

**ITEM NO.** 3

**COMMITTEE DATE:** 27/06/2011

**APPLICATION NO:** 10/2088/01 **OUTLINE PLANNING PERMISSION**

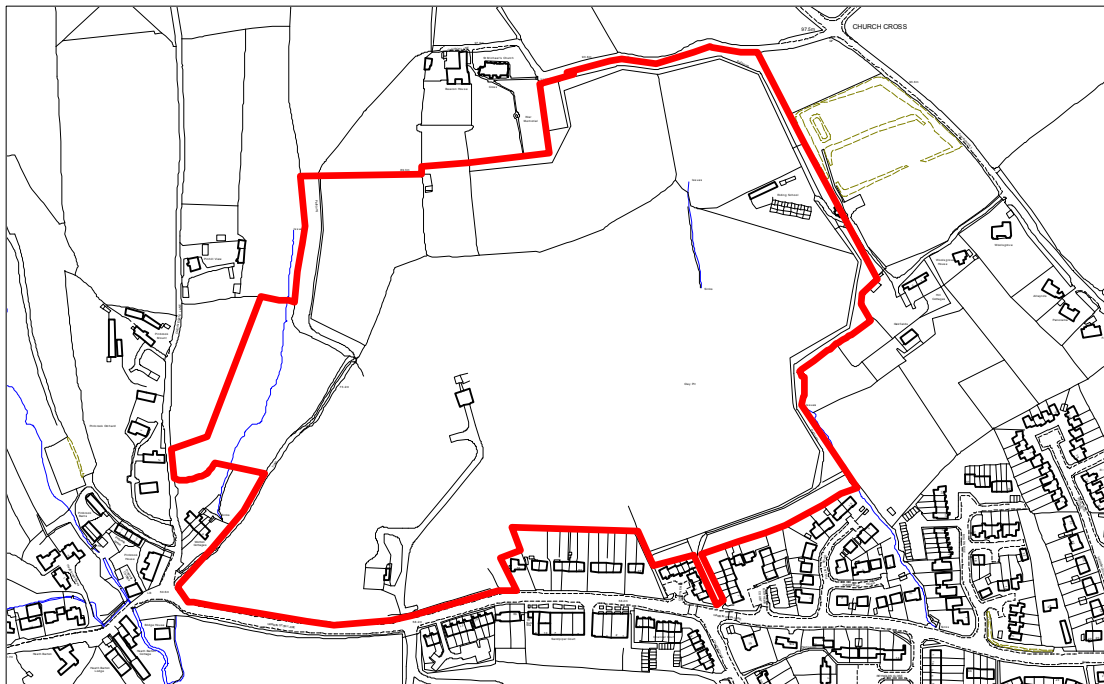
**APPLICANT:** Mr G Keay  
Pinhoe Quarry LLP

**PROPOSAL:** Full permission for reprofiling of quarry to provide platform for accommodation of residential development and outline permission for up to 380 residential units, community facilities, shop, associated open spaces (including allotment) and infrastructure (all matters reserved for future consideration apart from access)

**LOCATION:** Land at Pinhoe Quarry, Harrington Lane, Exeter, EX4 8NS

**REGISTRATION DATE:** 05/01/2011

**EXPIRY DATE:** 27/04/2011



Scale 1:6250

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### **HISTORY OF SITE**

11/0206/26 -	Submission of schemes required under conditions 22, 24 & 26 of the Review of Old Mineral Permission to approve restoration details (Ref: 00/1278/25).	Approved 31/03/2011 by Devon County Council
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### **DESCRIPTION OF SITE/PROPOSAL**

Pinhoe Quarry adjoins the residential area of Pinhoe, and is accessed via Harrington Lane. It comprises 22.2 hectares, of which the permitted mineral extraction area (including the quarry) comprises 16.5 hectares, the remainder being adjoining undisturbed pasture land. Pinhoe Quarry has been previously worked for shales for use in the manufacturing of bricks at the former brickworks situated to the south of Harrington Lane. The brickworks ceased production in December 2006.

The nearest residential properties to Pinhoe Quarry are located adjacent to the southern boundary of the site along Harrington Lane. In addition, there are individual properties to the west of the quarry on Cheynegate Lane. There are further properties on Church Hill and Church Lane which run to the east and north of the site and the cemetery associated with St Michael and All Angels Church is sited adjacent to the northern boundary of the Quarry. There are four listed buildings to the north of the quarry, and a further three adjacent to the south west corner of the site.

A public right of way, which runs from Beacon Down to the north of the site to Eastern Field to the south of the site, adjoins the western boundary of the site. A spur of this footpath also runs along the northern and eastern boundary of the site and links into Harrington Lane.

Land to the north and west of the quarry is designated as a County Wildlife Site/Site of Local Importance for Nature Conservation. There are also two Regionally Important Geological Sites (RIGS) within the boundary of the quarry itself.

Full planning permission is sought for the extraction and use of approximately 700,000 m<sup>3</sup> of in-situ material including the remaining mineral reserves, but not to remove them from the site. Instead the excavated material will be used to both raise the quarry floor and reshape the quarry margins within the site to create a platform suitable for a mixed use development including a significant proportion of new housing.

