

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

Monday 29 March 2021

Present:-

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

Also Present

Chief Executive & Growth Director, Deputy Chief Executive, Principal Project Manager (Development) (MD), Principal Project Manager (Development) (MH), Democratic Services Officer (MD) and Democratic Services Officer (HB)

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**MINUTES**

The minutes of the meeting held on 22 February 2021 were taken as read, and approved as correct to be signed by the Chair at the earliest possible convenience.

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**CORRECTION TO THE MINUTES OF THE PLANNING COMMITTEE HELD ON 26 OCTOBER 2020**

**RESOLVED** that, in respect of Minute No. 81 of the Planning Committee meeting of 26 October 2020 - Planning Application No. 19/1556/FUL – The Harlequin Centre, Paul Street, Exeter - the following bullet point be added to the resolution:-

- Details of the type of materials used on the highway (section 44 of the Highways Act 1980).

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**DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

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**PLANNING APPLICATION NO. 20/0439/MDO - PINHOE QUARRY, HARRINGTON LANE, EXETER**

The Principal Project Manager (Development) (MH) presented the application to modify the Section 106 Agreement Under the Town and Country Planning Act 1990 (As amended) related to Outline Permission Ref 10/2088/OUT (the Section 106 Agreement).

The Principal Project Manager (Development) stated that the Planning Obligation was for the payment of the 'Exhibition Way Link Contribution' and "Sustainable Transport Contribution" required by the First Schedule of the Section 106 Agreement (dated 3rd February 2012) associated with planning application 10/2088/OUT in light of the changed circumstances and impact on the viability of the scheme. The modification sought to amend the obligation by a) reducing the amount of the contribution, b) redefining the purpose of the reduced contribution, and c) altering the trigger relating to the payment of the contribution. The modifications would replace the 'Exhibition Way Link Contribution' with a 'Beacon Lane Enhancements Contribution' and reduce the 'Sustainable Transport Contribution' to reflect works that had already been completed.

The Principal Project Manager (Development) set out the history to the site and the application for full permission for re-profiling of quarry to provide platform for accommodation of residential development and outline permission for up to 380 residential units, community facilities, shop, associated open spaces (including allotments) and infrastructure, reported typographical errors within the report as set out in the update sheet and explained that the relevant Section 106 obligations would continue to meet the necessary tests for planning obligations as set out in the guidelines of the National Planning Policy Framework. He advised that the applicant had provided a covering letter setting out the change in circumstances behind the request to modify the Section 106 Agreement, commentary on continued relevance of the obligations it was sought to modify and the proposals for the modifications.

Responding to Members' queries, he advised that:-

- the changes sought to the Section 106 Agreement related solely to highways matters and not other elements within the Agreement;
- in light of the decision on the Village Green application at Exhibition Fields, the Exhibition Way Link Road was no longer deliverable. As a result, enhancements to Beacon Lane were proposed as measures to mitigate the impact of the development as an alternative;
- in modifying the Section 106 Agreement, regard had been made to sustainable transport works already undertaken, including works to the frontage of the site, as part of the Section 278 of the Highways Act 1990. Accordingly, no extra charge had been imposed on the developer.

The Highways Development Management Officer advised that consultations would be undertaken on the detail of the Beacon Lane improvements which would take the form of various traffic calming measures and schemes to improve safety for pedestrians and cyclists with appropriate signage and would meet the tests relevant to the Pinhoe Area Access Strategy.

The recommendation was for approval to modify the Section 106 Agreement with a secondary recommendation to refuse, if the Deed of Variation was not completed within the requisite timeframe.

The recommendation was moved and seconded and carried.

**RESOLVED** that the Service Lead City Development be authorised to:-

- (1) modify the completed Section 106 Agreement Under the Town and Country Planning ACT 1990 (As amended) as follows:-
  - Delete all provisions relating to Exhibition Way and the Exhibition Way Contribution;
  - Introduce a new "Beacon Lane Enhancements Contribution" in the sum of £907,387 towards the delivery of the Beacon Lane enhancements as set out in the Pinhoe Area Access Strategy Addendum 2019;
  - Replace the current definition of the Sustainable Transport Contribution with a revised definition - 'Sustainable Transport Contribution' - meaning a contribution of £20,000 towards the provision of two bus shelters and a contribution of £6,236 towards the provision of cycle stands at key Pinhoe locations;
  - Amend the indexation formula so that the Beacon Lane Enhancements Contribution and the Sustainable Transport Contribution will be indexed from

the date of the 2nd Deed of Variation (DOV) rather than the Original Agreement; and

- Provide for both payments in the amended obligations to be made within three months of the date on which the 2nd DOV is completed.

