

# Planning Committee Report 15/0641/OUT

1.0	<b>Application Number:</b>	15/0641/OUT
	<b>Applicant Name:</b>	Burrington Estates
	<b>Proposal:</b>	Residential development including new access onto Shillingford Road and associated infrastructure (All matters reserved for future consideration).
	<b>Site Address:</b>	Aldens Farm West land between Shillingford and Chudleigh Road, Alphington.
	<b>Registration Date:</b>	5 June 2015
	<b>Link to Application:</b>	<a href="https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=ZZZU8AHBRW466">https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=ZZZU8AHBRW466</a>
	<b>Case Officer:</b>	Paul Jeffrey
	<b>Ward Members:</b>	Cllr Foale, Cllr Warwick and Cllr Atkinson (Alphington Ward)

## **REASON FOR APPLICATION:** Report back to committee

Members will recall that this was reported to Planning Committee on 16 November 2020 and resolved to approve subject to conditions and completion of a Section 106 Agreement. (The committee report is reproduced in full from the previous committee meeting). Following the approval the applicants have raised concerns in respect of two of the proposed conditions and have requested that they be amended. As these are highway related conditions the views of the County Highway officer have been sought and are stated below.

### **County Head of Planning, Transportation and Environment (Highways)**

revised comments state that it is not our intention that the full application site could not come forward until the new spine road is constructed through to Chudleigh Road. Whilst this would have been preferable, it is outside of the applicant's ownership and therefore does not meet the test of a negative or 'Grampian' style condition. It is understood that the applicants are willing to allow the condition to remain on the basis that they are responsible for bringing the road from the Shillingford Road through the eastern boundary of the application site to the boundary before 75 units are occupied. This should be secured by either a clause in the S106 or a revision to draft condition no. 6 which currently reads:

*6) No more than 75 dwellings shall be occupied until a vehicular route from Shillingford Road to Chudleigh Road capable of accommodating two-way bus flow through the site have been provided to a specification agreed in writing with the Local Planning Authority and with the Local Highway Authority*

*Reason: To ensure the site is served by sustainable transport modes required to meet the agreed residential trip rates and to ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 108 of the NPPF.*

The County Highway officer suggests that it is slightly modified to read:

*6) No more than 75 dwellings shall be occupied until a vehicular route from Shillingford Road to the eastern boundary of the site capable of accommodating two-way bus flow through the site have been provided to a specification agreed in writing with the Local Planning Authority and with the Local Highway Authority*

*Reason: To ensure the site is served by sustainable transport modes required to meet the agreed residential trip rates and to ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 108 of the NPPF.*

Further to our discussions, I am happy to clarify that part of the reason for the 75 dwelling trigger for the provision of the road was because of capacity concerns at the junction of the A379 and Chudleigh Road. This is now to be resolved by a combination of HIF and S106 funding, including the requested contribution from this site.

On a similar note to the first point, draft condition 4 relates to the provision of a link across land outside of the applicant's control and as such fails the tests. It currently reads:

*4) No part of the development shall be occupied until pedestrian/cycle links onto Shillingford Road, Veitch Gardens and Markham Lane to existing highways have been completed with details that shall have been submitted to, and approved in writing by, the Local Planning Authority*

*Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 108 of the NPPF*

In order to make the condition work I would suggest the following wording. This removes the problematic link to Veitch Gardens and requires the footpath/cycleway link to be provided to the northern boundary of the application site. In addition to this I have agreed that the developers will pay a figure of £11,000 to the highway authority under the s106 agreement, on commencement of development, in order that the highway authority has funding to complete the necessary final link in the path.

*4) No part of the development shall be occupied until pedestrian/cycle links onto Shillingford Road and Markham Lane to existing highways have been completed with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall be occupied until a*

*pedestrian/cycle link is constructed to the northern boundary of the application site at a point to be agreed with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.*

*Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 108 of the NPPF.*

In addition, I understand that a figure is required for inclusion within the s106 agreement in respect of improvements to Markham Lane. This has been costed and I have agreed that the sum of £12,000 is sufficient. This should be payable on commencement of development.

In response to the revised County highway comments the **City's Planning Solicitor** has made the following comments.

*There are very limited grounds for the Council to insist upon the Grampian condition as previously worded. Any condition must pass the 6 tests for the imposition of a condition and there must be a reasonable prospect of it coming forward within the limit imposed by the condition. If the Council were to insist upon imposing the condition the developer would likely appeal and the Council would have limited grounds to defend any appeal (and be at risk of paying costs). This is on the basis that DCC no longer require the condition and it fails the 6 tests (as explained below).*

*It does not pass two of the six tests being neither "(i) necessary" nor "(iii) relevant to the development to be permitted" due to the fact that the Development Brief SPD states that the "layout must also allow for the provision of a bus route through the site between Dawlish Road, Chudleigh Road and Shillingford Road". The development brief is the development brief for the whole allocation site, not for the sole application site. A bus route through the whole allocation site can still be achieved when any application comes through on the remaining parcel of land between the Eastern boundary of the site and Chudleigh road. Furthermore, it is accepted that this development can come forward as proposed without the link road across the whole allocation.*

*Grampian conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. An extensive history of the negotiations for the parcel of land between the eastern boundary of the site and Chudleigh Road has been provided. This is not included within the application boundary. This neighbouring land owner cannot be required to bring its land forward for development and has not responded to DCC's previous communications on this point. On that basis it is not considered that there are any prospects of the road between the eastern boundary of the site and Chudleigh Road being constructed within the time-limit imposed by the permission. The Grampian condition should therefore not be used.*

In light of the revised comments made by the County Highway officer and the legal opinion provided it therefore recommended that the condition 4 and 6 are amended and the further financial contribution to pedestrian linkages included within the Section 106 agreement,

**Recommendation – APPROVE** subject to amendment to the previously approved conditions as stated in the committee report:-

**Condition 4** - No part of the development shall be occupied until pedestrian/cycle links onto Shillingford Road and Markham Lane to existing highways have been completed with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall be occupied until a pedestrian/cycle link is constructed to the northern boundary of the application site at a point to be agreed with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 108 of the NPPF

**Condition 6** - No more than 75 dwellings shall be occupied until a vehicular route from Shillingford Road to the eastern boundary of the site capable of accommodating two-way bus flow through the site have been provided to a specification agreed in writing with the Local Planning Authority and with the Local Highway Authority

Reason: To ensure the site is served by sustainable transport modes required to meet the agreed residential trip rates and to ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 108 of the NPPF.

### **Section 106 Agreement additional contributions**

Improvements to Markham Lane - £12,000

Pedestrian improvements to the north of the site - £11,000

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Recommendation – **APPROVE** subject to amendment to the previously approved condition as stated in the committee report

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### **Section 106 Agreement additional contributions**

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**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 Alphington Strategic Residential Allocation as designated in the Core Strategy.
- Paragraph 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The development would make a positive contribution to the Council's 5 year housing land supply.
- The scheme will provide 35 (30%) affordable houses.
- 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 South West Strategic Residential Allocation of the Core Strategy.
Affordable Housing	Following viability appraisal provision of 30% affordable housing forms part of the proposal and will be secured through a Section 106 Agreement.
Access/Impact on Local Highways	Subject to suitable conditions and meeting obligations within the Section 106 Agreement details regarding access and financial contributions meet the requirements of the County Highway officer.
Scale, design, impact on character and appearance	Submitted illustrative layout and Design & Access Statement indicate that the future development will be appropriate in context of the character of existing development in the locality.
Alphington Development Brief	Broadly complies with the requirements of the brief.
Ecological Issues/Habitat Mitigation	Limited impact. Scheme to incorporate appropriate mitigation and enhancement.
District Heating	To be secured by Section 106 Agreement.
Sustainable Construction and Energy Conservation	Appropriate standard to be secured through condition.
Economic benefits	Affordable housing and financial contribution towards highways/ education/GP 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 proposes outline planning permission for development up to 116 on land between Chudleigh Road and Shillingford Road together with a new vehicular access to Shillingford Road with other all matters reserved matters. The site comprises an area of land of 4.1 hectares in total comprising of open fields to the south of existing residential properties located in Veitch Gardens and Royal Close. The boundaries of the individual fields are demarcated by existing hedgerows with some mature trees. The eastern boundary is delineated by an existing hedgerow towards but not alongside Chudleigh Road, as there exists land within separate ownership and not to be considered as part of this application. The western edge of the site adjacent to Shillingford Road contains existing hedgerows. The southern boundary of the site contains an existing hedgerow alongside Markham Lane with the land further to the south of the site designated for future housing development (Vistry Homes) located within the Teignbridge District Council's administrative area.

The site is located adjacent to the built up urban area of Alphington and therefore there are a number of existing services and facilities within close proximity to the site. The site is served by the existing road network, a number of bus services and is located adjacent to an existing pedestrian and cycle path network.

## 6.0 Description of Development

This outline planning application for residential development is for up to 116 dwellings with all matters reserved except for access. The accompanying Design and Access Statement indicates that the future development would comprise of a mix of terraced, semi-detached and detached properties with all dwellings proposed to be either two or two and a half storeys in height. The scheme proposes a total of 30% affordable housing, which follows on from a viability appraisal for this site and the recent scheme for Redrow Homes on the opposite side of Chudleigh Road for up to 234 dwellings (App Ref: [15/0640/OUT](#)) which received a resolution of approve at Planning Committee in June 2020. This would result in approximately 35 affordable units being provided. The illustrative layout indicates that there would be a central main road running through the site with dwellings fronting onto Shillingford Road, to the west, Markham Lane to the south and the Local Equipped Area for Play (LEAP) to the north adjacent to Royal Close and Veitch Gardens. The plans indicate that the existing areas vegetation to the south fronting and Markham Lane, fronting Shillingford Road (except where access visibility splays are required) and the adjacent plot to the east will be retained.