Outline planning permission is sought to develop up to 380 dwellings with a mix of housing types supported by community facilities within the reprofiled site. This would include:

- a community building;
- a medical facility, including GP and dentist services;
- a nursery/creche; and,
- a small retail outlet providing everyday essentials.

An illustrative site masterplan has been produced in support of the proposal.

The application area extends to 18.1 hectares. This area includes the whole of the permitted mineral extraction area, plus a small triangular section of land on the western boundary of the site and regrading of land adjoining the quarry margins on the east and south-east boundaries. The applicant estimates that the earthworks phase would take 18-24 months to complete.

Initial development works would include reprofiling of the quarry, landscaping and enhancement of the designated wildlife areas adjoining the site, and the creation of new wildlife habitats within and adjoining the site. A drainage system would be created to manage both surface water and groundwater. Reprofiling work would include the permanent diversion of part of the public footpath on the western boundary of the site and part of the public footpath on the eastern boundary of the site. Both footpaths would be reinstated. A new section of public footpath would also be provided along the northern edge of the quarry.

Regrading of the quarry margin on the western boundary will also result in the loss of part of the County Wildlife Site.

The proposal incorporates the creation of new public realm and green infrastructure, including green habitat corridors, formal and informal open space, a 'geo park' highlighting the RIGS geological features, and new and enhanced pedestrian and cycle routes through the site including a new route to St Michael and All Angels Church.

The application is accompanied by an Environmental Impact Assessment (EIA) which is a detailed survey and assessment to determine the likely environmental impacts of the proposal. The submission of the EIA is a requirement of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 for

developments of this scale and nature. The EIA concludes that there is no evidence of any significant detrimental effects that will occur should the development proceed.

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

- Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Environmental Statement, which considers the following:
  - Noise
  - Biodiversity
  - Geology/Soil/Land Quality
  - Water Quality and Quantity
  - Air Quality
  - Material Assets
  - Landscape
  - Traffic and Transport
  - Population

### **REPRESENTATIONS**

Objections: 36. Comments: 4.

Principal planning issues raised:

- Pressure on existing local infrastructure - highways, drainage, water supply, effluent systems, public transport, etc.
- Increase in congestion in Harrington Lane, the centre of Pinhoe and the wider area.
- There is a lack of strategic consideration of the traffic implications when combined with other developments likely to be taking place in this part of Exeter and East Devon.
- No development should take place until a road between Exhibition Way and Harrington Lane has been constructed, to avoid construction traffic using the existing highway network, and to relieve increased traffic congestion.
- Highway safety.
- There is a need for traffic calming in Harrington Lane.
- Destruction of historic "Green Lane" between Cheynegate Lane and Pinhoe Church, with associated Devon Banks, trees and wildlife.
- No proposals to mitigate the impact of increased use of existing public rights of way, e.g., increased activity, dog fouling, rubbish.
- Lost opportunity to make the quarry a "nature reserve" and/or a leisure facility.
- Loss of wildlife which currently flourishes in the quarry.
- Loss of security and privacy to adjacent residential properties provided by current inaccessible buffer between them and the quarry.
- Potential light pollution.
- Potential for anti-social behaviour.
- An outline application should not be allowed on this site as it does not address all the issues.
- Lack of information about management and maintenance of public open spaces within the site.
- Overdevelopment - too many houses for the size of the site.
- The quarry and brickworks sites should be considered as one development, with an appropriate development brief and phasing. No housing should be built on the quarry part of the site.
- Lack of "retirement accommodation".
- Risk of flooding.
- The proposal should include community facilities.

- Expansion of local schools should be funded by the developer.
- Existing community facilities and the play area at America Hall should be enhanced through funding by the developer.
- Pinhoe library should be relocated and enhanced.
- Pinhoe centre may benefit from CCTV.
- New residents should be prohibited from complaining about bell ringing from the Church of St Michael and All Angels.
- There is no need for additional housing in the area.
- Only social housing and space for travellers is required.

## **CONSULTATIONS**

**Environment Agency** - no objection subject to conditions relating to contamination and water pollution.

**Highways Agency** - no objection subject to a condition requiring a comprehensive travel plan.

**Health and Safety Executive** - no detailed response received.

**Exeter International Airport** - no aerodrome safeguarding objections to the proposal.

**Natural England** - no comments received.

**Devon and Cornwall Police Architectural Liaison Officer** - no objections.

**RSPB** - advises that permission should not be granted until work to determine the cumulative effects of housing applications on the Natural 2000 sites (Exe Estuary, East Devon Pebblebed Heaths and East Devon Heaths) has been undertaken, and any measures to avoid and minimise them identified, and if necessary secured. Furthermore, if the application is to be approved, an agreed Wildlife Management Plan and the resources to deliver it will be required.

### **Devon County Council (Development Management Committee):**

(a) as Strategic Planning Authority, raises no objections to the application subject to the Applicant entering into a legal agreement to ensure that a financial contribution is secured sufficient to fund the additional primary and secondary places generated by the development;

(b) as Local Highway Authority, objects to the application as it is not satisfied that the traffic generated by the proposed development can be adequately accommodated on the existing highway network without a detrimental effect on the free-flow of traffic, highway safety and the environment, in conflict with Policy TR1 of the Devon County Structure Plan 2001-2016; but

(c) would, however, remove its objection as Local Highway Authority provided that the Applicant enters into a legal agreement to make an appropriate financial contribution towards the cost of delivering a link road between Harrington Lane and Exhibition Way in accordance with the Draft Pinhoe Area Access Strategy.

