

**PLANNING COMMITTEE**  
**(HELD AS A VIRTUAL MEETING)**

Monday 22 February 2021

Present:-

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

Apologies

Councillor Martin

Also Present

City Development Consultant, Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) (MH), Project Manager (Planning) (LP), Development Manager Highways and Transport, Democratic Services Officer (MD) and Democratic Services Officer (HB)

7

**MINUTES**

The minutes of the meeting held on 18 January 2021 were taken as read, and approved as correct to be signed by the Chair at the earliest possible convenience.

8

**DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

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**PLANNING APPLICATION NO. 20/0849/RES - LAND AT CLYST ROAD, TOPSHAM, EXETER**

The Principal Project Manager (Development) (MH) presented the application for the approval of reserved matters (Appearance, landscaping, layout and scale) for 155 dwellings relating to outline planning application (*Reference 17/1148/OUT*) approved on 14th January 2019 via appeal.

The Principal Project Manager (Development) set out a detailed description of the site and surrounding area and referred to the following key issues:-

- the principle of development established through outline planning permission granted on appeal ref 17/1148/OUT;
- the layout, scale, design, impact on character and appearance and impact on amenity of surroundings and landscape or heritage aspects;
- affordable housing;
- the absence of a five year land supply;
- access and impact on trees and bio-diversity;
- flood risk and surface water management;
- sustainable construction and energy conservation; and
- economic benefits and CIL/Section 106; and
- the location considered to be sustainable and the proposal acceptable in its design and general visual impact and was not considered to be of any

significant harm to neighbouring residential amenity.

The Principal Project Manager (Development) responded as follows to Members' queries:-

- the applicant would be required to undertake highway works under Section 278 of the Highways Act 1980 to provide for appropriate footpath provision from the site along Clyst Road to the junction with Denver Road, indicative drawings having showed that these would be broadly in compliance with outline approval;
- the affordable housing provision would be a mix of 72% one and two bed, 24% three bed and 4% four bed; and
- a management company would be responsible for the maintenance of the open space.

Jenny Mitter spoke in support of the application. She raised the following points:-

- speaking on behalf of the applicant Taylor Wimpey;
- the principle of development has been established through the previous outline approval which was secured via appeal in 2019 by Waddeton Park Ltd;
- provides 155 predominantly 2 storey dwellings ranging from one bed apartments to five bed houses with 35% of the housing affordable;
- 12% of the site area is dedicated to public open space including a large equipped children's play area;
- a tree-lined avenue running north to south is provided, with large areas of open space at the two access points. The greatest density of development will be concentrated to the west of the site adjacent to the railway line with a good separation between the proposed and existing dwellings along Highfield and Clyst Road;
- the existing footway between the site and Denver Road will be improved with a continuous footpath from the site entrance to Denver Road;
- provides a net gain in biodiversity and has been designed to reduce emissions by 19% over 2013 Building Regulations including the provision for solar panels. Good cycle parking and a car club space will be provided and dwellings will be designed to be electric vehicle charging ready;
- Taylor Wimpey will provide a further £37,500 towards improvements within Topsham Recreation Ground; and
- the scheme is technically acceptable and addresses housing need delivering much needed new homes including 54 affordable dwellings.

Members expressed the following views:-

- welcome the affordable housing proposal with a good mix into the overall residential provision on the site;
- a sustainable approach with good connectivity to Topsham; and
- welcome the retention of trees and the provision of car charging points.

The recommendations were for approval, subject to the conditions as set out in the report.

The recommendations were moved and seconded and, following a vote, carried

**RESOLVED** that A), subject to the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure a contribution of £37,500 towards enhancement of older age play provision and accessibility/footpath improvements within the Topsham Recreation Ground the

Service Lead City Development be authorised to **APPROVE** planning permission for reserved matters (Appearance, landscaping, layout and scale) for 155 dwellings relating to outline planning application (*Reference 17/1148/OUT*) approved on 14th January 2019 via appeal, subject also to the following conditions:-

All Section 106 contributions should be index linked from the date of resolution.