The main vehicular access is shown in a central location on the western side of the site onto Shillingford Road. The amended access plan shows a 6 metre wide accessway with a 4.5m by 70 metre visibility splay. A 2 metre wide footway is shown along the entirety of Shillingford Road frontage and links into the existing

public footways. The illustrative plan indicates that the access has been designed to accommodate a future bus link, which will eventually connect Shillingford Road and Chudleigh Road. However the internal road layout is not for consideration at this outline stage and the information submitted is to demonstrate that bus could potentially access the site. The through road onto Chudleigh Road will only be possible following the submission of future schemes for the development of the adjacent sites. In addition to the vehicular access potential locations of future pedestrian/cycle access points onto Markham Lane, Veitch Gardens and Shillingford Road are indicated.

## **7.0 Supporting information provided by applicant**

The application is accompanied by the following supporting information:

The agent originally submitted the following reports with the application in 2015 Planning Design and Access Statement, Ecological Appraisal Review, Flood Risk Assessment, Landscape and Visual Assessment, Transport Assessment, Archaeological Report, Bat Survey Report, Dormouse Survey, Arboricultural Survey, Air Quality Assessment and Ground Investigation Report. Since these reports were submitted updated versions on behalf of Burrington Estates have been submitted namely:-

- Planning Statement
- Design & Access Statement
- Illustrative Layout Plan
- Transport Statement
- Flood Risk and Drainage Strategy
- Ecological Impact Assessment
- Air Quality Assessment

## **8.0 Relevant Planning History**

This application was deferred from Planning Committee on 3 December 2018. Members commented that whilst welcoming contributions to bus services, expressed concerns in respect of a number of issues which they felt should be further considered. They felt that, because of the scale of growth proposed in the South West Exeter urban extension, a coordinated, comprehensive approach was required to successfully create a sustainable community. They were concerned about the ability of the County Council to take on the delivery of infrastructure, as it would be dependent on sufficient developer contributions being collected. They felt that, because of the scale of the development, an updated Transport Assessment was necessary particularly regarding the uncertainty over Park and Ride provision and the rail halt at Marsh Barton. The comments on differing affordable housing provision associated with the proposed developments in the area were reiterated and it was felt that the policy requirement should be met.

Member requested that this application be reconsidered to assess the issues of concern raised including:-

- the failure to adequately meet the requirements of the Alphington Brief;
- the percentage of affordable housing proposed;
- uncertainty about health/school provision
- lack of sufficient community infrastructure;
- the failure to bring forward a Park and Ride facility for this side of the City;
- need for greater open space;
- the stalled progress on the delivery of a Marsh Barton Rail Halt; and
- an outdated Transport Plan for the area given both of these development and that proposed within the Teignbridge boundary.

At the Planning Committee in December 2018 a separate application for Aldens Farm East was also deferred. In June 2020 Members resolved to grant outline planning permission for up to 234 dwellings with accesses onto Chudleigh Road and Dawlish Road, associated landscaping, public open space, drainage and infrastructure with all matters reserved except for access (App Ref: [15/0640/OUT](#)) subject to a Section 106 Agreement and conditions. This application was resubmitted on behalf of Redrow Homes.

## **9.0 List of Constraints**

Potential Contaminated Land  
Smoke Control Area

## **10.0 Consultations**

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

**Teignbridge District Council** (June 2020) raise no objection to the application, although provide the following comments.

Whilst within the Exeter City Council boundary, the application should consider the South West Exeter Development Framework Plan, as well as the approved/proposed plans of the immediate development to the south.

Access – It is noted that there is potential pedestrian and cycle access to go through Markham Lane and consider that these proposals fall more in line with the proposals of Vistry Homes to the South. It was agreed in earlier discussions that the original proposed bus route that would have gone through Markham Lane, would now be moved to the far north west of the site on the Vistry land, in order that the character of Markham Lane did not change greatly and this is to be welcomed.

Playspace – Concerns are raised over the location of the LEAP to the far north of the site, and it is recommended that this be made more central to the site making it more accessible and overlooked.

In general, it is good to see that materials and landscaping are similar to that proposed in the Vistry scheme and will bring consistency to the overall development.

**NHS Devon Clinical Commissioning Group** (16 September 2020) comment that the application has been reviewed from a primary care perspective and informed by the Devon Health Contributions Approach: GP Provision which was jointly prepared by NHS England and Devon County Council. In preparing this response, it is noted that the Exeter City Council Core Strategy Document 2012 under “Meeting the Communities Needs” states that: The objectives of the Sustainable Community Strategy and other strategies and programmes can be delivered, at least in part, through developer contributions sought for social and community infrastructure, including education/skills, health, culture, sports and leisure facilities. Examples of areas where developer contributions could facilitate change and enhancement include improving access to health and social care (Exeter Sustainable Community Strategy/ Exeter Primary Care Trust Estate Strategy/Royal Devon and Exeter (NHS) Trust Building Programme).

The CCG’s concern is that the GP surgeries, Ide, Topsham and St Thomas are already over capacity within their existing footprints therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The surgeries already have 58,632 patients registered between them and this new development will increase the local population by a further 790 to 800 persons. Aldens Farm West land between Shillingford Road and Chudleigh Road Alphington is in the catchment of the Ide, Topsham and surgeries which have a capacity of 38,374 patients with current patient list size of 58,632 and are already over capacity by 20,258 patients or at 153% of capability. To meet the necessary funding requirement for these surgeries a financial contribution of £384 per dwelling is requested which equates to £44,544 if the development were to deliver 116 dwellings.

**County Head of Planning, Transportation and Environment (Highways)** (9 October 2020) comment that the submitted application is an outline application, with all matters reserved except for access onto Shillingford Road, at Alden’s Farm West, Alphington. The proposed development site is part of the South West Exeter Masterplan Area. The submitted application is a refresh to the application that was submitted under 15/0641/OUT with some focus on highway matters.

Trip Generation/Impact - The trip generation and associated impacts were accepted with conditions/S106 contributions as outlined in its formal response dated 30/03/2016, however in order, to overcome the number of issues that were raised by Members, an amended Transport Assessment (TA) has been submitted.

For consistency, the vehicle trip rates proposed for the development correspond to those included in the DCC South West Exeter Transportation Access Strategy. This approach was accepted in relation to the earlier TA for the site. The TA states that 116 dwellings could be delivered on site, developing 58, 2-way AM/PM Peak trips. In order to update the analysis of the surrounding network, the applicant carried out traffic surveys in October 2019, providing a better

baseline to the previous work carried out. To act in a consistent manner to the previous TA the applicant has applied TEMPro growth factors and assessed a 2025 future scenario.

The study area assessed considers the impact of the development at the following junctions: Site access point; Junction 1: Chudleigh Road / Shillingford Road / Chantry Meadow double mini roundabout and Junction 2: Church Road / Alphinbrook Road / Powlesland Road roundabout. The traffic impact assessment completed for the proposed site access junction together with Junctions 1 and 2, demonstrates that they are expected to operate within capacity in the worst-case scenario (2025 future + development traffic).

Whilst TEMPro is a useful tool for forecasting, it does not consider the direct impact from neighbouring development. It is noted that there is no assessment of the impacts at the Chudleigh Road / A379 junction. As highlighted in previous responses, based on previous assessments that have been undertaken, the Highway Authority considers that improvements will be required to the A379 / Chudleigh Road junction. Due to the safety concerns at the A379 / Chudleigh Road junction, it is proposed to realign the road to form a new signal junction on the A379. The Highway Authority are to deliver improvements for this junction, including the realignment of Chudleigh Road, subject to necessary contributions from the affected developments to cover the full cost of the works. Agreement to fund these works would allow development to come forward.

In addition to this, in order to achieve the trip rates previously agreed and the infrastructure required as set out in the South West Access Masterplan, a number of S106 items are required. These mitigation measures are required to meet the objectives set out in the masterplan and were agreed in previous submissions. These measures are all sustainable based encouraging walking/cycling not only into other parcels of the South West Masterplan, but also into the wider Exeter Network. A table setting out the transport contributions is given in a separate section of this response.

Access - Only one point of vehicular access is proposed; a priority junction onto Shillingford Road. Whilst the originally submitted plans indicated an access width of 5.5m wide this has been increased to 6m to allow for 2 buses to pass each other. Bus contributions are sought for this parcel (together with the rest of SWE) and buses form part of the strategic sustainable highway infrastructure for the site.

Although a reserve matters, the applicant has provided swept path analysis for an indicative site layout; this shows that buses will struggle to negotiate 90-degree bends and as such this will need to be given thought in any reserved matters submission.

It is also noted that there is no vehicular link to the boundary of Chudleigh Road. This connection forms part of the SWE strategy and therefore will need to be built up to the red line boundary. As this link has not been made, DCC (consistent with previous recommendations), there is ambiguity over how the site is served by sustainable transport modes required to meet the agreed residential trip rates. Therefore, without the full link between Shillingford Road and Chudleigh Road, the occupations of the development should be limited to 75 dwellings. Any reserved matters layout should consider bus suitability.

Pedestrian and Cycle access is critical for this application as this needs to tie into parcels coming forward into adjacent boundaries and into existing highway infrastructure.

It is disappointing to see is that there are no details as to how this site links into existing residential parcels to the north, nor does it provide any details to connect into SWE parcels in the Teignbridge parcel or indeed any forthcoming parcel to the east of the scheme. This does not provide confidence that links to adjacent parcels will be made by the applicant, something that is fundamental to the SWE Masterplan. Officers have pointed the applicant to the development brief for SW Alphington, where it is evident to see that connections to adjacent parcels are required. Within this document, it is also stated that *“The developer will be required to fund the provision of a high-quality pedestrian and cycle route along the site’s southern boundary, including Markham Lane”*. No proposals to improve Markham lane have put forward.

Internal Roads and layout - Well-designed residential streets are central to sustainable development and therefore the design of the internal road layout must accord with the principles of Manual for Streets and appropriate sustainable design guidance. The applicant is advised that car parking standards are set out in the Exeter City Residential Design Guide and that secure cycle parking facilities will need to be in accordance with chapter 5 of Exeter City Councils Sustainable Transport Supplementary Planning document.

As an outline application these details are reserved for approval at a later stage. However, to ensure a suitable layout it is recommended that the applicant liaises with the highway authority prior to any application for reserved matters approval. The applicant should provide appropriate footway/cycleway connection points and infrastructure through the site itself to then enable a coherent approach to adjacent estates.

