

## PLANNING COMMITTEE

Monday 25 June 2018

### Present:-

Councillor Rachel Sutton (Chair)  
Councillors Lyons, Bialyk, Branston, Denham, Edwards, Harvey, Mrs Henson, Morse, Prowse, Thompson and Vizard M

### Also Present

City Development Manager, Principal Project Manager (Development), Principal Project Manager (Development) (MH), Principal Project Manager (Development) (HS), Assistant Highways Development Management Officer (Exeter) and Democratic Services Officer (Committees) (HB)

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### MINUTES

The minutes of the meeting held on 21 May 2018 were taken as read and signed by the Chair as correct.

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### DECLARATIONS OF INTEREST

Councillor Thompson declared a disclosable pecuniary interest and left the meeting during consideration of Min. No. 145.

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### PLANNING APPLICATION NO. 18/0534/FUL - LAND WEST OF RINGSWELL AVENUE

The Principal Project Manager (Development) (MH) presented the application for the construction of 48 dwellings (use class C3), means of access, public open space and associated infrastructure.

The Project Manager reported that environmental health had no objections to the proposal and added that an additional condition would be required to provide charging points for electric vehicles.

Members were circulated with an update sheet - attached to minutes.

Councillor Holland, having given notice under Standing Order No. 44, spoke on the item. He raised the following points:-

- speaking on behalf of the residents of St Loyes who do not object in principle to this development but note that the proposal is one of many developments in the locality adding significant further traffic to already congested roads;
- endorse use of brownfield site for development;
- developer seemed to be selective in the delivery of consultation letters;
- another development is to come forward for a care home and both applications should be considered simultaneously;
- Ringswell Avenue is a narrow, poorly surfaced cul-de-sac and experiences difficulties of access for emergency vehicles. Moreover, it suffers from traffic

problems during school drop off and pick up periods and these will be exacerbated as the number of properties increases three-fold;

- traffic counts during school hours confirm the problems which leads to road parking violations, dangerous driving on the pavements by buses and cars, parking across drives and gridlock;
- proposal includes disruption to an existing wildlife corridor and loss of wildlife habitat which could instead be improved by developing a copse;
- junction with Honiton Road already congested, compounded at school drop-off/ pick-up times and Hill Barton Road can also be affected;
- alternative access should be identified; and
- impact of construction traffic associated with the development is a concern and enforcement of construction traffic necessary.

Mr Fulford spoke against the application. He raised the following points:-

- speaking on behalf of the Residents' Association of Ringswell Avenue whose principal objection is not the development of 48 new houses, but the proposed vehicle access through Ringswell Avenue, a 16-foot wide cul de sac road on which there are 20 houses, and since 2007 is the only vehicle access to St Nicholas Primary School. An addition of 48 new houses triples the number of properties accessed by Ringswell Avenue;
- many new properties may have more than one vehicle and there is already severe daily congestion. In previous applications, it was determined that vehicle access would be through Bramley Avenue, not through Ringswell Avenue. The developer had only proposed the one access route via Ringswell Avenue and the County Council Highways consultation response only addressed the developer's single access proposal without evaluating any alternative options;
- the Headmistress of the school had objected;
- emergency vehicles will not be able to enter Ringswell Avenue when congested; and
- serious flaws in the vehicle access for the site and alternative access arrangements should be investigated.

Mr Graves spoke in support of the application. He raised the following points:-

- acting for Liverty, a Registered Provider of affordable homes operating across the South West providing a range of homes including for market sale and re-investing profits to build more affordable homes;
- brownfield site will deliver 48 homes, 17 of which are affordable to help address the significant need in Exeter. A range of one to five bed homes are provided, including a wheelchair accessible home. One bed houses are provided instead of flats with the benefit of individual front doors and private gardens for residents;
- have considered neighbours and the Council's Design Guide as well as National Space standards;
- the separation distances to existing neighbours are generally more than required by the Design Supplementary Planning Document and landscaping and ecology have been incorporated with high-quality public open space provided and existing trees retained where possible; and
- design ethos reflects the high-quality architecture of existing homes on Ringswell Avenue. The new homes mirror this style, using quality materials and key design features.

