

# PLANNING COMMITTEE REPORT

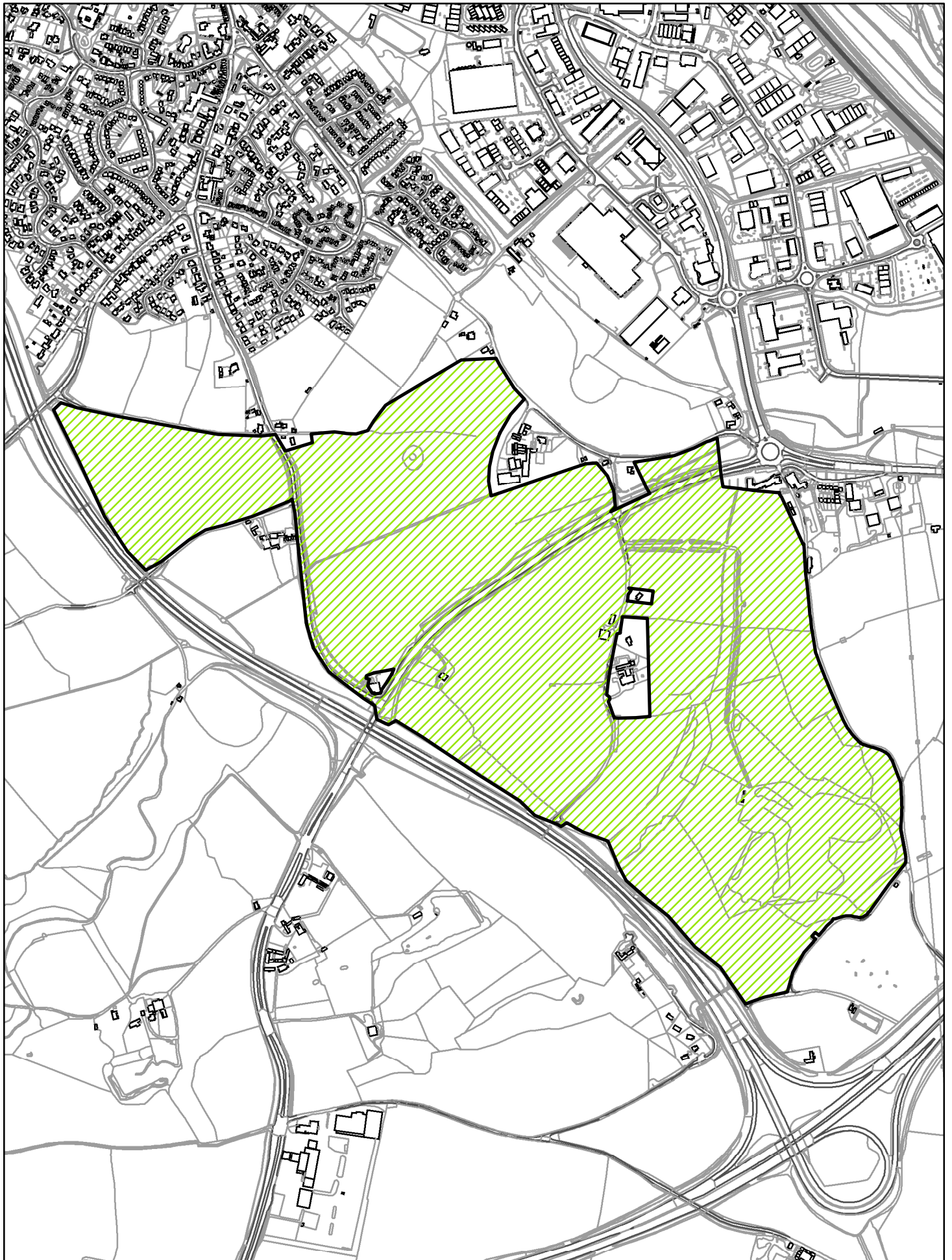
## 20 February 2018

CHAIRMAN: Cllr Dennis Smith



<b>APPLICATION FOR CONSIDERATION:</b>	<b>EXMINSTER - 15/00708/MAJ - Land at South West Of Exeter, Matford - Outline - residential development, mixed use local centre (Use Classes A1, A2, A3, A4, A5, D1 and B1), education facilities and sport and recreation, land for community buildings (Use Class D2), open space, Suitable Alternative Natural Green Spaces (SANGS), Sustainable Urban Drainage Systems works, new access and highways infrastructure including a bridge and related works (approval sought for access)</b>	
<b>APPLICANT:</b>	<b>Bovis Homes Ltd - South Division</b>	
<b>CASE OFFICER</b>	<b>Rosalyn Eastman</b>	
<b>WARD MEMBERS:</b>	<b>Councillor Lake Councillor Goodey</b>	<b>Kenn Valley</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=15/00708/MAJ&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=15/00708/MAJ&amp;MN</a>	





## 1. REASON FOR REPORT

To update Members on progress since the September 2017 resolution in relation to this strategically-important proposal

## 2. RECOMMENDATION

Subject to:

The completion of a Section 106 Agreement by 27 April 2018 to provide:

1. A minimum of 10% Affordable Housing in the first phase in line with the recommendations of the viability report split 25% Affordable Rent: 75% Shared Ownership (to be reviewed on receipt of any significant public or other funding in relation to any aspect of the scheme and at intervals throughout the development after the first phase)
2. A minimum of 30 Custom Build Dwelling plots
3. A scheme for provision of 4 Gypsy and Traveller Pitches
4. Provision of District Heating – if public sector or other funding for infrastructure is guaranteed prior to development commencing and subject to further viability review. (Applicant to employ best endeavours to work with the Council to secure such funding)
5. Provision of land and financial contribution to Chudleigh Road link and financial contribution to Devon Hotel Roundabout improvements at a maximum of around £4,000 per dwelling (precise amount to be agreed with Devon County Council).
6. Provision of land and financial contribution of £740 per dwelling for pedestrian/cycle bridge
7. Land and financial contribution for Community Building at total cost of £2,000 per dwelling
8. Land and financial contribution for Health Provision at total cost of £500 per dwelling
9. Travel planning and packs including £300 voucher per dwelling
10. Exe Estuary SPA mitigation contributions at £96 per dwelling
11. Resident information packs containing travel planning information, pedestrian and cycle links, active recreation opportunities and useful contacts to mitigate travel impacts and assist with habit forming in relation to the Exe Estuary
12. Cirl bunting mitigation/offsetting to provide 1 hectare of replacement habitat
13. Hedge removal covenants
14. Artificial Turf Pitch (ATP) provision and management details including dual use provisions for school and community use
15. Indoor sports provision and management
16. Play provision and management
17. Green space provision and management
18. Allotment provision and management
19. Two x Traffic Regulation Orders at £5,000 each

B) The exchange/completion of agreement(s) in relation to land purchase agreements between the applicant and Teignbridge District Council or a relevant third party for:

i) The Education land. This land is to be held for the delivery of a secondary school for 15 years or up to the time of the delivery of 1,350 units, whichever is the longer.

ii) Land for Community and Health provision.

C) The exchange/completion of Agreement(s) in relation to SANGS provision with Teignbridge District Council,

PERMISSION BE GRANTED subject to:

D) Planning conditions to address the following matters and issues – the precise form to be agreed by the Business Manager – Strategic Place in consultation with Ward Members and the Chairman of Planning Committee:

1. Requirement for Reserved Matters submissions.
2. Timing of submission of Reserved Matters of phases.
3. Time limit for commencement of phases
4. Development to proceed in accordance with approved plans/documents.
5. Framework Plans and Design Guides for each phase to be approved prior to submission of Reserved Matters applications.
6. Phasing plans noting each Custom Build plot to be a distinct phase and limiting first phase to not exceeding 350 dwellings.
7. On-going development compliance plans to demonstrate how the overall masterplan vision will be achieved.
8. Primary control – uses and quantum permitted by the permission.
9. Timetable for delivery of non-residential uses (including a scheme of marketing for local shops and any other non-residential commercial uses).
10. Local Centre provision.
11. Tree constraints and protection.
12. Landscape strategy.
13. Landscape and Ecology Management Plan (LEMP).
14. Construction Environmental Management Plan (CEMP), Environmental Management Plan (EMP), Public Right Of Way protection, improvement and Provision.
15. Construction access strategy and phasing including for occupants.
16. Noise/air quality protection including for occupants.
17. Sustainable Urban Drainage System (SUDs), provision, management, etc., including during construction and design for biodiversity.
18. Archaeological investigations.
19. Scheduled Monument management and interpretation.
20. Biodiversity protection.
21. Foul sewerage survey and provision.
22. Construction management including noise, air quality and traffic.
23. Public art.
24. Lighting strategy.
25. Watercourse pollution prevention during both construction and operation.
26. Contaminated land investigation.
27. Bus stop provision.
28. Dedication of land to highways to site boundaries.
29. Detailed highway design.
30. Safe access to bus stops.
31. Implementation of highway works, including footways and cycleways, in accordance with an agreed phasing scheme.
32. Pedestrian and cycle bridge timing.
33. The site access and visibility splays shall be constructed, laid out and maintained for that purpose.

