

PLANNING COMMITTEE

Monday 6 September 2021

Present:-

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

Apologies for Absence

Councillors Buswell, Martin and Sparkes

Also Present

Chief Executive & Growth Director, Liveable Exeter Programme Director and Interim City Development Lead, Assistant Service Lead City Development, Interim Service Lead City Development, Principal Project Manager (Development) (MD), Service Lead Legal Services, Planning Solicitor, Project Manager (Planning) and Democratic Services Officer (HB)

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MINUTES

The minutes of the meeting held on 28 June 2021 were taken as read, approved and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

Members declared the following interests:-

COUNCILLOR	MINUTE
Councillor Branston	Min. No. 49 non pecuniary interest
Councillor Mrs Henson	Min. No. 49 non pecuniary interest
Councillor D. Moore	Min. No. 50 non pecuniary interest

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PLANNING APPLICATION NO. 20/0538/OUT - LAND OFF SPRUCE CLOSE AND CELIA CRESCENT, EXETER

The Principal Project Manager and Acting Major Projects Team Leader presented the outline application for up to 93 residential dwellings (Approval sought for details of access only, with scale, layout, appearance and landscaping all reserved for future consideration) (Revised Scheme).

The Principal Project Manager set out a detailed description of the site and surrounding area, including site photographs and an aerial view, panoramic views from the site and adjoining fields and referred to the Zone of Theoretical Visibility as set out in the Landscape and Visual Impact Assessment showing viewpoints from surrounding residential areas and surrounding hills. Photomontages of viewpoints had also been provided by the applicant from Cumberland Way, Tithebarn Way, Birchy Barton and Hillyfield Road. He reported the following main aspects of the proposal:-

- 35% affordable housing in accordance with CS Policy CP7;
- three fields to the north to be secured as public open space as a 'New Valley Park' in perpetuity of approximately 9.13 hectares as provided by the landowner;
- the developable area of the two fields would be restricted to approximately 2.58 hectares with the remaining site area used as habitat corridor and informal open spaces. The fields were designated as Landscape Setting on the Core Strategy Key Diagram and the Exeter Local Plan First Review 1995-2011 Proposals Map. The public open space accessed from Spruce Close and Juniper Close was designated as Open Space on the latter, but was not designated as Landscape Setting. A Site of Nature Conservation Importance covered the vegetation along the northeast boundary of the lower field and the bottom right corner of the upper field;
- access would be provided from the short access road leading from Celia Crescent to the site boundary and an access road across the public open space linking to Spruce Close. The access had been designed to facilitate an extension of the F1 bus route along Pinwood Meadow Drive/Spruce Close through the site and back along Celia Crescent/Chancellor's Way;
- new bus stops would be provided for the route approximately half way along Pinwood Meadow Drive, at the public open space adjacent to Spruce Close/Juniper Close and at the entrance to the site off Celia Crescent. The bus loop would be anti-clockwise;
- contributions of £90,000 towards bus services, £1,000 per dwelling towards walking/cycling measures in area, £500 per dwelling towards travel planning, £3,558.74 per dwelling towards secondary education, £584 per dwelling towards patient space at GP surgeries and £13,000 towards upgrading local youth facilities;
- there was a CIL liability of £118.93 per square metre of floorspace;
- parameter plans had been provided covering land use, density, scale, access and movement and open space including a Local Area of Play in the middle of the site and a Locally Equipped Area for Play on the green space at the top of the upper field;
- mood boards had been provided in respect of the higher and lower density area of housing and the new valley park;
- the receipt of 463 objections and four neutral comments; and
- objections from the Campaign to Protect Rural England Devon, Devon Wildlife Trust and the Exeter Cycling Campaign and support from Stagecoach.

The Principal Project Manager also referred to the 2007 Fringes Study which detailed the landscape sensitivity of the area and housing use capacity at that time and then detailed the following constraints:-

- trees protected by Tree Preservation Orders along south west boundary;
- the inclusion of part of the north east boundary within Flood Zones 2 and 3; and
- Savoy Hill County Wildlife Site to north west.

