

PLANNING COMMITTEE

Monday 25 April 2022

Present:-

Councillor Emma Morse (Chair)
Councillors Williams, Branston, Denning, Hannaford, Mrs Henson, Lights, Mitchell, M, Moore, D and Sutton

Also Present

Service Lead for City Development, Principal Project Manager (Development) (MH), Principal Project Manager (Development) (HS), Project Officer (Planning) (EP), Planning Solicitor and Democratic Services Officer (HB)

Councillors Harvey, Sheldon and Sparling attended under Standing Order No 44.

13

MINUTES

The minutes of the meeting held on 28 March 2022 were taken as read, approved and signed by the Chair as correct.

14

DECLARATIONS OF INTEREST

A Member declared the following interest:-

COUNCILLOR	MINUTE
Councillor Branston	Min. No 16 – non pecuniary

15

PLANNING APPLICATION NO 21/1864/FUL - FORMER EXETER ROYAL ACADEMY FOR THE DEAF (ERADE), TOPSHAM ROAD, EXETER

The Principal Project Manager (Development) (HS) presented the planning application for the re-development for retirement living accommodation (60 years old and/or partner over 55 years old) comprising 84 retirement apartments including communal facilities, access, car parking and landscaping. Attention was drawn to the matters on the update sheet and wording for conditions 3 and 15 listed in the report was provided.

The Principal Project Manager (Development) (HS) described the layout and location of the site through the site location plans, aerial views and photos of the site and panoramic views from and to adjoining areas, elevations of the development in relation to adjoining roads and the design and layout of the three, four and in part, five floors, the report presented setting out the following key issues:-

- principle of development
- scale, design, impact on character and appearance;
- access and parking;
- affordable housing;
- impact on amenity and biodiversity;

- sustainable construction;
- contaminated land;
- economic benefits and viability; and
- Development Plan, five year housing land supply and presumption in favour of sustainable development.

The Principal Project Manager (Development) (HS) advised that a petition with 952 signatories had been received in the following terms:-

“We the undersigned petition the Council to consider the new planning application for a Retirement Living Complex on the former ERADE site 21/1864/FUL with an increase from 61 to 84 residential units together with the new Care Home below it using the proposed access road into and out of the new development via the Weirfield Road cul-de-sac.

Weirfield Road is a public taxpayer funded steep, narrow, residential cul-de-sac which already provides sole access to St Leonard's Church and adjoining roads. The detrimental impacts include unsustainable traffic congestion and reduced safety for pedestrians and vehicles. Current proposals expect the existing community to carry the burden of traffic to and from a private development. Developers need to provide an access and slip road directly on to Topsham Road and take responsibility for vehicular movements and associated queues generated by their premises.”

The Principal Project Manager (Development) (HS) provided the following additional detail:-

- the proposed single building block followed the form of the permitted Assisted Living Block, forming a u-shape open to the south away from Topsham Road and incorporated a private garden space with the centre of the building. The western leg of the building (fronting Weirfield Road) being three storey and maintaining a three storey height stepping down the slope to the south. The eastern leg would front a new open space within the wider ERADE site. The massing of the proposed building fronting Topsham Road stepped down in height from four storeys to three storeys towards Weirfield Road;
- the main vehicular access would be from Weirfield Road, with a drop off/pick up pull-in on Topsham Road. The applicant's Transport Note concluded that there would be fewer vehicle movements than for the consented Assisted Living Scheme. The proposal incorporated 28 parking car spaces with turning space provided on site to accommodate large vehicles;
- the site would be developed at the highest density that can be achieved, whilst meeting criteria set out in policies H2 and DG4 of the Local Plan and Policy CP4 of the Core Strategy;
- the proposed building design and architectural style closely re-created the approach of the permitted scheme the consent for which was extant. This would ensure it read as a cohesive whole with the other elements of the wider ERADE Site re-development;
- the building would step down across the Topsham Road frontage towards Weirfield Road from four to three stories. The highest parts of the building at four and five storeys would face the internal courtyard and the open space to the east of the building and the wider ERADE re-development. The overall height of the building was reduced slightly from the permitted scheme. As such, the proposals were considered to reduce impacts;

- the age restricted development provided landscaped setting to the building and an enclosed patio and garden area for residents. A larger public amenity space would be provided as part of the re-development of the wider site;
- eight affordable housing units were proposed on site with a financial contribution towards off site provision of affordable housing;
- the Sustainable Transport Plan would be reviewed every year and the amount of cycle provision was considered appropriate;
- the design approach was considered to accord with development plan policies; and
- amended wordings were provided in respect of conditions 3 and 15.

The Principal Project Manager (Development) (HS) in conclusion stated that the site was considered to be a sustainably located brownfield site and was considered favourably in the search sequence set out in Exeter Local Plan Policy H1, and as such residential development was acceptable in principle. The design, scale, massing, access and parking arrangements, off-site affordable housing provision, and the impacts on amenity, ecology and heritage were considered acceptable and the proposal was considered to accord with the Development Plan as a whole, subject to the imposition of conditions and completion of a Section 106 Agreement.

