

**ITEM NO.**

5

**COMMITTEE DATE:**

20/02/2012

**APPLICATION NO:**

11/1800/03

FULL PLANNING PERMISSION

**APPLICANT:**

Redrow Homes Ltd

**PROPOSAL:**

Residential development of 230 units and care home of 72 beds with roads, open space, landscaping and infrastructure, all following phased demolition of existing buildings

**LOCATION:**

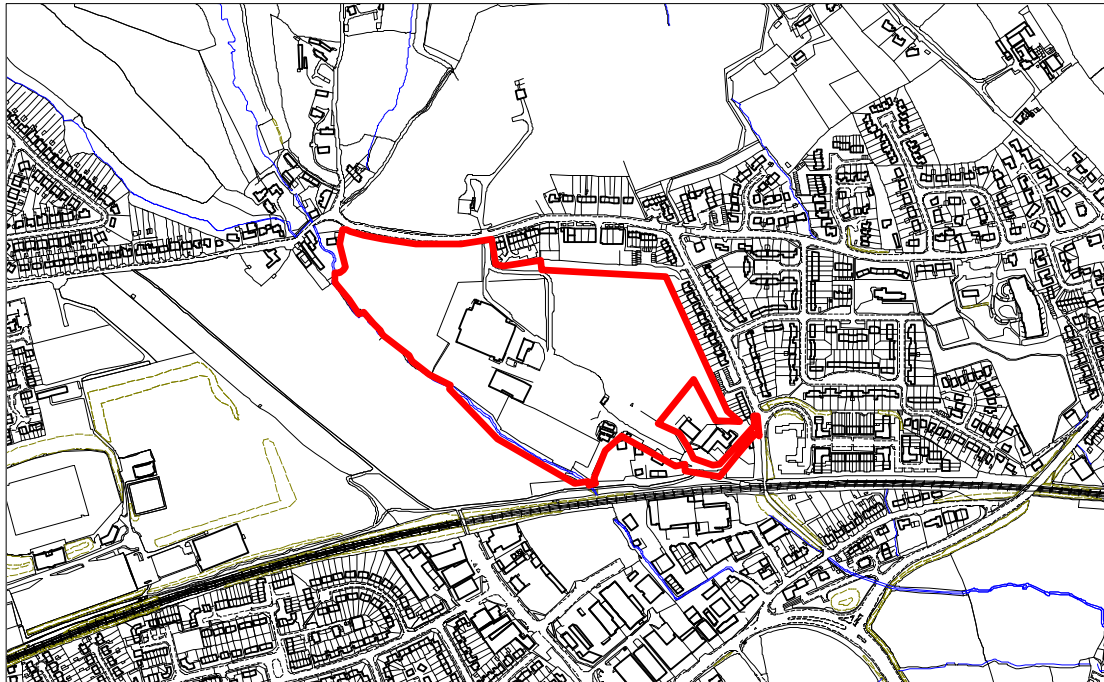
Former Ibstock Brickworks Site, land off Harrington Lane, Exeter, EX4

**REGISTRATION DATE:**

31/10/2011

**EXPIRY DATE:**

30/01/2012



Scale 1:10,000

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**HISTORY OF SITE**

|              |  |     |            |
|--------------|--|-----|------------|
| 98/1150/03 - | Detached building in centre of existing site for sand storage  | PER | 10/02/1999 |
| 92/0438/03 - | Erection of platform on roof to monitor kiln exhaust   | PER | 29/06/1992 |
| 95/0356/03 - | Extension to grinding section building and construction of two chimneys  | PER | 07/05/1996 |
| 05/0993/03 - | Change of use of former 'Specials' workshop from manufacturing (Class B2) to storage and distribution (Class B8) | PER | 18/08/2005 |
| 07/0551/03 - | Change of use from industrial (Class B2) to storage and distribution (Class B8)                                  | PER | 17/07/2007 |

## **DESCRIPTION OF SITE/PROPOSAL**

The site covers approximately 9.7 hectares and comprises part of the former Ibstock Brickworks Plant, a former quarry/landfill site and a field. Whilst the Pin Brook roughly marks the south-western boundary of the site, at the south-eastern end, the site extends to the south-western side of Pin Brook. The former Ibstock Brickwork Plant has ceased active manufacturing, although a quantity of bricks are still stored at the site. Access to the site is currently from Harrington Lane to the north and from Chancel Lane to the east.

