

# PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

**DATE:** 24 October 2017

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

**ITEM:** 1.

**CASE OFFICER** Rosalyn Eastman

**APPLICATION FOR CONSIDERATION:** EXMINSTER - 15/01331/MAJ - Land Off Chudleigh Road, Alphington - Hybrid application comprising: Full application for conversion of the existing threshing barn and associated lincay to form three dwellings and erection of 16 new dwellings with associated landscaping and access; Outline application for dwellings with open space and infrastructure works (approval sought for access)

**APPLICANT:** Westcountry Land (Alphington) Ltd

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

## 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 as it forms part of the strategically important SWE1 allocation.

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.

## 2. RECOMMENDATION

PERMISSION BE GRANTED subject to:

- A) The completion of a Section 106 agreement within 9 months of the date of this Committee to provide:
1. Affordable Housing in line with the recommendations of the viability report split 6 Affordable Rent: 30 Shared Ownership (16%) (to be reviewed on receipt of any significant public or other funding in relation to any aspect of the scheme and received prior to commencement of development excluding the detailed phase).

2. A minimum of 6 Custom Build Dwelling plots.
3. A scheme for provision of 1 Gypsy and Traveller Pitch.
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 work with the Council to secure such funding).
5. Provision of financial contribution to highway works at a maximum of around £4,740 per dwelling (precise amount to be agreed with Devon County Council).
6. Land and financial contribution for Community Building at total cost of £2,000 per dwelling.
7. Land and financial contribution for Health provision at total cost of £400 per dwelling.
8. Travel planning and packs including £300 voucher per dwelling.
9. Exe Estuary SPA mitigation contributions at £96 per dwelling.
10. 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.
11. Play provision and management.
12. Green space provision and management.

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 the Chairman of Planning Committee and Exminster Parish Council before exercising delegated powers.

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

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

#### Time Limits

- a. Development shall commence on the full planning permission phase within 2 years of the date of this permission
- b. Prior to commencement of any other phase, reserved matters approval for that phase shall be sought
- c. Reserved Matters approval shall be sought within 2 years of the date of this permission for all phases except any self/custom build dwelling
- d. Reserved Matters approval for each custom build dwelling shall be sought within 5 years

- e. Development shall commence within one year of receiving Reserved Matters approval

#### Whole Site

- a. The development shall be a phased planning permission.
- b. Approved plans and documents for whole site including outline phases.
- c. Tree constraints and protection plans and details for each phase.
- d. Landscape and Ecology Management Plan (LEMP) including mitigation included in Environmental Statement.
- e. Construction Environmental Management Plan (CEMP), Environmental Management Plan (EMP), including noise, air quality and traffic. Phased.
- f. Construction access strategy and phasing including for occupants.
- g. Noise/air quality protection including for occupants, phased.
- h. Sustainable Urban Drainage System (SUDs), provision, management, etc., including during construction and design for biodiversity, phased and cumulative.
- i. Biodiversity protection mitigation and enhancement.
- j. Foul sewerage survey and provision.
- k. Public art.
- l. Lighting strategy - phased.
- m. Watercourse pollution prevention during both construction and operation - phased.
- n. Contaminated land investigation - Soil sampling - phased.
- o. Access strategy including dedication of land to highways, detailed highway design, safe access to bus stops, implementation of highway works, including footways and cycle ways, in accordance with an agreed phasing scheme, the site access and visibility splays shall be constructed, laid out and maintained for that purpose.
- p. No development shall take place until a waste audit statement has been provided, and approved, phased.

#### Full planning permission

1. Development to proceed in accordance with approved plans.
2. Replacement bat roost details prior to commencement.
3. Sparrow nest box details prior to commencement.
4. Samples of materials prior to use.
5. Architectural details prior to construction.
6. Parking provision prior to occupation.
7. Boundary treatment details prior to installation.
8. Treatment of retaining structures prior to relevant works.
9. Landscape details and delivery and management.
10. Removal of Permitted Development (from barns).

### **3. DESCRIPTION**

#### The Application Site

- 3.1 The application site comprises part of the South West Exeter housing and mixed use development, that is allocated in the Teignbridge Local Plan 2013-2033 under Policies SWE1 and SWE3.