He responded as follows to Members' queries:-

- the proposal includes 17 affordable dwellings which equates to 35% of the total number of dwellings to be provided on site, 12 (70%) for social rent and 5 for shared ownership. The mix of house types includes one wheelchair accessible bungalow; and
- an access to the site had been negotiated for construction purposes but an alternative access off Ribston Avenue was not possible as the developer did not control the land and it was understood that there were at least two other parties.

Members noted that previous proposals for development involved accesses via Bramley Avenue/Ribston Avenue as Ringswell Avenue had not been considered appropriate. Notwithstanding the absence of an objection from the Highway Authority, because of the anticipated additional traffic on Ringswell Avenue, Members queried whether an alternative vehicular access via Ribston Avenue might alleviate the issues raised. They therefore felt that clarification of land ownership issues were required. Members also discussed the merits of facilitating a pedestrian/cycle link to Warwick Road in relation to the vegetation referred to by Councillor Holland.

The City Development Manager advised Members of the position in respect of land ownership and the requirement to determine the proposal before them as submitted and the Assistant Highways Development Management Officer (Exeter) advised that pockets of congestion were common in the vicinity of most of Exeter's schools.

The recommendation was for approval, subject to the conditions as set out in the report and amended in the update sheet, plus the additional condition relating to electric car charging provision.

**RESOLVED** that the planning application for the construction of 48 dwellings (use class C3), means of access, public open space and associated infrastructure be **DEFERRED**, for further discussions with the applicant on access and land ownership issues.

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**PLANNING APPLICATION NO. 17/1980/FUL - CITY ARCADE, FORE STREET**

The City Development Manager presented the application for the demolition of existing single storey arcade and construction of a four storey building for 64 student bedspaces incorporating ground retail unit with associated bike and bin stores.

Members were circulated with an update sheet - attached to minutes.

Mr Pollintine spoke in support of the application. He raised the following points:-

- the shell unit at the Fore Street frontage could be configured to accommodate two units and would incorporate a glazed "wrap around" corner to enliven the entrance to John Street which would improve permeability and be more welcoming;
- the accommodation provided for students was typical of the area and mirrored those nearby in size and configuration;
- the adjacent Smythen Street car park was ideal for dropping off and picking up students at the beginning and end of term;
- there was no direct line of sight into student windows from the pub opposite; and
- Historic England were now supportive of the application.

Responding to a Member, the City Development Manager referred to the consultation undertaken and confirmed that appropriate management measures would be put in place for the occupation of students. Members noted that the principle of student use in this city centre location was appropriate and welcomed the proposal which would retain the retail frontage to Fore Street and therefore maintain a commercial presence and it was hoped that it would be more attractive to smaller independent operators, which are characteristic of this street. Whilst one Member referred to the ethos and heritage of the West Quarter, Members recognised that the scheme would retain the retail element and ensure that the vitality and viability of the area was maintained.

The recommendation was for approval, subject to the conditions as set out in the report.

**RESOLVED** that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure a student management plan and a financial contribution of £3,000 towards a traffic regulation order planning permission for the demolition of existing single storey arcade and the construction of a four storey building for 64 student bedspaces incorporating ground retail unit with associated bike and bin stores be **APPROVED**, subject also to 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 27 April 2019 (dwg no. 13388/PL105A; PL110A; PL111A; PL112A; PL113A; PL114; PL115D; PL116A & PL117A) 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 and the development shall not be started before their approval is obtained in writing and 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) 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:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