- 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 8th July 2020 and the drawing nos. listed on the Lichfields Schedule of Approved Plans ref 61050 Approved Plans without Drainage 11-02-21 (received on the 11th February 2021) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 2) All conditions imposed on the outline approval 17/1148/OUT are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 3) The off-site highway improvement works to Clyst Road as shown on drawing nos. 14523-HYD-XX-XX-DR-D-0100 Rev P05, 14523-HYD-XX-XX-DR-D-0101 Rev P05, and 14523-HYD-XX-XX-DR-D-0102 Rev P03 should be secured via a S278 agreement in order to meet Condition 5 of the outline consent, with timing and trigger points to be agreed in writing with the Local Planning Authority in consultation with the Local Highway Authority.  
**Reason -** To ensure that the off-site highway improvement works identified as necessary by the Inspector in the appeal decision letter dated 14th January 2019 are implemented in accordance with approved details and timeframes.
- 4) The pedestrian/cycle path connecting to the northern boundary of the site adjacent to plot 132 shown on drawing no. SL.01 Rev H shall be constructed up to the boundary of the applicant's landownership in accordance with details and a timeframe that shall previously have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority prior to the occupation of the 50th dwelling comprised in the development hereby approved.  
**Reason -** To ensure proper planning of the area and ensure that the potential for pedestrian/cycle permeability with land to the north is not prejudiced by the development.
- 5) The potential vehicular connection to the land to the north of the site shown on drawing no. SL.01 Rev H between plots 114 and 120 shall be constructed up to the boundary of the applicant's landownership in accordance with details and a timeframe that shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority prior to the occupation of the 50th dwelling comprised in the development hereby approved.  
**Reason -** To ensure proper planning of the area and ensure that the potential for vehicular permeability with the land to the north is not prejudiced by the development.
- 6) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and any

Order revoking and re-enacting that Order with or without modification, no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

Part 1, Class A extensions and alterations

Part 1, Classes B and C roof addition or alteration

Part 1, Class E buildings incidental to the enjoyment of the dwelling house

Part 1 Class F hard surfaces

**Reason:** In order to protect residential amenity and to prevent overdevelopment.

- 7) Prior to occupation of the development, details shall be submitted and approved in writing by the Local Planning Authority of secure covered cycle parking provision for the development and thereafter maintained in accordance with the agreed details.  
**Reason:** To ensure the provision of suitable cycle parking within the site.
- 8) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 9) The Car Club allocated parking bay indicated on drawing no. SL.01 Rev H (Site Layout) shall be marked out accordingly and provided with a suitable electricity supply to facilitate future connection and electric vehicle charging capability in accordance with details and a timeframe that shall have been submitted to and approved in writing by the Local Planning Authority within 6 months of the commencement of the development. Thereafter the said parking bay shall be retained solely for that purpose at all times.  
**Reason –** In the interests of the promotion and facilitation of sustainable modes of transport to meet the needs of the future occupants of the development.
- 10) 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.

### **Informatives**

- 1) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 2) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local

Planning Authority as soon as possible. A copy is available on the Exeter City Council website. It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (i.e. where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see [www.exeter.gov.uk/cil](http://www.exeter.gov.uk/cil).

- 3) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
- 4) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).
- 5) The submitted Construction Ecological Management Plan (Report ref 200611\_P1052\_CEcMP) and Landscape and Ecological Management Plan (Report ref 200611\_P1502\_LEMP) submitted as part of this Reserved Matters application, both prepared by ead Ecology and dated June 2020, are considered acceptable pursuant to Condition 18 of planning approval ref no. 17/1148/OUT. Obviously the implementation and maintenance elements of the condition remain to be complied on an on-going basis.
- 6) The detailed design of the proposed permanent and construction phase surface water drainage management scheme to serve the development is not hereby approved. Your attention is drawn to conditions 9 and 10 of the outline approval ref 17/1148/OUT in relation to these matters, and the need to submit, and have approved, appropriate details to discharge these conditions prior to the commencement of the development.

and further **RESOLVED** that,

- B) the Service Lead City Development be authorised to **REFUSE** planning permission if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) is not completed by 22 August 2021 or such extended time as agreed by the Service Lead City Development for the reasons set out below:-

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters-

- Contribution of £37,500 towards enhancement of older age play

provision and accessibility/footpath improvements within Topsham Recreation Ground

the proposal fails to provide adequate open space provision to meet the needs of potential residents and is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 3, 6 and 10, Policy CP18, Exeter Local Plan First Review 1995-2011 saved Policy DG5.

10 **PLANNING APPLICATION NO. 20/0803/FUL - GLOBE INN, 39 CLIFTON ROAD, EXETER**

The Project Manager (Planning) presented the application for the change of Use from Public House (Class A4) to Children's Home (Class C2).

