

**COMMITTEE DATE:** 19/03/2018

**APPLICATION NO:**

17/1871/FUL

**APPLICANT:**

Mr Mantell (RMD)

**PROPOSAL:**

Construction of part 2, part 3 and part 4 storey building comprising an extra care (Class C2 ) development with associated communal lounges, restaurant, kitchen, wellness room, guest suite, laundries, care providers accommodation and office, vehicular access from Russell Way, sub-station, car parking and landscaped grounds.

**LOCATION:**

Vacant Land Adj Tesco Stores

Russell Way

Exeter

EX2 7EZ

30/11/2017

**REGISTRATION DATE:**

**EXPIRY DATE:**

**SITE HISTORY**

None

**DESCRIPTION OF SITE/PROPOSAL**

The application site (0.98 ha) is located at the bottom of Russell Way, adjacent to the existing Tesco supermarket and the A379. The site lies opposite to the Ikea site, which is currently under construction. Within the Exeter Local Plan 1995-2011, the site is designated as Open Space (Policy L3) and the SE corner of the site falls within a Site of Local Interest for Nature Conservation (Policy LS4).

The site is currently bounded by a mature band of trees, which are part of a group Tree Preservation Order, with smaller trees, shrubs and grassland to the centre of the site. The site can be accessed on foot from Russell Way, via a ditch. Access can also be gained on foot to the rear of the site, near the pedestrian footbridge. There is currently no direct access for pedestrians across the site. There is no access for vehicles to the site.

The site was originally set aside as open space as part of the Tesco development in 1993 and was secured via a S106 legal agreement as a wildflower meadow.

The proposal seeks to construct a building which would be a part 2, part 3 and part 4 storey building, varying across the land levels of the site and is proposed to be used as an extra care (Class C2) development with associated communal facilities. Car parking is proposed to the front of the site, with pedestrian and vehicular access from Russell Way.

**SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

Site Investigation & Contamination Appraisal, Arboricultural Impact Assessment Report, Tree Survey, Transport Statement, Energy Statement, Ecological Impact Report, Desk Study Report (4 parts), Needs Report, Planning Statement (4 parts), Statement of Community Involvement, Open Space and Local Nature Conservation Policy Considerations Report and Design, Access and Sustainability Appraisal.

## **REPRESENTATIONS**

To date, 79 objections have been received, together with 5 letters of support for the provision of retirement housing and care provision. The letters of objection are concerned with the following summarised matters:

- ☐ Existing junction from Lewis Crescent onto Russell Way is already dangerous, this will be worsened with additional traffic from the development. This is an area of a number of accidents.
- ☐ Increased traffic from Ikea will worsen the existing traffic.
- ☐ The height and design of the development is not in keeping with other local dwellings.
- ☐ The area is designated as open space in the Local Plan and the loss of open space should not be permitted.
- ☐ Lack of parking spaces and future overspill onto nearby local roads.
- ☐ Loss of ecologically valuable land and trees.
- ☐ Unsuitable housing site close to busy major roads.
- ☐ Increased danger to pedestrians and cyclists trying to cross Russell Way.
- ☐ Opportunity to incorporate rainwater harvesting to reduce CO2 emissions and financial savings and to use ecogrid surfacing to reduce localised flooding and surface water absorption.
- ☐ Size of the proposal is overdevelopment for the size of the site.
- ☐ Loss of wildlife – bats and birds are regularly seen.

Digby Community Association have commented as follows:

- ☐ Concerns have been raised by residents about the safety of the existing junction onto Russell Way from Lewis Crescent/Clyst Halt Avenue for both pedestrians crossing and vehicles emerging from the junction. There is no provision in the application to improve safety at this junction.
- ☐ The poor junction will result in the proposed development will be an island cut off from the surrounding community.
- ☐ The site was not identified in the Revised 2015 Strategic Housing Land Availability Assessment and is designated in the Local Plan as open space and is included in the 10% allocation of open space provided for at the time of the original residential development in Digby and was earmarked to be a wildflower meadow. There is no provision within the proposal to replace the lost open space in any form or an alternative of equivalent ecological value.

