

<u>APPLICATION NO</u>	19/0962/FUL
<u>APPLICANT</u>	Verto Homes
<u>LOCATION</u>	Land at Pulling Road, Pinhoe, Exeter
<u>PROPOSAL</u>	Residential development for 40 dwellings with associated access, landscaping, open space and infrastructure
<u>REGISTRATION DATE</u>	9 August 2019
<u>RELATED DOCUMENTS</u>	http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PUQOCFHBILS00

Member's comments from 10 February 2020 Planning Committee

Members expressed disappointment that the affordable housing provision was less than the City Council policy compliant level of 35%. Further consideration should be given to both increasing the affordable housing provision and reducing car parking spaces.

The balance between the construction of zero carbon dwellings and affordable housing provision should be re-visited;

The cumulative impact of developments in Pinhoe as well as East Devon is detrimental to the highway network and leading to increased congestion. A car free development would therefore be preferable.

2 electric charging points should be provided for each property.

Officer's Update from last Planning Committee

Representations

One additional letter of objection received from the landowner of the adjacent field concerning:-

1. Substandard vehicular access would have a negative impact on existing residents during construction and in the future following completion;
2. Access from Pulling Road does not take account of potential for future expansion to the north and east of the site;
3. Access from Bourne Rise would provide a more suitable access point.

Further information provided by Applicant

Parking provision - The previous iteration of the layout considered by the Committee provided the following: allocated parking spaces 76 (including 69 on plot spaces, 2 carport spaces & 5 roadside spaces); visitor parking spaces 10 and garages 13. (It should be noted that the Highway Authority Devon County Council will not count garages within parking space provision).

The total number of spaces is therefore currently 76 allocated spaces and 10 visitor spaces, or 86 spaces.

In response to the Planning Committee request it is proposed to reduce the number of allocated spaces to 69. (a loss of 7 spaces) This will be achieved through a reduction in

spaces for Plots 31 and 32 and through a change of allocated spaces for Plots 3, 4 and 5 to 1 space per dwelling. The number of visitor spaces will be increased to 13 spaces resulting in a total for the site of 82 (*a loss of 4 spaces*) for a total of 40 units.

Whilst it can be reasonably assumed that residents of this zero carbon development may be more inclined towards a lower level of car ownership, these aspirations may not be shared by visitors to the site. It is therefore important to ensure that there is sufficient spaces provided within the site to avoid excessive levels of on street parking either within the site itself, or neighbouring streets. It should be noted that one of the concerns raised during consultation on the application was about the potential for car parking to spill onto neighbouring streets and the number of parking spaces had been previously increased in response to this.

Charging points - Following advice from a specialist supplier of home charging equipment, the agent considers that the provision of two charging points per dwelling as suggested during last committee meeting would be an over-specification. This is based on the availability of power usage for each dwelling and its impact on the local grid network and the anticipated driving behaviour of residents. Previous experience indicates that charge-points are not used to full speed all the time. Given the average driving behaviour of 22 miles a day in the UK the requirement for residents to charge two cars simultaneously will be highly unlikely on the presumption they are driving average electric vehicles with a range of 180 miles. The provision of two charge-points would only serve to meet the extremely unlikely situation that both cars are driven to the point of almost empty and both return home at the same time and both vehicles require an urgent charge in order to proceed with an onward journey. It is therefore not considered practical or advisable to engineer a solution for such a rare customer behaviour.

Observations

Since the previous meeting officers have discussed the affordable housing provision with the agent stressing that the original level proposed was unacceptable to Members and without a significantly enhanced offer it is likely that the application would be refused. During the dialogue and correspondence with the applicant it is clear that are keen develop this site within Exeter and accordingly, notwithstanding the viability report findings, has agreed to increase the number of affordable housing by additional 4 units on site. This would increase the overall affordable housing provision from the original 6 units (15%) to 10 units (25%) of the total 40 houses to be provided. The applicant has indicated that 6 of these units would be social rent and the remainder discounted market housing. The type of tenure and plots would need to be agreed within the Section 106 agreement. Members are reminded that this exceeds the previous level of affordable housing which was accepted by the Council's own viability appraiser. It is acknowledged that even the reduced level does not meet the 35% requirement but as set out in the report the undertaking of viability report to explain the reduction is recognised within the NPPF. It is therefore considered that this latest offer represents a significant enhanced level of affordable housing than originally proposed and accordingly the scheme is recommended for approval.