(d) in the event that planning permission be granted, the applicant should be required to enter into a legal agreement not to contest the revocation of the ROMP for the quarry following the implementation of the consent.

**County Director of Environment, Economy and Culture (Highways)** - Formal comments are awaited. In discussions with the developer, and taking account of the views of the Development Management Committee (above), it has been agreed that a contribution of £3389.00 per dwelling would be acceptable. This would include contributions to site access and Harrington Lane corridor improvements, public transport, pedestrian and cycle

infrastructure, a travel plan (including a car club contribution) and off-site highway improvements (including towards the provision of the Exhibition Way link scheme).

**County Director of Children and Young People's Services** - A sum of £5586.53 per family dwelling is sought as a contribution to the provision of school places and equipment.

**Devon Regionally Important Geological and Geomorphological Sites Group** - no comments received.

**Devon Stone Federation** - no objection.

**Devon Wildlife Trust** - the proposal has been derived without adequate survey of the invertebrate biodiversity. The loss of the Green Lane on the western side of the quarry is regretted. This has a strong ecological value and is an important wildlife corridor feature which should be retained.

**Head of Environmental Health Services** - advises that further information relating to noise, dust, contamination and a Construction Environmental Management Plan should be sought by conditions. A further condition restricting working hours is necessary. Information submitted concerning air quality is acceptable.

**Head of Leisure and Museums (Biodiversity)** - There are likely to be dormice on the site and the application cannot be properly considered without a dormice survey. If dormice are found it will be necessary for the developer to produce a comprehensive methodology for mitigation and compensation. The proposal is contrary to Local Plan policy LS4 because part of the site is a County Wildlife Site and a Site of Nature Conservation Importance (SNCI). The proposal involves destruction of part of the SNCI, and it has not been demonstrated that this is necessary for the development to be viable. The proposal would result in the loss of part of a sunken Green Lane of historic, aesthetic and recreational value. More information is required to determine whether any proposed biodiversity enhancements and long term management can balance and preferably exceed any losses to biodiversity arising from any development.

**Head of Contracts and Direct Services - (Parks and Open Spaces)** - a financial contribution is required equivalent to the provision of a lit Multi-Use Games Area (MUGA). This would be a suitable sum to supplement and improve existing nearby youth facilities. N.B. The applicant is proposing to provide for the future management of public open space on site.

## **PLANNING POLICIES/POLICY GUIDANCE**

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

ST1 - Sustainable Development  
ST3 - Self Sufficiency of Devon's Communities  
ST4 - Infrastructure Provision  
ST5 - Development Priority 2001 - 2016  
ST10 - Exeter Principle Urban Area  
ST17 - Housing and Employment Provision  
ST18a - Mix and Type of Housing  
CO1 - Landscape Character and Local Distinctiveness  
CO6 - Quality of New Development  
CO7 - Historic Settlements and Buildings  
CO8 - Archaeology  
CO9 - Biodiversity and Earth Science Diversity  
TR2 - Coordination of Land Use/Travel Planning  
TR5 - Hierarchy of Modes and Transport Assessment  
MN1 - Safeguarding Mineral Resources

## **Devon County Pinhoe Area Access Strategy (January 2011)**

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

AP1 - Design and Location of Development

AP2 - Sequential Approach

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

T14 - Highway Schemes

C5 - Archaeology

LS1 - Landscape Setting

LS4 - Local Nature Conservation Designation/RIGS

EN2 - Contaminated Land

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

DG6 - Vehicle Circulation and Car Parking in Residential Development

DG7 - Crime Prevention and Safety

### **Exeter City Council Residential Design Supplementary Planning Document, September 2010**

#### **OBSERVATIONS**

##### **History and potential alternative use of the site**

This site has a long standing planning permission for mineral extraction. The quarrying activities have created a void space of approximately 1.8 million cubic metres and the recent approval allows for the restoration of the site to previously agreed levels, through the importation of inert material. The restoration would require approximately 3.2 million tonnes of inert material. The approval anticipates the importation of material at a rate of approximately 200,000 - 250, 000 tonnes per annum and restoration of the site within a period of 13-20 years. The extant planning consent runs until 2042 with full restoration to be achieved by this date at the latest. If the current housing proposal is approved, the applicant will have a choice of whether to develop the site for housing or to restore it in accordance with the permission described here.

Policy MN1 of Devon Structure Plan states that "mineral deposits which are, or may become, of economic importance will be safeguarded from unnecessary sterilisation by surface development." In this instance, remaining mineral deposits are not considered to be of high economic value or importance, and the need for them ended with the cessation of the nearby brickworks business. This is acknowledged by the Minerals Planning Authority, Devon County Council, which does not object to the loss of the quarry.