Exeter Cycling Campaign has requested the following amendments:

- ☐ It is essential that the primary access from Russell Way is revised to give priority to people walking and cycling along the existing shared path. The current proposals degrade the existing route by giving priority to vehicles at the junction. This places pedestrians and cyclists at greater risk of harm at the junction.
- ☐ There is an opportunity to enhance connectivity between the Newcourt urban extension and shops and services at Russell Way by making the path between the A379 footbridge and the bollarded access to Tesco car park in the south west corner of the site open to the public.
- ☐ Staff cycle parking and shower/changing facilities should be provided in accordance with the Sustainable Transport SPD.

## **CONSULTATIONS**

### **Senior Arboricultural Officer:**

There are no arboricultural objections to the proposal. If consent is granted, ensure the submitted tree protection plan is made an approved document.

**DCC Highways Engineer:** To follow and will be reported at the Planning Committee Meeting.

**Natural England:**

No objection subject to securing mitigation Habitats Regulations Assessment – Recreational Impacts on European Sites.

**Principal Project Manager (Heritage):**

In 1993, the adjacent Tesco site was excavated prior to development and this work revealed prehistoric remains, including ring ditches. Further excavations to the north and north east of this have revealed further remains. It is highly likely that, although the present site has suffered some past disturbance, such remains may also extend into it. These should be properly excavated and recorded prior to their destruction by the development, by an archaeological contractor on behalf of the developer, and the results analysed, conserved, reported on and archived in line with Clause 141 of the NPPF and saved Local Plan Policy C5 and draft DDPD Policy DD28.

The standard condition should be attached to any PP to ensure that this work is carried out and completed. Site work would include a) Trial trenching by an archaeological contractor, followed where necessary by; b) Topsoil stripping and area excavation. Both to be done after clearance of the scrub and any contaminated hardcore, but before any enabling or construction works commence.

**Exeter Airport:**

The proposal does not appear to conflict with the safeguarding criteria and therefore there are no safeguarding objections providing that all safeguarding criteria are met, as stipulated in the AoA Advice Notes and no changes are made to the current application.

**Senior Environmental Technical Officer:**

Noise – The report submitted recommends mitigation to provide a suitable internal noise level. The report shows that a Good Acoustic Design process has been followed and as a result there is no need for further conditions to control sound insulation.

Contaminated Land – The ground investigation recommends further assessment of contamination in some areas of the site. Also require further consideration of potential for fly tipping contamination, including asbestos. Therefore the standard condition is recommendation for any PP.

Air Quality – The report concludes that the site will not be adversely affected by existing levels of air pollution and this conclusion is accepted. There is no detail on the extraction from the chef's kitchen and therefore a condition is recommended to cover this.

**RSPB:**

There is concern that the site is designated as Open Space and a Local Nature Conservation Designation under Saved Local Plan policies L3 and LS4. As an undeveloped space in this part of Exeter, which has, and continues to, experience substantial development, it is likely to function increasingly as an ecological stepping stone, enabling passage of mobile species such as birds (eg Cirl Bunting) and butterflies across Exeter and in particular into Ludwell Valley Park, from Exeter's rural hinterland. This important ecological function is unlikely to be recognised in ecological surveys, rather than necessarily being a function of intrinsic ecological value it relates to its location, size and undeveloped nature. These characteristics are extremely difficult to retain if the site is developed, even with retention and enhancement of some areas of natural habitat. Irrespective of the site's lack of formal public access, it is nonetheless a significant

component of Green Infrastructure within the City, delivering a range of ecosystem services. If the City Council is minded to grant this application planning permission, in accordance with LS4, it should require the applicant to secure an alternative area of land of at least the same area in the vicinity of the application site to avoid a net loss in open space/ecological stepping stone in this part of Exeter.

The site may have been subject of a historic planning obligation for management for wildlife. If this is the case we consider that Exeter City Council should not grant the application planning permission but rather enforce compliance with that obligation.

