

# Planning Committee Report [22/0537/OUT]

## 1.0 Application information

<b>Number:</b>	22/0537/OUT
<b>Applicant Name:</b>	Waddeton Park Ltd
<b>Proposal:</b>	Outline planning application for the demolition of existing buildings and structures and the phased development of up to 350 dwellings and associated infrastructure and open space. (All matters reserved except access)
<b>Site Address:</b>	Land At St Bridget Nursery Old Rydon Lane Exeter
<b>Registration Date:</b>	7 April 2022
<b>Link to Documentation:</b>	<a href="https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=RABXGTHB03800">https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=RABXGTHB03800</a>
<b>Case Officer:</b>	Christopher Cummings
<b>Ward Member(s):</b>	Cllr Joshua Ellis-Jones, Cllr Andrew Leadbetter, Cllr Rob Newby

### REASON APPLICATION IS GOING TO COMMITTEE

The Director of City Development considers the application to be a significant application that should be determined by the Planning Committee in accordance with the Exeter City Council Constitution.

## 2.0 Update following 08 February 2023 Planning Committee

At the Planning Committee held on 08 February 2023 Members resolved to defer a decision on the application to allow further discussions with the applicant in relation to issues raised by Members regarding highways safety at the junction between Old Rydon Lane and Rydon Lane and the use of third party land to the north-east to connecting to an existing roundabout spur.

A copy of the original 08 February Planning Committee Report and the Additional Information sheet are at Appendix 1 and 2.

## 3.0 Summary of Additional Information

*Old Rydon Lane/Rydon Lane junction*

The Highway Authority have confirmed that traffic lights are not suitable in this location for pedestrians cross Old Rydon Lane at this point due to the impact of queuing traffic on Old Rydon Lane.

A recommendation from the Highway Officer made following Committee was the use of coloured paving to enhance visibility of the raised table to drivers.

A Transport Note and revised plans were submitted following the Committee meeting. This set out that the level of incidents at the existing junction are similar to junctions with similar type and characteristics. Analysis of the incident data did not indicate any obvious trends in terms of accident types or causes.

In relation to the recent incidence involving a cyclist and motor vehicle it is unclear at this stage what the cause of the collision is, but it is noted that this is the only incident in the past 10 years involving a pedestrian or cyclist, demonstrating that the existing junction is not inherently unsafe.

In line with recommendations from the Highway Authority it is proposed to deliver the raised table crossing in a different surface material and colour. This is proposed to be green bricks, but will be subject to Highways approval as part of S278 works. These alterations will improve the visibility of the crossing which, in combination with the gradient of the raised table, will aid in reducing speeds at this junction point.

Further information was provided on public transport accessibility, with the closest bus stops being 550m distance on Newcourt Way), with alternative sites at Omaha Drive and Tesco filling station.

The statement also restated details of the submitted Transport Assessment, in relation to downgrading and restricting traffic on the western part of Old Rydon Lane, improvements to pedestrian/cycle facilities and routes and the provision of a mobility hub.

The access has been subject to a Stage 1 Road Safety Audit and no objection has been received from the Highway Authority in relation to the access measures proposed.

#### *Connection to the North East*

The applicant was approached regarding a potential agreement with 3<sup>rd</sup> party land owners to connect to the Ikea roundabout and existing connection spur.

A statement was submitted by the planning agent setting out that whilst a connection is proposed to the site boundary as part of this application they will not provide the connection through this 3<sup>rd</sup> party land.

The reasons for this are set out in the statement and summarise that the existing plans are considered to provide safe and suitable access and have raised no objections from the Highway Authority. As such, the delivery of this allocated site is considered to have suitable proposed access.

The statement continues that the alternative access arrangement falls outside their land ownership and that is not reasonable to impose a requirement on a development that is outside of site ownership with suitable access proposed.