34. No development shall take place until a waste audit statement has been provided, and approved.
35. Alternative uses (e.g. secondary school/flexible uses within the Local Centre)
36. Bat and bird boxes.
37. Identification of opportunities for apprentices.

### **3. DESCRIPTION**

- 3.1 In January 2017 and September 2017 Members resolved to grant planning permission for the development as detailed above subject to obligations, agreements and conditions as outlined in the recommendation.
- 3.2 Most recently, the September resolution required the “completion” of the Section 106 Agreement by 23 January 2018.
- 3.3 Discussions/negotiations in relation to the content of the Section 106 Agreement were completed by 23 January 2018 and the Agreement will now be circulated to all parties for signature.
- 3.4 This is a consequence of the complicated nature of the development and the multiple landowners that are required to sign the agreement alongside the applicant and the Local Planning Authority.
- 3.5 The Section 106 Agreement was the only time limited aspect of the resolution.
- 3.6 In order to ensure the planning permission that will be issued in relation to this application is robust, Officers consider a further resolution is required from Members to allow the decision to be issued
- 3.7 Good progress is being made in relation to achieving signatures on the Section 106 Agreement and in relation to all other matters that form part of the application. We are working to issue a decision by the end of March 2018 but the recommendation seeks an additional month at the end of this to provide flexibility in the event that currently unforeseen obstacles are hit.
- 3.8 There are no changes to the proposals from those previously considered by Committee. The September Committee Report is appended to this update report for information.
- 3.9 Members continued support for this complex but strategically important planning application is requested as detailed in the Recommendation above.

### **4. COMMUNITY INFRASTRUCTURE LEVY**

This is an outline application. CIL liability will be calculated when the reserved matters application is submitted.

CIL receipts are anticipated to be around £20-25 million of which 25% will be passed to Exminster Parish Council.

### **5. ENVIRONMENTAL IMPACT ASSESSMENT**

In determining this planning application, the Local Planning Authority has taken into consideration the Environmental Statement submitted with the planning application and also all of the consultation responses and representations received, in accordance with Regulation 3 (4) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

**Business Manager – Strategic Place**

# PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

**DATE:** 26 September 2017

**REPORT OF:** Business Manager – Strategic Place

**ITEM:** 3.

**CASE OFFICER** Rosalyn Eastman

**APPLICATION FOR CONSIDERATION:** EXMINSTER - 15/00708/MAJ - Land at South West of Exeter, Matford - Outline - residential development, mixed use local centre (Use Classes A1, A2, A3, A4, A5, D1 and B1), education facilities and sport and recreation, land for community buildings (Use Class D2), open space, Suitable Alternative Natural Green Spaces (SANGS), Sustainable Urban Drainage Systems works, new access and highways infrastructure including a bridge and related works (approval sought for access)

**APPLICANT:** Bovis Homes Ltd - South Division

**WARD MEMBERS:** Councillors Goodey and Lake, Kenn Valley

## 1. REASON FOR REPORT

On 17 January 2017, Planning Committee resolved that:

*“Subject to:*

*A) The completion of a Section 106 Agreement within 9 months of the date of this Committee to provide:*

*1. A minimum of 10% Affordable Housing in the first phase in line with the recommendations of the viability report split 25% Affordable Rent: 75% Shared Ownership (to be reviewed on receipt of any significant public or other funding in relation to any aspect of the scheme and at intervals throughout the development after the first phase)*

*2. A minimum of 30 Custom Build Dwelling plots*

*3. A scheme for provision of 4 Gypsy and Traveller Pitches*

*4. Provision of District Heating – if public sector or other funding for infrastructure is guaranteed prior to development commencing and subject to further viability review. (Applicant to employ best endeavours to work with the Council to secure such funding)*

5. Provision of land and financial contribution to Chudleigh Road link and financial contribution to Devon Hotel Roundabout improvements at a maximum of around £4,000 per dwelling, (precise amount to be agreed with Devon County Council)
6. Provision of land and financial contribution of £740 per dwelling for pedestrian/cycle bridge
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11. Resident Information packs containing travel planning information, pedestrian and cycle links, active recreation opportunities and useful contacts to mitigate travel impacts and assist with habit forming in relation to the Exe Estuary
12. Cirl bunting mitigation/offsetting to provide 1 hectare of replacement habitat
13. Hedge removal covenants
14. Artificial Turf Pitch (ATP) provision and management details including dual use provisions for school and community use
15. Indoor sports provision and management
16. Play provision and management
17. Green space provision and management
18. Allotment provision and management
19. Two x Traffic Regulation Orders at £5,000 each

If, as a result of further information, new viability or changes to government policy these provisions need to be amended, the Business Manager – Strategic Place will consult with Ward Members and the Chairman of Planning Committee before exercising delegated powers.

- B) The completion of agreement(s) in relation to land purchase agreements between the applicant and Teignbridge District Council or a relevant third party for:
- i) The Education land. This land is to be held for the delivery of a secondary school for 15 years or up to the time of the delivery of 1,350 units, whichever is the longer
  - ii) Land for Community and Health provision

C) The completion of Agreement(s) in relation to SANGS provision.

PERMISSION BE GRANTED subject to:

D) Planning conditions to address the following matters and issues – the precise form to be agreed by the Business Manager – Strategic Place in consultation with Ward Members and the Chairman of Planning Committee:

1. Requirement for Reserved Matters submissions
2. Timing of submission of Reserved Matters of phases
3. Time limit for commencement of phases
4. Development to proceed in accordance with approved plans/documents
5. Framework Plans and Design Guides for each phase to be approved prior to submission of Reserved Matters applications.



6. Phasing plans noting each Custom Build plot to be a distinct phase and limiting first phase to not exceeding 300 dwellings.
7. On-going development compliance plans to demonstrate how the overall Masterplan vision will be achieved.
8. Primary control – uses and quantum permitted by the permission
9. Timetable for delivery of non-residential uses (including a scheme of marketing for local shops and any other non-residential commercial uses)
10. Local Centre provision
11. Tree constraints and protection
12. Landscape strategy
13. Landscape and Ecology Management Plan (LEMP)
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33. The site access and visibility splays shall be constructed, laid out and maintained for that purpose
34. No development shall take place until a waste audit statement has been provided, and approved
35. Alternative uses (e.g. secondary school/flexible uses within the Local Centre)
36. Bat and bird boxes
37. Identification of opportunities for apprentices”

It is unlikely that the Section 106 Agreement will be completed by the relevant date (17 October 2017) and therefore an extension to this resolution is requested as detailed below.

The application was originally considered by Planning Committee as the proposals are significant in scale and the Business Manager – Strategic Place considered that they merited review by Planning Committee prior to determination of the application.

## 2. RECOMMENDATION

Subject to:

A) The completion of a Section 106 Agreement by 23 January 2018 to provide:

1. A minimum of 10% Affordable Housing in the first phase in line with the recommendations of the viability report split 25% Affordable Rent: 75% Shared Ownership (to be reviewed on receipt of any significant public or other funding in relation to any aspect of the scheme and at intervals throughout the development after the first phase)
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18. Allotment provision and management
19. Two x Traffic Regulation Orders at £5,000 each

If, as a result of further information, new viability or changes to government policy these provisions need to be amended, the Business Manager – Strategic Place will consult with Ward Members and the Chairman of Planning Committee before exercising delegated powers.

B) The completion of agreement(s) in relation to land purchase agreements between the applicant and Teignbridge District Council or a relevant third party for:

- i) The Education land. This land is to be held for the delivery of a secondary school for 15 years or up to the time of the delivery of 1,350 units, whichever is the longer.
- ii) Land for Community and Health provision.