Other Matters - A condition is recommended to ensure that appropriate facilities for all construction traffic are provided on site before the commencement of any part of the development hereby approved. This is a requirement as part of the proposal is to carry out works in close proximity to a school and neighbouring properties.

Transport Contributions - As highlighted in the previous highway consultation response (dated 30/03/2016) a series of mitigation measures are required in order to make the application acceptable in highway terms. The below table give costings based on a 2016 base and therefore in the grant of any planning permission, these costs would have to be indexed linked back to 2016.

	Per Dwelling	Aldens Farm West (116 Dwellings)
Pedestrian/Cycle Bridge	£1,104	£128,064
Alphington Village Works	£1,100	£127,600
Loram Way Cycle Link	£375	£43,500
Bus Services	£1,750	£203,000
Car Club	£132	£15,312
Traffic Regulation Order		£5,000
Travel Planning	£500	£58,000
Chudleigh Road	£3,798	£440,568
<b>TOTAL</b>	<b>£8,759</b>	<b>£1,021,044</b>

The success of development at South West Exeter will be dependent on appropriate mitigation to help alleviate the impacts of the development. This has been identified and is set out in the South West Exeter Access Strategy.

In summary, it is considered that the updated TA underestimates the full impact of development, as the assessment applies TEMPro growth rather than considering the direct impact from the whole of the allocation, neither has it fully considered as the Chudleigh Road / A379 junction is not assessed. The Highway Authority considers that improvements are necessary here as per previous concerns that were raised in 2016. In order to mitigate the impact of the development at the Chudleigh Road / A379 junction, a contribution towards the works will be required.

### **3 November 2020 update**

Since the last highway consultation response, the applicant has submitted revised drawings responding to the further information requested on the 9th October 2019.

Vehicular access point -The applicant has revised the vehicular access to 6m wide which is sufficient for two buses to pass, thereby safeguarding any bus route that may pass through the site. Comments regarding buses negotiating 90-degree bends still remain and will be for the applicant to consider during a reserved matter submission.

Pedestrian and Cycle Access - The applicant as confirmed a 2m footway alongside Shillingford Road and an associated crossing point. This should be

secured via condition and through an appropriate highways act. Access to the east is shown through to the red line boundary which is acceptable in principle.

However, there is still ambiguity for pedestrian and cycling points to the north and south of the site. It is noted the submitted drawings indicate “potential”.

- To the north, for example, there is a gap between their indicative connection point and Veitch Gardens itself; it is understood that the land is owned by ECC, but no details of how a link to Veitch Gardens (HMPE) can be made. There is also another “potential” pedestrian/cycling connection to the North West of the site to Shillingford Road. No details as to show these ties into Shillingford Road have been made.
- To the South, only two connection points to Markham Lane are being made, but once again these are only indicative. Any connection point to the south should tie into the adjacent Teignbridge proposals but it is understood that these are only “draft”. Therefore, this does not stop the applicant in making multiple connection points to Markham Lane aiding North-South permeability – key for those who want to reach the A379 Bridge and ultimately the school. Note any connection point to the Markham Lane will need the removal of some hedgerow to aid visibility.

As per the previous set of comments, improvements to Markham Lane were highlighted within the development brief for SW Alphington. These comments have not been taken into consideration and no further information has been provided; therefore, the same comments apply.

Much emphasis has been put on the accessibility of the site and its relation to other parcels of South West Exeter and it is believed that the site has not provided enough information on the pedestrian/cycling access points and infrastructure. In the absence of this information then the highway authority, at this time, would be minded to request for further information from the applicant to address these concern.

**Devon and Cornwall Police Liaison Officer** (May 2020) comments that it is accepted that the layout is illustrative at this stage and within their response provide detailed issues which will need to be addressed at the reserved matters stage.

**Devon Fire Service comment** comment that although there is insufficient information to make detailed observations and therefore would not object to a housing scheme at this stage. However further specific comments are made which will need to be considered at the reserved matters stage.

**Devon County Education Authority** has provided an education response in accordance with Devon County Council’s Education Infrastructure Plan 2016-2033.

A new school is planned at South West Exeter to meet the need for school places from the development and the wider area. This is planned as an all-through school, which includes both primary and secondary provision in one school. It will also have a nursery for pre-school age children.

The school will be run by Ted Wragg Multi Academy Trust. This was approved as part of the free school competition programme, run by central government. The free school competition programme allows for school providers to apply to run new schools. As the school has been secured through this process, it will be delivered by the Education and Skills Funding Agency (ESFA) and Devon County Council are working closely with the ESFA and Ted Wragg Multi Academy Trust on the delivery of the school. Work is progressing to enable the delivery of the school and it is expected that the school will be in place alongside the delivery of the development.

Noting that the school is to be located on the southern side of the A379, a pedestrian/Cycle Bridge is proposed across the A379 to provide access to the school. This is to be forward funded by the Housing Infrastructure Fund, with funding recovered from development as it comes forward. It is expected to be delivered to enable access for the school, initially providing access from the existing highway so that it is not dependent on wider development being delivered, although will provide access from other development parcels as these are delivered.

Regarding the above planning application, Devon County Council has identified that a development of 116 family type dwellings will generate an additional 29.00 primary pupils and 17.40 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. This is set out below:

When factoring in both approved but unimplemented housing developments as well as outstanding local plan allocations we have forecast that the local primary and secondary schools have not got capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will seek contribution towards additional education infrastructure to serve the address of the proposed development.

We have forecast that there is no spare capacity at existing primary schools within the area and therefore we will request primary education contributions against the 29.00 pupils expected to be generated from this development. The primary contribution sought would be £464,551 or the equivalent of £4,004.75 per family-type dwelling (based on the DfE new build rate of £16,019 per pupil). This contribution would be used towards new primary provision at South West Exeter.

We have forecast that there is enough spare secondary capacity to accommodate 7.71 pupils at the local secondary schools and therefore we will request secondary education contributions against the remaining 9.69 pupils expected to be generated from this development. The secondary contribution sought would be £235,089 or the equivalent of £2,026.63 per family-type dwelling (based on the DfE new build rate of £24,261 per pupil). This contribution will be used towards new secondary provision 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 £29,000 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development. This contribution will be used towards new early year's places at South West Exeter.

All contributions will be subject to indexation using 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.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

### **Devon County Council Flood and Coastal Risk Management Team**

(September 2020) comment that they have no in-principle objections to the above planning application at this stage, assuming that a pre-commencement planning condition is imposed. That following the previous consultation response the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application.

The applicant has confirmed that further soakaway tests will be completed to inform the design of the surface water drainage system. Testing completed in April 2012 demonstrated infiltration to be viable in areas of the site, and at shallow depths. The further testing should be carried out at shallow depths to demonstrate the feasibility of permeable paving, but should also be carried out at deeper depths to demonstrate the feasibility of soakaways and infiltration basins. The applicant should assess the existing exceedance routes and design the site layout around these routes to ensure that any exceedance flows are safely managed.

The applicant has confirmed that above-ground surface water features shall be assessed further before the detailed design is submitted. It is understood that South West Water will adopt some above-ground features and also allow them to drain into their existing surface water sewers. The applicant will need to provide correspondence from South West Water to confirm what features within this development site will be acceptable to South West Water.

The previously submitted Flood Risk Assessment (September 2017) noted that South West Water had requested that surface water flows from the development site should be 'split' between the surface water sewer within Veitch Gardens and the surface water sewer within Chudleigh Road. The applicant will need to submit correspondence from South West Water to confirm that the location of the outfall, or the outfalls, are acceptable.

**Devon County Waste Management** comment that Policy W4 of the Devon Waste Plan December 2014 requires applications for major development to be accompanied by a waste audit statement that identifies the waste that will be generated during construction and operational phases and explains how it will be managed in accordance with the waste hierarchy. Since adoption of the Waste Plan, Devon County Council has published the Waste Management & Infrastructure SPD that provides guidance to applicants and district councils on preparation and consideration of waste audit statements. It is recommended to secure submission and implementation of a waste audit statement to ensure compliance with the development plan.

**Devon Wildlife Trust** originally objected to this planning application commenting that the ecological network running across and around the development site comprises the hedgerows and trees as well as the fields. These are likely to be important for the rare European Protected Species using the site. It is likely that, if these light sensitive bats are to continue using the site, the hedgerows and trees will need to be protected from adverse lighting impact by measures such as wide, vegetated set-backs and physical barriers. This will no doubt have a constraining effect on the amount of land that can actually be built on. There is a high probability that given the amount of development would not minimise impacts on biodiversity; would not provide net gains for biodiversity and would not establish a coherent ecological network that is resilient to future pressure.

iii) The application does not satisfy the requirements of Exeter City Council's Residential Design: Supplementary Planning Document. Para. 4.4 of the above document, outlines five design principles of which the third relates to integrating biodiversity - (iii) integrated biodiversity

*"The design and layout of new residential development will protect and enhance biodiversity on site, and enhance connections between ecological features within and across the site.*

*Existing areas and features of biodiversity value should be incorporated into the design and layout and wherever reasonably possible enhanced."*

**RSBP** (June 2020) comment on the need to install integral nest bricks as per the ecologist's recommendation. It is assumed that more details will be provided at the next stage of the planning process. Further comments states that integral swift boxes are used by most species that nest/roost in buildings and we recommend that installing one per residential unit is made a condition of the consent if granted, these should be shown on the site plan and working drawings.

**Exeter Cycling Campaign** comments on proposed access stating that the development comprising walking and cycle routes to the surrounding area. In respect of Shillingford Road it is noted that the Design and Access Statement shows a proposed footway but there is no mention in the planning application about how this will be funded or implemented. We also recommend that consideration be given to extending the existing 20mph zone past the development access.

The proposed pedestrian/cycle links shown within the Design and Access Statement is welcomed.

**ECC Environmental Health** recommends conditions relating to a, unexpected contamination, noise, air quality mitigation and the need for a Construction and Environmental Management Plan.