The existing minerals consent allows for significant quarrying which has not yet taken place. To avoid further implementation of this permission in conflict with an alternative planning permission for housing, it would be necessary to revoke the minerals consent. It is recommended that any housing permission includes an agreement not to contest the

revocation of the Renewal of Old Minerals Permission for the quarry following the implementation of the new consent.

### **Housing issues**

The application is a "departure application" because it does not conform to the currently adopted Development Plan, and it 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. There is a requirement in the Secretary of State's Proposed Changes of the RSS to provide an additional 15,000 houses in the city up to 2026 against the estimated capacity of 12,000. The development proposed would help short-term housing supply. It is therefore supported in principle.

The proposal is for up to 380 dwellings on a site of 18.1 hectares. This would give a density of around 21 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 the developable area is constrained by slopes and the need to provide balancing ponds for drainage.

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 Viability And Planning Obligation Requirements below.

In accordance with Local Plan policy H7 and the Council's Residential Design SPD, it is expected that 5 per cent of the dwellings will be wheelchair accessible. This will be secured by a condition requiring a detailed layout as part of a reserved matters application.

### **Leisure issues**

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 illustrative master plan submitted with the application confirms that the site is capable of complying with this requirement. It shows a large consolidated open space (a "valley park"), supported by smaller public spaces and two children's play areas. The applicant has indicated that the developer will provide and equip the public open spaces, and also provide for their long-term management. No financial contribution is therefore required. However, it will still be necessary to secure the management of the space through a legal agreement.

Local Plan policy L4 requires that residential development of 10 or more dwellings should contribute to the provision of youth and adult play space. The Head of Contracts and Direct Services has indicated that a financial contribution is required, which would be likely to be used to enhance existing facilities at Exhibition Fields.

### **Transport**

The Pinhoe Area Access Strategy states that a "new route connecting Harrington Lane with Pinhoe Road, via Exhibition Way is considered essential to mitigate the impacts of new development traffic. This would also remove existing traffic from unsuitable routes including Church Hill, the double mini roundabouts, Beacon Lane and Chancel Lane where existing capacity or safety issues exist. The Pinhoe Quarry and Ibstock brickwork sites should deliver this route, which will require Exeter City Council owned land at the southern end." This new route is partially safeguarded by Local Plan policy T14.

It is proposed to require the developer to contribute to this new route, which in addition to the benefits identified above, would provide a convenient walking and cycling route to essential local facilities including supermarkets and St Luke's School. Without a contribution to this new route, the proposal would not be acceptable. It is also proposed that the developer contributes to site access and Harrington Lane corridor improvements, public transport, pedestrian and cycle infrastructure, and a travel plan (including a car club contribution).

Subject to the final confirmation of the County Director of Environment, Economy and Culture, it is anticipated that the above requirements would make the proposal acceptable in transport terms. It is also considered that a recommendation of approval should include conditions requiring further details of footpath links and cycle parking provision as part of the reserved matters submission.

The provision of the Exhibition Way link will be dependent on financial contributions from this proposal and also from the development of the former Ibstock brickworks site. Devon County Council will be approached to work with the City Council to secure early delivery of the link.

### **Conservation**

The site has a number of listed buildings on its periphery. Local Plan policy C2 requires that new developments preserve the setting of such buildings. The topography of the site and the position of new development within it is such that the proposal would not detract from any of these listed buildings.

Local Plan policy C5 states that where a proposal will affect remains of local importance, the desirability of preserving the remains will be weighed against the need for the development. From an archaeological point of view the quarrying of the north-eastern fields is acceptable as no remains of major significance have been identified there, subject to a recording condition on any planning permission. However, the proposed removal of the historic sunken lane/route way on the western side of the site is unfortunate as it cannot be replaced by a modern pastiche/replacement which would have the same form and distinctiveness, nor the historic link between the medieval church and the hamlet at Pinbrook.

### **Landscape**

The long range impacts of the proposal on the landscape setting of the city are limited, but there will be a significant local visual impact from the removal of the mixed woodland at the entrance to the site. The landscape assessment has identified this impact as low/negligible. It is considered that with appropriate landscaping secured via a condition, the impact on the landscape setting of the city will be acceptable.

The proposal seeks to retain the exposed rock faces which are designated as being Regionally Important Geological and Geomorphological Sites (RIGS) and to make them a feature of the new development, including interpretation information. This is welcomed.

The proposal involves the diversion of small sections of the existing public footpaths on the western and eastern edges of the quarry. The scheme involves enhancement of the footpath network with new links to the surrounding network, widening and new or relocated gates and stiles. The Ramblers Association has been consulted informally regarding the proposed footpath diversion, and has indicated that it does not object, subject to the details of the works involved. The Rights of Way Section of Devon County Council have similarly raised no objection to the footpath diversion. In the event that the decision is made to grant planning permission, authority is sought for the City Council to make a footpath diversion order under Section 257 of the Town and Country Planning Act, on the basis that the diversion is necessary in order to enable the development to be carried out. The developer would bear the cost of this procedure.

### **Ecology and Biodiversity**

Regrading of the quarry margin on the western boundary will result in the loss of part of the County Wildlife Site, which is also designated as a Site of Nature Conservation Importance (SNCI) by Exeter Local Plan. Policy LS4 states that development that would harm a SNCI will only be permitted if the need for the development is sufficient to outweigh nature conservation considerations, and the extent of any damaging impact is kept to a minimum and appropriate mitigation measures are implemented.

