

## **PLANNING COMMITTEE**

Monday 13 January 2020

### Present:-

Councillor Lyons (Chair)

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

### Also Present

Director (BA), Service Lead City Development, Principal Project Manager (Development) (MD) and Democratic Services Officer

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### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

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### **PLANNING APPLICATION NO. 19/1100/RES - PINHOE QUARRY, HARRINGTON LANE, EXETER**

The Principal Project Manager (Development) (MD) presented the application for the approval of reserved matters of appearance, landscaping, layout and scale relating to the residential development comprising 380 dwellings, flexible retail and community space and the associated infrastructure, garaging, parking, landscaped open space, equipped children's play and public realm. (Pursuant to planning permission reference 10/2088/OUT granted on 6th February 2012).

The Principal Project Manager (Development) (MD) reported the following late representations:-

- following discussions with the County Council as the Lead Local Flood Authority the County Council required an increase in the size of sewer drainage pipes which would need a separate discharge of condition application under the outline consent; and
- request from the applicant for an additional condition to detail boundary treatment.

Russell Smith spoke in support of the application. He raised the following points:-

- planning agent on behalf of Galliford Try Partnership and Waltco Properties Ltd.;
- applicant has increased the number of affordable housing units;
- presentations on the scheme were made to two meetings of the Planning Member Working Group and to the Design Review Panel, the latter commenting on the high standard of design; and
- surface water drainage ponds will have very shallow sides to secure safety of children and the suggested fencing of the ponds will be addressed as part of the discussions on the boundary treatment.

He responded as follows to Members' queries:-

- on street parking will assist in respect of visits to the shop;

- cycle parking incorporated into individual dwellings together with communal cycle parking for apartments;
- high quality passivhaus design; and
- road network designed to accommodate an extension of the bus service through the estate.

A Member thanked Galliford Try Partnership and Waltco Properties Ltd. for their engagement with the Pinhoe Village Action Group.

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

The recommendation was moved and seconded.

**RESOLVED** that, subject to the completion of a satisfactory legal agreement securing the Habitats Mitigation contribution, planning permission for the approval of reserved matters of appearance, landscaping, layout and scale relating to the residential development comprising 380 dwellings, flexible retail and community space and the associated infrastructure, garaging, parking, landscaped open space, equipped children's play and public realm. (Pursuant to planning permission reference 10/2088/OUT granted on 6th February 2012) be **APPROVED**, subject also to the following conditions:-

- 1) All conditions imposed on notice of outline approval ref 10/2088/01 are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 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 13th August and 24th November 2019, and the specific drawings referred to on the Clifton Emery Design Register of Drawings ref 170304 S 04 L and Hydrock Document Issue Record ref C-07799 A (both of which were received on the 20th December 2019) as modified by other conditions of this consent. Notwithstanding the above, the following drawings are not approved:  
Proposed Drainage Layout (C-07799-C020P03)  
Exceedance Flood Route Layout (C-07799-C021P03)  
**Reason:** In order to ensure compliance with the approved drawings and taking into account the advice of Devon County Council as Lead Local Flood Authority.
- 3) No individual dwelling hereby approved shall be occupied until it has been provided with cycle parking/storage facilities in accordance with details which shall previously have been submitted to and approved in writing by, the Local Planning Authority.  
**Reason:** To ensure adequate facilities are provided in the interests of encouraging the use of sustainable modes of transport by residents of the development.
- 4) Prior to the construction of any culvert or footway/cycleway that runs over or adjacent to the water course, a detailed Approval In Principle for the culvert or footway/cycleway shall be submitted and approved in writing by the Local Highway Authority (Devon County Council).  
**Reason:** To ensure the integrity of adjacent structures and land.