The Project Manager (Planning) highlighted the following:-

- three floors of accommodation were proposed, the upper floors would provide five places for children aged between 8 and 16, two staff bedrooms and some communal area for dining and recreation, a communal area on the middle floor would be provided with some bedrooms and on the upper floor a kitchen and more bedrooms and staff quarters. On the ground floor, three studio apartments for 16 to 18 year olds plus one additional staff bedroom were proposed;
- whilst the Council did not have a policy to retain public houses, it was necessary to demonstrate potential demand for an alternative community use. The property had been marketed widely as a public house but no offers made;
- community facilities had a broad definition at both the national and the local level and the provision of a children's home in meeting the community and welfare needs of the area was in accord with policy CP10 of the Council's core strategy. The principal of the change of use was considered compliant with national and local policy and the county council had confirmed there is a need for additional children's homes in the area;
- public consultations had been carried out in July 2020 and January 2021, with 17 letters of objection and two in support received for the former and 14 letters of objection and one of support for the latter;
- as well as the pub loss, objections related to concern over the impact on neighbouring residential properties in terms of noise and disturbance, potential anti-social and criminal behaviour and loss of privacy. Some objectors considered that staffing levels would be insufficient with reservations about the welfare of the children;
- the Devon and Cornwall Police Designing Out Crime Officer initially had significant concerns highlighting that out of 25 wards and beats in the Exeter area, Newtown was the 5th highest in respect of numbers of offences but, ultimately the mitigation measures put forward had been acceptable;
- there would be significant level of inspection and regulatory oversight by OFSTED with regular inspections including from independent visitors. Each person placed in the home would have a social worker with frequent visits and neighbouring residents would be given contact details to make complaints and contact could be made 24/7.
- the main compromise in respect of mitigation measures had been in respect of CCTV coverage as the courts would have to approve the installation inside the building which OFSTED did not support and, as a result, CCTV would only be mounted on the side of the building overlooking the current car park area;

- information had been submitted on day to day management outlining in detail many aspects of the running of the home including admissions procedures, staff training and development and safeguarding;
- a key document was the missing persons protocol setting out procedures for deterring escape;
- external alterations included replacing timbers sash windows with plastic double glazed which had already been carried out but it was considered that the heritage harm was relatively limited and that there were public benefits in providing a childrens' home;
- a metal screen around the rear external staircase with a perforated metal cover was proposed, the screen hopefully addressing neighbouring privacy concerns and any problem of individuals congregating as well as providing an anti-climb measure to prevent escapes;
- in respect of the rear garden of 63 square metres of space, the Council had no minimum garden space standards for children's homes but some provision was sought;
- use would be made of a private parking area in Lower Albert Street for staff and visitors;
- there would be a secure bike store on site and the home was close to a good public transport network; and
- contrary to officers' views, the applicant's agent considered that there was no planning breach of the upper floors of the building where a person was currently residing but the individual would be moving shortly and no enforcement action was necessary.

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

- the urgent need for the provision of children's homes was well established and the loss to the community of The Globe pub and business was regrettable but there had been a rise in anti-social behaviour and noise disturbance associated with the pub in its final months but no appropriate offer had been forthcoming to re-let;
- whilst another community amenity, the Clifton Hill Sports Centre, had also been lost, the Council had facilitated a state-of-the-art new leisure centre in the ward and a new community building in Belmont Park;
- replacing the traditional windows of the pub with UPVC was regrettable, as was the internal refurbishment prior to planning approval. Whilst the replacement windows would have a negative impact on the visual amenity of the area they were desirable from a safety and security point of view;
- there were local concerns regarding possible anti-social behavior from a children's home in the heart of Newtown which is already a significant problem in the area. The input from the Police including the Designing Out Crime Officer, Devon County Council and Ofsted, and by the additional design and security measures was reassuring. However, the safety and security of the home's residents and wider community are of the highest importance, and it is vital that the applicant and agencies continue to cooperate effectively to minimise risk;
- other concerns are the potential for noise disturbance and neighbours' loss of privacy arising from the existing external staircase, but it is hoped that the metal screening and removal of the door to the former function room will address these;
- the provision of an outside recreation area requires attention;
- welcome the bike store and hope that this provision will prevent a significant

- increase in vehicles and parking issues;
- note the clarification on staffing levels and the 24/7 contact number for complaints and Devon County Council's Children's Services team have offered guidance;
- ward Councillors will continue to monitor the situation closely and ensure good lines of communication to address any problems; and
- local concerns and objections have been expressed genuinely and constructively from a very tolerant and inclusive community.

Jane Robey spoke against the application. She raised the following points:-

- speaking on behalf of all the residents in Belmont Road Clifton Road and Albert Street who have submitted objections to the proposed change of use of the Globe Inn from a pub to a children's home;
- no public engagement with no public postings;
- the change of use does not benefit the Newtown residents who will lose a community amenity;
- it is for wider benefit of Devon County Council and their child care crisis not Newtown residents;
- change to UPVC for the windows is regrettable;
- the Globe is already operational and the rear is an eyesore with none of the police design out recommendations implemented. The proposed screen is not conducive to family living;
- access to the rear should be made through the ground floor only using the fire escape for its intended purpose;
- noise transference will have a major impact on all houses surrounding the car park and using the space for recreation will impact on daily lives negatively;
- the self-contained studio apartments are too small. A 16-18 year old should have the same level of comfort as an adult;
- the three self-contained units have no reception or concierge to support the young people and prevent access by unwanted visitors or manage unreasonable behaviour;
- serious concerns about security and safety as this is a high crime area and the Police have raised their concerns. It is an area unsuitable for vulnerable young children;
- management, care quality standards, environmental health concerns have not been addressed; and
- residents will have to bear the burden of this change.