The lane is not recorded on the Devon Historic Environments Record (DHER). It is acknowledged as having local value but this would not warrant preservation in situ. A

watching brief will apply to this area at time of excavations. Only part of the lane would be removed.

The ecological/biodiversity assessment submitted with the application indicates limited value on the site. However, nesting birds, reptiles/amphibians, badgers and bats are identified as being present. For mitigation purposes, the following points should be noted:

- Nesting Birds - works to remove areas of woodland/hedge need to be carried out outside of the breeding season.
- Reptiles/Amphibians - the ecological assessment advises mitigation including translocation of reptiles to areas outside the development area, and the collection of amphibians and translocation to a suitable pond off-site from which they can be returned to site once new water bodies are established.
- Badger Setts - a permission must be carefully worded to ensure that before any works take place suitable mitigation (possibly including a replacement sett) is carried out.
- Bats - there were no roosts identified, but the site is used for feeding and commuting (mainly boundary hedges and peripheral scrub/woodland) with bats entering site from surrounding landscape. Proposed mitigation for loss of features as a result of development is to retain as much of the valuable landscape features as possible and ensure new green space is designed to maximise bat habitat. Use of 'bat-friendly' lighting should be made a condition of any approval for the site.
- Most of these actions are time-dependant and will require careful consideration of biodiversity at the start of the development process. This needs to be built into the conditions applied to the site.
- There is significant potential for the proposal to enhance biodiversity value. This will need to be carefully integrated into the landscape and long-term management proposals for the site.

The applicant advises that a qualified ecologist has visited the site over a period of months to assess survey requirements, and no evidence has been found to justify the need for a dormice survey.

A badger survey has been undertaken at the site and a full report included with the planning application. This shows that there is a subsidiary sett in the south west corner of the site, which is to be relocated under licence to the western part of the County Wildlife Site, where a new artificial sett is to be created.

Any loss of biodiversity would be mitigated and enhanced through a proposed Biodiversity Mitigation and Enhancement Management Plan submitted with the application.

The development proposal is in accordance with Local Plan Policy LS4 in that the need for the development is considered to be sufficient to outweigh the loss of a very small part of the overall County Wildlife Site. In addition comprehensive mitigation and enhancement measures are proposed as part of the development to encourage biodiversity - by creating new habitats as well as enhancing existing habitat. The Biodiversity Mitigation and Enhancement Plan sets out these proposals. If Members are minded to approve this application, it is recommended that the implementation of the plan is secured by a condition.

A Summer 2009 survey of the County Wildlife Site by Devon Biodiversity Records Centre identified that the areas which are to be included within the proposed development were in poor condition and likely to be lost without management in the near future. The measures proposed will address this situation and enhance the biodiversity value of this part of the County Wildlife Site.

The RSPB comments seek further information about the impact of additional housing in Exeter on the Exe Estuary, and if necessary a financial contribution to mitigate the impact. Whilst it is acknowledged that the development may impact on the Natura 2000 sites, work undertaken so far on this matter has not established the amount of any contribution that

could properly be required to provide mitigation. The Council is obliged to make a decision on the current application and it is considered to be premature and unreasonable to require a contribution in the light of this. Work is continuing in respect of this matter and it is anticipated that future housing permissions are likely to include the requirement for a contribution.

## **Environment**

The application includes a Flood Risk Assessment which considers in detail the flows and drainage requirements in terms of sizing of drainage water courses, attenuation ponds and access to them. All of this has been discussed and approved by the Environment Agency, which raises no objection to the application. Any further detailed drainage aspects will be dealt with when detailed planning applications are submitted for the residential development proposals.

It is considered that subject to the imposition of conditions relating to noise and dust during construction, and a Construction Environmental Management Plan, as recommended by the Head of Environmental Health Services, the development works will not have an unacceptable impact on the amenity of neighbours. A standard land contamination condition is also recommended to ensure that any contaminants are dealt with and that the finished site is safe for residential occupation.

## **Design**

As the proposal is for outline planning permission for the housing development, details of the housing layout and appearance of buildings are not being considered at this stage. However, an illustrative master plan has been produced to show how the development could work. This plan satisfactorily demonstrates that the site is capable of accommodating the proposed number of dwellings and associated open space, and that it can comply with the requirements of the Residential Design SPD.

## **Sustainability**

Supporting information supplied by the applicant confirms that the proposed housing will achieve Code for Sustainable Homes Level 4 through good passive design and an energy and heat strategy. On-plot renewable electricity generation and heating is proposed via photovoltaic arrays, solar panels and air source heat pumps.

## **Viability And Planning Obligation Requirements**

The developer has stated that it is not possible to make the normal financial and other infrastructure contributions that might be associated with a development of this size due to the particular financial viability of the scheme.

The viability is unusual for two reasons that have very significant implications.

- i) The site has an established planning consent for landfill of 3.2 million tonnes of inert waste. This consent has a significant value, landfill capacity is a diminishing resource and the landfill taxation system favours restoration schemes of old mineral voids; and
- ii) About 1.6 million cubic meters of material need to be moved to create a land development platform that will be up to 30 metres deep. Compaction and preparation has to be very high standard. This poses a significant cost which has to be incurred before housing development can even begin.

