

PLANNING COMMITTEE

Monday 29 June 2020

Present:-

Councillor Rachel Lyons (Chair)
Councillors Williams, Bialyk, Branston, Foale, Ghusain, Harvey, Mrs Henson, Mitchell, M, Morse, Sheldon, Sparkes and Sutton

Also Present

Director (BA), Principal Project Manager (Development) (MD), Principal Project Manager (DC), Democratic Services Officer (MD) and Democratic Services Officer

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MINUTES

The minutes of the meeting held on 1 June 2020 were taken as read and approved as correct, for signing by the Chair at the earliest possible convenience.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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PLANNING APPLICATION NO, 20/0581/TEL - ST THOMAS CENTRE, COWICK STREET, EXETER

The Director (BA) reported that the application had been removed from the agenda to allow the applicant to work with the Council on issues raised by Historic England.

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PLANNING APPLICATION NO 15/0640/OUT - ALDENS FARM EAST, LAND BETWEEN CHUDLEIGH ROAD AND DAWLISH ROAD, ALPHINGTON

The Principal Project Manager (Development) (MD) presented the application for outline planning permission for residential development of up to 234 dwellings with accesses onto Chudleigh Road and Dawlish Road, associated landscaping, public open space, drainage and infrastructure with all matters reserved except for access. (*Amended Scheme*)

The Principal Project Manager (Development) advised that, following previous applications from Devon County Council which had been deferred, revised proposals had been received from Redrow Homes at Aldens Farm East and Burrington Estates at Aldens Farm West. The latter application would be reported to the Planning Committee later in the year.

The application for Aldens Farm East comprised revised parameter plans in accordance with urban design principles and the proposal was in line with the principles of the Strategic Allocation. The Principal Project Manager (Development) referred to a series of planning obligations required as part of a Section 106 Agreement. He referred to the objections received from the Alphington Village Forum, notably the reference to the need for community facilities. An updated Transport Assessment had been provided by the applicant.

Responding to Members' queries, he advised that:-

- conditions would include the need to have regard to the 10% policy requirement of public open space, not including the boundary hedgerows;
- the South West Exeter Development Brief was an adopted Supplementary Planning Document and therefore a material consideration although, not all elements within the Brief were necessarily brought forward;
- no approach was made by the Clinical Commissioning Group for health facilities as part of this development;
- the payments due as part of the Section 106 Agreement in respect of the number of dwellings was index linked up to the time payment was made; and
- the site was located adjacent to Alphington Village and therefore there were a number of existing services and facilities close to the site. The site was served by the existing road network, a number of bus services and was located adjacent to an existing pedestrian and cycle path network.

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

- welcome the proposed level of affordable housing of 30%, including 70% social rented to help young families;
- traffic issues are being addressed through the Exeter Transport Strategy which seeks to reduce reliance on the car through encouraging greater bus usage and with the scheduled opening in 2022 of the Marsh Barton Rail Halt;
- recent "pop up" changes in the traffic network as part of the response to Covid-19 will further encourage more cycling and walking and use of public transport;
- the contribution towards transport infrastructure improvements will help towards securing safer access to the developments in South West Exeter;
- welcome the focus on permeability through the site and beyond into the developments in the Teignbridge District as well as the cycle/walking link into the Riverside Valley Park;
- welcome biodiversity provision, more than 10% public open space and linkage to the District Heating system;
- the City Council has previously supported the provision of community facilities in Alphington Village, including the Village Hall; and
- overall, this, and the other developments, are a significant improvement on original proposals.

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

- concerns of Exeter residents regarding potential purchasers of new properties as part of a view that the south west would be a safer area in light of the Covid-19 crisis. Providing for social housing for local people and addressing local housing need is therefore a relevant issue and, as such, a 30% provision may be regarded as inadequate;
- reference to a gateway development highlights this area as one which is adjacent to a main commuter route into the city with its associated problems of congestion and pollution;
- the Hydrock 2019 Transport assessment does not fully consider the proximity of the A30 and the M5, nor future traffic arising from the rest of the south west Exeter developments as part of the Bovis, Barrett's and Burlington Barrett estates;
- a condition is needed to minimise construction traffic through Alphington village;
- Highways England have no plans to improve the Devon Motel roundabout;
- insufficient evidence from the County Council on the likely impact of the additional cars from the 234 houses proposed on travel patterns;

- Dawlish Road is effectively a country lane;
- concern that the proposed cycle and walkways will not materialise and, if they do, will lack an integrated approach to other developments; and
- traffic build-up, traffic jams and gridlock have been evident on many occasions, suggesting a need for an independent traffic assessment.