- 5) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and any Order revoking and re-enacting that Order with or without modification, no development of the types described in the following Classes of Schedule 2 shall be undertaken on any dwelling within the development without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-  
 Part 1, Class A extensions and alterations  
 Part 1, Classes B and C roof addition or alteration  
 Part 1, Class E swimming pools and buildings incidental to the enjoyment of the dwelling house  
 Part 1 Class F hard surfaces  
**Reason:** In order to protect residential and visual amenity and to prevent overdevelopment.
- 6) Notwithstanding the fact that condition 20 of outline permission ref 10/2088/01, relating to the submission of a Construction Environmental Management Plan (CEMP), was discharged by virtue of application no. 13/3923/32 the approved CEMP only related to the Quarry re-profiling works and not the subsequent residential development. Consequently, prior to the commencement of the residential development works comprised in this application a further CEMP relating specifically to those works shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be carried in accordance with the approved details.  
**Reason** - In the interests of local amenity.
- 7) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.  
**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby.

11 **PLANNING APPLICATION NO. 19/1406/FUL - LAND WEST OF RINGSWELL AVENUE, EXETER**

The Principal Project Manager (Development) (MD) presented the application for the construction of 60 dwellings (Use Class C3), means of access, public open space and associated infrastructure.

The Principal Project Manager (Development) highlighted the changes to the previous scheme with the removal of a through route to create two cul-de-sacs and an additional access, thereby reducing the number of properties accessing onto Ringswell Avenue.

Alex Graves spoke in support of the application. He raised the following points:-

- LiveWest, a Registered Provider of affordable homes, had a strong commitment to Exeter and provided a range of homes and re-invested profits to ensure they can continue building affordable homes. The brownfield site would deliver 60 homes, all of which would be affordable;
- this site benefited from permission for 48 dwellings, all of which were to be accessed from Ringswell Avenue. This access was of local concern at the time

of the previous application and a second point of access had been provided to reduce the dependency on Ringswell Avenue together with a central pedestrian/cycle zone. As a result there were no neighbour objections;

- a range of one to four bed homes were proposed, including a wheelchair accessible home. The design incorporated high quality materials with key design features. LiveWest had been mindful to consider neighbours, the Council's Design Guide and National Space standards. Landscaping and ecology had been incorporated with three high quality areas of public open space provided. Generous parking is provided, and visitor spaces will ease congestion. The site will provide increased permeability for cycling and walking in the area, creating links to Honiton Road. The Highway Authority has no objection to the proposal; and
- a high-quality proposal will deliver significant benefits including making best use of brownfield land; providing affordable homes and public open space for the wider community and facilitating pedestrian/cycle links to Ribston Avenue and Warwick Road.

He responded as follows to Members' queries:-

- there had been a reduction in the number of four bed houses from the original scheme which meant that more units can now be provided;
- engineering assessments had shown that the turning heads were sufficient to enable vehicles to reverse out of the cul-de-sacs and that generous off street parking places was proposed together with bays on the carriageways;
- the number of properties accessing onto Ringswell Avenue had been reduced from 48 to 29;
- street lighting would be provided within the development and discussions were being held with the County Council in respect of a financial contribution towards the provision of lighting along the proposed footway leading to Warwick Road; and
- the two electric car charging points would not be located within the seven visitor spaces

During discussion the following points were raised:-

- importance of providing additional external lighting;
- concern that the visitor parking spaces could be used by residents themselves;
- additional number of smaller properties welcomed; and
- concern regarding the use of Lower Hill Barton Road by construction vehicles.

In respect of the latter point, Members were advised of a condition requiring a Construction Environmental Management Plan and that ward Members would be consulted on the detail of the plan.

The recommendation was for approval, subject to the conditions as set out in the report and an additional external lighting condition.

The recommendation was moved and seconded.

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

- affordable housing provision;
- open space - provision/maintenance;
- contribution to footpath connection to Warwick Road (£20,624);

- a Traffic Regulation Order contribution relating to an extension of existing 20mph zone into development site;
- Education contribution (£56,266) and
- Travel Plan contribution (£500/dwelling).

