

TOWN AND COUNTRY PLANNING ACT 1990
GRANT OF OUTLINE PLANNING PERMISSION

Applicant: New Community Partners (See Note For Applicant 9) **Application No:** 03/P1900

Address: C/o David Lock Associates Ltd
50 North 13th Street
Milton Keynes
Buckinghamshire MK9 3BP **Date of Registration:** 25 July 2003

Agent: DAVID LOCK ASSOCIATES LTD **Date of Decision:** 29 October 2010
Address: 50 North 13th Street
Milton Keynes
Buckinghamshire
MK9 3BP

Proposal: A new community comprising up to 2,900 residential dwellings; a town centre and a local centre including retail , residential and employment; assembly and leisure uses; non-residential institutions (including two primary schools and one secondary school); sports and recreation facilities; a country park; a railway station; landscaping; engineering works; associated infrastructure; and car parking for all uses

Location: Site Of New Town
Honiton Road
Rockbeare
Exeter
Devon

The Council hereby grants permission to carry out the development described in the application and the plans attached thereto subject to the following conditions :

1. Reserved Matters

Approval of the details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") for a sub-phase of the development, and for the relevant part of the main local route and related engineering works, shall be obtained from the Local Planning Authority in writing before the development thereby approved within that sub-phase, or that part of the main local route, is commenced and that development shall be carried out in accordance with those approved details and



such subsequent minor amendments as shall be approved in writing by the Local Planning Authority.

For the avoidance of doubt and for the purposes of the definition and interpretation of the conditions in this planning permission, a sub-phase of development is defined as any smaller part of one of the parcel groups identified within Figure 1 of the East Devon New Community Phasing Strategy (1 October 2010).

Reason - The application is in outline with all matters reserved. Development will progress in phases and approval of reserved matters applications will be necessary on a phased basis to allow development of the relevant sub-phase to progress without approval of reserved matters or other matters across the whole of the site or phase. Development of the main local route may also progress in phases without approval of the reserved matters for the whole route.

2. Details in relation to the reserved matters submitted for any sub-phase in compliance with Condition 1 shall include finished floor levels where relevant and existing and proposed ground levels in relation to a fixed datum for that sub-phase. Development shall then be carried out in accordance with those approved details unless minor variations are otherwise subsequently agreed in writing by the Local Planning Authority.
Reason - To ensure that adequate details of levels are provided to enable assessment of the relative heights of ground and buildings in relation to the landscape, the proposed development and existing structures.

3. Application for approval of the reserved matters for the first sub-phase shall be made to the Local Planning Authority before the expiration of five years from the date of this permission. All subsequent applications for approval of reserved matters shall be made to the Local Planning Authority before the expiration of twelve years from the date of this permission.

Reason - To comply with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be begun either before the expiration of seven years from the date of this permission, or before the expiration of two years from the date of approval of the first of the reserved matters to be approved, whichever is the later.

Reason - To comply with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

5. The implementation of the development hereby permitted shall be carried out substantially in accordance with the mix and disposition of land uses contained in the following:-

Amended Application Boundary
Development Framework Plan

Drawing no. WCN028/AA/005 Rev A
Drawing no. WCN028/AA/006 Rev J

and the Description of Development set out in paragraph 2.12 of the supporting Update to Addendum to Planning Statement (dated November 2006 and updated 4th October 2010), or in accordance with any amendment to the Development Framework Plan or Description of Development which may subsequently be approved in writing by the Local Planning Authority, provided that such amendments do not result in any impacts which exceed the range and scope of those assessed in the Environmental Statement (including further information) and requiring mitigation.

Reason - To define the scope of this permission; in particular to ensure that the development is carried out in accordance with the approved application documents.

6. Construction, Environmental & Management Plan

Prior to the commencement of development within each sub-phase of the development (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Environmental and Management Plan (CEMP) to manage the impacts of construction within that sub-phase, including traffic, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Secretary of State for Transport). For the avoidance of doubt, the CEMP shall include:-

- i. measures to regulate the routing of construction traffic in accordance with Drawing Number 04PN055/57/A;
- ii. the times within which traffic can enter and leave the site;
- iii. the importation and/or dispersal of spoil and soil on and off site;
- iv. measures to control dust from earthworks and construction activities;
- v. a noise control plan;
- vi. the location of the site compound(s);
- vii. specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;
- viii. expected number of construction vehicles per day.