Although the main character of the area to the north and the east of the site is residential, there are some office developments to the north, along Harrington Lane. To the south east of the site there are a number of employment uses, including an area of land immediately adjoining the site which is used for storage of plant and machinery. On the other side of the railway line to the south of the site, lies Pinhoe Trading Estate, which provides industrial uses. To the west of the site lies Eastern Fields, which is used as an informal recreation area, but is part allocated in the Exeter Local Plan First Review for 3.3 ha of employment development. A public footpath/cycleway runs through Eastern Fields.

The natural topography of the site has been re-modelled in the past to achieve level plateaus to use within the former brickworks. The natural gradient of the site rises towards the north, with the steep vegetative bank dropping away from the rear boundaries of the properties fronting Harrington Lane. The existing access from Harrington Lane also drops deeply down into the site, while the gradients level out to the far northwest corner of the site. The north eastern corner of the site is heavily vegetated with scrub which has grown up over an area of former landfill. The Pin Brook flows south east and is relatively incised with scrub and mature trees along its length. At the south-eastern end, an area of land to the south-western side of the brook is incorporated in the site.

Permission is sought for the phased demolition of the existing buildings on site and the erection of 230 residential units, a 72-bed care home, open space provision and associated infrastructure works.

The proposed scheme design has the following key features:

- Vehicular accesses from Harrington Lane and Chancel Lane
- 173 private 3 and 4 bed houses (generally detached and semi-detached)
- 57 affordable 2, 3 and 4 bed houses and flats (details to be finalised)
- a 72 bed care home along the Harrington Lane frontage
- A strip of public open space along the south-western boundary where the site adjoins Pin Brook
- Sustainable urban drainage including an attenuation area within the open space and swales within the development
- Internal highway arrangement with potential to extend into the adjoining Eastern Fields to provide a link to Exhibition Way.

The proposed residential development is predominantly two storey in scale. There are two apartment blocks which are three storeys high. The style of the dwellings is based on the Arts and Crafts style. The palette of materials includes a mix of buff and red multi stock brick, rough cast cream or off-white render, a mix of red or brown tile roofs, and the use of timber detailing to elements such as canopies. Doors and windows would be UPVC and garage doors would be steel.

The care home is proposed as a split level building to work with the sloping topography on this part of the site. The building is therefore two storey fronting Harrington Lane and three storey to the south side. The range of materials and architectural detailing are proposed to reflect those on the dwellings in the new residential development.

## **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

- Planning Statement
- Affordable Housing Statement
- Employment Market Report
- Archaeological Desk Based Assessment
- Air Quality Assessment
- Ecological Assessment
- Flood Risk Assessment
- Outline Drainage Strategy
- Geo-Environmental and Land Contamination
- Noise Impact Assessment
- Statement of Community Involvement
- Transport Assessment including Travel Plan
- Tree Survey and Arboricultural Report
- Site Waste Management Plan
- Sustainability Statement
- Energy Statement
- Design and Access Statement (including Lighting Assessment)
- Design and Access Statement for Care Home

## **REPRESENTATIONS**

Representations received: 61. Comments: 3. Support: 1. Objections: 57. Principal planning issues raised:

- Impact on amenity of future occupants arising from noise and vibration from the adjoining employment land, which is not subject to an hours of use restriction.
- Overlooking of employment land with consequent harm to the working environment and security.
- Insufficient buffer between proposed housing and existing employment land.
- Danger to pedestrians arising from commercial vehicle activity in relation to the adjoining employment land.
- Impact of additional traffic on viability of adjoining employment land.
- Application should provide a double carriageway and safe pedestrian access over the railway. The existing bridge is substandard. The bridge should not be used by construction traffic.
- The applicant should not be offering to contribute to a potential link road across Eastern Fields. This road would disrupt a valued area of local open space and biodiversity.
- There is insufficient open space provided on the site for recreation and wildlife.
- The applicants claim that adjoining open space negates the requirement to provide open space on site, but the adjoining open space may be destroyed by a link road.
- Grouping all the affordable housing in the least favourable location next to the existing employment land is unfair and occupants will have a poor standard of amenity.
- Increased traffic in Harrington Lane and Beacon Heath.
- Insufficient highway capacity to accommodate the development in combination with other residential proposals in the area.
- The Tree Preservation Order close to the rear of properties in Chancel Lane should be made permanent. This is an area of developing woodland with associated wildlife.
- Overlooking of Chancel Lane properties by new development.
- Three storey flats are too high.
- The proposal would bring back into beneficial use an area of under-utilised brownfield land with good transport and communication links. It would supply housing to support emerging employment opportunities (e.g., Skypark and Science Park) in the area, and consequent economic prosperity.

A significant majority of the representations are principally concerned with the implications of a link road across Eastern Fields from Exhibition Way. Local residents object to the perceived loss of amenity space (for dog walking, etc.) and the impact on wildlife.