planning permission for the construction of 60 dwellings (Use Class C3), means of access, public open space and associated infrastructure be **APPROVED**, subject 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 9<sup>th</sup> October, 9<sup>th</sup> December and 17<sup>th</sup> December 2019 (including dwg. nos. P1823:01, P1823:02 Rev A, P1823:05, P1823:06, P1823:07, 0588-SBL-AM Version 1.0, P1823:09 Rev A, P1823:10 Rev A, P1823:11 Rev A, P1823:12, P1823:prelim, P1823:20, P1823:21, P1823:22, P1823:23, P1823:24, P1823:25, P1823:26, P1823:27, P1823:28, P1823:29, P1823:30; P1823:31, P1823:32, P1823:33, P1823:34 Rev A, P1823:35, P1823:36, P1823:37, P1823:38, P1823:39, P1823:40, P1823:41, P1823:42 Rev A, P1823:43, P1823:44, P1823:45, P1823:46, P1823:47, P1823:48, P1823:49, P1823:50, P1823:51, P1823:52, P1823:53, P1823:54, P1823:55, P1823:56, P1823:57, P1823:58, P1823:59, P1823:60, P1823:61, P1823:62 Rev A, P1823:63, P1823:64, P1823:65, P1823:66, P1823:67, P1823:68, P1823:69, P1823:70, P1823:71, P1823:72, P1823:73, P1823:74, P1823:75, 643/01, 643/02, 643/03, C-07226-C003 Rev E, C-07226-C002 Rev E and C-07226-C005 Rev D) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) No development above slab level shall take place until a schedule of materials to be used in the construction of the external doors & walls, roofs and windows has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.  
**Reason** - In the interests of the visual amenities of the area.
- 4) The development hereby approved shall be carried out in strict accordance with the findings and mitigation measures identified in the Ecological Appraisal by Green Ecology dated September 2019 document ref 0588-EcIA-DM except as modified by drawing no. 0588-SBL-AM Version 1.0 and agent email dated 17<sup>th</sup> December 2019 in respect of the location, number and type of swift bricks to be incorporated within the development. Any licences required from Natural England in respect of the mitigation measures set out in the Ecological Appraisal shall be obtained prior to the commencement of the development.  
**Reason** - To ensure that the development is implemented in a manner that minimises the direct ecological impact of the construction of the development and incorporates features that contribute to ecological enhancement of the site post development.
- 5) The landscaping scheme comprised in red bay design landscape

consultants drawing nos. 643/01, 643/02 and 643/03 shall be fully implemented in accordance with a timetable that shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the commencement of the development.

**Reason** - To ensure that the landscaping of the development is carried out in an appropriate manner in the interests of the character and appearance of area and the ecological enhancement of the site.

- 6) 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.
- 7) 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 the recommendations contained in the Arboricultural Impact Assessment Report by Aspect Tree Consultancy document ref 04921 AIA 20.08.2019 and Aspect Tree Consultancy drawing no 04921 TPP Rev B 2019. 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.
- 8) Pre commencement condition: No development shall take place on site until a full investigation of the site 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 buildings shall not be occupied until the approved remedial works 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** for pre-commencement condition: 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.
- 9) Pre-commencement condition: A Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the

development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact. Explicitly there shall be no use of Ringswell Avenue by any vehicular traffic associated with the construction of the development, including that related to construction workers employed on the site.

**Reason** for pre-commencement condition: In the interest of the environment of the site and surrounding areas and to minimise impact of the development on highway safety in Ringswell Avenue. 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.

- 10) No development above slab level shall take place until the applicant has submitted a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.
- Reason** - In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.
- 11) No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The 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 Proposed Residential Flood Risk Assessment Report (Report Ref. RIN-HYD-PH1-XX-RP-D-5001, Rev. P3, dated 24th September 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 life time of the development.
- Reason** for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.
- 12) No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.
- Reason** for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that

surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

- 13) No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.  
**Reason** for being a pre-commencement condition: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.
- 14) No part of the development hereby approved shall be brought into its intended use until details of the extension of the shared use path on Ringswell Avenue fronting the development site have been approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of any individual dwelling.  
**Reason:** To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108/110 of the NPPF.
- 15) Prior to continuation of construction work above DPC level of any dwelling comprised in the development hereby approved a scheme of provision of electric car charging points within the development shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.  
**Reason** - To promote and facilitate the use of sustainable modes of transport and thereby minimise potential air pollution associated with the use of private motor vehicles by future occupants of the development.
- 16) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.  
**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby.

In the event that the Section 106 agreement is not completed within six months of the date of this committee meeting, authority be delegated to the Service Lead City Development to **REFUSE** permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the Section 106 agreement.