The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied with in full and monitored by the applicants to ensure continuing compliance during the construction of the development. Reason - To minimise the impact of the works during the construction of the development in the interests of highway safety and the free-flow of traffic, and to safeguard the amenities of the area.

7. Design Codes

Prior to the commencement of construction of each sub-phase of development (save such preliminary or minor works as the Local Planning Authority may approve in writing) Detailed Design Codes for that sub-phase of development setting out the principles and requirements of good design, shall be submitted to and approved in writing by the Local Planning Authority. The details in the reserved matters applications shall be substantially in accordance with the approved Design Codes unless otherwise approved through reserved matters applications by the Local Planning Authority.

Reason - To define the details of the proposal and to ensure a high standard of design is achieved in the interests of the appearance and character of the area.

8. Archaeology

No development shall take place within each of the respective Areas A, B, C and D as shown on Plan 1 (1173/17c-"Areas of Archaeology Requiring Mitigation") in the agreed mitigation strategy document (Cranbrook Devon: Archaeological Mitigation Strategy, Waterman CPM, 7 November 2006. ref. WCPM H1173_08c), until a programme of archaeological work within the respective area in accordance with a written scheme of investigation has been submitted and approved in writing by the Local Planning Authority. This scheme shall be in accordance with the agreed mitigation strategy document (ref. WCPM H1173_08c), and implemented in accordance with the

programme, unless subsequent variations from the approved scheme or programme are otherwise approved in writing by the Local Planning Authority.

Reason – In the interests of archaeology and to ensure that any important archaeological features are recognised.

9. Access at all reasonable times shall be afforded to the archaeologist nominated by the Local Planning Authority and the archaeologist shall be allowed to observe the excavations agreed in accordance with Condition 8 and record items of interest and finds.

Reason - To afford the opportunity of archaeological investigation and proper recording of the area.

10. Contaminated Land Remediation

Should any contamination of soil or groundwater be discovered during development of the site, the Local Planning Authority should be contacted immediately. Site activities within that sub-phase or part thereof, should be temporarily suspended until such time as a procedure for addressing such contamination, within that sub-phase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.

Reason - To ensure that any contamination existing and exposed during the development is identified and remediated.

11. Sewage Treatment

None of the buildings shall be occupied within each sub-phase of the development until works for the disposal of sewage from those buildings have been provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of amenity and to avoid pollution of the environment and/or any water supply.

12. Flood Alleviation

The flood alleviation measures identified within the Landscape, Biodiversity and Drainage Strategy must be implemented in accordance with the mitigation details specified therein unless subsequently otherwise agreed in writing by the Local Planning Authority.

Reason – To ensure the provision of a hydrologically acceptable flooding and drainage scheme that also brings further landscape, amenity and biodiversity enhancements.

13. Apart from the essential infrastructure shown in the Development Framework Plan relating to the station, the station access and the Main Local Route across the Country Park, and the foul drainage infrastructure, no building, structure or inappropriate use defined in Planning Policy Statement 25 "Development and Flood Risk" published in March 2010 shall be constructed within the 1:1000 year floodplain as indicated in Drawing no:1264/FL/01 Rev B in Appendix E1 of the Landscape Biodiversity and Drainage Strategy, at any stage of the development hereby approved without the prior consent of the Local Planning Authority.

Reason - To safeguard the protected flood plain from incompatible development or other forms of obstruction.

14. Drainage

No construction within a sub-phase shall commence (save such preliminary or minor works as the Local Planning Authority may approve in writing) until details of a Sustainable Urban Drainage System (SUDS) for the disposal of the surface water from that sub-phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and thereafter retained in accordance with those approved details and any subsequent amendments as shall be approved in writing and each dwelling shall not be occupied until the relevant works within that sub-phase for the disposal of surface water have been completed.

Reason - To avoid pollution of the environment and/or flooding.

15. No oils, fuels or chemicals shall be stored in relation to the commercial uses on the site unless details of any storage facility, including measures for containing accidental releases to the environment, and the drainage of such storage areas, have been submitted to and approved in writing by the Local Planning Authority, and until such a storage facility has been implemented in accordance with the approved details.

Reason - To protect the environment from pollution and to safeguard the amenities of the area.

