

**COMMITTEE DATE:** 10/02/2020

**APPLICATION NO:** 19/1621/FUL

**APPLICANT:** Exeter City Living Ltd

**LOCATION:** Whipton Barton House, Vaughan Road

**PROPOSAL:** Demolition of existing buildings and construction of 92 apartments, access and parking, landscaping and associated infrastructure/highway works.

**REGISTRATON DATE:** 18 November 2019

### **PLANNING HISTORY OF SITE**

78/0217/01 Sheltered Accommodation comprising 24 two-storey flats, 10 bungalows and ancillary accommodation.

### **DESCRIPTION OF SITE**

The roughly triangular site is bounded by Vaughan Road to the East, Hill Lane to the West and Pinhoe Road to the North. The topography slopes down towards the north East corner of the site.

The existing site of approximately 0.91 Hectares includes areas of adjacent highways and has a gross developable area of 0.72 Hectares. It currently contains one two-storey family dwelling with a garden and a range of single story, flat roofed buildings, providing 11 units of sheltered accommodation that are occupied. There is a two storey block of sheltered residential accommodation and ancillary facilities which is now vacant. The sheltered accommodation is arranged as buildings setback from the roads in lawns and landscaping that includes mature trees.

Adjoining development to the east and south is residential in a mix of predominantly two and three storey buildings. Whipton Barton Junior School is to the southwest and the Whipton Village Local Centre is to the North directly across Pinhoe Road. Rennes House, a, eleven-storey residential block of flats to the south with the recently completed four storey Chester Long Court immediate adjoining it.

There are bus stops on Pinhoe Road and Vaughan Road with frequent services and Polsloe Bridge Rail Station is 800m west along Pinhoe Road.

### **DESCRIPTION OF PROPOSAL**

The proposal, following demolition of the buildings on site, is for a development of 92 apartments in three and four storey blocks arranged round the perimeter of the site, with a communal garden and play area at it's centre. The scheme includes 33 one bed units and 59 two bed units, with 8 of these unit being to a wheelchair accessible design.

The material palette is predominantly brick for external walls with aluminium windows and flat roofs behind parapets. The landscape scheme includes private spaces and communal

space including gardens and children's play spaces. The gardens will incorporate a sustainable drainage system (SUDS) which will collect rainwater and use on site.

There will be a number of public pedestrian routes into and through the site linking the central green space to Vaughan Road, Pinhoe Road and Hill Lane. It is intended that the central space is open to the public as well as residents.

Car parking on site will be limited to 46 spaces including; 5 disabled spaces and 5 for electric car club cars on Vaughan Road and Hill Lane. Charging points will be installed for electric vehicles. Secure cycle parking and visitors stands will be provided on site and electric hire bikes will be sited on Pinhoe Road.

The intention is to employ Passivhaus construction techniques throughout to reduce energy demand and carbon emissions.

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

The application is supported by:

- Plans, Elevations and Sectional Drawings
- Design and Access Statement
- Biodiversity Assessment and Report
- Wildlife and Bat Survey
- Air Quality Assessment
- Flood Risk Assessment
- Foul Sewage & Utilities Assessment
- Landscape details
- Noise Impact Assessment
- Tree Survey and Arboricultural Implications

### **REPRESENTATIONS**

The application has been advertised by site notices, press notice and neighbour letter. One public letter of support has been received and three letters of objection. The objections contain the following comments:

- Existing trees and landscape character not properly assessed.
- Trees did not inform layout
- New ecological green space will be isolated by the development.
- Landscape scheme detail considered flawed.
- Insufficient space and conditions for new street trees to prosper.
- Insufficient long lived, large canopied tree proposed.
- Off-site compensatory planting should be considered.
- Trees on site should be subject of preservation order.
- Loss of trees will result in worse air quality on Pinhoe Road
- Carbon emissions should be offset by new tree planting.
- Climate crisis should mean fewer flats and retain more trees.
- Too many apartments on small site.
- Insufficient parking provision in an area already short of parking spaces.

Representations have also been received on behalf of three organisations.

**Royal Devon and Exeter NHS Foundation Trust:** The Royal Devon and Exeter NHS Trust (represented by Shakespeare Martineau), has requested a contribution of £118,621.00 from

the development 'towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit of accommodation on/in the development' to cater for the 'unanticipated additional population growth', to be paid in full prior to the commencement of the construction of the development. In the absence of such a contribution the Trust objects to the application.

**Exeter Cycling Campaign:** Pleased to support this application, the low proportion of car parking, placing of cycle parking in the centre of the site and the pass-through route. The upgrade of Pinhoe Road crossing from Pelican to Toucan and installation of shared bike spaces should be secured legally.

**RSPB:** Mitigation and Compensation Measures included in the ETUK's Wildlife Survey Report and the plans showing the layout and elevations of the proposed development. We are disappointed that what is proposed falls so far short of the Biodiversity Requirements of the City's award winning Residential Design Guide or the Government's most recent Guidelines. We recommend that an absolute minimum of forty eight integral boxes grouped in suitable locations are made a condition of this consent if granted. Current thinking on "Biodiversity Gain" leads us to conclude that accommodation for bats should be considered in addition to swift bricks not as an alternative to. We are beginning to see the results and are confident that at any one time the occupancy rate will be at an acceptable level, mostly by sparrows followed by swifts and other species i.e. starlings, blue and great tits and recently house martins, during the life time of the building it is likely they will all be used at one time or another