Responding to a Member, she stated that she did not feel that security would be adequate enough to control the comings and goings of the older children especially in view of the existing anti-social behaviour in the area which could be an attraction to some of the inhabitants.

Chris Riordan spoke in support of the application. He raised the following points:-

- speaking as the responsible individual for The Globe on behalf of Central and Southern Homes whose priority will always be the welfare of the children but also to work with neighbours and contribute positively to the community;
- over time, the trust of neighbours will be gained and there will be active engagement;
- possess many years' experience in running successful children's homes on a much larger scale working in harmony with the local residents. Although there

is a perception of children's homes being associated with antisocial behaviour and a drain on police resources in the area this is not the case when the home is managed effectively and has the right level of support in place;

- children need to be given the opportunity to live closer to a city and learn how to safely manage the risks associated as this is where the majority of children will move to when they become 16;
- OFSTED approve the proposal and will review annually with six monthly inspections. There are also monthly independent quality assurance visits from the National Youth Advocacy Service who report back to OFSTED and there is close liaison with the Missing Persons team;
- staff are trained to a high standard in all areas including the risks of exploitation and county lines;
- there is a huge need for children's homes, too many children being sent hundreds of miles away from their families and communities. Too many children are being sent down paths that lead to poor outcomes, drink, drugs, county lines and homelessness because there is a void in the care system that means currently there are no other options for these children.

He responded as follows to Members' queries:-

- every measure possible would be taken to ensure the safety of the children, using previous experience of operating within the heart of a community;
- this will be fully regulated in accordance with OFSTED conditions as there have been significant problems with unregulated homes;
- the ratio of support and supervision for each individual child will reflect their needs with full consultation with the child's social worker and there will be very close supervision of each child's movements out of the premises. Many will have one to one supervision at all times.

Members expressed the following views:-

- will resources be sufficient to adequately protect the children particularly in light of the Police data on the prevalence of drug use in the ward and are insulation measures sufficient?
- whilst crime issues are recognised, Devon and Cornwall is generally a lower crime area than some other UK areas;
- evidence from similar facilities in Exeter such as pupil referral units, special schools and move on facilities suggest that ultimately the facility will settle into the community with minimal problems;
- the growing need to support the County's children is evident when some 71 of 120 children needing support had to be placed outside the County recently;
- the importance of the facility being regulated rather than un-regulated and priority being given to protecting children;
- the premises is close to the city centre with facilities such as the cinemas, the new leisure centre and Exeter College; and
- further discussions to be held with the applicant to improve sound proofing of the building and to limit the hours of use of the garden/outdoor space.

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

The proposals for delegated authority to be granted to the Service Lead City Development, subject to prior consultation with the Chair and ward Councillors, to seek with the applicant adequate sound proofing of the building and to limit the

hours of use of the garden/outdoor space were proposed as amendments.

The recommendations, as amended, were moved and seconded and, following a vote, carried.

**RESOLVED** that the Service Lead City Development, subject to prior consultation with the Chair and ward Councillors in respect of conditions to be negotiated with the applicant to seek adequate sound proofing of the building and to limit the hours of use of the garden/outdoor space, be authorised to approve planning permission for the change of Use from Public House (Class A4) to Children's Home (Class C2), subject 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 and 92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 31 December 2020 (drawing nos. 253 P 1.02 Rev. A, 253 P 1.03 Rev. A, 253 P 1.04 Rev. A, 253 P. 1.05 Rev. A and 253 P 2.02 Rev. B) and 17 July 2020 (drawing no. 253 P 2.01) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Prior to their installation on site, full details of the plant intended for the plant room shall be submitted to, and approved by, the Local Planning Authority. Depending on the precise nature of the plant, the Local Planning Authority may request that a Noise Impact Assessment and noise mitigation strategy is provided before concluding whether the plant is acceptable. In the events of the plant details being considered acceptable, the plant shall thereafter be installed in accordance with the approved details.  
**Reason:** In the interests of residential amenity.
- 4) The development shall not be occupied until the cycle storage facilities, as shown on the proposed ground floor plan, have been provided and made available to staff, residents and visitors for use. Unless otherwise agreed with the Local Planning Authority, the cycle storage facilities shall be maintained and retained over the lifetime of the development.  
**Reason:** To encourage the use of sustainable forms of transport.
- 5) Unless otherwise agreed with the Local Planning Authority, the rooflights hereby approved, as shown on Proposed First and Second Floor Plans, shall be installed within 3 months from the date of commencement of the use.  
**Reason:** In the interests of the amenities of the occupiers of the building.
- 6) Prior to their installation on site, full details of the replacement door to the media zone, the colour (or RAL number) of the metal staircase screen, the fencing/walls around the rear garden and any external lighting shall be submitted to, and approved by, the Local Planning Authority. The door, screen, fencing/walls and external lighting shall thereafter be installed in accordance with these approved details.  
**Reason:** Insufficient information has been submitted with the application and in the interests of security and residential and visual amenity.