The Highways Development Management Officer advised that the South West Exeter Access Strategy within the South West Exeter Masterplan provided for the delivery of safe and sustainable highway conditions including improved access arrangements onto the A379 and enhanced walking, cycling and public transport provision. These were being brought forward as part of the overall package of housing and community developments in the Teignbridge district. He also stated that the Construction Management Plan would ensure that traffic was directed away from Alphington Village and that, following the previous deferral of the application, Hydrock had provided an updated report.

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

- in addition to the extremely serious issues around excessive future traffic caused by the massive South West Exeter development comprising 2,500 new houses, the Alphington Village Forum objects to these outline plans on the specific point of the lack of any new community facilities;
- the Hydrock 2019 Transport Assessment produced for the County Council does not fully consider the future traffic arising from the rest of the South West Exeter developments, comprising an additional 1,000 new houses being built on the northern side of the A379. The Tempro 2024 calculations are based on trip rates from a 2011 National Travel Survey and are therefore inaccurate;
- all traffic heading from the A379 towards Exeter on Dawlish and Chudleigh Roads joins Church Road at the church junction, a designated conservation area, and ends in a bottleneck at Alphington Road. This is the junction near Sainsbury's, with more traffic from the A30 joining but is not mentioned in the Hydrock's Manual Traffic Survey;
- there will be six new accesses on to Chudleigh Road and two on to the old Dawlish Road, a narrow country lane regularly blocked at rush hour;
- transport infrastructure enhancements are required for South West Exeter as stated in the Exeter Core Strategy Policy CP19 and regard should be had to the Core Planning Principle of enhancing the natural and local environment;
- there will be an adverse impact on residents' present quality of life;
- the South West Exeter Development Brief produced in 2014 requires an area of 0.11 hectares as a local centre, comprising a site of 0.1 hectare for the future provision of a health centre or doctor's surgery which should be on the eastern side of Chudleigh Road, but has been omitted from the Redrow development;
- the new Local Centre of Matford Barton Garden Neighbourhood Centre although 400 metres away is on the other side of the A379. Few people will be willing to walk or cycle there and carry back all their shopping;
- there are limited parking spaces and dangerous narrow roads; and
- facilities in the village are already over-subscribed, the primary school is full and the surgery has 8,000 registered patients, with lengthy waiting times for appointments.

Responding to a Member, she also remarked that the location of the new school on the other side of the A379 was inappropriate as children from Alphington Village would have to walk across the proposed bridge over the road and extra traffic would occur when parents drove their children to school.

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

- 30% affordable housing, with 70% social rented and 30% intermediate is proposed which is supported by a detailed viability assessment accepted by the Council's independent viability assessor;
- although there had been discussions to increase the affordable housing provision to 35% there was also a request for a substantial education contribution. Redrow had agreed to contribute an additional £1.5 million in education contributions through the Section 106 Agreement. This additional financial burden would impact on the scheme's viability and the ability to provide a policy compliant level of affordable housing which was not achievable. Therefore, the proposed affordable provision should be considered acceptable; and
- the development supports the Council's five year housing land supply position and the imperative to deliver housing growth in line with the plan led system.

She responded as follows to Members' queries:-

- the Section 106 Agreement contributions for traffic improvements are significant;
- a local centre is proposed for the Bovis development in the Teignbridge District and there are adequate shop facilities in Alphington Village; and
- Redrow were guided by the Development Brief which identified the Bovis site as the best for the provision of the new school and agreed a substantial contribution towards the school.

Members expressed the following views:-

- concerned that developments within the boundary of Exeter, both at Alphington and Pinhoe, allied to the other housing developments in the neighbouring authorities of Teignbridge and East Devon, create huge pressures on the infrastructure and existing community facilities and question the overall sustainability going forward;
- proposal fails to meet Council policy of 35% affordable housing provision, does not address need to enhance health or education provision for the Alphington Village area and lacks an archaeological site evaluation and should be re-thought
- additional biodiversity features could be appropriate and a report on noise assessment during and after construction is suggested; and
- developments in this area are being brought forward after prolonged discussions between local authorities seeking to provide the best infrastructure, education and community provision for both Exeter and Teignbridge District and to deliver much needed housing.