## **CONSULTATIONS**

**Devon County Council (Education)** has considered the application above and would like to provide an education response. This is in accordance with Devon County Council's Education Infrastructure Plan 2016-2033. Regarding the above planning application, Devon County Council has identified that a development up to 59 family type dwellings will generate an additional 14.75 primary pupils and 8.85 secondary pupils which would have a direct impact on the primary and secondary schools in Exeter. In order to make the development acceptable in planning terms, an education contributions to mitigate its impact are be requested. When factoring in both approved but unimplemented housing developments as well as outstanding local plan allocations we have forecast that the local primary and secondary schools have not got capacity for the number of pupils likely to be generated by the proposed development. The primary contribution sought would be £7,048. The contributions will be used towards new primary provision at Monkerton. We have forecast that there is enough spare secondary capacity to accommodate 2.03 pupils at the local secondary schools. The secondary contribution sought would be £165,460. The contributions will be used towards new secondary provision at South West Exeter. In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This is calculated as £14,750. This will be used to provide early years provision for pupils likely to be generated by the proposed development. These contributions will go towards new early years provision at Monkerton. The amounts requested are based on established educational formulae and is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122. In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 unless the agreement involves other issues or if the matter becomes protracted.

**Police Designing Out Crime Officer.** On the whole the internal layouts have been designed well. There are aspects that give me some cause for concern which I cannot support as they have shown to contribute to crime, disorder and the fear of crime. Communal entrances are recessed and obscured. Apartment blocks must not have trades button access for mail delivery or utility readings. Minimum standards for doorsets recommendations are made, requirements for the visitor door entry system are made in detail.

Ground level 'private open space' (p26 DAS) denoted as rear gardens for ground floor plots. If deemed private space, then a more robust boundary treatment is needed than that shown in imagery. The 'proposed groves of trees' area at the north east corner of the development would benefit from a low-level demarcation boundary. A buffer zone such as planting with dense ground covering plants can offer protection to ground floor windows and blank gable ends. Communal areas require appropriate boundary treatments. Whilst the surrounding apartment blocks will provide significant surveillance opportunities over the central courtyard/communal open space, the 'covered seating pavilions', 'covered lockable cycle spaces' and tree canopies will greatly hamper such surveillance and should be redesigned.

The car parking areas are afforded good surveillance. Cycle parking should be secured in external containers specifically designed for the secure storage of cycles.

Measures should be in place to prevent conflict between vehicles and pedestrians. Dedicated pedestrian routes should be clearly defined with excessive permeability avoided. This has been implemented effectively. The gates providing access to the communal garden via Vaughan Road and the parking area should be appropriately secured so they are restricted to use by residents only.

The future and ongoing management and maintenance of the development is essential to creating and ensuring a safe and pleasant place for residents and legitimate users. This remains the case. Management and maintenance policies should be in place with clear responsibilities for residents and prospective management companies outlined.

The number of potential climbing aids providing access to private balcony areas and flat roofs across the development is alarming. Alternative designs should be considered in order to negate this risk.

Access to the communal terrace areas in Blocks C1 & C2 must be restricted to residents. Clear way finding, rule setting measures and signage should be in place throughout the scheme to direct and inform visitors and residents.

Research shows an effective lighting scheme affects 6 out of the 7 Crime Prevention through Environmental Design principles. Lighting should be installed to the relevant levels as defined in BS 5489:2013. Parking areas, communal entrances/exits, designated paths should all be effectively lit, and bin and cycle stores should be lit at night using vandal resistant light fittings and energy efficient LED lights.

The mobility scooter store should be adequately secured with floor to ceiling dividing walls, no windows and doorset to recommended standards.

### **The County Head of Planning Transportation and Environment**

Trip Generation: A transport statement has been submitted with the application, gauging the likely traffic generation of the existing and proposed development. The TRICS database has

been used to compare the sites which is acceptable in principle. The resultant vehicle trip rates and associated traffic generation indicate that there will be a net increase of 19 two-way trips in the AM Peak and a net increase of 3 two-way trips on the PM Peak.

Notwithstanding this, the application site is a brownfield site and is in a sustainable location. There are buses running along Pinhoe Road/Vaughan Road and is located adjacent to an "on Road cycle route". It is also in close proximity to the E3 cycle route. Henceforth, given the above, the vehicular impact of the development cannot be deemed as severe and cannot form a reason for refusal. Nonetheless, due to its location in relation to the City Centre every effort should be made to promote sustainable transport to justify the trip rates used.

**Vehicular Access:** It is proposed that the primary access for vehicles will be from Vaughan Road itself. Due to the position of the proposed access points, the existing bus stop and parking bays will be relocated. Vehicular access will be via a priority junction; visibility splays of 2.4 metres x 25 metres can be achieved to the centre and to the back of the carriageway, in accordance with speeds of 20 mph. The proposed access arrangements are shown indicatively on drawing SK03 and SK08; however, it is recommended that instead of a bellmouth junction, a dropped kerb access should be implemented for both access points (giving priority to pedestrians and cyclists) – a condition is recommended to secure the details of such access points. The applicant has not liaised with Stagecoach regarding the relocation of the bus stop, however in principle a suitable location can be found. Discussions with the applicant have led to either: A bus stop to be located to the south of the southerly access point with footway widening around the bus stop to cater for pedestrians (as the footway narrows); this is indicatively shown on drawing SK03 or a bus stop to the north of the of the southernly access point – these details have yet to be submitted, but appropriate width of footway/cycleway is required around the back of the bus stop. A condition is recommended to secure the details and construction of the bus stop are required. It is recommended that the applicant consults Stagecoach before details are submitted to establish the principle of the relocation of the bus stop.