DESCRIPTION OF SITE/PROPOSAL

The application site (1.56 ha) is located on land to north of existing properties in Pulling Road and Bourne Rise. Further to the north three properties are located, accessed from a private drive off Church Hill. An open field lies to the east of the site with further properties overlooking the site from Church Hill. The site comprises of an undulating field used for horse grazing. The site slopes distinctly from north to south. The site is bounded to the north, west and south by mature trees and hedgerows. Access to the site is currently achieved from a track to the north east corner of the site that leads onto Church Hill.

The application seeks to develop the site for 40 dwellings with a new access off Pulling Road. The dwellings are proposed to be zero carbon smart homes with a mix of apartments (including 1 wheelchair accessible flat), terrace (3 units), semi-detached (16 units) and (19 units) detached properties, the majority of which are 3 and 4 bed roomed. The majority of the dwellings will be two storey with nine being split level three storey which take account of the sloping nature of the site. The majority of the house types incorporate brick, timber, some zinc cladding with natural slate/zinc roofing within a contemporary design. The scheme's density is approximately 25 dwellings per hectare.

A new access is proposed off Pulling Road. This will be created by extending the existing turning head off Pulling Road following the demolition of the existing garage of No. 8 Pulling Road. The construction of the access will include the creation of a new culvert over the existing stream ditch. The narrowness of the access will mean that access/egress of the site will be a one way priority system. The arrangement does allow for emergency and refuse vehicles to use the access. A restricted footway is provided at the entrance of the site due to the limited space available. The layout indicates that an emergency access is proposed to the north east corner of the site. In addition a new pedestrian access is proposed to the north-west corner of the site to link in with the Pinhoe Quarry development beyond the existing mature treeline to the west.

The development proposes a total of 86 car parking spaces to serve the 40 dwellings through a combination of onsite spaces and a 10 visitor's spaces. Cycle parking is proposed to be provided within each of the plots.

The application proposes an area of open space to the west of the site adjacent to an existing mature tree line. No formal provision of open space children's play area is proposed within the site because the proposed development is less than 50 dwellings and therefore is not a requirement under Local Plan Policy DG5, although the applicants have offered to pay a commuted sum toward this provision off site.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is supported by a Planning Statement, Design and Access Statement, Ecological Impact Assessment, Flood Risk Assessment, Landscape and Visual Impact Assessment; Statement of Community Involvement; Transport Statement; Tree Survey; Tree Constraints Plan; Arboricultural Impact Assessment; Tree Protection Plan and Utilities Plan.

REPRESENTATIONS

26 letters/emails of objection received. Principal issues raised:-

1. Too much development already in Pinhoe;
2. Infrastructure cannot cope with further development in the area;
3. Loss of habitat;
4. Potential for flooding in the area;
5. Loss of green space;
6. Increased traffic leading to congestion;
7. Impact on wildlife such as badger, foxes, bats, sand lizards, dormice, slow worms etc;
8. Poor access arrangement;
9. Noise from heat pumps;
10. No construction traffic should use private drive to the north;
11. Restrictive access into the site;
12. Construction traffic will affect existing hedgerow/trees;
13. Loss of privacy from increased vehicular and pedestrian activity adjacent to existing property;

14. Noise and dust from construction traffic;
15. Contribute to parking problems within Pulling Road;
16. Impact on existing drainage/sewerage system;
17. Light pollution from vehicles;
18. Noise, light, pollution from resident's vehicles;
19. Lack of affordable housing;
20. No permission for emergency access over private land as shown on plan;
21. Lack of privacy from vehicles using emergency track adjacent to existing neighbour's gardens;
22. Impact on existing trees;
23. Need for additional screening from the site to the south;
24. No children's play area proposed on site;
25. Lack of secure cycle parking;
26. Poor pedestrian/cycle permeability.

CONSULTATIONS

The County Head of Planning Transportation and Environment comment that the submitted Transport Assessment suggest that trip rates to the proposed development would create 24 two-way AM peak hour vehicle trips & 23 two-way PM peak trips.

In order to bring development forward in the Pinhoe area (as the network is congested, with specific interest on the impact of the Pinhoe Double Mini-roundabouts), a strategy (Pinhoe Area Access Strategy - PAAS) was created to ensure that planned development (identified in the two local plans {ECC and EDDC}) in the Pinhoe area would be supported with appropriate and effective transport infrastructure measures.