16. No sewage or trade effluent (including cooling water containing chemical additives, vehicle washing effluent and steam cleaning effluent) shall be discharged to the surface water drainage system.

Reason - To prevent pollution of the water environment.

17. Landscaping/Open Space

Unless otherwise agreed in writing with the Local Planning Authority, no construction within a sub-phase shall commence until full details of both hard and soft landscaping works (including highway trees) have been submitted to and approved by the Local Planning Authority for that sub-phase.

The relevant strategic open space elements set out in the Landscape, Biodiversity and Drainage Strategy (LBDS) Drawing nos: 5.2, 5.3 and 5.4, or as subsequently amended and agreed in writing with the Local Planning Authority, shall be implemented in accordance with the programme described in LBDS Drawing no: LBDS5 or otherwise in accordance with a programme agreed with the Local Planning Authority. The landscaping works within each sub-phase shall be undertaken in accordance with the approved scheme, and any subsequent amendments as shall be approved in writing by the Local Planning Authority, within 12 months of completion or during the next planting season following completion of the sub-phase whichever is the sooner. If within a period of 5 years from the date planted any tree, plant or shrub dies, is removed or becomes seriously damaged or diseased it shall be replaced in the next planting season with other(s) of similar size and species unless that landscaping has been transferred to the Local Authority or other agreed maintenance body, or the Local Planning Authority gives written consent to any variation.

Reason - In the interests of enhancing and preserving the amenity of the area.

18. Any reserved matters application for development taking place within 7 metres of all retained water courses shall include details of any buffer zone alongside the brook/stream for approval in writing by the Local Planning Authority and the development shall be carried out in accordance with those approved details and any

subsequent minor amendments as shall be approved in writing by the Local Planning Authority. Thereafter, no development other than land drainage works, underground services where required to cross watercourse(s), landscaping, footpaths, crossing points (including bridges), playing fields and associated works shall take place within such buffer zones unless otherwise agreed in writing by the Local Planning Authority. Reason - To protect flora and fauna dependent on the aquatic environment and to protect the riverine environment in general.

19. Prior to the commencement of works within each sub-phase of development, details of measures to protect all existing open watercourses, other aquatic features and associated vegetation to be retained within that sub-phase shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with such details and any subsequent amendments as shall be approved in writing by the Local Planning Authority.
Reason - To protect flora and fauna dependent on the aquatic environment and to protect the riverine environment in general.

20. No existing tree shown as being retained on site in the Landscape, Bio-diversity and Drainage Strategy, including any amendments as shall be agreed in writing by the Local Planning Authority, shall be felled, destroyed or wilfully damaged including any damage to root(s), other than in accordance with the LBDS or approved management plan, without the prior written consent of the Local Planning Authority. Prior to the commencement of development within a sub-phase, details for the protection of retained trees during construction within that sub-phase shall be submitted to and approved in writing by the Local Planning Authority. No burning of materials shall take place where it could cause damage to any tree or tree group on the site or land adjoining.
Reason - To protect trees on the site in the interests of preserving and enhancing the amenity of the area.

21. No existing hedgerows shown as being retained in whole or in part on site in the Landscape, Bio-diversity and Drainage Strategy (LBDS), including any amendments as shall be agreed in writing by the Local Planning Authority, shall be uprooted or destroyed (including severance of roots), or otherwise wilfully damaged, other than in accordance with the LBDS or approved management plan, without the prior written consent of the Local Planning Authority. Any part of any retained hedgerow within the LBDS which within 5 years of the commencement of development of that sub-phase is uprooted, dies or becomes diseased, shall be replaced before the end of the next available planting season with a species, details of which shall first have been submitted to and approved in writing by the Local Planning Authority.
Reason - To ensure minimum interference with the hedgerows on the land in order to protect habitat and biodiversity.

22. Walls/Fences

Reserved matters submissions for each sub-phase of the site shall include details of the walls and/or fences or other forms of enclosure to be erected with frontage onto the public highway within that sub-phase, and be approved in writing by the Local Planning Authority. Any walls and/or fences shall be erected in accordance with the approved details and any subsequent amendments as shall be approved in writing by the Local Planning Authority before the relevant building is first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order

1995 (or any Order revoking and re-enacting that Order with or without modification), these walls and/or fences or other means of enclosure shall not thereafter be altered or removed without the prior written approval of the Local Planning Authority. For the avoidance of doubt, no fence or other means of enclosure shall be erected within or closer to any hedgerow other than as shown on the approved plans or as shall first be agreed in writing with the Local Planning Authority.

