

COMMITTEE DATE: 25/06/2018

APPLICATION NO: 17/1320/FUL
APPLICANT: Linden Homes SW Ltd
PROPOSAL: Construction of 62 dwellings with associated public open space, infrastructure and landscaping. (Revised)
LOCATION: Land At Sandrock
Gipsy Hill Lane
Exeter
EX1 3RP

REGISTRATION DATE: 16/08/2017
EXPIRY DATE:

HISTORY OF SITE

12/0854/OUT	Erection of up to 62 dwellings with associated public open space, infrastructure and landscaping (all matters reserved for future consideration).	PER	25.11.2013
14/1714/RES	The erection of 57 dwellings, vehicular access from Pinn Lane, associated roads, parking and provision of public open space.	PER	04.12.2014

DESCRIPTION OF SITE/PROPOSAL

The site comprises 2.19ha of land in Monkerton. The site is in Pinhoe ward. The site is bounded by Tithebarn Way (Tithebarn Link Road) to the north, Gipsy Lane to the east, Gipsy Hill Lane to the south and Pinn Lane to the west. The site is vacant, but was formerly a garden centre nursery. The site was granted planning permission for residential development in 2013, but this consent expired in 2016. The site is overgrown with vegetation and is bordered by hedgerows/hedgebanks. It has a vehicular access onto Gipsy Hill Lane to the south. There are the remains of a track and few outbuildings on the site that have fallen into a state of disrepair. Protected species have been identified on the site, including dormice. There is a restrictive covenant adjacent to the north and east boundaries of the site preventing access for any purpose, unless an agreement is reached between the owners of the covenant and the developer.

The site is within the Monkerton/Hill Barton Strategic Allocation in the Core Strategy. This supersedes the Landscape Setting designation in the Local Plan First Review. The northern half of the site is within the 'Monkerton' character area in the Monkerton & Hill Barton Masterplan Study (November 2010) and the southern half is within 'The Picturesque Ridge' character area. The Masterplan identifies the site for residential use. The site is in Flood Zone 1. There are no above ground heritage assets in the vicinity. The site is within Local Energy Network Area A.

Gipsy Hill Lane is a Green Infrastructure Route in the Core Strategy. It forms part of the E3 and E4 cycle routes connecting to the Redhayes Bridge across the motorway. E4 is a primary cycle route and E3 is a secondary cycle route, both part of the Exeter Cycle Network. Gipsy Hill Lane was shown as part of the Proposed Primary (Cycle) Network in the Local Transport Plan (April 2011) and a Greenway in the Green Infrastructure Strategy – Phase II (Dec 2009). Pinn Lane,

Gipsy Hill Lane and Gipsy Lane are adopted 'green streets' in the Sustainable Transport SPD/Monkerton Masterplan.

The revised proposal is to develop 62 dwellings on the site comprising: 2 no. 1-bed flats, 6 no. 2-bed flats, 1 no. 2-bed house, 11 no. 3-bed houses, 31 no. 4-bed houses and 11 no. 5-bed houses. The dwelling heights will be 2 storeys, 2 and a half storeys and 3 storeys. Access will be from the existing access on Gipsy Hill Lane to the south. A new 3.5m wide shared pedestrian/cycle path will be provided parallel to Gipsy Hill Lane in order to separate vehicles from pedestrians/cyclists. A raised crossing will give priority to pedestrians/cyclists at the site access, which has been designed to Sustrans standards. Gipsy Hill Lane will be widened to 4.8m between the access and Pinn Lane, allowing a car and lorry to pass each other (at present it is wide enough for one vehicle only). Pinn Lane will be closed to vehicles north of Gipsy Hill Lane to prevent any conflicts between vehicles and pedestrians/cyclists using the new path or this stretch of Pinn Lane to Tithebarn Way. A secondary pedestrian/cycle path will connect the site to Pinn Lane to the west.

