

## PLANNING

Date: Monday 18 January 2021

Time: 5.30 pm

Venue: Legislation has been passed that allows Council's to conduct Committee meetings remotely

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Howard Bassett, Democratic Services Officer (Committees) on 01392 265107.

### *Membership -*

Councillors Morse (Chair), Williams (Deputy Chair), Bialyk, Branston, Foale, Ghusain, Hannaford, Harvey, Mrs Henson, Mitchell, M, Sparkes, Sutton and Wright

## Agenda

### Part I: Items suggested for discussion with the press and public present

#### 9 Update Sheet

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#### Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 22 February 2021** at 5.30 pm.

Find out more about Exeter City Council services by looking at our web site <http://www.exeter.gov.uk>. This will give you the dates of all future Committee meetings and tell you how you can ask a question at a Scrutiny Committee meeting. Alternatively, contact the Democratic Services Officer (Committees) on (01392) 265107 for further information.

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## PLANNING COMMITTEE – 18<sup>th</sup> January 2021

### ADDITIONAL INFORMATION

#### Correspondence received and matters arising following preparation of the Agenda

**Item 5: Planning Application No. 19/1375/OUT - Hill Barton Farm, Hill Barton Road, Exeter**

**Change to the officer's recommendation following the applicant's confirmation that their proposed offer of 10% affordable housing has been increased to a policy compliant 35% affordable housing.**

#### **Additional comments**

The Council's Public Realm department accepts that further play provision/MUGA plus some open space will be provided in the ridgeline park to compensate for the shortfall onsite. Discussions have already taken place with the applicant regarding the area and the form that this will take. However to ensure that these measures are met it is proposed to incorporate requirements within the 106 agreement and appropriate conditions. It is considered that an appropriate means of safeguarding the provision and future maintenance of the ridgeline park open space /associated play provision is through a financial contribution in the form of a bond. It is expected that appropriate provision will be made within the future outline application stage but this bond will ensure that this provision is guaranteed. This financial contribution by the applicant will only be necessary in the event that no outline application is submitted or insufficient progress within an agreed timescale is made. This will ensure that suitable open space and play provision for residents of this scheme is secured. This will be included within the 106 agreement.

In addition, given the number of dwellings and distance to the ridgeline park from these dwellings, a local equipped area for play (LEAP) should be provided on site which is within 400m of all new dwellings. The LEAP should ensure that a good range of equipment is provided, primarily for toddlers and junior age groups, and that appropriate accessible equipment is provided so that the site. It is considered that a suitable condition (14) which covers onsite public open space and play provision will address this issue. Given this is an outline application further details in respect of play provision incorporation with the hard and soft landscaped areas can be provided within the layout of the subsequent reserved matters application.

#### **106 Agreement requirements**

#### **Affordable housing**

35% of total housing shall be defined as affordable housing

#### **Transport**

Safeguard the land for the Monkerton Railway Halt

Financial contributions required as follows:

Pedestrian/cycle improvements £450 per dwelling; bus service £981.82 per dwelling and travel planning £500 per dwelling. Total transport contribution per dwelling of £1931.82. The Highway officer has calculated the contribution on the basis of 200 dwellings being provided. Notwithstanding the actual level of dwellings provided onsite within the reserved matter application, the financial contribution payable is £386,364. 50% of the contribution to be paid prior to open market houses being occupied and remainder to be paid prior to 80% of units occupied.  
Traffic Regulation Order - £3,500 (to be paid at Devon County Council's request)

### **Education**

The total education sum will be £146.56 per unit for special education and £2,731.50 per unit for secondary education. This figure will be indexed linked from March 2015 as specified by the Education Authority.  
50% of the contribution to be paid prior to open market houses being occupied and remainder to be paid prior to 80% of units occupied.

### **Open Space**

On site open space - No more than 75% of dwellings shall be occupied until the public open space and play provision has been laid out in accordance with the approved plans. Prior to completion of POS/play areas, details of management company including maintenance to be provided.

Off-site open space – The applicant shall provide a bond with the 106 agreement to ensure the provision and maintenance of open space, MUGA and play provision with the area identified as the Ridgeline Park as identified in the Hill Barton Masterplan.

### **Conditions:-**

1. Approval of the details of the layout, scale, appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of the permission and the development hereby permitted shall be begun before the expiration of five years from the date of the permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved whichever is the later.

Reason: To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.

3. Prior to occupation of the development, details shall be submitted to the Local Planning Authority of bus stops (including location and type of bus stop) for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority, and prior to occupation the bus stops shall be provided in accordance with the submitted details.

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.

