

Planning Committee Report 23/1174/RES

1.0 Application information

Number: 23/1174/RES

Applicant Name: Mr Daniel Jessop, Edenstone Homes Ltd.

Proposal: Approval of reserved matters of layout, scale, appearance and landscaping pursuant to planning permission ref. 20/0538/OUT for the erection of 93 dwellings with associated access, drainage, open space, play area and landscaping.

Site Address: Land Off Spruce Close And Celia Crescent
Spruce Close
Exeter

Registration Date: 25 September 2023

Link to Documentation: <https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=23/1174/RES>

Case Officer: Catherine Miller-Bassi

Ward Member(s): Cllr Naima Allcock, Cllr Emma Morse, Cllr Ruth Williams

REASON APPLICATION IS GOING TO COMMITTEE

The Service Improvement Lead – 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 Summary of recommendation

GRANT permission subject to conditions as set out in the report and subject to submission of satisfactory drainage details.

3.0 Table of key planning issues

Issue	Summary
Principle of development	Acceptable – established by Outline consent, 20/0538/OUT
Character and appearance	Acceptable subject to further conditions
Residential amenity	Acceptable subject to further conditions
Heritage	Acceptable
Highways	Acceptable subject to further conditions
Biodiversity	Acceptable subject to further conditions

Issue	Summary
Contamination	Acceptable
Flood risk and drainage	Further information required
Sustainable construction	Acceptable
Affordable housing	Acceptable
CIL & developer contributions	Acceptable – S106 agreed at Outline
Other	Acceptable

4.0 Reason for the recommendation

The principle of the erection of 93 dwellings on this site and the proposed access arrangements have been approved at the Outline stage.

The proposal accords with the parameter plans approved under consent ref. 20/0538/OUT.

The reserved matters scheme has been amended during the course of this application in response to Officer concerns and these original issues are considered to have been resolved satisfactorily.

2no. public consultations have been undertaken and 30no. objections have been received.

Overall, no adverse impacts of this proposal are considered to outweigh the benefits, when assessed against the policies in the Development Plan taken as a whole.

On balance, therefore, this application is recommended for approval.

5.0 Description of site

The application site comprises two fields bounded by mature trees and hedges lying to the northeast of Celia Crescent and northwest of the Council-owned Land at Pinwood Meadow public open space that leads off Juniper Close and Spruce Close.

The red outlined site boundary also includes an access route to the southeast, leading off Pinwood Meadow Drive via Spruce Close and through the open space to the main site area.

The submitted Site Location Plan also shows a blue outlined area, indicating land owned by the applicants, to the north, northwest and northeast of the application site. This land comprises 3no. fields also bounded by mature trees and hedges, together with a wooded area along the west boundary of the blue outlined area.

6.0 Description of development

This application seeks approval of reserved matters of layout, scale, appearance and landscaping pursuant to planning permission ref. 20/0538/OUT for the erection of 93 dwellings with associated access, drainage, open space, play area and landscaping.

Outline application ref. 20/0538/OUT was recommended for approval by Officers and refused at the Planning Committee dated 11/10/21 by reason of non-compliance with the spatial strategy. The application was allowed at appeal, with a decision date of 25/08/22, following an inquiry.

The proposed access details were approved under the Outline consent as follows:

- 1no. access route off the southwest boundary of the main site, leading from the existing spur off Celia Crescent adjacent a detached block of garages.
- 1no. access route off the southeast boundary of the main site, leading southwest across the public open space and through an existing grassed tract between no.17 Spruce Close and no.12A Juniper Close to link into Pinwood Meadow Drive via the existing grassed amenity area on the northeast side of Spruce Close.

The submitted Design & Compliance Statement Rev.A. notes that:

- The site is currently greenfield which is privately owned and has no formal rights of way.
- The site has a gross developable area of 3.9 ha with an additional 9.13 ha allocated as new valley park.

The reserved matters scheme was taken to an Independent Design Review by Design West for Exeter City Council on 13/06/23. The proposal was amended in response to the Design Review prior to submission.

The reserved matters scheme has been further amended during the course of this application in response to Officer comments.

As confirmed by email from the applicants dated 12/01/24, the key revisions include:

- *Affordable mix revised to: 10 no. 1 bed apartments or maisonettes, 9 no. 2 bed houses, 11 no. 3 bed houses and 2 no. 4 bed houses. This is a significant change to the affordable housing mix to closely align with the Local Housing Needs Assessment, as required by the Section 106 agreement for the site.*
- *Clustering approach revised so that largest cluster is now 9 no. units*
- *Revised configuration of northern open space, introduction of community orchard on route from scheme to the New Valley Park*
- *Plot 60 and 61 now dual aspect for natural surveillance. Boundary treatments and landscaping added to side of properties for security.*
- *Open SUDS-type feature introduced to the street adjacent to Plots 33-36 to provide consistent and legible route between Juniper Green in the south and the new open space in the north. North-south route width maintained and to be planted up.*

- *Plots 43-47 now form gentle concave introducing interest along street scene*
- *Boundary treatments added to prevent access to maintenance corridor behind Plots 42-49 and Plots 1-41.*
- *Plots 19 and 20 reorientated to add interest to street scene*
- *Plot 67 amended to from 3-bed Wye to 4-bed Idris*
- *M4(3) Plot 69 and 74 have direct access to amenity space and dedicated parking adjacent to dwelling*
- *Car park re-designed for Plots 67-74 to remove no-mans land to north and integrate tree planting into car park*
- *Plots 67-74 garden sizes increased and each unit has private space, semi-formal space to the front of the block*
- *Landscape entrance feature introduced to in front of 67-74.*
- *Plot 77 amended from 2-bed Ogmore to 3-bed Wye*
- *Bridge type feature introduced over southern SUDS feature, rather than previous land bridge*
- *Generally reduction in frontage parking in favour of parking to the side of dwellings wherever possible*
- *All dual aspect units have 4 windows on side elevation to ensure natural surveillance*
- *Materials palette amended as per officer feedback*
- *Revised configuration of Plots 85-93 to enable garden access to be obtained directly from ground floor, remote gardens for First Floor Plot 88 and 91 are now accessible from front door and residents car park.*
- *Car park configuration amended*
- *Additional planting around south-eastern SUDS pond.*

7.0 Supporting information provided by applicant

The following documents have been submitted under this application:

- Design and Compliance Statement dated September 2023
- Secure by Design Statement
- Schedule of Dwelling Types, Rev.A, received 24/01/24
- Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement, dated 03/01/24, received 07/02/24

The following details are required by conditions attached to the outline consent (20/0538/OUT) to be submitted concurrent with the reserved matters application details:

- 5 Lighting Design Strategy
- 7 Surface Water Drainage
- 12 Landscaping Details and EMES
- 14 SAP
- 15 Bird/Bat Roost Details
- 16 Vehicular/Pedestrian/Cycle Route Details
- 17 Wearing Course Details
- 18 Rapid Charge Electric Vehicle Charging Points Details

- 19 Cycle Parking Details
- 20 Car Parking Details

These details have been submitted separately under application ref. 23/1175/DIS, which is currently under consideration.

8.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
<u>23/1175/DIS</u>	Discharge conditions 5 (Lighting Design Strategy), 7 (Surface Water Drainage), 12 (Landscaping Details and EMES), 14 (SAP), 15 (Bird/Bat Roost Details), 16 (Vehicular/Pedestrian/Cycle Route Details), 17 (Wearing Course Details), 18 (Rapid Charge Electric Vehicle Charging Points Details), 19 (Cycle Parking Details) and 20 (Car Parking Details) of planning permission ref. 20/0538/OUT - Outline application for up to 93 residential dwellings.	PENDING	
<u>23/0309/MDO</u>	Modify S106 agreement for 20/0538/OUT to exclude third party land from blue line.	PERMITTED	25.07.2023
<u>22/1278/MDO</u>	Vary terms of s.106 Agreement dated 11 October 1991 entered into in connection with application reference 88/1310/03 to amend access rights in accordance with permission ref. 20/0538/OUT.	PERMITTED	07.02.2023
<u>20/0538/OUT</u>	Outline application for up to 93 residential dwellings (Approval sought for details of access only, with scale, layout, appearance and landscaping all reserved for future consideration) (Revised Scheme).	ALC - Appeal allowed with conditions	25.08.2022

9.0 List of constraints

- Smoke Control Area
- Tree Preservation Order

10.0 Consultations

2no. public consultations have been undertaken for this application.

As the expiry date for the second consultation is 08/02/24, any further comments received after today's date will be added to the Additional Information Sheet and/or reported on verbally at the Planning Committee.

Below is a summary of the consultee responses. Where more than one response was received, the latest response has been summarised. All consultee responses, including earlier responses, can be viewed in full on the Council's website.

Environment Agency:

None received at the time of writing.

Natural England

Comments received 19/10/23
No comments

RSPB:

None received at the time of writing.

Exeter International Airport:

Comments received 06/10/23
No objections [Officer note: Advice forwarded to applicants]

Devon and Somerset Fire and Rescue Service

Comments received 06/10/23
No objections at this stage

Devon and Cornwall Police Designing Out Crime Officer

Comments received 05/02/24
Original concerns overcome following receipt of additional information and amended plans.

NHS Devon ICB:

None received at the time of writing.

The Royal Devon University Healthcare NHS Foundation Trust:

None received at the time of writing.

Public Health Devon:

None received at the time of writing.

South West Water:

Comments received 23/10/23

We will require evidence that the Surface Water Runoff Destination Hierarchy has been followed and evidence provided (as stipulated above) to demonstrate why the other preferred disposal routes are not acceptable.

[Officer note: This issue is outstanding at the time of writing but it is understood that it should be resolved prior to the Planning Committee on 19/02/24. An update will be provided either verbally on the evening or via the Additional Information Sheet in advance].

Wales & West Utilities

Comments received 06/10/23

No objections [Officer note: Advice forwarded to applicants]

Western Power Distribution

None received at the time of writing.

Local Highways Authority (Devon County Council):

Comments received 02/11/23

No objections subject to conditions

Lead Local Flood Authority (Devon County Council):

Comments received 24/10/23

Objections and further information required relating to drainage details submitted under ref. 23/1175/DIS

[Officer note: This issue is outstanding at the time of writing but it is understood that it should be resolved prior to the Planning Committee on 19/02/24. An update will be provided either verbally on the evening or via the Additional Information Sheet in advance].

Local Education Authority (Devon County Council):

None received

Waste Planning Authority (Devon County Council):

Comments received 07/11/23

Further information required

Environmental Health:

Comments received 05/02/24:

No objection subject to construction hours condition

Housing:

Comments received 11/01/24:

No objections following receipt of revised affordable housing mix proposal

CIL and S106 Officer:

None received at the time of writing.