A total area of 0.48ha public open space will be provided on the site, including a large area to the south (0.37ha discounting cycle path) that will form part of the network of parkland areas connected along the ridgeline. Engineering works will be carried out to the south west of the site to regrade the land to provide the new shared pedestrian/cycle path and widen Gipsy Hill Lane. A landscape scheme has been submitted, which includes 42 new trees, hedges and various shrub plantings and wildflowers.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- Planning Statement (PCL Planning, August 2017)
- Design and Access Statement (Dunn Marino, June 2017)
- Archaeological Evaluation and Mitigation (WYG, November 2014)
- Transport Assessment (PCL Transport, May 2012)
- Travel Plan (PCL Transport, May 2012)
- Addendum Flood Risk Assessment Rev B (JRC Consulting Engineers, 04.08.17)
- Tree Survey and Tree Protection Plan (Devon Tree Services, 8th May 2012)
- Preliminary Ecological Appraisal (Blackdown Environmental, April 2017)
- Reptile Mitigation Strategy (Blackdown Environmental, June 2017)
- Devon Wildlife Checklist (16/03/2017)
- Phase 1 Desk Study and Phase 2 Preliminary Intrusive Investigation Report, (Geoconsulting Engineering Ltd, May 2013)
- Sitecheck Report (Argyll Environmental, 4 April 2013)
- Discharge of Condition 15 – Noise Assessment (WYG, August 2014)

Additional Information Submitted During Application

- Ground Contamination Verification Report (WYG, May 2015)
- Independent Viability Assessment (Belvedere Vantage, December 2017)
- Design and Access Statement Revision A (Dunn Marino, 09.03.18)
- Addendum Flood Risk Assessment Rev P2 (JRC Consulting Engineers, 09.03.18)
- Transport Assessment (Hydrock 21 March 2018)
- Air Quality Assessment (Hydrock, 13 March 2018)
- Addendum Report To Independent Viability Assessment (Belvedere Vantage, April 2018)

REPRESENTATIONS

Original Proposal for 61 Dwellings and Access from Pinn Lane to the West

24 representations were received, including 17 objections. The issues raised were:

- Information needs updating.
- Restrictive covenant prevents access for any purpose onto Tithebarn Way.
- Increased traffic on Pinn Lane poses a danger to pedestrians and cyclists.
- Pinn Lane is already dangerous.
- Pinn Lane has no footways or lighting.
- Pinn Lane used by employees of the business park.
- Impact of additional traffic on Grenadier Road.
- Limited access for emergency services.
- Tithebarn Link Road is a more suitable access.
- Impact on E3/E4 cycle routes.
- Minimal visibility at the crossroad.
- Already there have been near misses between cyclists and cars on this road (accessing the Gypsy Hill Hotel and the houses nearby) – more traffic will lead to higher likelihood of collisions.
- Pinn Lane is only traffic free route out of city. It is also very narrow and unlit, so it would be very dangerous to allow access to cars without proper pavements, cycle lanes and lighting.
- Will encourage driving over cycling.
- Impact of flora and fauna of walls of Pinn Lane.
- Over development of Monkerton.

Revised Proposal for 62 Dwellings and Access from Gypsy Hill Lane to the South

9 representations were received, including 5 objections. One of the objections was from Exeter Green Party objecting to the lack of affordable housing. Another objection was from The Gypsy Hill Lane Residents Association representing the people living in the houses on Gypsy Hill Lane, objecting on the grounds of: the proposals only being concerned with the safety of cyclists and pedestrians (not motorists) and the danger of increased traffic on Gypsy Hill Lane; overgrown hedgerows preventing two cars to pass and forcing pedestrians to walk in the middle of the road; cyclists not checking if any cars are coming at the junction; increased congestion on Grenadier Road; concerns over access by emergency vehicles; impacts during the construction phase; and loss of hedgerows. They also suggested some alternative access proposals all involving the reopening of Pinn Lane to some extent, as the residents never agreed that closing Pinn Lane was necessary. Other issues raised included:

- No access allowed for any purpose (including cycle ways, footpaths, district heating pipes etc.) over the restrictive covenant.
- Continued impacts to pedestrians/cyclists using Pinn Lane from additional traffic, as there is no pavement or street lighting.
- Concerns over increased vehicle movements along Gypsy Hill Lane.
- Access should be from Tithebarn Way.
- Proper consideration needed to fully accommodate cycling infrastructure and eliminate conflicts between active travel and other vehicles.