## **CONSULTATIONS**

**Environment Agency** - No objection in principle. Conditions are recommended relating to the following:

- Requirement of a foundation risk assessment to ensure that piling does not create new migration pathways for contamination

**Devon and Cornwall Police Architectural Liaison Officer** - General comments are made and no specific objections are raised.

**Devon County Council Education** - Contribution of £3,633 per dwelling sought towards school place provision in the area, plus legal costs.

**The County Director of Environment, Economy and Culture** - The Transport Assessment submitted with the planning application has been considered and both its contents and conclusions are largely accepted and agreed. This was also the case with the application for development of the quarry site but, as with that development, the desirability of ultimately achieving the provision of a vehicular, pedestrian and cycle link from Harrington Lane to Pinhoe Road, via a new route across the railway line is considered a vital element in the acceptability in the long term, in order to alleviate pressure on unsuitable and inappropriate routes elsewhere on the highway network. This also accords with the main tenets of the Pinhoe Area Access Strategy as published in January 2011. For this reason, as with the quarry development, a substantial contribution should be sought from the developer towards the funding of the Exhibition Way link road as well as improvements to and the development of sustainable travel modes, tied to a comprehensive residential travel plan for the site. Further, the development must provide an appropriate internal connection up to the boundary of the site in order to facilitate connection in due course with the proposed link road.

Consequently the County Council as Local Highway Authority raises no objection to the proposed development, subject to an appropriate legal agreement to provide the following;

- (i) A total financial contribution in the sum of £776,081. This equates to £3,375 per dwelling for each residential unit (total units=230) which compares directly with the residential element contribution in respect of the planning application on the Pinhoe Quarry site. The overall contribution also accords with the relevant Strategic Infrastructure Contribution for the development suggested in the Exeter Core Strategy document dated August 2011.
- (i) The above contribution to be apportioned as follows;
  - (a) A sum of £607,750 to be contributed towards the construction of the proposed Exhibition Way link road between the boundary of the site which is the subject of this application and Exhibition Way.
  - (b) The sum of £168,331 to be used towards a package of sustainable transport measures which may include;
    - (i) Service or infrastructure improvements to existing public transport provision.
    - (ii) In respect of an agreed Residential Travel Plan which will be provided under a planning condition sustainable transport measures such as cycle stands, bus passes and a car club contribution (but not exclusively) may be required.

It is also recommended that conditions are attached to any grant of planning permission relating to secure a connection with the proposed Exhibition Way link road, to the submission

of a comprehensive residential travel plan, and to provision of further design and construction details.

**Devon Wildlife Trust** - comments may be summarised as follows:

- The scale of biodiversity mitigation proposed is disproportionately small when compared with the large amount of habitat (woodland, scrub and grassland) which will be lost. Around 0.4 hectares of wooded habitat, 0.9 hectares of scrub and 1.2 hectares of rough grassland will be lost.
- The linear park will be too narrow and its extent too small. It tapers out towards its northern end and therefore does not adequately make connections to wildlife rich land to the north of Harrington Lane. The wildlife value of this area will be significantly reduced by the pressures that will be exerted by the new residents using the open space for informal recreation.

The following amendments are recommended to mitigate the loss of important features:

- The widening of the linear open space, equal to that currently proposed at its widest width, along its length to Harrington Lane with associated habitat enhancement
- The creation of an area of wildlife habitat, with developer funding, on the triangle of land formed by the proposed access road extension from Exhibition Way (i.e. the land bounded by the new road, the railway and the stream).

**East Devon District Council** - the cumulative impact of the development in relation to nearby significant development in East Devon should be considered particularly with regard to infrastructure provision.

**Exeter City Council Environmental Health** - conditions recommended relating to construction hours, deliveries, a Construction Environmental Management Plan, contaminated land, green travel, noise mitigation and CHP plant

**Exeter City Council Parks and Open Spaces** - the stream planting is important to the local environment and should be enhanced by creating a 10m wide buffer zone between the development and stream. Native species should be planted in this area particularly on the brickworks land that needs greening with suitable landscape planting. Any SUDS proposals for the development should include downstream habitat protection measures.

The existing field hedge along the Harrington Lane boundary and to the side and behind houses along this road must be retained to provide a visual screen to improve biodiversity by providing habitats for birds and mammals that exist in this area. A buffer zone is desirable along this boundary rather than including the hedge in the gardens of new properties.