Ecology:

Comments received 06/02/24

No objections

Public And Green Spaces Team

None received at the time of writing.

Tree Officer

Comments received 07/02/24

No objections subject to conditions

Urban Design and Landscape Officer:

Comments received 10/01/24

- Previous concerns overcome and objections withdrawn following amendments received

Original objections related to:

- Divergences between what is shown on the Proposed Site Layout and the "Access and Movement" Parameter Plan
- Terraced properties stray over into the portion of the plan which is reserved for detached properties only
- Stronger and more distinct characters for each of the various street types needed
- Key 'marker' buildings within the layout and 'corner-turning' dwelling types needed for good legibility
- Streets need to be properly designed and the layout will become more legible if a clear hierarchy of street-types can be established within it.

Building Control

None received at the time of writing.

Living Options (Disability Access Champion):

None received at the time of writing.

Net Zero & Business:

None received at the time of writing.

Waste and Recycling Team:

None received at the time of writing.

Devon Archaeological Society:

None received at the time of writing.

Devon Wildlife Trust:

Comments received 23/10/23:

Objects:

- Full ecological impact assessment is required
- The ecological impact assessment associated with the outline planning application was undertaken in 2019 and is therefore out of date
- The application does not include an assessment of net gain (or loss) of biodiversity. The most recent DEFRA Biodiversity Metric should be utilised to calculate loss/gain.

[Officer note: The 10% mandatory Biodiversity Net Gain is not applicable in this case since the application was received prior to the date the requirement came into force; the Outline application determined that over 10% BNG would be delivered on site; the measures are subject to Outline Conditions 12 and 13 and the S106 with regard to the new Valley Park. As such, this aspect of the scheme is considered acceptable at this stage.]

Exeter Civic Society:

Comments received 21/11/23:

Objects as follows:

- There is concern about the difference between the aspirational wording of the design statement and the actual design & layout.
- The layout uses standard suburban layout which fails to create a local identity and visually interesting scheme. Paragraphs 3.4.5 and 3.4.6 indicate that the scheme has not been amended as suggested by the Design Review Panel to create a sense of place at the cross-roads and uses standard house types with very minor additional features.
- There are also several locations where the 22m + requirement for window to window spacing looks tight and we would welcome clarification that the distances comply with your design guide.

[Officer note: These comments were received in response to the first consultation. Since that time, amendments have been received and the concerns identified above have been overcome to Officers' satisfaction, as set out in the report below.]

Exeter Cycling Campaign:

None received at the time of writing.

11.0 Representations

2no. public consultations have been undertaken for this application.

At the time of writing, (08/02/24), 33no. representations have been received, of which 32no. are objections, and 1no. is neutral.

As the expiry date for the second consultation is 08/02/24, any further representations received by 09/02/24 will be added to the Additional Information Sheet.

All responses can be viewed in full on the Council website. The following issues were raised in the objections:

Objections:

- Case Officer should consider the 469 objections that were raised in the original application. *[Officer Note: this application is separate from the Outline and only specific representations made in response to the current case will be considered]*
- I object to building on greenfield sites. *[Officer Note: The principle of the erection of 93no. dwellings on this site was found acceptable at the Outline stage and no further assessment of this matter can be undertaken here]*
- This area is already overdeveloped. *[Officer Note: See note above on the principle]*
- Schools and services are oversubscribed already. *[Officer Note: See note above on the principle]*
- The local roads are already congested, narrow with on-street parking. *[Officer Note: The impact on the road network of 93no. new dwellings was found acceptable at the Outline stage and no further assessment of this matter can be undertaken here]*
- The extra traffic will exacerbate current congestion and safety issues. *[Officer Note: See note above on highways safety]*
- The green, open and peaceful character of the area will be harmed. *[Officer Note: the principle of the erection of 93no. dwellings on this site was found acceptable at the Outline stage and no further assessment of this matter can be undertaken here]*
- The proposal is too close to our garden and garage.
- The woodland and natural habitats will be destroyed.
- The neighbourhood feel of the estate will be lost. *[Officer Note: See note above on highways safety]*
- The new houses will result in loss of privacy.
- Parking issues will worsen. *[Officer Note: See note above on highways safety]*
- Surface water flooding issues will be worsened by the loss of the greenfield area.
- Anti-social behaviour issues will be worsened by the lack of fencing and open areas in the proposed development.
- Concern regarding the blue outlined area encompassing land to the rear of no. 64 Celia Crescent under the ownership of another party. *[Officer Note: The blue outline has been amended in response to this concern in all relevant plans and this issue has been fully resolved.]*
- It is difficult to submit comments on the website because it keeps losing my comments.
- This will worsen the effects of climate change and increasing extremes of weather.
- The new Valley Park should be a nature reserve.
- Low-effort planning applications are wasting Council budgets.
- Children and dogs need to be protected.
- The new houses will block out evening light to neighbouring dwellings.

- Local roads cannot accommodate emergency vehicles.
- Proposed double yellow lines outside the nursery on Pinwood Meadow Drive will cause safety issue with toddlers having to walk further to their carer's car.
- Development should be on brownfield sites. *[Officer Note: See note above on the principle]*
- Why have no contributions been made to Pinhoe Surgery? *[Officer Note: developer contributions were agreed at the Outline stage and no further assessment of this matter can be undertaken here]*
- There should be a Devon bank on both sides of the new road, which will go through the existing open space off Spruce Close, to protect and screen the existing houses and remaining open space from noise and pollution.
- The proposal will cause noise pollution.
- The site is not a sustainable location with the nearest shop a 20 minute walk away via a steep hill. *[Officer Note: See note above on the principle]*
- Loss of green park area that is used as a social area for residents of Pinwood Meadow and is classed as a residential park. This area will no longer be able to be used by children because of increased traffic. *[Officer Note: this was found acceptable at the Outline stage and no further assessment of this matter can be undertaken here]*
- With regard to the traffic impacts of the original proposal 20/0538/OUT, the assessment already indicated a problem with existing over-capacity at a single junction (Beacon Heath / Pinwood Lane) owing to the effects of general growth and committed development. *[Officer note: Highways impacts were assessed at Outline stage and found acceptable subject to conditions]*
- No details of construction traffic and parking have been submitted. *[Officer note: This is subject to a separate discharge of condition application]*
- Construction mud on the road and deliveries will adversely affect neighbours.
- the Human Rights Act, in particular Protocol 1, Article 1. This states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land. *[Officer note: See later in this report]*
- Additionally, Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life. In the case of Britton vs SOS the courts reappraised the purpose of the law and concluded that the protection of the countryside falls within the interests of Article 8. Private and family life therefore encompass not only the home but also the surroundings. *[Officer note: See later in this report]*
- Why are the amended plans not separated out from the original plans – are we expected to go through every one of these and try to spot the difference! *[Officer Note: The original plans are labelled as 'Superseded' when amended plans are received. It is recognised that comparing original and superseded plans is challenging, however, the Officer's Report seeks to summarise the main areas for consideration.]*
- Why can the public not see the consultants' objections? *[Officer Note: These are published but may be visible either in the Documents or the Comments tabs depending on how they are uploaded by Officers]*
- Dormice live in the site. *[Officer note: See Ecology section]*

- I am concerned all the previous objections have disappeared. *[Officer Note: Due to a technical error, the objections received prior to 22/01/24 were temporarily lost. However, these were retrieved and republished on 01/02/24. This error did not affect any comments submitted on or after 22/01/24]*
- Where is the Devon Bank that was proposed along the new road?
- Where are the landscaping details for the top of Spruce Close?
- Where is the Flood Risk Assessment?
- Higher ground levels of some parts of the site compared with neighbouring dwellings will exacerbate overlooking.
- The proposed onsite parking is limited and will cause overspill beyond the site.
- How many storeys are nos. 92 and 93? *[Officer Note: these would have two storeys]*
- Valley Park should have dog free zones to protect wildlife. *[Officer Note: this falls beyond scope of current application]*
- People rely on cars for short journeys due to the hills.
- There is no guarantee that the New Valley Park won't be built on later.
- The scheme will devalue neighbouring properties. *[Officer Note: This is not a Planning matter]*
- Initial applications suggested that properties in the planned build area would not be higher than the existing roof line of those already in existence. The planning application is not clear that this is still the plan and a risk of increasing the extended growth of housing on the Exeter ridgeline and further encroaching on the aesthetics' of the area. Furthermore, the use of 2.5 storey building supports this view. *[Officer Note: The impact on the wider landscape setting was assessed at the Outline stage]*
- The Council is corrupt since it approves development to which hundreds of residents have objected. *[Officer Note: The Outline application was refused by ECC at the planning committee and approved by the Appeal Inspector for the Planning Inspectorate, which is a Government agency]*

Neutral:

- The play area will not be easy to access for the wider local community if it is on the northern end of the site.
- The drainage plans need to be adequate since this area is prone to flooding and removing trees and hedges will exacerbate this.
- The construction phase, development itself and additional double yellow lines will worsen existing traffic and parking problems.
- How will already dangerous junction with Beacon Heath, Summer Lane and Beacon Lane be managed?

12.0 Relevant policies

National Planning Policy and Guidance

National Planning Policy Framework (NPPF) (2023) – in particular sections:

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed places

Planning Practice Guidance (PPG):

Consultation and pre-decision matters
Design: process and tools
Effective use of land
Fire safety and high-rise residential buildings
Housing needs of different groups
Planning obligations
Use of planning conditions

National Design Guide (MHCLG, 2021)

Biodiversity duty: public authority duty to have regard to conserving biodiversity
(Natural England and DEFRA, 13 October 2014)

Technical housing standards – nationally described space standard (DCLG March 2015) (NDSS)

Development Plan

Core Strategy (Adopted 21 February 2012)

- CP1 – Spatial Strategy
- CP2 – Employment
- CP3 – Housing
- CP5 - Meeting Housing Needs
- CP9 - Transport
- CP10 - Meeting Community Needs
- CP11 - Pollution and Air Quality
- CP12 - Flood Risk
- CP13 - Decentralised Energy Networks
- CP14 - Renewable and Low Carbon Energy
- CP15 - Sustainable Construction
- CP16 - Green Infrastructure, Landscape and Biodiversity
- CP17 - Design and Local Distinctiveness
- CP18 - Infrastructure

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

- AP1 – Design and Location of Development
- AP2 – Sequential Approach
- H1 – Search Sequence

H2 – Location Priorities
C1 – Conservation Areas
C2 – Listed Buildings
C5 – Archaeology
T1 – Hierarchy of Modes
T3 – Encouraging Use of Sustainable Modes
T10 – Car Parking Standards
LS1 – Landscape Setting
LS1 – Landscape Setting
LS2 – Ramsar/Special Protection Area
LS3 – Sites of Special Scientific Interest
LS4 – Nature Conservation
EN2 – Contaminated Land
EN3 – Air and Water Quality
EN4 – Flood Risk
EN5 – Noise
DG1 – Objectives of Urban Design
DG2 – Energy Conservation
DG4 – Residential Development
DG5 – Provision of Open Space and Children’s Play Areas
DG7 – Crime Prevention and Safety

Other Material Considerations

Five Year Housing Land Supply Statement (May 2023) (5YHLS)

Note on 5YHLS:

The emerging Exeter Plan has reached Regulation 18 stage and includes a policies map and proposed allocations towards meeting housing need. Therefore, Officers consider that, until December 2025 and for decision-making purposes only, the Council is only required to identify a minimum of four years’ worth of housing. Based on the situation at 1 April 2023, the Council is able to identify a supply of 4.4 years and, thereby meets the four year requirement.