The modified Section 106 contributions to be index linked from the date of completion of the Deed of Variation.

- (2) refuse permission for the Section 106 Agreement under the Town and Country Planning Act 1990 (As amended) modifications for the reason set out below if the deed of variation is not completed by 29 September 2021 or such extended time as agreed in writing by the Service Lead City Development:-

In the absence of a completed Deed of Variation within the specified timeframe the continued relevance of the proposed modifications would need further assessment and consideration by way of a further application.

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**PLANNING APPLICATION NO. 19/0650/OUT - THE OLD COAL YARD,  
EXMOUTH JUNCTION, MOUNT PLEASANT ROAD, EXETER**

The Principal Project Manager (Development) (MD) presented the outline application for the construction of 400 residential dwellings (Class C3), 65 senior living with care units (Class C2), new public open and green spaces, access road, refurbishment and extension of locally listed former water tower, and associated works (Landscaping reserved for future consideration

The Principal Project Manager (Development) advised that the Planning Committee had resolved to grant planning permission on 16 March 2020 for the development on this site, subject to the completion of a Section 106 legal agreement Under the Town and Country Planning Act 1990 and conditions, and also subject to the Service Lead City Development being granted delegated authority to determine updated highways drawings/technical information requested by Devon County Council as Local Highway Authority in its consultation response dated 1 November 2019 and adding or amending conditions accordingly.

The Principal Project Manager (Development) detailed the composition of the scheme, including 66 apartments to the west of the site, 104, four bedroom town houses, two Build to Rent apartment blocks, one of 177 apartments and the other of 53 apartments and the Residential Care Home of 65 units. He also explained the amended highway plans and revised site layout. Following the submission of the updated highways drawings/technical information, the Local Highway Authority had provided a further consultation response advising that the access proposals had been through a Stage 1 Road Safety Audit and were acceptable in principle and conditions were recommended.

In addition, since the Planning Committee made its decision, the applicant had submitted an updated phasing plan and requested various changes to the conditions to reflect the phased nature of the development.

As a result the conditions had been redrafted to account for the Local Highway Authority's further response and the requests made by the developer for further consideration by the Committee.

Responding to Members' queries, he advised that:-

- the issues raised in respect of funding for the local schools, transport, the medical centre and the improvements to the Stoke Hill Roundabout were covered by the Section 106 Agreement already agreed;
- the provision of the link through the allotments, for which funding was allocated within the Section 106 Agreement, would be subject to a separate planning application by Devon County Council subject to relevant legislation. Should this not be forthcoming, the option remained to utilise the identified sum to provide alternative access point(s) through the allotments or, alternatively, a contribution to offsite affordable housing;
- the applicant had requested that the development be treated as a phased development for the purposes of the CIL levy and would be treated as a separate chargeable development for CIL purposes. It was possible that the phases would be brought forward by different developers but the Section 106 Agreement included trigger points to ensure that the private open market elements could only be brought forward after the provision of the elements of the affordable housing provision identified in the Agreement; and
- previous concerns expressed by residents and allotments holders had been considered by the Committee when the initial application had been before Members.

Nigel Ridgway spoke against the application. He raised the following points:-

- I live in the neighbourhood, am a Churchwarden of St James' Church, and represent the faith groups in the community. The development is in the parish of some 10,000 people living on the Stoke Hill Estate, Pennsylvania Estate and the area coming down to the Sidwell Street roundabout;
- residents do not object to wasteland being used and turned into housing, but this development is overcrowded, claustrophobic, unattractive and will not be a satisfying place to live;
- Covid -19 and lockdowns have shown the importance of healthy homes in pleasant, quality surroundings;
- this development increases the population of the parish by some 15% in an area which is less than 5% of the existing populated land. To achieve this, the development consists of a number of four or five storey buildings in a low-lying area with limited sunlight;
- the Section 106 agreement bar for this development must be set high to ensure that Garden City Principles are applied, that the development does not become a slum and that it meets housing needs. New dwellings in Exeter should provide not just units of accommodation, but healthy communities.

Members expressed the following views:-

- proposal offers much needed additional housing on an ideal site close to local facilities including schools and a convenient bus route;
- it offers a variety of housing types including the opportunity for down-sizing;
- need for good permeability to the site for active transport; and
- important to provide linkage through the allotments to provide improved access to the bus services and to improve accessibility to the schools for children.

