

PLANNING COMMITTEE

Monday 29 July 2019

Present:-

Councillor Lyons (Chair)

Councillors Williams, Bialyk, Branston, Foale, Ghusain, Harvey, Mrs Henson, Mitchell, M, Morse, Pierce, Sheldon and Sutton

Also Present

Service Lead City Development, Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) and Democratic Services Officer (HB)

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MINUTES

The minutes of the meeting held on 24 June 2019 were taken as read, approved and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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PLANNING APPLICATION NO. 19/0543/OUT - LAND NORTH OF NEWCOURT ROAD, TOPSHAM

The Service Lead City Development presented the outline application for the construction of up to 23 residential dwellings (including market, affordable and age-restricted dwellings), provision of access off Newcourt Road, open space and associated works (outline application with details of access only for approval with scale, layout, appearance and landscaping all reserved for future consideration)

The Service Lead City Development advised that condition 4 relating to the carriageway width of Newcourt Road would be removed from the schedule of conditions and also reported a letter on the relocation of dormice, advising that the applicant was aware of the need to obtain a licence from Natural England.

Andy Graham-Cumming spoke against the application. He raised the following points:-

- site located within the Topsham Gap, an area protected under Policy LS1/CP16 to maintain the setting of the Town and to avoid coalescence with Exeter. The Topsham Society has previously strenuously objected to applications that impinge on the Gap;
- applicant acknowledges the application site is outside a designated urban boundary and within an area protected by landscape setting policy;
- the Society understands the policy position under the National Planning Policy Framework and the Clyst Road Inspector's interpretation and does not understand why the City Council does not put in place effective planning policy to defend landscape fringe locations;
- a key consideration at the Clyst Road Planning Appeal was the issue of CP16 and "valued landscape". The Society believe the application site is a valued landscape and that the setting of the site, a field behind a well-established hedgerow, creates a highly valued rural setting to this edge of the town location;

- Newcourt Road does not have a footpath and is used extensively as a pedestrian and cycle route. It is of restricted width, with a very constricted section abutting its access to Denver Road which, at its junction with Newcourt Road, needs improvement;
- Newcourt Road currently serves approximately 60 dwellings. The addition of 30 additional units constitutes a 50% increase in dwellings. The road and/or the accepted unsafe junction, does not have capacity to accommodate this collective increase. This application would have an unacceptable impact on traffic, pedestrian and cycle safety;
- the site has no immediate access to foul or surface water mains drainage and has unacceptably poor ground percolation;
- it represents unplanned and uncoordinated piecemeal development of the land around Newcourt Road. Each small development proposal in this area will introduce a small increment in traffic and a small increase in the need for surface water drainage and sewerage; and
- since 2013, the Greater Topsham area has been subject to planning approvals for over 5,000 dwellings/11,000 people placing the Town's services under severe strain.

Nick Yeo spoke in support of the application. He raised the following points:-

- Blue Cedar Homes is based locally at Exeter Science Park focusing on providing high quality retirement housing with a flexible layout with communal areas maintained by a management company;
- the need to provide housing for older people is recognised. Whilst a need to deliver retirement housing in Topsham was acknowledged by the Inspectorate when considering the Exeter Road application, the retirement housing proposed was not ultimately delivered;
- this application proposes a balanced community with a mix of retirement homes, general market homes and affordable properties;
- the application is submitted in outline, with means of access to be determined;
- the proposal will provide a number of community benefits including the delivery of much needed housing including 35% affordable housing to help meet local identified need, amenity space, landscaping and ecological enhancements;
- Newcourt Road is a no-through road with low traffic flows. The level of traffic likely to generated from the site would be modest, with an additional eight and six vehicular trips anticipated during the am and pm peak periods respectively;
- a simple access junction is proposed approximately mid-way along the site frontage and a new footway would be provided, set behind the retained hedgerow to the north and would link with the footway proposed on the adjoining land to the south;
- where sections of hedgerow are lost to create the necessary visibility splays, new species rich hedgerows will be planted, set inside the visibility splay; and
- no adverse impacts have been identified which would outweigh the clear benefits of the proposals.

He responded as follows to Members' queries.

- road widening and a visibility splay will form the junction from Newcourt Road and the access into the site and effectively remove the blind spot on the road;
- a new hedgerow will be set back into the site so that the visual aspect will

- be retained in the medium term; and
- the cycle and pedestrian footway will be behind the hedgerow rather than diverting onto Newcourt Road.

Members referred to the importance of removing the blind spot and to ensuring public safety of pedestrians and cyclists and reiterated longstanding concerns regarding the erosion of the Topsham Gap. It was recognised, however, that at the Clyst Road appeal, the Inspector had referred to the policy as being based on outdated information, superseded by national policy and thereby concluded that conflict with this policy should be afforded limited weight. The developing Greater Exeter Strategic Plan was also of relevance.