- (5) No part of the development hereby approved shall be brought into its intended use until the improvements on John Street and the provision loading bay arrangements on Smythen Street as indicated on the proposed site plan (*drawing number 1338/PL105 A*) 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 provide suitable facilities for the traffic attracted to the site .
- (6) No part of the development hereby approved shall be brought into its intended use until details have been submitted to the Local Planning Authority of secure cycle parking provision for the development and provided in accordance with the submitted details.  
**Reason:** To provide adequate facilities for sustainable transport.
- (7) Travel Plan measures including the provision of sustainable transport welcome packs and details of the arrangements of how student pick up/drop off will be managed, shall be provided in accordance with details agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of the development.  
**Reason:** To promote the use of sustainable transport modes and in the interests of highway safety, in accordance with paragraphs 32 and 36 of the NPPF.
- (8) Pre-commencement condition. No development shall take place, including any works of demolition, 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) the parking of vehicles of site operative and visitors
  - b) loading and unloading of plant and material;
  - c) storage of plant and materials used in the constructing the development;
  - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - 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 demolition and construction works
  - h) construction work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
- Reason:** In the interests of the occupants of nearby buildings.
- (9) Pre-commencement condition. No development shall commence until a noise assessment report, including noise from the any plant machinery has been submitted to and approved in writing by the Local Planning Authority providing details of any sound insulation measures and mitigation measures required and shall thereafter be provided in accordance with such details:  
**Reason:** Insufficient information has been submitted with the application and in the interests of future residential amenity.
- (10) Unless otherwise agreed in writing by the Local Planning Authority the building hereby approved shall achieve a BREEAM 'excellent' standard as a minimum, and shall achieve 'zero carbon if commenced on or after 1st January 2019. Prior to commencement of development of such a building

the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report to be written by a licensed BREEAM assessor which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required by this consent the developer shall provide prior to the commencement of development of the building details of what changes will be made to the building to achieve the minimum standard, for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post-completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

**Reason:** To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.

The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

- (11) Prior to occupation of the development hereby approved details of provision for nesting birds and swifts 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.
- (12) 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:** In the interests of the amenity of the occupants of the building(s) hereby approved.
- (13) Pre-commencement condition: No development shall take place on site until an investigation has taken place to determine the risk posed by Unexploded Ordnance and the results, together with any further works necessary, have been agreed in writing by the Local Planning Authority. The approved works shall be implemented in full and a completion report shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development.  
**Reason:** In the interests of public safety.
- (14) Pre-commencement condition. The demolition hereby approved shall not be carried out until a building contract has been entered into for the erection of the replacement building permitted by this planning permission and satisfactory evidence to that effect has been produced to the Local Planning Authority.  
**Reason:** In the interests of the appearance of the Conservation Area.

- (15) No café use shall be operational until details of any kitchen extract equipment, to include design, siting, noise levels odour levels and a programme for future maintenance has been submitted and approved in writing by the Local Planning Authority and thereafter maintained in accordance with the agreed details at all times.

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

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**PLANNING APPLICATION NO 17/1320/FUL : LAND AT SANDROCK, GIPSY HILL LANE**

Councillor Thompson declared a disclosable pecuniary interest and left the meeting during consideration of this item.

The Principal Project Manager (Development) (MD) presented the application for the construction of 62 dwellings with associated public open space, infrastructure and landscaping. He explained that a pedestrian/cycle path would be provided through the site in order to segregate pedestrians and cyclists from vehicles accessing on to Pinn Lane This would be a significant improvement compared to the existing situation where pedestrians and cyclists have to share Gipsy Hill Lane with vehicles accessing the Gipsy Hill Hotel and adjacent residential properties. He detailed the improved layout to the Pinn Lane and Gipsy Hill Lane junction and Gipsy Hill Lane would be widened to 4.8m allowing two vehicles to pass, thereby improving access to the Hotel and existing dwellings. Beyond the access point, traffic up to the Hotel would remain single-lane but there would be a passing point.

He reported additional comments/objections from the staff and owner of the Gipsy Hill Hotel. These referred to concerns of accessing the hotel during the construction works. The owner had also objected to the proposed access believing it to be flawed and stating that independent consideration should be given to all possible alternatives. She also stated that if approval was granted, a condition should be added to maintain access to the existing properties at all times.

He reported that, following further discussions with the applicant, an improved offer of 14 affordable units had been made, being the same number as that proposed as part of the lapsed consent, although it represented a slight shortfall in percentage terms to that secured on the earlier consent because the number of units had increased slightly. It was accompanied by an agreement to commence work on site within two years.

Members were circulated with an update sheet - attached to minutes.