Reason - In the interests of preserving and enhancing the character and appearance of the area and/or protecting the privacy of local residents.

23. Provision for Refuse Storage

Any reserved matters submission for the residential and commercial development shall include detailed plans showing provision for any relevant external refuse and recycling storage facilities. Such provision is to be implemented and thereafter retained in accordance with the approved plans, unless subsequently otherwise agreed in writing by the Local Planning Authority.

Reason – To ensure this amenity is satisfactorily integrated into the design of the development.

24. Schedule of Phasing of Road, Services and Facilities

No construction shall be commenced within a sub-phase of the development (save such preliminary or minor works as the Local Planning Authority may approve in writing) until the relevant details of the following works in respect of that sub-phase have been submitted to and approved by the Local Planning Authority:-

Details of the proposed estate roads, footways, footpaths, junctions, street lighting, sewers, drains, retaining walls, service routes, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture, such details to be provided by way of plans and sections indicating as appropriate the design, layout, levels, gradients, materials and methods of construction.

The works shall thereafter be provided and retained in accordance with the approved details and any subsequent amendments as shall be approved in writing by the Local Planning Authority.

Reason – To ensure adequate information is available for the proper consideration of the detailed proposals, the site is developed in a proper manner, adequate access and associated facilities are available for all traffic attracted to the site, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining and future residents.

25. Railway Station

Before works are commenced on the development of the railway station (save such preliminary or minor works as the Local Planning Authority may approve in writing) details of the bus lay-by, cycle storage facilities and car parking in connection with the railway station shall be submitted to and approved by the Local Planning Authority. The bus lay-by, cycle storage facilities and car parking should be provided and thereafter retained in accordance with those details, which shall be no later than the opening of the railway station to members of the public.

Reason – To ensure the railway station has adequate provision for buses, cycles and car parking.

26. Railway Safety

As part of the reserved matters relating to any sub-phase abutting the Exeter- Waterloo railway line, details of the proposed fencing shall be submitted to and approved in writing by the Local Planning Authority. The relevant fencing works shall then be carried out and thereafter retained in accordance with the approved details, and any subsequent amendments as shall be approved in writing by the Local Planning Authority, prior to the occupation of each sub-phase or in accordance with a programme to be agreed with the Local Planning Authority.

Reason - In the interests of public safety and amenity.

27. There shall be no excavations adjacent to railway embankments, retaining walls or bridges and no surcharging of cutting slopes or retaining walls without the prior approval of the Local Planning Authority.

Reason – To ensure the on-going safe operation of the railway.

28. Parking

Reserved matters submissions shall include details of both on-street and off-street parking provision for each sub-phase of development for approval in writing by the Local Planning Authority and are to be provided in accordance with those approved details and any subsequent amendments as shall be approved in writing by the Local Planning Authority. Thereafter all off-street parking provision shall be retained for that purpose unless otherwise agreed in writing with the Local Planning Authority.

Reason – To ensure required parking standards are adhered to.

29. No dwelling shall be occupied until the garage(s) and/or parking spaces agreed to serve that dwelling have been provided in accordance with details that previously shall have been approved in writing by the Local Planning Authority. Such garages and parking spaces shall thereafter be retained for the parking of vehicles unless otherwise agreed in writing with the Local Planning Authority.

Reason – To ensure required parking facilities are provided and available for use upon occupation of the dwellings.

30. Cycle Parking

Reserved matters submissions for all non residential developments shall include details for the provision of cycle parking facilities. These approved facilities shall be installed and available for use on first occupation of the building and shall be retained and maintained for that purpose only thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason – To achieve modal shift from private car to other forms of transport in accordance with the Transport Assessment.

31. Noise Pollution Measures

Construction work on any residential building shall not begin in the western part of the application site, defined as “Land subject to restriction due to engine testing” on the

Inset Map 25 (Exeter PUA) in the East Devon Local Plan, until a noise control scheme for protecting the proposed noise sensitive development has been submitted to and approved by the Local Planning Authority. The scheme shall ensure that:-

(a) no residential building shall be forecast to be exposed to greater than 65dB LAeq, (5 minutes) at the closest residential property at night from engine test noise at Exeter International Airport.