- Alternative cycle provision should be in place prior to construction.
- Revised plans look much better. Are there plans to introduce a pavement for Pinn Lane south of the junction?

Following revisions to the plans to include a pedestrian/cycle connection to Pinn Lane, 7 more representations were received, although 4 of these were from people/groups who had submitted representations previously. One of the new objections was from Gipsy Hill Hotel stating they fully support the application apart from access and the removal of hedgerows. The Gipsy Hill Lane Residents Association maintained their objections and also highlighted the issue of congestion on Grenadier Road during the PM peak time and raised doubts that residents of the development will choose to walk or cycle to their destinations, such as schools with children, instead of driving. They consider the Transport Assessment to be flawed and biased. The following issues were raised in the other representations:

- Plans do not go far enough, although are a welcome improvement.
- Positive that cycle storage is provided for properties, but should be provided for all.
- Suggest 6-8 co-bike stands are provided for residents and visitors.
- Revised plans only address access for pedestrians/cyclists from the site to Pinn Lane, not Pinn Lane to Grenadier Road.
- Doubt predicted trip generation is accurate.
- Only access for the development is through a congested business park.
- Impact on existing residents of construction traffic.
- Recent increase in traffic, including large coaches, to Gipsy Hill Hotel is causing a serious impact on Pinn Lane and Gipsy Hill Lane prior to the development. Recent example of a large coach coming to a standstill trying to turn left into Pinn Lane from Gipsy Hill Lane when more than five cars were trying to navigate into Gipsy Hill Lane from Pinn Lane.

CONSULTATIONS

Local Highway Authority (DCC): The development can be expected to generate around 25-30 two-way peak hour vehicular movements. This is small and not of significant concern. The additional traffic will be focused on the site access, Ambassador Drive/Grenadier Road and Moor Lane roundabout. The site access will work well within capacity and the traffic on Pinn Lane is not a direct concern, as it carried significantly more vehicles than proposed before it was stopped up. Ambassador Drive/Grenadier Road already experiences a level of congestion, especially during the PM peak, however it is similar to many roads in the city during the evening rush hour and the junction is not classed as unsafe. The increase of 30 two-way trips in the peak hour at Moor Lane roundabout is not significant and given the proposed mitigation by the developer and forthcoming improvements on Moor Lane roundabout in combination with the opening of Tithebarn Link Road, the increased vehicular impact from the development does not form a reason for refusal. There will be alternatives to the private car close to the site, which will be encouraged through a travel plan.

Access for the previous consent was off Pinn Lane on a temporary basis until a vehicular connection had been made from the site to the west. However, this link could not be made due to the complexities of the site levels. Access cannot be achieved to Tithebarn Link Road or the east, due to the restrictive covenant. Access is proposed off Gipsy Hill Lane/Pinn Lane. To be acceptable, Gipsy Hill Lane needed to be widened and pedestrians/cyclists needed to be segregated from vehicles. The proposed widening of Gipsy Hill Lane to 4.8m will allow two

vehicles to pass each other and will be a significant improvement to existing conditions. The diversion of the cycle route through the site will mean no vehicle/cycle conflict at the junction, meeting the aspirations of the Exeter Cycling Strategy. The only conflict is at the site access, however a raised junction is proposed in accordance with Sustrans design criteria giving priority to pedestrians/cyclists. A condition is recommended to ensure this is provided prior to the occupation of the site. The footway to Pinn Lane is welcomed. A Road Safety Audit Stage 1 has been completed indicating the principle of the proposed access is acceptable. Pinn Lane is also a 'green lane', therefore a contribution of £100,000 is required from the developer to provide a segregated pedestrian/cycle route parallel to the carriageway, as mitigation for the increased traffic. This is hoped to connect through to Grenadier Road in future.

The internal road layout is broadly acceptable. Cycle parking standards should be exceeded, reflecting the proximity to cycle routes. Cycle parking should be secure and easy to access. A contribution of £500 per dwelling is required towards Travel Planning. A condition is recommended to ensure appropriate facilities for construction traffic are provided. A contribution of £5,000 is recommended towards relevant Traffic Regulation Orders.