- 7) Prior to the commencement of the use of the home, all of the security measures described in the document 'Security and Secure By Design' (received on 31 December 2020) shall be implemented and thereafter retained and maintained, unless otherwise agreed with the Local Planning Authority.  
**Reason:** In the interests of safety, security and designing out crime.

### **Informatives**

- 1) In accordance with the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature and scale of the development it has been concluded that the proposal does not require an AA.
- 2) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant's agent by negotiating amendments and providing advice to enable the grant of planning permission.

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### **PLANNING APPLICATION NO. 19/1465/OUT - LAND ADJOINING EXETER ROAD, TOPSHAM, EXETER**

The Principal Project Manager (Development) (MH) explained that the proposal was an application for outline planning permission for the construction of up to 24 dwellings (Use Class C3) - Means of access to be determined only (All other matters reserved).

The Principal Project Manager (Development) reported that Planning Committee on 12 October 2020 had resolved to grant planning permission subject to completion of a Section 106 Agreement covering the matters set out in the report to that Committee below which included financial Education contributions as requested by Devon County Council as the Education Authority.

Whilst work on the drafting of the Agreement was underway, in the meantime the County Council had reconsidered their consultation response in respect of required education contributions in the light of the opening of the new Monkerton Primary School. As a result of the opening of this school the County Council had provided a revised consultation response stating in respect of this development that there was now sufficient spare capacity to meet the primary and early years education demands arising from the development. Therefore the County Council was now only seeking an education contribution in respect of this development for secondary education provision/demands arising from the proposed housing amounting to £87,339.

There had been no other changes in respect of the proposal as previously considered by Planning Committee and therefore approval was sought from the Committee to re-iterate its previous resolution with an amendment to the Section 106 Agreement in respect of education contribution as follows:-

- Affordable Housing;
- Open space provision, maintenance and public access in perpetuity;
- Education contributions - Secondary £87,339; and

All Section 106 contributions should be index linked from the date of resolution.

All conditions remained as set out in the original committee report and the dual recommendation in respect of refusal should the Section 106 Agreement not be completed also remained as previously recommended but with a revised deadline of 30 June 2021 for completion of the Section 106 Agreement.

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

The recommendations were moved and seconded and, following a vote, carried

**RESOLVED** that, subject to the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:-

- affordable Housing;
- open space provision, maintenance and public access in perpetuity; and
- Education contributions Secondary £87,399.

All Section 106 contributions should be index linked from the date of resolution.

the Service Lead City Development be authorised to **APPROVE** planning permission for Outline planning application for the construction of up to 24 dwellings (Use Class C3) - Means of access to be determined only (All other matters reserved) be approved subject to the following conditions:-

- 1) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun not later than two years from the final approval of the last of the reserved matters to be approved.  
**Reason:** To comply with Section 92 rule 2 of the Town and Country Planning Act 1990 as amended.
- 2) **Pre-commencement condition:** Details of the appearance, landscaping, layout, and scale, (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.  
**Reason for pre-commencement condition:** To safeguard the rights of the local planning authority in respect of the reserved matters. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matters.
- 3) In respect of those matters not reserved for later approval the development hereby permitted shall be carried out in accordance with the proposed access scheme shown on drawing no. 19.489/002 Rev F. No part of the development shall be occupied until the proposed raised table access crossing points on the shared use path between Newcourt Road and Exeter Road shown therein have been provided in accordance with further details that shall have been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To ensure that the means of access to the site are acceptable.
- 4) **Pre-commencement condition:** No materials shall be brought onto the site or any development commenced, until the developer has erected tree

protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

**Reason for pre-commencement condition** - 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.

- 5) **Pre-commencement condition:** A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling, and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact. No construction/demolition work shall take place outside the following times: 8am to 6pm (Mondays to Fridays) 8am to 1 pm (Saturdays) nor at any time on Sundays, Bank or Public Holidays.  
**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.
- 6) **Pre-commencement condition:** Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan (BMEP) which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The BEMP will be expected to incorporate the measures set out in Section 4 of the submitted Ecological Impact Assessment dated October 2019 prepared by EAD Ecology. The development shall be implemented and maintained in accordance with the approved Plan and programme of implementation.  
**Reason for Pre-commencement condition:** In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 7) **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 buildings 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.