The Principal Project Manager (Development) confirmed that the provision of community facilities including education conformed to policy requirements. He advised that the Clinical Commissioning Group were seeking a financial contribution in respect of the Aldens Farm West site but had not made a request in relation to this site.

The recommendation was for approval, subject to the completion of a Section 106 Agreement and the conditions as set out in the report.

The recommendation was moved and seconded and carried.

RESOLVED that, subject to the completion of a Section 106 agreement under the Town and Country Planning Act 1990 in respect of affordable housing; district heating; education; financial contribution to highway and public realm improvements and following agreement with the applicant in respect of the pre-commencement conditions, outline planning permission for residential development of up to 234 dwellings with accesses onto Chudleigh Road and Dawlish Road, associated

landscaping, public open space, drainage and infrastructure with all matters reserved except for access. (*Amended Scheme*) be **APPROVED**, subject also to the following conditions:-

1. Approval of the details of the layout, scale, appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
2. 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 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 section 91 - 93 of the Town and Country Planning Act 1990.
3. In respect of those matters not reserved for later approval the development hereby permitted shall be carried out in accordance with the proposed access scheme shown on drawing no. *13557-HYD-XX-XX-DR-TP-0006 Rev P01 and 13557-HYD-XX-XX-DR-D-0001 Rev P02*
Reason: To ensure that an appropriate vehicular access is provided to serve the development.
4. The development hereby permitted shall not be carried out otherwise than in accordance with the submitted details contained within the parameter plans (dwg nos epd5978_d001b; 5978_d002h; 5978_d003i & 5978_d0041i) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved plans.
5. If, during demolition/ development, contamination not previously identified is found to be present at the site then the Local Authority shall be notified as soon as practicable and no further development (unless otherwise agreed in writing with the Local Planning Authority), shall be carried out until the developer has submitted an investigation and risk assessment, and where necessary a remediation strategy and verification plan, detailing how this unsuspected contamination shall be dealt with. Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy, shall be submitted to and approved by the Local Planning Authority.
Reason: In the interests of the amenity of the occupants of the buildings hereby approved.
6. 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 for those works. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

7. Pre-commencement condition: No development shall take place until a Waste Audit Statement for waste arising from the development has been submitted to and agreed in writing by the Local Planning Authority. The statement shall include:
 - a) methods to reduce the amount of waste material
 - b) methods to re-use the waste within the development
 - c) methods for the reprocessing and/or final disposal of excavated materials, including locations (which should hold appropriate planning permission, Environment Agency licences and exemptions) where such activities will take place
 - d) estimated quantities of excavated/demolition materials arising from the site
 - e) evidence that all alternative methods of waste disposal have been considered
 - f) evidence that the distance travelled when transporting waste material to its final disposal point has been kept to a minimum.Reason: The development shall be carried out in accordance with the approved statement.
8. Prior to first occupation a Landscape and Ecological Management Plan as recommended by the Ecological Assessment dated November 2019 produced by Tyler Grange 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 development shall be implemented and maintained in accordance with the approved Plan and programme of implementation.
Reason – In the interests of securing a comprehensive approach to the preservation and enhancement of the landscape and ecological interest of the site
9. Pre-commencement condition: No development (including ground works) or vegetation clearance work shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority including for those works:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inclusive: 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) the proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) details of the amount and location of construction worker parking.
- (n) photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Reason: To minimise the environmental impacts of the construction process for local residents and in the interests of amenity.

10. 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. 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 Alden's Farm East, Alphington Drainage Strategy Addendum Report (Report Ref. 19035 - A, Rev. A, dated 20th March 2020). 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.

11. 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. 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: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

12. Pre-commencement condition 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.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

13. Pre-commencement condition: No development shall take place until details have been submitted and agreed in writing by the Local Planning Authority of how good design principles and best practice measures, as outlined in Chapter 5 of the IAQM/EPUK guidance Land-Use Planning & Development Control: Planning For Air Quality, will be incorporated to ensure that emissions are fully minimised. The development shall not be occupied until the agreed measures have implemented.

