

PLANNING COMMITTEE

29th July 2024

ADDITIONAL INFORMATION

Correspondence received and matters arising following preparation of the agenda.

Item 5 Planning Application No. 22/0511/OUT – Land Off Pendragon Road, Exeter

Section 3.0 of the committee report contained an error, as it referred to a historic planning application (ref. 21/1291/OUT) as a 'live' case. However, this application was withdrawn on 4 April 2022.

In addition, paragraph 21 of Section 13.0 includes a typo mistake, stating Policy CS1 when it should be Policy LS1.

Since the publication of the Planning Committee report the S106 obligations in section 13, paragraph 80 have been revised to be as follows:

- 50% affordable housing (at least 25% First Homes, 70% social rented and the remaining balance as intermediate).
- 10% Public open space.
- Management company to manage/maintain public open space on the site.
- £395,000 toward mitigation measures in Pinhoe Area Access Strategy 2019 Addendum.
- Up to £5,000 for Traffic Regulation Order.
- £370 per bedroom (excluding the first bedroom) to fund the improvement and additional maintenance of the existing off-site play area at Pendragon Road Play Area.
- £112 per bedroom (excluding the first bedroom) towards the improvement and additional maintenance of Pendragon Road MUGA.
- £1,239.83 per Affordable Housing dwelling for mitigation measures due to recreational impacts to the Exe Estuary SPA.
- £547.20 per dwelling for improvement and provision of patient space at Whipton Surgery, Mount Pleasant Health Centre, Pinhoe and Broadclyst Surgery and/or ISCA Medical Practices.
- Securing the northern aspect of the site as Public Open Space

The revisions consist of updating the financial mitigation per Affordable Dwelling for recreational impacts to the Exe Estuary SPA, securing the Northern aspect of the site as Public Open Space and removal of the Royal Devon and Exeter NHS Foundation Trust contribution. The NHS aspect has been removed as the Council is not currently supporting 'gap funding' requests.

The recommendation in Section 14.0 is amended to:

A) DELEGATE TO HEAD OF SERVICE, CITY DEVELOPMENT TO GRANT PERMISSION 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:

- 50% affordable housing (at least 25% First Homes, 70% social rented and the remaining balance as intermediate).
- 10% Public open space.
- Management company to manage/maintain public open space on the site.
- £395,000 toward mitigation measures in Pinhoe Area Access Strategy 2019 Addendum.
- Up to £5,000 for Traffic Regulation Order.
- £370 per bedroom (excluding the first bedroom) to fund the improvement and additional maintenance of the existing off-site play area at Pendragon Road Play Area.
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- £547.20 per dwelling for improvement and provision of patient space at Whipton Surgery, Mount Pleasant Health Centre, Pinhoe and Broadclyst Surgery and/or ISCA Medical Practices.
- Securing the northern aspect of the site as Public Open Space

And the following conditions:

1. Reserved Matters Submission

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 takes place and the development shall be carried out as approved.

Reason: 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.

2. Reserved Matters Time Limit

Application(s) for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

Reason: To comply with Section 92 rule 2 of the Town and Country Planning Act 1990 as amended.

3. Commencement Time Limit

The development hereby permitted shall take place not later than 2 years from the date of 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.

4. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved drawings:

- 719-001 Location Plan
- 20106-001 Rev C Highway Access
- 20106-002 Rev A Highway Long Sections
- 20106-003 Rev A Highway Cross Sections

Reason: To ensure compliance with the approved drawings.

5. Landscaping Reserved Matters

The landscaping reserved matter application shall include the following details:

- a) a full specification of all proposed tree and hedgerow planting. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting;
- b) details of soft landscape works, to include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; and,
- c) details of buffer zones in relation to the existing east, west and north and central hedgerows, in general compliance with the Illustrative Layout Plan Ref SK020221DG Rev A and including minimising any works to trees forming the southern boundary of the site.

The works shall thereafter be implemented as approved.

Reason: To make sure that the mitigation is appropriate and suitable to ensure protection and enhancement of biodiversity features. These details are required pre-commencement as specified to ensure that appropriate mitigation measures are implemented during the construction phases based on the current ecological condition of the site.

6. Lighting Strategy

The reserved matters application(s) shall include a Lighting Design Strategy to maintain 'dark areas' on the site. The Strategy shall include the following details:

- a) a plan indicating where 'dark areas' will be maintained;
- b) an assessment of light levels arising from the development (including from building, vehicles, street lighting and any other external lighting sources)
- c) plans annotated with isolines to show predicted illuminance and light spill in relation to the 'dark areas'; and,
- d) evidence to demonstrate light spillage arising from the development shall not exceed 0.5lux within 'dark areas' and be maintained in perpetuity.
- e) The Lighting Design Strategy shall thereafter be implemented and maintained as approved.