The Service Lead City Development responding to Members, advised that it was difficult to identify evidence of a cumulative impact when piecemeal proposals of this nature were being brought forward. He also stated that the footpath/cycle way set back behind the hedgerow to be provided was a preferable connection between this and the adjoining development rather than a direct link which could raise issues around security. Details of the hedgerow would be examined at reserved matters stage. The Highways Development Management Officer advised that enforcement of speeding was a Police matter and that details for lighting the adopted highway leading to the development could be brought forward at reserved matters stage.

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

The recommendation was moved and seconded.

RESOLVED that, subject to the completion of a Section 106 Agreement/Unilateral Undertaking under the Town and Country Planning Act 1990, to secure the affordable housing provision (35% of the total number of dwellings to be provided) outline application for the construction of up to 23 residential dwellings (including market, affordable and age-restricted dwellings), provision of access off Newcourt Road, open space and associated works (outline application with details of access only for approval with scale, layout, appearance and landscaping all reserved for future consideration) be **APPROVED**, 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: Details of the appearance, landscaping, layout, and scale, (hereinafter called the reserved matters) shall be submitted to and be approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
Reason for pre-commencement condition: To safeguard the rights of the local planning authority in respect of the reserved matters. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matters.
- 3) In respect of those matters not reserved for later approval no part of the development hereby approved shall be brought into its intended use until

the site access, including 2.0m footway fronting Newcourt Road, visibility splays and the vehicular access point, has been provided in accordance with the details as indicated on the following approved plans: drawing no. 183916_G_01 Rev E.

Reason: To ensure that the means of access to serve the development (which is not a reserved matter) are acceptable from a highway safety perspective and thereby provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and policy CP9 of the ECC Core Strategy.

- 4) Pre-commencement condition: No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason 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.

- 5) Pre-commencement condition: No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) The site access point(s) of all vehicles to the site during the construction phase.
 - b) The parking of vehicles of site operatives and visitors.
 - c) The areas for loading and unloading plant and materials.
 - d) Storage areas of plant and materials used in constructing the development.
 - e) The erection and maintenance of securing hoarding, if appropriate.
 - f) Wheel washing facilities.
 - g) Measures to control the emission of dust and dirt during construction.
 - h) No burning on site during construction or site preparation works.
 - i) Measures to minimise noise nuisance to neighbours from plant and machinery.
 - j) 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 interests of the occupants of nearby buildings. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

- 6) Pre-commencement condition: Prior to commencement of the development the applicant shall submit for approval in writing by the LPA an Acoustic Design Statement. Any mitigation measures required shall be implemented in full prior to occupation of the development, and maintained thereafter. The Professional Practice Guidance Note (ProPG): Planning and Noise for New Residential Development May 2017 (ANC, IoA and CIEH) describes

the expected content and approach of an Acoustic Design Statement.
Reason for pre commencement condition: In the interests of residential amenity

- 7) Pre-commencement condition: Before commencement of construction of the development hereby permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.
Reason for pre commencement condition: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.
- 8) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
Reason for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.
- 9) Pre-commencement condition: Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan (BMEP) which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The BMEP shall incorporate the mitigation and enhancement measures set out in the following submitted documents prepared by J.L Ecology Ltd - Ecological Impact Assessment, Dormouse Survey, and Phase 2 Bat Surveys). 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.
- 10) Pre-commencement condition: No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily

address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason for pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

- 11) No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The application for the detailed drainage should be submitted and agreed at the same time that the reserved matters for layout are submitted and agreed. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment (Rev. B; dated 3rd July 2019). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.
Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
- 12) At the reserved matters stage, details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system must be submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.
Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.
- 13) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.
Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.
Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.
- 14) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public

Holidays.

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

- 15) 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.

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

Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 111 of the NPPF.

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PLANNING APPLICATION NO. 19/0315/OUT - EXETER COLLEGE OF FURTHER EDUCATION, HELE ROAD CAMPUS, EXETER

The Principal Project Manager (Development) (MD) presented the outline application for the redevelopment of the Exeter College Hele Road Campus (including demolition of some existing buildings) to deliver upgraded, purpose-built educational facilities, together with the provision of associated landscaping, pedestrian access improvements and associated infrastructure (with all matters reserved) (Exeter College Masterplan).

The proposal was to redevelop the site for continued educational use with a 20-year masterplan for the Exeter College Hele Road Campus providing additional teaching accommodation to meet projected student growth. Planning permission was sought for an extended time period of 15 years to submit reserved matters applications in phases as and when funding becomes available. The purpose of the masterplan and supporting documents was to ensure that this development comes forward in a coordinated, well-designed way. The planning permission would provide investment certainty for the College, as well as a degree of flexibility to enable the College to refine individual proposals to meet specific needs in the future.