In summary, a safe and suitable access can be achieved for all users with the mitigation. Subject to the recommended conditions/contributions, no objection.

Natural England: No objection. Considers the proposed development will not have likely significant effects on the Exe Estuary SPA and Ramsar site, the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA. Suggested a suitable justification for the Council to come to this decision. This includes a condition preventing occupancy of any dwellings until an appropriate quantum of SANGS has been provided. Provided appropriate mitigation is secured to avoid impacts on the European sites, there should be no additional impacts on the SSSI interest features of the Exe Estuary and the East Devon Pebblebed Heaths. Further general advice provided on protected species and natural environment issues.

Lead Local Flood Authority (DCC): No in-principle objection to original proposals, although asked for additional details of the exceedance pathways and overland flow routes. Awaiting comments on revised proposals.

Exeter Cycling Campaign: Withdrew its objection to the proposals, subject to conditions for the following:

- No part of the development hereby approved shall be occupied until the shared footway/cycleway running through the public open space, have been provided.
- No part of the development hereby approved shall be occupied until Gipsy Hill Lane/Pinn Lane is widened to an appropriate width.
- No part of the development hereby approved shall be occupied until a pedestrian/cycle link from the North-West corner of the site to Pinn Lane.
- No part of the development hereby approved shall be occupied until the shared footway/cycleway running through ECC land adjacent to Pinn Lane has been provided.
- No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority.

Sustrans: Recommended rejection of the original proposals unless an alternative access for traffic can be made which does not impact the cycle network. Highlighted the poor visibility at the Pinn Lane/Gipsy Hill Lane junction and impact on the E4 cycle route. Did not comment on revised proposals.

South West Water: No comments on revised plan.

RSPB: Pleased to see that bat tubes and bird boxes are recommended in the Preliminary Ecological Appraisal. These should be secured by condition. Fences between gardens should have hedgehog holes to allow them to move between gardens to find food and shelter.

Devon & Somerset Fire & Rescue Service: No response. (NB. Provided the following response to major planning application ref. 17/0848/FUL at Gipsy Hill Hotel:

“Considering the access lane to the site, although I have not measured the width of the lane, I am aware that it is narrow. Nevertheless, I believe the Fire and Rescue Service would be able to achieve vehicular access with our pump appliances.”)

Arboricultural Officer (ECC): No arboricultural objections, as the revised layout does not have a significant additional adverse impact upon existing trees. The Landscape Plan should be revised to ensure all new trees above 8-10 cm to be container grown. Trees planted adjacent to hard surfaces should utilise an underground crating system or the use of structural soil. Trees should not be planted until written approval of their condition and form is provided by the Arboricultural Officer.

Place Making Officer (ECC): Cycle path should be positioned as close as possible to Gipsy Hill Lane to avoid dead space. It should be aligned to accommodate curving line of road to the east to eliminate impractically shaped area of grass. The earthworks either side of the cycle route need to be designed to be sympathetic to the location, as they appear steep and engineered in appearance on the section drawings. The proposed trees should be container grown to avoid transplant failure.

Green Infrastructure Officer, Exeter & East Devon Growth Point: The proposals for bulking up the hedge with tree planting is a good idea. In general, there is a great opportunity to create biodiverse landscaping on the site. The soils are very sandy, free draining and nutrient poor – perfect for healthy grasslands and excellent for solitary bees and wasps. Unless there is a need for hardwearing grassland that is subject to frequent public use, the default should be to establish wildflower meadow mixtures. Species rich grass should be established across the whole public open space. A more frequent cutting regime can be adopted in the central lawn to enable people to lie down and picnic in summer. Emorsgate EM1 mixture is proposed for the species rich grass, but this is not appropriate for the site and mixture EM7 ‘meadow mixture for sandy soils’ is the correct one to use. This is essential on the cycleway cutting to achieve a net gain for biodiversity.