The fact that the Council can demonstrate the requisite future housing supply requirement means that the balancing exercise to be applied to decision making has changed. When a decision is made on a planning application a ‘neutral balance’ rather than the ‘tilted balance’ will be applied. A neutral balance is one where if the harms outweigh the benefits, planning permission is usually withheld. A tilted balance is where the harms must significantly and demonstrably outweigh the benefits for permission to be withheld.

The Exeter Plan – Outline Draft Plan (September 2022)

S1 – Spatial strategy
S2 – Liveable Exeter delivery principles
CE1 – Net zero Exeter
STC2 – Active and sustainable travel in new developments
STC3 – Active travel proposals
NE3 – Biodiversity
NE4 – Green infrastructure
D1 – Design principles

Exeter City Council Supplementary Planning Documents:

Affordable Housing SPD (April 2014)
Exeter Air Quality Action Plan 2019-2024
Net Zero Exeter 2030 Plan (Exeter City Futures, April 2020)
Residential Design SPD (September 2010)
Sustainable Transport SPD (March 2013)
Trees and Development SPD (Sept 2009)

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 available via the Council's website.

It is acknowledged that there are certain individual properties where there may be some adverse impact (e.g. noise) 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, including transport infrastructure 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 the 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 issues

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 or 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

Job creation during construction

Non material considerations

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

This proposal is CIL liable, being residential development. CIL is charged for this development at a rate £118.57 per sqm for permission granted in 2022, when the Outline consent was granted.

Confirmation of the final CIL charge will be provided to the applicant in a CIL liability notice issued before 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. Full details of current charges are on the Council's website.

In this case, there is a new build GIFA of 9,386.72 sqm which would result in a liability of £1,112,983.39.

However, the liability is likely to be reduced to £818,761.42, subject to an application for Social Housing Relief.

The CIL liability above is an estimate only.

16.0 Planning assessment

1. Principle of Proposed Development

The principle of residential development at this site was assessed and found acceptable at the Outline stage. Therefore, this is not a material consideration here.

2. Impact on Character and Appearance including Landscape

Exeter City Council expects all new development to be of the highest quality and is committed to raising the standard of design. As such, the Exeter Design Quality Partnership (EDQP) has been set up and Design Reviews are recommended for major schemes in line with NPPF paragraph 133. This requires that local planning authorities have regard for the outcome of design-led processes, including recommendations made by design review panels.

As noted above, this application was taken to an Independent Design Review on 13/06/23 and subsequently amended prior to submission.

Local Plan First Review Saved Policy DG1 states: *Development should:*

(d) be at a density which promotes Exeter's urban character and which supports urban services;

(g) ensure that the volume and shape (the massing) of structures relates well to the character and appearance of the adjoining buildings and the surrounding townscape;

(h) ensure that all designs promote local distinctiveness and contribute positively to the visual richness and amenity of the townscape;

(i) use materials which relate well to the palette of materials in the locality and which reinforce local distinctiveness.

Local Plan First Review Saved Policy LS1 states:

Development which would harm the landscape setting of the city will not be permitted. Proposals should maintain local distinctiveness and character and:

(b) be concerned with change of use, conversion or extension of existing buildings:

Core Strategy policy CP16 seeks to protect and enhance green infrastructure.

Core Strategy policy CP17 requires a high standard of sustainable design that is resilient to climate change and complements or enhances Exeter's character, local identity and cultural diversity.

NPPF paragraph 131 states:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...

Character of Area

The impact of the proposed scheme on the character of the area, including the landscape setting, was assessed and found acceptable, subject to conditions, under Outline consent ref. 20/0538/OUT.

These conditions included the approved parameter plans, listed below, limiting the proposed building heights and density, among other elements.

As such, no further assessment of the impact on the landscape setting is required here.

Layout

The reserved matters application pertains to the layout, scale, appearance and landscaping of the proposed development.

A number of plans relating to the proposed layout and scale were approved, among others, at the Outline stage as follows:

- Parameter Plan Land Use (1150 Rev F)
- Parameter Plan Density (1151 Rev F)
- Parameter Plan Scale (1152 Rev F)
- Parameter Plan Access and Movement (1153 Rev F)
- Parameter Plan Open Space Provision (1154 Rev G)

The approved Parameter Plan Access and Movement shows the main access route leading off Celia Crescent on the southeast boundary to connect with Spruce Close via the Land at Pinwood Meadow public open space.

This plan also shows a secondary estate road, referred to as a 'Green Street', leading north-eastwards off the Celia Crescent entrance to the proposed estate and culminating in a T-junction in the northern edge of the proposed built envelope. A number of minor roads, referred to as a 'Homezone Street', lead off the main through route and the Green Street, providing access to a group of dwellings.

The approved Parameter Plan Land Use shows the developable area to be substantially set back from the northwest, northeast and southeast boundaries and, thereby, located towards the centre of the site.

As noted above, the site currently comprises two agricultural fields bounded by mature hedging, such that the developable area is divided into two halves by a hedge running approximately north-south through the centre.

The Indicative Masterplan, ref. 1101, Rev.B, submitted at the Outline stage is not an approved drawing and was for illustrative purposes. Notwithstanding, the current proposed layout has not changed significantly since the previous iteration.

The Proposed Site Layout, ref. 100, Rev.A, received 17/01/24, shows the main through route off Celia Crescent to the southwest, which leads through the site in a north-easterly direction and then curves down to the southeast to join Spruce Close.

The proposed estate road network matches the Parameter Plan Access and Movement with the exception of the 'Homezone Streets' in the southwest segment of the residential area. In this part of the site, the proposed dwellings would be generally facing a northwest-southeast street, parallel to the main through route.

This revision was undertaken in response to Officer concerns regarding, among other aspects, the visual dominance of on-street parking and the poor design of certain dwellings where adjoining the public realm areas, such as the estate road network.

The slight alteration of the 'Homezone Streets' in the southwest corner of the site is considered negligible in the context of the whole scheme and the proposed layout is considered to conform with the relevant parameter plan in this regard.

Overall, the amended layout is considered an improvement on the original proposal and to be acceptable.

Landscaping

The Parameter Plan Landscape Strategy (1155 Rev A) was approved at the Outline stage. This shows:

1. the majority of the existing hedge running approximately north-south that dissects the site would be retained with the southern third removed to allow the main through route;
2. the existing field boundaries comprising mature vegetation and trees would be retained with the exception of the 2no. access points, the southern portion of the central hedge and an area immediately southeast of the Spruce Close access;
3. 'Green Corridors' would be retained adjacent the northeast and southeast boundaries in the southeast section of the site;
4. a 5m maintenance buffer would be retained between the southwest boundary and the adjacent dwellings;
5. a 'Village Green' would be retained at the centre of the site incorporating a LAP (Local Area for Play)
6. an open space would be retained at the northwestern end of the site;
7. 'Community Orchards' would be created at the northern and eastern corners;
8. a swale and linear wetland would be created on the northwest side of the main spur road in the northwest section of the site;
9. trees would be planted along the estate road/path network and adjacent the Green Corridors.

It should be noted, however, that the approved Parameter Plan Landscape Strategy does not completely accord with the other Outline approved plans in terms of the exact location of the Spruce Close access road.

As such, it is the Officer's view that the approved Parameter Plan Landscape Strategy is to be considered in terms of its general intentions for the provision of green infrastructure within the site. Therefore, the reserved matters would not be required to replicate exactly the landscaping set out in that drawing.

The Proposed Site Layout Rev.A is considered to broadly conform with the above, as set out in Table 1 below:

Table 1. Comparison with approved Parameter Plan Landscape Strategy

	Outline application	Current application
1.	Central north-south hedge	Conforms – this would be retained
2.	Retention of field boundaries	Conforms – these would be retained including the southern corner where the previously proposed car parking would be

	Outline application	Current application
	except 3no. points	replaced with green infrastructure involving an attenuation pond
3.	Green Corridors	This will be considered separately under pending application ref. 23/1175/DIS
4.	5m buffer NE & SE boundaries of SE section	Conforms – these would be retained
5.	Village Green inc LAP	Conforms – this would be retained in the centre of the site and reshaped so while still quite small, it would be more useable.
6.	Open Space NW end of site	Conforms – this would be retained and enlarged and would incorporate a LEAP (Local Equipped Area for Play)
7.	2no. Community Orchards	<ul style="list-style-type: none"> Northernmost Community Orchard moved to northwest corner – conforms Easternmost Community Orchard replaced by alternative tree planting and attenuation pond – still retained as an area of green infrastructure and, therefore, considered to conform in terms of the Outline strategy
8.	Swale/wetland	<ul style="list-style-type: none"> This would be largely re-sited to the southeast end of the site and would take the form of a green space with attenuation ponds. This amendment was informed by the Design Review process and is considered an improvement over the original proposal A number of smaller rain gardens are proposed in place of the previously proposed linear wetland with additional small rain gardens in the southern portion of the site Conforms as an objective of the Landscape Strategy
9.	Tree planting	Conforms – the planting intention matches with the Outline strategy and details will be assessed under ref. 23/1175/DIS.

Overall, the current scheme would provide more green infrastructure than indicated in the Outline Landscape Strategy in terms of area and planting.

The proposed landscaping details are subject to Outline condition 12 and will be assessed separately under ref. 23/1175/DIS.

Additional landscaping drawings have also been submitted with this application as follows.

- Spruce Close Entrance Feature Design, ref.182 – this shows that the southeast access point to the main site would involve a small cluster of trees and shrubs

within a low stone-sided, Devon bank in an open hook shape, rising out of the ground towards the road and sited on both sides of the road;

- Northern Fringe Entrance Feature Design, ref.183 – this shows a stone-sided raised bed, similar to that described in the previous bullet point, adjacent the southwest elevation of plot no.66, forming part of the landscaping treatment on the northeast side of the ‘Green Street’;
- Attenuation Basin Bridge Feature, ref.184 – this shows a grassed footpath, edged with a low timber open fence, leading across the pond from southeast to northwest atop a solid base with gabion sides;

These proposed landscaping elements are considered acceptable.