C) The completion of Agreement(s) in relation to SANGS provision

PERMISSION BE GRANTED subject to:

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34. No development shall take place until a waste audit statement has been provided, and approved
35. Alternative uses (e.g. secondary school/flexible uses within the Local Centre)
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37. Identification of opportunities for apprentices

### **3. COMMENTARY**

- 3.1 Following the resolution by Planning Committee to grant planning permission for the Bovis Homes proposals at South West Exeter in January 2017, Officers of the Council along with their colleagues from Devon County Council and the Bovis Team have been working hard to progress the various agreements necessary to allow this important development to take place.
- 3.2 Key planks of this work reflect the concerns of Members as expressed at Planning Committee including:
  - Discussions with the Parish Council and Ted Wragg Trust in relation to potential models for delivering community access to school/sports/community facilities;
  - Liaising with Devon County Council in relation to highway design and logistics; and,
  - Working with LocatEd and the EFSA on securing the land for the All-through school.
- 3.3 Good progress has been made on drafting the Section 106 Agreement and work is underway on the other agreements to enable planning permission to be granted.
- 3.4 In light of the complexity of the agreements and the number of parties involved in signing the documentation, it is however highly unlikely that agreements will be completed by 17 October 2017.
- 3.5 The recommendation above therefore seeks an extension to the original resolution to allow additional time to finish the drafting process and get agreements completed and subsequently the planning permission issued.
- 3.6 All parties are keen to have the planning permission issued by the Christmas break and therefore an extension to the resolution until the next Planning Committee after Christmas is sought. It is considered that this provides sufficient time for drafting/approval processes whilst ensuring that all parties remain focused on achieving the issuing of the Planning Permission in order that works on site can commence during the first part of 2018.

### **4. POLICY DOCUMENTS**

#### Teignbridge Local Plan 2013-2033

- S1A (Presumption in favour of Sustainable Development)
- S1 (Sustainable Development Criteria)
- S2 (Quality Development)
- S5 (Infrastructure)
- S9 (Sustainable Transport)

S10 (Transport Networks)  
S11 (Pollution)  
EC1 (Business Development)  
EC10 (Local Shops)  
WE2 (Affordable Housing Site Targets)  
WE4 (Inclusive Design and Layout)  
WE7 (Custom Build Dwellings)  
WE11 (Green Infrastructure)  
EN3 (Carbon Reduction Plans)  
EN4 (Flood Risk)  
EN5 (Heritage Assets)  
EN6 (Air Quality)  
EN7 (Contaminated Land)  
EN8 (Biodiversity Protection and Enhancement)  
EN9 (Important Habitats and Features)  
EN10 (European Wildlife Sites)  
EN11 (Legally Protected and Priority Species)  
EN12 (Woodlands, Trees and Hedgerows)  
SWE1 (South West of Exeter Urban Extension)  
SWE3 (Ridge Top Park)

Exminster Neighbourhood Development Plan

EXM1 (Community Sports & Leisure Facility)  
EXM3 (Quality of Design)

Devon Waste Plan

W4 (Waste Prevention)  
W10 (Protection of Waste Management Capacity)

SWE Development Framework  
Alphington Development Brief  
National Planning Policy Framework  
National Planning Policy Guidance

## 5. **CONSULTEES AND REPRESENTATIONS**

No further consultations or publicity in relation to the application have taken place. We continue to work with Devon County Council, Exminster Parish Council and other relevant bodies in order to progress matters.

## 6. **COMMUNITY INFRASTRUCTURE LEVY**

This is an outline application. CIL liability will be calculated when the reserved matters application is submitted.

CIL receipts are anticipated to be around £20-25 million of which 25% will be passed to Exminster Parish Council.

## 7. **ENVIRONMENTAL IMPACT ASSESSMENT**

In determining this planning application, the Local Planning Authority has taken into consideration the Environmental Statement submitted with the planning application and also all of the consultation responses and representations received, in accordance with Regulation 3 (4) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Appendix for South West Exeter

# PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

**DATE:** 17 January 2017

**REPORT OF:** Business Manager – Strategic Place

**ITEM:** 1.

**CASE OFFICER** Rosalyn Eastman

**APPLICATION FOR CONSIDERATION:** EXMINSTER - 15/00708/MAJ - Land At South West Of Exeter, Matford - Outline - residential development, mixed use local centre (Use Classes A1, A2, A3, A4, A5, D1 and B1), education facilities and sport and recreation, land for community buildings (Use Class D2), open space, Suitable Alternative Natural Green Spaces (SANGS), Sustainable Urban Drainage Systems works, new access and highways infrastructure including a bridge and related works (approval sought for access)

**APPLICANT:** Bovis Homes Ltd - South Division

## 1. REASON FOR REPORT

The application proposes development of a significant scale and the Business Manager – Strategic Place considers it merits review by the Planning Committee Prior to determination.

It has not been called to Committee nor is Committee consideration required under the scheme of delegation.

The application is not considered to be a Departure from the Development Plan, although it was advertised in error as a Departure.

## 2. RECOMMENDATION

Subject to:

A. The completion of a S106 Agreement within 9 months of the date of this Committee to provide:

1. A minimum of 10% Affordable Housing in the first phase in line with the recommendations of the viability report split 25% Affordable Rent: 75% Shared

Ownership (to be reviewed on receipt of any significant public or other funding in relation to any aspect of the scheme and at intervals throughout the development after the first phase)

2. A minimum of 30 Custom Build Dwelling plots
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B. The completion of agreement(s) in relation to land purchase agreements between the applicant and Teignbridge District Council or a relevant third party for:

- a. The Education land
- b. Land for Community and Health provision

C. The completion of Agreement(s) in relation to SANGS provision

PERMISSION BE GRANTED subject to:



D. Planning Conditions to address the following matters and issues – the precise form to be agreed by the Business Manager – Strategic Place in consultation with Ward Members and the Chairman of Planning Committee:

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- gg) The site access and visibility splays shall be constructed, laid out and maintained for that purpose
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- ii) Alternative uses (e.g. secondary school/flexible uses within the Local Centre)
- jj) Bat and bird boxes
- kk) Identification of opportunities for apprentices

### **3. DESCRIPTION**

#### **THE APPLICATION SITE**

- 3.1 The application site comprises part of the South West Exeter housing and mixed use development site that is allocated in the Teignbridge Local Plan 2013–2033 under Policies SWE1 and SWE3.
- 3.2 The site is located approximately 5 km to the south west of Exeter city centre, with Alphington and Exminster located to the north and south east respectively. It lies to the western side of the Exe Valley, within an area of landscape characterised by a sloping topography, ridges and valleys.
- 3.3 The site comprises approximately 90 hectares. It is broadly separated by the A379, which runs east-west and provides a strategic link to the centre of Exeter. The site is predominantly in agricultural use with occasional groups of residential properties and farmsteads located along existing roads. There are also some areas of employment and leisure uses within close proximity to the site, including the Devon Hotel which is located on the A379/B3123/Old Matford Lane roundabout.
- 3.4 The site is bounded by the A30 to the west, Old Matford Lane to the east, Markham Lane and existing field boundaries to the north and Deepway Lane to the south. To the south of the A379 the site rises steeply up to Pearces Hill and forms the highest point of the site, with the ridgeline running alongside the M5. North of the A379 the Matford Brook, a minor tributary of the River Exe, runs west–east across the site within a broad shallow valley. The valley rises gently to a high point located on the edge of Alphington Village.
- 3.5 The topography of the area to the south of the A379 is variable but generally slopes towards the base of a valley located in the centre where a tributary of Matford Brook flows from south to north.
- 3.6 An operational inert landfill site is present in the south eastern corner of the site and, whilst it will be closed and restored as part of the development, it is active at this time.
- 3.7 Overhead electricity cables and associated transmission towers are located in the north-western and central east portions of the site. A medium pressure gas main trending north to south is located beneath the centre of the southern portion of the site. The proposals have been referred to the Health and Safety Executive (HSE) due to overarching (although not built development) proximity to a gas main. The HSE has confirmed it does not “advise against” the development based on the provided information (e-mail dated 30 August 2016). Post-resolution referral to the National Planning Casework Unit is therefore not required prior to any decision being able to be made on the application.

- 3.8 A Scheduled Monument is also located on the site, close to the centre of the northern boundary. The monument is recorded as a linear round barrow cemetery of Bronze Age origin.
- 3.9 There are a number of listed structures within close proximity of the site.