Councillor Wood, having given notice under Standing Order No. 44, spoke on the item. He raised the following points:-

- Pinhoe residents are not generally resistant to development in principle, however, the development will exacerbate already serious traffic problems along Pinn Lane, Gipsy Hill Lane and the wider area. Pinn Lane is already dangerous with no lighting or footway and overgrown vegetation and the increased traffic on Pinn Lane poses a danger to pedestrians and cyclists;
- offer of affordable housing is too low;
- a simple solution would be to remove a restrictive covenant which prevents access onto Tithebarn Lane and the applicant should therefore negotiate with the owner of the covenant to facilitate access onto the Tithebarn Link Road;

- the failure to provide sustainable transport measures is a major concern and the increased vehicle flow will lead to direct conflict with increased pedestrian/cycle flow on Gipsy Hill Lane to the east of site and with residents of the Lane;
- there will be an adverse impact on the E3 and E4 cycle lanes which are part of the strategic cycle network;
- proposals do not include any improvements to Pinn Lane or any improvements to the frontage to Gipsy Hill Lane which is east of the site access;
- the absence of street lighting is a significant hazard to road safety during the dark and poor weather;
- limited access for emergency services and the Devon and Somerset Fire and Rescue Authority expressed concerns regarding access to the area in respect of two previous planning applications and access by blue light services will therefore be difficult especially during busy periods;
- the Grenadier Road roundabout and the Business Park area are notably busy during rush hour and many employees from the Park return home to Pinhoe etc via this area;
- the access scheme supported by the Local Highway Authority is not acceptable and the overall design is fudged; and
- application should be deferred

Mrs Carleton spoke against the application. She raised the following points:-

- the circulated technical assessment from a transportation planning consultant sets out flaws in the mitigating measures and highway conditions proposed and the proposals with the current development do not provide any improvements to the previous applications;
- highway conditions are inadequate to accommodate this development;
- Pinn Lane is only traffic free route out of city. It is also very narrow and unlit, so it would be very dangerous to allow access to cars without proper pavements, cycle lanes and lighting. Similarly Gipsy Hill lane is unsafe;
- Inaccurate traffic flow statistics on provided by the Highway Authority;
- inappropriate use of both the developer contribution of £100,000 to provide a segregated pedestrian/cycle path to Pinn Lane and CIL monies for a new 3.5m wide cycle path through the site;
- opportunities for sustainable transport have not been taken up with an absence of facilities on both sides of the site, Gipsy Hill Lane to the east of the site access and Pinn lane south of its junction with Gipsy Hill Lane; and
- a safe access route for all road users is not provided as part of this development and the existing deficiencies along Pinn Lane will be exacerbated.

In response to the comments that there would be no improvements to Pinn Lane, the Principal Project Manager confirmed that the developer would pay a contribution of £100,000 to fund a segregated pedestrian/cycle path to Pinn Lane, in addition to CIL.

Mr Graves spoke in support of the application. He raised the following points:-

- principle of developing this site was previously established through outline permission for 62 dwellings with subsequent reserved matters, both of which were approved by this Committee. Unfortunately, these permissions lapsed due to viability problems;

- the 62-dwelling proposal comprises a site re-plan which seeks to overcome significant issues. This is a difficult site and the applicant has worked closely with officers for 10 months;
- Exeter currently has a serious shortfall in housing supply which this proposal can help address. Other benefits will be 14 affordable dwellings, 5,000 square metres of public open space, 42 new trees and hedge planting, a new 3.5 metre wide shared pedestrian/cycle path parallel to Gipsy Hill Lane, the widening of Gipsy Hill Lane to 4.8 metres between the access and Pinn Lane;
- a £100,000 contribution for a pedestrian/cycle path to Pinn Lane and CIL revenue of over £900,000 with New Homes Bonus paid in addition;
- Pinn Lane will be closed to vehicles north of Gipsy Hill Lane to prevent vehicle conflict with pedestrians and cyclists;
- worked closely with County to ensure that flood risk will not increase; and
- aspirations of the Council's Design Guide are met. Built forms are simple and unpretentious, with an appropriate scale and use of materials.

A Member stated that many residents of Pinhoe were opposed to the over development of Monkerton and in the Station Road area with some 2,000 more properties set to be delivered and reiterated the concerns relating to the exacerbation of existing highway problems. He believed that the wrong highway solution was being proposed.

Other Members recognised that the highway issues and associated access to the site were not ideal but that, given the site history and previous approvals, it would be appropriate to support the application. Of concern also was the limited offer of affordable housing with Members also referring to the frustration they felt that an agreement could not be reached with a landowner over a small area of land the release of which would offer a better solution to access and highway issues generally in this area.