**ECC Heritage officer** originally commented that the archaeological reports submitted with the applications provide sufficient information on the archaeological issues (impact on undesignated heritage assets as per the NPPF) to determine the applications and do not identify any buried remains of sufficient quality of survival that would affect the principle or layout/quantum of development.

-The development site is very large and extensive, and in a type of location favoured for prehistoric settlement and burial sites. Some of these have already been identified by the survey work within the western area and also immediately to the south, where a group of prehistoric barrows are protected as a scheduled monument.

-However, geophysical surveys are not infallible, and do not identify the less substantial remains such as those of timber buildings, burials or fire pits or example. These can only be identified by physical site investigations (trial trenches) and ground works. Although some trial trenching has been undertaken within this site, and are sufficient to determine this outline application, they are not extensive enough to be sure that no other less visible remains survive on the site.

- The site therefore still have the potential to contain as yet unknown remains, particularly prehistoric (and possibly Roman) ones.

- For this reason a further programme of archaeological site investigation is required as a condition of any planning permission in order to identify and to excavate and record any significant, but less substantial, remains that may be present, as well as the prehistoric remains already identified by the reports, on

what is a large and extensive site - before enabling ground works and construction work commences and destroys such remains. A standard condition should be attached to ensure that this work is carried out and completed. Further archaeological trial trenching; further area excavation of any remains identified by the trenching, to be completed before construction ground works commence; analysis, reporting and archiving of the results and any finds; to be undertaken off site in parallel with construction works.

## 11.0 Representations

Alphington Village Forum originally objected to the application (and application ref 15/0640/OUT) for the following reasons:-

- i) The planning, design and access statement has not adequately explained or justified the development proposal for the site;
- ii) The planning, design and access statement has had insufficient regard to the Alphington Development Brief and consequently fails to meet its requirements;
- iii) Information submitted with the planning application is out of date;
- iv) No green infrastructure framework;
- v) Inadequate open space will be provided;
- vi) There will be a net loss of biodiversity;
- vii) Housing densities are unknown;
- viii) There is no provision of community facilities;
- ix) Cycle and walking routes will be inadequate;
- x) There is no proposal to provide an extended A bus route;
- xi) Air quality is likely to be worse;
- xii) There has not been a co-ordinated approach to planning of development on both sides of the Exeter/Teignbridge administrative boundary.

-Further concern raised about the provision of a bus link across Markham Lane which is not included in the Alphington Development Brief.

-The assumption that there will be a high uptake of sustainable transport modes is disputed given the existing A bus service time and the high Alphington population of elderly people.

43 objection letters raising issues pursuant to both applications (appln ref. 15/0640/OUT and 15/0641/OUT) Planning issues raised:-

- 1) Loss of existing countryside;
- 2) Already too many new houses being building in the area;
- 3) Creating urban sprawl;
- 4) Insufficient infrastructure available for new dwelling ie doctors, dentists, schools, sewage, bus service and community facilities;
- 5) Severe traffic congestion will result of new development within both the Exeter and Teignbridge administrative area;
- 6) Scale of development too large of site;
- 7) Construction will cause many years of disturbance, dust and traffic;
- 8) All through school proposed for the south of the A379 will not serve the new development in Alphington;

- 9) Proposed small footbridge across A379 will be inadequate and lead to a divided community;
- 10) Insufficient community facilities;
- 11) Proposed ridgetop park will not serve the residents of Alphington – lack of SANGS (Suitable Alternative Natural Green Spaces) closer to new community;
- 12) Missed opportunity for community involvement;
- 13) Increased traffic will lead to the potential for increased risk of injury and death to road users and pedestrians;
- 14) Need to improve/upgrade the junction onto Alphington Road to cope with the higher volume of traffic;
- 15) Unacceptable shortcut will be created between the new development and existing residential roads leading to unreasonable intrusion for existing residents;
- 16) Proposed dwellings need to be in keeping with existing properties in the area;
- 17) Need for sufficient parking for the new development;
- 18) Lack of coordination between authorities;
- 19) Adverse impact on wildlife and loss habitat, trees and hedgerow;
- 20) Potential for fly-tipping along newly created roads;
- 21) Density too high for the area;
- 22) Inadequate green space/open space;
- 23) Traffic hazard from existing driveway onto main roads;
- 24) Lack of detail submitted with the application;
- 25) Reports/assessments submitted with the application out of date;
- 26) Alphington Village would be unable to cope with increased traffic generated;
- 27) Increased pressure on already dangerous roads;
- 28) Need to address air quality to ensure traffic pollution levels are not exceeded;
- 29) No travel plan submitted with the application;
- 30) Need for cooperative housing as part of affordable housing provision;
- 31) Need to achieve low/carbon objectives, if district heating scheme considered not viable;
- 32) Fails to comply with the Development Brief for the South West;
- 33) Does not achieve policy complaint affordable housing provision;
- 34) Insufficient public consultation;
- 35) Loss of privacy;
- 36) Lack of information regarding housing densities;
- 37) Development will lead to drainage problems in the area;
- 38) Loss of agricultural land;
- 39) Lack of Marsh Barton railway halt and park and ride provision which will impact on the development being sustainable.

Original Comment response specific to application 15/0641/FUL:-

- 1) Access route across the site and the surface water balancing pond submitted for illustrative purposes should be a more direct connection;
- 2) Ensure connection with adjacent development site to allow more comprehensive development of the area;
- 3) Historic significance in the home of the Veitch family needs to be considered.

*Further objections received since the submission in 2020 of additional information on behalf of Burrington Estates*

**Alphington Village Forum** (June 2020) comments that this development is probably inevitable, but are extremely concerned that the outline plans only show only one access to the development as opposed to the two included in the original outline plans that were deferred by the planning committee. The Forum therefore objects to these plans as they stand at present for the following reasons:

1. The lack of an eastern access - The traffic on Shillingford Road is already excessive, as cars and farm vehicles from several outlying villages feed into this narrow and steep hill that joins the constantly busy Chudleigh Road at a double roundabout. These include Shillingford Abbot, Shillingford St George, Clapham and Dunchideock. Already there is considerable traffic back-up during the morning rush hour, sometimes nearly up to Markham Lane. To have the only access and exit from the Aldens Farm West development of 116 houses on to this already dangerous road is totally unreasonable, especially as hundreds of vehicles, including buses from the Teignbridge/Bovis development above, will also be exiting at the top of Markham Lane to add to the traffic chaos on the hill, which has non-existent or inadequate pavements that cannot be widened because the current houses have very steep drives opening onto the road.
2. The lack of a sensible bus route - DCC stated originally that this eastern access was essential in order to allow buses to cross over from Aldens Farm East into Aldens Farm West, so the Forum finds it extraordinary that no eastern access is shown on these plans. The transport reports are inaccurate as far as the bus route is concerned and the plans show it to finish at a hedge with no turning space! Actually it is meant to run from bottom to top or vice versa using two accesses with the potential to link with the road running through the TDC/Bovis development that will have access at Markham Lane onto Shillingford Road. No through bus route is possible until the eastern access onto Chudleigh Road and a highway through the adjacent land is secured. Until this is done the plans should not be approved by ECC.
3. The lack of green space and links - It is regrettable that these plans do not show a walk through from the LEAP to Markham Lane, which is designated to be a *'high-quality pedestrian and cycle route along the site's southern boundary.....via a Section 106 Agreement'* in the Alphington Development Brief. There are no links to a safe cycle and walking route for schoolchildren to access the new school south of the A379. which should be via Markham Lane once it has been improved, as promised by ECC. This historic country lane should be a feature of the development. Compared to the Redrow development, these plans are disappointing as they do not make the most of the natural environment. For instance, the hedgerow retention is merely a token because it does not have sufficient green space either side for a path, unlike the lovely green walks and

trim trails incorporating 'nature play' planned for Aldens Farm East, which link with the Bovis development to the south.

4. The lack of good layout - The Alphington Development Brief states that '*The new development must have its own sense of place, whilst integrating with existing development in the area*'. It is not considerate to current residents to place the LEAP playground right next to the green at Royal Crescent, which at present is a peaceful area with beautiful trees at the top of Veitch Gardens. This may invite outsiders to park here in order to access the playground, whereas if it were in the centre or at the top of the development, it would create less annoyance to the residents in the surrounding bungalows and houses. In addition to the LEAP, there should be 10% green space, which is not presently obvious.

5. The lack of good design - When the adjacent area was developed, only bungalows were allowed, in order to protect the ridgeline. This restriction has been re-enforced by ECC in the Alphington Development Brief: '*No buildings on the site should exceed 2 storeys in height.*' These plans reveal a number of houses that exceed this and that do not integrate with existing houses, whose views and privacy will be destroyed in some cases. For instance, what looks like a two-storey and high-density terrace is not appropriate on Shillingford Road, but should be placed in the middle of the development. See the Alphington Development Brief: '*Areas along the northern and southern boundaries of the site must be developed at around 20 dph. Higher densities will be appropriate towards the centre of the site.*'

Conclusion - The Alphington Village Forum is not satisfied with the outline plans submitted by Burrington Estates and objects to them for the following two main reasons:

The failure to include an access onto Chudleigh Road, which is absolutely essential for the bus route and in order to avoid utter chaos and huge danger on Shillingford Road, a steep and narrow hill.

The plans do not seem to adhere to a number of important statements in the Alphington Development Brief regarding green space and links, bus and cycle routes, and the layout and design of houses. We trust these aspects will be improved at the Reserved Matters stage.