The Principal Project Manager (Development) (HS) provided the following responses to Members' queries:-

- the illustrative designs showed a reduced impact on Weirfield Road with a lowering of the scheme from the previous proposal and altered balconies. Trees on part of the boundary also provided a barrier and the proposed building was set back from the highway;
- the access off Topsham Road agreed as part of the previous consent, and a separate construction traffic only access had been provided from Topsham Road;
- Devon County Council had confirmed that vehicle movements into the site would be lower than the previously consented scheme and that there were no highway safety issues along Weirfield Road;
- elevations, building design and architectural style, façade and balconies and windows reflected the context of the wider re-development of the ERADE site;
- the hierarchy of affordable housing delivery off-site was for either parallel development on site, purchase of appropriate dwellings or a commuted sum;
- negotiations were to continue on the viability assessment which did not provide a full affordable housing contribution on site. If the details could not be agreed, the application would be refused as the alternative recommendation in the report;
- the pull in off Topsham Road was for easy access as a drop off/pick up point, for example, for deliveries or taxis;
- Topsham Road was part of the Air Quality Management Area with the goal of reducing pollution. The impact on air pollution for this scheme would be lower than the Assisted Living Scheme previously agreed and included electric charging points;
- pedestrian access would be provided for the development onto Topsham Road and there would be a crossing point on the eastern side onto Weirfield Road and four residents' parking spaces would be provided for Weirfield Road;
- although submitted at Council on 19 April 2022, the petition had originated in January and there had therefore been sufficient time for officers to respond to the detail within the petition to include the necessary responses within the report; and

- the Devon and Somerset Fire and Rescue Authority had commented on the proposal and had no objections to the proposals but wished to continue to be consulted and fire and safety aspects would also be assessed under the Building Control regime.

Councillor Sparling, having given notice under Standing Order No. 44, attended the meeting and spoke on the item. She raised the following points:-

- when planning permission was granted in 2018 the opposition to the siting of the access point for both the Care Home and the Assisted Living sites on Weirfield Road was ignored;
- further unseen issues relating to Weirfield Road are likely in the future creating conflict with the existing community. The solution is to use Topsham Road as the access to both sites;
- the original concerns remain relevant and will impact on the City for a long time especially with regard to shifts in ways of living and moving around the City;
- Weirfield Road is a narrow cul-de-sac road with resident parking on both sides, predominantly single carriageway without passing bays plus a narrow pavement on one side only;
- the road is a key active travel route and due to its semi-pedestrianised nature, is very popular with families, cyclists, joggers etc. By unnecessarily increasing traffic on Weirfield Road, this will be going directly against the aims of the Council by reducing the space available for active travel. The Transport Strategy for Exeter has a goal of making 50% of all journeys originating and ending in the City by foot or cycling and more safe space is needed, not less;
- the car park will offer 28 spaces for the age restricted homes plus a further 27 spaces for the Care Home - potentially bringing 55 additional vehicles into regular use on Weirfield Road;
- increased traffic could quickly cause blockages on this single carriageway, as vehicles try to join the busy Topsham Road, potentially also causing traffic to build up on Topsham Road, resulting in increased air pollution;
- the proposed access point would also be used by mobility scooters. The pavement had been improved with two build out sections to allow a safer crossing for people accessing the pavement on the other side of the road, however, the pavement is not of sufficient width to allow buggies to travel up and down, with space to pass each other. There will be direct conflict with vehicles which is a serious safety concern;
- there are mains power cables running along Weirfield Road and the road has been excavated on a number of occasions which, if recurring, would impact on waste collection and emergency vehicle access;
- the proposed access point was the driveway to the headmaster's residence, a driveway that gave no access to the further site and allowed space for one or two cars which is not comparable to a car park for approximately 55 vehicles;
- access to the full ERADE site was from Topsham Road, which should set the precedent for access to this new site;
- the developers' briefing document admitted that the most common concern was "regarding the site vehicular access and car parking" but claiming to have relieved these concerns by adding a drop off point on Topsham Road. However, this does not address the vehicular access point and no improvement has been made from the original plan. Whilst the new proposal may slightly reduce the vehicular movements by the development's change in nature, it does not mitigate the issues with using a quiet cul-de-sac for access;
- there is already a precedent for later refusal of access routes onto Weirfield Road following the granting of planning permission for new residential developments. An access point was included at the end of Weirside Place when

built, however, due to the strength of feeling from residents at the time, a gate was installed which is now kept locked at all times;

- fully support the petition presented by Mrs Powell on behalf of the local community. It was not widely publicised with no media publicity to keep it truly local, which with 952 verified signatures, shows the strength of feeling of the local community. Of the 118 objections to this application, 116 of these referenced the access on Weirfield Road. Instead of a balanced approach, the current plans lay the impact unfairly on local residents;
- the alternative is to create access to both sites via Topsham Road; and
- request a deferral for the developer to reconsider the access point and redesign this with the local community and the future of Exeter's residents in mind.

Helen Powell spoke against the application. She raised the following points:-

- why should traffic which is ending up on Topsham Road be sent via a narrow cul-de-sac when it can go straight to Topsham Road from the site?
- local residents are in favour of the Retirement Living Complex and think it will benefit the community, but with a modification;
- I own a house on Weirfield Road which is 102 years old and is in one of Exeter's oldest streets. It's a steep, narrow, single lane cul-de-sac, very popular with cyclists, walkers, families, joggers and residents and is the main pedestrian access to and from the Quay and its river paths. It shares its entry to and from Topsham Road at the top with St. Leonard's Church and its active community, St. Leonard's Avenue parallel to Weirfield Road and Barnardo Road opposite. There is a thin pavement on one side, parking on both sides with no passing bays, and a medieval wall running along the boundary to the site;
- the access into and out of Weirfield Road passed four years ago has always been seen by residents as ill-advised, as the Deaf Academy had several access points for traffic on Topsham Road which worked very well for decades. Limited visibility at the top makes it a challenging junction to negotiate and queue at, especially with the new Highway Code rules when cars, bikes and pedestrians are squeezed into a small space. Wheelchairs, mobility scooters, and motorised buggies are not practical in this road due to its gradient. Artist's impressions are misleading as it is not flat;
- the access point halfway down Weirfield Road was never a road, but a small driveway to the School House;
- Churchill consulted 109 households in late December 2021 and 118 objections were raised by 16 January 2022, opposing the access road, and suggesting Topsham Road instead;
- an ePetition was launched in mid-January on the Exeter City Council website and it closed with 952 local signatures, objecting only to the position of the access road;
- on the plan a new road junction can be seen using the existing signal crossing on Topsham Road, to take traffic safely in and out of both the Retirement Living and the Care Home, with a more prominent and secure entrance point with surveillance on a main road for this high end development;
- Western Power own a mains power line running down below this road, and under the river. Weirfield Road has been closed and dug up for utility repairs twice in the last three years and if this was to happen again, the residents would be totally without vehicle access; and
- the Care Quality Commission states that steep roads are intimidating for older people.