4. Prior to occupation of any part of any development to the north, details shall be submitted to the Local Planning Authority of the future pedestrian/cycle crossing facilities for the development as indicated on Drawing Number "PHL-903 Rev D". Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority, and prior to occupation of any part of further development the crossing facilities shall be provided in accordance with the submitted details.

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.

5. Any reserved matters application submitted pursuant to the outline consent hereby approved shall incorporate forward visibility splays as indicated on Drawing Number "071-003-001 Rev P4 Section 38 Plan" as part of the consideration of the reserved matters application. The visibility splays shall remain free of any obstructions that prevent forward visibility to motorists, unless otherwise agreed in writing with the Local Planning Authority in consultation with the Local Highway Authority

Reason: To provide a safe and suitable access in accordance with paragraph 108 of the National Planning Policy Framework.

6. Any reserved matters application submitted pursuant to the outline consent hereby approved shall incorporate within the layout pedestrian/cycle links as indicated on Drawing Number "PP01 HB" as part of the consideration of the reserved matters application. The said pedestrian/cycle connection points shall thereafter be constructed prior to the first occupation of any dwelling contained within the development, or such other trigger point as shall be agreed in writing.

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9

7. No part of the development hereby approved shall be brought into its intended use until the vehicular access points and adjacent footway/cycleway as indicated on Drawing Numbers "PHL-901 Rev D", "PHL-902 Rev C" and "PHL-903 Rev D" has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.

8) No dwelling for which planning permission is hereby granted shall be occupied unless and until a comprehensive Travel Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Highways England).

Reason: in the interest of the safe and efficient operation of the M5 motorway.

9) Pre-commencement condition: 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 and the Me Office 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.

Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

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

10) 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: In the interests of the amenity of the occupants of the buildings hereby approved.

11) Pre commencement condition: No development related works 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 for pre commencement condition: 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.

12) Pre-commencement condition: Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These

details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

13) 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.

14) Pre-commencement condition: No development shall commence until details of the open space, play provision (LEAP- Local Equipped Area for Play) and associated landscaping including a programme for its installation and maintenance has been submitted to and approved in writing by the local planning authority and thereafter installed to an agreed timescale and maintained in accordance with the agreed details.

Reason: In the interests of residential amenity.

15) Pre-commencement condition: 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. A photographic record of any trees, hedges on site shall be taken prior to any felling working being undertaken. An arboricultural report shall be submitted to and approved in writing prior to the commencement of any works to existing trees, shrubs and or hedges.

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

16) Pre-commencement condition: Before commencement of construction of the development hereby permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO<sub>2</sub> emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO<sub>2</sub> 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 for Pre-commencement condition: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.

17) Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Flood Risk Assessment. The portion of land draining to the south must meet the parameters of the existing surface water drainage system to the south. The portion of land draining to the east must meet the parameters of the surface water drainage system to the east.

(b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

(e) Evidence there is agreement in principle from the landowner/DCC highways/SWW

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

18) Pre-commencement condition - A noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. Any noise mitigation required shall be agreed in writing with the Local Planning Authority and implemented in full prior to occupation and maintained thereafter.

Reason: In the interest of amenity.

19) Pre-commencement condition: No development shall commencement until an air quality assessment has been submitted and approved in writing by the Local Planning Authority. Any mitigation measure required following the completion of the assessment shall be agreed in writing and implemented in in full prior to occupation and maintained thereafter.

Reason: Insufficient information has been submitted with the application and in the interests of amenity.

20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no mobile base stations shall be erected within the development.

Reason – To ensure adequate protection to the Met Office satellite reception facility.

## INFORMATIVES

1) 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, 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).

2) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development.

It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (i.e. 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.

3) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

4) The applicants attention is drawn to the need to meet the Exeter Airport Aerodrome Safeguarding criteria as contained in the Airport Operators Association 'Cranes and other Construction Issues' Advice Note.

5) The applicant is advised that they should contact the Met Office to discuss specific issues regarding their operational requirements prior to commencement.

**A) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 18 July 2021 OR SUCH EXTENDED TIME AS AGREED BY THE CITY DEVELOPMENT MANAGER**

*In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority which makes appropriate provision for the following matters Affordable housing, Open space provision Education contributions, Sustainable Travel Planning contribution Traffic Regulation Order contributions the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 3, 5, 6 and 10, policies CP7, CP9, CP10, CP18, Exeter Local Plan First Review 1995-2011 saved policies AP1, T1, T3 and DG5, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.*

**Item 6: Planning Application No. No. 20/1200/FUL - Flying Horse, Dryden Road, Exeter**

Nothing new to add.