- 3.2 The site is located approximately 5km 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 a landscape characterised by a sloping topography, ridges and valleys.
- 3.3 The site, as a whole, comprises approximately 6.56 hectares. The Matford Brook divides the larger site in two, with a northern and southern area. There are a number of existing trees located on this parcel of land, featuring largely to the west, north-east and centre.
- 3.4 The larger portion of the site is predominately in agricultural use: however, the far north eastern tip of the site is currently occupied by Waybrook Cottages, which are two storey dwellings, and a number of existing outbuildings, including a former threshing barn.
- 3.5 Land around the Waybrook Cottages is subject to the full, detailed part of the application, with outline planning permission for residential development sought for the remainder of the site (with all matters except access reserved for future consideration).
- 3.6 The recent outline planning permission obtained by Bovis (subject to the signing of a Section 106 agreement) will also see the current agricultural fields to the north and east of the site coming forward for further residential development with significant community infrastructure being delivered south of the A379.

### The Application

- 3.7 The application comprises a hybrid application, with full planning permission sought for the conversion of the existing threshing barn and associated linhay to form three dwellings and the erection of 16 new dwellings with associated landscaping and access (north eastern tip of the site). Outline planning permission is then sought for the residential development on the remainder of the site.
- 3.8 The detailed application area seeks full planning permission for:
- The retention of 5 cottages;
  - The construction of 16 new dwellings;
  - The conversion of the existing stone threshing barn and associated linhay to form 3 new apartments;
  - Associated landscaping;
  - Access infrastructure.

The outline application area seeks outline planning permission for:

- Dwellings;
- Landscaping;
- On-site infrastructure;
- Estate roads, and,
- Open space.

The application is submitted with an Environmental Statement and, as a consequence of the timing of the submission, falls to be considered under the 2011 EIA Regulations.

- 3.9 The Environmental Statement considers the impact of about 225 new dwellings, which will be delivered in a range of types and tenures.
- 3.10 In addition to the detailed part of the site, for which full plans have been provided, the application seeks outline approval for residential development with associated open spaces and infrastructure, with access only for approval at this stage.

### Policy Review

#### The Principle of the Development

- 3.11 The principle of the development is acceptable. The site is allocated in the Local Plan for residential development. The approved South West Exeter Development Framework (SWEDF) amplifies this allocation and does not seek any community infrastructure in this part of the development. These items are considered to be best provided in a new hub proposed to be located to the south of the A379 within the area covered by the Bovis planning application 15/00708/MAJ (that benefits from a resolution to grant consent from January 2017).
- 3.12 The Exminster Neighbourhood Plan also forms part of the Development Plan and is relevant to this application.
- 3.13 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) remain the most up to date national planning guidance documents and therefore are relevant in the determination of this application.
- 3.14 Outline planning permission has also recently been granted (subject to the signing of a Section 106 agreement) for the development of 1,350 homes with land for a mixed use local centre, education, community buildings, open space, SANGS, SUDs, access and infrastructure, on land to the north and east of the application site. Permission is also extant for development of the easternmost parcel of land within the SWE1 allocation.
- 3.15 It is clear therefore that the principle of significant residential and infrastructure development within the allocation has been considered acceptable, with the subject application forming part of it. Nevertheless, the application has been considered against the relevant policies of the Teignbridge Local Plan including those outlined above.

#### Teignbridge Local Plan Policy SWE1

##### Housing and Affordable Housing, Custom Build Dwellings Market and Affordable Housing

- 3.16 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.

- 3.17 Following concerns over viability of the development, the applicant submitted a viability appraisal which has been scrutinised by an Independent Viability Assessor. As a consequence of the viability concerns in relation to the development the Local Planning Authority considers 16% affordable housing can be achieved on site, split 15% affordable rent: 85% intermediate tenures.
- 3.18 This is considered to be fully policy compliant, as the Local Plan permits affordable housing targets to be adjusted depending on the outcome of independent reviews of viability evidence – as is the case here.
- 3.19 The permission is for a smaller number of units than those addressed by the Bovis proposals considered under application reference 15/00708/MAJ and there is not in this case considered to be any requirement for a review of the affordable housing provision – provided that the development proceeds as swiftly as is reasonable and therefore the viability position does not change significantly over time. For this reason, the main outline portion of the site as set out in the recommendation, is recommended to be subject to shorter time periods for the submission of applications for reserved matters approval and the subsequent commencement of development than the standard conditions. In the alternative, a review mechanism could be built into the Section 106 agreement should the applicants prefer.
- 3.20 In addition to traditional open market and affordable housing, the development will also provide a minimum of 6 serviced plots for custom build dwellings.
- 3.21 The proposal is considered to be policy compliant in relation to housing provision.