She responded as follows to Members' queries.

- the response from the developer have not allayed fears, particularly regarding the unsuitability of Weirfield Road for the access; and
- there were three accesses to the former School which should have been replicated.

Stuart Goodwill spoke in support of the application. He raised the following points:-

- speaking on behalf of the applicant, Churchill Retirement Living;
- the wider scheme for the previous re-development had been approved in June 2018 with a further variation in February 2020. The consents approved an Assisted Living scheme on the Churchill parcel of the site and approved the highways access from Weirfield Road. The application seeks to replace the Assisted Living scheme with an Independent Retirement Living scheme;
- the proposal sought to maintain all the highway arrangements as previously consented with the Weirfield access already being formed in part as part of the previous consent. The drop off zone to the front from Topsham Road was also proposed for deliveries, servicing and taxi drop off;
- the scheme would result in a reduced level of vehicle movement from that previously approved. Only a lodge manager would be employed compared to significant care, kitchen and laundry staff required with the Assisted Living scheme;
- highways have confirmed they have no objection to this scheme and acknowledged it would reduce vehicle movements;
- the scheme had reduced the height and mass to that previously approved which will provide an improvement to the Weirfield Road residents;
- the proposal would utilise the existing approved access arrangements, reduce vehicle movements from the previously approved scheme, would be within 700 metres of Magdalen Road shops and provide four residents' parking spaces for Weirfield Road;
- all Construction traffic would be from Topsham Road;
- the scheme would provide a CIL contribution to the Council of circa £860,000, whereas the previous scheme provided no CIL payment and discussions would continue on affordable housing;
- the scheme would make a meaningful contribution to the Council's five year housing land supply and would deliver a string of social and economic benefits;
- Churchill specialise in delivering schemes on brownfield sites within half a mile of facilities and close to amenities. The average age of residents when they move in is 79 and most moves are following a life changing event, like the loss of a partner or downsizing. Most purchasers do not bring a car with them, but those that do, often give it up after 6-12 months;
- retirement living schemes combat loneliness and deliver other benefits. There is clear evidence that demonstrates these schemes not only provide health benefits and NHS savings but boost the local economy; and
- the proposal is an improvement for the existing residents of Weirfield Road over what has been previously approved on site.

He responded as follows to Members' queries.

- it had not been possible to identify an alternative access as the Weirfield Road access had been agreed as part of the earlier scheme as the route to the open space and the Care Home. Similarly, the earlier scheme had been agreed without access off Topsham Road. Churchill had purchased the site from the previous owners and were limited to the previously approved access arrangements;

- a £860,000 CIL contribution was proposed, whereas the previous scheme had no CIL Contribution;
- the removal of the trees had been undertaken by the previous land owner;
- Churchill were in the early stages of negotiations in respect of the viability assessment for affordable housing because of the unavailability of the consultant due to illness;
- zero waste removal from the site was proposed; and
- mobility scooters would be able to exit the site onto Topsham Road, those on the lower ground floor to access via a lift.

Members expressed the following views:-

- further consideration of layout and access should be sought from the developer, together with information on progress on negotiations on the viability and regarding affordable housing provision;
- it is a concern that this application and the impact on residents has been affected by the earlier decision regarding the development of the wider site;
- developers should be requested to engage with local residents to discuss their welfare and concerns;
- the safety of mobility scooter owners on Weirfield Road is a particular concern;
- dismay regarding the loss of trees;
- there are no local shops along Topsham Road as the nearest shopping centre would be Magdalen Road which is some distance away; and
- the access arrangements, including the access to the Care Home and open space, together with the pull in point on Topsham Road have been supported by the Highway Authority and agreed as part of the existing consent for the wider site. All three elements of the wider scheme had been previously approved.

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

Councillor Mrs Henson moved and Councillor Hannaford seconded deferral of the application. The motion was put to the vote and carried.

RESOLVED that the application for the re-development for retirement living accommodation (60 years old and/or partner over 55 years old) comprising 84 retirement apartments including communal facilities, access, car parking and landscaping be **DEFERRED** for further consultation on the viability report on affordable home provision and on highway matters.

16

PLANNING APPLICATION NO. 21/0835/FUL - 47 HOMEFIELD ROAD, EXETER

Councillor Branston declared a non-pecuniary interest and left the meeting during consideration of this item.

The Project Officer (Planning) (EP) presented the outline planning application for the conversion of a locally listed main school building and chapel, including demolition of redundant classrooms and outbuildings, alterations and extensions to retained buildings. Provision of two new residential units to retain one unit of accommodation and create 25 new residential units of accommodation (Revised plans).

The Project Officer (Planning) (EP) described the layout, location and dwelling designs through the site location plans, aerial views and photos of the site, the report presented setting out the following key issues:-

- principle of development;
- loss of community facilities;
- scale, design, impact on character and heritage assets;
- access to external amenity space;
- transport, access and parking;
- trees and ecology; and
- affordable housing.