Since the PAAS was written, a number of the planned developments have now come forward and much of the identified transport infrastructure delivered. There has also been additional development beyond that initially planned for and the designation of a Village Green on part of Eastern Fields prevents the Exhibition Way Link Road, one of the key mitigation measures.

Consequently, to improve the choice of sustainable modes, provide additional route choice and enhance public realm and safety, a PAAS addendum has been populated.

To make this application acceptable in highway terms a contribution is sought from the developer to enable DCC to carry out the measures identified in the addendum. This approach is consistent with the approved Home Farm development (ECC Planning Ref: 16/1576/OUT) which had previously been approved by ECC with this S106 request. It is also consistent with the Pinn Court Farm application (EDDC Planning Ref: 12/0795/MOUT) which also was granted consented at appeal subject to S106 obligations.

Therefore, to act as a fair and reasonable approach a pro-rata sum from the Home Farm Development is taken. The Home Farm development secured £390k from 120 homes and therefore for 40 homes (as per this application) a contribution of £130k is required to fund measures identified in the PAAS addendum.

Access

Vehicular access to the site is via Pulling Road and is shown on Drawing Number 100 Rev E; this shows that priority system is being proposed over a culvert. Vehicles approaching the Pulling Road side have priority over vehicles exiting the proposed site, with the drawing showing forward visibility of 50m which is ample enough for one vehicle to see another on approach. The applicant has also proved that a refuse vehicle can pass by an estate vehicle whilst stationary on either side of the give way system. In order to achieve this, changes to

Pulling Road are required – this involves partial narrowing of the footways on the Pulling Road side – this is acceptable in principle.

The second point of access is an emergency access onto Church Hill; this will be closed at all times for vehicles except for when is absolutely necessary. The visibility out onto Church Hill is substandard, but given the very limited movements, this does not form a reason for refusal.

The primary point of pedestrian access is also via Pulling Road using the culvert. It is recognised and has been discussed with the developer that there is a pinch point at the culvert where the footway narrows down to 1.2m (the absolute minimum as per Manual for Streets), but as this is only for a short section and widens out at a later point this is acceptable. It is noted that due to the widening works to allow refuse lorries through, one side of Pulling Road footway also narrows down to 1.2m; it is acknowledged that there is a pedestrian crossing point proposed further down Pulling Road.

The above access points have been through a Road Safety Audit and is therefore acceptable. These access works should be secured under the appropriate Highways Act. Finally, the applicant is providing a footway link to the north of plot 21, connecting into Pinhoe Quarry (ECC Planning Ref: 19/1100/RES) adding to the sustainability to the site.

Internal Roads and layout

Well-designed residential streets are central to sustainable development and therefore the design of the internal road layout must accord with the principles of Manual for Streets and appropriate sustainable design guidance.

The applicant has liaised with the Highway Authority numerous times to discuss the internal layout and consists of a 4.8m carriageway and a 2m footway throughout the scheme. To the north-eastern parcel of the scheme a shared space approach has been taken which is acceptable given the number of units accessing this section of development.

The applicant has provided visibility splays on the submitted drawings (2.4 x 25m) for the internal layout which is acceptable given the likely speeds that are likely to occur in a residential development. A Traffic Regulation Order is required to extend the 20mph zone that is already in place on Pulling Road.

The rest of the vehicular layout is broadly acceptable for a residential development and has been through a number of iterations with the applicant. There are however a few elements of the design which are overly highway focused for residential streets. Options to provide a lower speed environment that better encompasses the manual for streets philosophies should be refined through the Section 38 process.

On Site Facilities

The onsite layout appears to have enough parking spaces on site together with a number of visitor parking bays. Many of the onsite parking spaces are located immediately outside of the respective properties (rather than being placed in parking courts) which should minimise on street parking and is welcomed.

It is not clear if secure covered cycle parking has been provided for all of the dwellings (including flats) proposed the applicant should provide further detail and the quantum should meet the standard set out in the Sustainable Transport SPD. To complement the good links to cycle routes, a condition is recommended to ensure secure cycle parking is provided.

Travel Planning

In accordance with paragraph 111 of the NPPF and the Sustainable Transport SPD, the development will be required to have a Travel Plan each. 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. Note a financial contribution is not sought from this development as the proposals fall below the 50 dwellings which triggers a S106 request.