The Principal Project Manager also referred to a representation received referencing a petition submitted to Council on 21 July 2021 on "Protect Green Infrastructure in Pinhoe". The representation asked the Planning Committee to take into account issues of land management modelling, rights of community access and use, and the proposal to connect areas as part of the national nature recovery network scheme (through Natural England). As the petition covered matters of policy, it had been referred by Council to the Strategic Scrutiny Committee which may make recommendations to Executive.

The Planning Committee report included a planning assessment of the revised application, taking into account all relevant development plan policies, national policies and material considerations. In summary, the proposal was not considered to harm the character and local distinctiveness of the hills to the north of the city to an extent that would justify refusal in accordance with Policy C16. Furthermore, it would secure the adjoining fields further up the slope as public open space in perpetuity. This will ensure the landscape setting of the city in this location is preserved and protected. In terms of Policy L3, the three adjacent fields will act as compensatory open space. This land will be enhanced in terms of its accessibility, amenity and biodiversity value. It will be available for the local community to enjoy for recreational purposes permanently, benefiting existing and future generations. There will be no risk of it being developed in the future.

The Principal Project Manager responded as follows to Members' queries:-

- the mood boards were purely illustrative at outline stage, the final proposed design to be considered at reserved matters stage;
- the design of the bus shelters would be determined through the County Council's Traffic Regulation Order at reserved matters at a later stage;
- the applicant had been asked to ensure that the dwellings would be no higher than those of Celia Crescent and would be below the 115 metre contour line and this would also be determined at reserved matters stage;
- the commitment to provide compensatory public open space for a new valley park was offered as a mitigation measure in line with Policy L3 and the National Planning Policy Framework;
- the site was not an allocated site within the Core Strategy;
- the development area was not included in the A5 tree area on the north east boundary which was a wildlife corridor and would be preserved as a "dark area" as a navigation route for bats; and
- the photos of the planning officer had been taken during the summer although the timing of those by the applicant was not clear.

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

- speaking on behalf of residents to convey serious concerns about the negative impact of this development with 467 representations of which 463 were against;
- the proposal for public open space in adjoining fields and a contribution to extend the F1 bus route are insufficient to mitigate the harmful effects of this development
- the site was part of a Site of Nature Conservation Importance, providing a distinctive backdrop to the local area and was an area of Landscape Setting within the Core Strategy Key Diagram and the Exeter Local Plan First Review. The application was contrary to Policy LS1, which prohibits housing in a landscape setting;
- the fields are both described as having a high landscape sensitivity and a low to medium-low capacity for housing in the Exeter Fringes study of 2007;
- imperative to protect green space in line with the Council's declaration of a climate and ecological crises and commitment to being net zero by 2030;
- re-routing and creating an access road through existing green space would be visually intrusive and make the green unsafe for children;
- unclear how the three adjoining fields to the northwest offered to compensate for the loss of open space would be managed;
- the development would generate additional traffic and parked cars in an area suffering from a serious parking crisis. Adding more cars into the mix and

converting Juniper Close from a quiet cul de sac to a busy access road will have serious implications for road safety;

- the proposed yellow lines to accommodate bus stops would compound parking challenges and potentially push road safety issues downstream. New parking places could be used by residents of the new developments whose parking needs are likely to overspill and create tensions in the neighbourhood;
- the bus service will still not be accessible and reliable and does not stop at the supermarket or go right to the city centre and will not reduce additional car use;
- it is not a sustainable development and, although there is provision for health and education services to benefit the city at large, there will be little difference for children who cannot attend local schools or for new residents unable to get a GP appointment. The local Co-Op is a small convenience store with the nearest supermarket a 30 minute walk away. Further investment in infrastructure is necessary;
- any development should involve:-
 - a prior commitment for ownership of the new valley park to be transferred either to the Council or the Devon Wildlife Trust;
 - the redirecting of the financial contribution to restore a bus service to stop at the Morrison's supermarket and the city centre;
 - no net loss of parking spaces; and
 - provision of one-way restrictions up Pinwood Meadow Drive; and
- the Liveable Exeter Vision is a viable, more sustainable solution involving urban renewal and delivering 12,000 homes by 2040 and there is no need to build on green fields any more to deliver the city's land supply. This application, building new houses on ancient agricultural land, increasing car use and congestion, creating community tensions, pushing infrastructure and amenities to the limit is the antithesis of this vision and should be rejected;