The landscaping should not be confined to the perimeter of the site. Aesthetically it is very important that space is created throughout the development for large trees that will provide a strong structural element to soften the visual impact of the housing scheme when viewed from other areas of the city. However a large useable open space is preferable to several smaller ones.

The Play provision on this site needs to be considered alongside the nearby proposed development of Pinhoe Quarry and any play facilities that may be provided on that development. This is important as both developments will have major on-site play facilities that will be easily accessible by residents from both new developments and the surrounding areas.

Contribution for play sought of £112,608.

**Exeter International Airport** - general observations and advice; no safeguarding objections.

**Natural England** - the application site is within 10km of the Exe Estuary Special Protection Area, Ramsar site and Site of Special Scientific Interest. A proposal of this magnitude is likely to have a significant effect on these protected areas in combination with other developments in Exeter, East Devon and Teignbridge. A contribution of £350 per dwelling is requested, to be spent on measures to mitigate the impact of development.

**Network Rail** - no objection in principle; general comments.

**RSPB** - recommend off-site mitigation contribution (Natura 2000 sites) and on-site management/enhancement of biodiversity.

**South West Water** - insufficient capacity in public foul sewer network; conditions/s106 obligations recommended to prevent development until this is resolved.

**University of Exeter Centre for Energy and the Environment** - comments may be summarised as follows:

- Renewable energy provision is less than the 10 per cent requirement set out in the Core Strategy.
- The Sustainability Statement states that "it is intended that many of the future residents will work within the care home and employment uses." This is an unfounded claim unless homes are to be specifically allocated to employees.
- The 10 per cent improvement in energy standards above current Building Regulations (required by the Core Strategy) is not currently being met. The reason given is economic uncertainty.
- The Energy Report states that it is unlikely that there will be other local heat networks in the future (despite other significant development in the locality).
- Large energy savings from micro-CHP are claimed for the care home, with no calculations to show how they have been made.
- Costs given as a justification for not providing district heating seem excessive.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Devon County Structure Plan 2001-2016**

ST1 - Sustainable Development  
ST3 - Self Sufficiency of Devon's Communities  
ST4 - Infrastructure Provision  
ST10 - Exeter Principle Urban Area  
ST18 - Affordable Housing  
ST18a - Mix and Type of Housing  
CO6 - Quality of New Development  
TR1 - Devon Travel Strategy  
TR2 - Coordination of Land Use/Travel Planning  
TR5 - Hierarchy of Modes and Transport Assessment  
TR7 - Walking and Cycling  
TR9 - Public Transport  
TR10 - Strategic Road Network and Roadside Service Areas

### **Exeter Local Plan First Review 1995-2011**

AP1 - Design and Location of Development  
AP2 - Sequential Approach  
E1 - Employment Sites  
E3 - Retention of Employment Land or Premises  
H1 - Search Sequence  
H2 - Location Priorities  
H6 - Affordable Housing  
H7 - Housing for Disabled People  
L4 - Provision of Playing Pitches  
T1 - Hierarchy of Modes  
T2 - Accessibility Criteria  
T3 - Encouraging Use of Sustainable Modes  
T10 - Car Parking Standards  
EN2 - Contaminated Land  
EN3 - Air and Water Quality  
EN4 - Flood Risk  
EN5 - Noise  
DG1 - Objectives of Urban Design

- DG2 - Energy Conservation
- DG3 - Commercial Development
- DG4 - Residential Layout and Amenity
- DG5 - Provision of Open Space and Children's Play Areas
- DG6 - Vehicle Circulation and Car Parking in Residential Development
- DG7 - Crime Prevention and Safety

### **Exeter Local Development Framework Core Strategy (for adoption February 2012)**

- CP1 - Spatial Approach
- CP2 - Employment
- CP3 - Housing
- CP4 - Housing Density
- CP5 - Housing Mix
- CP7 - Affordable Housing
- CP9 - Transport
- CP10 - Community Facilities
- CP11 - Air Quality
- CP12 - Flood Risk
- CP13 - Decentralised Energy Networks
- CP14 - Using Low Carbon and Renewable Energy
- CP15 - Sustainable Construction
- CP16 - Protected Sites and Species
- CP17 - Design and Local Distinctiveness
- CP18 - Infrastructure

### **Exeter City Council Supplementary Planning Guidance**

- Car Clubs

### **Exeter City Council Supplementary Planning Documents**

- Residential Design
- Affordable Housing
- Planning Obligations
- Public Open Space
- Trees and Development

## **OBSERVATIONS**

### **Housing**

The application is a “departure application” because it does not conform to the currently adopted Development Plan, which was prepared before the brickworks ceased to operate. Exeter Local Plan First Review allocates 2.1 ha of the site as employment land as an extension to the industrial use taking place at that time. The proposal has therefore been advertised as a departure. However, the emerging Exeter Core Strategy identifies that housing demand in Exeter significantly exceeds the supply of land that is available and suitable for residential development. The development proposed would help short-term housing supply. It is therefore supported in principle.