For the above reasons, the proposed scheme is considered to meet the parameters of the approved Landscape Strategy. The revisions undertaken in response to Officer comments are considered improvements over the previous scheme and the proposal is acceptable in this regard.

Scale/density

The approved Parameter Plan Density shows that the northwest half of the site would have a lower density comprising detached housing, while the southeast portion would have a higher density, comprising semi-detached and terraced housing.

The approved Parameter Plan Scale shows that the dwellings would all be of two storeys as follows:

- Northwest half of site: eaves up to 6m high and ridge a maximum of 9.5m
- Southeast half of site: eaves up to 7m high and ridge a maximum of 11m – including use of room in roof units type
- Building heights are to be measured from existing ground level +/- 1m

The submitted Design & Compliance Statement Rev.A. divides the proposed residential area itself into two character areas, described as:

- Hilltop Fringe – northwestern section
- Urban Core – southeastern section

The scale proposed for the northwest segment are set out in Table 2 below and in Table 3 for the southeast segment.

Table 2. Proposed dwelling types – northwest section

Plot No.	Model	Type	Storeys	Eaves height (approx.)	Ridge height (approx.)	Elevations
42	Dartford	Detached	2	4.9m	8.7m	Grey stone
43	Mathern	Semi-detached	2.5	5.7m	9.9m	Red brick

Plot No.	Model	Type	Storeys	Eaves height (approx.)	Ridge height (approx.)	Elevations
44	Mathern	Semi-detached	2.5	5.7m	9.9m	Red brick
45	Sampford	Detached	2	5m	8.6m	Render
46	Mathern	Semi-detached	2.5	5.7m	9.9m	Red brick
47	Mathern	Semi-detached	2.5	5.7m	9.9m	Red brick
48	Monmouth Corner	Detached	2	4.5m	8.8m	Grey stone
49	Monmouth	Detached	2	4.6m	8.8m	Stone & render
50	Monmouth Corner	Detached	2	4.5m	8.8m	Grey stone
51	Sampford	Detached	2	5m	8.6m	Render
52	Sampford	Detached	2	5m	8.6m	Render
53	Monmouth Corner	Detached	2	4.5m	8.8m	Grey stone
54	Wye	Terraced with 54/ 55/ 56/ 57	2	4.99m	8.07m	Red brick
55	Wye	Terraced with 54/ 55/ 56/ 57	2	4.99m	8.07m	Red brick
56	Monnow	Gable end of terrace adjoining 54/ 55 - flat	2	4.99m	8.5m	Red brick
57	Monnow	Gable end of terrace adjoining 54/ 55 - flat	2	4.99m	8.5m	Red brick
58	Monmouth	Detached	2	4.6m	8.9m	Stone & render
59	Sampford	Detached	2	5m	8.6m	Render
60	Monmouth Corner	Detached	2	4.5m	8.8m	Grey stone
61	Monmouth Corner	Detached	2	4.5m	8.8m	Grey stone
62	Sampford	Detached	2	5m	8.6m	Render
63	Monmouth	Detached	2	4.6m	8.9m	Stone & render
64	Dartford	Detached	2	4.9m	8.69m	Grey stone
65	Sampford	Detached	2	5m	8.6m	Render
66	Dartford	Detached	2	4.9m	8.69m	Grey stone

Table 3. Proposed dwelling types – southeast section

Plot No.	Model	Type	Storeys	Eaves height (approx.)	Ridge height (approx.)	Elevations
1	Sampford	Detached	2	5m	8.6m	Render
2	Dartford	Detached	2	4.9m	8.7m	Grey stone
3		Detached	2	4.9m	8.7m	Grey stone
4	Mathern	Semi-detached	2.5	5.7m	9.9m	Red brick
5		Semi-detached	2.5	5.7m	9.9m	Red brick
6	Dartford	Detached	2	4.9m	8.69m	Grey stone
7	Ashford	Semi-detached 7 / 8	2	5.3m	8.5m	Red brick
8		Semi-detached 7 / 8	2	5.3m	8.5m	Red brick
9		Semi-detached 9 / 10	2	5.3m	8.5m	Red brick
10		Semi-detached 9 / 10	2	5.3m	8.5m	Red brick
11	Tetford	Terraced 11 / 12 / 13	2	5.9m	10.2m	Red brick
12		Terraced 11 / 12 / 13	2	5.9m	10.2m	Red brick
13		Terraced 11 / 12 / 13	2	5.9m	10.2m	Red brick
14	Ashford	Semi-detached 14 / 15	2	5.3m	8.5m	Red brick
15		Semi-detached 14 / 15	2	5.3m	8.5m	Red brick
16		Semi-detached 16 / 17	2	5.3m	8.5m	Red brick
17		Semi-detached 16 / 17	2	5.3m	8.5m	Red brick
18	Stanton	Detached	2	5.5m	8.7m	Render
19	Ashford	Semi-detached 19 / 20	2	5.3m	8.5m	Red brick
20	Stanton	Semi-detached 19 / 20	2	5.5m	8.7m	Render
21	Ashford	Semi-detached 21 / 22	2	5.3m	8.5m	Red brick
22		Semi-detached 21 / 22	2	5.3m	8.5m	Red brick
23	Wye	Terraced w 23 / 24 / 25	2	4.99m	8.1m	Red brick

Plot No.	Model	Type	Storeys	Eaves height (approx.)	Ridge height (approx.)	Elevations
24		Terraced w 23 / 24 / 25	2	4.99m	8.1m	Red brick
25	Frome	Terraced flat w 23 / 24 / 25 – FF above garage	2	5.38m	7.6m	Red brick
26	Ashford	Semi-detached 26 / 27	2	5.3m	8.5m	Red brick
27		Semi-detached 26 / 27	2	5.3m	8.5m	Red brick
28	Ashmore	Semi-detached 28 / 29	2	5.3m	8.3m	Red brick
29		Semi-detached 28 / 29	2	5.3m	8.3m	Red brick
30		Semi-detached 30 / 31	2	5.3m	8.3m	Red brick
31		Semi-detached 30 / 31	2	5.3m	8.3m	Red brick
32	Frome	Detached – FF above garage	2	5.38m	7.6m	Red brick
33	Wye	Semi-detached 33 / 34	2	4.99m	8.1m	Red brick
34		Semi-detached 33 / 34	2	4.99m	8.1m	Red brick
35		Semi-detached 35 / 36	2	4.99m	8.1m	Red brick
36		Semi-detached 35 / 36	2	4.99m	8.1m	Red brick
37	Stanton	Detached	2	5.5m	8.7m	Render
38	Tetford	Semi-detached 38 / 39	2	5.9m	10.2m	Red brick
39		Semi-detached 38 / 39	2	5.9m	10.2m	Red brick
40	Ashford	Semi-detached 40 / 41	2	5.3m	8.5m	Red brick
41		Semi-detached 40 / 41	2	5.3m	8.5m	Red brick
67	Idris	Terraced 67 / 68 / 69 / 70 / 71 / 72 / 73/ 74	2	5.3m	8.1m	Render
68	Ogmore	Terraced 67 / 68 / 69 / 70 / 71 / 72 / 73/ 74	2	5.4m	8.1m	Render

Plot No.	Model	Type	Storeys	Eaves height (approx.)	Ridge height (approx.)	Elevations
69	Tamar	Terraced Flats w 67 / 68 / 69 / 70 / 71 / 72 / 73/ 74 - GF	2.5	6.4m	11.95m	Red brick
70		Terraced Flats w 67 / 68 / 69 / 70 / 71 / 72 / 73/ 74 - FF				
71		Terraced Flats w 67 / 68 / 69 / 70 / 71 / 72 / 73/ 74 - FF				
72		Terraced Flats w 67 / 68 / 69 / 70 / 71 / 72 / 73/ 74 - SF				
73		Terraced Flats w 67 / 68 / 69 / 70 / 71 / 72 / 73/ 74 - SF				
74		Terraced Flats w 67 / 68 / 69 / 70 / 71 / 72 / 73/ 74 - GF				
75	Monnow	Terraced w 75 / 76 / 77 - flat	2	5.5m	8.5m	Render
76		Terraced w 75 / 76 / 77 - flat	2	5.5m	8.5m	Render
77	Wye	Terraced w 75 / 76 / 77	2	5.4m	8.1m	Red brick
78	Ashmore	Terraced 78 / 79 / 80	2	5.3m	8.3m	Red brick
79			2	5.3m	8.3m	Red brick
80			2	5.3m	8.3m	Red brick
81		Terraced 81 / 82 / 83	2	5.3m	8.3m	Red brick
82			2	5.3m	8.3m	Red brick
83			2	5.3m	8.3m	Red brick
84	Stanton	Detached	2	5.5m	8.7m	Render
85	Wye Corner	Terraced w 85 / 86 / 87 / 88 / 89	2	5.6m	8.5m	Render
86	Ogmore	Terraced w 85 / 86 / 87 / 88 / 89	2	5.4m	8.1m	Render
87		Terraced w 85 / 86 / 87 / 88 / 89	2	5.4m	8.1m	Render

Plot No.	Model	Type	Storeys	Eaves height (approx.)	Ridge height (approx.)	Elevations
88	Monnow	Terraced flats w 85 / 86 / 87 / 88 / 89	2	5.5m	8.5m	Render
89		Terraced flats w 85 / 86 / 87 / 88 / 89	2	5.5m	8.5m	Render
90		Terraced flats w 90/ 91/ 92 /93	2	5.4m	8.2m	Red brick
91			2	5.4m	8.2m	Red brick
92	Wye Mid	Terraced w 90/ 91/ 92 /93	2	5.4m	8.1m	Red brick
93	Idris	Terraced w 90/ 91/ 92 /93	2	5.6m	8.8m	Red brick

As shown in the above tables, the scale of the current scheme would comply with the parameters approved at the Outline stage with the exception of the Mathern and Tamar dwelling types.

However, given the 1m tolerance on the height limits set out in the Outline approved plan, the Mathern and Tamar units would be considered compliant in terms of building heights.

With regard to the room in the roof level proposed in the Mathern housing type, this would be in the northwest segment where only two storeys are permitted in the Outline approved plan. However, given that the dwellings would appear as two storeys, this is not considered to either amount to harm or conflict with the parameter plan. As such, this aspect is considered acceptable on balance.