**RESOLVED** that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 requiring the provision of 14 affordable units and the other planning obligations in the report as well as appropriate conditions, the details to be delegated to the City Development Manager, following prior consultation with Chair of this Committee, including a condition requiring commencement of the development within two years, planning permission for the construction of 62 dwellings with associated public open space, infrastructure and landscaping be approved, subject also to the following conditions:-

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**PLANNING APPLICATION NO. 18/0221/FUL - LAND WEST OF CUMBERLAND WAY, HOLLOW LANE**

The Principal Project Manager (Development) (MD) presented the application for construction of care facility (66 beds) with associated means of access, access road, car parking, landscaping and associated infrastructure. He stated that the access to Cumberland Way would cross a shared pedestrian/cycle path and necessitate the relocation of a bus shelter.

Since the drafting of the report, comments on the conditions had been received from the applicant. The requests to amend conditions 3, 5 and 6 slightly were supported by officers, but the requests to amend conditions 8, 10, 13 and 14 including changing BREEAM excellent to very good were not supported.

The recommendation was for approval, subject to the conditions as set out in the report with the amendments to conditions 3, 5 and 6 requested by the developer.

**RESOLVED** that planning permission for construction of care facility (66 beds) with associated means of access, access road, car parking, landscaping and associated infrastructure be **APPROVED**, subject to the following conditions:-

- (1) **Standard Time Limit – Full Planning Permission**  
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 comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).
- (2) **Approved Plans**  
The development hereby permitted shall be carried out in complete accordance with the approved plans listed below, unless modified by the other conditions of this consent:
  - Location Plan 1:1250
  - Draft Site Plan (05/08/2017 01)
  - Proposed Plans (05/08/2017 02)
  - Elevations Sheet 1 (05/08/2017 03)
  - Elevations Sheet 1 (05/08/2017 04)
  - Landscape Scheme (314.1 Rev 0)
  - Preliminary Access Design Option 1 (162471\_PHL\_01 Rev F)**Reason:** To ensure the development is constructed in accordance with the approved plans.  
**Pre-Commencement Details**
- (3) **Cycle Parking 1**  
Notwithstanding the approved plans in condition 2, prior to the commencement of the development hereby permitted, other than preliminary groundworks and drainage works, details of the location and design of cycle parking for staff as well as showers, lockers and space to dry clothes for staff shall be submitted to and approved in writing by the Local Planning Authority. These details shall be provided in the development as approved.  
**Reason:** To accord with paragraph 5.3.1 of the Sustainable Transport SPD in the interests of sustainable transport. These details are required pre-commencement as specified to ensure that these facilities are provided in the building.
- (4) **Surface Water Drainage Management System (Construction)**  
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. The approved surface water drainage management system shall be implemented and maintained throughout the construction period.  
**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. (Advice: Refer to Devon County

Council's Sustainable Drainage Guidance.) These details are required pre-commencement as specified to ensure that an appropriate drainage system is provided for the construction stage.