The level of provision of wildlife boxes proposed falls substantially short of ECC's own Residential Design Guide SPD and recommended that if permission is granted, that the level of integral wildlife box provision is substantially increased.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Central Government Guidance**

National Planning Policy Framework 2012:

4. Promoting Sustainable Transport
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

### **Exeter Local Development Framework Core Strategy**

CP5 Meeting Housing Needs

CP15 Sustainable design and construction

CP17 Design and Local Distinctiveness

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

AP1 Design and Location of Development

AP2 Sequential Approach

C1 Conservation Areas

C2 Listed Buildings

C5 Archaeology

H1 Housing land search sequence

H2 Location Priorities

H5 Diversity of Housing

T1 Hierarchy of modes of transport

T2 Accessibility criteria

T3 Encouraging use of sustainable modes of transport

T10 Car Parking Standards

C5 Archaeology

LS4 Local Nature Conservation Designation/RIGS

EN2 Contaminated land

DG1 Objectives of Urban Design

DG2 Energy conservation

DG7 Crime prevention and safety

### **Exeter Development Delivery Document – Publication Version 2015**

DD1 Sustainable Development

DD8 Unallocated Housing Sites

DD13 Residential Amenity  
DD20 Sustainable Movement  
DD21 Parking  
DD22 Open Space  
DD25 Design Principles  
DD26 Designing out Crime  
DD28 Heritage Assets

### **Exeter City Council Supplementary Planning Documents**

Sustainable Transport SPD March 2013

Residential Design SPD September 2010

Archaeology & Development SPG 2004

### **OBSERVATIONS**

#### **Proposed Use**

The proposal is for the development of 61 age-restricted “Retirement Living Plus” units (Extra Care Housing) with associated communal areas. The units would consist of 35 no. 1 bedroom apartments and 26 no. 2 bedroom apartments. The development is aimed at delivering accommodation for elderly persons who require an element of support in order to allow them to continue to live independently. An on-site 24 hour team would be present to provide support and assistance at all times.

The application has been submitted by Yourlife Management Services Ltd, which is a joint venture between McCarthy & Stone and Somerset Care. The company is registered as a Domiciliary Care Agency. The Extra Care Housing is a term used in the delivery of specialised housing for older persons with a range of ‘lifestyle’ facilities. Prior to the entry of residents into the accommodation, a full needs assessment is carried out to establish the level of need in order to select the most appropriate care package. This can be modified at any stage to respond to varying needs of individual residents. The Planning Statement advises that the minimum age of entry would be 70 years old with the average age of entry being 80 years old. Basic care provision can include the provision of meals, drinks, making of beds, cleaning services, assistance with dressing, bill payments and attending/escorting to appointments. Communal facilities provided in the Extra Care Scheme include a high spec and larger residents’ lounge, function room, reception area and office, restaurant (with catering/commercial kitchen), laundry, 24 hr staffing accommodation, wellness suite and larger lifts. Individual rooms will have either one or two bedrooms, separate bathroom, living room and kitchen. Each apartment will have a small balcony space, accessed from the living room.

#### **Needs Analysis**

A Needs Analysis has been undertaken by the developer which reports that the older population of Exeter is projected to increase at a fairly uniform rate. The number of those aged 65 or over is projected to increase by 34% by 2035 with those aged 85 and above increasing by some 68% by 2035. Those having difficulty with one or more domestic tasks or at least one task of personal care will also increase as the older population increases. The proposed development is therefore aimed at assisting in maintaining the independence of older residents in specialised accommodation.

#### **Relevant Planning History**

There is no previous planning history for this site since being allocated as a wildflower meadow as part of the approval of the Tesco superstore in 1993.

## **Design Principles**

### Design

The building has been designed with the land levels in mind and to ensure that level access can be gained from the exterior into the building and throughout the ground floor to enable access to all communal areas and facilities. The building has therefore been designed with varying heights from two storey to four storey. In order to break up the massing of the building, features such as additional gables and projections have been incorporated so that there is horizontal as well as vertical articulation. The materials proposed to be used include red brick, cream render and grey cladding which correlates with the red brick, render and gable pitched roofs which can be seen in the immediate vicinity of the site. The overall height is considered to be acceptable in this location because of the varying land levels and taking the lead of the three storey existing building on the opposite corner of Russell Way and Lewis Crescent.

The building creates a strong frontage to Russell Way, with a private central courtyard created by a "U" shaped building. Both private balconies and shared outdoor amenity space have been added for outside space for residents.