The statement states that a ransom burden is proposed on access through 3<sup>rd</sup> party land at a cost of one third of the development value of the land. This cost would significant impact the ability of the development to provide the full extent of S106 agreements that have been sought.

The statement also covers the planning history of the neighbouring site and the lack of connecting road being provided through previous proposals.

#### **4.0 Additional Information Submitted**

- Committee Meeting Officer Briefing Transport Note 47450 (14 February 2023)
- Statement Letter DS/SJS/1878 (14 February 2023).

#### **5.0 Observations of Additional Information**

In relation to the Old Rydon Lane/Rydon Lane junction it is considered that the proposed alterations will improve the visibility of the raised table crossing and, in combination with its gradient, will reduce the speed of vehicles approaching it. The Highway Authority have raised no objection to the proposal and the additional information on incidents at the junction have confirmed that the existing junction is not inherently 'unsafe' and will see pedestrian/cycle crossing improvements through the new raised table design.

The statement regarding the use of third party land sets out clearly that the proposed access strategy utilising Old Rydon Lane is considered to be suitable by the Highway Authority and access to the north-east is not required to provide acceptable access.

A connection point will be created to the site boundary, however it is not possible to place conditions requiring use of third party land outside their ownership. The cost of the third party land was noted as being a third of the development value of the land, although exact financial details of this have not been provided to the Council.

This cost would limit the ability of the developer to provide the S106 contributions (e.g. affordable housing, medical or educational contributions) and this should be given weight when making a decision on this development.

In conclusion, it is considered that as the proposed access has been through a Road Safety Audit and found acceptable by the Highway Authority the access matters are acceptable. Whilst the use of third party land for a connection would be beneficial it is not possible require this through the planning system and measures are being

provided to the site boundary should the third party land come forward for development.

On balance, it is considered that the development in its current form is acceptable in relation to the access matters raised in the deferral and is therefore recommended for conditional approval, subject to the S106 agreement.

## **6.0 Summary of recommendation**

DELEGATE to GRANT permission subject to completion of a S106 Agreement and subject to conditions as set out in report below.

## **7.0 Recommendation**

### **A) DELEGATE TO DIRECTOR OF CITY DEVELOPMENT 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:**

- 35% affordable housing (at least 25% First Homes, 70% social rented and the remaining balance as intermediate)
- £607 per dwelling (up to £212,450) for additional healthcare services provided by Royal Devon University Healthcare NHS Foundation Trust
- £719.79 per dwelling (up to £251,927) for Special Education provision by Devon County Council Children's Services
- £584 per dwelling (up to £204,288) to provide additional capacity at local healthcare facilities in accordance with the comments by NHS Devon CCG
- £15,000 to Devon County Council for parking restrictions
- £1,359.51 per affordable dwelling to mitigate the impact of the development on the Exe Estuary SPA and the East Devon Pebblebed Heaths SAC and SPA
- Unencumbered vehicle and pedestrian/cycle link to the north-east site boundary.
- Pedestrian/cycle links to existing pedestrian/cycle path running adjacent to the northwest site boundary
- Public open space and play provision in accordance with the comments from the Public & Green Spaces Team

All S106 contributions should be index linked from the date of the decision.

And the following conditions:

**22/0537/OUT – Land at St Bridget Nursery, Old Rydon Lane**

**Outline planning application for the demolition of existing buildings and structures and the phased development of up to 350 dwellings and associated infrastructure and open space. (All matters reserved except access)**

**Draft Conditions:**

1. Reserved Matters

Details of the layout, scale, appearance and landscaping (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

**Reason:** To safeguard the rights of the local planning authority in respect of the reserved matters. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matters.

2. Standard Time Limits – Outline Planning Permission

Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission and the development hereby permitted must be begun not later than two years from the final approval of the last of the reserved matters to be approved.