### **THE APPLICATION**

- 3.10 The application is submitted in outline with all matters reserved except that of access. It is accompanied by an Environmental Statement.
- 3.11 In summary the proposals will deliver:
- Approximately 1,350 new high quality dwellings that include a mix of tenures (including gypsy and traveller pitches and custom build dwellings)
  - A mixed use centre which will include new key retail facilities and form a new social hub for the development
  - A site large enough to accommodate an ATP, through-school and community building, benefitting new residents and the existing community
  - A pedestrian and cycle bridge over the A379 to ensure the provision of a convenient and safe linkage across the road for all residents
  - Sustainable transport opportunities in the form of bus routes, cycle routes and footpaths
  - Connected and multi-functional green infrastructure comprising public open space, areas for play and recreation, strategic landscaping, habitat creation and wildlife corridors
  - A new Matford Valley Park and area of open space that can be used as SANGS, forming landmark spaces for the development
  - Vehicular access taken from the A379, Chudleigh Road, Dawlish Road and Trood Lane
- 3.12 Devon County Council and Teignbridge District Council are committed to ensuring that the secondary school is provided in accordance with the Development Framework Plan but it is worth noting here that the proposal allows that, if the secondary school is not delivered, the surplus land could provide up to an additional 150 homes plus open space/infrastructure, etc.
- 3.13 The application is submitted with 3 Parameter Plans:
1. Land Use
  2. Access and Movement
  3. Building Height
- These plans both define the maximum extent of the development that has been assessed within the Environmental Statement (ES) and also form the basis for the "Approved Plans" that will be listed (amongst other material) on the decision notice should Members resolve to grant permission.

#### **1. LAND USE PARAMETER PLAN**

- 3.14 The Land Use Parameter Plan and supporting text set out how the site is to be developed.

In addition to education and open space provision, the following floor space figures have been tested as the maximum scale of development as part of the ES assessment process.

Description	Max. Units	Maximum floor space (sq. m.)
Residential	1,500	-
Local Centre (Use Classes A1, A2, A3, A4, A5 and D1)		2,000
Community Building (Use Classes D1/D2)		2,500
Health (Use Class D1)		500
Small Scale B1 as part of Local Centre (Use Class B1 (a))		2,000

## RESIDENTIAL

- 3.15 The Environmental Statement allows for up to 1,500 dwellings, which will be delivered in a range of types and tenures.
- 3.16 The submitted ES assesses a development with the maximum capacity of 1,500 dwellings and explains the approach that the cumulative impact of the Bovis development will have with other proposals which form a part of the South West Exeter allocated site.
- 3.17 In terms of density, the submitted Design and Access Statement indicates that the development will predominately be up to 40 dwellings per hectare. Lower densities will be located to the north of Matford Valley Park where the development adjoins significant areas of open space. Some apartment blocks may be located within this area where appropriate.
- 3.18 Higher densities are proposed within the mixed use centre and around Trood Lane, responding to the location of the primary movement route and the aspiration to create an active and vibrant new community hub.

## MIXED USE LOCAL CENTRE

- 3.19 A mixed use centre will be provided. It may include retail, community, business and residential uses. The centre area allows for the delivery of land for health provision in the form of a new GP surgery. This could be provided as a stand-alone facility or as part of the design of the principal community building. Land will be identified for a principal community building to provide a focus for the new development.

## EDUCATION

- 3.20 Land for an all through school is included in the application. More detail in relation to education provision is given below.

## **OPEN SPACE**

- 3.21 Up to 17.52 hectares of public open space will be provided on site to include the Matford Valley Park, incidental green space, drainage, new planting, play areas, other associated open space and infrastructure including access and allotments.
- 3.22 The inert landfill, located within the south eastern corner of the site, will cease to operate and will be restored in due course.

## **2. ACCESS AND MOVEMENT PARAMETER PLAN**

- 3.23 Means of access is not a reserved matter. Vehicular access to the development will include:
- New access points on the A379;
  - Access via an enhanced Trood Lane;
  - New access points on Chudleigh Road;
  - A single access point on Dawlish Road;
  - A zone for connection across Old Matford Lane; and,
  - A zone for a bus connection across Markham Lane.
- 3.24 Vehicular access will also be provided to the site boundaries adjacent to future potential development areas to the east and to the north towards Alphington. Zones where primary access routes will be provided have been identified. A 30 metres wide corridor within which a boulevard, capable of accommodating a bus route, is to be provided to the south of the A379 is noted. In addition a 30 metres wide avenue providing links into the south of the development is also identified.

## **PEDESTRIAN AND CYCLE ACCESS**

- 3.25 Pedestrian and cycle access is proposed via the vehicular access points. Additional pedestrian links to the wider area, between the parcels of the development and into the areas of open space are also proposed as identified in the Design and Access Statement and Transport Assessment.
- 3.26 A new pedestrian/cycle bridge is identified as part of the development to ensure the safe and convenient crossing of pedestrians and cyclists over the A379. The Bovis application identifies land on either side of the A379 where the bridge will be located.

## **3. BUILDING HEIGHTS PARAMETER PLAN**

- 3.27 Building heights across the site may vary from one to four storeys. As shown on the Maximum Heights Parameter Plan, within the Design and Access Statement, development adjoining Old Matford Lane and the southern end of Trood Lane will be 2 storeys in height, up to 10 metres above finished floor level, responding to the topography. The majority of development north of the Matford Valley Park will comprise up to 2.5 storeys allowing for increased storey heights to be located along primary movement routes. The parcel of development to the east of Chudleigh Road will be two storeys only, to maintain and respect the long distance views from the Ridge Top Park. The tallest of the development will be located within the mixed

use centre, at the central part of the site, where development will be up to 3-4 storeys (13.5 metres-18 metres above finished ground level) and will adjoin the A379 creating a strong frontage.

- 3.28 These heights of course depend on the extent of cut and fill that is required on site and the levels of the necessary development platforms that will be required to be constructed.
- 3.29 There is an in-built allowance for flexibility within the plan to allow these heights to be exceeded where good design or planning would permit – on no more than 5% of buildings within each development parcel.

### **PROGRESS OF THE APPLICATION TO DATE**

- 3.30 The application was brought to Planning Committee in July 2015 with a recommendation that progress on the application be noted and the Committee be minded in principle to support the planning application subject to outstanding matters being satisfactorily resolved. Such matters were identified in the report; and for ease of reference, have also been detailed below, together with details of how these matters are now considered to have been addressed. The application is therefore now being brought back to Committee for full and final consideration.
- 3.31 The July 2015 Site Inspection Report and Committee Report are appended for information
- 3.32 Since the application was last considered by Members of Committee, much work has been undertaken to resolve the outstanding matters, including input from external consultants, regular meetings with the developer and frequent consultation with Exminster Parish Council.
- 3.33 Importantly, as all parties became more familiar with the constraints of delivery at the site and the requirements associated with implementing the policy framework, concerns over the scheme's viability were raised by the developer, and, accordingly, the Council has sought the advice of an independent viability assessor, who has carefully scrutinised the applicability of the figures put forward.
- 3.34 This has included discussion around sales values, build costs, site specific abnormal costs, land values and developer profits and has included advice from quantity surveyors as well as valuation experts.
- 3.35 Following diligent consideration of the available information against the requirements of planning policy, the conditions, Section 106 Obligations and Agreements set out above represent Officers' recommended balance between quality place-making, provision of community facilities and highways improvements, affordable housing provision and an approach to District Heating provision that can be supported. All of which we believe underpin a scheme that can and will be delivered.

- 3.36 In undertaking this exercise, it is evident that the proposed development would not be viable or deliverable should it be required to accord in full with all the expectations of planning policy SWE1 as amplified by the Framework Plan.
- 3.37 The matters that were outstanding in July 2015 are reviewed below:

**MATTERS THAT REQUIRED FURTHER RESOLUTION FOLLOWING THE PLANNING COMMITTEE OF 28 JULY 2015**

**1. Further exploration of and certainty about delivery of District Heating**

- 3.38 As outlined above, assessments have been undertaken in respect of the scheme's viability and it has been demonstrated that the scheme is not viable when fully policy compliant. The viability assessment put forward by Bovis has been scrutinised by the Council's independent viability assessor.
- 3.39 At present, a requirement for the delivery of District Heating would result in no affordable housing being viable/deliverable. The viability assessment has included consideration of proposed connection fees for such a system and the extent of any additional costs/savings that the installation of such a system would have for the development.
- 3.40 The recommendation at this stage is that Affordable Housing should be prioritised, as set out above. However, it has been agreed with the developer that the viability of the development will be reviewed at a series of trigger points and these are time/progress based in general but also include the receipt or identification of grants/public or other funds to assist with the delivery of infrastructure associated with the development. Against this background, a submission has been made to the Department for Business, Energy and Industrial Strategy for Heat Network Investment Project funding. Should this become available, it might be that District Heating and a proportion of Affordable Housing can be achieved – in which case this would be our recommendation and this alternative scenario is encompassed in the overall recommendation detailed above.
- 3.41 The recent establishment of DEXTCO as a public sector led energy company is relevant in this context – Teignbridge is a partner in this venture and the delivery of a heat network for this part of Exeter has been a long standing goal.
- 3.42 Should Members accept the recommendation, the Council will continue to seek District Heating through re-appraising the viability of the development if public sector infrastructure or other funding become available – which could release other monies – in advance of the reserved matters approval process.
- 3.43 In addition, viability reviews are proposed at timed/staged points throughout the development programme.
- 3.44 Therefore, if viability improves either through a rise in returns or if sufficient funding is available to subsidise the provision, District Heating should be provided on site. However, Members should note that this can only be pursued up until it becomes technically and financially impossible to deliver because of the number of

completions on site. Whilst some dwellings may be lost and a system still implemented, this is a finely balanced situation that will require consideration in light of overall viability in due course. The agreements and triggers will be set out in the associated Section 106 agreement.