In response to a Member, Councillor Allcock confirmed that it was a car led development and that, although provisions were to be made for cyclists and walkers, access to shops etc. for this cohort was made difficult by the steepness of the hill.

Steven Hanna spoke against the application. He raised the following points:-

- through all the different versions, none of the 450 objections have been withdrawn, the proposal having resulted in a demonstration outside the Guildhall;
- the proposal brings pain for little gain with 450 opposing 90 houses and much is being sacrificed for so little and community cohesion will be adversely affected;
- given the approval of the Liveable Exeter Strategy the proposal is unnecessary;
- it is an historic green space and LS1 land. The northern hills are the lungs of the city and building will suffocate the city. It is not worthy of a garden city;
- the development will have traffic, parking and access problems. Because of the steepness of the hill, cars will be needed and the proposed yellow lines will not alleviate traffic problems with conflict between cars and buses likely. There is insufficient car parking or replacement car parking;
- whilst some regard has been made to visual impact there has been no consideration of the impact on the community. Many are opposed to extending the bus service to serve the development because of extra pollution and traffic, which similarly applies to school buses for the children of the new homes who will need to access schools some distance from the area; and
- it is an unsustainable development and should be rejected;

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

- the application delivers much needed housing towards Exeter's five year land supply and, along with being fully policy compliant, it secured significant additional ecological and wider community benefit;
- the landowner offers to give 22 acres of his remaining land to the Council as a new valley park, to connect into the adjacent Mincinglake Valley Park securing access for the wider community. This offer guarantees future public access, which addresses local concerns about a loss of recreational land;
- the development land is private and the current public use unauthorised. Farming the land with public access had become difficult;
- the application would remove the conflict and secure long term public access;
- a further community benefit is the opening of a new bus route. Instead of the current situation where the bus goes up Chancellors Way does a three point turn and then straight back down, it would loop through the site and Pinwood Meadow Drive, taking in two large areas not currently serviced by a bus;
- to deliver the new bus route in Pinwood Meadow Drive, there is a need to improve its functionality by placing parking restrictions in some of the tighter areas;
- to address residents' concerns about the loss of on street parking, the latest access plan provides for additional parking bays; and
- have worked constructively to secure the land for a new valley park, and, to produce a sustainable housing site.

He responded as follows to Members' queries:-

- the bus route through the site was requested by the County Council in order to extend the F1 route; and
- provision has been made for walkers and cyclists with connection to the footpath in Mincinglake Valley Park and there would be a two way cycle/car flow route incorporated through the site.

Members expressed the following views:-

- the proposal does not accord with the Council's future ambitions for development as set out in the Liveable Exeter strategy;
- the site is an integral part of the hills north of the city and is of major landscape importance containing the urban extent of Exeter providing a setting for the city as well as a rural backdrop to the existing residential areas to the south west and the south east;
- the proposal would result in extending residential development beyond the built up area, potentially resulting in a harmful effect on the character and appearance of this part of the city;
- the Exeter Landscape Sensitivity Capacity Study of 2007 and the 2015 strategic housing land availability assessment states that this site is unsuitable for housing;
- given that the views set out in the report from some consultees relate only to the original proposal and not the current one, further comments should be obtained to be fed into the report back to Committee after a site visit;
- concern that it is a car led development;
- concerns regarding both the principle of development and issues within the development;
- this site plays a significant part in the wider landscape beyond, as set out in the Devon Wetlands Study;
- welcome a bus route through the site but oppose a car led development and it should be noted that car sharing is not, technically, best practice;

- improvements are required to off-site junctions to improve cycle safety and, although car parking laybys are provided, further improvements for cyclist are required as there remain conflict zones between cars, cyclists and walkers;
- there is no reference to achieving air quality objectives; and
- overall, the proposal fails to meet the policies of the Local Transport Plan.