*31 further of objections received following Burrington Estates submission.*

*Principal issues raised:-*

1. Overdevelopment/too dense/too many dwellings;
2. Transport plan under-represents traffic flows in the area;
3. Will add to existing road congestion, Chudleigh Road, Church Road and Shillingford Road already at capacity;
4. Transport plan inaccurate in terms of journey time and air quality impact;
5. Insufficient parking spaces in the area;
6. Poor/dangerous vehicular access;
7. Need for two access points as originally submitted;
8. Detrimental to the safety of pedestrians through increased traffic;

9. Poor drainage across the site;
10. Existing trees/hedges need retaining;
11. Adversely affect air quality in the area;
12. Pressure on existing schools and health facilities;
13. Impact on existing wildlife habitats;
14. Loss of privacy, proposed dwellings too close to existing properties;
15. Need to delay all development during the pandemic;
16. Footpath should be provide to link Royal Close open space to Markham Lane;
17. Need for bungalows rather than 2 storey house to be in character with the area;
18. Should show connection points through to adjacent development sites;
19. Need to ensure that there is 35% affordable housing;
20. Wildlife corridors must be created within the site;
21. More trees need to be planted within the site;
22. Existing green spaces should be extended;
23. Inappropriate location of open space;
24. Need to consult local landowners regarding access road location alongside adjacent sites;
25. Developer should provide allotments in accordance with the requirements of the Development Brief.

1 email of support – need for more houses in the area

## 12.0

### **Relevant Policies**

The site forms part of a larger planned urban extension encompassing adjoining land within Teignbridge District. Policy SWE1 of the Teignbridge Local Plan proposes an area of approximately 170 ha adjoining Exeter to be developed for the provision of at least 2,000 new dwellings, employment, a country park and associated infrastructure. The South West Exeter Masterplan (2012), produced by consultants on behalf of Exeter City Council, Teignbridge District Council and Devon County Council, indicates how the urban extension might be delivered in a sustainable manner.

### **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

CP19 – Strategic Allocations

*The area south of Alphington is proposed for around 500 dwellings and all associated infrastructure including:-*

*-green infrastructure framework;*

*-low and zero carbon infrastructure;*

*-enhancements to transport infrastructure in particular the strategic road network;  
and*

*-contributions towards other educational, social and community facilities.*

*The relevant Core Strategy text states that:-*

*South of Alphington, between the urban area and the city boundary, there is capacity for around 500 dwellings. The area would deliver a compact urban extension with associated infrastructure.*

*The area consists of a number of fields with mature boundary hedges that rise gently to the south to a ridge. This prominent ridge forms the city's administrative boundary and proposals should respond sensitively to this feature.*

*The development form would be expected to relate well to adjoining housing. Densities should be appropriate to the location and it will be important to ensure that the amenity of existing residents is protected. The development should follow the principles of good urban design to ensure that the resulting development is both attractive and locally distinctive.*

*The development must have good permeability for pedestrians and cyclists throughout with links to surrounding areas. The development would also be expected to contribute to enhanced transport infrastructure within the area. Improvements to the Alphington Road corridor will be required, a proposed enhanced public transport service could link this development to the City Centre, and a new rail halt at Matford on the Exeter to Plymouth line is proposed.*

*The development of 500 new dwellings would result in significant additional pressure on existing facilities. Contributions towards the improvement of existing*

*educational, social and community facilities, will be sought where no facility is required on site.*

*Whilst the capacity of the land within the city is for around 500 dwellings, the Regional Spatial Strategy Proposed Changes proposed an urban extension to the south west of the city of around 2,500 dwellings that would include the dwellings within the city and approximately 2,000 dwellings in Teignbridge. The prospect of a larger urban extension offers both challenges and potential opportunities. The larger urban extension could support its own centre, on-site community facilities, including a new secondary school, a new park and ride, significant green infrastructure and improvements in the movement network giving access to surrounding countryside. Teignbridge and Exeter will work closely together to ensure a comprehensive masterplan guides the area.*

### **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**

Alphington Masterplan Study November 2010.

Net-Zero Exeter 2030 Plan July 2020 to inform all policy documents, plans and corporate decision making in response to the Climate Emergency and in pursuance of the goal to make Exeter a carbon neutral city by 2030

## **Development Brief for South West Alphington**

Summary of Brief relevant to these outline applications.

The development as a whole must deliver a mix of housing that is informed by context and the most up-to-date Strategic Housing Market Assessment for Exeter. Any development must include 35% affordable housing, subject to viability, to be provided on-site as an integrated part of the scheme. Co-operative housing may form part of the affordable housing mix. The City Council will accept the provision of an extra care facility as part of the development and as part of the affordable housing provision.

The site area must be developed for residential use, at a density, which represents an efficient use of land. An average net density of less than 30 dph is

unlikely to be consistent with this. Recent developments on the edge of Exeter have achieved an average net density of around 35 dph. In order to respect the character and appearance of neighbouring residential areas, the topography of the site and its proximity to a Scheduled Ancient Monument, those areas along the northern and southern boundaries of the site must be developed at around 20 dph. Higher densities will be appropriate towards the centre of the site.

1.44 ha of the site must be provided as level public open space. The public open space must be an integral element of the site's overall design and located so as to maximise the use of SUDs and contribute towards biodiversity conservation and enhancement. All new homes must be within easy walking distance of the public open space. The open space must include a LEAP on that part of the site to the west of Chudleigh Road. Management arrangements for the LEAP and NEAP must be included in any development proposals.

An Arboricultural Report must be prepared at the pre-application stage and agreed with the City Council. The Report must identify all existing trees and hedgerows to be retained. These must be incorporated into a landscape and green infrastructure framework for the new development, which must also include additional planting of trees and shrubs of species that are appropriate to the area. In particular, additional tree planting will be required along all road frontages and the southern / south-eastern boundaries of the site, in order to partly screen and buffer the development. Subject to the conclusions of the Arboricultural Report, trees within the site may be made the subject of a Tree Preservation Order.

Development must provide for a net gain in biodiversity at the site. An ecology survey must be carried out by the developers at the pre-application stage, in order to establish the current ecological value of the site. Development must avoid damage to features of ecological value, mitigate any direct impacts and finally offset any unavoidable residual impacts.

*The site must be developed as a place which encourages residents to walk, cycle or use public transport or a car club as an alternative to the private car.*

Development of the site will generate additional traffic. So that the existing highways network can accommodate this traffic, new residents must be encouraged to access jobs and facilities on foot, bicycle or public transport wherever possible. Accordingly:

The developer must prepare a Travel Plan and an Air Quality Management Assessment (AQMA) at the pre-application stage. These must be agreed with the local planning authority. The AQMA must consider any increased loading on Exeter's Air Quality Management Area.

The following three off-site projects Village Public Realm Enhancement Scheme, Loram Way Cycle Link and Upgrade of/Extension to the A Bus Service are

necessary to the sustainable development of the site. The developer will be required to pay a financial contribution totalling £1,290,000 towards these three projects. The contribution will be secured by means of a Section 106 Agreement.

The developer will be required to pay a financial contribution towards establishing a Car Club at the site, to help minimise traffic generated by any development. The total financial contribution will depend on the number of dwellings proposed and will be calculated in accordance with the City Council's Sustainable Transport SPD. The contribution will be secured by means of a S106 Agreement.

The developer will be required to fund the provision of a high quality pedestrian and cycle route along the site's southern boundary, including Markham Lane, via a Section 106 Agreement. Any new homes built along the southern boundary must be oriented to face the route, so as to promote safety through natural surveillance.

All dwellings should include secure cycle parking in accordance with the City Council's Sustainable Transport SPD. Developers are encouraged to include charging facilities for electric vehicles. As a minimum, ducting and the potential for easy connection to the electricity network should be provided in accordance with the SPD.

Motor vehicle access into/out of the site must only be taken from Shillingford Road, Chudleigh Road and Dawlish Road.

Any planning permission for development at the site will be conditioned to require the submission of a Construction Traffic Management Plan. The Plan must include appropriate routing of heavy vehicles to and from the site via the A379, together with the provision of temporary yellow signs advertising the appropriate routes.

Connected to the development of the site and wider urban extension, the City Council will also continue to explore, alongside Devon County Highways, the potential for the provision of a safe walking and cycle route along Chudleigh Road.

*The site must be developed as a place which uses low and zero carbon energy and makes efficient use of natural and local resources.*

A Decentralised Energy Network providing low carbon heat to developments in this area (through a low temperature hot water district heating network) is viable and feasible. Therefore, development must be designed so that the internal systems for space and water heating are capable of being connected to such a network and the necessary on site infrastructure shall be put in place for connection of those systems to the network. If this is shown to be unviable or

unfeasible for any individual development, then alternative solutions that would result in the same or better carbon emissions reduction must be implemented.

The development must make efficient use of natural resources, locally sourced and recycled wherever possible, and minimise construction waste and water use.

The development must achieve high standards of fabric energy efficiency, reduce energy demand, incorporate low carbon energy technologies and reduce carbon emissions from heat and power generation.

### **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

The consideration of the application in accordance with Council procedures will ensure that views of all those interested are considered. All comments from interested parties have been considered and reported within this report in summary with full text accessible via the Council's website.

It is acknowledged that there are certain individual properties where there may be some adverse impact and this will need to be mitigated as recommended through imposing conditions to ensure that there is no undue impact on the home and family life for occupiers. However, any interference with the right to a private and family life and home arising from the scheme as result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the city and wider area and is proportionate given the overall benefits of the scheme in the provision of homes, including affordable housing and economic benefits.

Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land.

This Recommendation is based on consideration of the proposal against 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 the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons 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 had due regard to the matters set out in section 149 of the Equality Act 2010.

## **15.0 Financial benefits**

The requirements to set out the financial benefits arising from a planning application is set out in s155 of the Housing and Planning Act 2016. This requires that local planning authorities include financial benefits in each report which is:

- a) made by an officer or agent of the authority for the purposes of a non-delegated determination of an application for planning permission; and
- b) contains a recommendation as to how the authority should determine the application in accordance with section 70(2) (of the Town and Country Planning Act 1990).

The information on financial benefits must include a list of local financial considerations or benefits of a development which officers consider are likely to be obtained by the authority if the development is carried out including their value if known and should include whether the officer considers these to be material or not material.

### Material considerations

Affordable housing contribution of 30%;

District heating connection;

Pedestrian/cycle bridge contribution of £1,104 per dwelling;

Chudleigh Road/A379 improvements works contribution of £3,798 per dwelling;

Alphington Public Realm Works contribution of £1,100 per dwelling;

Loram Way Cycle link contribution of £375 per dwelling;

Bus Service upgrade/extension contribution of £1,750 per dwelling;

Car Club contribution of £132 per dwelling;  
Travel planning contribution £500 per dwelling;  
Traffic Regulation Orders of £5,000  
Markham Lane contribution  
GP contributions £384 per dwelling;  
Educational contribution

#### Non material considerations

CIL contributions -The adopted CIL charging schedule applies a levy on proposals that create additional new floor space 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.