### Refuse & Recycling

A refuse area for waste and recycling is proposed to the lower ground floor, which can be accessed internally by residents and staff. The area has direct external access for collection and turning space has been provided within the space for waste collection vehicles. This internal design means that there will be no outdoor bin storage space.

### Energy

The report has presented measures to be incorporated into the building design in order to deliver the expected energy standard. Measures are to include:

Energy efficient building fabric and insulation;

High efficiency double-glazed windows;

Low-energy lighting;

McCarthy & Stone improved PSi values (thermal bridging);

Minimum of 38KWp of PV installed across the site – approximately 266m<sup>2</sup> to 304m<sup>2</sup>;

Air Source Heat Pump with an efficiency of 360% installed to communal spaces.

These measures would lead to a 19.4% reduction in CO<sub>2</sub> emissions which meets our sustainability requirements.

Other renewable energies were considered but rejected including a Wind Turbine (rejected due to appearance, noise and commercial viability), Geothermal (not commercially viable) and Biomass (rejected for lack of supply and commercial viability).

### Noise

The Acoustic Design Statement confirms that the dominant noise source affecting the site will be road traffic noise. The report confirms it is not possible to attenuate the source noise levels and that the site layout has been considered by locating the proposed building as far from the A379 and Russell Way so that bedroom windows have limited exposure to surrounding roads. The Environmental Health Team have responded to the report confirming that a Good Acoustic Design process has been followed and requiring conditions to be added to any grant of permission relating to the details of plant and machinery, investigation of contamination, Construction Method Statement and details of kitchen extraction equipment.

## **Open Space, Nature Conservation and Ecology**

### Open Space

The site is allocated as Open Space within the Exeter Local Plan 1995-2011, however, this has not followed through into later plans and is not shown in the Core Strategy (February 2012) or

the Development Delivery Development Plan Document (July 2015). The area has not been adopted by ECC and is not therefore part of a public adopted open space network. The area has been used by dog walkers and pedestrians who can walk across the site to gain access to the pedestrian footbridge and onto Newcourt Way. The space has not been managed and access into the site is difficult due to a deep ditch adjacent to Russell Way. It is therefore considered that, although designated as open space in the past, there is scope for sensitive development of the area, with the retention of the mature boundary trees. This would allow better maintenance of the site as well as scope for securing better pedestrian connectivity, particularly with the opening of Ikea.

### Nature Conservation and Ecology

The submitted ecology report advises that there are no notable or invasive plant species, no notable invertebrates and no suitable amphibian breeding habitat within the site. The presence of Great Crested Newts has also been discounted. No reptiles or dormice were recorded during the assessment. It has been confirmed that the site has suitable nesting habitat for widespread bird species. The survey also recorded low levels of bat activity (Pipistelles and Noctules) as well as low number of Myotis, but no bat roosts were identified.

Site clearance would reduce the available habitat for protected species during construction and there would be a risk of direct impacts to common amphibians, nesting birds and hedgehogs. It is also noted in the report that there is potential for disturbance to commuting and foraging bats arising from light pollution both during and post construction.

The report suggests the following mitigation and enhancement measures:

- New landscape planting including wildflower seeding, scattered native tree and scrub planting and bulb planting;
- Woodland planting to enhance the connectivity of the habitat network and maintain its status as a wildlife corridor;
- Measures for legal compliance and to protect animal welfare in respect of nesting birds and hedgehogs including timing of works and appropriate ecological supervision;
- Bat and bird boxes to be integrated into the new building;
- Habitat Mitigation contribution.

Conditions have been added below in order to ensure that the above mitigation and enhancement measures are carried out, as well as additional details in relation to future lighting within the site to reduce interference as far as possible with foraging bats. The mature trees which presently fall within the designated Nature Conservation area, are also to be preserved and maintained to protect their future health and encourage the retention of wildlife.

### **Landscaping and Trees**

#### Trees

A group TPO covers the trees across the site. One oak tree did have an individual TPO, but this was revoked in February 2005 due to its condition. As part of the development, it is proposed to remove internal trees including a section along Russell Way, in order to gain access to the site and to the parking area. Boundary vegetation is to be retained but thinned to allow trees to grow in the correct amount of space.