Heritage Officer (ECC): A trial trench investigation was undertaken in response to the archaeology condition on the previous outline permission and no significant remains were identified. Therefore no further archaeological work is necessary and no condition is required for the current application.

Housing (ECC): Awaiting comments on affordable housing offer by developer on 7 June 2018.

Environmental Health (ECC): Requested additional information on air quality and contaminated land. Following the submission of further information, stated the proposals will lead to a very small increase in traffic on roads that already have high levels of pollution and the Local Highway Authority should be contacted regarding what mitigation of highways impacts and green travel would be appropriate. Recommended conditions for Construction Method Statement, Acoustic Design Statement and unsuspected contamination.

Children's Services (DCC): Requested education contribution to mitigate impact on schools from CIL.

Wales & West Utilities: Advised has underground pipes in the area and the promoter should contact them to discuss their requirements before works commence. Plant/apparatus must not be built over/enclosed.

Devon Wildlife Trust: No response.

Police Architectural Liaison Officer: No response.

Living Options Devon: No response.

PLANNING POLICIES/POLICY GUIDANCE

Government Guidance

National Planning Policy Framework (NPPF) (March 2012)

National Planning Policy Framework – Draft text for consultation (March 2018)

Planning Practice Guidance (PPG)

Core Strategy (Adopted 21 February 2012)

Core Strategy Objectives

CP1 – Spatial Strategy

CP3 – Housing

CP4 – Density

CP5 – Mixed Housing

CP7 – Affordable Housing

CP9 – Transport

CP11 – Pollution

CP12 – Flood Risk

CP13 – Decentralised Energy Networks

CP15 – Sustainable Construction

CP16 – Green Infrastructure, Landscape and Biodiversity

CP17 – Design and Local Distinctiveness

CP19 – Strategic Allocations

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

AP1 – Design and Location of Development

AP2 – Sequential Approach

H1 – Search Sequence

H2 – Location Priorities

H7 – Housing for Disabled People
T1 – Hierarchy of Modes
T2 – Accessibility Criteria
T3 – Encouraging Use of Sustainable Modes
LS2 – Ramsar/Special Protection Area
LS3 – Sites of Special Scientific Interest
LS4 – Nature Conservation
EN3 – Air and Water Quality
EN4 – Flood Risk
EN5 – Noise
DG1 – Objectives of Urban Design
DG2 – Energy Conservation
DG4 – Residential Layout and Amenity
DG5 – Provision of Open Space and Children’s Play Areas
DG7 – Crime Prevention and Safety

Devon Waste Plan 2011 – 2031 (Adopted 11 December 2014) (Devon County Council)

W4 – Waste Prevention
W21 – Making Provision for Waste Management

Development Delivery Development Plan Document (Publication Version, July 2015)

DD1 – Sustainable Development
DD9 – Accessible, Adaptable and Wheelchair User Dwellings
DD13 – Residential Amenity
DD20 – Accessibility and Sustainable Movement
DD21 – Parking
DD22 – Open Space, Allotments, and Sport and Recreation Provision
DD25 – Design Principles
DD26 – Designing out Crime
DD29 – Protection of Landscape Setting Areas
DD30 – Green Infrastructure
DD31 – Biodiversity
DD32 – Local Energy Networks
DD34 – Pollution and Contaminated Land

Exeter City Council Supplementary Planning Documents

Affordable Housing SPD (April 2014)
Sustainable Transport SPD (March 2013)
Planning Obligations SPD (April 2014)
Public Open Space SPD (Sept 2005)
Residential Design Guide SPD (Sept 2010)
Trees and Development SPD (Sept 2009)

Devon County Council Supplementary Planning Documents

Minerals and Waste – not just County Matters Part 1: Waste Management and Infrastructure SPD (July 2015)

OBSERVATIONS

The key issues are:

1. The Principle of the Proposed Development
2. Affordable Housing
3. Access and Impact on Local Highways
4. Parking
5. Design and Landscape
6. Impact on Heritage Assets
7. Residential Amenity
8. Impact on Amenity of Surroundings
9. Impact on Trees and Biodiversity
10. Flood Risk and Surface Water Management
11. Sustainable Construction and Energy Conservation

1. The Principle of the Proposed Development

The principle of residential development on the site has already been established. The proposal accords with Policies CP1, CP3 and CP19 in this regard.