Responding to Members, the Principal Project Manager (Development) (MD) advised that:-

- the initial upgrade in teaching facilities would be an Information Technology facility as part of a national information and digital technology initiative;
- the illustrative access off the junction of St Davids Hill and Howell Road would be subject to reserved matters application with view to be given to the provision of wheelchair access; and
- the clock tower was a listed building but not an Ancient Monument.

Jo Davis spoke in support of the application. She raised the following points:-

- the important role Exeter College plays within the city, and the important benefit the College's city centre location brings to the success of the College;
- positive pre-application process with the County Council since September 2018, engaging with numerous departments within the City Council - Planning, Conservation, Placemaking, Environmental Health as well as County Council Highways and Drainage sections, Historic England and the South West Design Review Panel;
- positive discussions continued throughout the application stage seeking to ensure that the scheme proposals meet the high quality design that is required for this important site, but also provides the College with the flexibility to develop the site effectively over a 15-20 year period; and
- seeking to secure public realm and highway safety improvements surrounding the site, whilst ensuring they are fair and proportionate to the development proposed. A series of highway mitigation measures are proposed including works to Hele Road and Howell Road and a package of Section 106 contributions to improve the existing Hele Road pedestrian crossing and the Clock Tower Roundabout.

She responded as follows to Members queries:-

- the proposal is in response to the assessment of local demographics which predict a 35% increase in student numbers in the next 20 years, the demand to be met through a phased development;
- the major rationale in the site development is sustainability as the College can continue to serve the city as well as the wider Devon hinterland; and
- will look to provide data on projected car usage in future years as well as numbers for pedestrian and cyclists.

The Principal Project Manager (Development) (MD) stated that the County Council had sought a £475,000 contribution towards a scheme to turn the Clock Tower roundabout into a T junction with increased public open space, representing half of the total cost. Exeter College had also produced an alternative pedestrian/cycling improvement scheme for the roundabout not involving any additional public open space, which could be delivered with a contribution of £62,700. A sum of £15,000 had also been proposed to widen the existing pelican crossing at the junction of Hele Road and New North Road.

The Highways Development Management Officer explained that the reason for the County Council request for a financial contribution from Exeter College was that the Clock Tower roundabout was the worst performing accident cluster site in Devon. There was a marked pedestrian and cyclist desire line to the city centre from the College which would grow with the estimated increase of 35% in student numbers or an uplift of 4,200 in years to come. A contribution of £77,700 he believed was insufficient to provide necessary mitigation measures.

The Service Lead City Development advised that City Council officers had not considered the County Council request to be fair or reasonable and that the College, which operated as a business, should not be expected to contribute at this level to highway improvements. The alternative was considered appropriate and in line with National Planning Policy Framework guidance. Members supported this view, noting that, normally, the County Council would request Section 106 contributions to be made to schools rather than asking educational/public institutions for contributions.

Members welcomed the proposal, noting that the removal of the College tower block would improve the amenity of the nearby Almshouses. One Member

expressed some concern regarding potential impact of car parking on surrounding residential roads.

The recommendation was for approval, subject to the conditions as set out in the report and update sheet and a Section 106 Agreement under the Town and Country Planning Act 1990 to secure £62,700 towards pedestrian and cycling improvements to the Clock Tower roundabout and £15,000 to widen the pelican crossing on Hele Road.

The recommendation was moved and seconded.

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990, to secure a contribution to Devon County Council to implement a scheme to improve the safety of the Clock Tower roundabout being a sum of £62,700 towards pedestrian and cycling improvements at the roundabout together with £15,000 to widen the pelican crossing on Hele Road, outline application for the re-development of the Exeter College Hele Road Campus (including demolition of some existing buildings) to deliver upgraded, purpose-built educational facilities, together with the provision of associated landscaping, pedestrian access improvements and associated infrastructure (with all matters reserved) (Exeter College Masterplan) be **APPROVED**, subject also to the following conditions:-

1. Non-standard Time Limits – Outline Planning Permission

Application(s) for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 15 years from the date of the permission and the development hereby permitted shall be begun before the expiration of five years from the date of the permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved whichever is the later.

Reason: To ensure compliance with sections 91 - 93 of the Town and Country Planning Act 1990.

2. Reserved Matters

Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: To safeguard the rights of the local planning authority in respect of the reserved matters. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matters.