## **2. Further work on the level of sport/community uses that will be provided on the application site and solutions for any off-site provision including a strategy for provision of Active Recreation**

3.45 Further work with partners has identified that:

- a) A site of 3,850 square metres suitable to accommodate a community/sport/health facility will be identified within the site. A portion of the need for this provision only arises as a consequence of the approximately 650 dwellings outside the current application site but within the allocation at SWE1. This additional element of the site will therefore need to be purchased from Bovis using community facilities contributions from the other developments.

Dialogue with Exminster Parish Council and Exminster Neighbourhood Plan Implementation Group is ongoing in relation to the best way to manage and deliver this facility.

- b) An ATP will be delivered at the site. It is currently envisaged that this will be delivered with the All-Through school (see below) but made available for community use in accordance with a charging structure that remains reasonable and, as a maximum, reflects the local going rate for such a facility. As with the community building, dialogue with Exminster Parish Council and Exminster Neighbourhood Plan Implementation Group is ongoing in relation to the best way to manage and deliver this facility – including in relation to its precise specification.

On balance, it is considered that the delivered provision of this facility with community access will meet the Active Recreation requirements of this development and this is the prime consideration of the planning application process. Other matters around management, etc., of the facility are more closely aligned to delivery discussion that can appropriately take place following a resolution to grant outline permission.

## **3. Confirmation of no Likely Significant Effects on the SPA/SAC**

3.46 The Local Planning Authority is the Competent Authority for the purposes of the Conservation of Habitats and Species Regulations (2010). Where a significant effect on a European site is anticipated as a consequence of a development proposal, planning permission should not be granted.

3.47 In this case, an Assessment of Likely Significant Effects has been undertaken and concludes that, subject to the implementation of appropriate planning conditions and obligations, there will be no Likely Significant Effect as a consequence of the proposal on the nearby protected European Sites.



- 3.48 Natural England agrees with this outcome.
- 3.49 Such planning conditions have been recommended and include the need to provide full detail of SUDS; pollution avoidance measures during construction and the delivery of appropriate SANGS. The recommended Section 106 agreement also requires a HRA contribution of £96 per dwelling.
- 3.50 SANGS are delivered through the Community Infrastructure Levy (CIL). The Council is therefore responsible for ensuring adequate delivery is made to offset the potential impacts of the proposal.
- 3.51 It is proposed in the recommendation above that the resolution be conditional on Teignbridge District Council entering into an Agreement to ensure sufficient SANGS is provided.
- 3.52 Subject to securing sufficient land for SANGS and confidence in the delivery of such SANGS to mitigate the development, it is considered that the proposal will not have a likely significant effect on the European Sites. On the basis of the Agreement and conditions etc. set out in the recommendation, this certainty is secured and it is considered that planning permission can be granted.

**4. Further consideration of the use of Chudleigh Road in the interim and the safe operation of the Devon Hotel Roundabout as well as discussion with other developers of a scheme for the early delivery of the Chudleigh Road re-alignment.**

- 3.53 In relation to Chudleigh Road, concerns exist around highway safety and capacity as it is felt that excessive waiting times for users wanting to turn right could lead to them undertaking dangerous manoeuvres. The new Chudleigh Link Road is therefore a required feature of the development. Initially, it was anticipated that this would be delivered by Bovis as part of the usual course of the development; however, in order to ensure timely delivery across the allocation as a whole - including that element that sits within Exeter City Council's boundaries - Devon County Council has agreed to accumulate Section 106 contributions from the affected portions of the development and undertake the works themselves. It is considered that this avoids the need for Grampian style conditions preventing occupations of new dwellings and allows the development to proceed unfettered in this regard.
- 3.54 For the Devon Hotel Roundabout, options for possible upgrading still exist and could be implemented in stages. Whichever route is implemented, the design will relieve congestion and alleviate safety concerns at the junction. The proposed design is expected to improve the performance of the junction compared to the previous proposed layout, even with the addition of the traffic associated with the Bovis development and some traffic generated by the wider South West Exeter Urban Extension. This solution will be implemented by Devon County Council using funds accrued through the Bovis Section 106 Agreement and other Section 106 Agreements.

3.55 Accordingly, Section 106 Contributions of a maximum of around £4,000 per dwelling are included in the recommendation above.

**5. Clarification of the necessary mechanisms to secure education provision on site**

3.56 As with the provision of SANGS, it is necessary to ensure the provision and delivery of education facilities for the development, even though they are to be funded through the Community Infrastructure Levy, in order to make the development acceptable.

3.57 Support for an all-through Free School has been confirmed by the Education Funding Agency. This will be delivered as a partnership between the Ted Wragg Multi-Academy Trust and the Creative School. This provision meets the education requirements of SWE1. To deliver the provision, a funding arrangement between the Education Funding Agency, Devon County Council, and the relevant Local Planning Authorities is required. Such agreement is close to being reached and there is confidence that the school can be delivered.

3.58 Prior to the CIL regime, the Council would have simply required the developer to provide and deliver education requirements via a Section 106 agreement. This option is not available now and so it is considered necessary in advance of granting planning permission for an agreement to purchase the land to have been entered into. This agreement may be with Devon County Council or the Education Funding Agency or even possibly with Teignbridge. This is such an important piece of infrastructure for the development that uncertainties over the availability of land for its delivery cannot remain following the grant of planning permission.

3.59 This is reflected in the recommendation above.

**6. Confirmation of the plans that will form part of the outline approval and further discussions with the applicant to ensure that the extent of conditions and Section 106 obligations recommended in this report, or any subsequent variation thereto as considered appropriate by the Business Manager, is, as far as possible, acceptable to the Applicants**

3.60 As detailed above, a number of Parameter Plans and strategies to control the quality of the development have been submitted by the developer. Agreement over the information for approval as well as the items set out in the list of conditions, Section 106 and other matters above has been reached in principle between officers and the applicant. Further discussion and negotiation in relation to the detail of these matters will take place following receipt of a resolution to grant planning permission including consultation with Ward Members and the Chairman of Planning Committee.

**CONCLUSION IN RELATION TO THE IDENTIFIED OUTSTANDING MATTERS**

3.61 It is considered that sufficient clarity around the proposals and the details for securing the necessary elements of infrastructure provision and mitigation can be

secured through the conditions and obligations/agreements as set out in the recommendation above.

- 3.62 On this basis, these matters are not considered to represent barriers to the granting of outline planning permission for the proposal at this time.

### **FURTHER CONSIDERATIONS AND OBSERVATIONS**

- 3.63 The site is allocated in the Local Plan for residential and associated development. Planning Committee has previously noted progress and indicated that it is "minded to give in principle support" for the development detailed in the subject planning application.

- 3.64 Each of the criteria within the primary Local Plan Policy SWE 1 is considered in turn below.

#### **a) Housing and Affordable Housing, Custom Build Dwellings**

##### **Market and Affordable Housing**

- 3.65 Policy SWE1 states that the development will provide around 2,000 new homes with a target for the delivery of 25% of these to be affordable.

- 3.66 As a consequence of the viability concerns in relation to the development reviewed above, the first phase of the development will deliver a minimum 10% affordable housing (unless a lesser proportion including District Heating provision becomes a possibility). This will be a mix of affordable rented and intermediate tenure accommodation and the proportion to be provided in subsequent phases will be reviewed at key trigger points, including on receipt of public sector or other funding for infrastructure to support the development and/or in advance of approval of the second phase of reserved matters.