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

7. Surface Water Drainage

The reserved matters application(s) shall include details of the surface water drainage system. The details shall include:

- a) soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with Devon County Council's groundwater monitoring policy;
- b) a detailed drainage design based upon the approved Flood Risk Assessment 1550w0001 Rev P2, dated 21 September 2021, and the results of the information submitted in relation to (a) above;
- c) a Management and Maintenance Plan for the lifetime of the development, to include: the arrangements for adoption by the relevant public authority or statutory undertaker; and, any other arrangements to secure the operation of the scheme throughout its lifetime;
- d) the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and,
- e) confirmation that any attenuation basins installed will not encroach into the root protection area of the trees of the southern boundary.

Prior to first occupation of the development, the works associated with the surface water drainage system shall have been implemented in accordance with the approved details. The works shall thereafter be managed and maintained in accordance with the approved details.

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

8. Electric Vehicle Charging

The reserved matters application(s) shall include details of the specification of the rapid charge electric vehicle charging points. Those details shall show locations of rapid charge points and demonstrate a provision of 1 per 10 spaces of unallocated parking and 1 per 10 dwellings with allocated parking (subject to network capacity). The rapid charge points shall be provided in accordance with the approved details prior to first occupation of the relevant part of the development and maintained (or subsequently upgraded) thereafter.

Reason: To encourage more sustainable mode of transport in accordance with saved policy T3 of the Exeter Local Plan First Review and the Sustainable Transport Supplementary Planning Document (March 2013).

9. Cycle Parking

The reserved matters application(s) shall include details of cycle parking. Those details shall demonstrate the cycle parking provision satisfies the design and minimum parking standards guidance set out in the Sustainable Transport SPD dated March 2013. The cycle parking provision shall be provided in accordance with the approved details prior to first occupation of the development and maintained thereafter.

Reason: To encourage cycling as a sustainable mode of transport in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport Supplementary Planning Document (March 2013).

10. Ecological Report

The reserved matters application(s) shall include an updated Ecological Report. The updated report shall be based on the submitted Ecological Impact Assessment dated March 2022 and Ecology Addendum dated March 2022, and shall include updated surveys and compensation and mitigation measures as required.

Reason: To make sure that the mitigation is appropriate and suitable to ensure protection and enhancement of biodiversity features. These details are required pre-commencement as specified to ensure that appropriate mitigation measures are implemented during the construction phases based on the current ecological condition of the site.

11. Ecological Mitigation and Enhancement Plan

The reserved matters application(s) shall include an Ecological Management and Enhancement Plan. The Plan shall include:

- a) the locations and specifications of bat and bird boxes, with a minimum overall average ratio of 1 built-in nest/roost site per dwelling, as well as, but not limited to, other enhancements as detailed within the Ecological Impact Assessment dated March 2022;
- b) full details of the long-term operational ecological management of the site, with reference to the landscape detail, that includes the management objectives, management prescriptions and a rolling 5-year schedule of works; and,
- c) full details of Biodiversity Net Gain (BNG) to secure a minimum 10% BNG that includes on-site habitats, and any off-site compensatory habitat creation if required.

The habitat and works secured by the scheme shall be functional within 12 months of commencement of development and be managed for a minimum of 30 years. The approved bat and bird boxes shall be installed prior to first occupation of the relevant dwellings.

Reason: To make sure that the mitigation is appropriate and suitable to ensure protection and enhancement of biodiversity features. These details are required pre-commencement as specified to ensure that appropriate mitigation measures are implemented.

12. Construction Method Statement

No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The Statement shall include:

- a) the provision of site accesses haul routes, parking of vehicles for site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant, materials or other equipment used in constructing the development;
- d) the erection and maintenance of security hoarding;
- e) the supply of water for damping down and wheel washing;
- f) wheel washing protocols and facilities;

- g) a timetable of dust generating activities and details of measures to control the emission of dust and dirt during construction (including prohibiting burning of any materials or vegetation on site);
- h) a Waste Audit Statement for recycling/disposing of waste resulting from demolition and construction works;
- i) measures to minimise noise/vibration disturbance to nearby residents from plant and machinery;
- j) delivery, site clearance, piling and construction working hours;
- k) detailed proposals for the management of surface water and silt run-off from the site during construction;
- l) air quality monitoring objectives and protocols, including site log book and procedures by which to notify the Environment and Safety Services Department of any air quality objectives being exceeded or other exceptional incidents; and,
- m) the name, role and contact details of the authorised personnel responsible on site for fulfilling the Strategy including the Air Quality Monitoring Log Book during the course of construction works.