- 8) **Pre-commencement condition:** Prior to commencement of the development the applicant shall submit for approval in writing by the LPA an Acoustic Design Statement. Any mitigation measures required shall be implemented in full prior to occupation of the development, and maintained thereafter.  
**Reason for Pre-commencement condition:** In the interests of the residential amenities of the potential occupants of the properties.
- 9) **Pre-commencement condition -** Prior to the commencement of the development a scheme for the mitigation/reduction of emissions to air from vehicular traffic generated by the proposed housing, based on an assessment of the quantum of those emissions, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed mitigation measures and timescale.  
**Reason for Pre-commencement condition:** To ensure that the impact of vehicle emissions associated with the development is reduced in the interests of air quality.
- 10) **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.
- 11) **Pre-commencement condition:** The development hereby permitted shall not commence until a Standard Assessment Procedure (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 has been submitted to and approved by the local planning authority. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and within 3 months of completion of any dwelling a report from a suitably qualified consultant to demonstrate compliance with this condition will be submitted to and approved in writing by the local planning authority.  
**Reason for Pre-commencement condition:** In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.
- 12) **Pre-commencement condition:** Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted

to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

**Reason for Pre-commencement condition:** To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

- 13) **Pre-commencement condition:** Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:
- (a) Soakaway test results in the area proposed for permeable paving in accordance with BRE 365 and groundwater monitoring results in line with our DCC groundwater monitoring policy.
  - (b) A detailed drainage design based upon the approved Surface Water Drainage Strategy Drawing Number 19.489/050 Rev C and the results of the information submitted in relation to (a) above
  - (c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
  - (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - (e) A plan indicating how exceedance flows will be safely managed at the site.
  - (f) Evidence there is agreement in principle from the South West Water. No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) above.
- Reason for pre-commencement condition:** The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The condition should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign/unnecessary delays during construction when site layout is fixed.
- 14) Any reserved matters application submitted pursuant to the outline consent hereby approved shall incorporate within the layout a pedestrian/cycle path to the boundary of the adjoining land to both the west and east of the application site at points to be agreed by the Local Planning Authority in consultation with the Local Highway Authority as part of the consideration of the reserved matters application. The said pedestrian/cycle connection points shall thereafter be constructed up to the boundary of the applicant's land ownership prior to the first occupation of any dwelling contained within the development in respect of the connection to the east, and prior to the 5th occupation in respect of the connection to the west, or such other trigger point as shall be agreed in writing by the Local Planning Authority.
- Reason:** To ensure that the opportunity to provide a pedestrian and cycle connection between the site and adjoining land is secured in the interests of permeability and facilitation of the use of sustainable modes of transport in accordance with policy CP9 of the Council's Adopted Core Strategy.
- 15) Any trees, shrubs and/or hedges on or around the site shall not be felled,

lopped or removed without the prior written consent of the Local Planning Authority.

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

- 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) 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.

- 18) The dwellings hereby approved shall be designed and built to meet M4 2 of the Building Regulations Access to and Use of Building Approved Document M, 2015 edition.

**Reason:** To increase choice, independence and longevity of tenure in accordance with Policy CP5 point three of the Exeter Core Strategy.

- 19) 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.

- 20) No part of the development shall be occupied until a travel plan (including recommendations/arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning 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 ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 111 of the NPPF.

### Informatives

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

- 5) 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.
- 6) Your attention is drawn to the consultation response of South West Water in terms of protection of their assets and the presence of a public sewer within the site.
- 7) Drawing no. 9408-PL03C dated 14.10.2019 entitled 'Indicative Site Layout' is not hereby approved and has been treated as a feasibility plan only and therefore it should not be assumed that the layout depicted on this drawing would be considered acceptable at reserved matters stage without further negotiation.

(B) the Assistant Service Lead City Development be authorised to **REFUSE** planning permission if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990(as amended) is not completed by 30 June 2021 or such extended time as agreed by the Service Lead City Development

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**PLANNING APPLICATION NO. 20/0321/FUL - LAND AT BROOM PARK  
NURSERIES AND FIVE ACRES, EXETER ROAD.**

The Principal Project Manager (Development) (MH) presented the application for the demolition of existing buildings: Proposed residential development of 64 no. residential units, including affordable housing, plus open space, landscaping, car parking, cycle spaces, drainage, vehicular access, internal roads, provision of link road and all associated infrastructure and development.

The Principal Project Manager (Development) reported that Planning Committee on 12 October 2020 had resolved to grant planning permission subject to completion of a Section 106 Agreement covering the matters set out in the report to that Committee as set out below which included financial Education contributions as requested by Devon County Council as the Education Authority.