#### Gypsy and Traveller Provision

- 3.22 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. Provision for 1 pitch has been included within the proposed Section 106 obligation.
- 3.23 The proposal is considered to be policy compliant in relation to gypsy and traveller provision.

#### Green Space

- 3.24 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 SWEDF amplifies and clarifies 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 requirements of the proposal in terms of green space have been assessed against the submitted documentation.
- 3.25 The applicant has submitted an illustrative layout plan in support of the outline application, which shows the provision of formal and informal public open space, 2

LAPs, 1 LEAP, natural green space and retention and enhancement of dense woodland embankment adjacent to the A30.

- 3.26 Provision of green spaces will be secured through the planning permission and the application of appropriate conditions and Section 106 obligations, including through approval of reserved matters.
- 3.27 The proposal is considered to be policy compliant in relation to green space provision.

#### Education Provision

- 3.28 Policy SWE1 of the adopted Teignbridge Local Plan requires land for primary and secondary education.
- 3.29 Appropriate funding for this provision will come from a number of sources including potentially Community Infrastructure Levy (CIL). As noted with the Bovis application, 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. 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.
- 3.30 The proposal is considered to be policy compliant in relation to education provision.

#### Community Facilities

- 3.31 Provision of a Community Building to deliver community, leisure and sport facilities has already been discussed and secured under the recent Bovis planning application. A financial contribution towards this building is included within the Section 106 contributions detailed in the recommendation above.
- 3.32 The proposal is considered to be policy compliant in relation to community facilities provision.

#### Sustainable Travel

- 3.33 The proposal is well located to take advantage of existing pedestrian and cycle networks into and around Exeter.
- 3.34 The Section 106 agreement will require the provision of sustainable travel vouchers and information packs for occupants of the development.
- 3.35 The proposal is considered to be policy compliant in relation to sustainable travel provision.

#### Public Transport and Highway Improvements

- 3.36 Work is expected to begin shortly on the Marsh Barton Rail Halt that it is anticipated will free up highway capacity to help accommodate the proposed development.

Similarly, works have recently completed 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.

- 3.37 Other highways improvements are addressed through planning conditions and obligations as required. In particular, ensuring good access for pedestrians and cyclists through the development and linking into the surrounding network – including during the construction period – will be important and will be controlled through conditions.

#### District Heating

- 3.38 Following careful consideration of the submitted viability information, it is considered that District Heating is not viable as part of this development at present with any meaningful proportion of affordable housing. Its delivery will however be included within the Section 106 agreement so that should funding become available at the right time, its incorporation will be secured.

#### Exminster Neighbourhood Plan

- 3.39 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.
- 3.40 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.
- 3.41 On balance, it is considered that the proposals comply with the requirements of the Exminster Neighbourhood Plan.
- 3.42 There are therefore no “in principle” policy reasons why the development proposed should not be granted planning permission.

#### Technical and Other Matters

##### Access

- 3.43 The application site is immediately bordered and contained by the main A30 road to the south west and the A379 connecting Exeter to Dawlish. Along the full extent of the eastern boundary is Chudleigh Road, linking Alphington with the A379 and access to the ‘Island Site’. Waybrook Lane lies to the north of the site and links Chudleigh Road to Shillingford Abbot.



- 3.44 There are two accesses proposed off Chudleigh Road to serve the development. One towards the north east of the development (to the immediate south of the detailed application site) and the other to the south of the site, which will serve the remaining site area. Access to the Island Site will also be achieved off Chudleigh Road.
- 3.45 The proposed accesses are considered acceptable. Chudleigh Road will be undergoing considerable change as a result of the surrounding SWE1 proposals and there are opportunities to incorporate pedestrian and cycle linkages into the development to ensure safe access for all.
- 3.46 Highways contributions towards works to provide a new Chudleigh Road link, the pedestrian bridge between the northern and southern elements of the development and improvements to the Devon Hotel Roundabout are included in the Section 106 obligations listed above.