The proposal is for 230 dwellings on a site of 9.1 hectares (excluding the nursing home). This would give a density of around 25 dwellings per hectare. Government guidance advises that a range of densities may be appropriate. This proposal is at the lower end of the typical range for new developments, although this is not surprising since the proposal is largely for detached and semi-detached family housing.

Exeter Local Plan First Alteration requires the provision of 25 per cent affordable housing in developments of 15 or more dwellings. The provision of affordable housing is discussed further in the section on Planning Obligation Requirements below.

In accordance with Local Plan policy H7 and the Council's Residential Design SPD, 5 per cent of the dwellings are wheelchair accessible.

### **Loss of Employment**

The Exeter Local Plan First Review identifies 2.1 ha of this site as employment land. However, this was before closure of the brickworks. A Planning Member Working Group report in 2007 acknowledged that with the brickworks closure, a mixture of employment and residential use on the site may be appropriate.

Unlike the Local Plan, the emerging Core Strategy does not specify that employment land should be provided on this site. It simply indicates that 5.5 ha of employment land should be provided in the Pinhoe area.

The initial submission of this application included 1 ha of employment land, which was proposed to be used in the first instance by Ibstock for brick storage. However, a revision to the road network configuration within the site led to the removal of this element of the proposal. Given that the land was to be used as brick storage, which is not a labour-intensive use, it is not considered that the loss of this use will have a significantly detrimental impact on employment opportunities in the area.

Furthermore, the proposal includes a care home. Whilst this is regarded as a residential rather than an employment land use, it does provide a significant element of employment. The supporting information accompanying the application indicates that the care home will have 72 full-time-equivalent employees. The brickworks at its peak employed 65 people.

### **Transportation**

The Highway Authority has identified a long term need for a vehicle link to Exhibition Way, "in order to alleviate pressure on unsuitable and inappropriate routes elsewhere on the highway network." This is explained in the County Council's Pinhoe Area Access Strategy (2011). The link is considered by the Highway Authority to be "vital" in the long term. The resolution to grant planning permission for residential development of Pinhoe Quarry to the north includes a financial contribution to the provision of this link. A similar contribution and the potential for the link to connect to Harrington Lane through this development is therefore consistent with the Quarry proposal.

The County has indicated that the provision of the link would become vital once around 300 houses (of a possible total of 610) in the Pinhoe Quarry and Ibstock Brickworks sites are occupied.

The County Council intends to undertake a public consultation on the most suitable route for a link from Exhibition Way across Eastern Fields and through the application site to Harrington Lane and Chancel Lane. The options identified include two possible points across Pin Brook into the Ibstock land. The applicants have accordingly amended their proposed housing layout to accommodate either of the possible options.

Work on the design of the link road is continuing, but the financial contributions sought by the County Council are expected to cover the cost. Notwithstanding the outcome of the consultation or this planning application, a further full planning application, with the requisite public consultation, would be required to consider the proposed link road.

Eastern Fields is currently the subject of an application for Village Green status. This appears to have been made by local residents in response to the prospect of a road being built across the land and the employment allocation. If it is designated as a Village Green, it remains possible for the road to be built, provided that suitable alternative land can be found in the vicinity which can be designated as a replacement for the area of lost Village Green.

The proposed access onto Harrington Lane can operate without conflict with the proposed accesses to the development of Pinhoe Quarry. The Highway Authority is satisfied that the



development can take place without exceeding the capacity of Harrington Lane to accommodate additional traffic.

Pedestrian and cycle connections to the surrounding have been improved as a result of negotiations. A pedestrian link to Harrington Lane, to the east of the proposed care home, was discussed with the applicant, but the Highway Authority has indicated that it would not be adopted due to the changes in level in this area. Consequently the applicant does not wish to provide it. Two links are proposed between the site and Eastern Fields. No link is made between the site and the pedestrian/cycle path which runs along the railway line to the south of the site.

The Highway Authority is satisfied that the development can take place without improvements to the Chancel Lane bridge. Access into the site from Chancel Lane is narrow and, in parts, without a pedestrian footpath. There is little scope within the application site to improve the access for pedestrians due to the limited width of land within the control of the applicants. However, it is recommended that a condition is imposed to secure details of surfacing, with a view to making this route as safe as possible for pedestrians. This condition would also apply to the rest of the site.