In addition, there would be 11no. detached twin garages and 5no. detached single garages. Integrated garaging would be provided at ground floor level in the 2no. Frome dwellings, which would accommodate 1no. flat at first floor level and 3no. car bays each.

Overall, the proposal would be acceptable in this regard.

Appearance/materials

In terms of appearance, the proposed scheme would include a range of detached, semi-detached and terraced dwellings of two to two and a half storeys, comprising flats and houses.

As shown in the submitted plans and elevations, the dwellings would all have pitched roofs, some containing dormer windows. Some of the house types would include a gable fronted or hipped roof two storey window bays and some would have an open,

flat-roofed porch or a canopy. The proposed windows and doors/porches to the main façades would have a mock-Georgian style.

The submitted Proposed Materials Layout notes:

- Roofs would be covered with grey concrete tiles
- Elevations would be finished in red multi handmade brick, grey-buff rough reconstituted stone or sand-coloured render
- Windows: white UPVC with woodgrain finish, reconstituted stone cills; brick façades to include soldier course above windows; rendered façades to include reconstituted stone window heads
- Doors would be grey with materials to be specified prior to commencement and controlled via condition (as confirmed by email dated 07/02/24)
- Rear plot boundaries: 1.8m close-boarded timber fence/gates
- Front plot boundaries: 1.2m estate railings/gates
- Boundaries between plots and public realm: 1.8m brick walling

The detached garages would have pitched roofs covered with grey concrete tiles and walls to be finished in red multi handmade brick, with grey doors.

The surrounding area includes large housing estates of 1970-90s' suburban appearance. These comprise generic detached, semi-detached and terraced housing with red brick elevations, some with white render details, and red concrete interlocking tiles covering pitched roofs.

The proposed building forms would not be out of character with the immediate vicinity in terms of style albeit the elevational treatment and materials would involve a greater range.

The grey roof tiles would be distinct from the predominance of red concrete tiles in the neighbouring estates. However, the submitted Design Compliance Statement, Rev.A, notes that solar panels are proposed and that the grey tiles would allow the panels to visually integrate better than on a red tiled roof.

As denoted by a purple dashed line on the proposed elevation drawings submitted, solar panels would be installed on the roof slope/s of each house type.

The introduction of grey roof tiles would not be considered harmful to the visual amenity of the area and the reduced prominence of the proposed solar panels would be a benefit.

For the above reasons, the proposal is considered acceptable in terms of appearance subject to conditions.

Conclusion on appearance

For the above reasons, the proposed scheme is considered acceptable in regard to the impact on the character and appearance of the site and surrounding area.

3. Impact on Residential Amenity

Local Plan First Review Saved Policy DG4 states:

Residential development should:

- (a) Be at the maximum feasible density taking into account site constraints and impact on the local area;*
- (b) Ensure a quality of amenity which allows residents to feel at ease within their homes...*

Local Plan First Review Saved Policy DG7 states:

The design of development should aim to achieve a safe and secure environment.

Proposals should:

- (a) ensure pedestrian routes and public spaces are overlooked and subject to natural surveillance;*
- (b) provide enclosure of properties, so that private spaces are well defined and fulfil the role of defensible space;*
- (c) ensure that lighting is located and designed in such a way as to deter and reduce the fear of crime;*
- (d) ensure that schemes for landscape design, including new planting, do not create opportunities for crime and that, where appropriate, species of plants are used to deter criminal or anti- social behaviour;*
- (e) integrate crime prevention measures in an unobtrusive manner, such that the fear of crime is not raised, and that there is no detrimental effect upon townscape and amenity.*

Residential Design Supplementary Planning Document (SPD) states:

7.16 A minimum back-to-back distance of 22 metres is required between habitable room windows.

7.18 Where buildings of different storey heights back onto one another, or differences in site levels place buildings of the same storey height higher than those they back onto, privacy distances will need to be increased.

7.24 See fig.7.6 The distance between habitable room windows and an elevated blank wall must be minimum 2 times of the height of the wall plus the level difference.

NPPF paragraph 180 e) states...

Planning ... decisions should contribute to and enhance the natural and local environment by... preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of ... noise pollution...

NPPF paragraph 191 a) states:

Planning ... decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution

on health, living conditions ..., as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: ...mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life...

The Council's Environmental Health Officer has been consulted on this application and has no objections subject to a construction hours condition.

Occupants of neighbouring dwellings

The nearest dwellings to the site include:

- Nos. 2 to 50 Celia Crescent adjacent the southwest site boundary
- Nos 9 and 10 Spruce Close adjacent the proposed south-eastern site boundary
- Nos. 1 and 11 to 17 Spruce Close adjacent the proposed south-eastern site access
- Nos. 30, 32, 67 and 71 Pinwood Meadow Drive adjacent the proposed south-eastern site access
- Nos. 9, 11, 12A, 12, 13 and 14 Juniper Close, in proximity to the proposed south-eastern site access

Several objections have been received concerned with loss of privacy, loss of light and loss of views. No limitations were set out at the Outline stage with regard to privacy and this aspect will be assessed fully here.

Private views are not protected by planning legislation. The principle of the erection of dwellings on this site within the approved parameters (namely land use areas and max. building heights) has been found acceptable at the Outline stage. Therefore, the change of use from agricultural to residential cannot be addressed further here.

Nos. 2 to 50 Celia Crescent

In terms of nos. 2 to 50 Celia Crescent, the closest dwelling proposed, plot no.49, would be at a distance of approx. 20m from no.48 Celia Crescent. The proposed side elevation would face towards no.48 and would contain no windows. Therefore, no overlooking would occur.

In terms of overbearing impact, the Residential Design SPD requires a min. distance of 17.6m as follows: 2 times of the height of the wall (8.8m x 2 = 17.6m) plus the level difference, since the respective ground levels appear approximately the same (116m AOD approx.).

In this case, the separation gap proposed would be greater than that required and no overbearing impact would be considered to result with regard to no.48 Celia Crescent.

This proposed dwelling (plot no.49) and the neighbouring dwelling (no.48) would have the smallest separation gap and no overbearing impact on the residential amenity would ensue. Therefore, it can be taken that this would also be the case for the other affected dwellings on Celia Crescent, which would have a greater separation distance to the proposed new dwellings.

A number of proposed dwellings would have rear-facing windows oriented towards Celia Crescent. The Residential Design SPD requires a back-to-back distance of 22m between habitable room windows. In this case the separation gap would be at least 31m which would exceed the policy requirement.

Given the generous separation distances involved and the screening provided by the intervening tall mature vegetation and trees along the site boundary, no loss of privacy would ensue towards the affected dwellings on Celia Crescent.

Nos 9 and 10 Spruce Close adjacent the proposed south-eastern site boundary

The closest proposed dwelling (plot 93) to these neighbouring properties would have a separation distance of over 21m. The intervening gap would involve a landscaped area with an attenuation pond and retained mature trees and vegetation.

By reason of the respective orientation of the dwellings in question, together with the screening provided by the tall vegetation and the distance between the dwellings, no overlooking or overbearing impact would be considered to arise.

Nos. 30, 32, 67 and 71 Pinwood Meadow Drive, nos. 9, 11, 12A, 12, 13 and 14 Juniper Close and nos. 1 and 11 to 17 Spruce Close

With regard to the dwellings listed above, these would be affected by the proposed site access rather than the main residential area. This element of the development was approved at the Outline stage and the detailed landscaping scheme is subject to a separate application. As such, no further assessment will be made here.

Construction phase

In terms of the construction phase, any adverse traffic or dust impacts would be addressed via Outline condition 8 – Construction and Environmental Management Plan (CEMP), to be assessed under a separate application.

However, that condition does not include construction hours limits. As such, a standard condition will be added here to protect the residential amenity from noise impacts during the construction phase.

Conclusion on neighbouring residential amenity

For the above reasons, no unacceptable harm would be considered to result from the proposed development with regard to the occupiers of the neighbouring dwellings.

Future Occupiers

Designing Out Crime

The Designing Out Crime Officer (DOCO) has been consulted on this application and following the receipt of additional information has no outstanding concerns.

Their original concerns related mainly to the boundary treatments rear of the proposed dwellings backing onto the ecology buffer along the south-western site boundary.

The applicants responded by email dated 11/01/24, as follows: an appropriate boundary will be established to deter unauthorised access to the maintenance corridor.

The submitted Proposed Enclosures Layout, ref.103, Rev.A, shows that the proposed maintenance corridors aligning the site boundaries would be enclosed by 1.8m high close boarded fencing and gates.

The DOCO also queried how to stop people parking on the buffer east of the car parking area for plot nos. 92 & 93. This is shown on the Proposed Site Layout as having a boundary treatment comprising hedging. This aspect is subject to the Outline landscaping condition subject to a separate application.

As such, the proposed measures are considered acceptable in terms of Designing Out Crime.

Fire safety

The Fire and Rescue Service has been consulted on this application and has no concerns.

Fire safety measures would be addressed via Building Regulations and this aspect of the scheme lies beyond the remit of this Planning assessment.

Internal space

In terms of internal space, the nationally described space standard supersedes the Council's Residential Design SPD. This sets out the minimum space standards as follows, in Table 4 below. This also shows the proposed internal space as confirmed in the submitted Schedule of Dwelling Types, Rev.A, received 24/01/24.

Table 4. Required and proposed internal space

Unit	Open market/ affordable housing	No. units	Bed/People	Storeys	GIA required sqm	GIA proposed sqm	Living space required* sqm	Living space proposed sqm	Bedroom required sqm	Bedroom 1 proposed sqm	Bedroom 2 proposed sqm	
Ashmore	OM	10	1B2P	2	58	61.8	23	25	Double bed min. 11.5 Single bed min. 7.5	12.9	-	
Ashford	OM	15	2B3P	2	61	77.3	25	28		11.5	9.7	
Tetford	OM	5	3B4P	2	70	86.5	27	25		12.8	9.9	
Stanton	OM	4	3B5P	2	93	105	29	38		13.8	9.6	
Dartford	OM	6	3B4P	2	70	113.5	27	42.6		12.8	9.28	
Mathern	OM	6	3B5P	2	93	131.4	29	46		13.74	12.85	
Sampford	OM	7	4B5P	2	97	145.5	29	44.17		12.97	10.67	
Monmouth	OM	8	4B5P	2	97	158.6	29	42.4		18.83	10.84	
Monnow GF	AH	4	1B2P	1	50	50.43	23	23.21		15.73	-	
Monnow FF	AH	4	1B2P	1	50	64.1	23	23.21		18.87	-	
Tamar GF	AH	2	1B2P	1	50	56.1	23	27.54		14.68	-	
Tamar FF	AH	2	2B3P	1	61	70	25	29.63		12.9	11	
Tamar SF	AH	2	2B3P	1	61	62.8	25	26.83		12.8	8.9	
Frome	AH	2	2B3P	2	61	72.3	25	27.94		12.83	-	
Ogmore	AH	3	2B3P	2	61	81.1	25	25.4		14.27	13.44	
Wye	AH	11	3B5P	2	93	94.8	29	29.61		12.97	13.58	
Idris	AH	2	4B6P	2	106	107.4	31	34.86		11.62	11.53	
		93										

* This is taken from the SPD as the NDSS does not provide min. living space figures

The table above shows that the proposed dwellings would meet the minimum space standards set out in the Residential Design SPD and would be acceptable in this regard.