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

Councillor Sutton moved and Councillor Hannaford seconded an amendment to defer the application for a site inspection party by the Committee. The amendment was moved, seconded and carried.

RESOLVED that the application be deferred for a site visit by the Planning Committee for report back to a future meeting.

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**PLANNING APPLICATION NO. 18/0598/FUL - HURST ALMSHOUSES, 2-24
FAIRPARK ROAD, EXETER**

Councillors Branston and Mrs Henson declared non-pecuniary interests and left the meeting during consideration of this item.

The Assistant Service Lead Planning presented the application for the demolition of the existing dwellings and re-development of the site to create 31 nos. one and two-bedroom almshouse flats together with landscape enhancement to the adjacent Bull Meadow Park. The current three buildings were built in 1928, consisting of 12 one-bedroom almshouse flats.

The Assistant Service Lead referred to the following matters:-

- the development was proposed as “car-free” with no on-site parking;
- the building would be four storeys high facing Bull Meadow and two storeys high facing Fairpark Road;
- the existing buildings were deemed to have a positive impact on the St. Leonards Conservation Area, and the site was just outside the Area Of Archaeological Importance in the Local Plan;
- an archaeological investigation had shown significant archaeological remains;
- private amenity space was to be provided for residents in the form of balconies, and a landscaped communal garden was also proposed to the rear of the building. There was also access to the adjacent Bull Meadow Park; and
- the design of the proposed building was contemporary; however, it was heavily influenced by the traditional characteristics of the conservation area and the Almshouses.

The Assistant Service Lead also referred to the receipt of 129 initial objections and three neutral and two supportive comments with almost all objections relating to the loss of Bull Meadow and the receipt of a 415 petition primarily concerned with the loss of land caused by the turning head and increased traffic on Temple Road. On re-consultation, 32 representations had been received, including 30 objections. Other issues raised in objections included:-

- traffic, specifically on Temple Road, during the construction phase;
- character and the impact of the surrounding area, including St. Leonards Conservation Area;

- level access;
- scale, massing and height;
- sewage and drainage matters; and
- overlooking and outlook.

The Assistant Service Lead further reported the following:-

- English Heritage had identified the proposal as causing “less than substantial” harm to the Conservation Area because the existing buildings contribute to local character, and the proposed buildings would unacceptably alter this character. The National Planning Policy Framework stated that where there was less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal;
- the optimum viable use of this site was for affordable residential units;
- public benefits of this application included the provision of an increased number of affordable residential units on the site, better accessibility to the residential units from Fairpark Road and into Bull Meadow Park and homes fit for purpose in the 21st century in terms of sustainability and internal layout; and
- it was considered on balance that the public benefits of the development outweighed the harm to designated and non-designated heritage assets arising from the loss of the existing buildings or their replacement with a more extensive built development.

Responding to Members, the Assistant Service Lead advised that modification of the existing buildings would cause harm to their external appearance and impact adversely on the character of the area and confirmed that there was a gated entrance to the park at the bottom of the path to the side of the development which was likely to minimise any potential conflict resulting from the use of this steep path and the proximity of a lamppost.