### **Public open space**

Local Plan policy DG5 requires that family housing proposals should provide 10 per cent of the gross development area as level open space, including equipped children's play space. The applicants have supplied information to demonstrate that 10 per cent of the site is proposed as usable public open space. The space identified includes a strip of land on the western site boundary, alongside the Pin Brook. It also includes two smaller green areas adjacent to the main spine road running through the housing layout.

Part of land along the Pin Brook is to be used as an attenuation area for sustainable drainage. It is not clear how usable this area will be or whether its design will make it suitable for recreational use. However, the applicants have demonstrated that they can achieve the 10 per cent requirement without including the attenuation area. The applicant has offered to provide pedestrian links from the proposed open space to the adjoining open space in Eastern Fields.

The applicant has indicated that the developer will provide and equip the public open space, and also provide for long-term management. The financial contribution identified by the City Council's Parks and Open Spaces Manager is therefore not required. However, it will still be necessary to secure the design and ongoing management of the space through a legal agreement.

The current housing layout does not allow for biodiversity enhancements along the Pin Brook, as identified in consultation responses from Devon Wildlife Trust and the City Council's Parks and Open Spaces Manager. However, it is considered that subject to the result of the Village Green application, biodiversity enhancements could be made on the other side of the brook, on Eastern Fields land, using part of the community contribution of £625 per dwelling being offered by the developer. The idea of the creation of an area of wildlife habitat, with developer funding, on the triangle of land on Eastern Fields formed by the proposed access road extension from Exhibition Way is supported by Devon Wildlife Trust.

### **Trees**

Trees within the proposed open space to the western boundary of the site would be retained. The only other area containing any significant trees is to the east of the site, close to the rear boundaries of dwellings in Chancel Lane, and in an area formerly used for landfill. These trees are the subject of an unconfirmed Tree Preservation Order. The applicant has indicated that it will be necessary to remove all of the trees to provide protection against gas migration from the former landfill site. In its place, a buffer area of new trees will be planted, providing a visual and noise barrier to protect the amenity of residents of existing and

proposed dwellings. The Tree Officer raises no objection to the proposal. The proposed buffer area is considered acceptable to protect residential amenity.

### **Amenity of future occupants**

A planted buffer is proposed around the existing employment land, together with an acoustic fence. Further details of this fence have been requested. Subject to receipt and consideration of the details, this is considered to provide adequate protection from activities within the employment land, and this has been confirmed by the Head of Environmental Health.

Recent amendments to the proposals have reconfigured the housing layout so that the orientation, height and window positions of houses and flats have reduced any potential for unacceptable overlooking of the employment land. This is not considered to be of concern.

### **Design**

The applicants have not followed the City Council's preferred design approach in formulating their proposals for the site. As a consequence, there are some aspects of the layout which do not meet the requirements of the Residential Design SPD. Furthermore, the scheme does not score well when assessed against Building for Life criteria - it achieves 8 out of 20, which is classed as poor, the worst of the four classes. The assessment was undertaken by an accredited assessor. Specific issues raised by the assessment which are disappointing are:

- The proposal has poor pedestrian and cycle links to the surrounding area.
- Some garden sizes do not meet amenity standards. The two flats over garages have no amenity space at all.
- Affordable housing types do not meet local need and some are clustered in areas of poorer amenity.
- Not all of the scheme meets Code for Sustainable Homes level 3, as required by the Core Strategy.
- The design is not specific to the scheme and site. Standard house types are used, and streets and spaces are dominated by highway. The 'garden suburb' concept which the developer argues is the basis for the development does not follow through into the site layout.
- No detail of landscape design. Lack of definition of public/private space.
- Definition of boundary treatments unclear and inconsistent.
- Care home is not integrated into the site.
- Cycle parking is substandard.
- Poor quality link to Chancel Lane through the existing employment area (N.B., this is largely outside the applicant's control).
- Substandard internal space in some of the units (especially the smaller ones).
- Limited evidence of commitment to use sustainable materials.
- No evidence that the scheme exceeds statutory requirements of the Building Regulations.

There are also concerns about the proposed care home. It is a very large building sited on the highest and steepest part of the site. It is considered that there would have been better locations for it elsewhere in the site, but the applicants have declined to engage in significant discussions about alternatives. The impact of the development on Harrington Lane and on the remainder of the development itself will be heavily dependent on the amount and type of landscape planting proposed. To date, the applicants have failed to demonstrate that this impact will be acceptable. Further details are awaited.