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 (As amended) to secure the following:-

- 33 affordable units from Block A (that is half the building) and 15 affordable townhouses (pepper potted) (equating to 28% of 170 units for sale) - 70% of each to be social rented in accordance with Policy CP7 and three socially rented flats to be wheelchair accessible in accordance with Part M4(3)(2)(b) of the Building Regulations;
- 57 affordable Private Rent units (25% of 230 Build to Rent units) in Blocks B and C; affordable private rent units to be at least 20% less than the private market rent (inclusive of service charges);
- £1,051,421 education contribution (including £759,854 secondary contribution towards the new school at South West Exeter);
- £500,000 towards Stoke Hill Roundabout improvements;
- £333,139 towards allotment link option two or offsite affordable housing should this link or any other link not be feasible to deliver;
- £25,000 towards Traffic Regulation Orders;
- £134,767 to expand the Mount Pleasant Health Centre;

and restricting the use of Block D to Use Class C2 only, as well as securing a management plan with respect to the Build to Rent units (Blocks B and C) and car parking within the development.

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

the Service Lead City Development be authorised to **APPROVE** the outline application for the construction of 400 residential dwellings (Class C3), 65 senior living with care units (Class C2), new public open and green spaces, access road, refurbishment and extension of locally listed former water tower, and associated works (Landscaping reserved for future consideration, subject also to the following conditions:-

1. Details of the landscaping (hereinafter called "the reserved matter") for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority before any development begins within that phase and the development shall be carried out as approved.  
**Reason:** To safeguard the rights of the local planning authority in respect of the reserved matter. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matter.
2. Application(s) for the approval of the reserved matter relating to the phased development hereby permitted in outline shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission, and the development of each phase hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matter for that phase.  
**Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be carried out in complete accordance with the approved plans and documents listed below, unless modified by the other conditions of this permission:

Received 10.05.2019

- (03)-P-0G0 PL1 - Site - Ground Floor Plan
- (03)-P-0R0 PL1 - Site - Roof Plan
- (03)-P-001 PL1 - Site - Level 01 Floor Plan
- (03)-P-002 PL1 - Site - Level 02 Floor Plan
- (03)-P-003 PL1 - Site - Level 03 Floor Plan
- (03)-P-004 PL1 - Site - Level 04 Floor Plan
- (03)-Z1-P-0G0 PL1 - Zone 1 - Ground Floor Plan
- (03)-Z1-P-0R0 PL1 - Zone 1 Roof Plan
- (03)-Z1-P-001 PL1 - Zone 1 - Level 01 Floor Plan
- (03)-Z1-P-002 PL1 - Zone 1 - Level 02 Floor Plan
- (03)-Z1 -P-003 PL1 - Zone 1 - Level 03 Floor Plan
- (03)-Z1 -P-004 PL1 - Zone 1 - Level 04 Floor Plan
- (03)-Z2-P-0G0 PL1 - Zone 2 - Ground Floor Plan
- (03)-Z2-P-0R0 PL1 - Zone 2 Roof Plan
- (03)-Z2-P-001 PL1 - Zone 2 - Level 01 Floor Plan
- (03)-Z2-P-002 PL1 - Zone 2 - Level 02 Floor Plan
- (03)-Z2 -P-003 PL1 - Zone 2 - Level 03 Floor Plan
- (03)-Z2 -P-004 PL1 - Zone 2 - Level 04 Floor Plan
- (03)-Z3-P-0G0 PL1 - Zone 3 - Ground Floor Plan
- (03)-Z3-P-0R0 PL1 - Zone 3 Roof Plan
- (03)-Z3-P-001 PL1 - Zone 3 - Level 01 Floor Plan
- (03)-Z3-P-002 PL1 - Zone 3 - Level 02 Floor Plan
- (03)-Z3 -P-003 PL1 - Zone 3 - Level 03 Floor Plan
- (03)-Z3 -P-004 PL1 - Zone 3 - Level 04 Floor Plan
- (03)-X-100 PL1 - Section AA
- (03)-X-101 PL1 - Section BB
- (03)-X-102 PL1 - Section CC
- (03)-X-103 PL1 - Section DD
- (03)-X-104 PL1 - Section EE
- (03)-X-105 PL1 - Section FF
- (03)-E-300 PL1 - Street Elevations - Sheet 01
- (03)-E-301 PL1 - Street Elevations - Sheet 02
- (03)-E-320 PL1 - Elevations - Block A
- (03)-E-321 PL1 - Elevations - Townhouse A
- (03)-E-322 PL1 - Elevations - Townhouse B
- (03)-E-323 PL1 - Elevations - Block B
- (03)-E-324 PL1 - Elevations - Block B
- (03)-E-325 PL1 - Elevations - Block B
- (03)-E-326 PL1 - Elevations - Block C
- (03)-E-327 PL1 - Pump House - Proposed Elevations
- (03)-E-328 PL1 - Elevations - Block D
- (03)-E-350 PL1 - Bay Studies - Block A & B
- (03)-E-351 PL1 - Bay Studies - Block C & D
- (70)-P-1B T1 - 1 Bed Type 1 (M3 Compliant)
- (70)-P-1B T2 - 1 Bed Type 2 (M2 Compliant)
- (70)-P-1B T3 - 1 Bed Type 3 (M2 Compliant)
- (70)-P-1B T4 - 1 Bed Type 4 (M2 Compliant)
- (70)-P-1B T5 - 1 Bed Type 5 (M2 Compliant) C2 Adapted