The approved Strategy shall be adhered to throughout the construction period for the development.

13. Archaeological Works

No development shall take place until a Written Scheme of Investigation (WSI) with regard to archaeological work has been submitted to, and approved in writing by, the local planning authority. The WSI 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 WSI.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

14. Tree Protection and Arboricultural Method Statement

No development, including site vegetation clearance or works to trees or hedgerows on site, shall take place until a scheme for the protection of trees and hedgerows has been submitted to, and approved in writing by, the local planning authority. The scheme shall include:

- a) a Tree Protection Plan showing the position of every tree or hedgerow on the site and on land adjacent to the site that could influence or be affected by the development, indicating which trees are to be removed, and any proposed pruning, felling or other work; and,
- b) an Arboricultural Method Statement in relation to every existing tree or hedgerow identified to be retained on the plan referred to in a) above, details of any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area; and, all appropriate tree or hedgerow protection measures required before and during the course of development in accordance with Paragraphs 5.5 and 6.1 of BS 5837 (or in an equivalent BS if replaced).

The vegetation clearance or works to trees or hedgerows shall subsequently be carried out in accordance with the approved details.

Reason: To ensure suitable protection for trees and hedgerows during the construction works.

15. Devon Hedge Bank

No development, including site vegetation clearance or works to trees or hedgerows on site, shall take place until details of a Devon Hedge Bank running east/west on land to the north of the site (shown as public open space on the submitted Illustrative Layout Plan Ref SK020221DG Rev A) has been submitted to, and approved in writing by, the local planning authority. The hedge bank shall have a minimum buffer zone of 10 metres to the built area of the development. The approved hedge bank shall be installed prior to any works being undertaken to the existing southern hedgerow or trees, with planting occurring within the first planting season following commencement of works.

Reason: To provide mitigation for the works occurring to the southern hedgerow bank to provide a wildlife corridor and biodiversity enhancement.

16. CEMP

No development, including site vegetation clearance or works to trees or hedgerows on site, shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The CEMP shall be prepared in accordance with clause 10 of BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard, and shall include the following:

- a) risk assessment of potentially damaging construction activities;
- b) identification of "biodiversity protection zones";
- c) Mitigation Method Statements, in accordance with the recommendations of the Ecological Management and Enhancement Plan submitted under Condition 11;
- d) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- e) the location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs;
- f) the times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken;
- g) responsible persons and lines of communication; and,
- h) the role and responsibilities on site of an Ecological Clerk of Works or similarly competent person.

The development shall thereafter be constructed in accordance with the approved CEMP.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby. This is required pre-commencement to ensure appropriate measures are in place prior to work commencing.

17. Contamination

No development shall take place until a Contamination Risk Assessment has been submitted to, and approved in writing by, the local planning authority. The Assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Model

Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

Reason: To protect the health and amenity of residents and visitors. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

18. Contamination Remediation

In the event of there being evidence of contamination from the Assessment carried out under Condition 17, details of remedial works shall be submitted to, and approved in writing by, the local planning authority. Prior to first occupation of the development, the approved remedial works shall 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: To protect the health and amenity of residents and visitors

19. Unexpected Contamination

In the event of there being evidence of contamination as the development proceeds, the development shall cease pending the carrying out of an investigation of the extent and nature of contamination, the risks that it poses, together with the preparation of a Remediation Strategy, that shall be submitted to, and approved in writing by, the local planning authority. The development shall subsequently be carried out in accordance with the approved details.

Reason: To protect the health and amenity of residents and visitors. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

20. External Lighting

No external lighting shall be installed on the site unless details of the lighting (including location, type and specification) have previously been submitted to, and approved in writing by, the local planning authority. The details shall demonstrate how the lighting has been designed to minimise impacts on living conditions and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall thereafter be installed in accordance with the approved details.

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

21. Access Points

The development shall not be first occupied until the vehicular and pedestrian access points and junctions have been constructed in accordance with the approved details. The junctions and access points shall thereafter be retained.

Reason: To ensure that adequate access and associated facilities are available for the traffic attracted to the site.

22. Travel Plan

The development shall not be first occupied until a Travel Plan (including recommendations and arrangements for monitoring and review) has been submitted to, and approved in writing by, the local planning authority. Thereafter

the recommendations of the Travel Plan shall be implemented, monitored and reviewed in accordance with the approved document.