#### Drainage and Flooding

- 3.47 The developable part of the site has reduced in size as a consequence of a more detailed understanding of the flood and drainage issues for this part of the allocation. Following receipt of revised information during the life of the application, concerns initially raised by the Environment Agency have been allayed.
- 3.48 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. This is considered further below.

#### Heritage Considerations/Archeology

- 3.49 Historic England has confirmed that the site does not include any designated heritage assets that would fall within their statutory remit and they do not object to the application. Devon County Historic Environment Team has also advised that previous archaeological work undertaken which consisted of a geophysical survey and subsequent investigate excavations, does not indicate that the site will have an impact on any significant heritage assets.

#### Ground Conditions

- 3.50 Parts of the site constitute made ground following the construction of the A30. There are, however, no ground condition/stability concerns that cannot be addressed through the application of the recommended conditions.

#### Air Quality

- 3.51 The development does not raise any air quality concerns that could not be addressed via condition.

- 3.52 Air quality around the site is generally considered acceptable – air quality concerns generally occur in areas where traffic is stationary and/or where fumes are contained by development. Neither is the case in this instance.

#### Noise

- 3.53 The most significant noise source at the site is road noise. The applicant has sought to reduce the noise levels by leaving a significant landscape buffer to along the south-western boundary of the site.
- 3.54 There are no noise concerns that cannot be addressed through the application of the recommended conditions and careful design at the reserved matters stage.

#### Agricultural Land

- 3.55 The proposals will see a loss 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.

#### Biodiversity

- 3.56 The application site consists of three semi-improved grass fields bounded by hedgerows and bisected by a watercourse with a strip of marshy grassland adjacent. There are a number of mature broadleaved trees within the hedgerows as well as a small number of in-field trees. There is a small area of plantation mixed woodland within the boundary as well as a second small parcel of plantation broadleaved woodland to the western boundary adjacent to the A30.
- 3.57 The field and desk surveys undertaken on the application site and wider area confirmed the presence of bats, birds, otter and invertebrates.
- 3.58 With regards to bats, a number of buildings were considered to support bat roosts, and works to the buildings will therefore require a European Protected Species Licence from Natural England.
- 3.59 Full details of replacement bat roosts and sparrow nest boxes will be required to be in place prior to development commencing – this will be addressed through the application of conditions.
- 3.60 In addition to bats and sparrows, the Environmental Statement identifies a series of mitigation and enhancement measures that will be incorporated into planning conditions.
- 3.61 In addition to on-site biodiversity matters, the site has the potential to have a “likely significant effect” on the nearby Exe Estuary Special Protection Area (SPA).

#### Exe Estuary SPA and SANGS

- 3.62 The site lies between 1-2km from the Exe Estuary SPA (Exminster Marshes) and approximately 12km from Dawlish Warren Special Area of Conservation (SAC). A

residential development this close to the SPA/SAC will contribute to (in-combination) increased damage and disturbance to special interest features from increased recreational use. Due to the proximity of this site to protected areas the Council is required to establish whether or not the proposed development is likely to have a significant effect on the sites and their integrity.

3.63 The Council has endorsed the Joint Approach for mitigating Exe Estuary effects (August 2014) and in general considers that compliance with the Joint Approach provides adequate certainty that no likely significant effect on the protected sites will occur. The proposal has been carefully considered against the 2010 Habitat Regulations and the Joint Approach and it is concluded that, provided that the following mitigation is delivered, the Local Planning Authority, as the Competent Authority, is content that the proposal will not have a significant effect on the European site:

- SUDS to the satisfaction of Teignbridge District Council and the Environment Agency; and,
- £96 per house towards Habitat Regulations Assessment mitigation measures; and
- Land sufficient to act as a SANGS to be delivered prior to occupation of dwellings all to the satisfaction of Teignbridge District Council and Natural England.

3.64 Natural England is closely involved with the consideration of this matter and has confirmed that that they are satisfied with current arrangements for SANGs delivery.