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**PLANNING APPLICATION NO. 19/1168/FUL - LAND ADJACENT TO 2A  
NEWCOURT ROAD, TOPSHAM**

The Service Lead City Development presented the application for a single storey dwelling.

The Service Lead City Development reported the following:-



- change to previous schemes that had been refused on grounds of inappropriate design with a large flat roof and a large amenity space at the front of the property;
- revisions including pitched roof and changes to the amenity space

David Williams spoke against the application. He raised the following points:-

- 10 applications to date had been refused on valid grounds;
- the amenity space, cannot be regarded as being of good quality as the patio area to the rear of the proposed dwelling is heavily shaded to the south and does not therefore meet the Policy DG4 allowance that smaller houses may have reduced amenity areas if they are sunny south facing gardens;
- the rear garden is below the minimum requirement for private amenity space;
- the plot is completely overlooked by 2A as it was formally the front garden of that property;
- the view lines shown on the plan are inaccurate and the actual view line needs to bisect the southern boundary at the corner of the outbuilding of No.2. By adding the correct view line it goes through the proposed house thus restricting the view of 2A from the bottom of Newcourt Road; and
- the latest application by moving to a pitched roof from the previous flat roof design will exacerbate the impact of the aforementioned view.

The Chair reported a statement from the applicant, Richard Carr, who had been unable to attend to speak at the meeting.

- sale of land in 2006 by the then owners of 2A Newcourt Road was with the expectation that a dwelling would be built at some time;
- the Inspector's report concluded that a modest sized bungalow within the location was potentially acceptable;
- a traditional design is proposed with a pitched roof and local materials of natural slate, render and brickwork;
- the private outside amenity space meets the requirement of the planning department;
- the access provides good visibility up and down Newcourt Road and no concerns have been raised by the Highways Engineer;
- the building has been designed to retain the view from the front elevation of No 2A as seen when coming up Newcourt Road and also prevents overlooking; and
- the land is an ideal site for an infill development and improves an untidy waste land.

During discussion the following points were raised:-

- concerns regarding the size of the amenity space and whether the times of construction could be changed because of the narrowness of Newcourt Road and use by schoolchildren; and
- plot size would be suitable for a single person or small family for which there was likely to be a market.

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

The recommendation was moved and seconded.

**RESOLVED** that planning permission for a single storey dwelling be **APPROVED**

subject 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 23 June 2019 (including dwg. nos. MW2-03 Rev 1 01; MW-04 Rev A) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Pre-Commencement Condition: No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for:
  - a) The site access point(s) of all vehicles to the site during the construction phase;
  - b) The parking of vehicles of site operatives and visitors;
  - c) The areas for loading and unloading plant and materials;
  - d) Storage areas of plant and materials used in constructing the development;
  - e) The erection and maintenance of securing hoarding, if appropriate;
  - f) Wheel washing facilities;
  - g) Measures to control the emission of dust/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; and
  - k) No driven piling without prior consent from the Local Planning Authority.

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

**Reason** for pre-commencement condition: In the interest of the environment of the site and surrounding areas and to ensure the construction phase is managed in a way that reduces any harmful impacts on the locality.

- 4) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and any Order revoking and re-enacting that Order with or without modification, 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  
**Reason:** In order to protect residential amenity and to prevent overdevelopment.

#### Informatives

- 1) The applicant should be aware that this development is within a Smoke Control Area, which places controls on the emissions of

smoke from domestic fires and solid fuel boilers. Advice on controlling the emissions from and health impacts of wood burning is available from [https://uk-air.defra.gov.uk/assets/documents/reports/cat09/1901291307\\_Read\\_y\\_to\\_Burn\\_Web.pdf](https://uk-air.defra.gov.uk/assets/documents/reports/cat09/1901291307_Read_y_to_Burn_Web.pdf). It is recommended that all new stoves meet the EcoDesign Ready standard.

In addition, careful design of the flue may be required in order to prevent the appliance causing a nuisance by fume or odours. For further advice, please contact the Environmental Protection Unit on 01392 265148.

- 2) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 3) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).
- 4) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website. It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see [www.exeter.gov.uk/cil](http://www.exeter.gov.uk/cil).