A raised hump is proposed on Vaughan Road to act as a crossing point. This is welcomed as it slows vehicles down and provides an opportunity for cyclists to re-join the existing cycle lane on Vaughan Road. Consideration was given to moving the hump to the south, to provide a better transition to the cycle lane however, there is an existing driveway access that prevents this. It is reminded that the hump needs to be constructed with suitable gradients to accommodate buses (1:16). The new hump will require a TRO. As mentioned previously, the existing crossing point and refuge island on Vaughan Road is to be relocated due to the northernly access point. The applicant has advised that the vehicular carriageway widths and pedestrian refuge island is to remain as per existing and is therefore acceptable in principle. Nevertheless details will need to be submitted forming a S278.

Refuse / recycling collections will take place from Vaughan Road as per the existing situation for neighbouring residential properties. It is anticipated that this would be limited to a weekly / fortnightly collection and is acceptable.

All highway works should be progressed through an appropriate agreement with the Local Highway Authority.

**Pedestrian and Cycling access:** It is proposed that the primary access for pedestrians and cyclists will also be from Vaughan Road. The applicant is proposing public realm improvements to the bottom of Hill Lane where vehicle carriageway is proposed to be converted into footway/cycleway. A TRO is required to advertise the change in use, however the applicant needs to provide details of adoption and the implications of the change in material. It is reminded that the Highway Authority will not maintain block pavements. In

addition to the change of use to Hill Lane, the applicant proposes to “tidy up” the route to the existing signalised crossing such as the removal of the guard railing. It is also recommended that some of the existing bollards are to be removed too. These improvements are shown indicatively on drawing SK06. Discussions with the applicant had included a pedestrian link from the car park to Hill Lane, however the revised plans do not indicate this; this is recommended due to permeability through the site, but the exclusion does not form a reason for refusal.

Finally, there is a Road Safety concern at the Summer Lane junction opposite the existing signalised crossing where there is an accident cluster site; the Highway Authority have suggested that the crossing point should be raised (on the side road), slowing vehicles down into Summer Lane. This mitigation would see better access for any new residents to get to the shops and the bus stop on Pinhoe Road. Details of a raised crossing have yet to be provided and therefore a condition is suggested to secure this. Again, all highway works should be progressed through an appropriate agreement.

**Parking:** The level of parking proposed is 0.42 car parking spaces per dwelling, which equates to 39 car parking spaces being provided on the site for future resident’s usage. This is below the standards set out in the ECC residential design guide. However, the applicant’s intention of this is to promote sustainable travel, minimising the reliance on a private car; indeed, it is noted shared cars, shared bikes and exceeded cycle parking is provided. The proposal is that 60 out of the 92 apartments are to be affordable which inherently reduces the pressures of private car use. Nevertheless, together with the travel plan, the applicant will be implementing a car park management plan to minimise overspill parking onto residential streets. A total of 108 conventional cycle parking spaces will be provided on the site, including 86 coverable, lockable spaces, 18 of which can be adaptable to cargo bike spaces, and 22 visitor spaces. This is considered to provide suitable storage for residents to encourage cycle trips and exceeds the requirements set out in the ECC Sustainable SPD. This is shown on Drawing RF-083-001 Rev C.

**Travel Planning:** In accordance with paragraph 111 of the NPPF the development will be required to have a Travel Plan. DCC has been currently adopting a new approach for residential Travel Planning in the Exeter area with contributions paid directly to the Council for them to implement the Travel Plan and its measures. However, on this occasion the applicant is providing 5 Co-cars (on Vaughan Road and Hill Lane) together with a docking station (capable of taking 10 e-bikes) with 5-e-bikes that is to be provided and situated in the vicinity of Pinhoe Road. The location of the docking station is yet to be decided upon, but there is land within the public highway to accommodate the bikes. The location of the Co-cars on Hill Lane is proposed to be on the existing footway, but to mitigate this, the applicant will offer land through the S38 process to provide facilitate a footway adjacent to the Co-car location. As with the public realm area, it is reminded that the Highway Authority will not maintain block pavements. Underpinning the promotion of sustainable travel, is a comprehensive Travel Plan. A Travel Plan should be introduced including details of walking and cycling routes, as well as public transport including maps, timetables, and information about ticket offers. It should also include information about car sharing schemes, car clubs, eco-driving and motorcycle safety. These measures should be encouraged to continue the promotion of non-car-based travel. To further encourage this, the applicant has provided two financial contributions: £100 per unit towards bus travel tickets and £25 per unit towards the use of Co-Cars provided on site. These contributions should be secured via S106. The uptake of the sustainable measures should be monitored and controlled through the travel plan.

Construction: The proposals will require demolition/construction work adjacent to a busy environment. To protect the safety of users of the public highway it is essential that the construction arrangements are carefully managed, and that appropriate space is available off the highway for all construction plant/vehicles.

Summary: The proposal is in a sustainable location; within walking & cycling distance to employment hubs and is served by buses along the frontages to the site. National Policy is for the presumption of sustainable development and for safe & suitable access to be achieved. The proposed development provides sustainable measures despite a slight impact on the highway network. No objection subject to S106 and 8 conditions.