The Project Officer (Planning) (EP) provided the following additional detail:-

- the site comprised part of the former Bramdean School, a private school located on the north-western side of Homefield Road. The site contained several buildings, including two linked Georgian houses. The building was locally listed and prominent within the street scene. The primary school building contained one existing residential unit and a teacher's flat. The main school building was to be retained and converted into 14 apartments (4 x 1 bed, 10 x 2 bed);
- the site also included a large three-storey chapel. The two main buildings were surrounded by several others, including a link between them, a covered gym behind the main school and a further structure to the north boundary known as the 'Homewood block'. The chapel building (music house) was proposed to be retained and converted into nine apartments over three floors (all two-bedroom);
- the remaining buildings on the site, including the covered gym, the Homewood block, and ancillary single-storey buildings around the chapel, were proposed to be demolished;
- two, two-storey detached properties were proposed to be constructed. A detached two-storey dwelling (four-bedroom) was proposed for the southeast corner of the site with off-street parking and with an enclosed private garden to the rear. A further detached two-storey dwelling (four-bedrooms) was proposed towards the site's northwest boundary;
- two communal amenity areas were proposed, forward of the chapel building and a larger area behind the main school;
- the boundary wall along the north-eastern boundary fronting Homefield Road was proposed to be altered to a low wall with railings above, to a height of 1.1 metres. The existing main vehicular entrance to the site was proposed to be retained; and
- 27 car parking spaces were proposed, with access to seven electric vehicle charging points and secure, covered cycle parking.

The Project Officer (Planning) (EP) further reported the receipt of 19 objections setting out the following comments on the main issues:-

- Highways - the site was considered to be a sustainable location, within walking and cycling distance of employment hubs, the city centre and the Heavitree District Centre and the Highway Authority had not objected to the proposed parking level, access arrangements, on-site parking layout and trip generation;
- Trees and ecology - the Council's Tree Officer had stated that, although the loss of trees was regrettable, a robust planting scheme should be conditioned as part of any approval;
- Heritage impact - the proposal retained the locally listed building and ensured its continued use and the development was considered to contribute positively to

the Heavitree Conservation Area with a sympathetic development opening up the site; and

- Future proofing/green energy - the Chapel building and two new dwellings included solar panels to the roof with electric car charging points provided on site.

In respect of affordable home provision, the Project Officer (Planning) reported that paragraph 64 of the National Planning Policy Framework provided an incentive for brownfield development sites containing vacant buildings. As the site contained a number of vacant buildings a financial credit equivalent to the existing gross floor space of the relevant vacant buildings could be offered as part of the calculation of any affordable housing contribution that could be sought.

The following responses were given to Members' queries:-

- in view of the significant need for affordable housing within the city and subject to approval, the Service Lead (City Development), in consultation with the Chair of the Committee would seek to negotiate an affordable housing contribution, to be secured through a Section 106 agreement;
- conditions could be added in respect of a sustainable travel plan, additional charging points and relating to waste disposal;
- Devon County Council Highways had confirmed that the development and the new residential units created would not be eligible for on street parking permits and had requested that an informative be added to any planning permission to that effect.

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

- whilst the site was in need of re-development, there remained a number of concerns;
- although the applicant had also purchased the playing field, there was no proposal to retain it as open space which could lead to further residential development and a loss of a local amenity;
- the cycle parking provision of 27 spaces for 27 residential units was inadequate;
- electric charging points for bikes should be increased to eight;
- whilst no parking permits were to be provided, off street parking was likely to be more of an issue outside day time working hours;
- the removal of trees was reasonable because of their impact on the adjoining wall;
- there would be a significant reduction in traffic generation given that during occupation by the school the drop off and collection of children resulted in congestion and pollution; and
- support provision of affordable housing, but oppose the application and request refusal.

Members expressed the following views:-

- the development is in a sustainable location, within walking and cycling distance of the city centre, the nearby Waitrose store and the Heavitree District Centre and support request for additional charging points;
- request additional conditions for a Sustainable Transport Plan, charging points and on site waste management;
- an appropriate design is required for the site; and

- the provision of affordable housing strongly supported to help generate balanced communities. Affordable housing on the site would enable many working in the immediate area to be housed close to their place of employment such as the local hospital.

The recommendation was for approval, subject to the conditions as set out in the report with additional conditions to require a Sustainable Travel Plan, additional charging points and on site waste disposal, with an informative added that no on street parking permits would be provided.

Councillor D. Moore moved and Councillor Hannaford seconded deferral of the application. The motion was put to the vote and lost.

The substantive recommendation was moved by Councillor Williams and seconded by Councillor Sutton and, following a vote, was carried.

RESOLVED that subject to a Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) to secure the following (as deemed appropriate following negotiations and conclusion of the viability process):-

- a Royal Devon & Exeter NHS Trust health care contribution of £27,647;
- a Parks and Green Spaces contribution of £12,000;
- affordable housing contribution with on-site provision the preferred option; and
- habitats mitigation contribution of £859.00 per residential unit.

All Section 106 contributions to be index-linked from the date of resolution

the Service Lead (City Development), subject to prior consultation the Chair and Portfolio Holder for City Development, be authorised to **GRANT** planning permission for the conversion of locally listed main school building and chapel, including demolition of redundant classrooms and outbuildings, alterations and extensions to retained buildings. Provision of two new residential units to retain one unit of accommodation and create 25 new residential units of accommodation (Revised plans), 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, starting with the date 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 17 May 2021 (including drawings numbers), the revised details received on 14 December 2021 (including drawing number A204 Rev P3) and the revised details received on 23 March 2022 (including drawing numbers A200 rev P3; A201 rev P6; A202 rev P6; A203 rev P5; A212 rev P2; A213 rev P1; A214 rev P2) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the

construction of the development shall correspond with the approved samples in all respects.

Reason: To ensure that the materials conform with the visual amenity requirements of the area.

- 4) 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 on buildings 3 and 4 as shown on drawing no. A200 - P5 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, Class D porch
 - Part 1, Class E swimming pools and buildings incidental to the enjoyment of the dwellinghouse
 - Part 1 Class F hard surfacesReason: In order to protect residential amenity and to prevent overdevelopment.
- 5) Prior to occupation of the development, details shall be submitted to the Local Planning Authority of cycle parking provision for the development. Development shall not be occupied until such details have been agreed in writing by the Local Planning Authority and Local Highway Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.
Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 110 of the NPPF
- 6) 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.
- 7) 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.
- 8) 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.