**Reason:** To comply with Section 92 rule 2 of the Town and Country Planning Act 1990 as amended.

3. Approved Plans

The development hereby permitted shall be carried out on the land outlined in red on drawing number 200909 L 01 01 ('Location Plan') and shall not be carried out otherwise than in accordance with the plans listed below, unless modified by the other conditions of this consent:

- A379 / Old Rydon Lane Junction Layout And Primary Street Site Access (47450/5505/SK06 Rev A)
- Old Rydon Lane – Eastern Site Access With Downgraded Old Rydon Lane And Change of Priority With Primary Street (47450/5505/SK02 Rev B)

**Reason:** To ensure compliance with the approved drawings.

4. Replacement Tree Planting

The application(s) for approval of landscaping details shall include replacement tree planting on the site to compensate for the loss of trees for access.

**Reason:** In the interests of biodiversity, visual amenity and screening taking into account the submitted Tree Constraint Plans 05520 TCP 24.11.20 Sheets 1 to 3 and Ecological Impact Assessment.

#### 5. Landscaped Earth Bund

The application(s) for approval of landscaping details shall include a landscaped earth bund to mitigate the impact of noise generated by traffic on the A379 west of the site in accordance with the recommendations of the submitted Environmental Noise Assessment (AASW, September 2020).

**Reason:** In the interests of residential amenity and to provide an attractive, green edge to the site for users of the A379.

#### 6. Lighting Design Strategy – Dark Areas

The application(s) for approval of the reserved matters shall include a Lighting Design Strategy to maintain “dark areas” on the site incorporating:

- A map showing the “dark areas” that will be maintained on site.
- An evidence based assessment of light levels of the development, including buildings, vehicle headlamps and street lighting, comprising a written report and accompanying drawings of the site with the levels of predicted illuminance and light spill in and adjacent to the “dark areas” shown by appropriate isolines.
- Evidence to demonstrate that a light spill no higher than 0.5 lux will be achieved within the “dark areas”.
- Where c) is achieved either fully or in part through landscaping, details of the landscaping and its management to ensure it will maintain the “dark areas” in perpetuity. These details shall be incorporated into the details of landscaping and Landscape and Ecological Management Plan (LEMP) where applicable.

The Lighting Design Strategy shall be implemented and maintained as approved.

**Reason:** To prevent disturbance to bats taking into account the submitted Ecological Impact Assessment.

#### 7. Surface Water Drainage

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:

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

- A detailed drainage design based upon the approved Sustainable Drainage Strategy and Level 2 Flood Risk Assessment 515-FRA2 V2 (dated 31 January 2022) and the results of the information submitted in relation to (a) above
- Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- Proposals for the adoption and maintenance of the permanent surface water drainage system.
- A plan indicating how exceedance flows will be safely managed at the site.
- Evidence there is agreement in principle from South West Water for the new connection into their system.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) 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.

### ***Pre-commencement Details***

#### 8. Road Traffic Order

Prior to commencement of development hereby approved a Traffic Regulation Order shall be submitted and approved by the relevant Highway Authority and a copy submitted to and approved in writing by Local Planning Authority.

**Reason:** To ensure safe and acceptable access routes can be secured in accordance with the approved plans.

#### 9. Phasing Plan

Prior to the commencement of the development hereby permitted a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing plan.

**Reason:** To ensure all parts of the development, including infrastructure, are delivered in an appropriate order. A phasing plan is required before development begins to confirm the order the development will be carried out.

#### 10. Updated Ecological Surveys

No development shall take place on each phase of development or use of any part of the wider site in association with the construction, until an Ecology Report for the

relevant phase or area has been submitted to and approved in writing by the Local Planning Authority. The reports shall include updated ecological surveys for the phases and recommendations for mitigation to address the ecological constraints.

**Reason:** To make sure that the mitigation is still appropriate given the development will be delivered in phases over a long period of time. This is in accordance with current government guidance on protected species and development. These details are required pre-commencement as specified to ensure that appropriate mitigation measures are implemented during the construction phases based on the current ecological condition of the site.