**Devon County Council as Lead Local Flood Authority** have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

The applicant has proposed to discharge surface water into the South West Water owned surface water sewer within Pinhoe Road. The applicant has also noted that a private surface water sewer could be constructed towards the east to discharge surface water directly into the watercourse. The applicant will need to consider how this sewer would be maintained and what the risk of damage to this sewer would be. The sewer will need to cross Vaughan Road which will likely contain various services and utilities. The sewer may also need to avoid tree roots. The outfall is shown to be located within a currently fenced area. A gate would need to be constructed within this fencing to provide easier access for maintenance.

It is understood that a small diameter flow control would be required to restrict discharge rates to greenfield runoff rates, therefore we are content with the proposed discharge rate.

**ECC Environmental Health:** approve subject to recommended conditions regarding noise, contamination, construction environmental management, and air quality.

**Design Review Panel** considered the scheme prior to submission in autumn 2019. They supported the design proposals, the central space specifically and site wide accessibly, subject to a number of points being addressed. The main points of which were: Need to deliver promised quality in final product, further consider the spaces around the perimeter, engage Secure by Design, provide semi mature trees on day one, Pinhoe Road elevation will create overshadowing to the public realm, the beech tree space would benefit from incorporating more of a public use, splay Vaughan Road route, refuse strategy should be considered early, seek to demonstrate a biodiversity net gain and to consider elements of offsite construction.

## **PLANNING POLICIES/POLICY GUIDANCE**

Central Government Guidance

National Planning Policy Framework 2019:

2. Achieving Sustainable Development
5. Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
9. Promoting Sustainable Transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

## The National Design Guide 2019

### Exeter Local Development Framework Core Strategy

- CP3 Housing
- CP4 Housing Density
- CP5 Meeting Housing Needs
- CP7 Affordable Housing
- CP9 Transport
- CP12 Flood Risk
- CP14 Renewable & Low Carbon Energy
- CP15 Sustainable Construction
- CP17 Design and Local Distinctiveness

### Exeter Local Plan First Review 1995-2011

- AP1 Design and Location of Development
- AP2 Sequential Approach
- H1 Housing land search sequence
- H2 Location Priorities
- H5 Diversity of Housing
- H6 Affordable Housing
- H7 Housing for Disabled People
- T1 Hierarchy of modes of transport
- T2 Accessibility criteria
- T3 Encouraging use of sustainable modes of transport
- T10 Parking Standards
- EN4 Flood Risk
- DG1 Objectives of Urban Design
- DG2 Energy conservation
- DG4 Residential Layout & Amenity
- DG6 Vehicle Circulation & Car Parking in Residential Developments
- DG7 Crime prevention and safety

### Exeter Development Delivery Document – Publication Version 2015

- DD1 Sustainable Development
- DD7 Allocated Housing Sites
- DD12 Purpose Built Student Accommodation
- DD13 Residential Amenity
- DD20 Sustainable Movement
- DD21 Parking
- DD25 Design Principles
- DD26 Designing out Crime

### Exeter City Council Supplementary Planning Documents

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

## **OBSERVATIONS**

This full planning application seeks consent to redevelop the site for residential use. The key issues are considered to be the principle of residential use on this site; the design massing and layout; environmental impacts; and acceptability in highway terms.

### **Residential Use**

The site is a windfall, brownfield site with a range of local services close by and good public transport links. There are no above ground heritage assets in the vicinity. The principle of residential accommodation in this location is supported by the Core Strategy and Local Plan policies. The sheltered housing facilities are partially vacant and are considered to represent an underdevelopment of the site. There is no objection to demolition of the dwellings on the site for residential development with a net gain in residential accommodation.

To accord with policy CP4 of the Exeter Core Strategy and Policy H1 of the Exeter Local Plan, residential development should achieve the highest appropriate density compatible with the protection of local amenities and the character and quality of the local environment. It is recognised that this is a dense development with the provision of 92 new homes. However, this is in line with the NPPF 2019, Core Strategy, and Local Plan policies, provided that there is no detriment to local amenity, the character and quality of the local environment and the safety of local roads and these matters are considered below.

In terms of the overall context for determination of the application it is important to highlight the position in relation to the Council's five year housing land supply and implications for relevant development plan policies. It is accepted that the Council cannot demonstrate a five year housing land supply and is significantly short of being able to do so. This is important when weighing up the planning balance in reaching a decision on applications for residential development.

The new apartment blocks would provide a mix of 1 bedroom and 2 bedroom units with 8 being designed for wheelchair users, which is a greater proportion than the 5% required by Exeter Local Plan Policy H7. The units all exceed the minimum internal housing space standards and have private balconies.

The proposed development is located approximately 4 kilometres from the closest part of the Exe Estuary Special Protection Area and 8 kilometres from the closest part of the East Devon Pebblebed Heaths Special Protection Area and Special Area of Conservation. The proposed development could, by virtue of being located within 10 kilometres of the European sites in question, and by virtue of its impacts in combination with other residential developments in Exeter, have implications for these sites which could be permanent, arising from the operational phase of the development, i.e. from the occupation of the dwellings in question and the likely increased visitor pressures on the protected habitats to which this will give rise. It is proposed that a habitats mitigation contribution is top-sliced from CIL receipts from this development as a contribution towards the costs of implementing the measures listed in Table 26 of the South East Devon European Site Mitigation Strategy. The relevant amount will be top-sliced from CIL receipts in accordance with established 'per dwelling' contributions applicable in the zones in which the development is located. Where any exemption from CIL is sought the payment will be secured through a S106 agreement.