Whilst work on the drafting of the Agreement was underway, in the meantime the County Council had reconsidered their consultation response in respect of required education contributions in the light of the opening of the new Monkerton Primary School. As a result of the opening of this school the County Council had provided a revised consultation response stating in respect of this development that there was now sufficient spare capacity to meet the primary and early years' education demands arising from the development. Therefore the County Council was now only seeking an education contribution in respect of this development for secondary education provision/demands arising from the proposed housing amounting to £206,407.

There had been no other changes in respect of the proposal as previously considered by Planning Committee and therefore approval was sought from the Committee to re-iterate its previous resolution with an amendment to the Section 106 Agreement in respect of education contributions as follows:-

- Affordable housing;
- Open space provision including equipped children's play area, maintenance and public access in perpetuity;
- Education contributions - Secondary £206,407;
- Contribution of £26,838 towards enhanced GP facilities/provision in the locality;

- £500 per dwelling towards sustainable travel measures (Travel Planning); and
- Up to £10,000 Traffic Regulation Order contributions relating to the proposed raised tables, car club and electric cycle parking spaces.

All Section 106 contributions should be index linked from the date of resolution.

All conditions remained as set out in the original committee report and the dual recommendation in respect of refusal should the Section 106 Agreement not be completed also remained as previously recommended but with a revised deadline of 31 July 2021 for completion of the Section 106 Agreement.

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

The recommendations were moved and seconded and, following a vote, carried

**RESOLVED** that, subject to the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following

- Affordable housing;
- Open space provision including equipped children's play area, maintenance and public access in perpetuity;
- Education contributions - Secondary £206,407;
- Contribution of £26,838 towards enhanced GP facilities/provision in the locality;
- £500 per dwelling towards sustainable travel measures (Travel Planning);
- Up to £10,000 Traffic Regulation Order contributions relating to the proposed raised tables, car club and electric cycle parking spaces; and
- All S106 contributions should be index linked from the date of resolution.

the Service Lead City Development be authorised to **APPROVE** planning permission for the demolition of existing buildings: Proposed residential development of 64 no. residential units, including affordable housing, plus open space, landscaping, car parking, cycle spaces, drainage, vehicular access, internal roads, provision of link road and all associated infrastructure and development subject 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 and 92 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 4th March, 27th, 28th and 29th July, and 15th September 2020 (including dwg. nos. 1415/P100 Rev G, BRM-010-Landscape Rev 5.2, BRM-010-Phasing Rev 5.2, 1415/P103 Rev C, 1415/P104 Rev D, 1415/P105 Rev D, 1415/P120 Rev C, 1415/P121 Rev C, SK008, 1415/Dn-3 Rev C, 1415/Dn-4 Rev C, 1415/T-1 Rev A, 1415/Ap-1 Rev C, 1415/Bm-1 Rev B, 1415/Ap-2 Rev C, 1415/But-3 Rev A, 1415/T-2 Rev A, 1415/But-4 Rev A, 1415/Bm-2 Rev B, 1415/Gr-1 Rev C, 1415/Gr-2 Rev B, 1415/FI-1 Rev A, 1415/Gr-3 Rev B, 1415/FI-2 Rev A, 1415/Hr-1 Rev A, 1415/Hc-2 Rev B, 1415/Hr-2 Rev A, 1415/Hc-1 Rev B, 1415/Kn-1 Rev C,

1415/Slt-1 Rev A, 1415/Pt-1 Rev C, 1415/Pt-2 Rev C, 1415/Slt-2 Rev A, 1415/Kn-2 Rev C, 1415/T5, and 1415/T6) as modified by other conditions of this consent.

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

- 3) **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 buildings 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.
- 4) **Pre-commencement condition:** - No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
- (a) A detailed drainage design based upon the Flood Risk Assessment and Drainage Strategy (Ref.19030; Rev. A; dated 23rd July 2020).
  - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
  - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - (d) A plan indicating how exceedance flows will be safely managed at the site.
  - (e) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.
  - (f) Evidence there is agreement in principle from SWW/landowner/DCC Highways to connect into their system
  - (g) An assessment of the potential impacts of groundwater on the surface water drainage system, such as 'floatation'. The assessment should also include the construction of the features.
- No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (g) above.
- Reason for pre-commencement condition:** The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.
- 5) **Pre-commencement condition:** A Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of

monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.

**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.

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

**Reason for pre-commencement condition:** To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

- 7) **Pre-commencement condition:** No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

**Reason for pre-commencement condition** - 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.

- 8) **Pre-commencement condition:** Before commencement of construction of the development hereby permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in 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.