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

- thanked the Council on its decision not to sell any portion of Bull Meadow Park for the development and re-opening public consultation, additional concerns having been received which were more expansive than the threat to Bull Meadow Park;
- concerns about the extra delivery and service traffic on Temple Road;
- no additional residents parking spaces or permits should be provided;
- disappointing that there had been no further engagement with the community by the applicant, especially on landscaping to the park;
- residents are not opposed to re-development but in a sensitive manner;
- Bull Meadow is an area of predominantly modest terraced houses with postage stamp courtyards, not gardens. The park is precious, and the proposed development would dominate the homes on Temple Road, and there would be a significant impact on the amenity of the Grade 2 Listed Ernsborough Court on the opposite side of Fairpark Road;
- the Council’s Principal Project Manager for Heritage had stated that there was insufficient justification for demolition and re-development as opposed to retention, upgrading and extension and that weight should be given to the protection of the historic environment;

- increasing the number of units from 12 to 31 is a fundamental problem here as the site is not appropriate for a 158% increase in units;
- the development would not meet Local Plan guidance to improve the area, both by proposed use and quality and not having a detrimental effect on the character of adjacent listed buildings;
- it will undermine this area's history, character and positive contribution to the city and fails to meet one of the Council's key objectives for housing within the Core Strategy of protecting and enhancing the city's character;
- it is a dominant, contemporary development of four-storey blocks permanently altering the area's character, overlooking and overbearing a public park. It would change for good the landscape and cause significant harm to the amenity of residents and park users within a conservation area. Objections have been received from Historic England, the Devon Buildings Group as well as the Council's Principal Project Manager for Heritage; and
- the development should be refused, and the applicant encouraged to return to the table with a more appropriate plan similar to the nearby Magdalen Road Cottages.

Responding to a Member, he welcomed the levelling of the access from Fairpark Road. Still, he confirmed concerns remained about the access from the buildings to the park.

Juliette Stephenson spoke against the application. She raised the following points:-

- have lived on Temple Road for 34 years and spoken with many residents who are overwhelmingly opposed;
- will harm regular users of the park who live in houses and flats in streets adjacent. Many have small backyards or balconies and no gardens, so Bull Meadow is vital in providing valuable space. It is more than a municipal park and provides heart to the community;
- the plan is out of proportion, too dominating and would harm the park's character, environment, and surrounding streets. The proposal is of an overbearing size, scale and height. The planned four-storey building would overwhelm the park and would tower above neighbouring houses. It is against the St. Leonards Conservation plan, both in spirit and detail;
- it is almost twice as high as the adjacent and nearest residential houses on Temple Road, which are only two stories high;
- the view from the park is just as important as the view to the park. The suggested planting is in the middle of an area used daily for sports;
- the current buildings are shielded from view by a three-metre hedgerow and trees, which provide a secluded and peaceful oasis in the park, so crucial to many;
- adverse impact on wildlife where there are good foraging and commuting routes within the context of the urban landscape; and
- the expressed preference of the community is for the refurbishment of the existing Almshouses who support the views of the Council Heritage Officer that the cumulative harms outweigh the benefits. The second-best option would be a new development at a maximum of three stories, still providing a very significant increase in social housing and a 100% increase in flat numbers.

Steve Sitch spoke in support of the application. He raised the following points:-

- Exeter Homes Trust, regulated by the Charity Commission, Homes England and the Regulator for Social Housing, was a Housing Association established in 1976, owning and managing 143 Almshouses across eight estates in the city providing accommodation for people aged 55 or over;
- the charity continually re-evaluates buildings to identify improvements to future proof the accommodation and in the last eight years had brought 43% of housing stock up to a contemporary standard;
- the development will help meet local housing needs by utilising a previously developed site not making the most efficient use of land with an extra 19 affordable homes provided;
- the 31 new larger homes would meet modern building regulations and, although contemporary, would be influenced by the traditional characteristics of the conservation areas;
- usable amenity space for residents would be provided, residents to benefit from private balconies and semi-private landscaped communal gardens;
- it would be a car-free development, with no on-site parking;
- a balancing exercise has been carried out, and it is considered the public benefits of the scheme can outweigh harm; and
- it represents a sustainable form of development. Furthermore, the proposal would secure the optimum viable use of the site and deliver 31 much-needed affordable homes against the backdrop of housing under-delivery in the city and provide social housing.