## **16.0**

### **Planning Assessment**

The key issues are:

1. Principle of the Proposed Development
2. Access and Transport Issues
3. Alphington Development Brief
4. Affordable Housing
5. Ecological Issues
6. Habitat Mitigation
7. Layout and Design
8. District Heating
9. Education
10. Need for an Environmental Impact Assessment
11. CIL/Section 106

### **Principle of Development**

The application site for Alphin Farm West is contained within the Alphington strategic housing allocation identified in the Exeter Core Strategy 2012 as part of an urban extension to the south west of the city for around 2,500 dwellings, which would include the dwellings within the city boundary and approximately 2000 dwellings in the Teignbridge area. Policy CP19 of the Exeter City Core Strategy designates the site within its strategic residential site allocation as part of the intention to provide for around 500 dwellings. This application proposes up to 116 dwellings, which will form part of what in future will be South West Exeter urban extension. An application has also been approved subject to the completion of a Section 106 agreement for the site known as Alden Farm East on behalf of Redrow Homes (15/0640/OUT) on part of the allocated strategic

housing site between Chudleigh Road and Dawlish Road. Further confirmation of the site's intended use for residential development is contained within South West Masterplan 2012 and the Development Brief for South West Alphington 2014. Consequently the site's use for residential development is wholly appropriate and as stated within the National Planning Policy Framework 'the presumption in favour of sustainable development paragraph 11 *'...this means approving development proposals that accord with an up-to-date development plan without delay...'*.

Whilst the principle of residential development for the site is appropriate, the details contained within the submitted application require specific consideration in respect of the access arrangements, which are not a reserved matter and the proposal's compliance with development plan policies and other material planning considerations. In particular, the South West Alphington Development Brief represents a material planning consideration which has been subject to public consultation and adoption. Accordingly this document carries significant weight and therefore is an important consideration in the assessment of these applications. The Alphington Forum has previously raised concern that the Brief had been given insufficient weight within the submitted planning application and have still highlighted areas of concerns which are stated in the representations section.

### **Access and Transport Issues**

Clearly the development of the Exeter sites for residential development cannot be considered in isolation from the major development being undertaken in the Teignbridge district. Consequently the Devon County Highway Authority has considered the highways and the associated infrastructure requirements in the context of this wider development allocation. The infrastructure planning approach adopted seeks to ensure that all development within the proposed Alphington allocation, and 2,000 dwellings in Teignbridge, contributes proportionally to the full package of infrastructure requirements necessary to make the development acceptable in planning terms. The financial contributions secured from the Section 106 agreements will assist in ensuring that the necessary infrastructure can be delivered effectively. In particular, major highway improvements are required to the Chudleigh Road/A379 junction to accommodate the increased traffic for the South West area and a new pedestrian/cycleway bridge across the A379 to access the new school, local centre and open space. The Highway Authority has requested that a financial contribution is made from each dwelling built towards these highway improvements.

In addition to the major highway works to serve these developments further improvements are necessary to meet the sustainable objectives of the Alphington Development Brief which intends *'... new residents to access jobs and facilities on foot, bicycle or public transport wherever possible...'*. In particular the Brief requires financial contributions towards public realm enhancements to promote

improved pedestrian and cycle access through the existing Alphington village; a Loram Way link to provide a cycle link between the sites and the Marsh Barton industrial estate; an upgrade/extension of bus services in the area, improvements to Markham Lane and a contribution towards establishing a car club. All these matters are addressed through a financial contribution per dwelling at rate which accords with the Alphington Brief and will be included in a Section 106 agreement

This outline application proposes all matters to be reserved except for access and therefore this needs specific attention. The Core Strategy's allocation of these sites for housing means that at a strategic level they have been deemed appropriate to accommodate the additional transport movements residential development of this scale would generate. The submitted plans detail the position of the access, visibility splays and proposed footway in respect of Shillingford Road. Unlike the previous submission the internal road does not indicate a link from Shillingford Road to Chudleigh Road, which would complete road infrastructure considered important to create a bus route through all the strategic housing allocations within Exeter area. The submitted plan indicates the internal road terminating at the eastern boundary. The applicant has stated that the land to the east of the application site is not within their control and therefore unable to be delivered as part of this application. However it is important that the comprehensive development of the area identified in the Development Brief is achieved as the potential for improved bus services for the area is recognised in sustainable transport terms as an alternative to increased car travel. Consequently it is proposed that the applicant enters into Section 106 Agreement to ensure their obligation to safeguard a future vehicular route through the site suitable for buses to the eastern boundary of the site. Whilst the indicative layout shows where this may be located the exact position will be dependent on future discussions with the adjacent landowners to enable a coordinated approach to be taken.

It is important to note that the absence of a second vehicular access onto Chudleigh Road does not however preclude the site for housing development. Following the increased width of the access onto Shillingford Road the County Highway Authority raises no objection to the proposed vehicular access subject to the imposition of a conditions to ensure compliance with the details of the vehicular access, visibility splays and pedestrian footways being provided prior to occupation. However given the absence of a second access the highway officer has recommended the number of dwellings occupied be limited to 75 until the vehicular access linking Shillingford Road to Chudleigh Road suitable for two way bus flow has been completed. This has been accepted by the applicant and will ensure that they actively seek to engage with the adjacent landowners to provide the link and release the remaining up to 41 dwellings. This requirement will be imposed by a planning condition.

Both the Alphington Forum and Teignbridge District Council have highlighted concerns about pedestrian and cycle connections between the existing built up area of Alphington and the future new development to the south in the Teignbridge area. Members will recall that the original scheme indicated that the bus link was shown to cut through to Markham Lane and into the neighbouring site located with the Teignbridge area to the south. This vehicular route has been deleted from the plans for this application and as noted within the Teignbridge District Council response is to be welcomed. The illustrative plans indicate that the route pedestrian/cycle links will be provided onto Markham Lane and the exact location and amount of hedgerow to be removed agreed at the reserved matters stage. The initial location indicates that they would align with the future routes proposed within the draft layout by Vistry Homes on the Teignbridge side. In accordance with the Development Brief a financial contribution towards the funding of a high quality pedestrian and cycle route towards Markham Lane, proportionate with this development's location adjacent to the lane, is required. In addition, pedestrian/cycle links are proposed to the north into Veitch Gardens and Royal Close, which will be confirmed at the reserved matters application stage. It is considered that coupled with the provision of a 2 metre wide footway along the length of the Shillingford Road bordering the application site and the link into the future development site to the east, this will provide an appropriate level of pedestrian/cycle accessibility for this site as anticipated by the Development Brief.

Members at the previous meeting requested an update on the County projects in respect of the railway halt and park and ride at Alphington. Since the last meeting in December 2018 these major project have not yet progressed, although it is understood that the County are currently seeking funding for the Marsh Barton railway halt, and it is understood that work may commence next year. The highway officer has previously advised that the proposed development is not dependent on these projects for the scheme to be acceptable in transport terms. However it is accepted that these schemes would help to improve the public transport options for existing residents living in Alphington and those within the development site and reduce the reliance on the private car travel. Given the highway advice and the various contribution, which are required in respect of this application in transport terms, it would be unreasonable to withhold consent for this development until progress on the railway halt has been made.

In summary, the County Highway Authority has raised no objection to the proposed vehicular accesses at 6 metres in width and therefore is considered appropriate. It is considered that the imposition of a conditions to ensure compliance with the details of the vehicular access, visibility splays and pedestrian footway prior to occupation are required. In addition financial contributions are required towards sustainable forms of transport in the area.

## **Alphington Development Brief**

As previously stated the Development Brief for the South West Alphington represents a material consideration. This report has highlighted that the transport issues which seek to encourage residents to walk, cycle or use public transport and includes a car club, travel planning will meet the requirements as stated in the brief through financial contributions in the Section 106 agreement.

The Alphington Forum comments have raised concerns about two main aspects of the submission namely the lack of road link from Shillingford Road to Chudleigh Road suitable for buses and concerns that the layout does not address the requirements of the Brief in terms of green space, location of the LEAP and height of buildings. The previous section addresses the issues regarding the through road and consequently it still remains a requirement of both this developer and future applicants on adjacent sites to deliver this through route to accommodate buses. In respect of the submitted layout this remains for illustrative purposes only and will not form part of the approved plans. However the layout as submitted would allow for a footpath connection alongside the central hedgerow to be achieved. In addition siting of the open space and LEAP adjacent to an area of existing open space does appear logical, although this would also be the subject of future consideration at the reserved matters stage. The Design and Access statement does indicate that the houses alongside Markham Lane, on the more elevated parts of the site are to be two storey, which is in line with the brief. Whilst the densities for the various sectors of the site is not specified, the overall total density across the site is approximately 28 dwellings per hectare, which is below the Brief's requirement for 35dph. It is therefore considered that the layout provides the necessary reassurance that the resultant layout and design at the reserved matters stage could be achieved.

Whilst it is important to note that whilst the Alphington Development Brief represents a material planning consideration in the assessment of these applications, it needs to be balanced against other material considerations which will sometimes take precedence. However it is considered that the overall objectives of the Brief have been met through the conditions and requirements of the Section 106 Agreement, which will deliver significant financial contribution to public realm and sustainable transport improvement for Alphington.