During construction, impact resistant fencing would be used to protect retained trees.

Construction exclusion zones have been identified on the Tree Protection Plan and this will be conditioned as part of any grant of planning permission.

The Senior Arboricultural Officer has no objection to the proposed works which will allow for enhancement of the existing trees longer term.

### Landscaping

It is proposed to plant a shrub layer of native species below the retained trees to provide a woodland edge and to improve aerodynamic profiles to reduce the effect of wind on the trees and to create a diverse habitat. Within the main area of the site, areas of mown lawn are proposed, together with bulb planting and areas of wilder meadow grass and flowers. Paths will be pedestrian specification tarmac to ensure a level and safe surface. A condition will be added to ensure that any landscaping which dies within 5 years, will be replaced.

### **Highways**

The Transport Statement recommends the introduction of a bellmouth access from Russell Way into the site to accommodate 2-way vehicle movements and service/emergency vehicles with a 2m wide footpath on each side. An additional pedestrian access is provided to the SW edge of the site to connect to the existing footway/cycleway and overpass link to Newcourt Way. All servicing would take place within the site boundary.

Parking is provided but does not provide spaces in accordance with ECC Local Plan policy rates which would be 51 spaces. It is proposed instead to provide 36 spaces (including 4 disabled spaces) as data provided from the developer on similar schemes suggests that the average age of entry to Retirement Living Plus developments is between 80-85 years of age and therefore anticipated car ownership will be lower at approximately 0.44 cars per apartment. Final comments are awaited from DCC Highways as additional information has been sought from the applicant.

It is noted from the plans that no secure cycle parking has been shown. This is being discussed with the applicant, together with the provision of staff shower facilities/changing rooms and secure lockers.

### **Flood Risk/Drainage**

The site is within a Flood Risk Zone 1, at low risk of flooding. Foul drainage will be connected to the public foul drainage system. Surface water for the site is proposed to drain to a large soakaway beneath the parking area at the front of the site with 200m<sup>3</sup> capacity, subject to testing and with a connection to the existing surface water drain via an agreement with SWW if the soakaway testing fails.

### **Community Involvement**

Briefings were held for local residents, councillors and stakeholders on 20<sup>th</sup> September 2017 with a public exhibition at Countess Wear Village Hall. Concerns raised related to loss of green space, traffic and congestion, access, car parking, design, size and scale.

### **Affordable Housing and CIL contributions**

The Planning Statement Appendix details the purpose of this type of accommodation. The units are larger with all rooms being purpose designed in order to meet wheelchair standards and layouts. The development would not be a care unit as found in a nursing home or care home but has more communal facilities than the standard Sheltered Housing Scheme. Apartments would be offered on a long leasehold basis with a minimum entry age of 70. In Sheltered Housing, service charges are £40-£50 per week for a 1 bed unit and £60-£70 pw for a 2 bed unit. In Extra Care facilities, the charges are increased to cover the provision of staffing, care and catering to £120-£130 pw for 1 bed unit and £165-175 pw for a 2 bed unit.

As this is residential accommodation with care, additional information has been provided by the applicant in respect to which Use Class the development would fall under, either C2 or C3.



Appeal decisions relating to similar schemes have been considered by Inspectors and have concluded that the individual apartments and communal care facilities are inextricably linked and therefore the building forms a single planning unit providing residential accommodation and care to people in need of care and therefore falls under Class C2. With the amount of evidence available through appeal decisions, it is considered that the development correctly falls within Class C2 and therefore would not attract an Affordable Housing Contribution or CIL Liability. However, it is considered that the development would still attract a Habitat contribution to mitigate against impacts on the Exe Estuary SPA, East Devon Pebblebed Heaths SAC and East Devon Heaths SPA as set out in the local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). The Habitat Mitigation Contribution would be £68,381.00.

### **Section 106**

A S106 agreement is required to maintain the provision of the accommodation for the specific age targeted residents.

### **Summary**

The principle of the introduction of the Extra Care development in this location is appropriate. This is a sustainable location, in that the mature boundary vegetation is to be maintained, the site is in close proximity to local housing, shopping facilities, major road networks, a bus route, cycle route and walking distance of a train line. The overall height, scale, massing and design approach is also considered to be acceptable. Subject to the provision of a S106 Legal Agreement and the Habitat Mitigation Contributions, the application is recommended for approval.