- 3.67 Based on the currently known position in relation to other permissions and applications, it is anticipated that, over the whole SWE1 allocation, affordable housing provision will ultimately be about 20% on completion.

##### **Custom Build Dwellings**

- 3.68 In view of the overall viability considerations on the site, it has been accepted that a minimum of 30 self/custom build plots will be made available at the site. This provision will be secured through the Section 106 Agreement and, if viability improves and if the plots are successful, it will be possible to amend the number of plots provided as the development progresses.

#### **b) Gypsy and Traveller Provision**

- 3.69 Policy SWE 1 requires that this development should provide 16 gypsy and traveller plots. However, in the same way that mainstream affordable housing has been reduced to maintain the viability and deliverability of the development, so Gypsy

and Traveller provision has also been reduced. However, provision for the delivery of 4 gypsy and traveller pitches will be included in the Section 106 Agreement.

**c) 20 hectares of Green space (Pro rata – 13.5 hectares of provision)**

- 3.70 Given the scale of residential development proposed, it is important to ensure that the appropriate mix, scale, distribution and quality of public open space is delivered. The SWE Development Framework amplifies and clarifies upon the requirements of the adopted Local Plan. To assist further with the delivery of appropriate green space, the Council prepared a Green Infrastructure note which sought to clarify the requirements for distribution and quality of green space to be secured. With reference to this document, the proposal's requirements in terms of green space have been assessed against the submitted documentation.
- 3.71 Two plans have been submitted by the developer including 'Green Infrastructure Areas', and 'Green Infrastructure Wider Connections'. Both of these plans illustrate the quantum of green space proposed totalling over 17 hectares (excluding land that can be used as SANGS) including:
- Formal and Informal green space;
  - Allotment space;
  - Natural Green Space;
  - Active Recreation Space, and,
  - Children and young people's space.
- 3.72 There is some under provision proposed on certain forms of open space, this includes active recreation and children and young people's space. However, it is important to highlight that in other aspects of the development, the developer is providing an over-provision of around 4 hectares, specifically within the total amount of formal and informal green space.
- 3.73 Including land that can be used as SANGS, the total amount of green space to be provided by this development amounts to 54.44 hectares.
- 3.74 On balance, it is considered that the amount of green space being proposed by the development is sufficient. This will inevitably flex as reserved matters proposals come forward and more detail around site layout is understood; however, the proposals are considered satisfactory to meet the requirements of policy.

**d) Education Provision**

- 3.75 Policy SWE1 of the adopted Teignbridge Local Plan requires land for primary and secondary education.
- 3.76 The SWE Development Framework sets out the Council's preference for the provision of "Serviced land for a single campus education facility comprising pre-school, primary school and secondary school provision." This preference is a result of further work and new information from developers and revised advice from the Devon County Council as the Education Authority.

- 3.77 Appropriate funding for this provision will come from a number of sources including Community Infrastructure Levy (CIL) from the relevant Local Planning Authorities, reflecting the likely origin of the pupils.
- 3.78 The provision of the education campus will also require the building of a pedestrian foot/cycle bridge to assist the safe crossing of the A379. A broad location for this has been shown on the Land Use Plan included within the Development Framework. Devon County Council has undertaken costings for the delivery of this bridge which has been broken down per dwelling across the whole South West Exeter allocation. This is included in the Section 106 Contributions detailed in the recommendation above.
- 3.79 As noted above, a provider has been identified for the education provision and agreement to secure the land is to be sought prior to issuing planning permission for the development.

#### **e) Community Facilities**

- 3.80 Provision of community facilities is addressed in the update section of the report above. It is considered that the size of site available and the funding included in the Section 106 Agreement is sufficient to ensure delivery of a facility to serve the new community.
- 3.81 Any specification over and above that required to meet the needs of the new community, and that forms part of Exminster Parish Council's aspirations for the delivery of a facility for the wider Parish Community (as proposed within the Exminster Neighbourhood Plan), should be funded through other sources.
- 3.82 The proposal complies with Policy SWE1 in this regard.

#### **f) Sustainable travel**

- 3.83 The proposal is well located to take advantage of existing pedestrian and cycle networks into and around Exeter.
- 3.84 The Section 106 Agreement will require the provision of sustainable travel vouchers, information packs and green travel planning for occupants of the development.
- 3.85 There will also be a need for access strategies for the life of the construction of the development to ensure safe and easy movement around the site during the construction period. It will also be important that the development is capable of accommodating new bus routes and enhanced facilities for existing routes. These matters are incorporated into the conditions and obligations details above.

#### **g) Public transport and highway improvements**

- 3.86 Work will shortly begin on The Marsh Barton Rail Halt that it is anticipated will free up highway capacity to help accommodate the proposed development. Similarly, works are underway at Bridge Road to relieve the bottle neck there. Devon County

Council is still investigating opportunities for the provision of an additional Park and Ride facility however, following the decision to take this off-site (made at the Framework Plan stage), it is not considered that its early delivery is a pre-requisite of the decision making process in relation to this application.

- 3.87 Public transport enhancements and other highways improvements are addressed through planning conditions and obligations as required.

#### **h) District Heating**

- 3.88 As set out above, the provision of District Heating remains an aspiration of this development. However, viability dictates that the provision of District Heating would preclude the provision of any affordable housing. This position will be kept under review and, should circumstances change, a viability re-appraisal will be undertaken to reconsider how the scales may balance in relation to affordable housing and district heating provision on this site.
- 3.89 In light of the corporate and planning policy support for District Heating, if funding becomes available for infrastructure provision at South West Exeter, District Heating should be provided as part of the development.
- 3.90 On balance, taking account of all the foregoing detail and viability considerations, it is considered that the proposals broadly comply with the Policy SWE1 and the Development Framework Plan for the allocation.

#### **SWE 3 Ridge Top Park**

- 3.91 Land within the red line boundary is also covered by the SWE3 Ridge Top Park allocation. Its provision as publically accessible open space through this planning application is compliant with planning policy. This land can be used as SANGS to assist with the provision of mitigation in relation to recreation impacts on the European sites at the Exe Estuary.

#### **Exminster Neighbourhood Plan**

- 3.92 Exminster Neighbourhood Plan contains four policies. Two of these are particularly relevant to the consideration of this application. Policy EXM1 is supportive of the provision of a new sport and leisure facility within the SWE1 area and Policy EXM3 encourages development to be of a high standard of design respecting the vernacular.
- 3.93 It is considered that the proposal as currently set out in the Section 106 obligations and conditions will help to ensure the delivery of the Community Facility envisaged by Exminster. More detail on design quality will be understood as the proposals develop towards reserved matters approvals.
- 3.94 On balance, it is considered that the proposals comply with the requirements of the Exminster Neighbourhood Plan.

## **OTHER TECHNICAL AND PLANNING MATTERS**

### **Drainage and Flooding**

- 3.95 Subject to the application of conditions/Section 106 obligations there are no in-principle concerns about drainage and flooding from the site. However care will need to be taken to ensure that water quality is maintained in respect of SPA/SAC considerations. It will also be important to ensure that the design of SUDs features is appropriate – sympathetic to the achievement of biodiversity objectives and not unduly “engineered” in appearance where they may be “dry” for long periods of time. This can be controlled through conditions/further design work at the Framework Plans and reserved matters stages.

### **Other Biodiversity and Landscape Considerations**

- 3.96 The site presently accommodates a range of habitats and species and will clearly see substantial change from a biodiversity and landscape perspective.
- 3.97 An appropriate Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the Environmental Statement and assesses the existing landscape character, together with the impact of the proposals on existing viewpoints. The development has sought to avoid adverse landscape impacts where possible. However, where this is not possible, measures have been incorporated to reduce or compensate for any effects.
- 3.98 The proposals incorporate areas of high quality public open space with expansive views retained. Conditions and Section 106 obligations have been recommended to minimise/mitigate and compensate for biodiversity losses. Such mitigation measures include new planting; careful consideration over the scale, siting, form and density of the buildings proposed; new amenity grassland and recreational walking routes.
- 3.99 The developer has worked closely with the officers of Teignbridge District Council and following concerns raised by the Landscape Officer in respect of impact on significant viewpoints, the developer submitted further documentation to supplement the LVIA, which sought to provide further information to address the issues raised. Specifically, this highlighted what the key views were and how their retention could be ensured, how the view from the Scheduled Monument to Haldon Belvedere could be retained and clarified the position on the potential tree loss at Trood Lane.
- 3.100 The document recognises the significance of retaining and maintaining important views, and outlines how this has been considered when designing the scheme. In order to ensure that this is considered in detail, the developer has prepared a revised Parameter Plan which provides the scope at reserved matters stage for detailed consideration on how these important views can be retained and maintained.
- 3.101 In respect of Trood Lane, it is acknowledged that there will be some tree cover and hedgerow loss on site as a result of the re-grading process. However, a new

landscape scheme will be designed that looks to reinforce the character of the tree cover and the hedgerow setting. This will follow with the next stages through consideration of the Framework Plans and reserved matters submissions.