## **Affordable Housing**

Core Strategy Policy CP7 and the Affordable Housing SPD requires 35% of the total number of units on sites to be for affordable housing. Following the submission of a viability appraisal in 2017 for Aldens Farm East (now the Redrow development) and the subsequent report from the Council's independent viability assessor it was accepted that this site would be viable to provide 30% affordable housing. Whilst this viability assessment did not directly report on Aldens Farm West, the Council's independent assessor was aware of both sites submitted by the same applicant (Devon County Council) and therefore the potential for the findings to be used for both Aldens Farm East and West. Recent discussions with the viability assessor confirm that it would be justified in terms of consistency

to use the same percentage of affordable housing for this site, as that recently approved for the Redrow site by Members in June 2020. For this application based on 116 dwellings 30% would equate to 34.8 units (for comparison 35% would result in a 40.6 affordable units). Whilst the number of dwellings is not fixed and will be subject to issues such as proposed layout, design and retention of landscape features it does provide an indication of the number of affordable units the site could generate. The reserved matters application would also have to include a 70/30 split in respect of social/intermediate housing, 5% wheelchair accessible units and a distribution of the affordable housing throughout the site to be secured within the Section 106 Agreement, which would align with that agreed for the Redrow scheme approved in June 2020.

Members raised concern at the previous Planning Committee meeting in December 2018 regarding the shortfall in the affordable units to achieve a policy compliant level. However since this meeting a revised application submitted by Redrow Homes at Aldens Farm East has received a resolution to approve subject to Section 106 Agreement requiring 30% affordable housing at Planning Committee in June 2020. In terms of consistency it is considered appropriate to apply the same tenancy split of 70/30 between social and intermediate as the Redrow and in line with the Affordable SPD. It is considered that ensuring the greater level of social rent units provides some compensation for the shortfall in the policy compliant level. The NPPF recognises that the submission of viability assessment is justified where the applicant wishes to demonstrate that they are not able to comply with the development plan policies. The viability assessment forms part of the planning balance for this case and is stated in the NPPF as being a matter for the decision maker.

### **Ecological Issues**

Given the proposed change of use for the land from grassland to residential development it is inevitable that the landscape and ecological character of the area will irreversibly change. As previously stated the site has been identified as strategic housing sites in the adopted Core Strategy and therefore this change to the landscape character has already been accepted.

The application have been accompanied by an updated Ecological Impact Assessment (April 2020). The ecological assessment describes the site as semi-improved grassland field with encroaching scrub and hedgerows including mature trees. The site was found to have evidence of a range of protected and notable species, including breeding bird, dormice, reptiles and commuting/foraging bats as well as potential for hedgehogs and toads. As the application is for outline planning permission the exact relationship of any buildings or roads to existing landscape features is not fixed, however it is estimated that 90 metres of hedgerow with the site would be removed to facilitate the access and visibility splays. Consequently it is considered appropriate to impose a condition on the application for a Biodiversity Mitigation and Enhancement Plan to ensure that the important environmental features of the sites are safeguarded and enhanced. It is anticipated that the important trees and

hedgerow along the boundaries of the site should be retained and supplemented where appropriate and would be looked at in more detail at the reserved matters stage.

The need for the protection of endangered species is the responsibility of the local planning authority under the Habitats Directive and the presence of a protected species represents a material consideration. In this respect the ecological appraisal specific surveys for dormice, reptile and bats including mitigation measures where appropriate have been undertaken. In addition, the report recommends that measure such as retention/maintenance of boundary hedgerows, provision of a wildflower meadow, buffers of long grass alongside hedgerows to provide wildlife habitats, dark areas corridors for bats, lighting strategy and integration of bat and bird boxes, insect bricks, dormouse boxes and habitat piles reptiles are provided. The ecologist's report concludes that although the proposed development will result in the loss of some habitat, the overall result will be a net gain for wildlife due to the enhancement/restoration of hedgerows and the creation of habitat features for a range of species. It is considered that the imposition of a condition requiring the submission of a Biodiversity Mitigation and Enhancement Plan prior to commencement on site will address the requirements of this report in respect of protect species and habitat management.

### **Habitat Mitigation**

The Council has undertaken an Appropriate Assessment for the site which concludes that, whilst the development has the potential to have a significant effect on the European Sites, and an adverse impact on the achievement of the conservation objectives for the sites, the impacts of the development can be mitigated through receipts from Community Infrastructure Levy to contribute towards the implementation of measure in the South East Devon European Site Mitigation Strategy, which are designed to avoid and mitigate the adverse impacts of increased visitor pressure brought about through population growth.

At the March 2017 meeting, the South East Devon Habitats Regulations Executive Committee agreed on the provision of four strategic Suitable Alternative Natural Green Spaces (SANGS). Natural England confirmed that the SANGS options as proposed would be delivering the Mitigation Strategy. One of the four SANGS will be delivered at South West Exeter. These SANGS will mitigate the impacts of development within the City, including at Aldens Farm. Habitats mitigation partner authorities are currently progressing implementation of this SANGS. Some of the CIL receipts from the Aldens Farm development (and other developments across the City) will contribute to funding the SANGS provision. There is consequently no requirement for onsite SANGS at Aldens Farm. It is reasonable to assume that the SANGS at South West Exeter will be 'user ready'/delivered ahead of the occupation of dwellings at Aldens Farm.

## **Layout and Design**

The submitted illustrative layout and Design and Access statement provides an indication of how the 116 dwellings could be accommodated on the site. The layout proposes dwellings fronting both Shillingford Road and Markham Lane, which is considered appropriate. The general approach is to create a series of blocks located off the main road, which runs through the centre of the site. Although it is unlikely that the bend in this main road is suitable for bus use the general approach is considered logical. The illustrative layout submitted indicates that sufficient space can be made available for open spaces, landscape/wildlife buffers as specified by the ecological assessment and to ensure that suitable distance is retained from adjacent existing residential properties. Comment has been made that a footpath link could be created between the connections into the Markham Lane to the open space alongside the existing hedgerow. However this matter of detailed layout can be agreed at the reserved matters stage. In addition, the exact location of the pedestrian/cycle points into Markham Lane can be agreed at this detailed stage, although as previously stated the indicative position contained with the illustrative plans aligns with the draft layout for the Vistry Homes development site in Teignbridge. The Design and Access Statement does highlight the need for properties alongside Markham Lane should not exceed 2 storeys to protect the ridgeline and these matters can also be picked up at the reserved matters stage.

## **District Heating**

Core Strategy Policy CP13, which is supported by NPPF paragraph 153a, requires that major developments will be required to connect to any existing or proposed Decentralised Energy Network in the locality to bring forward low or zero carbon energy distribution. Core Strategy Policy CP19 designates this area as a Strategic Allocation and identifies infrastructure to support it including low and zero carbon infrastructure. The creation of Heat Network is a central plank of the current UK Government Heat Strategy. The Energy from Waste (EfW) plant at Marsh Barton was constructed with the ability to supply heat to buildings in this area. It is currently operational but only exporting electricity. Technical and economic feasibility by WSP Parson Brinkerhoff has detailed the means by which heat can be supplied to the application sites on. Exeter CC, Devon CC and Teignbridge DC are engaged with developers interests at SW Exeter and a consortium of commercial partners interested in delivering and operating such a network. This commercial interest is on the basis of the dwellings which are the subject of this application being connected to that network.

The connection of this development to a District Heating Network, even if it powered by a gas burning combined heat and power engine producing heat and electricity, would mean that the dwellings meet the carbon emissions rate abatements required by Core Strategy Policy CP15. By connecting that network to the EfW plant very significant carbon emissions rate abatement would be achieved. This because using heat energy from the EfW plant means that greater

efficiency of that plant is achieved, as the EfW plant is 5 times more efficient in generating heat energy than electrical energy.

It is therefore recommended that conditions and clauses within the S106 are attached to this consent to require connection to the District Heating network unless it can be shown, prior to the commencement of construction of any phase of the development, that to do so would not be viable or feasible or would unreasonably delay construction of that phase.

### **Education**

Devon County as the education authority has commented that a new school is planned at South West Exeter to meet the need for school places from the development and the wider area. This is planned as an all-through school, which includes both primary and secondary provision in one school. It will also have a nursery for pre-school age children.

The school will be run by Ted Wragg Multi Academy Trust. This was approved as part of the free school competition programme, run by central government. The free school competition programme allows for school providers to apply to run new schools. As the school has been secured through this process, it will be delivered by the Education and Skills Funding Agency (ESFA) and Devon County Council are working closely with the ESFA and Ted Wragg Multi Academy Trust on the delivery of the school. Work is progressing to enable the delivery of the school and it is expected that the school will be in place alongside the delivery of the development.

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 £728,640 has been requested incorporating £464,551 (primary); £235,089 (secondary) and £29,000 (early years) based on the total 116 units being built. This is to be secured via the Section 106 Agreement.

### **Need for an Environmental Impact Assessment**

Some residents originally expressed concern that the application was not accompanied by an Environment Statement in accordance with Environment Impact Assessment (EIA) regulations. The local planning authority has provided a screening opinion that concludes that an EIA in this instance is not required. Whilst the proposal requires significant supporting documentation, which has been provided, to make an appropriate assessment in the context of this planning application, it is important to note that the site has been identified for development in the Exeter Core Strategy. In addition, Members are advised that the Planning Practice Guidance 'Environmental Impact Assessment' states that 'only a very small proportion of Schedule 2 development (which this development falls within) will require an assessment...'. The Guidance goes onto state that it is for the local planning authority to consider whether a proposed development requires an Environmental Impact Assessment.

## **CIL/S106**

The development is CIL liable and a S106 agreement will be required to secure the affordable housing provision, highway contributions, education, GP provision and agreement of future management of the open space/LEAP.

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 floorspace) 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.

In their consultation response as Education Authority DCC have highlighted the additional demand for early years, primary and secondary places arising from the development. They have also identified a lack of capacity within the system to meet this additional demand generated by the new housing proposed. Consequently they have requested education contributions be secured through S106 contributions as set out under the consultations section of this report in line with their published methodology.

The applicant's agent has sought Counsel's opinion on this matter and contests the basis of the County's request for such S106 contributions, and its compliance with the relevant legal tests appertaining to S106 contributions. This matter has been passed to the County for their consideration but in the absence of any further consultation response from them revising their position it remains the case that the relevant contributions identified by the Education Authority as a consultee to the City Council on the proposal are required to be secured through S106 contributions to mitigate the impacts arising from the development and make it acceptable in this respect. The proposed heads of terms for the S106 thus reflect DCC education contributions request. The proposed heads of terms for the S106 thus reflect DCC education contributions request.