Reason: To encourage travel by sustainable means, in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Supplementary Planning Document (March 2013).

23. Travel Pack

The relevant dwelling(s) shall not be first occupied until a travel pack has been provided informing the residents of walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car sharing schemes and car clubs, as appropriate. The form and content of the travel pack shall have previously been submitted to, and approved in writing by, the local planning authority.

Reason: To encourage travel by sustainable means, in accordance with saved policy T3 of the Exeter Local Plan First Review and the Supplementary Planning Document (March 2013).

24. Car Parking

The relevant dwelling(s) shall not be first occupied until the car parking for the dwelling and access thereto has been provided and made available for use. The car parking shall be maintained at all times thereafter and kept permanently available for the purpose of car parking.

Reason: To ensure that adequate parking facilities are available for the traffic attracted to the site.

B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 29 JANUARY 2025 OR SUCH EXTENDED TIME AS AGREED BY THE CITY DEVELOPMENT MANAGER

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 –

- 50% affordable housing (at least 25% First Homes, 70% social rented and the remaining balance as intermediate).
- 10% Public open space.
- Management company to manage/maintain public open space on the site.
- £395,000 toward mitigation measures in Pinhoe Area Access Strategy 2019 Addendum.
- Up to £5,000 for Traffic Regulation Order.
- £370 per bedroom (excluding the first bedroom) to fund the improvement and additional maintenance of the existing off-site play area at Pendragon Road Play Area.
- £112 per bedroom (excluding the first bedroom) towards the improvement and additional maintenance of Pendragon Road MUGA.
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- £547.20 per dwelling for improvement and provision of patient space at Whipton Surgery, Mount Pleasant Health Centre, Pinhoe and Broadclyst Surgery and/or ISCA Medical Practices.
- Securing the northern aspect of the site as Public Open Space

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, 8 and 10, and policies CP7, CP9, CP10, CP16 and CP18, Exeter Local Plan First Review 1995-2011 saved policies L3, L4, T1, T3 and LS4, Exeter City Council Affordable Housing Supplementary Planning Document 2014, Exeter City Council Sustainable Transport Supplementary Planning Document 2013 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

Item 6 Planning Application No. 23/1380/OUT – Land to the North of Exeter, Stoke Hill, Exeter

Additional information in relation to Highway matters was submitted close to the Officer Report being finalised and a number of aspects were awaiting a final response from DCC Highways.

This response has now been received and advises that:

- The on-site footpath is still steep in places and now there is an increased length they would look to ensure there are flat spaces to offer recovery spaces for users.
- Stoke Hill has a steep gradient which could to accessibility issues but it does have to be considered that this is existing carriageway and highway land.
- The swept path is tight but technically possible along the majority of Stoke Road. There are still concerns over the tight corner where the footway meets the carriageway, but this might be technically possible overcome with Trief Kerbs the details of which could be considered during the S278 of the LPA were minded to grant planning consent.
- Although there may be ways to overcome some of the issues associated with the site we still haven't had an updated vehicle movements demonstrated and the examples given by the applicant in the last submission related to another site that has good links to amenities such as supermarkets and health provisions. The applicant might have to demonstrate with examples from outside of ECC as this might allow for more accurate comparisons.

In relation to the planning assessment of these matters it is considered that the steep nature of the on-site footpath and the proposed Stoke Hill footway need to be demonstrated to be usable and accessible to all. Access is not a Reserved Matter and therefore it has not been demonstrated that an accessible access route can be provided for occupants.

In relation to the swept path analysis, whilst DCC Highways note that things are 'technically possible' and that matters may be resolvable at S278 stage this is not acceptable in relation to the planning considerations of this scheme. The Access is not

a Reserved Matter and therefore safe and suitable access routes must be provided at this stage to ensure the scheme is acceptable.

It is acknowledged that these matters may still be resolvable however due to the other refusal reasons set out in the Committee Report it is not considered reasonable to delay determination and place additional costs on the applicant to provide revisions as they would not overcome the other refusal aspects.

Therefore refusal reason 2 is amended as follows:

The proposed development would see a reliance on private motor vehicles due to the location of the site on the edge of the city, limited public transport, provision of community hub, steep topography on site and in the surrounding area failing to provide accessibility to all, with an associated unacceptable increase to highway safety, contrary to Policy CP4 and CP5 of the Exeter Core Strategy and saved Policies T1, T2, T3, H2 and DG1 of the Local Plan First Review 1995-2011.

Item 7 Planning Application No. 24/0009/FUL – Tesco Stores Ltd., Russell Way, Digby, Exeter, EX2 7EZ

No updates.