- (70)-P-2B T1 - 2 Bed Type 1 (M2 Compliant)
- (70)-P-2B T2 - 2 Bed Type 2 (M2 Compliant)
- (70)-P-2B T3 - 2 Bed Type 3 (M2 Compliant)
- (70)-P-2B T4 - 2 Bed Type 4 (M3 Compliant)
- (70)-P-2B T5 - 2 Bed Type 5 (M3 Compliant)
- (70)-P-2B T6 - 2 Bed Type 6 (M3 Compliant)
- (70)-P-2B T7 - 2 Bed Type 7 (M2 Compliant) C2 Adaptable
- (70)-P-3B T1 - 3 Bed Type 1 (M2 Compliant)
- (70)-P-3B T2 - 3 Bed Type 2 (M2 Compliant)
- (70)-P-3B T3 - 3 Bed Type 3 (M2 Compliant) C2 Adaptable
- (70)-P-4B - 4 Bed Type 2 (M2 Compliant)

Received 09.01.2020

- 60615144-DR-001 Rev C - Mount Pleasant Road Emergency Access Design and Vehicle Tracking
- 60615144-DR-002 Rev E - Site Main Access Junction
- 60615144-DR-003 Rev D - Site Main Access Roundabout Vehicle Tracking
- 60615144-DR-004 Rev A - Internal Site Speed limit 10mph Forward Visibility & Vehicle Tracking
- 60615144-DR-005 Rev C - Work required outside of red line boundary

Received 03.04.2020

- (03)-P-S004 Rev PL2 - Site Proposed Site Layout Plan

Received 12.05.2020

- (03)-P-S006 PL4 - Site - Proposed Movements Plan

Received 02.06.2020

- 13553-HYD-XX-XX-DR-TP-0101 Rev P03 - Site Access Mini-Roundabout General Arrangement Design

Received 17.08.2020

- (01)-P-S001 PL2 - Site - Existing Site Plan

Received 20.01.2021

- (03)-P-S005 Rev PL2 - Site - Phasing Plan

Documents:

- Heritage Statement (CBRE, April 2019)
- Environmental Site Investigation & Outline Remediation Strategy Rev 1 (John F Hunt Remediation, July 2018)
- Light Assessment Rev 02 (AECOM, April 2019)
- Noise and Vibration Report Rev 2 (AECOM, April 2019)
- Planning Statement (CBRE, April 2019)
- Energy Assessment Rev 2 (AECOM, April 2019)
- Transport Assessment V2.1 (AECOM, April 2019)
- Travel Plan V2.1 (AECOM, April 2019)

- British Standard 5837:2012 Arboricultural Survey V1.0 (Advanced Arboriculture, 12th April 2019)
- Outline Construction Traffic Management Plan V2.1 (AECOM, April 2019)
- Statement of Community Involvement (Darling Associates, April 2019)
- Community Benefit & Social Report (Darling Associates, April 2019)
- Construction Resource Management Plan Rev R003 (AECOM, April 2019)
- Preliminary Ecological Appraisal (AECOM, April 2019)
- Accommodation for the Elderly (class C2) BREEAM Pre-Assessment Rev 1.1 (AECOM, April 2019)
- Design and Access Statement (Darling Associates Architects, April 2019)
- Air Quality Impact Assessment Rev 1 (AECOM, April 2019)
- Invasive Non-Native Species Report V 2.0 (Wardell Armstrong, August 2019)
- Reptile Report V1 (Wardell Armstrong, July 2019)
- Bat Report 2019 V2.0 (Wardell Armstrong, October 2019)
- Flood Risk Assessment and Drainage Strategy Report Rev 04 (AECOM, April 2019)

**Reason:** To ensure the development is constructed in accordance with the approved plans and documents, unless modified by the other conditions of this permission.