Whilst the poor Building for Life score is very disappointing and could have been improved if the applicant had been prepared to work more closely with Officers at the pre-application stage, there are some positive aspects to the proposed design and layout, including:

- Accessibility to public transport.

- Most streets have an active frontage, and public spaces and pedestrian areas are overlooked.
- There is a clear 'Arts and Crafts' approach to architectural detailing, and some consideration of use of high quality materials.

The elements of three storey development are a small proportion of the overall scheme. It is not considered that they will create unacceptable amenity or townscape problems.

The applicant has made some modifications to the layout and details in response to concerns raised by Officers. The design and sustainability concerns must be considered against the benefits of achieving housing development on this site, which include bringing disused land back into beneficial use, and providing much needed additional housing within the city. On balance it is considered that the benefits outweigh the design concerns in this instance.

### **Planning Obligation requirements**

If Members are minded to approve the application, the following contributions will be required and secured by a s106 legal agreement:

|   |                    |
|---|--------------------|
| Exhibition Way link and sustainable transport | £3601 per dwelling |
| Education                                     | £3633 per dwelling |
| Community facilities                          | £625 per dwelling  |
| Natura 2000                                   | £350 per dwelling  |

In addition, affordable housing provision will be required with an appropriate number of units, mix of dwelling types and distribution. The Core Strategy specifies that a minimum of 35 per cent of the units should be affordable, but it is recognised that this may be less during the transition from 25 per cent (as required in the current Local Plan) and as a consequence of the current financial climate. The precise details of the affordable housing provision have not yet been finalised with the applicant. It has been agreed that 25 per cent will be affordable, and that 70 per cent of those will be social rented housing, with the remainder being shared ownership housing. There will be no houses offered at affordable rent. Matters including the mix of houses types and the clustering/distribution of dwellings throughout the site are still under discussion.

The legal agreement will also secure:

- The design and ongoing management of the public open space within the application site;
- The provision of the Eastern Fields road link to the boundary of the application site; and,
- Timing of the provision of the care home.

### **NORTHERN AREA WORKING PARTY (14 November 2011)**

Members noted the details of the scheme and requested that a site inspection take place to enable them to view the site.

They also noted that the proposal would be reported to the Planning Committee in due course.

### **SITE INSPECTION (22 November 2011)**

Members walked the perimeter of the site and noted the relationship with its surroundings. They noted the position of the proposed accesses, trees and details of adjoining uses.

## **RECOMMENDATION**

Subject to the receipt and consideration of the arrangements for provision of affordable housing and any consequential design amendments (including reconsultation with neighbours if necessary), the Assistant Director of City Development in consultation with the Chair of Planning Committee be authorised to grant **APPROVAL** subject to the completion of a Section 106 Agreement securing the matters referred to in the summary above, and subject to the following conditions.

In the event that the Section 106 Agreement is not completed within 3 months of the date of this committee meeting, authority be delegated to the Assistant Director, City Development to REFUSE permission for the reason that inadequate provision has been made for the matters which were intended to be dealt within the Section 106 Agreement.

**APPROVE** subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development aside from that contained within Part 40 shall be carried out within the curtilage of the dwelling(s) without the formal consent of the Local Planning Authority.  
**Reason:** In order to protect the visual and residential amenities of the surrounding area and to prevent overdevelopment.
- 5) C35 - Landscape Scheme
- 6) C36 - No Trees to be Felled
- 7) C37 - Replacement Planting
- 8) C38 - Trees - Temporary Fencing
- 9) Prior to the commencement of development, a site wide Landscape and Habitat Management Strategy incorporating the recommendations contained in the Ecological Assessment dated October 2011 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved document.  
**Reason:** In the interests of securing a comprehensive approach to the preservation and enhancement of the landscape and ecological interest of the site
- 10) Prior to the commencement of development, the site shall be resurveyed to ascertain the presence or otherwise of any badgers setts, and to identify any other badger activity on the site such as feeding/foraging patterns, and the survey shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until details have been approved writing by the Local Planning Authority that clearly demonstrate how the findings of the survey in respect of habitat/feeding/movement of badgers on the site have been protected/enhanced within the design/layout proposed.  
**Reason:** To ensure that the potential impact of the proposal upon badgers is

appropriately addressed and mitigated

- 11) C70 - Contaminated Land
- 12) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority (LPA)), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the LPA:
- 1) A preliminary risk assessment which has identified:
    - All previous uses
    - Potential contaminants associated with those uses
    - A conceptual model of the site indicating sources, pathways and receptors
    - Potentially unacceptable risks arising from contamination at the site.
  - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.  
Any changes to these components require the express consent of the LPA. The scheme shall be implemented as approved.