3. Approved Plans

The development hereby permitted shall be carried out on the land outlined in red on drawing number EC-KT-XX-XX-DR-A-XX-1864-SK100-P2 ('Site Location Plan'). The access points to the development shall be in the areas shown on drawing number EC-KT-XX-XX-DR-A-XX-1864-SK403-P2 ('Masterplan as Proposed (Sheet 04)'). The development shall not be carried out otherwise than within the parameters shown on drawing numbers:

- EC-KT-XX-XX-DR-A-XX-1864-SK408-P2 ('Parameters Plan – Heights')
- EC-KT-XX-XX-DR-A-XX-1864-SK409-P2 ('Parameters Plan – St David's')

- Elevation')
- EC-KT-XX-XX-DR-A-XX-1864-SK410-P1 ('Parameters Plan – Howell Rd Ele')
- EC-KT-XX-XX-DR-A-XX-1864-SK411-P1 ('Parameters Plan – Development Zones').

Reason: To ensure compliance with the approved drawings.

4. Phasing Plan

Either with or in advance of the first reserved matters application a Phasing Plan setting out the phasing of construction of the development, including landscaping, shall be submitted to the Local Planning Authority for approval. The development shall not commence until the Phasing Plan has been approved in writing by the Local Planning Authority and the development shall be implemented in accordance with the approved Phasing Plan. Any amendment to the Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on any undeveloped phases.

Reason: To ensure the practical delivery of the development, including demolition of existing buildings, construction of new buildings and landscaping.

5. Design Code

Either with or in advance of the first reserved matters application a Design Code for the development of the site shall be submitted to the Local Planning Authority for approval. The Design Code shall fit the description of 'Design code' in Annex 2: Glossary of the National Planning Policy Framework (NPPF) (February 2019). The development shall not commence until the Design Code has been approved in writing by the Local Planning Authority.

Reason: To ensure consistency in design across all phases of the masterplan.

6 - Design and Heritage Statements

Unless otherwise agreed in writing by the Local Planning Authority, a Design and Heritage Statement shall be submitted to and approved in writing by the Local Planning Authority as a part of the reserved matters submissions required by condition 2. The statements shall explain how the reserved matters have been designed to accord with the parameters plans approved under condition 3 and the Design Code approved under condition 5, or in the case of the latter the reason(s) why this was not possible, in which case the design rationale for the reserved matters shall be included. The statement shall also explain the impact of the reserved matters on the significance of any heritage assets on the site of the reserved matters application and/or in the surrounding area that will be affected by the reserved matters in terms of their settings.

Reason: In the interests of design/landscape quality in accordance with Policies CP16 and CP17 of the Core Strategy and saved Policy DG1 of the Exeter Local Plan First Review; the preservation/enhancement of the character or appearance of the conservation area in accordance with saved Policy C1 of the Exeter Local Plan First Review; the preservation/enhancement of listed buildings/locally listed buildings or their settings that are affected by the reserved matters in accordance with saved Policies C2 and C3 of the Exeter Local Plan First Review; and the preservation/recording of any archaeological remains that may be present on the site of the reserved matters in accordance with saved Policy C5 of the Exeter Local Plan First Review.

7. Waste Audit Statements

Unless otherwise agreed in writing by the Local Planning Authority, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority as a part of the reserved matters submissions required by condition 2. The statements shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document (July 2015). The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document.

8. Up-to-date Tree Survey/Arboricultural Impact Assessment/Tree Protection Plans

Unless otherwise agreed in writing by the Local Planning Authority, an Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPP) shall be submitted to and approved in writing by the Local Planning Authority as a part of the reserved matters submissions required by condition 2. The AIA and TPP will be based on and accompanied by a Tree Survey covering the site of the reserved matters application carried out within the 12 month period preceding the submission of the application. The approved TPP shall be implemented throughout the construction of the development approved by the reserved matters application.

Reason: To protect the trees to be retained on or adjacent to the site of the reserved matters application in accordance with saved Policies LS4 and DG1(c) of the Exeter Local Plan First Review, and the Trees in Relation to Development Supplementary Planning Document (September 2009).

9. Sustainable Urban Drainage Systems (SUDS) Statements

Unless otherwise agreed in writing by the Local Planning Authority, a Sustainable Urban Drainage Systems (SUDS) Statement shall be submitted to and approved in writing by the Local Planning Authority in consultation with Devon County Council as the Lead Local Flood Authority as a part of the reserved matters submissions required by condition 2. The SUDS Statement shall include a plan showing the design of the permanent surface water drainage management system for the site of the reserved matters application approved under condition 15 and include details of the additional SUDS management techniques that shall be incorporated in the development based on Table 5 of the submitted FRA & Masterplan Drainage Strategy (Clarkebond, 18.02.2019). The details in the approved SUDS Statement shall be implemented prior to the first use/occupation of the development approved by the reserved matters application.

Reason: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible by incorporating SUDS management techniques in accordance with Policy CP12 of the Core Strategy and taking into account paragraph 165 of the NPPF.