Construction

The proposals will require demolition/construction work adjacent in a sensitive area of the highway. 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. A condition is recommended to ensure this, and the applicant is advised to meet to agree suitable working arrangements prior to commencement.

As mentioned previously, the submitted application includes a new culvert which is to support a new highway. To ensure the safety of users of the highway, the applicant is advised, prior to the construction of the culvert, a detailed AIP shall be checked and approved by the DCC structures team.

Summary

The additional traffic impacts in the Pinhoe Area are a fundamental concern, however with the PAAS strategy in place together with the S106 contributions to be made to DCC to provide suitable infrastructure, the impacts of the development can be mitigated. Subject to these conditions being attached in the granting of any permission the highway authority would raise no objection to the proposed developments.

The applicant is reminded that the Highway Authority will expect blacktop and imprint on the adoptable areas. Although not a reason for refusal any area of block paving is acceptable in principle, but the applicant is reminded that blocks will be replaced with black top (when required for maintenance etc).

The Council's Environmental Health officer raise no objections subject to a condition in respect of unexpected contamination which may be found at the site during construction.

RSPB recommend one integral bird/bat box per residential unit in line with the biodiversity requirements of the Residential Design Guide SPD.

South West Water comment that they are able to provide clean water from the existing public water main and foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The applicant will be required to contact to SWW for more information.

Devon County Flood Risk Management Team raise no in principle objections from a surface water drainage perspective subject to pre-commencement conditions. Comment is made that the applicant has put forward a feasible surface water drainage solution. Due to the layout of the site attenuation tanks are deemed an acceptable form of surface water management as it is understood that the drainage strategy is restricted.

NHS has requested that a financial contribution is made towards providing additional health care services to meet patient demand. *A response has been given to the NHS to their request stating that there is a lack of policy justification for contributions at the current time, which are considered to be strategic in nature and not specific to any one site.*

Devon County Education officer has identified that a development up to 39 family type dwellings will generate an additional 9.75 primary pupils and 5.85 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 contribution to mitigate its impact will be requested. This is set out below:

We have forecast that there is enough spare primary capacity for 6.00 pupils and therefore we will request primary education contributions against the remaining 3.75 pupils expected to be generated from this development. The primary contribution sought would be £60,071 (based on the DfE new build rate of £16,019 per pupil). The contributions will be used towards new primary provision at Monkerton.

We have forecast that there is enough spare secondary capacity for 1.35 pupils and therefore we will request secondary education contributions against the remaining 4.50 pupils expected to be generated from this development. The secondary contribution sought would be £109,174 (based on the DfE new build rate of £24,261 per pupil). The contributions will be used towards new secondary provision at South West Exeter. This new provision will release capacity at secondary schools in the East of Exeter to serve Monkerton and surrounding development.

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 £9,750 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development. The contributions will be used towards new early year's provision at Monkerton.

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 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance - National Planning Policy Framework (February 2019)

3. Plan making
4. Decision-making
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment

Exeter Local Development Framework Core Strategy (Adopted 21 February 2012)

- CP1 Spatial Strategy
- CP4 Residential Density
- CP5 Meeting Housing Needs
- CP7 Affordable Housing
- CP12 Flood Risk
- CP14 Renewable Energy
- CP15 Sustainable Construction
- CP16 Green Infrastructure
- CP17 Design and Local Distinctiveness

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

- AP1 Design and Location of Development
- AP2 Sequential Approach
- H1 Search Sequence
- H2 Location Priorities

- H5 Diversity of Housing
- LS1 Landscape Setting
- T1 Hierarchy of Modes
- T2 Accessibility Criteria
- T3 Encouraging Use of Sustainable Modes
- C2 Listed buildings
- C5 Archaeology
- DG1 Objectives of Urban Design
- DG2 Energy Conservation
- DG4 Residential Layout and Amenity
- DG5 Provision of Open Space and Childrens Play Areas
- DG6 Vehicular Circulation and Car Parking in Residential Development
- DG7 Crime Prevention and Safety

Development Delivery Development Plan Document (Publication Version)

This document represents a material consideration but has not been adopted and does not form part of the Development Plan.