2. Affordable Housing

The developers have appointed a viability expert to prepare an Independent Viability Assessment, which claims that no affordable housing provision is viable on the site. The Council's independent viability expert disagrees and, on the basis of the information submitted to date, considers that 25% affordable housing (i.e. 15.5 dwellings) is viable on the site. Notwithstanding the developer's expert's advice, they have offered to provide 10 affordable dwellings (16%) – 70% social rent, as a 'goodwill gesture' and to avoid time delays going to appeal. The offer is only made on the basis that the application is reported favourably by officers to the 25 June Planning Committee.

A further meeting with the applicant and their advisors is scheduled for next week and the outcome will be reported on the Additional Information Sheet.

3. Access and Impact on Local Highways

The original proposal and previous consent provided vehicular access off Pinn Lane. Given the policy status of the lanes and their increased use by pedestrians and cyclists, as confirmed by the representations/objections received, this was no longer acceptable. It would mean vehicular traffic crossing the E3 and E4 cycle routes at an already unsafe junction with limited visibility on the brow of a hill. The revised access proposal as agreed with the developer and Local Highway Authority is to provide access off Gypsy Hill Lane and providing a pedestrian/cycle path through the site in order to segregate pedestrians and cyclists from vehicles. This will be a significant improvement compared to the existing situation where pedestrians and cyclists have to share Gypsy Hill Lane with vehicles accessing the Gypsy Hill Hotel and adjacent residential properties. The long term thinking in the previous consent was that access along Pinn Lane would be temporary until access could be provided from the land to the west through to Tithebarn Way. However, following discussions with the land owner (DCC) and potential developers it became apparent that the significant level difference between this site and Pinn Lane was a significant constraint. In addition, the heavily treed hedgebanks on either side of Pinn Lane would need to

be cut back in order to provide the adequate visibility splays required and dormice (a protected species) were present in this area. It would also not help solve the existing problem of traffic utilising Gipsy Hill Lane and Pinn Lane presenting a danger to other users and would reintroduce traffic onto a green street. The proposed access will restrict vehicles to where they already go (and must continue to go) at present, allowing the rest of Pinn Lane north of the junction to be closed to traffic enhancing pedestrian/cycling infrastructure in the locality. This will remove the potential conflict at the junction between pedestrians/cyclists and vehicles and will be a significant benefit of the scheme. At the same time, Gipsy Hill Lane will be widened to 4.8m allowing two vehicles to pass, thereby improving access to the Hotel and existing dwellings. The developer will fund this widening and also pay a contribution of £100,000 to provide a segregated pedestrian/cycle path to Pinn Lane. The new 3.5m wide cycle path through the site will be funded by CIL, as it will form part of the E3/E4 cycle routes which are on the CIL 123 list. The access scheme is acceptable to the Local Highway Authority and Exeter Cycling Campaign, subject to conditions to secure the mitigation works prior to occupation of the development. Whilst a direct vehicular access to Tithebarn Way to the north would make sense in macro urban design terms, the developer's preference is to provide access from Gipsy Hill Lane/Pinn Lane to the south, and subject to the mitigation that has been designed in being secured there is no highways reason to refuse the application in terms of access.

In terms of the impact of the traffic generated by the proposed development on the capacity of local highways, notwithstanding the concerns raised by local residents of Gipsy Hill Lane regarding congestion on Grenadier Road, particularly during the PM peak, the Local Highway Authority has no objections. Apart from the mitigation/contribution discussed above, the Local Highway Authority also requires £500 per dwelling towards Travel Planning to promote sustainable modes of travel and £5,000 towards the relevant Traffic Regulation Orders. These must be secured in a s106 legal agreement.

4. Parking

All the dwellings will have 2 parking spaces, some inclusive of garages, except the flats which will have 1 car parking space each. This is considered acceptable with reference to the Residential Design SPD, as it is likely that some residents will use their garages for storage instead of car parking. A condition should be added withdrawing the permitted development rights allowing front gardens to be paved for additional car parking in order to protect the proposed landscaping, including tree planting, to the front of the properties in the interests of the design and amenity of the area.