- 9) The Construction Management Plan by KHP Professional Services Ltd (dated 6 May 2021) shall be strictly adhered to throughout the demolition and construction period of the development.
- 10) Prior to the construction of the foundations of any dwelling hereby permitted, the Design SAP calculation(s) of the dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the dwelling(s) will achieve a 19% reduction in CO₂ emissions in relation to the level required to meet the 2013 Building Regulations. No individual dwelling shall be occupied until the As-Built SAP calculation of the dwelling has been submitted to and approved in writing by the Local Planning Authority to confirm that a 19% reduction in CO₂ emissions in relation to the level required to meet the 2013 Building Regulations has been achieved
Reason: To ensure the dwelling(s) will achieve the energy performance standard required by Policy CP15 of the Core Strategy, taking into account the Written Ministerial Statement on Plan Making (25 March 2015) requiring local planning authorities not to exceed the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes, in the interests of reducing greenhouse gas emissions and delivering sustainable development. (Advice: Please see Paragraph: 012 ID: 6-012-20190315 of the National Planning Practice Guidance on Climate Change for background information.)
- 11) Prior to occupation of the development hereby permitted, a travel pack for each dwelling shall be provided informing all residents of walking and cycling routes and facilities, and public transport routes and timetables, car sharing schemes, and the location of local and central shopping and leisure facilities, the form and content of which shall have previously been approved in writing by the Local Planning Authority.
Reason: To ensure that all occupants of the development are aware of the available sustainable travel options.
- 12) Prior to occupation of the development, details shall be submitted to the Local Planning Authority of electric cycle parking provision for the development. This should include the exact location of the facility together with the number of electric bikes provided. Development shall not be occupied until such details have been agreed in writing by the Local Planning Authority and Local Highway Authority, and prior to occupation the electric cycle parking shall be provided in accordance with the submitted details.
Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 110 of the NPPF
- 13) 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.

Informative

Please note that occupiers of this development will not be eligible for on-street parking permits from Devon County Council.

and further **RESOLVED** that:-

The Service Lead (City Development) be authorised to refuse planning permission for the reasons set out below if terms of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by 25 October 2022 or such extended times as agreed in writing by the Service Lead (City Development) or if an affordable housing contribution cannot be agreed.

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 –

- A Royal Devon & Exeter NHS Trust health care contribution of £27,647
- A Parks and Green Spaces contribution of £12,000
- Affordable housing to comply with Core Strategy policy CP7: eight affordable dwellings and a financial contribution towards providing affordable housing off-site in the city to cover 0.75 of a dwelling
- Habitats mitigation contribution of £859.00 per residential unit.

the proposal is contrary to the Development Plan.

17

PLANNING APPLICATION NO - 21/1701/OUT - LAND FOR RESIDENTIAL DEVELOPMENT AT HILL BARTON FARM, HILL BARTON ROAD, EXETER

The Principal Project Manager (Development) (MH) presented the outline planning application for the construction of up to 285 dwellings with all matters reserved for future consideration (Access, Appearance, Landscaping, Layout and Scale).

The Principal Project Manager (Development) (MH) described the layout and location of the site through the site location plans, aerial views and photos of the site and panoramic views from and to other parts of the city, the report presented setting out the following key issues:-

- principle of development;
- access and impact on local highways and parking provision;
- affordable housing;
- scale, design, impact on character and appearance
- impact on trees and biodiversity;
- impact on heritage assets;
- flood risk and surface water management;
- sustainable construction and energy conservation;
- economic benefits; and
- CIL, Section 106.

The Principal Project Manager (Development) (MH) provided the following additional detail:-

- the outline application was for planning permission for up to 285 dwellings with all matters reserved, including detailed access arrangements/design. Although access was also a reserved matter, details of potential access points to serve the development were provided. The development would be accessed via connections into the road network forming part of the wider Hill Barton development that have been, or are being, delivered as part of other consented phases of the development. These roads lead back to Hill Barton Road. In line with the Hill Barton Masterplan, the layout facilitates a further road connection to Oberon Road;
- details of the site in relation to the Local Plan First Review 1995-2011 Proposals Mao including the Landscape Setting designation (Policy LS1) and the Exeter Local Development Framework Core Strategy adopted 21 February 2021 - Plan 2: Monkerton/Hill Barton Strategic Allocation Policy CP19;
- a plan showing the application site in relation to adjoining sites showing earlier phases built out pursuant to original outline consent, the consented Persimmon and Vistry sites both under construction and a site allocated for a local centre in the originally consented overall scheme but not built;
- 35% affordable housing to be provided;
- the proposal would also provide open space which will include a Multi-use Games Area (MUGA) and other equipped play areas. A proposed open space strategy was set out on the illustrative layout plan showing a distribution of open space and play areas across the site, the open space area totalling slightly in excess of 12% across the whole of the previous outline consent site area; and
- the development would be connected to the district heating network.

The Principal Project Manager (Development) (MH) reported changes to the wording of conditions 10 and 15 and the receipt of a late representation objecting to the application, summarising the following main elements of that representation:-

- application should be subject to an environmental impact statement as an Environmental Impact Assessment development;
- question the impact of the scheme on traffic, air quality and noise perspectives;
- how will the scheme be delivered without a link to Oberon Road, as otherwise the impact on the three matters above could be worse than envisaged?;
- with a lack of retail facilities, rail station and bus routes and a link to Oberon Road, the development would be contrary to the Development Plan and a fundamental change to the Exeter Access Strategy for the Hill Barton Area; and
- any decision to approve would be legally challengeable.