3.65 The applicant controls sufficient land within SWE3 to deliver a SANGS. The delivery of SANGS will be required prior to occupation. In parallel to the subject application, the applicant has submitted a separate application for the change of use of this land to SANGS on a site within the allocation of the Ridge Top Park. This site is of a sufficient scale to mitigate the impact of the proposed development, both by itself and more particularly in conjunction with other parcels of land included within the SWE3 allocation. Furthermore, Natural England has endorsed the approach to phased delivery of the strategic South West Exeter SANGS through the emerging SANGS Delivery Strategy (June 2016).

3.66 There are not considered to be any biodiversity/European sites reasons to not grant planning permission at this stage.

#### Design/Documentation for Approval

3.67 The application constitutes a hybrid application with full planning permission sought for the conversion of the existing threshing barn and associated linhay to form three dwellings and the erection of 16 new dwellings with associated landscaping and access. Outline planning permission is then sought for the residential development on the remainder of the site.

3.68 The detailed part of the application site in particular has therefore been the subject of much consideration in terms of the design, appearance, and scale of the

proposed units – including in relation to how amenity and access to the retained units and the converted agricultural buildings can best be achieved.

- 3.69 During the early stages of the application, the layout of the detailed area was negotiated with the applicant making several revisions to the layout following workshops and detailed discussions with the Council's Urban Design Officer. It is considered that the final layout put forward for approval addresses the concerns raised.
- 3.70 Dwellings will range between two and three storey in height and this part of the development as a whole will be served by 46 car parking spaces (approximately 1.9 spaces per unit). The proposed dwellings are smaller in size and this level of parking on a very accessible site is considered acceptable.
- 3.71 Trees and hedgerow to the north will be protected with a 1.5 metres high wire mesh fence.
- 3.72 Access is proposed off Chudleigh Road to the east.
- 3.73 Subject to conditions to manage the detail of this element, the detailed design of this part of the development is considered acceptable.
- 3.74 The outline part of the proposal is controlled through a series of technical documents and plans, including the information in the Environmental Statement and subsequent submissions. The conditions detailed above will reflect this.

#### Overall Summary and Conclusion

- 3.75 On balance, it is considered that the proposal is compliant with the Local Plan as well as other relevant local and national policies.
- 3.76 There are opportunities to secure the quality of the design and environmental mitigation and, subject to the proposed conditions and obligations, it is considered that planning permission for this development as part of the strategically important South West Exeter proposals should be granted.

## **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)  
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 and 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. CONSULTTEES**

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.

DCC Highways and Education remain engaged in emerging development proposals for SWE as a whole as well as this site specifically.

DCC Waste: Policy W4 of the Devon Waste Plan requires applications for major development to include a waste audit statement demonstrating how the demolition, construction and operational phases of the development minimise waste generation and ensure compliance with the waste hierarchy in the management of any waste that does arise. As the application was not accompanied by such a statement, a condition has been recommended to secure provision of a Waste Audit Statement.

DCC Library Services: Seek support for additional facilities

**Historic Environment:** Confirms that previous archaeological work undertaken on the site does not indicate that the development of the site will have an impact on any significant heritage assets.

**Health and Wellbeing:** Suggests design measures should be included to meet local priorities including access to safe and easy travel, healthy food (including allotments), and provision of nearby local food outlets, ensuring quality and condition of housing reduces energy use.

Environment Agency - Initially objected to the application on grounds that the original FRA was unsuitable. Following on-going discussions with the applicant, an addendum to the FRA was submitted, and has satisfied the concerns initially raised. There are no longer any objections to the application.

Historic England - Recommended that the Council's Conservation Officer and the archaeological specialists within the Council be consulted and that the application be determined in accordance with national and local policy guidance.

Environmental Health (Air Quality) - Recommends approval of the application.

Contaminated Land Officer - Recommends that a condition be associated with the application for soil sampling.

Biodiversity Officer - Advises that there are Habitat Regulations, protected species and habitat issues.

An Assessment of Likely Significant Effect has been undertaken and concludes that with only the current submitted information, TDC must conclude there would be a Likely Significant Effect; however, with the incorporation of planning conditions, it is possible to conclude No Likely Significant Effect. This includes planning conditions associated with full details of SuDS; pollution avoidance measures during construction; HRA contribution and the delivery of SANGS.