OR

(b) where this cannot be achieved, unless otherwise agreed in writing by the Local Planning Authority, the building envelope of the bedrooms of any residential building shall be constructed so as to provide sound attenuation against external noise, by having a building envelope sound insulation of 30dB(A), with windows shut and other means of ventilation provided between 2300 and 0700 hours.

The approved noise control scheme shall be implemented and retained and maintained thereafter, unless subsequently otherwise agreed in writing by the Local Planning Authority.

Reason – To safeguard the amenities of future occupants.

32. Changing Facilities

Prior to the commencement of the construction of the sports pitches east of Rockbeare Stream, details of the siting and design of the changing facilities to be provided shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall then be constructed in accordance with those details. For the avoidance of doubt, the changing facilities shall be available for use to coincide with the provision of the relevant sports pitches (east of the Rockbeare Stream) or in accordance with a programme which first shall be agreed in writing with the Local Planning Authority.

Reason – In the interests of the character and appearance of the locality and to ensure that appropriate amenities are available for all users of the sports facilities.

33. Commercial Premises

(i) Unless otherwise agreed in writing with the Local Planning Authority no commercial/employment development shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority.:-

a) A shop front/advertisement design.

b) The route lines of all services both on and off-site.

c) Proposed opening hours of the Class A3 (restaurants and cafes); Class A4 (Drinking establishments); Class A5 (Hot food takeaways) units/uses as defined by the Town & Country (Use Classes) (Amendment) (England) Order 2005.

d) All external lighting and signage and display lighting.

(ii) Pollution protection measures, to include the provision of extract ventilation equipment with filters, shall be installed and maintained within all units operating within Class A3, (Restaurant and Café), Class A4, (Drinking Establishments), Class A5 (Hot

food takeaway) of the Town & Country Planning (Use Classes) (Amendment) (England) Order 2005.

The development shall be carried out and operated in accordance with the approved details and measures or any subsequent minor amendments as shall be approved in writing by the Local Planning Authority.

Reason – To ensure a satisfactory appearance and implementation of the development and in the interests of local amenity.

34. External Plant or Machinery

Details shall be submitted to show external plant or machinery, which shall not be installed on any building within the site without the prior approval of the Local Planning Authority. The development shall proceed only in accordance with those approved details.

Reason – In the interests of local amenity.

35. Infrastructure

All sub-stations and similar utility buildings or structures required by statutory undertakers and all other appropriate bodies, wherever practicable, shall be placed underground or shall be located in suitably concealed locations where they are not visually prominent.

Reason – In the interests of visual amenity.

36. Public Realm

No buildings shall be erected within 17 metres of the 250mm High Pressure Transmission gas pipeline that is routed through the site or as shall otherwise have been agreed in writing by the Local Planning Authority.

Reason – In the interests of public safety.

37. Materials

Any reserved matters submissions shall include a schedule of materials and finishes for buildings and hard landscaping having regard to the palette of materials set out in the Strategic Design Guidance and / or the Design Codes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for the external walls and roofs of the proposed development and the hard landscaping, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless subsequently otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the materials are sympathetic to the character and appearance of the area.

NOTE FOR APPLICANT

1. IN GRANTING PLANNING PERMISSION FOR THIS DEVELOPMENT, THE FOLLOWING IS A SUMMARY OF THE REASONS FOR THE DECISION:

The proposal complies with the following Devon Structure Plan 2001-2016 Policies and the adopted East Devon Local Plan 1995-2011 Policies:

Devon Structure Plan Policies

ST1 (Sustainable Development)
ST3 (Self Sufficiency of Devons Communities)
ST4 (Infrastructure Provision)
ST5 (Development Priority 2001 to 2016)
ST10 (Exeter Principal Urban Area)
ST11 (Exeter Principal Urban Area Housing and Employment Provision)
ST12 (East Devon New Community Proposal)
ST17 (Housing and Employment Land Provision)
ST18 (Affordable Housing)
ST18A (Mix and Type of Housing)
ST19 (Strategic Development Sites)
ST23 (Concept of new Community Development)
ST24 (New Community Implementation)
ST25 (New Community Landscape Setting)
CO1 (Landscape Character and Local Distinctiveness)
CO6 (Quality of New Development)
CO7 (Historic Settlements and Buildings)
CO8 (Archaeology)
CO9 (Biodiversity and Earth Science Diversity)
CO10 (Protection of Nature Conservation Sites and Species)
CO11 (Conserving Energy Resources)
CO12 (Renewable Energy Developments)
CO13 (Protecting Water Resources and Flood Defence)
CO14 (Conserving Agricultural Land)
CO15 (Air Quality)
CO16 (Noise Pollution)
WM1 (Waste Management)
TR3 (Managing Travel Demand)
TR5 (Hierarchy of Modes)
TR6 (Network Integration)
TR7 (Walking and Cycling)
TR9 (Public Transport)
TR14 (Airports)
TR15 (Freight Distribution Network)
TR17 (Strategic Network Investment Proposals)
SH1 (Shopping Facilities (Sequential Approach)
SH2 (Shopping Facilities and Settlement Hierarchy)