- (5) **Detailed Permanent Surface Water Drainage Scheme**  
Prior to the commencement of the development hereby permitted, other than preliminary groundworks, a detailed permanent surface water drainage scheme for the development shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The scheme shall accord with the proposed drainage strategy in the submitted Floor Risk Assessment & Drainage Strategy Rev A (Clancy Consulting, 29.01.2018) (Ref. 8/1683), subject to the submission of further details to address the matters raised in the Lead Local Flood Authority consultation response (14.03.2018), unless an alternative sustainable drainage system is agreed with the Local Planning Authority in consultation with Devon County Council as the Lead Local Flood Authority. The scheme shall include a detailed plan showing the size and location of all parts of the surface water drainage system, and confirm the make and specification of any attenuation features (including the outfall and discharge rate). It shall also include the arrangements for ongoing maintenance and the management responsibilities for all parts of the site's surface water drainage system. The development shall not be occupied until the surface water drainage scheme has been completed as approved and it shall be continually maintained thereafter in accordance with the approved details. (Any soakaways shall be designed in accordance Building Research Establishment Digest 365, and evidence that trial holes and infiltration tests have been carried out in the same location as the soakaways must be provided.)  
**Reason:** To manage water and flood risk in accordance with Policy CP12 of the Core Strategy, Policy EN4 of the Exeter Local Plan First Review and paragraph 103 of the NPPF. These details are required pre-commencement as specified to ensure that an appropriate drainage system is provided for the development and there will be no increased risk of flooding to surrounding buildings, roads and land.
- (6) **Ambient noise levels from transport sources**  
Prior to the commencement of the development hereby permitted, other than preliminary groundworks and drainage works, an Acoustic Design Statement shall be submitted to and approved in writing by the Local Planning Authority. Any necessary mitigation measures required shall be implemented in full prior to occupation of the development, and maintained thereafter. (Advice: The Professional Practice Guidance Note (ProPG): Planning and Noise for New Residential Development May 2017 (ANC, IoA and CIEH) describes the expected content and approach of an Acoustic Design Statement.)  
**Reason:** In the interests of residential amenity. These details are required pre-commencement as specified to ensure that any mitigation measures are incorporated into the construction of the building.
- (7) **District Heating Network**  
Unless it is demonstrated in writing prior to commencement that it is not viable or feasible to do so, the building comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that its internal systems for space and water heating are capable of being connected to the proposed decentralised energy (district heating) network. Prior to occupation of the development, the

necessary on-site infrastructure, including appropriate space for plant and machinery, shall be put in place for connection of those systems to the network at points at the application site boundary agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the proposal complies with Policy CP13 of the Core Strategy and paragraph 96 of the NPPF, and in the interests of delivering sustainable development. If it is demonstrated that it is not viable or feasible to construct the building in accordance with the CIBSE Heat Networks Code of Practice, this information must be provided to the Council prior to commencement of the development because it will affect the construction of the building.

(8) BREEAM

Unless otherwise agreed in writing by the Local Planning Authority the building hereby approved shall achieve a BREEAM 'excellent' standard as a minimum, and shall achieve 'zero carbon' if commenced on or after 1st January 2019. Prior to commencement of development of the building the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report to be written by a licensed BREEAM assessor which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required by this consent the developer shall provide prior to the commencement of development of the building details of what changes will be made to the building to achieve the minimum standard, for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post-completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

**Reason:** To ensure that the proposal complies with Policy CP15 of the Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

(9) Construction Method Statement

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, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

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

**Reason:** To ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that building operations are carried out in an appropriate manner.

(10) Waste Audit Statement

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.

(11) Tree/Hedgerow Protection Measures

No development (including ground works) or vegetation clearance works shall take place until fences have been erected and any other protection measures put in place for the protection of trees and/or hedgerows to be retained around the site boundary in accordance with a Scheme which has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall be prepared in accordance with British Standard BS 5837:2012 (or any superseding British Standard). The fences and any other protection measures required in the approved Scheme shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences.

**Reason:** To protect the trees and hedgerows to be retained around the site boundary, particularly fronting Cumberland Way, in the interests of the amenities of the area and biodiversity, in accordance with Policy LS4 of the Exeter Local Plan First Review and the Trees in Relation to Development SPD (September 2009). These details are required pre-commencement as specified to ensure that trees and hedgerows to be retained are not damaged by building operations or vegetation removal, including their biodiversity interests.

***During Construction***

(12) Unsuspected Contamination

If, during development, contamination not previously identified is found to be present at the site then the Local Authority shall be notified as soon as practicable and no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted an investigation and risk assessment, and where necessary a remediation strategy and verification plan, detailing how this unsuspected contamination shall be dealt with. Thereafter and prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved

remediation strategy, shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To minimise contamination risks to future users of the site and surrounding land, including controlled waters, and to ensure the development can be carried out safely.

***Pre-Specific Works***

(13) Materials

Prior to the construction of the external walls of the building hereby permitted, samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved materials.

**Reason:** In the interests of design and the character of the area, in accordance with Policy CP17 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review and paragraph 58 of the NPPF.

(14) Building Details

Prior to the construction of the external walls of the building hereby permitted, details of the following, including confirmation of colour, shall be submitted to and approved in writing by the Local Planning Authority:

- (1) External doors
- (2) Windows, including depth of reveals
- (4) Rain water goods
- (5) Fascia, soffit and barge boards

The building shall be constructed in accordance with the approved materials/details.