- 9) **Pre-commencement condition:** Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan (BMEP) which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The BMEP will be expected to include the provision of integral bat/bird bricks within the dwellings equivalent to a ratio of one/dwelling in line with the advice contained with the Council's adopted Residential Design SPD. The development shall thereafter be implemented and maintained in accordance with the approved Plan and programme of implementation.

**Reason for pre-commencement condition** - In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

- 10) **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.

- 11) **Pre-commencement condition:** - Prior to the commencement of the development hereby approved a construction programme detailing the order in which the phases identified on drawing no. BRM-010-Phasing Rev 5.2 will be constructed shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed construction programme.

**Reason for Pre-commencement condition:-** To ensure that the implementation of the development, and hence relevant triggers referred to in the conditions attached to this consent and clearly understood and agreed.

- 12) Prior to the first occupation of any dwelling hereby approved the relevant mitigation requirements outlined in Acoustic Associates SW Ltd's Environmental Noise Impact Assessment (project ref: 7363, date: 24/07/2020) shall be met and implemented in full, and be maintained thereafter at all times unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - To ensure that an acceptable residential environment is created for future occupants of the properties.

- 13) Prior to commencement of construction of any part of the link road beyond plot 61 up to the northern boundary, as hatched in yellow on drawing no. BRM-010-Landscape Rev 5.2, details shall be submitted to the Local Planning Authority of its geometry and construction, together with details (including a timeframe for delivery) of a pedestrian/cycle connection from

this road up to the boundary of the applicant's land ownership with the adjoining land to the east of the application site at a point to be agreed in writing as part of those details. Construction of this link road shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Highway Authority, and thereafter this section of road, and the pedestrian/cycle connection, shall be completed in accordance with the approved details.

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

- 14) Prior to the first occupation of any individual dwelling identified on drawing no. 1415/P104 Rev D as being provided with cycle storage provision within the rear garden of that property, the said cycle storage provision shall be provided and made available for use in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.  
**Reason -** To ensure that adequate provision for the storage of cycles is provided to serve these dwellings.
- 15) A 3m footway/cycleway link (together with staggered barriers) adjacent to Plot 54 to Exeter Road shall be delivered as part of Phase 1 or such other trigger point as shall be agreed in writing with the Local Planning Authority in consultation with the Local Highway Authority as indicated on Drawing Number BRM-010-LANDSCAPE Rev 5.2  
**Reason:** To provide a safe and suitable access in accordance with phs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.
- 16) A footway link to the east of plot 42 shall be delivered up to the boundary of the applicant's land ownership as part of Phase 4 or such other trigger point as shall be agreed in writing with the Local Planning Authority in consultation with the Local Highway Authority as indicated on Drawing Number BRM-010 LANDSCAPE Rev 5.2  
**Reason:** To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.
- 17) Prior to the first occupation of the 15<sup>th</sup> dwelling comprising part of the development hereby approved a 2m wide footway adjacent to Exeter Road, associated crossing point and relocated bus shelter as indicated on Drawing number BRM-010-LANDSCAPE Rev 5.2 shall be provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.  
**Reason:** To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.
- 18) Prior to the first occupation of any dwelling hereby approved within Phase 2 or 3 as identified on drawing no. BRM-010-Phasing Rev 5.2 the space for a 10 bike Co bike docking station and Parking bay for a Car Club vehicle within the respective phase (together with electricity supply to each element) shall be provided and made available for use as indicated on Drawing number BRM-010-LANDSCAPE Rev 5.2 in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.  
**Reason:** To provide adequate facilities for sustainable transport and ECC Core Strategy CP9.

- 19) Prior to the first occupation of the 15<sup>th</sup> dwelling comprising part of the development hereby approved, the three raised tables on Exeter Road (together with crossing points) as indicated on Drawing Number 205368-A-02 Rev C shall be provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority.  
**Reason:** To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.
- 20) A detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no dwelling or building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 21) 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.
- 22) 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.
- 23) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 24) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.  
**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby.

## **Informatives**

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

(B) the Assistant Service Lead City Development be authorised to **REFUSE** planning permission if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990(as amended) is not completed by 31 July 2021 or such extended time as agreed by the Service Lead City Development

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters:

- Affordable housing
- Open space provision – play equipment, maintenance arrangements and public access in perpetuity

- Education contributions
- GP facilities contribution
- Sustainable Travel Planning contribution
- Traffic Regulation Order contributions

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 3, 5, 6 and 10, policies CP7, CP9, CP10, and CP18, Exeter Local Plan First Review 1995-2011 saved policies AP1, T1, T3 and DG5, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.

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

The report of the Director City Development, Housing and Supporting People was submitted.

**RESOLVED** that the report be noted.

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#### **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(The meeting commenced at 5.30 pm and closed at 7.01 pm)

Chair