## **17.0**

### **Conclusion**

The site is designated in the Core Strategy as being appropriate for residential development. In time the site will form part of the South West Exeter urban expansion totalling 2,500 dwelling between Exeter and the Teignbridge district. This revised application has been accompanied by detailed specialist reports which address the fundamental issues relating to these sites such transport impact, air quality and ecology. Consequently it is considered that suitable conditions will be appropriate to address matters of details, which will inform the future detailed residential layout, green space and landscape enhancement particularly around the perimeters of the site. In addition, these conditions will ensure that the objectives of the Alphington Development Brief are largely addressed and as stated above will deliver significant financial contributions to the public realm, sustainable transport objectives for Alphington and district

heating to serve the new development. Whilst it is unfortunate that the 35% development plan compliant level of affordable housing is not being proposed, the development will still potentially result in up to 35 additional affordable units and up to 116 dwellings in total to help meet the Council's 5 year housing supply.

The Section 106 agreement will ensure the highway infrastructure namely the improvements to the Chudleigh Road/A379 junction and pedestrian/cycle footbridge is provided which are considered necessary for the South West Alphington development both with Exeter and Teignbridge. In addition, the agreement will ensure a 30% affordable housing provision and the district heating for the development site. Whilst the reserved matters application will require careful attention to ensure an appropriate layout and design for this area, it is considered that the combination of the proposed conditions and Section 106 agreement will ultimately result in a sympathetic development for this allocated housing site.

**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**

30% contribution (70% of the affordable units are to be social rent and the remainder to be intermediate affordable housing) - 5% of the affordable units to be wheelchair accessible

50% of AH units to be constructed and made available for occupation prior to the occupation of 60% of Open Market units. Remaining 50% of AH units to be constructed and made available for occupation prior to occupation of 90% of Open Market units.

#### **Transport**

Contributions required as follows:

- Pedestrian/cycle bridge contribution of £1,104 per dwelling
- Chudleigh Road/A379 improvements works contribution of £3,798 per dwelling
- Alphington Public Realm Works contribution of £1,100 per dwelling
- Loram Way Cycle link contribution of £375 per dwelling
- Bus Service upgrade/extension contribution of £1,750 per dwelling
- Car Club contribution of £132 per dwelling
- Travel planning contribution £500 per dwelling
- Markham Lane contribution (to be agreed)

In the case of the highway contributions all figures to be indexed linked from 2016.

For simplicity, the applicant has suggested the above is combined into one payment of £8,759 per dwelling (plus the Markham Lane contribution), payable as follows:

- First 25% prior to occupation of 25% of Open Market Units
- Further 25% upon occupation of 50% of Open Market Units
- Remaining 50% upon occupation of 75% of Open Market units.

Prior to commencement:

- Enter into S278 agreement
- One Traffic Regulation Order of £5,000.

### **Education**

Contribution to primary education of £4,004.75 per family-type dwelling (based on the DfE new build rate of £16,019 per pupil). This contribution would be used towards new primary provision in South West Exeter. One bedroom dwellings are excluded.

Contribution to secondary education of £2,026.83 per family-type dwelling (based on the DfE new build rate of £24,261 per pupil). This contribution will be used towards new secondary provision in South West Exeter. One bedroom dwellings are excluded.

Contribution of £250 per dwelling for Early Years provision. This will be used to provide early years provision for pupils likely to be generated by the proposed development. This contribution will be used towards new early years places in South West Exeter. One bedroom dwellings are excluded.

Payments to be provided as follows:

- First 25% prior to occupation of 25% of Open Market Units
- Further 25% upon occupation of 50% of Open Market Units
- Remaining 50% upon occupation of 75% of Open Market units.

### **GP Facilities/Provision**

£384 per dwelling towards enhanced GP facilities in the locality

### **Open Space / Landscaping**

No more than 75% of dwellings shall be occupied until the POS has been laid out in accordance with the approved plans.

Prior to completion of POS/LEAP areas, details of management company to be provided.

### **District heating connection.**

### **Safeguard access/bus link to eastern boundary**

*All S106 contributions (with the exception of the highway works) to be indexed linked from the date of resolution.*

**And the following conditions:**

1. Approval of the details of the layout, scale, appearance of the buildings 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.

2. 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.

3. In respect of those matters not reserved for later approval the development hereby permitted shall be carried out in accordance with the proposed access scheme shown on drawing no.14807-HYD-XX-XX-DR-TP-0201 rev P02.

Reason: To ensure that an appropriate vehicular access is provided to serve the development.

4. No part of the development shall be occupied until pedestrian/cycle links onto Shillingford Road, Veitch Gardens and Markham Lane to existing highways have been completed with details that shall have been submitted to, and approved in writing by, the Local Planning Authority

Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 108 of the NPPF.

5. No part of the development shall be occupied until a 2m footpath adjacent to Shillingford Road as indicated on *Drawing Number 14807-HYD-XX-XX-DR-TP-0201 Rev P02* have been completed with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and with the Local Highway Authority

Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108 and 110 of the NPPF

6. No more than 75 dwellings shall be occupied until a vehicular route from Shillingford Road to Chudleigh Road capable of accommodating two-way bus flow through the site have been provided to a specification agreed in writing with the Local Planning Authority and with the Local Highway Authority

Reason: To ensure the site is served by sustainable transport modes required to meet the agreed residential trip rates and to ensure that a safe and suitable

access to the site is provided for all users, in accordance with Paragraph 108 of the NPPF.

7. If, during demolition/ development, contamination not previously identified is found to be present at the site then the Local Authority shall be notified as soon as practicable and no further development (unless otherwise agreed in writing with the Local Planning Authority), shall be carried out until the developer has submitted an investigation and risk assessment, and where necessary a remediation strategy and verification plan, detailing how this unsuspected contamination shall be dealt with. Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy, shall be submitted to and approved by the Local Planning Authority.  
Reason: In the interests of the amenity of the occupants of the buildings hereby approved.

**8. 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: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

**9. Pre-commencement condition:** No development shall take place until a Waste Audit Statement for waste arising from the development has been submitted to and agreed in writing by the Local Planning Authority. The statement shall include:

- a) methods to reduce the amount of waste material
- b) methods to re-use the waste within the development
- c) methods for the reprocessing and/or final disposal of excavated materials, including locations (which should hold appropriate planning permission, Environment Agency licences and exemptions) where such activities will take place
- d) estimated quantities of excavated/demolition materials arising from the site
- e) evidence that all alternative methods of waste disposal have been considered
- f) evidence that the distance travelled when transporting waste material to its final disposal point has been kept to a minimum.

Reason: The development shall be carried out in accordance with the approved statement.

**10. Pre-commencement condition:** Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife,

together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved Plan and programme of implementation.

Reason – In the interests of securing a comprehensive approach to the preservation and enhancement of the landscape and ecological interest of the site.

**11. Pre-commencement condition:** No development (including ground works) or vegetation clearance work shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inclusive: 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) the proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) details of the amount and location of construction worker parking.
- (n) photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Reason: To minimise the environmental impacts of the construction process for local residents and in the interests of amenity.

**12. Pre-commencement condition:** No development shall take place until a noise quality assessment has been carried out in accordance with a programme and methodology to be agreed in writing by the local planning authority and the results, together with any mitigation measures necessary, have been agreed in writing by the local planning authority. The development shall not be occupied until the approved mitigation measures have implemented.

Reason: In the interests of residential amenity.

13. Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with our DCC groundwater monitoring policy.

(b) A detailed drainage design based upon the approved Flood Risk Assessment and the results of the information submitted in relation to (a) above

(c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.

(d) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(e) A plan indicating how exceedance flows will be safely managed at the site.

(f) Evidence there is agreement in principle from the landowner/DCC highways/SWW

(g) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor. No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (g) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

**14. Pre-commencement condition:** No development shall take place until an air quality report has been submitted and agreed in writing by the Local Planning Authority of how good design principles and best practice measures, as outlined in Chapter 5 of the IAQM/EPUK guidance Land-Use Planning & Development Control: Planning For Air Quality, will be incorporated to ensure that emissions are fully minimised. The development shall not be occupied until the agreed measures have implemented.

Reason: In the interests of residential amenity.

**15. Pre-commencement condition:** No development shall commence until details of the open space provision (to be not less than 10% of the total site area and excluding hedgerow and associated buffer area) and children's play equipment has been submitted to and approved in writing by the local planning authority and thereafter installed to an agreed timescale and maintained in accordance with the agreed details.

Reason: In the interests of residential amenity.

16. With the exception of the approved removal of the accesses for the site any trees and hedges on or around the site shall not be felled, lopped, or removed without the prior written consent of 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.

17. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the tree protection plans submitted as part of a arboricultural Survey before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

Reason: 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.

18. Unless it is agreed in writing by the Local Planning Authority prior to commencement that it is not viable or feasible to do so , or would unreasonably delay construction the habitable buildings comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that their internal systems for space and water heating are capable of being connected to the proposed low temperature hot water decentralised energy district heating network. Space shall be provided for the necessary on-site infrastructure (including pipework, plant and machinery) for connection of those systems to the network at points at the application site boundary, as agreed in writing by the local planning authority.

Reason: To ensure that the proposal complies with Policy CP13 of Councils Adopted Core Strategy and paragraph 153 of the NPPF and in the interests of delivering sustainable development.

19. The development shall achieve a 19% reduction in CO2 emissions over than necessary to meet the requirements of the 2013 Building Regulations.

Reason - In the interests of sustainable development and in accordance with Exeter Core Strategy Policy CP15.

## 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.

**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**

In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters –

Affordable Housing  
Education contribution  
GP contribution  
Highway infrastructure contributions  
Travel Planning contribution  
Traffic Regulation Order contribution

The proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, and 10, and policies CP4, CP5, CP7, CP9, CP10, CP13, CP16 and CP17, Exeter Local Plan First Review 1995-2011 saved policies H6, T3, DG1 and DG4 Exeter City Council Affordable Housing Supplementary Planning Document 2014, Exeter City Council Sustainable Transport Supplementary Planning Document 2013.