provided in accordance with the submitted details.

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.

9) Prior to occupation of the development, details shall be submitted to the Local Planning Authority of the vehicular access radii into the development (between plots 315/316) for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority, and prior to occupation the vehicular access radii shall be provided in accordance with the submitted details.

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.

10) Prior to occupation of any part of "Phase 4" of the development, details shall be submitted to the Local Planning Authority of the future pedestrian/cycle crossing facilities for the development as indicated on Drawing Number "071-003-001 Rev P4 Section 38 Plan". Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority, and prior to occupation of any part of "Phase 4" the crossing facilities shall be provided in accordance with the submitted details.

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.

11) No part of the development hereby approved shall be brought into its intended use until the access roads (together with raised table crossing points), vehicular parking spaces and associated turning area as indicated on Drawing Number "071-003-001 Rev P4 Section 38 Plan" has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To provide a safe and suitable access in accordance with paragraph 108 of the National Planning Policy Framework.

12) No part of the development hereby approved shall be brought into its intended use until the East-West footway/cycleway connections and North-South footway/cycle connections and associated crossing points as indicated on Drawing Number "071-003-001 Rev P4 Section 38 Plan" has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.

13) Pre-commencement condition: Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

Reason for Pre-commencement condition: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

14) A detailed scheme for landscaping, including the planting of trees and/or shrubs (in particular in respect of the southern boundary), the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no unit shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

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

14) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority. A photographic record of any trees, hedges on site shall be taken prior to any felling working being undertaken.

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

15) 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.

16) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason: To ensure the protection of the trees during the carrying out of the development.

17) Pre-commencement condition: No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason for pre-commencement condition: To ensure that surface water runoff from the construction site is appropriately managed.

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: In the interests of the amenity of the occupants of the buildings hereby approved.

19) The dwellings hereby approved shall be designed and built to meet M4 2 of the Building Regulations Access to and Use of Building Approved Document M, 2015 edition.

Reason: To increase choice, independence and longevity of tenure in accordance with Policy CP5 point three of the Exeter Core Strategy.

20) Pre-commencement condition: Before commencement of construction of the development hereby permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.

Reason for Pre-commencement condition: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.

21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no mobile base stations shall be erected within the development.

Reason – To ensure adequate protection to the Met Office satellite reception facility.

22) Pre commencement condition: 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 for pre commencement condition: 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.

23) Pre-Commencement condition - No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of

sustainable drainage systems. No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

24) No dwelling shall be occupied until details of gates to all rear service alleyways have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with these agreed details at all times.

Reason: In accordance with paragraphs 91 and 127 the National Planning Policy Framework in respect of reducing the fear of crime and increased surveillance opportunities.

25) Pre-commencement condition - A noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. Any noise mitigation required shall be agreed in writing with the Local Planning Authority and implemented in full prior to occupation and maintained thereafter.

Reason: In the interest of amenity.

26) Pre-commencement condition: No development shall commencement until an air quality assessment has been submitted and approved in writing by the Local Planning Authority. Any mitigation measure required following the completion of the assessment shall be agreed in writing and implemented in full prior to occupation and maintained thereafter.

Reason: Insufficient information has been submitted with the application and in the interests of amenity.

27) No dwelling shall be occupied until a lighting assessment has been submitted and approved in writing by the Local Planning Authority. Any mitigation measure required following the completion of the assessment shall be agreed in writing and implemented in full prior to occupation and maintained thereafter.

Reason: Insufficient information has been submitted with the application and in the interests of amenity.

INFORMATIVES

1) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an

impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council, which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

2) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development.

It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (i.e. where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development.

3) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

4) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

5) The applicants attention is drawn to the need to meet the Exeter Airport Aerodrome Safeguarding criteria as contained in the Airport Operators Association 'Cranes and other Construction Issues' Advice Note.

6) The applicant is advised that they should contact the Met Office to discuss specific issues regarding their operational requirements prior to commencement.

B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 7 MARCH 2021 OR SUCH EXTENDED TIME AS AGREED BY THE CITY DEVELOPMENT MANAGER

The applicant has failed to complete a Section 106 Agreement within an appropriate timescale for requirements that are deemed necessary to make the development acceptable in planning terms, directly related to the development and fair and reasonably related in scale and kind to the development.