Accessibility

Local Plan First Review Saved Policy H7 states:

Housing proposals on sites capable of yielding 15 or more dwellings or on sites of 0.5 ha or more (irrespective of the number of dwellings proposed), and developments of 20 or more housing units which are conveniently located for shops and services, should provide an element of housing that can easily be adapted for occupation by people permanently confined to wheelchairs. The scale and type of provision sought will be negotiated taking into account local need for such housing and site conditions.

Living Options Devon has been consulted on this application and no comments have been received.

An email received from the applicants on 06/02/24 confirms that:

- All dwellings would meet the required Building Regulations standards to facilitate future adaptation to become fully wheelchair accessible;
- Plot nos. 69 and 74 would be fully wheelchair accessible ground floor flats.

As such, the scheme would be considered acceptable in this regard.

External space

In terms of outdoor amenity space, the Council's Residential Design SPD states at paragraph 7.11:

A minimum of 20 square metres of communal open space per flat must be provided.

RD SPD paragraph 7.12 states:

Private sitting out space should be provided for all ground floor flats in addition to the 20 square metres of communal open space. The space should adjoin and be directly accessible from the flat and the communal open space. It should be a minimum of 3 metres deep and be the same width as the dwelling it is serving (figure 7.4). A privacy screen between dwellings and a low wall, railing or hedge and with a gate to enclose the space will be required.

RD SPD paragraph 7.13 states:

Balconies should be provided for all flats above ground floor level in addition to the 20 square metres of communal open space. The floors of balconies must be a minimum of 2 metres deep with a minimum floor area of 6 square metres. Privacy screens must be included between balconies.

Given that the proposal includes 16no. flats, 320sqm of communal open space in addition to the private sitting out space for all ground floor flats and balconies for all flats above ground floor level should be provided.

However, as set out in Table 5 below, the scheme proposes private gardens rather than balconies for upper floor flats, which would be in very close proximity and accessed via a 1.8m high close boarded timber gate.

In the case of the Tamar dwelling type, an area of communal external amenity space would be provided, accessed directly from the rear of the building. The private external amenity spaces proposed would be accessed from this communal area via gates. These spaces would all be enclosed by 1.8m high close boarded timber gates/fences.

Table 5. External amenity space for proposed flats

Plot No.	Dwelling Type	Size	Proposed private external amenity space in sqm*	Required min. depth/width of private external amenity space	Proposed depth/width of private external amenity space	Required communal external amenity space in sqm	Proposed communal external amenity space in sqm
69	Tamar GF	1B2P	24	3m deep x width of dwelling	Min. depth 3.5m x less than full width (approx. 5m rather than 8m)	320	59
70	Tamar FF	2B3P	21				
71	Tamar FF	2B3P	26				
72	Tamar SF	2B3P	33				
73	Tamar SF	2B3P	36				
74	Tamar GF	1B2P	26		All exceed min. depth x full width		0
56	Monnow GF	1B2P	35				
75	Monnow GF	1B2P	39				
89	Monnow GF	1B2P	34				
90	Monnow GF	1B2P	34				
57	Monnow FF	1B2P	42				
76	Monnow FF	1B2P	47				
88	Monnow FF	1B2P	33				
91	Monnow FF	1B2P	33				
25	Frome	2B3P	47				
32	Frome	2B3P	81				

* Accessed off communal space in centre of private gardens

It is recognised that the proposed communal external amenity space serving the flats would fall short of the requirement. However, this policy is based on the provision of balconies for upper floor flats rather than gardens.

In this case, all of the flats proposed would have a private garden that would exceed the min. area required on the basis of a 3m depth x width of dwelling.

For the above reasons, the outdoor amenity space proposed is considered to comply with the intention of the relevant policies and, therefore, acceptable on balance.

Residential Design (RD) SPD paragraph 7.6 requires min. garden sizes for houses, as set out in Table 6 below:

Table 6. Min. garden sizes for houses

House size	South/southeast/southwest-facing gardens	North/northeast/northwest-facing gardens
Up to 2 bed	45 sqm	55 sqm
More than 2 beds	55 sqm	65 sqm

The submitted Garden Amenities Layout, ref.109_A, received 23/01/24, shows that all of the proposed garden for houses would measure 55sqm or over. As such, this would be acceptable.

For the above reasons, the proposed outdoor amenity space is considered acceptable.

Privacy and overbearing impact

A number of the proposed dwellings would be sited with a back to back relationship, namely plot nos. 7-16 and 21-27. These dwellings would have a separation gap of approx. 22m and would be considered acceptable.

In terms of overbearing impact, plot nos. 38 and 39 would face onto the gable end of plot no.36 with a separation gap of approx. 11m.

Plot no.36 would have a max. height of 8.07m, as such the separation gap should measure min. 16m to prevent an overbearing impact. This falls short of the policy requirement.

A similar relationship would occur in 5no. instances within the proposed scheme, which could result in a degree of overbearing impact.

In terms of privacy, no intervisibility would result in these instances by reason that:

- Plot nos.7, 21, 27 and 36 would have no upper floor windows in the respective side elevation;

- Plot no.28 would have an obscure-glazed upper floor window in the respective side elevation, serving a bathroom.

Notwithstanding the above, it is acknowledged that this application comprises reserved matters and the erection of up to 93no. dwellings on this site was found acceptable in principle at the Outline stage.

While the proposed residential amenity would be less than ideal in these 5no. instances, it is acknowledged that any future occupiers would have the choice of moving into this situation, rather than this change being imposed onto occupants of a neighbouring dwelling.

For the reasons above, the short separation gap is not considered sufficient grounds for refusal in this case.

Conclusion on residential amenity

For the above reasons, the scheme is considered, on balance, to be acceptable in this regard.

4. Impact on Heritage

Local Plan First Review Saved Policy C1 states:

Development within or affecting a conservation area (including changes of use, alterations and extensions) must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Local Plan First Review Saved Policy C2 states:

Development (including changes of use, alterations and extensions) which affects a listed building must have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

Local Plan First Review Saved Policy C3 states:

Development (including changes of use, alterations and extensions) which affects a building of local importance... will not be permitted where it harms the architectural or historic value of the building.

The application site does not lie within a Conservation Area or the setting of any listed buildings and there are no heritage assets in proximity to the site.

In terms of archaeology, this matter is addressed by Outline condition 6 and will be subject to a separate application.

As such, the proposed development is considered acceptable in heritage terms.

5. Highways, Access and Parking

Local Plan First Review Saved Policy T1 states:

Development should facilitate the most sustainable and environmentally acceptable modes of transport...

Local Plan First Review Saved Policy T3 states:

Development should be laid out and linked to existing or proposed developments and facilities in ways that will maximise the use of sustainable modes of transport.

Proposals should ensure that:

(b) suitable cycle parking provision is provided in accordance with the standards set out in schedule 2;

(f) the particular needs of people with disabilities are taken into account.

Local Plan First Review Saved Policy T10 states:

Development will not be permitted with more parking than the standards... Car parking provision should also be made for people with mobility problems...

NPPF paragraph 114 promotes sustainable transport modes and seeks safe and suitable access to the site for all users and that any significant impacts on the transport network (in terms of capacity and congestion), or on highway safety, to be cost effectively mitigated to an acceptable degree.

NPPF paragraph 115 states:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

NPPF paragraph 117 states:

All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

The Local Highways Authority (LHA) has been consulted on this application and has no objections subject to conditions.

Environmental Health has been consulted on this application and has no objections subject to a construction hours condition.

Exeter Civic Society has been consulted on this application and comments have been received at the time of writing.

Exeter Cycling Campaign has been consulted on this application and comments have been received at the time of writing.

A number of objections have been received regarding the impact on highways safety in the surrounding areas of the additional traffic associated with the erection of 93no. new dwellings on this site. However, this consideration was assessed at the Outline stage and found acceptable subject to conditions.

Further objections have been received concerning proposed double yellow lines outside the application site which may affect existing on-street parking arrangements. However, the proposed double yellow lines associated with the site access routes form part of the Outline approved details and cannot be revisited at this stage.

The following Outline conditions will be assessed under separate applications:

- 8 (Construction and Environmental Management Plan (CEMP))
- 16 (vehicular/pedestrian/cycle route from Celia Crescent to Spruce Close/Pinwood Meadow Drive)
- 17 ('wearing course' specification)
- 18 (electric vehicle charging points)
- 19 (cycle parking provision)
- 20 (car parking provision within the site)
- 21 (implementation of approved Spruce Close Access and Parking arrangements)
- 22 (implementation of vehicular/pedestrian/cycle route from Celia Crescent to Spruce Close/Pinwood Meadow Drive)

The following Outline approved plans are relevant here:

- Parameter Plan Access and Movement (1153 Rev F);
- Preliminary Road Design Celia Crescent Access (04268-A-SK110-P4);
- Spruce Close Access and Parking (04268- A-SK124-P4);
- Spruce Close Bus Stop Locations (04268-A-SK125-P4).

Access

The site would have 2no. access points, from Celia Crescent and Spruce Close as noted earlier in this report.

The details of these access roads were approved at the Outline stage and are subject to approved plans.

The proposed Site Layout is considered substantively compliant with the approved Parameter Plan Access and Movement. As discussed earlier in this report, the revised orientation of the minor roads in the southwest part of the development is considered negligible in highways terms and to offer betterment over the original illustrative layout. As such, the scheme is considered acceptable in this regard.

Road network

The impact of the proposal on the wider road network was assessed at the Outline stage and found acceptable.

A Construction Management Plan condition is recommended here in addition to the Outline Construction and Environmental Management Plan condition.

Paragraph 8.1.1. of the Sustainable Transport SPD requires a Travel Plan for residential developments of more than 20no. units. This forms part of the agreed S106 undertaken at the Outline stage.

Conclusion on highways impact

The reserved matters proposal is not considered to give rise to harm in regard to highways safety or the road network.

For the above reasons, the proposal is considered, subject to conditions, acceptable in this regard.