- DD1 Sustainable Development
- DD13 Residential Amenity
- DD20 Sustainable Movement
- DD25 Design Principles
- DD29 Landscape Setting Areas

'Development within the Landscape Setting Areas will only be permitted where:

- a) there is no harm to the distinctive characteristics and special qualities of the landscape setting of the City and the wider area; and*
- b) it does not contribute towards the urbanisation of these areas; and...'*

Exeter City Council Supplementary Planning Documents

- Sustainable Transport (March 2013)
- Affordable Housing
- Residential Design Guide (2010)

OBSERVATIONS

Principle of development

The application site lies in an area designated as landscaping setting with Exeter Local Plan which seeks to resist development which would harm the local distinctiveness and character. However Members will be aware that the Council cannot currently demonstrate a five year supply of deliverable housing site. A consequence is that the relevant Local Plan policy LS1 has been given limited weight by Inspectors at recent appeal decisions relating to residential schemes within areas of landscape setting. This is due to the policy being out of date effectively seeking to limit development to the existing urban area rather than providing sufficient site specific landscape assessment which ensures that the character of the area is maintain. However full planning weight is attached to Core Strategy policy CP16 which seeks to protect and enhance the character and local distinctiveness of areas identified within the key diagram (within which this site is located). However as evident from the appeal decision at the nearby Home Farm Inspectors consider that the objective of Policy CP16 does not seek to prevent all development within the areas shown on the key diagram as it needs to be balanced against the needs to bring forward deliverable housing site. In summary, the impact of the development on the landscape character of the site in this particular instance needs to be balanced against the need for housing to meet the five year housing supply.

It is clear that the impact of 40 dwellings and associated infrastructure will result in a significant change to the character of this landscape on this site. The applicant has provided

detailed a detailed landscape scheme which seeks to supplement the existing trees and hedgerows around the site which are indicated to remain. In particular the mature trees are to be retained to the south and west of the site. More limited additional planting is proposed within the internal layout of the housing and consequently it is considered the resultant development will appear significantly urbanised in contrast to its present state, which is heightened to a certain extent by the stepped nature of the site. Notwithstanding the applicants attempts to integrate the development within the area through additional planting it is inevitable that development will have a significant impact on the character of the area.

As previously stated the landscape designation itself cannot be relied upon to resist development in principle given the limited weight attached to Local Plan Policy LS1. Consequently it is necessary to consider the context within which the application site is located. Recent approvals and development at Pinhoe Quarry and Home Farm respectively will and have resulted in an extension of the urban area in this location. The site will be set within the context of these two major residential schemes and within the existing established development to the south. It is considered that its contribution to overall landscape character of area in strategic terms is now diminished. In light of recent appeal decisions it would be difficult to argue that the landscape quality of this site should be afforded greater weight than the provision of housing in this instance. Accordingly it is considered that the principle of residential development in this location is acceptable.

Zero Carbon development

The applicants are promoting zero carbon housing for the whole scheme. This will take the forms of solar pv panels, highly insulated air tight construction, mechanical ventilation and heat recovery, air and ground source heat pumps, smart home integration and double/triple glazed windows. The properties will not incorporate fossil fuel heating eg gas boiler and will contribute towards meeting carbon neutral target which is a City Council aim. The applicants are seeking to achieve an exemplar scheme for future residential development in the city by demonstrating that sustainable and zero carbon construction is deliverable at larger scales. In addition, the applicant has stated its intention to achieve a net gain in ecological habitat, improvements to footpath to adjacent site in Pinhoe Quarry and provide electric pool cars and bike availability for future residents of the site. Verto Homes have stated that they have won a number of awards in the industry for their sustainable construction methods. The promotion of zero carbon dwellings exceeds the development plan requirements for sustainable construction however it is clearly to be welcomed as an approach to carbon neutrality and adds further weight to planning balance to this site's appropriate for residential development. A consequence of the applicant's approach has however inevitably led to an increase in the building cost per dwelling (estimated at approximately £27,700) and this has been reflected in the provision of affordable housing proposed.

Affordable Housing provision

The applicant has offered 15% on site affordable housing. A policy compliant scheme requires a 35% provision of affordable housing. The applicant's offer would equate to 6 affordable housing on site out of a total of 40. This figure has been reached following the submission of a viability report which has been assessed by the Council's independent viability consultant. Whilst originally the report stated that 5 affordable units could be justified the applicant have further increased this number to 6 in an attempt to achieve a percentage closer to the 35%. Clearly there is still a shortfall of 8 dwellings to meet the 35% requirement which would equate to 14 units. The NPPF recognises that the submission of viability assessment is justified where the applicant wishes to demonstrate that they are not able to comply with the development plan policies. In this instance it is accepted that the zero carbon nature of the housing provision whilst welcomed does come at a cost to the provision of affordable housing. The viability assessment forms part of the planning balance for this case and is stated in the NPPF as being a matter for the decision maker.