Cycle parking is proposed for each of the dwellings and shall be secured by condition in accordance with the Sustainable Transport SPD prior to the occupation of any individual dwelling.

5. Design and Landscape

The layout and design of the dwellings is considered to be acceptable. This follows pre-application engagement with officers to try to distinguish and enhance the quality of the appearance of the development compared to the developer's adjoining development scheme currently being constructed. In terms of materials, the Design and Access Statement states that, 'A wealth of materials and detailing can be found within the Monkerton area; a simple palette of materials is proposed to create an area with an identifiable character, whilst staying in keeping with Pinhoe and the Monkerton area'. Suitable conditions should be added to secure

samples/details of the final build materials and detailed elements prior to construction of the dwellings.

A Landscape Plan with plant schedules has been submitted with the application. A condition should be added to secure a final detailed landscaping scheme prior to occupation of the development, taking into account the advice of the Arboricultural Officer, Place Making Officer and Green Infrastructure Officer. A Landscape and Ecological Management Plan (LEMP) should also be secured by condition to ensure that the landscape will be well managed in the interests of amenity and biodiversity. A condition should also be added to secure and implement Tree Pit details.

6. Impact on Heritage Assets

The proposal will not affect any above ground heritage assets and the Heritage Officer has confirmed that an archaeological condition is not required following previous investigations undertaken.

7. Residential Amenity

The proposed dwellings have good standards of residential amenity and comply with the national space standards, except for two of the house types that are undersized for the maximum person occupancy. These are 'Foulston' and 'Goodridge'. These are 4 bedroom dwellings where the maximum person occupancy has been set at 8 persons and 7 persons respectively. They comply with the standards for 7 persons and 5 persons respectively, and in reality are likely to be occupied by couples with 2-3 children. They are therefore considered to be acceptable and a condition restricting their levels of occupancy is not considered necessary.

A total of 0.48ha of public open space will be provided on the site. This includes a main area to the south (0.42ha with cycle path, 0.37ha without). This exceeds the area of public open space required by Policy DG5. In addition, there are other areas of public open space in the area and children's play areas are proposed on the developer's adjoining Tithebarn Green development scheme to the north and other housing schemes to the west. The public open space will be adopted by the Council and form part of the 'ridgeline park'. The developer will need to pay a commuted maintenance sum to the Council accordingly, which must be secured in the s106 legal agreement.

Environmental Health have recommended a pre-commencement condition for an Acoustic Design Statement in accordance with Professional Practice Guidance regarding Planning and Noise for New Residential Development (May 2017). This will ensure that the development accords with Policy EN5.

8. Impact on Amenity of Surroundings

The proposed development will not have an adverse impact on the amenity of any surrounding properties in terms of privacy, overshadowing, etc.

Environmental Health stated that the proposals will lead to a very small increase in traffic on roads that already have high levels of pollution and the Local Highway Authority should be contacted regarding what mitigation of highways impacts and green travel would be appropriate. The mitigation proposed under '3' above is considered to satisfy this.

9. Impact on Trees and Biodiversity

Some of the existing trees on the site will need to be removed, however these will be mitigated by new tree planting. A condition should be added to protect the trees/hedgerows to be retained during the construction phase.

Natural England considers that the proposed development will not have likely significant effects on the Exe Estuary SPA and Ramsar site, the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA. The development will pay CIL that will be used, in part, to fund mitigation of the recreational impact of residential development on the European sites. In addition, whilst the 'ridgeline park' is not a SANG which has been identified to meet the SANG requirements set out in the South East Devon European Site Mitigation Strategy, it will nonetheless perform a SANG function, e.g. dog walking. Therefore, officers agree with Natural England that the proposal will not have likely significant effects on either the Exe Estuary SPA and Ramsar Site, the East Devon Pebblebed Heaths SAC, or the East Devon Heaths SPA.