### **Design**

The proposed buildings are arranged as three storey blocks on Hill Lane where there are a mix of bungalows (raised and set back from the highway) and two storey dwellings, and four

storey blocks on the Pinhoe Road and Vaughan Road frontages where there is significant highway and open landscaped spaces adjacent the site and the directly opposing buildings are predominantly three storeys. The proposed buildings all have parapet edged shallow pitch roofs. The context of the buildings should include the eleven storey Rennes House and four storey Chester Long Court to the south. Particularly considering the spaces between buildings on the perimeter of the site to the east and north, the building heights proposed are considered appropriate and the four storey element on the corner of Vaughan Road with Pinhoe Road has the opportunity to create a landmark corner on Pinhoe Road. The blocks on Vaughan Road and Hill Lane are divided in two by pedestrian access routes whereas the block fronting Pinhoe Road forms a continuous frontage with a pedestrian access to the central space located at the west end near the pedestrian crossing. The density of the scheme is greater than the residential development surrounding and to the south but is considered appropriate to the location at a local centre on an arterial transport corridor. The roof design is more reflective of the existing buildings on site, Rennes House and Chester Long Court than other buildings in the area. The external materials proposed are brick, which reflects the dominant material used in the surrounding area, this is welcome as an appropriate material for reflecting the character of the residential development and will help anchor the buildings into their local context. The external materials study submitted with the application is not considered to adequately assess the use of external materials locally, and further work is required before the specific external materials and the manner of their use in the façade are agreed. A condition to secure approval of external material is recommended to be attached to any consent. The proposals are considered to be in accordance with the NPPF 2019, Core Strategy policies CP4 and CP17, and Local Plan policies DG4 and H1.

## **Landscaping**

The existing development sits within the centre of the site with trees and shrubs set in grass lawns which, whilst in part open to the perimeter, do not encourage active public use. The layout of the proposed development with blocks arranged development at the perimeter of the site with a central communal and public space, including a garden and a children's play area, is supported in making good use of the developable site, protecting the space from road noise, and resulting in a space with a high degree of natural surveillance. Exeter Local Plan Policy DG4 directly addresses the need to provide defensible and private space, and the need for residents to feel at ease within communal spaces, when increasing development density. Each dwelling unit benefits from a private balcony or equivalent private space at ground level, and these are orientated to face into the central space. The success of designed permeability allowing public into this area whilst avoiding anti-social behaviour that negatively impacts on users and residents will depend on the degree of ownership that the residents have of the spaces and the use of defensible plant in a means of enclosure. The details of the landscape scheme and means of enclosure are proposed to be reserved by condition for further consideration. The applicant has responded to the points of concern raised by the Police Architectural Liaison Officer through additional information and revisions to the proposals. At the time of writing no updated response has been received and hence it is proposed that matters of detailed design of entrances, means of enclosure and landscaping are reserved by condition.

The proposals involve retention of a beech tree on Pinhoe Road and the removal of 23 existing trees which are likely to have been planted at the time of the construction of the sheltered housing development. The landscape scheme includes 73 new trees and has been revised to increase the proportion of larger longer lived trees in the proposed landscaping scheme. These are planted at key locations within and on the boundary of the

site and will mature to make a substantial contribution to the street scene on Hill Lane, Vaughan Road and Pinhoe Road. Consideration has been given to the need to formally protect existing trees on the site at this stage but given the landscaping scheme proposed and the material considerations that weigh in favour of redevelopment it is not considered appropriate to make such an order at this time.

Notwithstanding the submitted revised landscaping plan landscape details are proposed to be reserved for further consideration as part of any consent so that points of detail can further be considered. The ongoing management arrangements for the landscaped spaces need to be secured and this can be secured by condition or S106 agreement as part of any consent.

### **Designing Our Crime**

The Police Architectural Liaison Officer has been consulted and raised no objection in principle, the internal layout of buildings and natural surveillance of car parking was considered good. However concerns in a number of matters of detailed design were raised: the communal buildings entrances, the need for good defensible space to buildings, concerns about the ability use building elements to climb to upper levels, the need for appropriate boundary treatments for the communal open areas, the need to reduce hidden spaces around the cycle storage and concerns about use of the covered seating areas. The need for clarity of ongoing management and maintenance was also raised and recommendations about the standards of door and windows sets and access for post/meter readings was made. The applicant has revised designs and provided additional information to address these concerns. At the time of writing no further comments on the revised designs have been received. The matters of boundary/enclosure treatments, and the detailed design of communal entrances and cycle stores are therefore recommended to be reserved by condition attached to any consent. As discussed elsewhere matters of landscaping detail and future management are also secured to be approved.

### **Highways and Parking**

Two new vehicular access are proposed both from Vaughan Road one vehicular access and two pedestrian accesses. The vehicular access to the dwelling on Hill Lane which would be demolished is removed. The position of vehicular access points is supported as it avoids additional traffic on Hill Lane, and the route to Whipton Barton Schools. The bus stop on the northbound side of Vaughan Road will be repositioned to allow formation of the southernmost access, this can be achieved within the highway and site requiring no third party land, formal approval of the highway authority following consultation with the bus service operator will be required.

Provision for 5 electric car club cars and parking with charging points are provided by the scheme. Forty six car parking spaces are provided, thirty nine on the site in two parking areas each accessed form Vaughan Road. The remaining seven are on highway in parallel arrangement and five of these are proposed to be dedicated for electric pool car parking and charging. On-site parking spaces will utilise permeable paving where possible as part of an overall SUDS strategy. The ratio of private parking to dwellings is less than 0.5 per unit not counting pool cars.