10. District Heating Network Statements

Unless otherwise agreed in writing by the Local Planning Authority, a District Heating Network Statement shall be submitted to and approved in writing by the Local Planning Authority as a part of the reserved matters submissions required by condition 2. The statements shall explain how the reserved matters have been designed to fulfil the requirement of condition 26.

Reason: In the interests of delivering sustainable development and reducing the impacts of climate change, taking into account Policy CP13 of the Core Strategy, paragraph 153 of the NPPF and the information submitted with the application.

11. BREEAM Design Stage Assessment Report (for new buildings)

A BREEAM Design Stage Assessment Report shall be submitted to and approved in writing by the Local Planning Authority as a part of the reserved matters submissions required by condition 2 where the reserved matters relate to a new building. The BREEAM Design Stage Assessment Report shall be written by a licensed BREEAM assessor and set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which this score relates. Unless otherwise agreed in writing by the Local Planning Authority, the building shall achieve a BREEAM 'excellent' standard as a minimum. The building shall be constructed in accordance with the approved BREEAM Design Stage Assessment Report and within three months of substantial completion of the building a BREEAM post-completion report of the building shall be carried out by a licensed BREEAM assessor setting out the BREEAM score achieved by the building and the equivalent BREEAM standard to which the score relates.

Reason: To ensure that the buildings in the development comply with Policy CP15 of the Core Strategy and in the interests of delivering sustainable development.

12. Noise Impact Assessments

Unless otherwise agreed in writing by the Local Planning Authority, a Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority as a part of the reserved matters submissions required by condition 2. The reports shall consider the impact of noise from the development on local receptors, including noise from plant and equipment, deliveries, students and events. If, following the above assessment, the Local Planning Authority concludes that noise mitigation measures are required, a scheme of works shall be submitted to and approved in writing by the Local Planning Authority to ensure that the development will not have a significant adverse impact on local amenity. The approved works shall be implemented prior to the first use/occupation of the development approved by the reserved matters application and maintained at all times thereafter.

Reason: To avoid noise giving rise to significant adverse impacts on the health and quality of life of local receptors in accordance with saved Policy EN5 of the Exeter Local Plan First Review and paragraph 180 a) of the NPPF.

13. Cycling Facilities

Unless otherwise agreed in writing by the Local Planning Authority, details of cycling facilities shall be submitted to and approved in writing by the Local Planning Authority as a part of the reserved matters submissions required by condition 2. The details shall show the location and design of cycle parking facilities for staff, students and visitors in accordance with chapter 5 of the Sustainable Transport Supplementary Planning Document (March 2013), including showers, lockers and space to dry clothes. The details shall also accord with any approval given under condition 25. The approved facilities shall be provided prior to the first use/occupation of the development approved by the reserved matters application and maintained at all times thereafter.

Reason: To encourage cycling as a sustainable mode of travel in accordance with saved Policies T1 and T3 of the Exeter Local Plan First Review, and the Sustainable Transport Supplementary Planning Document.

Pre-commencement Details

14. Protected Species Surveys

No development (including ground works) or vegetation clearance works shall take place until the further survey work in Table 9 of the submitted Preliminary Ecological Appraisal Report (Acorn Ecology, January 2019) has been carried out and the results have been submitted to and approved in writing by the Local Planning Authority. The recommendations of the surveys shall be implemented in full.

Reason: To ensure that the implications of the development on biodiversity are fully understood and any measures necessary to mitigate the impact of the development on protected species are identified and carried out at the appropriate time in accordance with saved Policy LS4 of the Exeter Local Plan First Review and paragraph 175 of the NPPF. These details are required pre-commencement as specified to ensure that protected species are not killed or otherwise harmed by building operations.

15. Permanent Surface Water Drainage Management System – Detailed Design

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems and those set out in the submitted FRA & Masterplan Drainage Strategy (Clarkebond, 18.02.2019). The permanent surface water drainage management system shall be implemented as approved, unless modified by the details approved under condition 9.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems. A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream. (Advice: Refer to Devon County Council's Sustainable Drainage Guidance.)

16. Permanent Surface Water Drainage Management System – Adoption/Maintenance Arrangements

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to and approved in writing by the Local Planning Authority in consultation with Devon County Council as the Lead Local Flood Authority. The permanent surface water drainage management system shall be adopted and maintained as approved.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan.

Pre-commencement Details – Individual Phases

17. Extended Phase 1 Habitat Re-Surveys (and Protected Species Re-Surveys if necessary)

Prior to the commencement of development in any phase of the development in accordance with a Phasing Plan approved under condition 4, an Extended Phase 1

Habitat Survey of the phase shall be carried out and the results of the survey shall be submitted to and approved in writing by the Local Planning Authority, unless such a survey has already been carried out and been approved in writing by the Local Planning Authority in the preceding three years. The recommendations of the surveys shall be implemented in full, including further survey work in which case no development shall take place in the phase until the further survey work has been carried out and the results have been submitted to and approved in writing by the Local Planning Authority. The recommendations of the further surveys shall be implemented in full.