Protected species have been identified on the site and further protected species surveys/mitigation as set out in the Preliminary Ecological Appraisal and Reptile Mitigation Strategy must be secured by conditions. A sensitive lighting scheme should also be conditioned. NB. A dormouse development license was previously obtained, which lasts until November 2019. However, the work schedule within it should be updated to ensure that further vegetation clearance is covered.

10. Flood Risk and Surface Water Management

Policy EN4 does not permit development if it would be at risk of flooding. The site is within Flood Zone 1 and the proposed use is classified as 'more vulnerable' (see PPG). 'More vulnerable' uses are appropriate in Flood Zone 1, therefore the proposal accords with Policy EN4.

Policy CP12 requires all development proposals to mitigate against flood risk utilising SUDS where feasible and practical. The proposed drainage scheme comprises attenuation tanks to the northwest of the site that will outfall at a slower discharge rate into the drainage system for the Tithebarn Green development site, which includes a large attenuation basin. It's understood that this was agreed with the previous drainage officer, but confirmation is awaited from the current drainage officer. Notwithstanding, conditions should be added to secure an appropriate construction phase surface water drainage system and appropriate permanent surface water drainage system prior to the commencement of the development.

11. Sustainable Construction and Energy Conservation

Policy CP13 requires new development comprising 10 or more dwellings to connect to any existing, or proposed, Decentralised Energy Network in the locality to bring forward low and zero carbon energy supply and distribution. The proposed development is located in one of the network areas. Therefore a condition is required to ensure the dwellings are connected to the network or constructed to be connected in the future.

Policy CP15 requires residential development to be zero carbon from 2016. However, in light of Government announcements on the subject, the following condition is currently being applied and should be added:

“Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 in respect of Energy and CO2 Emissions including a 44% CO2 emissions rate reduction from Building Regulations Part L 2006 as a minimum, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical Guide November 2010 and the Code Addendum May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.

Reason - In the interests of sustainable development.”

CIL/S106

The proposed development is CIL liable, as it is for residential development. The rate for permission granted in 2018 is £111.79 per sq m. This is charged on new floorspace. The floorspace of the proposed development is 8,055.27 sq m, therefore the total liability is £900,498.63. As the CIL liability is more than £50,000, it can be paid in the following instalments provided an assumption of liability notice form and commencement form are submitted prior to commencement:

1. £50,000 within 60 days after the date on which development commences
2. £150,000 within 1 year after the date on which development commences
3. £200,000 within 18 months after the date on which development commences
4. £500,498.63 within 2 years after the date on which development commences

If these forms are not submitted prior to commencement of the development, the right to pay in instalments will be lost.

A s106 legal agreement is considered necessary and must secure the following:

- 25% affordable housing (70% social rent, 30% intermediate) (unless an alternative level of provision and/or tenure mix is agreed with Housing before planning committee)
- Review viability/affordable housing provision if alternative vehicle access achieved over restrictive covenant on open book basis
- Public open space/commuted maintenance sum to ECC (this is required before occupation of dwellings, so that DCC can deliver the strategic cycle path prior to occupation of dwellings)
- £100k contribution to DCC for segregated pedestrian/cycle path to Pinn Lane
- £500 per dwelling to DCC towards implementing a residential travel plan
- Up to £5k contribution to DCC towards relevant traffic regulation orders
- S278 and/or S38 works agreement prior to commencement

RECOMMENDATION

REFUSE for the following reason(s):

The developer has not demonstrated to the satisfaction of the Local Planning Authority that 25% affordable housing is not viable on the site and a s106 legal agreement has not been entered into with the Local Planning Authority to secure the necessary amount of affordable housing and other planning obligations set out in the planning officer’s report. The proposed development

therefore does not accord with Policies CP7 and CP18 of the Core Strategy, and the relevant provisions of the Affordable Housing SPD and Planning Obligations SPD.

NB. If agreement reached with Housing re the level of affordable housing then:

APPROVE subject to the completion of a s106 legal agreement within three months of this Planning Committee and with the following conditions:

(Conditions to be delegated to the City Development Manager in consultation with the Chair of Planning Committee and Delegation Briefing Group)

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