The developer has provided confidential details of the viability of the scheme that have been assessed by Housing Services and by an independent specialist consultant who was commissioned by the Council.

The following infrastructure would normally be required as a result of the proposed development:

## Transportation

There are three elements to the package of measures:

- i) The Highway Authority and City Council consider that it is essential that the development is ultimately served by a new link road from Exhibition Way to Harrington Lane to reduce impacts upon the roads in the area. The total cost of this road, estimated at £1.3m, has been apportioned pro rata between the proposed developments of Pinhoe Quarry and Ibstock Brickworks. The contribution required from Pinhoe Quarry would be £808,600. The contribution should be made on commencement of the housing development.
- ii) Improvements to Harrington Lane are required involving raised tables at an estimated cost of £200,000. These also need to be undertaken as early as possible during the development.
- iii) There is a package of sustainable transport measures including cycle stands, bus passes and a car club contribution amounting to £279,360.

The total transport related contributions amount to £1,287,960 or £3,389 for each of the 380 proposed dwellings. The whole contribution should be payable on commencement of the housing development.

## Education

Devon County Council advise that the primary school affected is Pinhoe C of E Primary. A residential development of 380 dwellings could be expected to produce 95 primary aged pupil places. Given the overall pressure on primary school places across the Exeter area the County Council requests a contribution of £2,768.50 per family dwelling plus £71.88 per dwelling for ICT which would be used to support the provision of primary teaching accommodation in Exeter.

Contributions would be used to fund the upgrade of Pinhoe primary school from 385 pupils to 420, providing a full two form entry. This is estimated to cost about £380,000. The remainder of the primary school contribution would fund improvements to Willowbrook School, which currently has 315 places and is intended to rise to provide 420.

The secondary school affected is St Luke's C of E Science and Sports College. A residential development of 380 dwellings could be expected to produce 57 secondary aged pupils. The contribution required is £2,518.65 per dwelling which would be used to part fund teaching accommodation plus £217.50 per dwelling for ICT equipment.

The County Council's methodology for assessing contributions has come under sustained recent attack by some developers, such as at the Hill Barton Farm appeal, who argue that there is capacity within Exeter schools when considered as a whole. The results of the appeal are expected imminently. It may also be argued that the County Council already receives funding for new pupils through a Government grant.

It is considered that in the view of the viability issues associated with this development, a reasonable compromise would be a requirement equivalent to funding the expansion of Pinhoe C of E Primary (£1,000 per dwelling) but not to require the other contributions requested by the Education Authority.

## Community facilities

The description of the proposed development refers to a proposed community facility. It is understood the developers have in mind one or two meeting rooms. This may not be the best form of provision for the area and raises issues about how any new facility will be managed or maintained in the future and whether it may divert patronage and affect the viability of other existing community facilities. It is instead proposed to take a financial contribution of £625 per dwelling (£ 237,500 in total) towards new or improved community or recreational

facilities within one mile of the site. This would allow the best use of the contribution to be determined at a later stage. The contribution should be paid before occupation of more than 50% of the proposed homes.

The rate of £625 per dwelling is that applied to a recent consent at Newcourt reflecting the costs of providing a basic hall suitable for badminton for a small community.

### Open spaces

The developer is proposing to provide open spaces to meet the Council's standards on site and is also proposing to provide allotments. The developer is not proposing to put them forward for adoption so the legal agreement will need to refer to the minimum specification for the spaces, and arrangements for their maintenance in perpetuity.

It is not proposed to require any contribution towards playing fields; the site is close to the existing facilities at Eastern Fields.

The Head of Contracts and Direct Services has identified the need for a multi-use games area to serve older children. Such facilities have to be carefully located and designed to avoid potential disturbance. It is proposed to seek a contribution of £65,000 (£171 per dwelling), which reflects the cost of a MUGA, payable on occupation of more than 50% of the proposed homes to be used for community/recreational facilities (the same terminology as for the contribution to community facilities).

### Affordable Housing

The Council's normal requirement in accordance with the Exeter Local Plan (Policy H6) is 25% of homes (95 in this case) reflecting the mix of accommodation on site in small clusters of which 15% (14) should be shared ownership and 85% (81) social rented. Social rented affordable housing has a significant affect on the viability of a site.

The independent consultant for the Council considers that, at what he believes is a reasonable rate of return for the developer, a total of 15% of affordable housing (9 shared ownership and 48 social rented) is appropriate. Following a protracted period of discussion and negotiation, the applicant has agreed to this. The Head of Planning and Building Control and Head of Housing consider that provision of 15% affordable housing is an acceptable compromise in this instance.

### The total infrastructure package

The total proposed package involves payments of £5,185 a dwelling and 15% affordable housing. Both the City and County Councils will receive less than they would normally expect due to the particular financial viability of the scheme. The main heads of terms relating to timing of delivery, mix and transfer mechanisms are also established.

### **Conclusion**

As stated above, the Environmental Impact Assessment submitted with this application concludes that there is no evidence of any significant detrimental effects that will occur should the development proceed. The Officers support this view.