### **RECOMMENDATION**

**APPROVE** subject to the completion of a Section 106 agreement for Age Related Occupation, Habitat Mitigation Contributions and the following conditions:

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 91-92 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 \*\* \*\*\*\*\* 20\*\* (including dwg. nos\*\*\*\*\* ) as modified by other conditions of this consent.

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

3) 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.

4) Prior to the installation of any new plant on the site, details of the plant shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design (including any compound) and noise specification. The plant shall not exceed 5dB below the existing background noise level at the site boundary. If the plant exceeds this level, mitigation measures shall be provided to achieve this in accordance with details to be submitted to and approved in writing by the Local Planning Authority. (All measurements shall be made in accordance with BS 4142:2014).

**Reason:** In the interests of the amenity of the area, especially nearby residential uses. These details are required pre-commencement as specified to ensure that the plant will not give rise to significant adverse impacts on the amenity of neighbouring receptors.

5) Pre-commencement condition: No development 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 for pre-commencement condition:** In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

6) 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 parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.
- d) The erection and maintenance of securing hoarding, if appropriate, which shall be kept clear of graffiti and fly-posting.
- e) Wheel washing facilities.
- f) Measures to control the emission of dust and dirt during construction.
- g) A scheme for recycling/disposing of waste resulting from construction works, with priority given to reuse of building materials on site wherever practicable.
- h) No burning on site during construction or site preparation works
- i) Measures to minimise noise and vibration nuisance to neighbours from plant and machinery.
- j) No driven piling without prior consent from the LPA.
- k) 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.

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

**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.

7) Pre-commencement condition: No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the

Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:

- a) There shall be no burning on site during demolition, construction or site preparation works;
- b) Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
- c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.

The approved CEMP shall be adhered to throughout the construction period.

**Reason for pre-commencement condition:** In the interests of the occupants of nearby buildings. 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.

8) 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.

9) Pre-commencement condition: Before commencement of development 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 can be achieved. The measures necessary to achieve this 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 for pre-commencement condition:** In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15. This information is required before development commences to ensure that a sustainable design is finalised before any irreversible element of the construction process takes place.

10) Prior to occupation of the development hereby approved, details of provision for nesting birds in addition to those currently proposed shall be 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) Before the commencement of development, a scheme for the installation of equipment to control the emission of fumes and smell from the chef's kitchen shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

**Reason:** In the interests of residential amenity.

12) 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.

13) The development hereby permitted shall not be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, National Planning Policy Guidance and the Department for Environment, Food and Rural Affairs Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

**Reason:** To ensure the satisfactory drainage of the development.

14) A detailed scheme for lighting including fixtures and time of use shall be submitted to the Local Planning Authority and work shall not be carried out on this scheme shall not start until the Local Planning Authority have approved a scheme. The lighting scheme shall thereafter be implemented in accordance with the approved scheme if not otherwise been agreed with 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

15) No part of the development hereby approved shall be occupied until secure cycle parking facilities and associated facilities have been provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said cycle parking facilities shall be retained for that purpose at all times.

**Reason:** To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.

16) 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.

17) 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 the Tree Protection Plan (Dwg. No. 04930-TPP-2017) hereby approved. 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. This information is required before development commences to protect trees during all stages of the construction process.

18) Each unit of the Extra Care Facility hereby permitted shall be occupied only by:  
- persons of minimum age of 70 years old.

**Reason:** The scheme is designed for a specific age group and is not suitable for unrestricted occupation.

## **INFORMATIVES**

1) In accordance with paragraphs 186 and 187 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) Although not matters contained within the scope of this application, the applicant should be advised to contact the Commercial Section of Environmental Health Services (01392 265148) in order to ensure that the following items will comply with all relevant British Standards, Regulations and guidance:

Food safety issues - design and layout of the kitchens including fixtures, fittings, storage and ventilation.

*Local Government (Access to Information) 1985 (as amended),*

*Background papers used in compiling the report:*

*Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter. Telephone 01392 265223*