He responded as follows to Members' queries:-

- public consultation started in 2015 with an event held in the Barnfield Theatre with public comments reducing over time;
- the Turning Head was proposed at the request of the County's Highway Officer;
- charging points for mobility scooters would be provided;
- the site is set on a slope that descends from east to west by approximately 6 metres, between Fairpark Road and Bull Meadow Park; the scheme is designed to avoid creating a conflict between an existing lamp post and the use of the path by walkers and cyclists. In this respect, the officers confirmed that the landscaping for the scheme would accommodate the lamp post without causing conflict for path uses.

Members expressed the following views:-

- the re-development offers improved living conditions and much needed social housing given the current housing emergency in the city. Many existing residences are poor in quality, damp etc.;
- the interface with the park offers a continued valuable amenity for the existing and new residents and the £20,000 offer to enhance the park is a welcome bonus;
- welcome car-free element;
- whilst recognising the sustainability of the site, the car-free element and the increase in units, it was felt by a member that the scale and massing of the design is inappropriate; and
- it is important to retain historical aspects of the city if possible, but balanced against this is affordable housing.

The recommendation was for approval, subject to the completion of a Section 106 Agreement to secure affordable housing and financial contributions towards enhancing Bull Meadow Park and habitats mitigation and conditions set out in the report. An open space contribution was not deemed necessary given the proximity

of the park. The development was liable for Habitats Mitigation Contribution but not CIL as it was 100% social housing exempt.

The recommendation was moved, seconded and carried.

RESOLVED that:-

- 1) subject to a Section 106 Agreement under the Town and County Planning Act 1990 (as amended) to secure the following:-

- 100% affordable housing of 31 dwellings;
- £20,000 as a contribution to the enhancement of Bull Meadow Park; and
- Habitats Mitigation contribution of £22,629.

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

The Deputy Chief Executive be authorised to **GRANT** planning permission for the demolition of the existing dwellings and redevelopment of the site to create 31 nos. one and two-bedroom almshouse flats together with landscape enhancement to the adjacent Bull Meadow Park, subject also to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 31 March 2021 including following drawings numbers, as modified by other conditions of this consent:
 - 150161 AL(0)104-G Proposed Ground Floor
 - 150161 AL(0)105-G Proposed First Floor
 - 150161 AL(0)106-G Proposed Second Floor
 - 150161 AL(0)107-G Proposed Third Floor
 - 150161 AL(0)108-G Proposed Roof Plan
 - 150161 AL(0)109-E Proposed Sections 1
 - 150161 AL(0)110-F Proposed Sections 2
 - 150161 AL(0)110-F Proposed Sections 2
 - 150161 AL(0)111-E Context Sectional Elevations 1
 - 150161 AL(0)112-E Context Sectional Elevations 2
 - 150161 AL(0)113-F Proposed Elevations 1
 - 150161 AL(0)114-E Proposed Elevations 2
 - 150161 AL(0)115-E Proposed Elevations 3
 - 150161 AL(0)116-B Proposed Section A-A
 - 150161 AL(0)101-G Proposed Site Plan

Reason: In order to ensure compliance with the approved drawings.

- 3) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in

accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

- 4) Pre-commencement condition: 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 and Environment Management Plan CEMP 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 footpath and timings of the proposed works.

- a) The Statement shall provide for:
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to monitor and control the emission of dust and dirt during construction.
- h) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.

Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:

- a) There shall be no burning on site during demolition, construction or site preparation works; Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
- b) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.
- c) No driven piling without prior consent from the LPA

The approved CEMP shall be adhered to throughout the construction period.

Reason for pre-commencement condition: In the interests of the occupants of nearby buildings, highway safety and public amenity. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

- 5) Prior to the construction of the foundations of any dwelling hereby permitted, the Design SAP calculation(s) of the dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the dwelling(s) will achieve a 19% reduction in CO₂ emissions in relation to the level required to meet the 2013 Building Regulations. No individual dwelling shall be occupied until the As-Built SAP calculation of the

dwelling has been submitted to and approved in writing by the Local Planning Authority to confirm that a 19% reduction in CO2 emissions in relation to the level required to meet the 2013 Building Regulations has been achieved.