Reason: In the interests of residential amenity.

14. No development shall take place, until a noise quality assessment has been carried out in accordance with a programme and methodology to be agreed in writing by the local planning authority and the results, together with any mitigation measures necessary, have been agreed in writing by the local planning authority. The development shall not be occupied until the approved mitigation measures have implemented.

Reason: In the interests of residential amenity

15. No part of the development shall be occupied until details of the open space provision (to be not less than 10% of the total site area and excluding hedgerow and associated buffer area) and children's play equipment has been submitted to and approved in writing by the local planning authority and thereafter installed to an agreed timescale and maintained in accordance with the agreed details.

Reason: In the interests of residential amenity

16. With the exception of the approved removal of the accesses for the site any trees and hedges on or around the site shall not be felled, lopped, or removed without the prior written consent of the Local Planning Authority.

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

17. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the tree protection plans submitted as part of the Arboricultural Survey produced by Advance Arboriculture dated August 2017 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

Reason: 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.

18. Prior to occupation of the development hereby approved details of provision for nesting birds shall be submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.

Reason: In the interests of preservation and enhancement of biodiversity in the locality.

19. The development shall accord with the recommended mitigation measures as stated within the Ecological Assessment dated November 2019 produced by Tyler Grange unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and enhance the existing habitat in relation to the area's bat population.

20. The development shall accord with the recommended mitigation measures as stated within the dormouse mitigation method statement dated December 2012 and reaffirmed in November 2017 produced by EPS Ecology and the

Ecological Assessment in November 2019 produced by Tyler Grange unless otherwise agreed in writing by the Local Planning Authority.
Reason: To protect and enhance the existing habitat in relation to the area's dormouse population.

21. Unless it is agreed in writing by the Local Planning Authority prior to commencement that it is not viable or feasible to do so, or would unreasonably delay construction the habitable buildings comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that their internal systems for space and water heating are capable of being connected to the proposed low temperature hot water decentralised energy district heating network. Space shall be provided for the necessary on-site infrastructure (including pipework, plant and machinery) for connection of those systems to the network at points at the application site boundary, as agreed in writing by the local planning authority.
Reason: To ensure that the proposal complies with Policy CP13 of Councils Adopted Core Strategy and paragraph 153 of the NPPF and in the interests of delivering sustainable development.
22. The development shall achieve a 19% reduction in CO2 emissions over than necessary to meet the requirements of the 2013 Building Regulations.
Reason - In the interests of sustainable development and in accordance with Exeter Core Strategy Policy CP15.
23. No part of the development shall be occupied until a vehicular access onto Dawlish Road and Chudleigh Road with associated visibility splays (subject to the approval of a TRO in consultation with the Local Highway Authority), as indicated in *drawing Number 13557-HYD-XX-XX-DR-TP-0006 Rev P01* have been completed with details that shall have been submitted to, and approved in writing by, the Local Planning Authority
Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 108 of the NPPF.
24. No part of the development shall be occupied until further details of Pedestrian/Cycle access serving the site, as indicated in *Drawing Number edp5978_d002h* have been completed with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and the Local Highway Authority.
Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108 and 110 of the NPPF.
25. No part of the development shall be occupied until a 2m footpath adjacent to Chudleigh Road as indicated on *Drawing Number 13557-HYD-XX-XX-DR-D-0001 Rev P02* have been completed with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and with the Local Highway Authority
Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108 and 110 of the NPPF
26. Prior to first occupation any retaining wall within 5m of public highway, a detailed Approval In Principle for that section of retaining wall shall be submitted and approved in writing by the Local Highway Authority and implemented in accordance those agreed details.
Reason: To ensure the integrity of adjacent structures and land, and to formalise any necessary easements.