The proposal include provision of 5 Electric hire bikes and a docking station with capacity for parking and charging 10 electric cycles positioned on Pinhoe Road. Covered and secure cycle parking and storage, including storage for cargo bikes/trailers, is also provided with 118 residents spaces in total. The stores, are located within the communal areas to ensure that they are within areas which are overlooked and well accessed. Eleven Sheffield type

visitor cycle parking hoops, accommodating twenty two cycles, are provided at the Pinhoe Road pedestrian access to the site.

The site is located on a main arterial road into the city centre which is well served by public transport and there are bus stops immediately outside the site. The site is within 800 metres of Polsloe Bridge Station. The site is located adjacent Whipton Village Local Centre and adjacent to Whipton Barton Primary and Junior schools. There are no 'residents only' restrictions on parking on highways in the vicinity of the site.

A Travel Plan and Car Park Management Plan, including financials measures to encourage pool car and cycle and public transport use, is required which will need to be in place before first occupation. These measures can be secured through conditions and S106 agreement.

The proposals include a number of alterations within the public highway. These include street tree planting, raised tables in the highway at access points, improvements to the junction of Hill Lane and Vaughan Road and "tidying up" (including extending the area stopped up to vehicles) at the northern end of Hill Lane. The highways works are all matters acceptable to the Highway Authority and would need to be subject of the appropriate agreements.

Refuse collection from enclosed bin stores located adjacent building entrances at back of highway is proposed from the highways surrounding the site. There is no objection to this from the highway authority.

Overall the proposals are aspirational in terms of reducing private car use, and are considered to be in line with the NPPF 2019 section 9, Core Strategy CP9, and Local Plan policy T3 and the Sustainable Transport SPD.

### **Sustainability**

The buildings are designed to Passivhaus standard and will be highly insulated and air tight, with mechanically controlled ventilation with heat recovery. This will result in carbon emissions below those required by Exeter Core Strategy policy CP15. The compliance with that policy should still be controlled though a condition attached to any consent. The Passivhaus approach will further ensure noise levels internally and internal air quality betterment over traditional construction methods which is particularly welcome in this location adjacent Pinhoe Road. A sustainable drainage strategy that restricts run-off to current rates can be secured by condition.

It is not proposed by the applicant to use the roof spaces for solar heating or photovoltaic electrical generation. Whilst there are significant legislative obstacles to supply to individual residential properties the applicant has been encouraged to look at the potential for the use of rooftops for solar electrical generation and/or battery storage to potentially supply to the electric car and cycle charging, or by private wire to a nearby single electricity user.

### **Drainage and flood risk**

Further to the comments of DCC as Lead Local Flood Authority the applicant has provided clarification additional information. At the time of writing no further comments on the revised information have been received. The matters of site drainage are therefore recommended to be reserved by condition attached to any consent to ensure the details accord with the aims of NPPF 2019 and particularly chapter 14, Core Strategy policy CP12, and Local Plan policies EN4.

### **Historic Environment**

The NE part of the site was occupied by Whipton Barton, a reasonably substantial house with farm/outbuildings dating from at least the 17C, and probably earlier. It may have originated as a medieval manor. At the SW corner of the site lay other buildings, called Stones Cottages. The remainder of the site to the east was orchards and open fields, up until the late 1930s and probably later, though that is not to discount the general potential for earlier remains (Roman and prehistoric). Given the nature of buildings present on the site there is still the potential for buried remains to survive in places. Any buried remains, particularly of Whipton Barton, should be identified and recorded via archaeological site investigation, and the results analysed and reported, in accordance with NPPF 2019 and Exeter Local Plan policy C5, this work can in this instance be undertaken as a condition of a planning permission, when the current buildings are empty/demolished and services are cut off, and before construction work commences on the new build. The standard C57/A38 condition should be attached to ensure this.

### **Biodiversity/Ecology**

A survey has been carried out on the site it identified low numbers of bats using the two storey building as a day roost, a potential for Great Crested Newt using ponds within 500m of the site (Whipton Barton Primary School) and bird nesting. Care during demolition, including method of works, timing of demolition and tree felling, and requirements for licencing by Natural England will be required for the proposed development. The ecologist's report and Conservation Action Statement recommends avoidance, mitigations and compensatory measures including installation of bat, swift and bird boxes. The RSPB has recommended increasing the number of integral swift nesting bricks to 48. These measures can be secured by a condition attached to any consent to ensure the objectives of the NPPF 2019 set out in chapter 15 and Exeter Local Plan Policy DG1 and DG4.

### **VIABILITY, S106 CONTRIBUTIONS, CIL AND AFFORDABLE HOUSING**

Affordable Housing: A Viability Assessment has been carried out to provide independent appraisal of the developer's analysis and also to conduct an independent parallel assessment. The cost analysis contains commercially confidential information, it is available to elected members but is not a public document and it is not repeated in detail here for these reasons. This assessment was carried out by Plymouth City Council on behalf of ECC. It concludes that the scheme does not provide a commercial return, that is to say the return is positive but less than that expected by a commercial developer. The report concludes that whilst the scheme will be required to make a CIL contributions, it will not be able to support affordable housing sought by Core Strategy Policy CP7 or developer contributions. The contributions requested are discussed further below. In planning terms the scheme will therefore be considered as 100% market housing with no planning restrictions on occupation or disposal. Whilst no affordable housing would be secured through the planning system it is understood that it is the applicants intention that 60 of the 92 units would be delivered as affordable housing with third party funding.