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

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

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

- 7) Pre-commencement condition: No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
- (a) A detailed drainage design, network model outputs, based upon the approved Flood Risk Assessment and Drainage Strategy dated March 2018, (including revised drawings submitted March 2021 to conform to amended scheme).
 - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (d) A plan indicating how exceedance flows will be safely managed at the site.
 - (e) Evidence there is agreement in principle from SWW to connect into their system

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.

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

- 8) 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.

- 9) Prior to occupation of any dwelling hereby approved a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.
Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 10) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- 11) No external lighting shall be installed on the site or on the building hereby permitted unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.
Reason: To ensure lighting is well designed to protect the amenities of the area and wildlife.
- 12) The sound insulation provided by the façade elements shall meet or exceed the standards specified in paragraphs 3.2.3 and 3.2.4 of the submitted Clarke Saunders report 20-24 Fairpark Road ProPG Risk Assessment and Acoustic Design Statement (ref.: AS10159.180316.R1.1.docx, date: 17 July 2018) and supported by Clarke Saunders Technical Advice Note on the subject Revised Site Layout and Implications on Noise Assessment (ref.:10159.210331.TN, date: 31 March 2021).
Reason: To protect future residents from excessive traffic noise.
- 13) A detailed scheme for landscaping in accordance with submitted details (Landscape Plan 1714-01-P8 and Planting strategy and Maintenance responsibility 1714-02-P8), including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no dwelling or building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers

and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

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

- 14) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 15) The dwellings hereby approved shall be designed and built to meet M4 2 (if not M4 3 - Wheel chair accessible dwelling) of the Building Regulations Access to and Use of Building Approved Document M, 2015 edition.
Reason: To increase choice, independence and longevity of tenure in accordance with Policy CP5 point three of the Exeter Core Strategy.
- 16) Pre commencement condition: No individual dwelling hereby approved shall be brought into its intended use sufficient refuse and bin facilities for residents have been provided in accordance with details that shall prior to commencement have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said refuse and bin facilities shall be retained for that purpose at all times.
Reason: To ensure sufficient refuse and bin is provided in suitable collection points.
- 17) No part of the development hereby approved shall be brought into its intended use until pedestrian access points as indicated on the Proposed Site Plan Drawing Number 150161 AL(0)104 Rev G have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.
Reason: To provide a safe and suitable access, in accordance with Paragraph 108 of the National Planning Policy Framework.
- 18) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure covered cycle parking provision for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.
Reason: To provide adequate facilities for sustainable transport.
- 19) Before the development hereby approved is brought into use the proposed windows at 2nd and 3rd floor in the South Elevation of the property shall be glazed with obscure glass (as shown in drawing 150161 AL(0)113F) to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, and thereafter so maintained. Furthermore, no new windows or other openings shall be inserted in the 2nd and 3rd floor of this elevation.
Reason: To protect the amenities of the adjoining property.

and further **RESOLVED** that:-

- 1) the City Development Lead or Deputies be authorised to **REFUSE** planning permission if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) is not completed by 6 March 2022 or such extended time as agreed by the City Development Lead or Deputies for the reasons set out below:-:-

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters –

- Affordable housing, as set out in the report.
- £20,000 as a contribution to the enhancement of Bull Meadow Park.
- Habitats Mitigation contribution as set out in the report.
- All S106 contributions should be index-linked from the date of resolution

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 CP1, C3, CP4, CP5, C7, C10, C11, CP12, C15, CP17 in the Core Strategy, and policies AP1, AP2, H1, H2, H5, H7, T1, T2, T3, C1, EN4, DG1, DG4 in the Local Plan, Exeter City Council Affordable Housing Supplementary Planning Document 2014, and Exeter City Council Public Open Space Supplementary Planning Document 2005.