Since this original report the applicant has confirmed their agreement to increase the number of affordable units from 6 to 10 thereby increasing the percentage from 15 to 25% of the total provision. This would relate to 6 social rented and 4 discount market homes. This would be covered by a 106 agreement.

Educational Contribution

Given the recent changes to the Community Infrastructure Levy Devon County Council as the Education Authority are seeking financial contributions in accordance with their Education Infrastructure Plan 2016-2033. The details are contained within Education officer's response brut essential a financial contribution of £178,995 has been requested to cover the provision for primary (£60,071) secondary (£109,174) and early year's provision (£9,750). It is currently considered that this educational contribution should be delivered via the 106 agreement. However if it is subsequently agreed by the City Council that the education contribution will be met from CIL payments then the affordable housing provision should be revisited.

Highway issues

Local residents have raised significant concerns regarding the traffic generation to the site and wider impact on the Pinhoe area. The highway officer has been involved in detailed discussions with the applicant regarding the access off Pulling Road which has now resulted in an acceptable if compromised arrangement. The scheme has been through a road safety audit are therefore in overall terms is considered acceptable. The highway officers considers that the provision of a footway link to the north of plot 21 is to be welcomed and adds to the sustainability of the site. Whilst visually the main vehicular access will appear slightly contrived, in technical highway terms it does represent an acceptable and safe arrangement for vehicular, pedestrians and cyclists. The slope of the site has been challenging for the internal road layout but suitable parking areas and footways are now proposed and is considered acceptable. The highway officer recommends that a payment towards a traffic regulation order is required to extend the 20mph limit that is already in place on Pulling Road. In addition conditions are required to secure cycle parking, a travel plan, a construction and environmental management plan and the need to provide the detailed access arrangement onto Pulling Road before development commences. The plans indicate that an emergency access is to the north east of the site however it is clear that this should be used on restricted limited basis given the proximity to residential gardens and the poor visibility out onto Church Hill. This can be control with a planning condition.

In response to concerns about the wider impact on 40 dwellings on the existing highway network in the Pinhoe area. The highway officer has stated that to make this scheme acceptable in highway terms a financial contribution of £130,000 is required to progress work identified in the Pinhoe Area Access Strategy. Whilst this has been clearly influenced the viability of the scheme in terms of a policy compliant affordable housing provision the issues raised by the highway officer are fundamental to acceptability of the scheme in traffic terms. This money will be paid through a 106 agreement.

Layout and impact on neighbouring properties

The scheme proposes dwellings with a distinctive appearance which include asymmetrical roofs to allow the roof to accommodate solar pv panels. The scheme proposals a variety of different external materials including brick, timber and natural slate with zinc feature cladding. The overall design approach for the proposed buildings is contemporary in contrast to the surrounding existing traditional housing of this area of Pinhoe. However it is considered that the variation of house designs and the materials used would create sufficient visual interest across the site to help break up its appearance which as previously stated is an area of landscape setting. It is therefore considered that the contemporary building design approach is acceptable in this location.

It is understood that the sloping nature of the site has required changes to the original road gradient and this has also impacted on the layout of the development. The proposed gardens in many instances are split level to take account of the slope within the site. Whilst this has result in relatively small gardens it is acceptable that they meet the minimum garden standards and are therefore appropriate in this location. In addition the layout has responded to the existing mature vegetation which exists to the south and west of the site. It is considered that the presence of the mature trees does provide a suitable setting for the development and helps to visually accommodate the proposed number of units on the site. The overall layout does appear as a logical combination of visual interest within the streetscene and level of amenity provision for future residents to be acceptable.

The applicant has indicates a limited area of public open space to the west side of the site. It is accepted that as the development is less than 50 dwelling there is no policy requirement to provide 10% open space. The applicant has indicated that they will provide a pedestrian link to the north into the adjacent Pinhoe Quarry site, which is to be welcomed. In addition, the applicant has offered a financial contribution towards off site play equipment to compensate for the lack of play provision within the site.