The Principal Project Development (Manager) (MH) in response stated that:-

- the traffic, air quality and noise impact issues referred to had all been appropriately considered;
- no objections had been received from Environmental Health, the Highways Authority and National Highways, formerly Highways England;
- the original outline application environmental statement referred to up to 750 dwellings, the current upper maximum total for all sites of 813 was not considered to be a significant increase nor trigger a need for an environmental statement;
- the Highways Authority, in a late representation, had stated that the Hill Barton Roundabout could accommodate up to 850 dwellings and there was also an alternative access into the site via Peppercombe Avenue;
- the view of the Highway Authority was that, whilst a link to Oberon Road had merit, particularly for pedestrians and cyclist, it was not essential for the development to proceed; and

- the scheme did not preclude a link to Oberon Road and conditions would facilitate it.

The Principal Project Manager (Development) (MH) in conclusion stated that the site was allocated with the Core Strategy for residential development and therefore the principle of development was considered to be acceptable. The site has previously benefitted from an outline consent for residential development as part of a wider site, large parts of which had already been constructed.

The following responses were given to Members' queries:-

- the hedgerow was not included in the area of open space;
- the application was outline and details were illustrative only and not definitive in terms of the ultimate detailed site layout which would be subject to further approval via a reserved matters application. This would include house quality and road layout/widths. The informative for the outline approval included reference to the need for the developer to show that a total of up to 285 dwellings would be achieved to an acceptable high quality design standard in line with local policy and national advice relating to design matters;
- regarding fundamental concerns raised in respect of the application being a car led development, these matters would also be considered at reserved matters stage. The developer would need to show at reserved matters stage a quality delivery which was not car led;
- the play areas proposed at the top and bottom of the site were consistent with the overall open space provision with similar plans for across the other constituent sites for Hill Barton and which were considered acceptable;
- there was no plan for a further air quality report as the earlier report had considered the cumulative impact on air quality across the constituent sites and Environmental Health had raised no objection;
- there was at present no proposal for a community facility and this was consistent with the original outline consent for the Hill Barton area;
- there was a potential link to Oberon Road and the conditions included a requirement to build up to the boundary but did not have to connect beyond that boundary;
- the density of development would be very similar to the adjoining Vistry development and that should additional number of dwellings be sought, a new application would be required;
- there was no specific community hall envisaged for the Hill Barton area; and
- the completion of the total open space provision had been timetabled for the end of the final development and would be accessible to all residents of the areas.

The Service Lead City Development explained how the development had been considered with regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Schedule 2, Section 10(b) "Urban Development" which was relevant as the proposed development site was over five hectares and 150 dwellings, two of the thresholds set out in the Schedule. As such, the Council was bound to judge the proposal and to determine whether it required an Environmental Statement. The key relevant environmental considerations had been addressed in the documentation submitted with the application, had been fully assessed as part of the planning process, and it had been determined that there was no requirement for an Environmental Statement.

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

- the application presented the last opportunity to examine if the original proposals within the Monkerton Master Plan had been delivered with reference also to Devon County Council's Pinhoe Area Access Strategy of 2013 amended in 2019. There remained a number of concerns;
- the link to Oberon Road was vital as there was currently no eastern entry to the developments resulting in routes via the west of the site to access the northern and southern routes along the M5;
- the introduction of a half hourly train service from Pinhoe Station and the provision of a Hill Barton rail halt were some years away;
- £500,000 had been allocated for a travel plan to provide facilities for cycles and pedestrians and an improved bus service. However, the latter was stymied by severe operational difficulties being experienced by Stagecoach leading to a recent Exeter Highways and Traffic Orders Committee declaring Exeter's bus service unfit for purpose; and
- failure to deliver allotments and playing fields and a need to ensure the provision of play areas as set out in the recommendation.

Peter Salter spoke in support of the application. He raised the following points:-

- thanked the officer for his work on the application;
- the application was the final part of the overall Master Plan for the Hill Barton area;
- it would contribute to the development of the Ridge Line Park, an integral part of the Master Plan;
- it would make a significant contribution to Exeter's housing supply;
- up to 100 affordable houses would be provided, 70 for social rent; and
- substantial contributions would be made to education, transport and habitat mitigation measures.

He responded as follows to Members' queries.

- a road connection would be provided up to the proposed link to Oberon Road. As the County Council was seeking to deliver a wider strategic network it was understood that the County would need to compulsorily purchase land to facilitate the link;
- allotments were not included within the scheme; and
- total open space provision was 10%, the overall provision across all sites was 12%.

Members expressed the following views:-

- noted that the application was outline and that the Chair had given an undertaking that the reserved matters application would be considered by this Committee;
- concerns regarding a number of issues relating to the development appearing to be car led including long stretches of parking in front of dwellings throughout the majority of the roads depicted, a small number of communal parking courts and the appearance of a very vehicle dominated layout lacking sufficient urban design quality;
- 285 dwellings should be acknowledged as a maximum and that to achieve this significant further design work and justification would be required as part of any reserved matter proposals which may necessitate a different design approach to that depicted in the current outline layout;
- in respect of fundamental concerns raised regarding a car led development, all matters would be considered at reserved matters stage;

- welcome the 35% commitment to affordable housing as part of the development; and
- with regard to the absence of any proposal to provide the local centre, a wider mechanism was required for local Members to be consulted to ensure local facilities are delivered as part of housing developments.

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

The recommendation was moved by Councillor Morse and seconded by Councillor Williams and, following a vote, was carried unanimously.

RESOLVED that:-

- 1) subject to a Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) to secure the following (as deemed appropriate following negotiations and conclusion of the viability process):-
 - 35% affordable housing (at least 25% First Homes, 70% social rented and the remaining balance as intermediate), 5% wheelchair accessible, mix of dwelling types, cluster sizes;
 - District Heating obligations;
 - Public open space, including quantum, including quantum, play facilities (NEAP, LEAP and MUGA) – specifications, delivery triggers, public access and management arrangements;
 - £166,349 towards patient space at GP Surgeries (£584 per dwelling)
 - £186,117 contribution towards Special Education Needs provision (£653.04 per family type dwelling);
 - £1,033,928 contribution towards new secondary school provision at South West Exeter (£3,627.82 per family type dwelling);
 - £550,568.70 Transport Contribution to mitigate the transportation impacts of the development (£1,931.82 per dwelling); and
 - Habitats Mitigation Contribution - £1,130 per affordable housing dwelling in respect of which CIL Social Housing Relief is granted.