Reason: To ensure that the implications of the development on biodiversity are fully understood for each phase based on up-to-date surveys given the 15 year time period to submit reserved matters applications under condition 1 and any measures necessary to mitigate the impact of the development on protected species are identified and carried out at the appropriate time in accordance with saved Policy LS4 of the Exeter Local Plan First Review and paragraph 175 of the NPPF. Natural England's Standing Advice states that Local Planning Authorities can ask for extra surveys to be done as a condition of planning permission for outline or multi-phased developments to make sure protected species aren't affected at each stage. These details are required pre-commencement as specified to ensure that protected species are not killed or otherwise harmed by building operations.

18. Conservation Action Statements

Prior to the commencement of development in any phase of the development in accordance with a Phasing Plan approved under condition 4, a Conservation Action Statement for the phase shall be submitted to and approved in writing by the Local Planning Authority. The Conservation Action Statements shall be based on the Interim Conservation Action Statement in Appendix 5 of the submitted Preliminary Ecological Appraisal Report (Acorn Ecology, January 2019) and take into account the results of any surveys required by conditions 14 and 17. The approved Conservation Action Statements shall be implemented for any development works carried out in the phases.

Reason: To provide clear methods to avoid, mitigate and/or compensate biodiversity impacts in each phase of the development, as well as measures to enhance biodiversity in each phase, in accordance with saved Policy LS4 of the Exeter Local Plan First Review and paragraph 175 of the NPPF. These details are required pre-commencement as specified to ensure there are measures in place to avoid, mitigate and compensate biodiversity impacts during the construction of the development in each phase.

19. Contaminated Land Investigations

Prior to the commencement of development in any phase of the development in accordance with a Phasing Plan approved under condition 4, a full investigation of the land within the phase to determine the extent of and risk posed by any contamination of the land shall be carried out, and the results together with any remedial works necessary shall be submitted to and approved in writing by the Local Planning Authority. The building(s) in any phase shall not be occupied until the approved remedial works have been implemented and a remediation statement has been submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason: In the interests of the amenity of the users and occupiers of the development hereby approved. This information is required pre-commencement as specified to ensure that any remedial works are properly considered and addressed at the appropriate stage.

20. Construction Method Statements

Prior to the commencement of development in any phase of the development in accordance with a Phasing Plan approved under condition 4, a Construction Method Statement for the works in the phase shall be submitted to and approved in writing by the Local Planning Authority. The statements shall provide for:

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to minimise noise nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

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

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

Pre-specific Works

21. Bird Nesting Season

No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird nesting season from March to August, inclusive. If this period cannot be avoided, these works shall not be carried out unless they are overseen by a suitably qualified ecologist and the reasons why have previously been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name and contact details of the ecologist. If nesting birds are found or suspected during the works, the works shall cease until the ecologist is satisfied that the nest sites have become inactive.

Reason: To protect nesting birds in accordance with Policy LS4 of the Exeter Local Plan First Review and paragraph 175 of the NPPF.

22. External Lighting Details

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

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

and wildlife.

23. Kitchen Extraction

Before any catering kitchen becomes operational, a scheme for the installation of equipment to control the emission of fumes and odour from the kitchen shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full. All equipment installed as part of the scheme shall be operated and maintained in accordance with the manufacturer's instructions thereafter.

Reason: To protect the amenities of people in the area from fumes and odours emitted from the kitchen.

Pre-occupation

24. Site Wide Travel Plan

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

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

25. Site Wide Cycle Parking Scheme

Prior to the first occupation or use of the development hereby permitted, a Cycle Parking Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the general location and number of cycle parking facilities on the site, and provide examples of the types of cycle parking facility that will be appropriate in each location. The scheme shall accord with the minimum standards and guidance in Chapter 5 of the Sustainable Transport Supplementary Planning Document (March 2013).

Reason: To ensure that a 'masterplanning approach' is taken in the consideration of the provision of cycle parking facilities on the site, as opposed to a piecemeal approach, and that the minimum standards contained in Chapter 5 of the Sustainable Transport Supplementary Planning Document are met or exceeded for the development as a whole. In addition, to encourage cycling as a sustainable mode of travel in accordance with saved Policies T1 and T3 of the Exeter Local Plan First Review, and the Sustainable Transport Supplementary Planning Document.

Pre-occupation – Final Phase

26. District Heating Network Completion

Prior to the first occupation or use of the development in the final phase of the development in accordance with a Phasing Plan approved under condition 4, a decentralised energy (district heating) network shall be completed on the site, which is capable of connection to an offsite decentralised energy (district heat) network.