27. No more than 150 dwellings shall be occupied until a vehicular route from Chudleigh Road to Dawlish Road capable of accommodating two-way bus flow through the site have been provided to a specification agreed in writing with the Local Planning Authority and with the Local Highway Authority
Reason: To ensure the site is served by sustainable transport modes required to meet the agreed residential trip rates and to ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 108 of the NPPF.
28. No development shall take place, including any works of demolition, until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials and a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.
The statement should include details of access arrangements, measures to minimise the impact on the adjacent footpaths and timings of the proposed works. The approved Statement shall be adhered to throughout the construction period.
Reason: In the interests of highway safety and public amenity

Informatives

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

PLANNING APPLICATION NO. 18/1145/OUT - LAND EAST OF CUMBERLAND WAY, MONKERTON, EXETER

The Principal Project Manager (Development) (DC) presented the application for residential development of up to 80 dwellings (All matters reserved except access).

The Principal Project Manager (Development) detailed the location of this 1.88 hectare site to the east of Cumberland Way, Monkerton, bounded by the Tithebarn Link Road to the north and Cumberland Way to the west, referring to a parcel of land between the southern boundary of the site and Hollow Lane transferred to the City Council. Hollow Lane itself formed part of the cycle and footpath system serving the Monkerton area, being a strategic cycleway. The density of residential development was in-line with the Masterplan for the area and the site was part of the Monkerton/Hill Barton Strategic Allocation. The principle of development on this site was acceptable in planning policy and the development was in accordance with the adopted Core Strategy.

Devon County Council Highways raised no objection to the development, subject to a number of planning conditions and clauses within the Section 106 Agreement with the City Council also a party in order to enter into a Footway/Cycleway Agreement to enable the pedestrian/cycle link to Hollow Lane through the Ridge Line Park

The Principal Project Manager (Development) reported a late letter from the owner of Orchard Lea stating that there was no pavement adjoining the property. It was noted that the access details did not go as far as Orchard Lea.

The Highways Development Management Officer advised that the Monkerton Strategic Master Plan had been informed by a Traffic Impact Assessment and that this would have included an impact analysis of this development.

Members expressed the following views:-

- whilst supporting elements of the application being brought forward including the enhancement of the Ridge Line Park, access onto the Tithebarn Lane Link Road, connection to Pinhoe Railway station and the provision for electric co-cars, the overall principle of continued development in the wider area is a concern for local residents; and
- notwithstanding the continuing expansion of the eastern side of Exeter, the development does provide significant contributions for education and transport.

The recommendation was for approval, subject to the completion of a Section 106 Agreement and the conditions as set out in the report.

The recommendation was moved and seconded and carried.

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure the following:-

- connection to District Heating Facility;
- 35% affordable housing (70% social rent, 30% intermediate);
- Financial contributions towards Devon County Council Education –
 - primary contribution of £134,079 (based on the Department of Education new build rate of £16,019 per pupil). This equates to a primary

- contribution of £1,675 per dwelling. The contributions will be used towards new primary provision at Monkerton;
- secondary contribution of £225,142 (based on the Department of Education new build rate of £24,261 per pupil). This equates to a secondary contribution of £2,814 per dwelling. The contributions will be used towards new secondary provision at South West Exeter. This new provision will release capacity at secondary schools in the East of Exeter to serve Monkerton and surrounding development;
- contribution towards Early Years provision of £20,000 (based on a rate of £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development. The contributions will be used towards new early years' provision at Monkerton;
- £500 per dwelling to Devon County Council towards implementing a residential travel plan;
- up to £5,000 contribution to Devon County Council towards relevant traffic regulation orders
- Exeter City Council as landowner will enter into a Footway/Cycleway Agreement as reasonably requested by the County Council to enable the connection to Hollow Lane of the 3m effective width pedestrian/cycle link through Monkerton Ridge Line Park to Hollow Lane from the southern boundary of the application site.

planning permission for a residential development of up to 80 dwellings (All matters reserved except access), be **APPROVED**, subject also to the following conditions:-

1. Standard Time Limits – Outline Planning Permission 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. Reserved Matters **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. Approved Plans The development hereby permitted shall be carried out on the land outlined in red on drawing number P.147/3(12) and shall not be carried out otherwise than in accordance with the plan listed below, unless modified by the other conditions of this consent including the approval of the reserved matters:
 1. Access Junction Details (HBS-DR-C(00)-760 Rev P5)
Reason: To ensure compliance with the approved drawings.
4. Site Access 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, visibility splays and the vehicular access point, has been provided in accordance with the details as

indicated on the following approved plans: Access Junction Details (HBS-DR-C(00)-760 Rev P5).

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.