East Devon Local Plan Policies

S1 (Strategic Development in the East Devon Part of the Exeter Principal Urban Area)
S5 (Countryside Protection)
S7 (Infrastructure Related to New Development)
D1 (Design and Local Distinctiveness)
D2 (Sustainable Construction)
D3 (Access for the Disabled)

D4 (Landscape Requirements)
 D5 (Trees on Development Sites)
 D6 (Public Art)
 D7 (Shop Fronts)
 EN6 (Wildlife Habitats and Features)
 EN7 (Nationally and Locally Important Archaeological Sites)
 EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)
 EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest)
 EN10 (Demolition of Listed Building)
 EN15 (Control of Pollution)
 H1 (Residential Land Provision)
 H2 (Residential Land Allocation)
 H3 (Range and Mix of New Housing Development)
 H4 (Affordable Housing)
 SH1 (Shopping Facilities (Sequential Approach)
 SH2 (Shopping Facilities and Settlement Hierarchy)
 SH3 (Retail Warehousing)
 SH4 (Shopping Facilities in Rural Settlements)
 RE1 (Retention of Land for Sport and Recreation)
 RE2 (Open Space, Sports Facilities and Parks)
 RE3 (Open Space Provision in New Housing Developments)
 RE4 (Allotments)
 RE5 (Recreation Facilities in the Countryside and on the Coast)
 C1 (Community Buildings)
 C2 (Local Community Facilities)
 C3 (Shared Communal Facilities)
 C5 (Power Lines)
 C6 (Renewable Energy)
 C7 (Telecommunications)
 TA1 (Accessibility of New Development)
 TA2 (Traffic Management Schemes)
 TA3 (Transport Assessments /Travel Plans)
 TA4 (Footpaths, Bridleways and Cycleways)
 TA6 (Park and Ride)
 TA7 (Adequacy of Road Network and Site Access)
 TA8 (Safeguarding of Land Required for Highway and Access Improvements)
 TA9 (Parking Provision in New Development)
 TA12 (Aerodrome Safeguarded Areas and Public Safety Zones)
 PUA 1 (New Community)
 PUA 2 (Intermodal Facility for the Transfer of Freight and a Freight Distribution Centre)
 PUA 3 (Strategic Employment Land at Skypark)
 PUA 4 (Development at Exeter Airport)
 PUA 5 (Clyst Honiton Eastern By-Pass and Other Transport Works)

2. Commencement of Construction

This means the commencement or carrying out of any works of construction to any dwelling or building as the case may be within the application site. For the avoidance of

doubt, conditions 7,14,17 and 24, relate to the commencement of construction as so defined.

3. Sub-Phase

For the avoidance of doubt, and for the purpose of the definition and interpretation of the conditions in this planning permission, a sub-phase of development is defined as any smaller part of one of the Parcel Groups identified in Figure 1 of the East Devon New Community Phasing Strategy (1 October 2010) and is so defined to allow the progression of development without the approval of reserved matters (or other matters requiring prior approval), or the discharge of conditions, for the whole of the site or wider phase or parcel group area.

4. Legal Water Interests

It should be highlighted that it remains the responsibility of the applicant to ensure that the development does not affect any existing legal water interests in the area.

5. Railway Safety

For the avoidance of doubt with regard to excavations and surcharging, Network Rail should be consulted on any alterations to ground levels or any works that may cause surcharging of cutting slopes or retaining walls. Network Rail can accept no liability to maintain support to the adjoining land other than for its existing use.