### **Heritage Considerations**

3.102 Historic England is supportive of the approach taken in the illustrative plans to the preservation of the Scheduled Monument. This will be secured through planning conditions relating to:

1. A heritage trail/interpretation displays
2. Preservation or creation of key views (both internally and externally)
3. A programme of archaeological investigations
4. Careful design at the detailed stage to respect important assets

3.103 No heritage concerns have been raised in relation to the impact of the proposal on listed buildings in the wider area. There is not considered to be any material effect on the setting of such buildings. The council has been mindful of the duty as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance.

### **Ground Conditions**

3.104 There are no ground conditions concerns that cannot be addressed through the application of the recommended conditions either as part of this planning permission or through the ROMP that will be required for the Tip.

### **Air Quality**

3.105 There are no air quality concerns that cannot be addressed through the application of the recommended conditions.

### **Noise**

3.106 The most significant noise source at the site is road noise. Care will need to be taken in relation to the possible impact of the landfill site should it remain operational after dwellings to the south of the A379 are ready to be occupied.

3.107 There are no noise concerns that cannot be addressed through the application of the recommended conditions.

### **Agricultural Land**

3.108 The proposals will see a loss of a relatively large area of agricultural land to development. However, the site is allocated in the Local Plan and it is not considered to be a significant loss within the ambit of national guidance.



## **Waste/Tip**

- 3.109 The inert landfill site currently occupies part the open space that can be used as SANGS. The Tip will, during the construction process, provide a useful facility for waste and material management purposes.
- 3.110 It is understood that the waste permission required some enhancement works for cirl buntings.
- 3.111 A new restoration scheme will need to be agreed with Devon County Council as the waste planning authority as the use of the tip is expected to finish sooner than originally anticipated as a result of this proposal.

## **Urban Design**

3.112 The application is made in outline, with all matters, besides that of access, reserved for future consideration. The application submission is supported by a number of comprehensive documents including a Design and Access Statement. This provides comprehensive detail in respect of the illustrative urban design proposals. Following consultation with the Council's Urban Design Officer, it was considered that further information was required on the following elements of the proposal:

- Half blocks and green lanes/private drives;
- Tree spacing;
- Vehicular access to the land to the east, within the Exeter City Council boundary;
- Density – concern that the original documentation submitted did not include minimum densities and did not include apartments, important in raising densities.

3.113 An addendum to the Design and Access Statement was submitted which focuses specifically on the matters above. This includes detailed information relating to building density and street design.

3.114 Following a resolution to grant planning permission, building upon the principles set out in the Illustrative Design chapters of the Design and Access Statement and providing further detail on the design of the scheme, the following next steps will be important in ensuring that the development is of high quality design and layout:

- Framework Plans – consisting of 1:1,000 illustrative plans showing indicative locations for plots and buildings for each phase of development. The plans will cover approximately 500 dwellings and illustrate how the design principles of the DAS will be applied at a more detailed level.
- A design guide or appearance palette setting out information on the proposed appearance of the area covered by the 1:1,000 Framework Plan. It will provide principles for architecture, materials, landscaping and parking.

3.115 Appropriate conditions have been recommended to ensure that the above are submitted and approved prior to submission of reserved matters applications.

## **Sustainable Development**

- 3.116 As set out above, the proposals comply with the site allocation policy (SWE1) as included in the Local Plan. Furthermore, it is considered that the proposal complies with the development plan when taken as a whole as it achieves a viable and deliverable form of development taking site constraints and other factors into account.
- 3.117 In light of this balancing exercise, and taking account of the impact of viability on the deliverability of District Heating in the absence of public sector funding for infrastructure to support the development at present, the proposals have been put into the Teignbridge Carbon Offsetting Calculator that has been designed to help implement Local Plan Policies S7 (Carbon Emissions Targets) and EN3 (Carbon Reduction Plan).
- 3.118 Whilst it is difficult to be precise in relation to a scheme that has only been submitted in outline, it is clear from reviewing the inputs and outputs of the calculator that the locational advantages of the proposal and the pedestrian, cycle and public transport links from which it will benefit are such that no additional carbon offsetting is required from the development.
- 3.119 The proposals constitute sustainable development in accordance with the Local Plan and National Planning Policy.

## **Overall Conclusion**

- 3.120 The recommendation detailed above represents the culmination of nearly two years of careful consideration of the largest planning application ever submitted to Teignbridge District Council, including complex viability negotiations and cross boundary considerations with Exeter City Council.
- 3.121 Whilst the list of conditions, planning obligations and other agreements required is extensive, it is considered that they are proportionate both to the importance of the development in terms of the infrastructure it will provide and in relation to the scale of the development proposed, and also with regard to the aspiration to deliver a high quality sustainable urban extension.
- 3.122 The development will deliver new homes including affordable homes, provision for gypsy and traveller pitches and custom build plots, extensive community facilities including for sport and recreation, space for healthcare providers, an all-through school and £20-25 million of Community Infrastructure Levy receipts, of which 25% will go direct to the local community of Exminster. Subject to receipt of funding and viability reappraisal, the proposal could also deliver a district heating network. There is also the prospect of increased affordable housing through such funding / reappraisal work after the first phase.
- 3.123 There are though still matters of detail that will require negotiation in relation to the detail of conditions and Section 106 obligations and Agreement and hence the recommendation provides a degree of flexibility for the Business Manager –

Strategic Place to resolve these issues in consultation with Ward Members and the Chairman of Planning Committee without further recourse to the full Planning Committee.

3.124 The recommendation to Planning Committee is therefore one of approval.

#### **4. POLICY DOCUMENTS**

##### Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S5 (Infrastructure)

S9 (Sustainable Transport)

S10 (Transport Networks)

S11 (Pollution)

EC1 (Business Development)

EC10 (Local Shops)

WE2 (Affordable Housing Site Targets)

WE4 (Inclusive Design and Layout)

WE7 (Custom Build Dwellings)

WE11 (Green Infrastructure)

EN3 (Carbon Reduction Plans)

EN4 (Flood Risk)

EN5 (Heritage Assets)

EN6 (Air Quality)

EN7 (Contaminated Land)

EN8 (Biodiversity Protection and Enhancement)

EN9 (Important Habitats and Features)

EN10 (European Wildlife Sites)

EN11 (Legally Protected and Priority Species)

EN12 (Woodlands, Trees and Hedgerows)

SWE1 (South West of Exeter Urban Extension)

SWE3 (Ridge Top Park)

##### Exminster Neighbourhood Development Plan

EXM1 (Community Sports & Leisure Facility)

EXM3 (Quality of Design)

##### Devon Waste Plan

W4 (Waste Prevention)

W10 Protection of Waste Management Capacity

SWE Development Framework

Alphington Development Brief

National Planning Policy Framework

National Planning Policy Guidance

## 5. CONSULTEES

### External Consultee Responses

#### Highways England

Initially served an "Article 25" Holding Direction. Following discussions with the applicant, this was lifted on 29 June 2015.

No conditions or other obligations have been recommended.

#### Natural England

Response was received on 15 October 2015 and confirmed that there is no objection to the proposals. Natural England concur with the view that Appropriate Assessment is not required because significant effects are unlikely to occur, either alone or in combination providing a number of outstanding concerns can be met through planning obligations and/or conditions.

#### Historic England

No objections.

The proposals aim to conserve the monument under open space with a grass cover. The surrounding road alignments and roof heights have been designed to minimise impact on the setting of the barrows and a green corridor has been included to ensure that the barrows form an integral part of the development's open area strategy.

...

Historic England welcome the inclusion of a robust and detailed suite of supporting information and support the application subject to the caveat that any progress to 'full' should be accompanied by further consultation, confirmation of design details and management arrangements for the monument.

#### Environment Agency

No objection PROVIDED THAT the development proceeds in accordance with the Flood Risk and Drainage Strategy dated March 2015.

Recommend a condition to address the need for a surface water drainage scheme and its delivery/management.