5. Pedestrian/Cycleway Through Site

Pre-commencement condition: The reserved matters submissions (required by condition 2) shall show the location, details and specifications (including sections to confirm gradients) of a 3m effective width pedestrian/cycleway from the site access on the northern boundary through the site to the southern boundary linking with the Ridgeline Park (adjacent to Hollow Lane). The pedestrian/cycle route shall be constructed as approved prior to the occupation of the development and shall be kept free from obstruction, including at the boundary points, and maintained at all times thereafter.

Reason for pre-commencement condition: To ensure the development provides a sustainable movement network with links to the surroundings in accordance with Policies CP16, CP17 and CP19 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review and Section 9 of the NPPF. These details are required pre-commencement as specified to ensure that acceptable pedestrian and/or cycle connections are designed for the site before the development is built.

6. Tree Survey/Arboricultural Impact Assessment/Tree Protection Plans **Pre-commencement condition:** 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 TPP shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. 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 for pre-commencement condition: 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). These details are required pre-commencement as specified to ensure that the detailed design of the development has full regard to arboricultural impacts.

7. Tree/Hedgerow Protection Measures **Pre-commencement condition:** No materials shall be brought onto the site, no development (including ground works) or vegetation clearance works shall take place until fences have been erected and any other protection measures put in place for the protection of trees and/or hedgerows to be retained around the site boundary in accordance with a Scheme which has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall be prepared in accordance with British Standard BS 5837:2012 (or any superseding British Standard). The fences and any other protection measures required in the approved Scheme shall be retained until the completion of the development. The level of the land within the fenced areas shall not be altered without the prior written consent of

the Local Planning Authority. No vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences, 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 protect the trees and hedgerows to be retained around the site boundary in the interests of the amenities of the area and biodiversity, in accordance with Policy LS4 of the Exeter Local Plan First Review and the Trees in Relation to Development SPD (September 2009). These details are required pre-commencement as specified to ensure that trees and hedgerows to be retained are not damaged by building operations or vegetation removal, including their biodiversity interests.

8. Cycle Parking **Pre-commencement condition:** The reserved matters submissions (required by condition 2) shall show the location and design of secure cycle parking facilities for each dwelling in accordance with the standards set out in the Sustainable Transport Supplementary Planning Document. Prior to the occupation of each dwelling, the cycle parking facilities shall be provided in accordance with the agreed details. The cycle parking facilities for each dwelling shall be retained for that purpose at all times.
Reason for pre-commencement condition: To promote cycling as a sustainable mode of travel and to accord with the Sustainable Transport SPD. These details are required pre-commencement as specified to ensure that acceptable cycle parking facilities are designed for the site before the development is built.
9. Landscaping Details **Pre-commencement condition:** A detailed landscaping scheme for the site shall be submitted to the Local Planning Authority as part of the submission of reserved matters as required by condition 2. The scheme shall include details of hard and soft landscaping, including all boundary treatments together with a programme of implementation. Where applicable, it shall specify tree and plant species and methods of planting. The development shall be implemented and maintained in accordance with the approved landscaping scheme and programme of implementation. The soft landscaping shall be planted in the first planting season following the occupation/use of the development or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason for pre-commencement condition: In the interests of good sustainable design in accordance with Policy CP17 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review and paragraph 127 of the NPPF. These details are required pre-commencement as specified to ensure that acceptable landscaping is designed for the site before the development is built.
10. Acoustic Design Statement **Pre-commencement condition:** An Acoustic Design 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. 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: To ensure that the occupiers of the dwellings enjoy an acceptable level of amenity with respect to noise from adjacent roads. These details are required pre-commencement as specified to ensure that any necessary noise mitigation measures are designed for the site before the development is built.

11. Unsuspected Contamination 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.

12. Construction Method Statement **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) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent from the LPA.
- l) Measures to minimise the impact on the adjacent footpaths and timings of the proposed works.

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

Reason for pre-commencement condition: 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.

13. Bird Breeding 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 breeding season from March to September, 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 been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name of the ecologist. If breeding birds are found or suspected during the works, the works will cease until the ecologist is satisfied that breeding is complete.

Reason: To protect breeding birds in accordance with Policy LS4 of the Exeter Local Plan First Review, and paragraphs 174 and 175 of the NPPF. These details are required pre-commencement as specified to ensure that breeding birds are not harmed by building operations or vegetation removal.