**Reason:** To protect controlled waters.

- 13) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA)) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved. In addition, to prevent pollution, any oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

**Reason:** To protect controlled waters.

- 14) No development shall take place until a foundation risk assessment has been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the conclusions of the assessment.

**Reason:** In order to ensure that piling does not create new migration pathways for contamination.

- 15) A connection from the internal road network within the site shall be provided up to the site boundary in whichever of the two locations proposed by the applicant is considered appropriate to facilitate direct connection with the proposed Exhibition Way link road.

**Reason:** To ensure that a vehicular and all more connection can be facilitated between the internal development site roads and the proposed Exhibition Way link

road.

- 16) A comprehensive residential travel plan, to be agreed in writing by the Local Planning Authority, in relation to development of the site should be provided, operated and maintained.  
**Reason:** To ensure that sustainable (non private car) trips to and from the site are maximised.
- 17) The proposed estate roads, footways, footpaths, cycle routes, junctions, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture as appropriate shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.  
**Reason:** To ensure that adequate information is available for the proper consideration of the detailed proposals
- 18) Prior to occupation of the development hereby permitted, cycle parking shall be provided for all premises (including the care home) in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be maintained at all times thereafter.  
**Reason:** To ensure that cycle parking is provided, in accordance with Local Plan policy T3, to encourage travel by sustainable means.
- 19) Prior to commencement of the development, a detailed scheme for the pedestrian and cycle network shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-  
(a) details of routes, road crossings, bridges, surface treatments, lighting, street furniture and signage;  
(b) a programme for implementation synchronised with the progressive occupation of the development; and  
(c) such temporary measures as are necessary (such as ramps where routes cross unfinished roads) to ensure the routes are fully usable during the construction period.  
The approved scheme shall be adhered to at all times, including (where applicable) any amendments subsequently agreed in writing by the Local Planning Authority.  
**Reason:** To ensure that the pedestrian and cycle routes are provided and maintained in accordance with Local Plan policy T3, to encourage travel by sustainable means.
- 20) No building shall be occupied, and no connection to the public sewerage system shall take place, until all improvements to the public sewerage network rendered necessary by the development have been completed and confirmed in writing by the Local Planning Authority (in consultation with South West Water) as being satisfactory.  
**Reason:** To ensure that the public foul sewer network has sufficient capacity to serve the proposals.
- 21) No development shall take place until details of the sustainable urban drainage design have been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details.  
**Reason:** In the interests of sustainability, and visual and local amenity.
- 22) No construction work shall be undertaken, or machinery operated, within the site outside the hours of 0800 to 1800hrs Mondays to Fridays, 0800 to

1300hrs on Saturdays, nor at any time on Sundays or public holidays without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of the residential amenity of the occupants of surrounding property.

- 23) A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and emissions of noise and dust. The CEMP should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.
- Reason:** In the interest of the environment of the site and surrounding areas.
- 24) Prior to the commencement of any development, detailed plans, including sections, of the proposed noise attenuation feature along the eastern boundary with the adjoining employment land along with a timeframe for its implementation, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details and no building intended for residential use shall be occupied until the noise attenuation feature has been completed in accordance with the approved details.
- Reason:** In the interests of the residential amenity of the future occupants of buildings within these phases of the development
- 25) All of the dwellings constructed pursuant to this application shall be designed to at least meet the standards specified in Level 3 of the Code for Sustainable Homes published in 2008. A Code Post Completion Certificate shall be submitted to the Local Planning Authority within 6 months of the substantial completion of the development hereby approved.
- Reason:** In the interests of sustainable development and to ensure that the development is consistent with the objectives for sustainable development set out in PPS1 - Delivering Sustainable Development and PPS22 - Renewable Energy.
- 26) Prior to commencement of the development a scheme for generating a minimum of 20% of the predicted energy requirement of the development from on-site renewable or low carbon energy sources shall be submitted to, and be approved in writing by, the Local Planning Authority. The approved scheme shall be implemented before the dwellings are first occupied and shall thereafter be maintained so that it provides the required level of generation.
- Reason:** To ensure that the development contributes towards the achievement of sustainable development in accordance with guidance contained in PPS1 – Delivering Sustainable Development and PPS22 - Renewable Energy and that the scheme is developed in such a way as to reduce reliance on non-renewable energy sources and maximise energy efficiency in the interest of sustainable development.

**Local Government (Access to Information) 1985 (as amended).  
Background papers used in compiling the report:**

Files of planning applications available for inspection from the Customer Service Centre,  
Civic Centre, Paris Street, Exeter: Telephone 01392 265223