#### 11. Construction and Environmental Management Plan (CEMP)

No development (including demolition and ground works) or vegetation clearance works shall take place in any approved phase of the development until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMPs shall be prepared in accordance with clause 10 of BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard, and include the following:

- Risk assessment of potentially damaging construction activities.
- Identification of "biodiversity protection zones".
- Mitigation Method Statements, in accordance with the recommendations of the approved Ecology Reports under condition 9.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMPs shall be adhered to and implemented throughout the construction period of the development strictly in accordance with the approved details.

**Reason:** To protect the biodiversity of the site including protected species, taking into account the recommendations of the submitted Ecological Impact Assessment. A CEMP is required before any development begins to ensure that appropriate mitigation measures are identified and carried out during the construction phase.

#### 12. Archaeology



No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

### 13. Contamination

No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

**Reason:** To protect the health and amenity of residents and visitors. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

### 14. Arboricultural Method Statement and Tree Protection Plan

No development (including ground works) or vegetation clearance works shall take place until an Arboricultural Method Statement and Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. This information shall be prepared in accordance with BS 5837:2012 ('Trees in relation to design, demolition and construction'), or any superseding British Standard, and include details of tree/hedgerow protection fencing, which must be erected prior to the commencement of the development and retained until the completion of the development. No vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences. The approved Arboricultural Method Statement and Tree Protection Plan shall be adhered to throughout the construction of the development.

**Reason:** To protect the trees and hedgerows to be retained in the interests of the amenities of the area and biodiversity, in accordance with saved Policy LS4 of the Exeter Local Plan First Review and the Trees in Relation to Development SPD (September 2009). These details are required pre-commencement as specified to

ensure that trees and hedgerows to be retained are not damaged by building operations or vegetation removal, including their biodiversity interests.

## 15. Construction Method Statement

Prior to the commencement of development in any approved phase a Construction Method Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Statements shall provide for:

- Timetable of Works
- Construction vehicle numbers, size, type and routing.
- Access arrangements to the site, including details of any new access being created.
- Traffic management requirements.
- Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas).
- The erection and maintenance of securing hoarding, if appropriate.
- Siting and details of wheel washing facilities.
- Cleaning of site entrances, site tracks and the adjacent public highway.
- Provision of sufficient on-site parking prior to commencement of construction activities and methods to promote car sharing to limit staff vehicles parking off-site.
- Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
- Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.
- Measures to control the emission of dust and dirt during construction.
- No burning on site during construction or site preparation works.
- Measures to minimise noise nuisance to neighbours from plant and machinery.
- Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
- Hours of construction working hours and deliveries limited to 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays unless alternative times have been agreed in writing with the Local Planning Authority.

The approved Statements shall be strictly adhered to throughout the construction period of the phase of the development to which they relate.

**Reason:** To ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that building operations are carried out in an appropriate manner.

## 16. Waste Audit Statement

Prior to the commencement of development in any approved phase, a Waste Audit Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. This statements shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statements.

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

## 17. Updated Acoustic Design Statement

Prior to commencement of each phase of the development the applicant shall submit for approval in writing by the LPA an updated Acoustic Design Statement, including assessment of overheating conditions. The Acoustic Design Statement should demonstrate good acoustic design, including achieving both sustainable acoustic comfort and sustainable thermal comfort. Any mitigation measures required shall be implemented in full prior to occupation of the development, and maintained thereafter.

**Reason:** In the interest of residential amenity and in accordance with recommendations set out in the submitted Environmental Noise Assessment. These details are required to ensure there is suitable residential amenity protection from noise impacts.

## ***During Construction***

## 18. Unexpected Contamination

If contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.

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

### ***Pre-specific Works***

#### **19. Bird Nesting Season**

No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird nesting season from March to September, inclusive. If this period cannot be avoided, these works shall not be carried out unless they are overseen by a suitably qualified ecologist and the reasons why have previously been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name and contact details of the ecologist. If nesting birds are found or suspected during the works, the works shall cease until the ecologist is satisfied that the nest sites have become inactive.