50

PLANNING APPLICATION NO. 15/0641/OUT - ALDENS FARM WEST LAND BETWEEN SHILLINGFORD AND CHUDLEIGH ROAD, ALPHINGTON.

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

The Principal Project Manager and Acting Major Projects Team Leader presented the application for residential development including new access onto Shillingford Road and associated infrastructure (All matters reserved for future consideration).

The Principal Project Manager explained that it was necessary to amend two conditions listed in the original Planning Committee decision on this matter at the meeting held on 16 November 2020. At that meeting it had been resolved to approve subject to conditions and completion of a Section 106 Agreement. Following the approval, the applicants had raised concerns in respect of the proposed conditions 4 and 6 and had requested that they be amended. As they were highway related conditions the reasons provided by the County Highway officer together with the revised conditions were detailed in the report.

In light of the revised comments made by the County Highway officer and the legal opinion provided, revised conditions 4 and 6 were proposed. In addition, further contributions were required for inclusion within the Section 106 Agreement in respect of carrying out improvements to Markham Lane and pedestrian movements to the north of the site. These had been costed in the sums of £12,000 and £11,000 respectively to be payable on commencement of the development.

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

- the Alphington Village Forum objects to the development having only one access for 75 dwellings which exits on the narrow, steep Shillingford Road;
- the developers will only extend the internal road to the eastern boundary and are not obliged to negotiate with the two landowners to create an access on to

Chudleigh Road. This will exacerbate the problem of heavy traffic on this country road leading to Shillingford Abbot and Shillingford St George;

- Vistry Homes also have an access from a much larger development comprising 280 dwellings with another 750 dwellings planned for on Markham Farm;
- the obligations listed in the original Planning Committee report (16 November 2020);
- £11,000 to Devon County Council as Local Highway Authority to complete pedestrian improvements to the north of the site;
- and £12,000 to Devon County Council as Local Highway Authority to carry out improvements to Markham Lane.
- Alphington Village is already seriously congested on a regular basis, yet the Highways officers state that this development is unlikely to result in a severe impact on the safe and efficient operation of the strategic road network;
- the school and surgery are full and a new surgery is required;
- the developer has ignored previous comments, including style and size of the houses overlooking Royal Crescent and Shillingford Road, which will block out the light and remove residents' privacy; and
- this development is only part of a development of 2,500 houses, half of which will be between the A379 and Alphington resulting in 1,000's more cars.

Members recognised the need to regularise the legality of the conditions.

The recommendation was for approval, subject to the completion of a Section 106 Agreement securing:-

- the obligations listed in the original Planning Committee report for the application (16 November 2020);
- £11,000 to Devon County Council as Local Highway Authority to complete pedestrian improvements to the north of the site; and
- £12,000 to Devon County Council as Local Highway Authority to carry out highway improvements to Markham Lane.

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

and the conditions listed in the original Planning Committee report for the application (16 November 2020) except conditions 4 and 6, which are amended to:-

4. No part of the development shall be occupied until pedestrian/cycle links onto Shillingford Road and Markham Lane to existing highways have been completed with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall be occupied until a pedestrian/cycle link is constructed to the northern boundary of the application site at a point to be agreed 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 110 of the National Planning Policy Framework (NPPF) (2021).
6. No more than 75 dwellings shall be occupied until a vehicular route from Shillingford Road to the eastern boundary of the site capable of accommodating two-way bus flow through the site have been provided to a specification agreed in writing with the Local Planning Authority, in consultation 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 110 of the NPPF (2021).

The recommendation was moved, seconded and carried unanimously.

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

The report of the Liveable Exeter Programme Director and City Development Strategic Lead was received

RESOLVED that the report be noted.

52 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that, subject to the addition of the words “and that the appeal should be dismissed” at the end of the last paragraph in 3.2 - 22 The Ridgeway, Exeter, the report be noted.

(The meeting commenced at 5.30 pm and closed at 8.13 pm)

Chair