6. Impact on Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

Local Plan First Review Saved Policy LS2 states:
Development that would harm the integrity of a RAMSAR site, Special Protection Area or Special Area Of Conservation, or which conflicts with the conservation objectives for such a site, will not be permitted.

Core Strategy policy CP16 seeks to protect and enhance biodiversity.

NPPF paragraph 180 d) states:
Planning policies and decisions should contribute to and enhance the natural and local environment by: ...minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...

NPPF paragraph 186 d) states:
...opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

The Devon Wildlife Trust has been consulted on this application and has objected on a lack of up to date ecological information and DEFRA Biodiversity Metric.

The Council's Ecology Officer has been consulted on this application and has no objections.

Biodiversity enhancement and protected species

Net gains

A 10% Biodiversity Net Gain (BNG) will become mandatory under the Environment Act 2023 for applications received from 12 February 2024 for major development and 2 April 2024 for small sites.

While this is a major application, it was received prior to the BNG requirement coming into force and the mandatory 10% BNG is not applicable in this case.

Notwithstanding, this aspect was assessed at the Outline stage when a proposed BNG of over 10%, not including additional tree planting, bat, bird and dormouse boxes or natural SuDS features, was found acceptable. These additional measures are subject to Outline conditions that will be assessed separately.

The inclusion of the three adjoining fields within the wider scheme (outlined in blue) to form a new Valley Park was secured by the s106 legal agreement at the Outline stage. The management of the new Valley Park, via a Landscape and Ecology Implementation and Management Plan, is subject of Outline condition 13 and will be assessed separately.

Protected species

This is subject to the following Outline Conditions to be assessed separately:

- 11 (including Nesting Bird Method Statement)
- 12 (including Ecological Mitigation and Enhancement Strategy (EMES) for the operational phase)
- 13 (including Landscape and Ecology Implementation and Management Plan (LEMP))
- 15 (including provisions for nesting birds and roosting bats).

Trees/hedges

This is subject to the following Outline Conditions to be assessed separately:

- 11 (including Tree Protection Plan and Arboricultural Method Statement)
- 12 (Landscaping details including tree planting specification)
- 13 (including Landscape and Ecology Implementation and Management Plan (LEMP))

The Council's Tree Officer has been consulted on this application and has no objections, subject to conditions, following receipt of an up-to-date Arboricultural Impact Assessment.

Lighting

This is subject to Outline Condition 5 and is pending consideration under ref. 23/1175/DIS.

Exe Estuary Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI)

The site lies at a distance of approx. 5km of the Exe Estuary Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI).

Natural England has been consulted on this application and has no comments.

The scheme would result in 93no. additional dwellings within the 10km radius of the SPA Recreation Zone of the Exe Estuary.

With reference to The Conservation of Habitats and Species Regulations 2017, this development screened at the Outline stage in respect of the need for an Appropriate Assessment (AA) and given the nature of the development it was concluded that an AA was required in relation to the potential impact on the Exe Estuary Special Protection Area (SPA).

This AA was carried out at the Outline stage and the appropriate contribution from the development would be secured directly through CIL receipts (see later in report). This would support the implementation of the non-infrastructure measures within the mitigation strategy, thereby reducing the impacts of the development to a level where the integrity of the European sites will not be adversely affected and the conservation objectives of the SPA are achieved.

Conclusion

For the above reasons, the scheme is considered acceptable in this regard, subject to conditions.

7. Contaminated Land

This aspect was assessed at the Outline stage and is subject to Conditions 9 and 10 of that consent, which will be determined separately.

8. Impact on Air Quality

This matter is subject to Outline Condition 8 which will be assessed separately under application ref. 23/1175/DIS.

9. Flood Risk and Surface Water Management

Local Plan First Review Saved Policy EN4 states:
Development will not be permitted if:

- (a) it would increase the likelihood of flooding
 - (i) by reducing the capacity of, or increasing flows within, a flood plain, or
 - (ii) through the discharge of additional surface water, or
 - (iii) by harming flood defences;
- (b) it would be at risk itself from flooding;
- (c) it would require additional public finance for flood defence works;
- (d) adequate provision is not made for access to watercourses for maintenance;
- (e) it would threaten features of landscape or wildlife importance by reducing the recharge of local water tables.

Core Strategy policy CP11 states:

Development should be located and designed so as to minimise and if necessary, mitigate against environmental impacts.

Core Strategy policy CP12 seeks to reduce flood risk and promotes Sustainable drainage systems (SuDS).

Core Strategy policy CP17 requires a high standard of sustainable design that is resilient to climate change.

This aspect of the scheme is subject to Outline Condition 7 and the proposed drainage details are pending consideration under ref. 23/1175/DIS.

The Lead Local Flood Authority has been consulted on this application and has objected on the basis that further information is required relating to drainage details submitted under ref. 23/1175/DIS

South West Water has been consulted on this application and further information is required regarding the Surface Water Runoff Destination Hierarchy.

This issue is outstanding at the time of writing but it is understood that it should be resolved prior to the Planning Committee on 19/02/24. An update will be provided either verbally on the evening or via the Additional Information Sheet in advance.

10. Sustainable Construction and Energy Conservation

This matter is subject to Outline Condition 14 which will be assessed separately under application ref. 23/1175/DIS.

As indicated on the submitted elevation drawings, all of the proposed dwelling types would contain solar panels installed on both or either roof slope/s.

11. Affordable Housing

Core Strategy policy CP7 states:

On sites capable of providing 3 or more additional dwellings (irrespective of the number of dwellings proposed) 35% of the total housing provision should be made available as affordable housing for households whose housing needs are not met by the market...

In this case, the Outline consent was subject to a Section 106 Agreement in which it is stated that 35% of the proposed dwellings shall be Affordable Housing, of which 70% shall be Social Rented and the remainder Intermediate Dwellings.

The reserved matters application is for 93no. dwellings. As such, 32.55no. Affordable Housing units should be provided.

The proposed includes 32no. Affordable Housing units, of which 23no. or 72% would be Social Rented and 9no. or 28% would be Intermediate Dwellings.

The Council's Housing Officer has been consulted on this application and, following amendments, has no objections. As such, the proposed Affordable Housing mix is considered acceptable.

Coming to the remaining 0.55no. of the Affordable Housing requirement that is not proposed to be provided on site, this can take the form of a financial contribution in accordance with the Section 106 Agreement.

This calculation is set out in Table 4 and Table 5 below using the methodology prescribed in the Affordable Housing SPD.

Table 4. Financial contribution per dwelling contribution

Table 1	A	B	C	D
	Average Size m2	Typical Build Costs m2*	Average Plot Value	Financial Contribution per dwelling
1 bed flat	55	£2,067.68	£22,217	£113,722.40
1 bed house	63	£2,067.68	£22,217	£130,263.84
2 Bed Flat	72	£2,067.68	£22,217	£171,089.96
2 Bed House	83	£2,067.68	£22,217	£193,834.44
3 Bed House	91	£2,067.68	£22,217	£210,375.88
4 Bed House	103	£2,067.68	£22,217	£235,188.04

* $\text{£}1,247/234$ (4Q 2013 BCIS index) \times 388 (4Q 2023 BCIS index) = $\text{£}2,067.68$

Table 5. Affordable housing contribution calculation

Dwelling size	Housing mix proportion	Step 1: calculate the no. of affordable dwellings	Step 2: calculate financial contribution per dwelling type	
1 bed flat	$10/93 = 0.108$	$0.108 \times 0.55 = 0.059$	$0.059 \times \text{£}113,722.40 = \text{£}6,709.62$	£6,709.62
1 bed house	$10/93 = 0.108$	$0.108 \times 0.55 = 0.059$	$0.059 \times \text{£}130,263.84 = \text{£}7,685.57$	£7,685.57
2 bed flat	$4/93 = 0.043$	$0.043 \times 0.55 = 0.024$	$0.024 \times \text{£}171,089.96 = \text{£}4,106.16$	£4,106.16
2 bed house	$20/93 = 0.215$	$0.215 \times 0.55 = 0.118$	$0.118 \times \text{£}193,834.44 = \text{£}22,872.46$	£22,872.46
3 bed house	$32/93 = 0.344$	$0.344 \times 0.55 = 0.189$	$0.189 \times \text{£}210,375.88 = \text{£}39,761.04$	£39,761.04
4 bed house	$17/93 = 0.183$	$0.183 \times 0.55 = 0.101$	$0.101 \times \text{£}235,188.04 = \text{£}23,753.99$	£23,753.99
TOTAL:				£104,888.84

As such, the scheme would be liable to an off-site Affordable Housing contribution for 0.55no. units, totalling £104,888.84.

This obligation is set out in the agreed S106 and no further mechanism is required to secure the contribution.

The agreed S106 also stipulates a min. 5% of the Affordable Housing to be wheelchair accessible. As such, this requirement would equate to 2no. homes.

In this case, plot nos. 69 and 74 would be fully wheelchair accessible ground floor flats. The scheme would, therefore, be compliant in this regard.

Coming to the details of layout and appearance, paragraph 3.16 of the Affordable Housing SPD states:

- Innovative design of affordable homes and their environment will be encouraged...

- To promote inclusive communities, it should not be possible to ascertain the difference between market and affordable housing in any one scheme - the affordable housing must integrate seamlessly into the layout of the development.
- To help create more varied patterns of house types and ownership in the City, the affordable housing should be distributed amongst the market housing in clusters of no more than 10 units and spread across the site.

In this case, the proposed affordable housing would be broadly pepper-potted throughout the site although would be more clustered in the south-eastern segment.

The agreed S106 states that the Affordable Housing should be visually indistinguishable from the Open Market dwellings in terms of design, materials and appearance. From the submitted plans, this aspect appears compliant.

For the above reasons, the scheme is considered acceptable in this regard.

12. Community Infrastructure Levy (CIL)

Core Strategy policy CP18 states:

...Developer contributions will be sought to ensure that the necessary physical, social, economic and green infrastructure is in place to deliver development. Contributions will be used to mitigate the adverse impacts of development (including any cumulative impact). Where appropriate, contributions will be used to facilitate the infrastructure needed to support sustainable development.

The adopted CIL charging schedule applies a levy on proposals that create additional new floor space over and above what is already on a site. This proposal is CIL liable being residential development. The rate at which CIL is charged for this development is £118.57 per sqm for permission granted in 2022, given that the Outline consent was granted on 25/08/22.

As set out in the submitted CIL Form 1, the proposed GIA would measure 9,386.72 sqm. Therefore, the CIL liability as calculated at £118.57 per sqm for 9,386.72 sqm of new additional floor area would total £1,112,983.39.

The regulations provide 100% relief from the levy on those parts of a chargeable development which are intended to be used as social housing.