For the above reasons it is concluded that the proposal can be accepted subject to completion of a legal agreement to secure the following as detailed above:

- a financial contribution towards site access and Harrington Lane corridor improvements, public transport, pedestrian and cycle infrastructure, a travel plan (including a car club contribution) and off-site highway improvements (including towards the provision of the Exhibition Way link scheme).
- a financial contribution towards the funding of proposed improvements to education facilities.
- a financial contribution towards off-site leisure facilities.
- a financial contribution towards community facilities.

- the provision of on-site affordable housing.
- the provision and long-term management and maintenance of public open space.
- an agreement not to contest the revocation of the Renewal of Old Minerals Permission for the quarry following the implementation of the consent.

### **PLANNING MEMBER WORKING GROUP (19 October 2010)**

The proposal was the subject of a Developer Presentation before the application was submitted. During discussion Members raised the following points:-

- concerns regarding the traffic the housing development could generate and that the road networks in the area would not be able to sustain an increase in traffic flows: the proposed road link through the Ibstock land site to Exhibition Way should be in place before this development was occupied, as this would ease traffic congestion in Pinhoe and the surrounding area
- major concerns that the development costs could prohibit the developer from being able to make normal infrastructure requirements such as affordable housing, education, transport and local energy
- the footpaths links to the Church were to be welcomed.

### **NORTHERN AREA WORKING PARTY (31 January 2011)**

Members considered that the density proposed was high and that further detail was required for an acceptable scheme to be brought forward. It was also requested that it should be a requirement that the proposed filling in of the site to prepare the site for houses should only involve materials from the overall site and not be imported from elsewhere [this is in accordance with the terms of the application, which does not seek to import material from outside the site, but can be secured by a condition].

A Member queried if there was any plan to alleviate flooding and was advised that the City Council's Engineers were happy with the proposed flood alleviation scheme. She stated that the scheme would have a major impact on the traffic in the area. Other Members were also concerned at the level of traffic likely to be generated and emphasised that the impact on traffic in the Pinhoe area would also be affected by other development proposals including those in East Devon. It was noted that, although individual developers often insisted that they could produce traffic impact studies to prove that the highway network could cope with respective development proposals, these often failed to acknowledge the cumulative impact of a number of schemes on an area. A traffic master plan was therefore a requirement and this was being prepared by the County Council. Members were therefore strongly opposed to the proposal without further detail in respect of the impact on the transport network. [Some of the concerns raised by Members have subsequently been dealt with by the production by Devon County Council of the Pinhoe Area Access Strategy].

It was noted that the application would be reported to the Planning Committee in due course.

### **RECOMMENDATION**

1. That subject to a section 106 legal agreement securing the matters referred to in the conclusion above, and having had regard to the Environmental Impact Assessment submitted with the application and the representations made about the environmental effects of the development, Committee APPROVE the application subject to the following conditions:

**APPROVE** subject to the following conditions:

- 1) The quarry reprofiling development ("QRD") to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.

**Reason:** To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.

- 2) The residential development hereby approved ("RD") shall not take place until a phasing scheme has been submitted to and approved in writing by the Local Planning Authority. The phasing scheme shall identify the phases in which the RD shall be constructed ("Phase"), and unless otherwise agreed in writing the RD shall be carried out in accordance with the phasing scheme.  
**Reason:** To allow for the phased development of the site in accordance with an indicative site layout.
- 3) Approval of the details of the layout, scale, appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") for each Phase of the RD shall be obtained from the Local Planning Authority in writing before that Phase of the RD is commenced. A detailed scheme for landscaping the RD within each Phase shall include details of the planting of trees and/or shrubs and hard landscaping including boundary screen walls and fences and shall be submitted to the Local Planning Authority as part of the submission of reserved matters for each Phase; such scheme shall specify types and species, and any earthworks required, together with a programme of planting and the timing of implementation of the scheme. This condition shall apply to each Phase of the RD.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 4) Within 12 months of commencement of the QRD a structural landscape concept scheme including long term management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority. The structural landscape concept scheme shall be carried out as approved by the Local Planning Authority.  
**Reason:** To ensure the provision and future maintenance of structural landscaping to safeguard the amenity of the area.
- 5) This consent does not imply the approval of the details of siting, layout or design shown on the submitted illustrative master plan, which must be the subject of approval of reserved matters.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 6) The RD hereby approved must be begun within five years from the date of completion of the QRD, or two years from the final approval of the reserved matters, relating to the first Phase of the RD, whichever is the longer.  
**Reason:** To ensure compliance with section 91 - 92 of the Town and Country Planning Act 1990.
- 7) Application for the approval of the reserved matters for the first Phase of the RD shall be made to the Local Planning Authority before the expiration of three years from the date of the completion of the QRD and the first Phase of the RD hereby permitted shall be begun before the expiration of five years from the date of the completion of the QRD or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved whichever is the later. The time period for submission for approval of reserved matters for any subsequent Phase of the RD shall be agreed with the Local Planning Authority in writing as part of the phasing scheme approved pursuant to condition 2.  
**Reason:** To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.
- 8) The QRD hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on