The Royal Devon and Exeter NHS Trust (represented by Shakespeare Martineau), has requested a contribution of £118,621.00 from the development 'towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit of accommodation on/in the development' to cater for the 'unanticipated additional population growth', to be paid in full prior to the commencement of the construction of the development. They say this contribution will be used directly to provide additional healthcare services to meet patient demand for: A&E attendances, non-elective admissions and short stays, elective admissions, day case admissions, regular attendances, outpatient appointments, outpatient appointment procedures and community nursing visits. If the

contribution is not secured, the Trust will object to the application. Officers have written to the law firm acting on behalf of the Royal Devon and Exeter NHS Trust to explain why the contributions requested on this and other applications are not considered to be justified. Among other matters insufficient information has been provided of what this contribution would be spent on in the first year of occupation of each dwelling in the development and how it meets the 'tests' for planning obligations specified in CIL Regulation 122(2) and NPPF paragraph 56.

Sustainable Travel Plan includes financial provisions and would need to be included in the S106 for that reason. The scheme which includes a parking provision of less than 0.5 spaces per dwelling would not be acceptable without those measures as pressure for private car ownership and hence parking on the uncontrolled local streets, are likely to be higher. The contributions for sustainable transport measures sought (which are in addition to the provision of club cycles and cars) are modest (£11,500 total) in comparison with the capital cost of the development and hence, notwithstanding the viability assessment, it is considered that any consent should necessarily be subject of a S106 agreements to secure those provisions, the impacts of the scheme being unacceptable without them.

Contributions have been requested by DCC to fund education provision in Exeter. It is their position that the scheme would be unacceptable without those contributions, which it should be noted are substantial (£172,508). The independent appraisal of viability carried out to inform consideration of this application satisfies officers that the scheme cannot sustain these obligations. On balance it is considered that the benefits of the scheme taken as a whole outweigh the harm to education provision caused in this instance and that the scheme should not be refused for lack of an education contribution as requested. It is also noted that it is open to the City Council to agree to meet education contribution requests from CIL income from the site.

Community Infrastructure Levy (CIL): The CIL contributions for a 100% market dwellings scheme, net of demolitions, is estimated to be in the region of £900,000 at 2020 CIL rates. This would be discounted for any affordable housing, though Habitats Mitigation requirements which are normally part of CIL would still be required.

The Section 106 Agreement should therefore cover the following matters:

- Arrangements for the ongoing management of communal spaces, landscaping, means of enclosure, access controls and open spaces.
- Travel Plan measures.
- Completion of agreements with the Highway Authority for works in the Highway.
- Habitats Mitigation payments (where any CIL exemption is sought).

## **SUMMARY**

As a windfall site, and mindful of the position regarding a five year housing supply, the opportunity to provide a sustainable housing scheme in an area which is well served by public transport and is in close proximity to local shops, facilities, park and schools is welcomed.

The design has been considered to make best use of the site without compromising the amenity of neighbouring properties. The traditional materials are considered to integrate contemporary design of the buildings with the surrounding character. Whilst the development does involve the loss of established trees the proposed planting and ecological

measures are considered to make acceptable compensation, and the public access to the site is welcome.

The site layout provides for adequate parking, taking into account the sustainable travel measures provided alongside private parking, and bin storage. The scheme has been assessed as being unable to provide financial contributions other than the Community Infrastructure Levy and the highways and sustainable transport requirements, which are considered necessary to make the transport impacts of the scheme acceptable in planning terms. There are a number of material of detailed design which officers consider can be satisfactorily controlled by the recommended conditions.

### **RECOMMENDATION**

APPROVE subject completion of s106 legal agreement securing the obligations listed under 'CIL/S106' above; and with the following conditions which may be varied, removed if satisfied prior to the issue of the decision notice, or switched between the conditions and S106:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

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

- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 28 and 30 January 2020 (including dwgs listed below) as modified by other conditions attached to this consent.

18/505/010 Ground Floor Site Plan - Rev C  
18/505/020 Block A-Ground + First Floor- Rev B  
18/505/025 Block B1 - Ground+ First Floor - Rev B  
18/505/030 Block B2 - Ground+ First Floor - Rev B  
18/505/035 Blocks C1 + C2 - Ground, First + Second Floors - Rev A  
18/505/060 Block B1 Elevations - Rev B  
18/505/061 Block B2 Elevations - Rev B  
18/505/062 Block A Elevations - Rev B  
Arb Impact Assessment and Tree Protection Plan Rev A

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

- 3) Notwithstanding the approved plans no development, other than the demolition or stripping-out of the existing buildings, shall commence on site until the detailed matters listed below have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details.
  - a) Detailed design of the bins stores and entrances into buildings from Vaughan Road, Hill Lane and Pinhoe Road.
  - b) Means of enclosure within the site.
  - c) Cycle stores
  - d) External lighting

Reason: In the interests of visual amenity and the living conditions of future occupiers.

- 4) No development, other than the demolition or stripping-out of the existing buildings, shall take place until details of the proposed finished floor levels and overall heights of the proposed building, as indicated on the approved drawings and set in relation to an agreed fixed point or Ordnance Survey datum, has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

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

- 5) A schedule of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. Samples of these materials shall be submitted where requested by the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

Reason: To ensure that the materials conform to the visual amenity requirements of the area.

- 6) No development, other than the demolition or stripping-out of the existing buildings, 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. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement 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 protection of human health and the natural environment.

- 7) No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to monitor and control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent from the LPA.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

Reason: In the interests of the protection of human health and the natural environment.