**PLANNING APPLICATION NO. 18/0878/FUL - LAND BETWEEN 106 HAMLIN GARDENS AND 65 CARLYON GARDENS, EXETER**

The Service Lead City Development presented the application for the construction of a new apartment building (21 apartments) and associated landscaping, changes to highways and parking.

The Principal Project Manager (Development) reported that the Planning Committee had originally approved the application subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure the affordable housing but that it was necessary to bring the matter back to Planning Committee to change the resolution to provide for the provision of affordable housing to be dealt with by way of a condition instead given that it was a Council own build project. The details of the scheme remained unchanged.

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

The recommendation was moved and seconded.

**RESOLVED** that planning permission for the construction of new apartment building (21 apartments) and associated landscaping, changes to highways and parking be **APPROVED**, subject 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 6th June, 9th August and 17th December 2018 (including dwg. nos. E1206-GSA-HG-DRG, E1206-GSA-HG-DRG-A-300 Rev C3, LL(0)HG400 Rev PT-07, E1206-GSA-HG-DR-A-1101 Rev C3, E1206-GSA-HG-DR-A-1102 Rev C3, E1206-GSA-HG-DR-A-1103 Rev C3, E1206-GSA-HG-DR-A-1104 Rev C3, E1206-GSA-HG-DRG-A-1201 Rev C3, E1206-GSA-HG-DRG-A-1202 Rev C3, E1206-GSA-HG-DRG-A-1210 Rev C1 and E1206-GSA-HG-DRG-A-1211 Rev C1) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Pre-commencement condition: A Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.  
**Reason** for pre-commencement condition: In the interest of the

environment of the site and surrounding areas. 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.

- 4) Pre-commencement Condition: No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.  
**Reason** for pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water 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.
- 5) Pre-commencement condition: - No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Hydrograph Storage Analysis (Winter Profile) at 2.5 l/s, HR Wallingford Greenfield Runoff Based On 0.165 ha and Drainage Layout 170501/AR/110 dated 28.08.2018.  
**Reason** for pre-commencement condition: 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, and to ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
- 6) 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.
- 7) 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.
- 8) No part of the development hereby approved shall be brought into its

intended use until the on-site parking facilities and access thereto, have been provided in accordance with the requirements of this permission. Thereafter the said facilities shall be retained for those purposes at all times.

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

- 9) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided as shown on drawing no E1206-GSA-HG-DR-A-1101 Rev C3, and the cycle parking shall be maintained at all times thereafter.  
**Reason:** To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.
- 10) The development shall be implemented in accordance with the approved remediation scheme (from South West Geotechnical Ltd Report No. 8851C, August 2018 Version 4) unless otherwise agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An updated investigation and risk assessment must be undertaken, and where remediation is necessary an updated remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of 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.
- 11) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.  
**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby.
- 12) The development hereby approved shall be implemented in strict accordance with the assessment, recommendations and mitigation measures as set out in Section 4 of the Preliminary Ecological Appraisal prepared by Richard Green Ecology (version 1.0 dated May 2017) and submitted in support of the application.  
**Reason** - To ensure that the development is carried out in a way that minimises the ecological impact and enhances the biodiversity interest of the site.
- 13) The development hereby approved shall be implemented in accordance with the provisions and recommendations contained within the submitted Framework Travel Plan dated May 2018 prepared by Trace Design Consultants Ltd (Project Ref 4291).  
**Reason** - To encourage the adoption of sustainable modes of transport and

minimise reliance on private motor vehicles.

- 14) The development shall not begin until a scheme for the provision of affordable housing (as defined in Annex 2 National Planning Policy Framework) as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided and retained in accordance with the approved scheme. The scheme shall include:
- i) the numbers, type, tenure and location on the site of the affordable housing provision to be provided;
  - ii) the timing of the construction of the affordable housing;
  - iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

**Reason** – To ensure that the scheme provides appropriate affordable housing in accordance with Policy CP7 of the Council's Adopted Core Strategy.

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#### **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday at 9.30 a.m. The Councillors attending will be Mitchell, Morse and Williams.

(The meeting commenced at 5.30 pm and closed at 7.07 pm)

Chair