14. Ecological Survey **Pre-commencement condition:** Prior to the commencement of development, an Extended Phase 1 Habitat Survey shall be carried out and the results of the survey shall be submitted to and approved in writing by the Local Planning Authority, unless the Ecological Appraisal (Sunflower International, 16 October 2018) was dated in the preceding three years. The recommendations of the Extended Phase 1 Habitat Survey shall be implemented in full, including any recommended further survey work in which case no development shall take place 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 for pre-commencement condition: To ensure that the implications of the development on biodiversity are fully understood based on up-to-date survey 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.
15. Biodiversity Mitigation and Enhancement Plan **Pre-commencement condition:** Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan (BMEP) which demonstrates how the proposed development has been designed to enhance the biodiversity value of the site and how it will be managed in perpetuity to enhance biodiversity, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The BMEP shall take into account the mitigation and enhancement assessment of the submitted Ecological Appraisal (Sunflower International, 16 October 2018) and the results of survey required by planning condition 14. Thereafter, the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.
Reason for pre-commencement condition: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
16. S278 Agreement The development shall not be occupied or brought into use until a Section 278 Highways Agreement has been entered into in order to secure the necessary works to the public highway including:
 1. a raised crossing at the access of the development onto Tithebarn Link Road (shown on drawing number HBS-DR-C(00)-760 Rev P5)
 2. a pedestrian/cycleway along site frontage (3m effective width, 3.5m wide) of Tithebarn Link Road/Cumberland Way

The works shall be implemented prior to the occupation/use of the development.

Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 108 of the NPPF and CP17 of the ECC Core Strategy

17. Car Parking Provision No dwelling shall be occupied until the associated car parking for the dwelling and access thereto shown on the approved plans of any subsequent reserved matters consent have been provided and made available for use. The car parking spaces shall be kept permanently available for parking and access purposes thereafter.

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

18. Programme of Percolation Tests **Pre-commencement condition:** No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the proposed infiltration devices/permeable surfaces. If infiltration proves viable then groundwater monitoring will be required (in accordance with Devon County Councils Flood and Coastal Risk Management Teams Groundwater Policy) to demonstrate that infiltration devices will be located at least 1 metre above the highest recorded groundwater level.

Reason for pre-commencement condition: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible. This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

19. Detailed Permanent Surface Water Drainage Scheme **Pre-commencement condition:** 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 design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Flood Risk Assessment Addendum (Ref.140276/FRA1/ADD/RevB; dated 6th February 2019). The approved permanent surface water drainage management system shall be implemented prior to the occupation of the development.

Reason for pre-commencement condition: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and 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.

20. Surface Water Drainage Management System (Construction) **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. The approved surface water drainage management system shall be implemented and maintained throughout the construction period.
Reason for pre-commencement condition: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area. These details are required pre-commencement as specified 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.
Advice: Refer to Devon County Council's Sustainable Drainage Guidance.
21. Adoption and Maintenance Arrangements **Pre-commencement condition:** 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 maintained as approved.
Reason for pre-commencement condition: 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, for the reason above.
22. Archaeological Work **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.
23. Energy and CO2 Emissions **Pre-commencement condition:** Prior to the construction of the dwellings hereby permitted, including construction of the foundations of the dwellings but excluding other site works, the developer shall submit a SAP calculation for the dwellings which demonstrates that a 19% reduction in carbon dioxide emissions from that required to meet the 2013 Building Regulations can be achieved. The measures necessary to achieve this carbon dioxide saving shall thereafter be implemented on site

and within 3 months of practical completion of any dwelling the developer shall submit a report to the Local Planning Authority by a suitably qualified consultant to demonstrate compliance with this condition.

Reason for pre-commencement condition: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. These details are required pre-commencement as specified to ensure that a sustainable design is finalised before any irreversible element of the construction process takes place.

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

Reason for pre-commencement condition: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that waste generated during construction is managed sustainably.

Informatives

1. In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

2. In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

3. The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.

It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.

4. A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Director (BA) was submitted.

RESOLVED that the report be noted.

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APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(The meeting commenced at 5.30 pm and closed at 7.32 pm)

Chair