**Reason:** To protect nesting birds in accordance with saved Policy LS4 of the Exeter Local Plan First Review and paragraphs 179 and 180 of the NPPF (2021).

#### **20. Energy Performance Standard**

Prior to the construction of the foundations of any dwelling hereby permitted, the Design SAP calculation(s) of the dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the dwelling(s) will achieve a 19% reduction in CO2 emissions in relation to the level required to meet the 2013 Building Regulations, or if the dwellings are constructed to the 2022 Building Regulations that a reduction in CO2 emissions at the levels (or higher) set out in Part L of the 2022 Building Regulations will be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented. No dwelling shall be occupied until the As-Built SAP calculation of the dwelling has been submitted to and approved in writing by the Local Planning Authority to confirm that the CO2 reduction has been achieved.

**Reason:** To ensure the dwelling(s) will achieve the energy performance standard required by Policy CP15 of the Core Strategy, taking into account the Written Ministerial Statement on Plan Making (25 March 2015) requiring local planning authorities not to exceed the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes, in the interests of reducing greenhouse gas emissions and delivering sustainable development. (Advice: Please see Paragraph: 012 ID: 6-012-20190315 of the National Planning Practice Guidance on Climate Change for background information.)

#### **21. Materials**

Prior to the construction of any dwelling hereby permitted (except the foundations), samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials of the dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall be constructed in accordance with the approved materials.

**Reason:** To ensure good quality design and local distinctiveness, in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraph 130 of the NPPF (2021).

## 22. Nesting and Roosting Boxes

Prior to the construction of any dwelling hereby permitted (except the foundations), details of the provision for nesting birds and roosting bats in the built fabric of the dwellings shall be submitted to and approved in writing by the Local Planning Authority (with a minimum overall average ratio of 1 built-in nest/roost site per dwelling – provision can be more concentrated on dwellings in more suitable locations). The approved details shall be fully implemented as part of the development and retained thereafter.

**Reason:** To enhance biodiversity on the site in accordance with paragraph 9.28 and Appendix 2 of the Residential Design Guide SPD, and paragraph 180 of the NPPF (2021).

## 23. External Lighting

No external lighting shall be installed on the site unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.

**Reason:** To ensure lighting is well designed to protect the amenities of the area and wildlife.

### ***Pre-occupation***

## 24. Charging Points

Prior to occupation of any dwelling hereby approved a rapid charge Electric Vehicle charging point shall be provided for the dwelling at a level of 1 space per dwelling with off-street parking and 1 per 10 spaces for unallocated parking. The charging points shall be maintained at all times thereafter.

**Reason:** To mitigate environmental impacts from traffic emissions in accordance with Policy CP11 of the Core Strategy, taking into account good practice guidance in

Land-Use Planning & Development Control: Planning for Air Quality (IAQM, January 2017) and paragraph 112e) of the NPPF (2021).

#### 25. Site Access

Prior to the first occupation of the development hereby permitted a phasing plan for delivery of site access shall be submitted and approved by the Local Planning Authority. The approved access and egress points set out in the approved phasing plan shall be delivered prior to first occupation of any dwelling, with the remaining points delivered in accordance with the approved phasing plan details. The site access and visibility splays shall be constructed, laid out and maintained for that purpose in general accordance with approved drawings 47450/5505/SK06A, 47450/5505/SK02B and 47450/5505/SK01B where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway ( identified as Y ) shall be 43 metres in both directions.

**Reason:** To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water onto the highway.

#### 26. Cycle Parking

No dwelling shall be occupied until cycle parking has been provided for the dwelling in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The parking shall accord with the minimum parking standards for residents in Table 2 of the Sustainable Transport SPD and be designed in accordance with the guidance contained therein. The cycle parking shall be maintained at all times thereafter.