4. The reserved matter details shall include a fence adjacent to Network Rail's boundary and provisions for its maintenance and renewal in accordance with the comments submitted by Network Rail on 23.07.2019. The fence shall be provided prior to the occupation of any part of the development and maintained/renewed in accordance with the approved details. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way.

**Reason:** In the interests of public safety, the safe operation of the railway and the protection of Network Rail's adjoining land.

5. Applications for the approval of the reserved matter shall include a Lighting Design Strategy to maintain "dark areas" on the site incorporating:
  - a) A map showing the "dark areas" that will be maintained on site.
  - b) An evidence based assessment of light levels of the development, including buildings, vehicle headlamps and street lighting, comprising a written report and accompanying drawings of the site with the levels of predicted illuminance and light spill in and adjacent to the "dark areas" shown by appropriate isolines.
  - c) Evidence to demonstrate that a light spill no higher than 0.5 lux will be achieved within the "dark areas".
  - d) Where c) is achieved either fully or in part through landscaping, details of the landscaping and its management to ensure it will maintain the "dark areas" in perpetuity. These details shall be incorporated into the details of landscaping and Landscape and Ecological Management Plan (LEMP) where applicable.

The Lighting Design Strategy shall be implemented and maintained as approved.



**Reason:** To prevent disturbance to bats in accordance with the recommendations of the submitted Bat Report 2019 V2.0 (Wardell Armstrong, October 2019).

#### ***Pre-commencement Details***

6. No part of the development hereby permitted shall be commenced until a detailed survey of the culvert within 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 survey shall confirm the location, levels, diameter and condition of the culvert.

**Reason:** To determine whether the historical culvert is a feasible receptor for the disposal of surface water from the site. These details are required pre-commencement as specified to inform the design of the permanent surface water drainage system and to ensure that surface water can be safely managed at the site without increasing the risk of surface water flooding either on the site or downstream.

7. No part of the development hereby permitted shall be commenced until a capacity assessment of the culvert within 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 capacity assessment shall confirm the contributing area draining to the culvert.

**Reason:** To determine whether the historical culvert is a feasible receptor for the disposal of surface water from the site. These details are required pre-commencement as specified to inform the design of the permanent surface water drainage system and to ensure that surface water can be safely managed at the site without increasing the risk of surface water flooding either on the site or downstream.

#### ***Pre-commencement Details – Phases***

8. No development (including demolition and ground works) or vegetation clearance works shall take place of any approved phase of the development until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMPs shall be prepared in accordance with specifications in clause 10.2 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- e) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMPs shall be adhered to and implemented throughout the construction period of the development strictly in accordance with the approved details.

**Reason:** To protect the biodiversity of the site including protected species, taking into account the recommendations of the submitted protected species reports. A CEMP is required before any development within a phase begins to ensure that appropriate mitigation measures are identified and carried out during the construction phase.

9. The Precautionary Working Method Statement for Reptiles (PWMSR) appended to the submitted Reptile Report V1 (Wardell Armstrong, July 2019) shall be implemented in full. Prior to the commencement of the development hereby permitted within any approved phase, the details of the suitably qualified ecologist or Ecological Clerk of Works who will be responsible for implementing the PWMSR for that phase shall be submitted to and approved in writing by the Local Planning Authority together with a timetable for the implementation of the PWMSR. The approved ecologist shall inform the Local Planning Authority in writing of the results of each stage of the timetabled PWMSR, including any further measures carried out to protect reptiles.

**Reason:** To ensure that reptiles on the site will not be harmed by vegetation clearance works or other construction activities. These details are required pre-commencement as specified to ensure that the Precautionary Working Method Statement for Reptiles is carried out appropriately to the satisfaction of the Local Planning Authority.

10. The mitigation measures in section 4.4 of the submitted Invasive Non-Native Species Report V 2.0 (Wardell Armstrong, August 2019) for Three-Cornered Garlic, Montbretia and Cotoneaster Species shall be implemented in full. Prior to the commencement of the development hereby permitted within any approved phase, the details of the suitably qualified ecologist or Ecological Clerk of Works who will be responsible for implementing the mitigation for that phase shall be submitted to and approved in writing by the Local Planning Authority together with a timetable for the implementation of the mitigation. The approved ecologist shall inform the Local Planning Authority in writing of the results of each stage of the timetabled mitigation, including any further measures carried out to prevent the spread of these plant species.