Reason: In the interests of delivering sustainable development and reducing the impacts of climate change, taking into account Policy CP13 of the Core Strategy,

paragraph 153 of the NPPF and the information submitted with the application.

49

PLANNING APPLICATION NO. 18/1610/FUL - ST ANDREWS YARD, WILLEYS AVENUE, EXETER

The Assistant Service Lead City Development presented the application for the demolition of existing single storey business premises and construction of a new nine dwelling residential apartment block

The Assistant Service Lead City Development referred to points of objections received from Councillor D. Moore, as set out in the update sheet, in which Councillor Moore commented on and supported the objections reported. He advised that an additional condition could be added to secure details of bin storage and that an existing proposed condition would ensure the proposal met Council policy in respect of its carbon neutral targets.

Matt Briggs spoke against the application. He raised the following points:-

- representing residents in Willeys Avenue having lived here for 15 years;
- not objecting to this site being developed and fully appreciate need to build a certain number of new homes. Willeys Avenue is a historical Victorian street with an industrial heritage. Residents agree the site will benefit from development but the proposal is imposing and out of place on a Victorian terraced street;
- scale and massing of the design is inappropriate with a huge impact on neighbours;
- there is a stark difference with everything else in Willeys Avenue. It is an ugly building, the flat roof is unattractive and invasive and does not blend in with the existing street scene;
- plans show three stories with the roof line above neighbouring terrace houses resulting in loss of privacy, overlooking, loss of light, increased noise, impact on wildlife and parking/traffic problems;
- the design is of low quality and the buff brick finish is inappropriate;
- the developer included pictures of the street from the end of Willeys Avenue that joins Alphington Road. The example of how this proposed building will fit in is apparently because of the Brewers Court development. These flats were built to match/reflect the existing old factory building and blend in well. The design of Brewers Court is sympathetic to the appearance of the existing buildings. This new build has apexe roofs which is very typical of the area, the windows and brickwork were made to look very similar and these properties do not have balconies;
- a build of this size will impact on the quality of light for at least eight homes within the immediate vicinity of the St. Andrews Yard; and
- object to the proposed plans on the basis of its size being overbearing, not in-keeping with the surrounding houses and the scale of the building will stop much of daylight on homes;

Graham Chilvers spoke in support of the application. He raised the following points:-

- for the last 15 years St Andrew's Yard has been used for the sale of low cost second hand cars;
- Alphington is designated a high flood risk zone and any new building is required to have its ground level over 3.5 ft above the street level. This is therefore an apartment block including a wheelchair friendly lift;
- it would be considerably lower than the industrial building on the other side of

- the street and all the other three story developments in the street;
- its actual size and mass is not dissimilar to a row of terrace houses;
- an elevated train goes by every 10 minutes giving all the passengers a view of all the rear gardens and bedroom windows;
- this new building will not impact on privacy in Willeys Avenue;
- Willeys Avenue is a mixture of a large redeveloped industrial building, rows of terrace housing and approximately five, three storey apartment developments, with Willeys Court being a much larger, three story development. The development lines up with the existing row of terrace houses and the first section has brick built bay windows to match the existing terrace. The next section has small Juliet balconies for light and style. The balconies are at the rear of the building as they are south facing;
- the proposal is not an unprecedented break from the existing eclectic street scene and brings a hint of modern design. It offers nine apartments with easy access and secure parking that will be a joy to live in; and
- the development will lift the area by replacing a junk yard with nine quality residences.

Noting that the applicant was prepared to alter the materials in respect of the end of the three blocks by changing the proposed buff coloured brick, Members were of the view that, even though there were some larger buildings in the street, the design and scale of this application was not in keeping with the surrounding residential area.

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

The recommendation for approval was moved, seconded put to the vote and lost.

Scaling, massing and inappropriate design as reasons for refusal were moved and seconded.

RESOLVED that the application for the demolition of existing single storey business premises and construction of a new nine dwelling residential apartment block be **REFUSED** as the proposal would be contrary to Paragraph 127 (a, b, c, and d) and Paragraph 130 of the National Planning Policy Framework (2019), objective 9 and Policy CP17 of the Exeter Local Development Framework Core Strategy (2012), Policies DG1 (b, g, and h) of the Exeter Local Plan First Review (2005) and the Residential Design Guide SPD (2010) because:-

- 1) by virtue of its scale and massing this apartment block would be dominant and visually intrusive within the streetscene, unsympathetic with and detrimental to the character of this established residential area; and
- 2) the proposed development represents poor design that would fail to take the opportunities to improve the character or quality of the area, would not contribute positively to the visual richness and amenity of the townscape and would not raise the quality of urban living through excellence in design.