*date (dwg. no(s). ), as modified by other conditions of this consent.*

**Reason:** In order to ensure compliance with the approved drawings.

- 9) Samples of the materials it is intended to use externally in the construction of the RD (except infrastructure within each Phase) shall be submitted to the Local Planning Authority and the development of each Phase shall not be started before their approval is obtained in writing and the materials used in the construction of the RD in that Phase shall correspond with the approved samples in all respects. This condition shall apply to each Phase of the RD.  
**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.
- 10) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 11) Prior to commencement of RD within any Phase the developer shall erect tree protection fencing in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority as required by the approved plan. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.  
**Reason:** To ensure the protection of the trees during the carrying out of the development.
- 12) Unless otherwise agreed in writing, prior to the occupation of any of the dwellings hereby approved within any Phase the roads required by the Phase of the RD shall be  
**Reason:** In the interests of the amenity and safety of occupants.
- 13) Archaeological work shall be carried out in accordance with the written scheme submitted (Ref Written Scheme of Investigation, Watching Brief, Strip Map and Sample Excavation) prepared for Pinhoe Quarry LLP by GK Heritage dated April 2011). This scheme will include on-site work, and off-site work incorporating analysis, publication, and archiving of the results. All works shall be carried out and completed in accordance with the scheme, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.
- 14) No RD shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. Any building(s) affected by contamination requiring remedial works in any Phase shall not be occupied until the approved remedial works have been implemented and a remediation statement for that Phase submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

**Reason:** In the interests of the amenity of the occupants of the building(s) hereby approved.

- 15) Unless otherwise agreed in writing by the Local Planning Authority no alteration shall take place to plot boundaries, open spaces, and highways, on completion of the development in accordance with the approved layout plan.

**Reason:** To ensure adequate provision is made for the future maintenance of all land within the application site boundary.

- 16) In relation to the RD the proposed estate roads, footways, footpaths, verges, junctions, 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 within each Phase 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 and sections 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.

- 17) Unless otherwise agreed in writing 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) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment ((2) above) 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 (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 against pollution.)

- 18) If, during the development, contamination not previously identified is found to be present at the site then no further development affected by that contamination (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

**Reason:** To protect controlled waters against pollution.

- 19) The noise levels arising from the development shall not exceed the following limits at noise sensitive dwellings when measured in accordance with Minerals Policy Statement 2:
- LAeq, 1hr (free-field) 55 dB
  - LAeq, 1 hr (free-field) 70 dB for periods of up to eight weeks in a year at specified noise-sensitive properties if agreed in writing in advance with the LPA. If monitoring at a noise sensitive receptor is not possible, the level at this point should be calculated from monitoring data at another point using the techniques in BS5228:1 (2009).
- Reason:** In the interests of local amenity.
- 20) The Best Practicable Means shall be used at all times to prevent, or where that is not practicable, to reduce noise and dust emissions beyond the site boundary.
- Reason:** In the interests of local amenity.
- 21) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include details of monitoring and mitigation measures to control the environmental impact of the development, including site traffic and emissions of noise and dust. This should include details of the phasing and timing of work, full details of the hours of working including construction and deliveries, provision for noise and dust monitoring, noise and dust emission limits, procedures to be followed in the event of non-compliance with noise and dust limits and measures that will minimise the impact of construction traffic on the local road network, including parking. 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, in order to discuss forthcoming work and its environmental impact.
- Reason:** In the interests of local amenity.
- 22) No development shall take place until a scheme for the protection of the Regionally Important Geological Sites (RIGS) during development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the agreed details.
- Reason:** In the interests of protecting the RIGS.
- 23) No more than 50% of the dwellings hereby permitted shall be occupied until on-site interpretation material relating to the Regionally Important Geological Sites has been provided in accordance with details which shall first have been agreed in writing by the Local Planning Authority.
- Reason:** To ensure that the geologically important context of the site is apparent to residents and visitors.
- 24) No development shall take place until full details of the measures set out in the Biodiversity and Mitigation and Enhancement Management Plan have been submitted to and approved in writing by the Local Planning Authority. The biodiversity mitigation and enhancement shall be carried out as approved by the Local Planning Authority.
- Reason:** In the interests of preserving and enhancing wildlife opportunities in the area.
- 25) In accordance with details that shall previously have been submitted to and approved by the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains onto any County Highway.
- Reason:** In the interests of public safety and to prevent damage to the highway.
- 26) No more than 200 residential units provided as part of the RD shall be occupied until the community facilities have been completed to shell level.

**Reason:** To ensure provision of the community facilities.

- 27) Unless otherwise agreed in writing, the QRD shall not utilise any material not already present on the site unless used for specialist engineering and landscaping purposes in relation to the QRD.

**Reason:** In the interests of minimising heavy vehicle movements associated with the QRD.

In the event that the section 106 agreement is not completed within six months of the Committee resolution to approve, authority be delegated to the Head of Planning Services to REFUSE permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the section 106 agreement.

That Officers be authorised to make an order under section 257 of the Town and Country Planning Act 1990 for the diversion of sections of Public Footpath Nos. 50 and 53 affected by the development, Committee being satisfied that it is necessary to do so in order to enable the development to be carried out.

**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