The proposed layout would result in limited impact on existing neighbouring properties. Whilst the access arrangement will inevitably result in increased traffic generation in Pulling Road and particularly for 8 Pulling Road given the technical highway matters have been resolved it is not considered that, on balance, permission could be withheld on this issue. Residents had raised concern about limited vegetation to the south of the site and the possibility for car headlights shining into their garden and the detrimental visual impact from the new buildings on higher ground backing onto their properties. However revised landscape plans indicate that additional planting is proposed in the gap between the existing vegetation and therefore it is considered that this issue have been suitably addressed. Residents to the north of the site have raised concerns about the potential use of the emergency vehicular access alongside their existing gardens. The applicants have indicated that this route will be used strictly in an emergency situation only and it is considered that a condition should be imposed to ensure that this is adhered to.

Summary

The site lies within an area of landscape setting as designated within the Local Plan however the context of the site's location situated to the north of existing residential development in Pinhoe and between two development sites under construction is a significant consideration. Given the Council's lack of deliverable housing sites to meet its 5 year housing supply it is unlikely that a refusal in principle could be sustained. In addition, whilst the scheme would achieve a provision of only 15% affordable housing, the applicant have submitted a viability report which states that the combination of zero carbon dwelling, a highway and educational contribution have result in the policy compliant level of 35% provision being unachievable.

The conclusions of the viability assessment has been accepted by the Council's independent viability assessor. The fundamental issue remains that the construction of zero carbon dwellings results in a reduction in affordable housing provision. However this is considered an acceptable compromise which will result in both additional dwellings to meet the 5 year housing supply and a housing product which meets the overall aims of the Council commitment toward being carbon neutral. Accordingly it is considered that the application is acceptable.

RECOMMENDATION

Subject to the completion of a Section 106 Agreement in respect of affordable housings, a financial contribution towards highway (£130,000), educational contribution (£178,995) and

open space/children play facilities in the area to be agreed APPROVE subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of two 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 development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 15 January 2020 (dwg nos.) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.

3. Samples of the materials it is intended to use externally in the construction of the development shall be submitted to 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 with the visual amenity requirements of the area.

4. 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 control the emission of dust and dirt during construction.
- h) no burning on site during construction or site preparation works.
- i) measures to minimise noise nuisance to neighbours from plant and machinery.
- j) construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 9:00 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 occupants of nearby buildings.

5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

6. A detailed scheme for landscaping, including the planting of trees and/or shrubs (including the transplanting of a memorial tree), the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no unit 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.

7. Any trees, shrubs and/or hedges on or around the site 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.

8. 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.

9. No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, 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 until all development the subject of this permission is completed. 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.

10. Prior to occupation of the building hereby approved place until details of provision for nesting swifts has been submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.

Reason: In the interests of preservation and enhancement of biodiversity in the locality.

11. Prior to the construction of any culvert supporting a new highway, a detailed Approval In Principle for the footbridge shall be submitted and approved in writing by the Local Highway Authority (Devon County Council).

Reason: To ensure the integrity of adjacent structures and land

12. No part of the development hereby approved shall be brought into its intended use until the priority access on Pulling Road, including localised widening of Pulling Road and associated footways, as indicated on *Drawing No. 100 Rev E* have been provided to the site boundary 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.

13. No part of the development hereby approved shall be brought into its intended use until the footpath linking the site to Pinhoe Quarry 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 shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement should include details of access arrangements and timings and management of arrivals and departures of vehicles. The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and public amenity

15. Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure cycle parking provision for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.

Reason: To ensure that adequate facilities are made available for cycle provision.

16. Prior to occupation of the development hereby permitted, a travel pack 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.

Reason - To ensure that all occupants of the development are aware of the available sustainable travel options.

17. The north-east access to be used solely for emergency access and for no other purpose.

Reason: To safeguard the amenities of neighbouring occupants.

18. Pre-Commencement Condition: Before commencement of construction of the development hereby permitted, the applicant shall submit a technical report in the form of a predicated Energy Performance Certificate (EPC) and Predicated Energy Assessment (SAP) in line with Standard Assessment Procedure (SAP) 2012 which demonstrates a net zero carbon emissions. The measures necessary to achieve this 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.

19. Pre-Commencement condition - No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems. No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

20. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

INFORMATIVES

1. In accordance with paragraphs 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. A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

3. The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. A Liability Notice is attached to this permission.

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.