#### Health and Safety Executive

The online consultation system generated an "advise against" development response. The HSE has since undertaken a more detailed review of the proposal and considers that in light of the unlikely occurrence of large numbers of people

being within the relevant blast zone area (within which built development is not proposed), there is no constraint on the development.

### South West Water

Consider that the foul drainage network does not have capacity to absorb the development and therefore conditions are required to ensure that the development does not proceed in advance of such capacity being delivered.

### RSPB

Have raised concerns about the effectiveness of a phased SANGS provision – and therefore in relation to habitat regulations compliance. Concerns with regard to the requirements for cirl bunting mitigation attached to the landfill site planning permission and its relationship with SANGS has also been raised. However, since the initial consultation response has been received, a strategy for SANGS has progressed and Natural England are supportive of the proposals.

Suggests bat and bird boxes should be installed

Recommends on-going ecological compliance monitoring.

### Exeter City Council

Raised concerns about:

1. The location of community facilities south of the A379
2. The proposal for a single primary school and the “alternative” potential future use of the secondary school land
3. Securing the delivery of health provision
4. Securing the delivery of a 3G pitch
5. The need for park and ride provision, as identified in the Framework
6. Ensuring the provision of pedestrian and cycle access
7. Construction management
8. The potential for proposals to impact unacceptably on the Markham Lane skyline/ridge
9. Ensuring connection to a district energy network

Reiterates concerns from 2014 submitted as comments on the draft Development Framework (that was ultimately approved by Planning Committee in July 2014). It is considered that such concerns have been addressed in the content of this report.

### Devon County Council

A comprehensive response was submitted taking account of all service needs. Discussion with Devon County Council (DCC) has continued and will continue following any resolution to ensure infrastructure delivery priorities are maintained.

An updated response was received in January 2017.

This confirms DCC's willingness to collect S106 contributions towards the Chudleigh Road works as included in the recommendation and confirms contributions will be required for the Devon Hotel Roundabout.

It further updates the position in relation to the approved Free School – as set out above – and endorses the requirement to secure the land for the school.

The original response also made the following planning related points:

#### Waste Planning

- From a waste management perspective, it would be preferred for the landfill facility on site to remain operational
- There would be no objection to the incorporation of the site into SANGS following its closure

#### Library Services

- Seek support for additional facilities

#### Historic Environment

- None of the heritage assets affected by the proposed built development are worthy of preservation in situ
- programme of archaeological works is required

#### NHS England

No objection

The Section 106/CIL requirements indicate provision of land suitable for 500m<sup>2</sup> gross internal area of primary health facilities.

#### **Internal Teignbridge District Council Consultee Responses**

#### Housing Services

Support the development, subject to a Section 106 Agreement to provide the relevant amount of affordable housing.

#### Environmental Health - Contaminated Land

No objections – subject to conditions:

1. Submission of remediation scheme;
2. Implementation of approved remediation scheme;
3. Reporting of unexpected contamination.

#### Environmental Health - Air Quality

No objections.

#### Environmental Health - Noise

No objections.

#### Trees

No objections. A tree constraints plan and tree protection plan will be required prior to submission of reserved matters.

#### Biodiversity

No objections – subject to provision of mitigation and compensation measures to overcome impacts outlined in the Environmental Impact Assessment (para 9.152 to 9.244 and a number of conditions:

1. Payment of Habitat Regulations contribution of £96 per dwelling
2. Works to be in accordance with Environmental Management Plan Framework
3. Provision of wildlife-friendly green corridors and green infrastructure
4. Scheme of lighting
5. Payment on commencement for curlew buntings of £74,193

The ALSE concludes that there will be no Likely Significant Effect provided the following three conditions are also incorporated:

- Full details of the SuDS for the approval of Teignbridge District Council, Natural England and the Environment Agency prior to the commencement of development;
- Provision of full details of pollution avoidance measures during construction;
- HRA contribution £96 per house.

#### Urban Design

The Council's Urban Designer provided a number of comments on the application which included the need to provide more attention to detail in respect of:

- Half blocks and green lanes/private drives;
- Tree spacing;
- Vehicular access to ECC to the east;
- Density – concern that the original documentation submitted did not include minimum densities and did not include apartments, important in raising densities.

On this matter, as described in the body of the report, the applicant submitted an addendum to the submitted Design and Access Statement which focuses specifically on the matters above. These concerns are now considered to be overcome.

## Landscape

Raised a number of concerns over the submitted LVIA including the retention of key viewpoints, most significantly the view from the Scheduled Monument to Haldon Belvedere. Concerns were also raised over the potential loss of trees within the Trood Lane Landfill access area.

Following these concerns, a supplementary commentary document has been submitted and focuses on the above concerns

## **6. REPRESENTATIONS**

At the time of writing, 62 representations have been received, which include 1 letter of support, 1 comment and 60 objections.

The vast majority of these representations have come from Alphington residents, and Alphington Forum members, objecting to the principle of development.

Other matters raised include:

1. Concerns about congestion
2. Ensuring adequate education infrastructure is delivered, including protection of the secondary school site
3. Ensuring adequate health infrastructure is delivered
4. Potential impacts on the Exe Estuary – Water quality and recreation impacts
5. Concerns about parking provision
6. Protection of Old Matford/Deepway Lane
7. Development density/height close to Markham Lane
8. Need for early improvements to Chudleigh Road and provision of the over-bridge
9. Air quality impacts
10. The location of the school and other facilities
11. Need for Park and Ride
12. Lack of local employment opportunities
13. Housing mix
14. Carbon impact
15. Urban sprawl
16. Impact on Exeter/Alphington
17. Need for facilities north of the A379

Such concerns have been addressed within the body of this report.

## **7. PARISH COUNCILS' COMMENTS**

### Exminster Parish Council

Teignbridge District Council has worked closely with Exminster Parish Council throughout the consideration of the subject application and has met with the Parish



on a number of occasions. Dialogue is ongoing to work towards meeting as many community aspirations for the development as feasible.

Following these discussions, the Parish Council has submitted several sets of comments on the application and a summary of their comments over the duration of the application is provided below. Full copies or representations received can be found on the application file here:

<http://gis.teignbridge.gov.uk/TeignbridgePlanningOnline/Results.aspx?Type=Application&Refval=15/00708/MAJ>

- Ensure individual applications relating to SWE work collectively for the Matford development;
- Concerned that there will be too many new homes and insufficient infrastructure;
- Drafts of both a schedule of proposed Planning Conditions and Draft Section 106 Agreements should be prepared and reported to Planning Committee;
- The Parameter Plans submitted with the application should be tied to the planning consent;
- Concerns have been raised over the scale and nature of the community facilities and phasing of the provision of the community and sports facilities;
- Concerned to ensure mitigation in respect of European sites is delivered;
- Concerns raised over Old Matford Lane and the narrow nature of the road;
- Assurance that drainage concerns will be dealt with via condition;
- Assurance that mitigation proposed is satisfactory to overcome impacts of the development;
- Consideration of Waybrook Lane being one way;
- Relevant policies in the Exminster Neighbourhood Development Plan should be taken into consideration;
- Concerns over the size and capacity of the community building and the operation of this and the ATP; and,
- Pleased that Bovis have kept to the SWE Framework.

#### Ide Parish

No objection.

Development should not be allowed to go ahead without the provision of a new school as the existing schools in the surrounding area would not cope with the influx of children from an extra 1,000+ homes.

The same goes for the provision of a health centre: existing local surgeries could not be expected to take on what would be a significant number of extra patients.

#### Shillingford St George Parish Council

No objections noted; however, have a number of comments:

- Propose that Waybrook Lane is made one-way

- Concerns about the staggering of access points
- Appropriate levels of car parking should be incorporated
- Bus links should be incorporated
- Park and Ride suggested near Peamore Lodge
- Require clarification on gypsy traveller plots allocation
- Ensure that the school comes forward with the development and that there is enough on-site car parking
- Community buildings should incorporate renewable energy
- Suggest a slip road onto the A30 from the A379
- Concern over the impact of new residents on R&DE Hospital

#### **8. COMMUNITY INFRASTRUCTURE LEVY**

This is an outline application. CIL liability will be calculated when the reserved matters application is submitted.

CIL receipts are anticipated to be around £20-25 million of which 25% will be passed to Exminster Parish Council.

#### **9. ENVIRONMENTAL IMPACT ASSESSMENT**

In determining this planning application, the Local Planning Authority has taken into consideration the Environmental Statement submitted with the planning application and also all of the consultation responses and representations received, in accordance with Regulation 3 (4) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

**WARD MEMBERS:** Councillors Goodey and Lake, Kenn Valley