**Reason:** In the interests of design and the character of the area, in accordance with Policy CP17 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review and paragraph 58 of the NPPF.

(15) Bird Boxes

Prior to the construction of the external walls of the building hereby permitted, details of the provision for nesting birds (e.g. swifts, sparrows and/or house martins) shall be submitted to and approved in writing by the Local Planning Authority. The details shall be fully implemented as part of the development and retained thereafter.

**Reason:** To enhance biodiversity (taking into account the recommendations of the submitted Ecological Assessment).

(16) External Lighting

No external lighting shall be installed on the site or on the building hereby permitted unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.

**Reason:** To ensure lighting is well designed to protect the amenities of the area and wildlife.

***Pre-occupation***

(17) Detailed Landscaping Scheme

Prior to the first occupation or use of the development hereby permitted, a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments. Where applicable, it shall specify tree and plant species and methods of planting. The hard landscaping shall be constructed as approved prior to the occupation/use of the development. The soft landscaping shall be planted in the first planting season following the occupation/use of the development or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** In the interests of good design in accordance with Policy DG1 of the Exeter Local Plan First Review and paragraph 58 of the NPPF.

(18) Landscape and Ecological Management Plan (LEMP)

Prior to the first occupation or use of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

All post-construction site management shall be undertaken in accordance with the LEMP.

**Reason:** In the interests of biodiversity and good design in accordance with Policy CP16 of the Core Strategy, Policies LS4 and DG1 of the Local Plan First Review and paragraphs 58, 109 and 118 of the NPPF.

(19) Travel Plan

No part of the development shall be occupied until a Travel Plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Thereafter the recommendations of the Travel Plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

**Reason:** To encourage travel by sustainable means, in accordance with Policy T3 of the Local Plan First Review and the Sustainable Transport SPD.

(20) S278 Agreement

The development shall not be occupied or brought into use until a Section 278 Highways Agreement has been entered into in order to secure the necessary works to the public highway. The s278 works shall include, but not be limited to: further details of the proposed vehicle access/raised crossing on Cumberland Way and further details of the relocated bus stop/shelter on Cumberland Way. The works shall be implemented prior to the occupation/use of the development.

**Reason:** To ensure safe and suitable access is achieved for all users, and to protect the function of the cycle route along Cumberland Way.

(21) Car Parking Provision

No part of the development shall be occupied until all of the car parking spaces and access thereto shown on the approved plans have been provided and made available for use. The car parking spaces shall be kept permanently available for parking and access purposes thereafter.

**Reason:** To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use in the interests of highway safety and to protect the amenities of the neighbourhood.

(22) Cycle Parking 2

The development shall not be occupied or brought into use until the four cycle loops shown adjacent to the disabled parking spaces on the approved Draft Site Plan have been provided.

**Reason:** To accord with the Sustainable Transport SPD in the interests of sustainable transport.

**INFORMATIVES:**

(1) 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.
- Adequate provision of WCs.

(2) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

The Principal Project Manager (Development) (HS) presented the application for pedestrian access ramp linking Bampfylde Street to 'Street C', temporary gates and bin store for use by the bus station (Parcel B). The ramp would provide access to the leisure centre without going through the bus station concourse and was necessary during the period when the Leisure Centre and Bus Station had been

completed but the remainder of the site was not. Responding to a Member, he described the precise location of the gates that would be locked when both bus station and leisure centre were both closed to prevent antisocial behaviour.

The recommendation was for approval, subject to the conditions as set out in the report.

**RESOLVED** that planning permission for pedestrian access ramp linking Bampfyld Street to 'Street C', temporary gates and bin store for use by the bus station (Parcel B) be **APPROVED**, subject to the following conditions:-

(1) 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 4 May 2018 (dwg. nos. (08)021, (08)022, (08)023, and (08)024) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.

(2) The gates hereby approved shall only be secured closed if the Bus Station (parcel B) and leisure Centre (parcel L) are both closed to users.

148 **LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

149 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

150 **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 10 July at 9.30 a.m. The Councillors attending will be Bialyk, Denham and Lyons.

(The meeting commenced at 5.30 pm and closed at 8.10 pm)

Chair

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