**Reason:** To encourage cycling as a sustainable mode of transport in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport Supplementary Planning Document (March 2013).

#### 27. Car Parking

No dwelling shall be occupied until the car parking for the dwelling and access thereto has been provided and made available for use. The car parking provided shall be in accordance with the details set out in the Residential Design Guide SPD (including number of spaces, access and size) and shall be maintained at all times thereafter and kept permanently available for the purpose of car parking.

**Reason:** To ensure that adequate car parking is provided and maintained for the dwellings, in the interests of highway safety and to protect the amenities of the neighbourhood.

## 28. Bin Storage Areas

No dwelling shall be occupied until refuse and recycling stores have been provided, in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The refuse/recycling stores shall remain in situ for their intended use at all times thereafter.

**Reason:** To accord with the Residential Design SPD (Chapter 8) and to ensure sufficient space is provided for the requisite number of receptacles.

## 29. Travel Plan

No part of the development shall be occupied until a Travel Plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. Thereafter the recommendations of the Travel Plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

**Reason:** To encourage travel by sustainable means, in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Supplementary Planning Document (March 2013).

## 30. Biodiversity Enhancement

Prior to the construction of any dwelling hereby permitted (except the foundations), a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority, taking into account the recommendations of the submitted Ecological Impact Assessment (SWE209 Version 2). The biodiversity enhancement measures in the approved BEP shall be fully implemented as part of the development and retained at all times thereafter.

**Reason:** To enhance biodiversity on the site in accordance with paragraph 9.28 and Appendix 2 of the Residential Design Guide SPD, and paragraph 180 of the NPPF (2021)

## 31. Delivery of highways

Prior to first occupation of any dwelling hereby approved a phasing plan for highway shall be submitted in writing to, and approved by, the Local Planning Authority. This phasing plan shall set out delivery of all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splays. The works shall be completed in accordance with the approved timeframe unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To ensure that the access arrangements are completed within a reasonable time in the interests of safety and the amenity of residents

## 32. Club Car and Club-Bike

No part of the development hereby approved shall be brought into its intended use until details of club car parking and a club-bike stations, including delivery timescales, have been submitted to, and approved in writing by, the Local Planning Authority. The approved club car parking and club-bike stations shall be delivered in accordance with the approved timetable and retained at all times thereafter.

**Reason:** To provide adequate facilities for sustainable transport and ECC Core Strategy CP9.

### **B) REFUSE PERMISSION FOR THE REASON SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 16 JULY 2023 OR SUCH EXTENDED TIME AS AGREED BY THE CITY DEVELOPMENT MANAGER**

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters –

- 35% affordable housing (at least 25% First Homes, 70% social rented and the remaining balance as intermediate)
- £607 per dwelling (up to £212,450) for additional healthcare services provided by Royal Devon University Healthcare NHS Foundation Trust
- £719.79 per dwelling (up to £251,927) for Special Education provision by Devon County Council Children's Services
- £584 per dwelling (up to £204,288) to provide additional capacity at local healthcare facilities in accordance with the comments by NHS Devon CCG
- £15,000 to Devon County Council for parking restrictions
- £1,359.51 per affordable dwelling to mitigate the impact of the development on the Exe Estuary SPA and the East Devon Pebblebed Heaths SAC and SPA
- Unencumbered vehicle and pedestrian/cycle link to the north-east site boundary.
- Pedestrian/cycle links to existing pedestrian/cycle path running adjacent to the northwest site boundary
- Public open space and play provision in accordance with the comments from the Public & Green Spaces Team

the proposal is contrary to Exeter Core Strategy Policies CP7, CP9, CP16, CP17, CP18 and CP19, Exeter Local Plan First Review 1995-2011 saved policies L4 and DG5, Exeter City Council Affordable Housing Supplementary Planning



Document 2014, Exeter City Council Sustainable Transport Supplementary Planning Document 2013 and Exeter City Council Public Open Space Supplementary Planning Document 2005.