50

PLANNING APPLICATION NO. 19/0287/FUL - LAND BETWEEN HOLLOW LANE AND HARTS LANE, EXETER

The Assistant Service Lead City Development presented the application for the construction of a two storey primary school with a nursery and associated play areas, sports pitches and parking.

The Assistant Service Lead City Development advised that discussions were

ongoing relating to sustainable drainage, landscaping and noise and, if Members were minded to approve the application, he requested delegated authority to do so after satisfactory resolution of these matters. He advised that the school would meet BREEAM “excellent” standards of sustainability which were the highest available and covered a range of issues including materials, renewable energy etc.

Sam Utting spoke in support of the application. He raised the following points:-

- Primary Digital Academy, Monkerton is the second new school for the Cornerstone Academy Trust under the priority schools building programme. The Trust has run a successful school in Broadclyst and is opening a new school in Westclyst. Monkerton school is designed to support the use of interactive digital technology to enrich the national curriculum and create a culture of innovation;
- the new school is unique and challenging with many constraints and opportunities defining how the design has been conceived with pragmatic solutions;
- safeguarding is crucial to the position of the building on the site;
- parking and drop-off is designed in line with best practice guidance, using data gathered from local schools to provide space for cars without impact on existing traffic movements;
- extensive and careful landscape enhancements have been allowed, in particular the boundaries are retained and enhanced to encourage biodiversity;
- the landscaping proposals have carefully manipulated the sloping site to maximise usable, flat play space with level access from the school building;
- environmental sustainability measures include district heating, high levels of insulation, natural ventilation and an optimum amount of natural light;
- the scheme will be constructed of high quality materials, the palette to include brick and metal cladding with aluminium windows with accent colours providing articulation; and
- in summary, these proposals were developed in close collaboration with the Cornerstone Academy Trust, the Department for Education and Exeter City Council. This building is a good fit, an appropriate response to the challenges of the site, the school and the developing community in the area.

He responded as follows to Members’ queries:-

- it is legible as a public building distinct from the surrounding domestic architecture design;
- the school will be energy efficient although solar panels are not proposed at present; and
- colouring is copper rather than green and multi tone grey brick and it is likely that the head teacher will seek to involve pupils in adding their own mark to the premises.

The Service Lead City Development stated that the location of the school had been selected to ensure it was at the heart of the Monkerton urban extension, and therefore within a reasonable walking distance from local developments. In 2014 a planning permission was granted for a school for up to 630 pupils that would have resulted in higher traffic movements than would be the case for one involving 420 (plus 60 at nursery). The applicant’s highway experts had submitted additional information suggesting that they may have overestimated the number of car trips attracted to the school given that the available data from Exeter schools showed lower usage of cars than is the case at the county and national levels. There was no objection to the traffic impacts of the proposed school from the Local Highway Authority at Devon County Council.

Members urged use of energy efficient systems and noted that there would be one cycle only access into the site.

Safety of school children was paramount

A number of Members expressed concern that the new school, allied to the significant number of new developments, could lead to severe traffic problems including tailbacks as far as the Cumberland Way roundabout and logjams in the school itself during drop off and pick up periods. They were concerned that their previous concerns in respect of the amount, and management, of traffic attracted to the site and its impact on local roads remained and had not been addressed.

One Member referred to the need for a clear traffic management plan for vehicles dropping off and picking up children within the school site and another felt that comparing this school with data on the proportion of trips to the schools elsewhere in the city was misleading. They also rejected the view of the applicant's highway experts that it was reasonable to expect that the number of car trips attracted to the site would be lower than those predicted in the Transport Assessment. A Member believed that because of the surrounding residential developments it was likely that the numbers in the school would in fact increase to the original number of 630 proposed with an associated increase in building size. Members asked for a further assessment of the traffic issues.

The Service Lead City Development summarised the concerns as scepticism regarding the number of car journeys to the site, capacity of the site access and wider concerns regarding the routing of vehicles around the site for safety reasons.

The recommendation was for delegated authority to approve, subject to the conditions as set out in the report.

A motion to defer the application for County Council and City Council officers to further consider the traffic and transport implications of the school was moved and seconded.

RESOLVED that planning permission for the construction of a two storey primary school with a nursery and associated play areas, sports pitches and parking be **DEFERRED** for further discussions between City Council officers and the Highways Authority on the concerns raised in respect of the traffic impacts of the school.

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

The report of the City Development Manager was submitted.

RESOLVED that the report be noted.

52 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

53 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party will be held on Tuesday 20 August

2019 at 9.30 a.m. The Councillors attending will be Councillors M. Mitchell, Pierce and Sutton.

(The meeting commenced at 5.30 pm and closed at 8.50 pm)

Chair