- 8) No development, other than the demolition or stripping-out of the existing buildings, shall take place until the applicant has submit for approval in writing by the LPA an Acoustic Design Statement. Any mitigation measures required shall be implemented in full prior to occupation of the development, and maintained thereafter. The Professional Practice Guidance Note (ProPG): Planning and Noise for New Residential Development May 2017 (ANC, IoA and CIEH) describes the expected content and approach of an Acoustic Design Statement.

Reasons: In the interests of the living conditions of future occupiers of the site.

- 9) Noise from all building services plant shall not exceed a rating noise level of 39dB (07:00 to 23:00) and 30dB (23:00 to 07:00) (measured at the façade of any noise sensitive property in accordance with BS4142:2014).

Reason: In the interests of protecting the neighbouring occupiers from noise nuisance.

- 10) No development, other than the demolition or stripping-out of the existing buildings, shall take place on site until an air quality assessment has been carried out in accordance with a programme and methodology to be agreed in writing by the Local Planning Authority and the results, together with any mitigation measures necessary, have been agreed in writing by the Local Planning Authority. The development shall not be occupied until the approved mitigation measures have been implemented.

Reason: In the interests of protecting human health and the natural environment.

- 11) A sustainable surface water management strategy for the site shall be submitted to and approved in writing by the Local Planning Authority before development, other than the demolition or stripping-out of the existing buildings, commences on site. The approved strategy shall subsequently be implemented on site before any building is occupied.

Reasons: In the interests of sustainable drainage.

- 12) No part of the development hereby approved shall be brought into its intended use until details of vehicular access points have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the access points have been provided, surfaced and marked out in accordance with the approved plans retained for those purposes at all times.

Reason: To provide a safe and suitable access for vehicles, pedestrians and cyclists in accordance with Paragraph 108 of the NPPF.

- 13) No part of the development hereby approved shall be brought into its intended use until the raised crossing on Vaughan Road and relocated crossing point on Vaughan Road, as indicated on Drawing No. SK08 have been provided in accordance with details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority

Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108/110 of the NPPF and CP9 of the ECC Core Strategy

- 14) No development, other than the demolition or stripping-out of the existing buildings, shall take place on the application site until details of the relocated bus stop has been provided and made available for use in accordance with detailed drawings which shall previously have been submitted to an approved in writing by the Local Planning Authority in consultation with Devon County Council as the Local Highway Authority and Stagecoach. No apartments comprised in the development shall be occupied until the bus stop location has been fully agreed/relocated in accordance with the approved details

Reason: To provide a safe and suitable access for buses, pedestrians and cyclists in accordance with Paragraph 108 of the NPPF

- 15) No part of the development hereby approved shall be brought into its intended use until details of a raised crossing at Summer Lane, changes to Hill Lane (i.e. surface materials/street furniture) and the removal of guardrail/bollards on Pinhoe Road have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the crossing, materials and the details to the changes in the vicinity of the signalised crossing on Pinhoe Road have been provided, surfaced and marked out in accordance with the approved plans retained for those purposes at all times.

Reason: To provide a safe and suitable access for vehicles, pedestrians and cyclists in accordance with Paragraph 108 of the NPPF

- 16) No part of the development hereby approved shall be brought into its intended use until details of pedestrian access on Hill adjacent to the Co-Car spaces have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the pedestrian access have been provided, surfaced and marked out in accordance with the approved plans retained for those purposes at all times.

Reason: To provide a safe and suitable access for vehicles, pedestrians and cyclists in accordance with Paragraph 108 of the NPPF

- 17) No part of the development hereby approved shall be brought into its intended use until the 5 Co-Car spaces, e-bike docking stations (including 5 bikes) and the sheltered secure cycle spaces as indicated on Drawing No. RF-083-001 Rev C have been provided in accordance with details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority

Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108/110 of the NPPF and CP9 of the ECC Core Strategy.

- 18) Prior to occupation of the development hereby permitted, a travel pack/car park management plan shall be provided informing all residents of walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car sharing schemes and car clubs, as appropriate, the form and content of which shall have previously been approved in writing by the Local Planning Authority. The travel plan shall include provisions for the ongoing monitoring and control of the sustainable measures.

Reason: To ensure that all occupants of the development are aware of the available sustainable travel options, in accordance with Paragraph 111 of the NPPF.

- 19) Before commencement of construction of the superstructure of the development hereby permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations or other equivalent standard as may be agreed in writing by the Local Planning Authority can be achieved. The measures necessary to achieve the CO2 saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.

Reason: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.

- 20) No development, other than the demolition or stripping-out of the existing buildings, shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved 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. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

- 21) Any trees, shrubs and/or hedges on or around the site, other than those shown as being removed on the Arboricultural Impact Assessment and Tree Protection Plan rev A received 28.01.2020 shall not be felled, lopped or removed without the prior written consent of 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.

- 22) A detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no dwelling or building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 23) 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.

- 24) The development shall only be carried out in accordance with the avoidance, mitigation and compensatory measures in the Conservation Action Statement appended to the Wildlife Survey report version 002, including (unless otherwise agreed in writing) the installation of bat boxes (minimum 4 no.), swift nesting bricks (minimum 48 no. cavities) and sparrow terraces (minimum 4 no.) in the completed development. These shall be retained thereafter unless previously agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

## **INFORMATIVES**

- 1) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 2) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website. It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see [www.exeter.gov.uk/cil](http://www.exeter.gov.uk/cil).
- 3) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
- 4) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).