Housing Enabling Officer - Comments received prior to viability discussions relating to preferred mix, distribution, tenure and phasing. These comments will be incorporated into the Section 106 agreement as far as is possible in light of the reduced provision proposed.

Aboriginal Officer - The Officer initially requested that a tree constraints plan be submitted in addition to justification for the loss of protected trees, and a section of hedgerow. A tree survey was subsequently submitted by the applicant along with a Constraints and Feasibility Study. However, it was not considered by the Officer that such information was appropriate and therefore the Officer objects to the application.

Conditions can be applied to address these concerns

Landscape Officer - A number of concerns have been raised over the Landscape and Visual Impact Assessment. It is considered that the existing landscape buffer is inadequate and can be improved at the time the reserved matters application(s)

come forward. Character of the area and landscape should be considered when layout comes forward as a reserved matters application. Considered the development could take better advantage of the views. Good quality topsoil should be conserved and compaction should be avoided.

## **6. REPRESENTATIONS**

At the time of writing, 5 objections to the proposed development have been received. In summary, concerns raised include:

1. Increased traffic along Waybrook Lane;
2. Impact on the landscape, character and appearance of the area;
3. Concerns about noise and dust impact;
4. Concerns about the loss of old farm buildings;
5. Drainage;
6. Impact of the development on Nos 1-5 Waybrook Cottages;
7. Lack of infrastructure.

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

### Exminster Parish Council

At a meeting on 20 July 2015, Exminster Parish Council resolved to comment on this application as follows:

- The application made no mention of a monetary contribution to 'Infrastructure funded or provided directly through development' (SWE Framework). Following dialogue with the developer, it was apparent that there was confusion over the funding, as the developer believed that they would only be required pay CIL and had not been advised by Teignbridge District Council that there would be any requirement to enter into Section 106 agreements other than for affordable housing. Clarification between Teignbridge and the developer is sought by the Parish Council who would additionally like to ensure that any arrangements for Section 106 agreements are negotiated before this application reaches the Teignbridge Planning Committee.
- The Parish Council understands that the required SANGS would be provided by Teignbridge out of the CIL contribution and that for this application, the SANGS would not be on site. Therefore, the Parish Council seek assurance that the SANGS will be provided by Teignbridge in time for the occupation of the first dwelling.
- Issues with drainage have been identified. Any works to address the lack of capacity should be carried out before the development commences and Teignbridge should be satisfied that the proposed approach will be appropriate to the whole development as the drainage from this site is shared with the Bovis Homes site and the Exeter City Council site(s).
- Parts of the development (Area A in the SWE Framework) are particularly prominent and visible from Exeter City. The development runs alongside the A30

and suffers from high levels of noise. The developer has said that special measures will be taken to mitigate these issues. Teignbridge should be satisfied that the measures are adequate.

- Although it is acknowledged that there is no longer any intention for this development to have any junctions with Waybrook Lane, the Parish Council would like consideration to be given to making Waybrook Lane one way for traffic travelling east to west. This point will also be taken up with Devon County Council as recommended by the Case Officer.
- The Parish Council believes that the previous application (14/02710/NPA) is pertinent to this planning application and the concerns leading to it being refused should be fully considered with this application.
- Relevant policies in the Exminster Neighbourhood Development Plan should be taken into account when considering this application.

### Shillingford St George

The Parish Council would like to submit the following comments.

1. Waybrook Lane - We would like to propose that Waybrook Lane is made one-way, only allowing vehicular traffic out of Shillingford Abbot. In the winter this route is needed as a way out of the villages. We have a very serious concern that this will soon become a rat-run otherwise. This issue has been raised at public meetings, public consultations and on various planning responses. It is a big concern to our residents.
2. Residential properties across the new development must be allocated sufficient off-road parking. Modern families often have two or more vehicles and this must be considered in the design.

The Parish Council would like to work with Devon Highways and the District Council to find a suitable solution to the use of Waybrook Lane.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

The proposal will deliver about 225 net additional dwellings. Assuming 80-120 square metres per dwelling, the proposal will generate about £3.2-£4.8 million of which 25%, or £0.8 million to £1.2 million 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.