**Reason:** To prevent the spread of the invasive non-native species on the site. These details are required pre-commencement as specified to ensure that the mitigation is carried out appropriately to the satisfaction of the Local Planning Authority.

11. No development shall take place within any approved phase until a full investigation of the site within that phase has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works for any phase have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

**Reason:** In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

12. Prior to the commencement of development in any approved phase (including ground works and vegetation clearance works), a Construction Method Statement for that 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 phase during the construction period.
- 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 within the phase.
- 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 Construction Method Statements shall address all works within the phase, including any demolition and remediation works, unless Construction Method Statements have been submitted separately under this condition to address these specific works within the phase.

The approved Statements shall be strictly adhered to throughout the construction period of the phase of the development to which they relate.

**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.

13. Prior to the commencement of development in any approved phase, a Waste Audit Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The statements 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 statements.

**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. These details are required pre-commencement as specified to ensure that waste generated during construction is managed sustainably.

14. No development shall take place (except demolition and remediation works) within any approved phase until the detailed design of the proposed permanent surface water drainage management system for that phase 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 and Network Rail. 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 Flood Risk Assessment and Drainage Strategy Report (AECOM, April 2019) (Revision 04, 16.10.2019). 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. 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.)

15. No development shall take place (except demolition and remediation works) within any approved phase until the detailed design of the proposed surface water drainage management system which will serve the development of the phase 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 and Network Rail. 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 for each phase shall be implemented and maintained throughout the construction period of the phase to which it relates.

**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. 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.

16. No development shall take place (except demolition and remediation works) within any approved phase until 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 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 and Network Rail. The development shall be carried out in accordance with the approved details.

**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. These details are required pre-commencement as specified to ensure the development is designed and constructed safely with respect to the exceedance pathways and overland flow routes.

17. No development shall take place (except demolition and remediation works) within any approved phase until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system for that phase 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, for the reason above.

18. Prior to the commencement of the development in any approved phase hereby permitted (except demolition and remediation works), the developer shall submit

to the Local Planning Authority a SAP calculation for the habitable buildings within the phase demonstrating that the buildings shall achieve a minimum of a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations. The measures necessary to achieve the CO2 emissions saving shall be implemented in full and within three months of practical completion of any dwelling the developer shall submit a report to the Local Planning Authority from a suitably qualified consultant to demonstrate compliance with this condition.

**Reason:** In the interests of sustainable development and to ensure that the development accords with Policy CP15 of the Core Strategy. These details are required pre-commencement as specified to ensure that the requirements of Policy CP15 are met and the measures are included in the construction of the buildings.

19. Prior to the commencement of development in any approved phase (except demolition and remediation works), plans shall be submitted to and approved in writing by the Local Planning Authority showing the routeing of underground apparatus within the phase.

**Reason:** In the interests of protecting the trees to be retained on and around the site. These plans are required before development commences to ensure that these aspects of the development do not adversely affect the health of the trees.

20. No development above slab level shall take place in any approved phase until a scheme for sound insulation to protect occupants of the phase from external noise has been submitted to and approved in writing by the Local Planning Authority. The approved schemes shall be implemented in full prior to occupation of the phases and shall be maintained as agreed thereafter.

**Reason:** To protect the residents from noise caused by neighbouring land uses taking into account the submitted Noise and Vibration Report (AECOM, April 2019) (Revision 2, 29.03.2019). These details are required prior to the construction of the buildings to ensure that noise mitigation measures are included in the development.

#### ***Pre-commencement Works***

21. No materials shall be brought onto the site or any development commenced, until the tree protective fencing indicated on drawing numbers TH/A279/0219 Rev 1.0 ('Tree Protection Plan (West)' and 'Tree Protection Plan (East)') within the submitted British Standard 5837:2012 Arboricultural Survey V1.0 (Advanced Arboriculture, 12th April 2019) has been installed and inspected by an officer of the Local Planning Authority. The developer shall maintain the fencing 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 areas, nor shall trenches for service runs or any other excavations take place within the fenced areas except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

**Reason:** To ensure the protection of the trees to be retained during the carrying out of the development. These measures are required pre-commencement as specified to ensure that the health of the trees to be retained are not harmed by building operations.

#### ***Pre-tree and Vegetation Clearance Works***

22. 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 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 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 saved Policy LS4 of the Exeter Local Plan First Review and paragraph 175 of the NPPF.