All Section 106 contributions to be index-linked from the date of resolution

the Service Lead (City Development) be authorised to **GRANT** planning permission for construction of up to 285 dwellings with all matters reserved for future consideration (Access, Appearance, Landscaping, Layout and Scale), subject also 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:** Prior to the submission of any 'reserved matters' application pursuant to this outline planning permission a phasing scheme for the delivery of the development shall be submitted to and be approved in writing by the Local Planning Authority. The phasing scheme shall identify the phases in which the development shall be constructed and thereafter, unless otherwise agreed in writing by the Local Planning Authority, the development shall be implemented in accordance with the approved phasing scheme.
Reason for Pre-commencement condition: To allow for the phased development of the site and phased discharge of certain conditions as set out in this decision notice.
- 3) **Pre-commencement condition:** In respect of any individual phase identified pursuant to condition no. 2 of this outline planning permission details of the access, appearance, landscaping, layout, and scale of that phase, (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development of that phase 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.
- 4) **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) A detailed drainage design based upon the approved Flood Risk Assessment, Hill Barton Road, Exeter, Northern Catchment, dated 8th March 2021
(b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
(d) A plan indicating how exceedance flows will be safely managed at the site.
No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) 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:** No development related works shall take place within the site until a programme of archaeological works have been approved in writing by the Local Planning Authority. 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.

- 6) **Pre-Commencement condition:** Any reserved matters application submitted pursuant to the outline consent hereby approved for a phase identified pursuant to condition no. 2 which incorporates the spine road must include a detailed design of the spine road which allows for a future link to Oberon Road. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority. Prior to the occupation of the 100th Dwelling, or such other trigger point that shall have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority, the said road shall be constructed up to the ownership boundary of the site in accordance with the submitted details.
- Reason for pre-Commencement Condition:** To enable a future vehicle link to Oberon Road in compliance with the Hill Barton and Monkerton Masterplan
- 7) **Pre-commencement condition:** No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Met Office). The statement should include details of include details of how vehicles, machinery and other equipment involved in the construction phases of the scheme will be deployed and managed to prevent interference and obstruction to Met Office satellite reception facility in relation to its operational schedule, access arrangements, measures to minimise the impact on the adjacent footpath, timings of the proposed works and shall also provide for:
- a) The site access point(s) of all vehicles to the site during the construction phase.
 - b) The parking of vehicles of site operatives and visitors.
 - c) The areas for loading and unloading plant and materials.
 - d) Storage areas of plant and materials used in constructing the development.
 - e) The erection and maintenance of securing hoarding, if appropriate.
 - f) Wheel washing facilities.
 - g) Measures to monitor and control the emission of dust and dirt during construction.
 - h) No burning on site during construction or site preparation works.
 - i) Measures to monitor and minimise noise/vibration nuisance to neighbours and the Met Office from plant and machinery.
 - j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
 - k) No driven piling without prior consent from the LPA.
- The approved Statement shall be strictly adhered to throughout the construction period of the development.
- Reason for pre-commencement condition:** In the interest of the environment of the site and surrounding areas and to ensure that the potential impacts of the construction works on Met Office satellite reception facility are properly considered and addressed at the earliest possible stage. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

- 8) **Pre-commencement condition:** 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 mitigation and enhancement measures set out in the Executive Summary and Section 6 of the submitted Ecological Impact Assessment (Ref 0852-EclA-LY) dated December 2020 prepared by GE Consulting. 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.
- 9) **Pre-commencement condition:** Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority. A photographic record of any trees, hedges on site shall be taken prior to any felling working being undertaken. An arboricultural report shall be submitted to and approved in writing prior to the commencement of any works to existing trees, shrubs and or hedges.
- Reason for Pre-commencement condition:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 10) **Pre-commencement condition:** No materials shall be brought onto the site of any phase identified pursuant to condition 2 of this approval, nor any development commenced within such identified phase, until the developer has erected tree protective fencing around all trees, hedges or shrubs to be retained within the respective phase, 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.
- 11) **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.

- 12) **Pre-commencement condition:** No development shall commence until details of the open space, play provision (including NEAP, LEAP and MUGA) and associated landscaping, including a programme for its installation and maintenance has been submitted to and approved in writing by the local planning authority and thereafter installed to an agreed timescale and maintained in accordance with the agreed details.
Reason for Pre-commencement condition: In the interests of residential amenity.
- 13) The open space and play facilities shall be completed and made available for use in accordance with the delivery triggers set out on drawing no. HB/POSPP/3 Rev V3 entitled "Open Space Phasing Plan" unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the facilities necessary to serve the recreational needs of the future occupants of the dwellings comprised in the development are provided in accordance with an agreed timeframe.
- 14) **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.
- 15) Any reserved matters application submitted pursuant to the outline consent hereby approved which relates to a phase identified pursuant to condition 2 that includes the spine road must provide an LTN 1/20 compliant crossing of the spine road. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority. The timeframe for delivery of the said crossing shall be agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority prior to the commencement of development on the phase within which the crossing is located, and the said crossing facilities shall be provided in accordance with the approved details.
Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.
- 16) Any reserved matters applications submitted pursuant to the outline consent hereby approved shall incorporate within the layout pedestrian/cycle links as indicated on Drawing Number PP/AP/01 (Parameters Plan for Access and Permeability) for consideration as part of the reserved matters application. The said pedestrian/cycle connection points within any phase identified

pursuant to condition no. 2 shall thereafter be constructed in accordance with a timescale that shall be agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority prior to the commencement of the construction of that phase.