In this case, 6,905.3 sqm of the proposed new residential floor area would comprise Open Market housing and 2,481.42 sqm would comprise Affordable Housing. As such, the liability is likely to be reduced to £818,761.42, subject to an application for Social Housing Relief.

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.

Full details of current charges are on the Council's website.

Coming to the Habitats Mitigation contribution, this would be top-sliced from CIL receipts in this case of CIL liable developments. No additional Habitats Mitigation contribution would be required where a CIL payment is made.

As noted in the Ecology section, developments within 10km of the Exe Estuary SPA are liable to pay a contribution of £1,035.23 per residential unit. The contribution per unit increases annually by indexation and is calculated using the January Retail Price Index with the contribution per unit increasing in April each year. The contribution payable will be the annual figure plus indexation at the time payment is made.

In this case, this would total £96,276.39 based on 93no. new dwellings at the current rate. This figure is subject to an annual increase by indexation that will be calculated at the time payment is made.

Given that the CIL liability has been calculated at this stage at £1,112,983.39, the £96,276.39 would be taken from this amount and no further Habitats Mitigation contribution would be required.

13. Section 106 Agreement

A S106 Agreement was undertaken at the Outline stage and no further assessment is required here.

14. Other

Public open space including Valley Park and play areas

As noted above, the scheme includes 2no. public open spaces within the application site and a new Valley Park within the blue outlined area.

The Parameters Plan Open Space Provision, ref.1154, Rev.G was approved at the Outline stage. This notes that the following must be provided:

- LAP (local area of play) located centrally within the development area of c.0.02 ha;
- LEAP (local equipped area of play) located adjacent the northwest boundary of the application site of c.0.04 ha;
- New Valley Park of c.9.13 ha.

The current proposal is considered broadly in compliance with the Outline approved plan in regard to open space provision.

These matters are subject of the S106 legal agreements attached to Outline consent ref. 20/0538/OUT, which stipulates, among other requirements:

- Min. 1.34 ha. of formal and informal open space to be provided on site;
- Open Space specification to be submitted and approved by the Council;
- Valley Park specification to be submitted and approved by the Council.

For the above reasons, this element of the proposal and wider scheme do not require further discussion here.

Devon banks adjacent southeastern site access

A developer contribution to ECC for landscaping works was negotiated at the Outline stage and forms part of a separate S106 agreement. An approved drawing, Landscape Buffer Plan, ref.1010, forms part of that agreement.

As such, prior to commencement of the development, a contribution of £15,000 will be paid to ECC to implement a Devon bank on the western side of the proposed site access within the Land at Pinwood Meadow public open space.

This element of the proposal requires no further discussion here.

15. Planning Balance

Following recent updates to the NPPF, the Council is required to have a four-year rather than five-year housing land supply. Currently, the Council can demonstrate a four-year housing land supply and, therefore, the tilted balance is NOT applicable in this case.

It is acknowledged that nearly 500 letters of objection were received regarding the Outline application. However, that application was approved through the Appeal process and the principle of residential development on this greenfield site has been established.

This application relates to the reserved matters only and it is recognised that many details are subject to Outline conditions and are to be assessed under separate applications, not here.

While 30no. letters of objection have been received to this application, it is noted that these are predominantly concerned with the principle of residential development on this greenfield site and with infrastructure issues such capacity at GP surgeries or schools.

These matters have already been considered at the Outline stage and have been either found acceptable or addressed where applicable via conditions or the S106 legal agreement, such as in the case of developer contributions.

The reserved matters scheme has been amended in response to the Design Review and to Officer concerns. As such, it is considered to represent a significant improvement over the illustrative scheme presented at the Outline stage.

The reserved matters are considered to comply with the Outline approved parameters plans and with the local and national policy framework.

For the above reasons, no adverse impacts would be considered to outweigh the benefits, when assessed against the policies in the NPPF or the Local Development Plan when taken as a whole.

The proposal is considered to constitute sustainable development overall and permission should be granted subject to conditions without delay.

17.0 Conclusion

NPPF paragraph 11 states:

Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking, this means: c) approving development proposals that accord with an up-to-date development plan without delay.

As such, this application is recommended for approval, in line with NPPF paragraph 11 c).

18.0 Recommendation

GRANT PERMISSION, subject to the submission of satisfactory drainage details, with the following conditions:

Conditions:

Prior to occupation

1. HIGHWAYS ESTATE ROADS IMPLEMENTATION

The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

- B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
- C) The cul-de-sac visibility splays have been laid out to their final level;
- D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
- E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
- F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
- G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

Reason: To ensure that adequate access and associated facilities are available for the traffic attracted to the site

2. BIN STORAGE

Prior to occupation of the development, the bin storage shall be provided in accordance with the submitted details. The bin storage shall be maintained at all times thereafter.

Reason: To provide adequate facilities for refuse, recycling and household waste.

3. WOODLAND MANAGEMENT PLAN

Prior to completion or occupation of the development, whichever is the sooner; an Ash Dieback / Woodland Management Plan shall be submitted to, and approved in writing by, Exeter City Council. The management plan should be prepared by a qualified and experienced forestry or arboricultural consultant and should include the following elements:

- a) A statement of the overall design vision for the tree groups and for individual trees retained as part of the development - including amenity classification, nature conservation value and accessibility.
- b) Type and frequency of management operations to achieve and sustain canopy, understorey and ground cover, and to provide reinstatement including planting where tree loss or vandalism occurs.
- c) Frequency of safety inspections, which should be at least three yearly in areas of high risk, less often in lower risk areas.
- d) Ash dieback triage risk and health score assessment.
- e) Confirmation that the tree pruning work is carried out by suitably qualified and insured tree contractors to British Standard 3998 (2010).
- f) Special measures relating to Protected Species or habitats, e.g. intensive operations to avoid March - June nesting season or flowering period.
- g) Recommendations relating to how trees within the immediate vicinity of buildings, carparks and other infrastructure are to be managed and protected.
- h) Confirmation of cyclical management plan assessments and revisions to evaluate the plan's success and identification of any proposed actions.

Reason: Required to ensure that wooded areas and tree groups are satisfactorily safeguarded, managed and maintained in the long term / in perpetuity in the interest of nature conservation and the visual amenity of the area.

4. SUSTAINABILITY

Prior to first occupation of the development hereby permitted, the solar panels indicated on the approved plans, shall be implemented in full and maintained thereafter.

Reason: In the interest of the carbon reduction and the Climate Crisis.

Other

5. PLANS

The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority

- Proposed Site Layout, ref.100, Rev.A
- Site Masterplan, ref.100-1, Rev.A
- Site Location Plan, ref.101, Rev.A
- Materials Layout, ref.102, Rev.A
- Enclosures Layout, ref.103, Rev.A
- Affordable Housing Layout, ref.104, Rev.A
- Storey Heights Layout, ref.105, Rev.A
- Parking & Cycle Strategy Layout, ref.106, Rev.A
- Refuse Layout, ref.107, Rev.A
- Street Scenes & Site Sections, ref.108, Rev.A
- Amenities Layout, ref.109, Rev.A
- Existing Site Sections, ref.110,
- Ashmore - Floor Plans & Elevations, ref.150, Rev.A
- Ashford - Floor Plans & Elevations, ref.151, Rev.A
- Tetford - Floor Plans & Elevations, ref.152, Rev.A
- Tetford - Floor Plans & Elevations_Mid, ref.152-1,
- Stanton - Floor Plans & Elevations, ref.153, Rev.A
- Dartford - Floor Plans & Elevations_Render, ref.154,
- Dartford - Floor Plans & Elevations_Stone, ref.154-1, Rev.A
- Mathern - Floor Plans & Elevations, ref.155, Rev.A
- Sampford - Floor Plans & Elevations_Brick, ref.156, Rev.A
- Sampford - Floor Plans & Elevations_Render, ref.156-1, Rev.A
- Sampford - Floor Plans & Elevations_Stone, ref.156-2, Rev.A
- Monmouth - Floor Plans & Elevations, ref.157, Rev.A
- Monmouth Corner-FloorPlans&Elevations_Render, ref.158, Rev.A
- Monmouth Corner-FloorPlans&Elevations_Stone, ref.158-1, Rev.A
- Monnow - Floor Plans & Elevations_Brick, ref.159, Rev.A
- Monnow - Floor Plans & Elevations_Render, ref.159-1, Rev.B

- Monnow - Floor Plans & Elevations_Brick V2, ref.159-2,
- Tamar - Floor Plans, ref.160, Rev.A
- Tamar - Elevations Page 1, ref.161, Rev.A
- Tamar - Elevations Page 2, ref.162, Rev.A
- Frome - Floor Plans & Elevations, ref.163, Rev.A
- Ogmore - Floor Plans & Elevations_Mid Render, ref.165-1, Rev.A
- Wye - Floor Plans & Elevations, ref.166, Rev.A
- Wye - Floor Plans & Elevations_Mid_Brick, ref.167,
- Wye Corner - Floor Plans & Elevations, ref.168,
- Idris - Floor Plans & Elevations_Render, ref.169,
- Idris - Floor Plans & Elevations_Brick, ref.170,
- Single Garage, ref.180, Rev.A
- Twin Garage, ref.181, Rev.A

as modified by other conditions of this consent.

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

6. 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 including windows and doors, and roof materials of the dwelling(s) and garages 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: In the interests of visual amenity and character of the area and the sensitive landscape setting.

7. HIGHWAYS CONSTRUCTION ROAD/PARKING

No access to the application site via the southeast site boundary or any route except that existing off Celia Crescent shall take place unless and until:

A) The new access road leading off Spruce Close has been laid out, kerbed, drained and constructed up to base course level for the first 15 metres back from its junction with the public highway;

B) The ironwork has been set to base course level and the visibility splays required by this permission laid out.

Reason: In the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

8. HIGHWAYS ESTATE ROADS/PATHS

The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate,

the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.

9. HIGHWAYS ESTATE ROADS MAINTENANCE

When once constructed and provided in accordance with condition 1 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure that these highway provisions remain available

10. HIGHWAYS ESTATE ROADS COMPLETION

Within three months of completion of the final dwelling of the development hereby permitted, all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splay works shall be completed to the written satisfaction of 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

11. CONSTRUCTION HOURS

No site machinery or plant shall be operated, no construction or demolition processes shall be carried out or related site deliveries except between the hours of 08:00 hrs – 18:00 hrs Monday to Friday, 08:00 hrs to 13:00 hrs Saturday, and at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

Informatives:

12. NPPF PROACTIVE

In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

13. COMMUNITY INFRASTRUCTURE LEVY

The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority, if this has not already been done. A copy is available on the Exeter City Council website.

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. For further information please see www.exeter.gov.uk/cil