### ***During Construction***

23. The Arboricultural Method Statement and Arboricultural Method Statement Plan (drawing number TH/A279/0219 Rev 1.0) within the submitted British Standard 5837:2012 Arboricultural Survey V1.0 (Advanced Arboriculture, 12th April 2019) shall be implemented in full and strictly adhered to during the construction of the development.

**Reason:** To ensure the protection of the trees to be retained during the carrying out of the development.

24. If, during development of any approved phase, contamination not previously identified is found to be present at the site then no further development in that phase (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.

25. Overnight all excavated holes associated with the construction of the development shall be covered and all trenches shall have sloping planks placed in them.

**Reason:** To avoid trapping animals and to provide a means for escape.

### ***Pre-Specific Works***

26. Prior to the construction of any buildings within an approved phase of the development (not including the foundations), samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials of the buildings within the phase shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall be constructed in accordance with the approved materials.

**Reason:** In the interests of good design and the character of the area, in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraph 127 of the NPPF.

27. Prior to the construction of any buildings within an approved phase of the development (not including the foundations), details of the provision for nesting birds and roosting bats in the built fabric of the buildings within the phase shall

be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as part of the development and retained thereafter.

**Reason:** To enhance biodiversity on the site in accordance with the Residential Design Guide SPD (Appendix 2) and paragraph 175 of the NPPF.

28. Prior to the construction of any buildings indicated as having a biodiverse roof on page 51 of the Design and Access Statement (Darling Associates Architects, April 2019), detailed plans and maintenance arrangements of the biodiverse roofs shall be submitted to and approved in writing by the Local Planning Authority. The biodiverse roofs shall be constructed and maintained as approved.

**Reason:** In the interests of good design and biodiversity.

29. No external lighting shall be installed on the site unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority, in consultation with Network Rail, (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity, wildlife (taking into account the approved Lighting Design Strategy required by condition 5) and the operation of the railway (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, wildlife and the operation of the railway.

### ***Pre-occupation***

30. Prior to the first occupation or use of the development hereby permitted, the roundabout and associated works (including crossing facilities and 3.5 metre pedestrian/cycle connections) as shown on drawing number 13553-HYD-XX-XX-DR-TP-0101 P03 ('Site Access Mini-Roundabout General Arrangement Design') shall be constructed in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

**Reason:** To ensure that access to the site is safe and suitable for all users in accordance with Policy CP9 of the Core Strategy and paragraphs 108 and 110 of the NPPF.

31. Prior to the first occupation or use of the development hereby permitted, the automatic barrier system indicated on drawing number 13553-HYD-XX-XX-DR-TP-0101 P03 ('Site Access Mini-Roundabout General Arrangement Design') shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The automatic barrier system shall be maintained at all times thereafter.

**Reason:** To ensure that access to the site is safe and suitable for all users in accordance with Policy CP9 of the Core Strategy and paragraphs 108 and 110 of the NPPF.

32. Prior to the first occupation or use of the development hereby permitted, the car club facility indicated on page 45 of the Design and Access Statement (Darling Associates Architects, April 2019) shall be provided and made available for use by residents of the development in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The car club facility shall be maintained and made available for use by residents of the development at all times thereafter.

**Reason:** To ensure this aspect of the application is delivered in the interests of sustainable travel.

### ***Pre-occupation – Phases***

33. Prior to the first occupation or use of the buildings in any approved phase, a Landscape and Ecological Management Plan (LEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMPs shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMPs shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

All post-construction site management of each phase shall be undertaken in accordance with the approved LEMP for that phase.

**Reason:** In the interests of biodiversity and good design in accordance with Policy CP16 of the Core Strategy, saved Policies LS4 and DG1 of the Local Plan First Review and paragraphs 127 and 175 of the NPPF. Also taking into account the operational mitigation recommended in the submitted protected species surveys.

34. No part of the development in any approved phase 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, for the development in the approved phase. Thereafter the recommendations of the Travel Plans shall be implemented, monitored and reviewed in accordance with the approved documents, or any amended documents subsequently approved in writing by the Local Planning Authority.

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

35. No individual dwelling hereby approved shall be occupied until it has been provided with cycle parking in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be maintained at all times thereafter.