6. Noise Pollution Measures

Inset Map 25 (Exeter PUA) referred to in Condition 31 can be found in the East Devon Local Plan at www.eastdevon.gov.uk.

7. Materials

Condition 37 requires samples of materials to be submitted and these samples must comply with the following criteria:-

Materials (General)

Prior to construction a reference panel sufficiently representing the material in question should be built on site. The panel should be no less than 1square metre in size and should be in the final proposed material, colour finish and texture including gloss factor to paint work, sprayed and powder coated materials.

The reference panel should be built on a level firm foundation in a dry location with natural daylight.

All panels should be viewable from close range and from approximately 3 metres away. All sample panels shall be viewed together to allow an assessment of the entire materials palette.

All materials should be reasonably free from damage, deformation and deflection especially edges and corners.

Materials (Brickwork) - All brickwork must be built in accordance with BS EN 771-1.

Materials (Render) - A through- render system is preferred.

8. REASONS FOR APPROVAL

The proposals meet with the requirements of the policy framework set down within the Devon Structure Plan, East Devon Local Plan and Supplementary Planning Guidance which make specific provision for a New Community in this location and having regard, in particular but not exclusively, to Policies ST12, ST23, ST24 and ST25 of the Devon Structure Plan 2001 - 2016 (Adopted October 2004) and Proposal PUA1 and Policy S1 of the East Devon Local Plan 1995-2011, but also to the wider policies of the development plan.

The development is consistent with national planning priorities, in particular but not exclusively, PPS1: Delivering Sustainable Development.

The development forms an important and sustainable element of the development plan strategy for accommodating employment and housing growth to the east of Exeter and which also include the Skypark and Science Park proposals. There are strong connections between the application site and major employment concentrations to the east of Exeter on both sides of the M5. The New Community will provide a wide range of sustainable housing options including affordable housing to meet local needs.

The orientation and layout of uses as set down on the Development Framework Plan is acceptable. The proposals adhere to the principles for the design of the New Community which have emerged in consultations, including by the Stakeholders Workshop and Design Working Group, in addition to the statutory consultation process.

In order to secure the delivery of key elements of the proposals and to mitigate against any adverse impacts of the development, it has been necessary for the applicant to enter into a Section 106 Agreement which includes strategies in relation to Strategic Design, Phasing, Employment and Retail, Landscape, Drainage and Biodiversity and Sustainability. The Strategies satisfy the requirements of the Local Planning Authority which are drawn from the policies of the County Structure Plan and East Devon Local Plan as well as national planning guidance and supplementary planning guidance. The strategies provide the appropriate principles to guide the delivery of the New Community in accordance with those requirements.

The applicant has also accepted conditions in relation to a range of matters including, but not confined to, archaeology, design, contaminated land, drainage and flooding alleviation, landscaping and open space, noise and the provision of infrastructure. Following agreement on these matters the development will not have a significant adverse impact on the environment, amenities, highway network, or any other material consideration.

Provision is made for the timely and integrated provision of the necessary community facilities and infrastructure consistent with ST23 of the Structure Plan and including provision for primary and secondary education and other community uses.

The proposals and mitigation measures secured will ensure that the New Community is assimilated into the landscape of the area, has an appropriate relationship with existing settlements and makes appropriate provision for open space.

Proposals for the enhancement of the highway network, including provision for the Clyst Honiton Bypass, are acceptable and appropriate and consistent with the access strategy for the area to the east of Exeter. The development will be linked effectively to Exeter in the first phase of development and be accessible to the Strategic Road Network and the Local Highway System.

The proposal does not harm business or employment opportunities.

The proposal does no harm to wildlife interest.

The access to the site does not prejudice highway safety.

9. The New Community Partners (the applicants) comprise:
Hallam Land Management Limited, Persimmon Homes Limited, Redrow Homes Limited and Taylor Wimpey Developments Limited.
10. NB: A SECTION 106 LEGAL AGREEMENT RELATES TO THIS PLANNING PERMISSION

The plans relating to this application are listed below:

SEE
CONDITION 5 -
COMBINED
PLANS



Head of Planning Services

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS AND THE APPLICANT SHOULD ENSURE THAT ALL NECESSARY APPROVALS FOR THE SAME PROPOSAL AND THE SAME PLANS ARE OBTAINED BEFORE COMMENCING ANY WORK ON THE SITE.

Please refer to the accompanying notes which form part of this decision notice.