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) No part of the development within any phase identified pursuant to condition no. 2 shall be brought into its intended use until the vehicular access points and adjacent footway/cycleway serving that phase, as indicated on Drawing Numbers 3000 Rev K and PP/AP/01 (Parameters Plan for Access and Permeability), have been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority as part of any Reserved Matters Applications.

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 construction of the foundations of any dwelling within any phase identified pursuant to condition no.2 of this consent, the Design SAP calculations of the dwellings comprising that phase shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the dwellings will achieve a 19% reduction in CO2 emissions in relation to the level required to meet the 2013 Building Regulations. No individual dwelling shall be occupied until the As-Built SAP calculation of the dwelling has been submitted to and approved in writing by the Local Planning Authority to confirm that a 19% reduction in CO2 emissions in relation to the level required to meet the 2013 Building Regulations has been achieved.

Reason: To ensure the dwellings will achieve the energy performance standard required by Policy CP15 of the Core Strategy, taking into account the Written Ministerial Statement on Plan Making (25 March 2015) requiring local planning authorities not to exceed the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes, in the interests of reducing greenhouse gas emissions and delivering sustainable development. (Advice: Please see Paragraph: 012 ID: 6-012-20190315 of the National Planning Practice Guidance on Climate Change for background information.)

- 19) 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.

- 20) Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended), and any Order revoking or 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 the permission:

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Part 1, Class A extensions and alterations

Part 1, Classes B and C roof addition and alteration
Part 1, Class E buildings incidental to the enjoyment of the dwellings house
Reason - To ensure adequate protection from risk of physical blocking of Met Office satellite reception facility.

- 21) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended), and any Order revoking or re-enacting that Order with or without modification, no mobile base stations shall be erected within the development.
Reason - to ensure adequate protection from the potential of physical blocking and radio frequency interference to the Met Office satellite reception facility.
- 22) No tree shall be planted as part of the landscaping scheme for the site until the Local Planning Authority (in consultation with the Met Office) has approved in writing provisions within a 'Landscape Management & Maintenance Plan' to ensure that new tree planting shall only include species which are expected to reach a height at maturity of no higher than the ridge height of the dwellings as shown on any Proposed Roof Height Plan submitted as part of any reserved matter application submitted pursuant to this outline permission, and that long term management provisions are in place to ensure that all trees and hedgerows provided as part of the landscaping scheme will be managed at a height so as not to cause unacceptable interference to Met Office satellite reception facility at Met Office.
Reason - to ensure adequate protection from risk of physical blocking of Met Office satellite reception facility.
- 23) Any application for approval of Reserved Matters submitted pursuant to this outline permission shall be accompanied by an Electric Vehicle Charging Strategy that demonstrates how provision will be made to ensure that appropriate provision of electric vehicle charging infrastructure is provided within development. Thereafter the development shall be implemented in accordance with the approved details.
Reason - To ensure that the development incorporates appropriate provision in recognition of the Council's Net Zero Exeter 2030 Plan and the National move towards electric vehicles and the promotion of sustainable modes of transport.

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) 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).

- 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.
- 4) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
- 5) Further to the letter dated 9th March 2022 from HB Land Ltd on behalf of the Hill Barton Consortium acknowledging that the application seeks permission for up to 285 dwellings and the need for the layout to demonstrate an acceptable level of urban design, your attention is drawn to the fact that the illustrative layout (drawing no. 3000 Rev K – Outline Masterplan Layout) submitted as part of the outline application (within which all matters are reserved for subsequent approval) is not considered to constitute a high quality design led layout that would comply with both local and National policies relating to design matters. Consequently your attention is drawn to the need for any subsequent 'reserved matter' applications to demonstrate a high quality urban design approach to justify the ultimate number of dwellings proposed that reflects local development plan design policies/guidance and national advice contained within the NPPF (chapter 12) and relevant Planning Practice Guidance, the National Design Guide and National Model Design Code.
- 6) The applicants attention is drawn to the need to meet the Exeter Airport Aerodrome Safeguarding criteria as contained in the Airport Operators Association (AOA) Advice note 4 - 'Cranes and other Construction Issues'.
- 7) The applicant is advised that they should contact the Met Office to discuss specific issues regarding their operational requirements as part of the development of future reserved matter applications to ensure that any proposals adequately address potential impacts on the Met Office's operational capabilities arising from the development to avoid the need for significant changes to proposals post formal submission.

2) And further **RESOLVED** that:-

The Service Lead (City Development) be authorised to refuse planning permission for the reasons set out below if terms of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by 25 October 2022 or such extended times as agreed in writing by the Service Lead (City Development) or if an affordable housing contribution cannot be agreed:-

1) In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority which makes provision for the following matters –

- 35% affordable housing (at least 25% First Homes, 70% social rented and the remaining balance as intermediate), 5% wheelchair accessible, mix of dwelling types, cluster sizes.
- District Heating obligations
- Public open space, including play facilities – specifications, delivery triggers, public access, management arrangements
- £166,349 towards patient space at GP Surgeries (£584 per dwelling)
- £186,117 contribution towards Special Education Needs provision (£653.04 per family type dwelling)
- £1,033,928 contribution towards new secondary school provision at South West Exeter (£3,627.82 per family type dwelling)
- £550,568.70 Transport Contribution to mitigate the transportation impacts of the development (£1931.82 per dwelling)
- Habitats Mitigation Contribution - £1130 per affordable housing dwelling in respect of which CIL Social Housing Relief is granted.

The proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6 and 10, policies CP4, CP5, CP7, CP9, CP10, CP13, CP16, CP17, CP18 and CP19, 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 Planning and Development 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.

20

SITE INSPECTION PARTY

RESOLVED that the Membership of the next Site Inspection Party would be advised.

(The meeting commenced at 5.30 pm and closed at 8.33 pm)

Chair