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



36. Prior to the first occupation or use of the buildings in approved phase 1, the electric bikes (provision to hire) indicated on page 42 of the Design and Access Statement (Darling Associates Architects, April 2019) shall be provided and made available for use by the residents of the development in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The electric bikes shall be maintained and made available for use by residents of the development at all times thereafter.  
**Reason:** To ensure this aspect of the application is delivered in the interests of sustainable travel.
37. The buildings in any approved phase shall not be occupied until all of the car parking spaces and access thereto within the phase 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.
38. Subject to condition 39 below, the buildings in any approved phase shall not be occupied until all of the pedestrian/cycle/shared use paths within the phase have been constructed and made available for use in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The paths shall be kept permanently available for access purposes thereafter.  
**Reason:** To promote sustainable modes of travel and ensure safe and suitable access for all users, in accordance with saved Policy T1 of the Exeter Local Plan First Review, and paragraphs 108 and 110 of the NPPF.
39. The access shown on drawing number 60615144-DR-001 C ('Mount Pleasant Road Emergency Access Design And Vehicle Tracking') and the 3.5m wide shared use path shown on drawing number 60615144-DR-002 E ('Site Main Access Junction') in approved phase 2 shall be constructed and made available for use in accordance with details previously submitted to and approved in writing by the Local Planning Authority prior to the occupation of all the dwellings in this phase or the completion of the development in this phase, whichever is the sooner. The details for the 3.5m wide shared use path must be designed to tie in with any shared use path granted planning permission through the allotments to the north. The access and path shall be kept permanently available for access purposes thereafter for pedestrian, cycle and emergency vehicle use only.  
**Reason:** To promote sustainable modes of travel and ensure safe and suitable access for all users, in accordance with saved Policy T1 of the Exeter Local Plan First Review, and paragraphs 108 and 110 of the NPPF.
40. Prior to the commencement of development in approved phase 2 or the occupation of development in approved phases 1 or 3, whichever is the sooner, a temporary shared use path for pedestrians and cyclists shall be provided within approved phase 2 along the route of the 3.5m wide shared use path shown on drawing number 60615144-DR-002 E ('Site Main Access Junction') that is segregated from vehicles in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The temporary path shall be maintained at all times thereafter until condition 39 above has been discharged in full.  
**Reason:** To provide a safe and suitable access between approved phases 1 and 3 and Mount Pleasant Road during the construction of approved Phase 2 for pedestrians and cyclists in the interests of promoting sustainable travel.

41. Prior to the first occupation or use of the buildings in approved phases 1 and 2, the electric vehicle charging points indicated on page 45 of the Design and Access Statement (Darling Associates Architects, April 2019) within each phase shall be installed and made available for use by residents of the development in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be maintained and made available for use by residents of the development at all times thereafter.

**Reason:** To ensure this aspect of the application is delivered in the interests of sustainable travel.

### **Post Occupancy**

42. Mechanical building services plant shall not exceed the levels stated in Table 6.4 of the submitted Noise and Vibration Report (AECOM, April 2019) (Revision 2, 29.03.2019). Plant noise levels shall be measured as a rating noise level in accordance with BS4142:2014.

**Reason:** In the interests of the amenity of the locality.

43. The amenity facilities shown on drawing number 17050 (03)-Z2-P-0G0 PL1 ('Zone 2 - Ground Floor Plan') shall be used as ancillary facilities for the residential development within the site only.

**Reason:** To ensure that the development reflects the proposals upon which the application was assessed.

44. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

- Part 1, Class A - enlargement, improvement or other alteration of a dwellinghouse
- Part 1, Class B - additions etc to the roof of a dwellinghouse
- Part 1, Class C - other alterations to the roof of a dwellinghouse
- Part 1, Class D - porches
- Part 1, Class E - buildings etc incidental to the enjoyment of a dwellinghouse
- Part 1, Class F - hard surfaces incidental to the enjoyment of a dwellinghouse
- Part 1, Class G - chimneys, flues etc on a dwellinghouse
- Part 1, Class H - microwave antenna on a dwellinghouse

**Reason:** To ensure minimum garden sizes are maintained in accordance with chapter 7 of the Residential Design SPD and to maintain the principles of the Design and Access Statement (Darling Associates Architects, April 2019) in the interests of good design in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraph 127 of the NPPF.

45. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the type described in the following Class of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

- Part 3, Class L - small HMOs to dwellinghouses and vice versa  
**Reason:** To control the provision of houses in multiple occupation (HMOs) for student housing given the proximity of the site to the University of Exeter, in order to provide a mixed community and meet housing needs in accordance with Policy CP5 of the Core Strategy.

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**LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the Deputy Chief Executive 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 6.33 pm)

Chair