

## **PLANNING COMMITTEE**

Monday 10 February 2020

### **Present:-**

Councillor Lyons (Chair)

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

### **Also Present**

Chief Executive & Growth Director, Director (BA), Principal Project Manager (Development) (PJ), Principal Project Manager (Development) (HS), Highways Development Management Officer and Democratic Services Officer (Committees)

### 15 **MINUTES**

The minutes of the meetings held on 6 and 13 January 2020 were taken as read, approved and signed by the Chair as correct.

### 16 **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

### 17 **PLANNING APPLICATION NO. 19/0733/FUL - 7-9 AND 10 BLACKBOY ROAD, EXETER**

The Principal Project Manager (Development) (PJ) presented the application for the retention of the Sorry Head public house and demolition of the vehicular servicing centre and re-development with a three/four storey building comprising of a ground floor retail unit (Class A1), purpose built student accommodation development (72 bedspaces) above, one warden's flat and associated private amenity space, secure cycle storage and landscaping.

The Principal Project Manager (Development) stated that several revisions had been made to the proposal including a reduction in height and the setting back of the development into the site. It was considered to be acceptable in the setting of the Belmont Conservation Area with the retention of the frontage of the Sorry Head also making a positive contribution. The appropriate use of render and brick would be addressed within the conditions.

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

- local residents accept the need to re-develop the site but disappointed that it is identified for student housing rather than affordable accommodation to help contribute to the character of the area;
- the development will have an adverse impact on existing heritage assets including the Sorry Head, the Moose Hall and the neighbourhood has particular sensitivities because of the 15<sup>th</sup> Century St Anne's Chapel as there will be an impact on the view of this building;
- the development is detrimental to local residents' amenity, outlook, light and quality of life;
- roof design is incongruous to existing buildings in the area;
- removal of parking bays to enable dropping off and picking up of occupants

will result in an increase in on-street parking in the area particularly as some students may still bring cars;

- development will contribute to the over saturation of student accommodation/houses in multiple occupation in the area and tip the balance in respect of late night noise etc. already experienced;
- fire safety is a concern and a report from the Devon and Somerset Fire and Rescue Authority is necessary;
- the proposal is an overdevelopment of the site and shadow analysis has confirmed the adverse light impact on properties and gardens resulting in the loss of outlook for neighbours. This, in turn, will impact on the health and wellbeing of residents;
- a gap of 17 metres from the rear of the development to some neighbouring properties falls short of the 22 metres standard; and
- it is a regressive and anachronistic proposal which does not reflect the ambitions of the City Council's Liveable Exeter Garden Vision and should be rejected on grounds of design, scale, height and impact on residents and their quality of life

Mr Summers spoke against the application. Referring to a series of sectional drawings and photographs of his garden and the surrounding area he raised the following points:-

- the four-storey block replaces a much lower building on the site impacting on the amenity of 116 Old Tiverton Rd. The proposed new building is very tall and close and will have a detrimental effect on the outlook from the back;
- the new building will significantly interfere with sunlight and daylight as evidenced by a shadow analysis. This analysis differs from that of the architect as it used British Standard Time not Greenwich Mean Time; and
- the proposed development does not allow residents to enjoy good quality outlook because the existing properties are entirely dominated by the proposed building.

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

- one Member was supportive of the design;
- other Members, with one suggesting that the location could possibly be acceptable for student accommodation, were opposed to the appearance, scale and massing, considering the building to be overbearing and having an oppressive impact on neighbours including their back gardens;
- the scale and massing to the rear rather than the front was of concern;
- a report from the Fire Safety Officer was sought; and
- some concern was raised in respect of the frontage elevational treatment.

**RESOLVED** that the application for the retention of the Sorry Head public house and demolition of the vehicular servicing centre and re-development with a four storey building comprising of a ground floor retail unit (Class A1), purpose built student accommodation development (72 bedspaces) above, one warden's flat and associated private amenity space, secure cycle storage and landscaping. be **DEFERRED** for the following issues to be addressed:-

- impact of the development on the street scene;
- loss of light and outlook to neighbouring properties;
- revisions to rear elevation and rear amenity space;

- provision of secure cycle parking; and
- to seek the views of the Devon and Somerset Fire and Rescue Authority.

18

**PLANNING APPLICATION NO. 19/0962/FUL - LAND OFF PULLING ROAD, PINHOE, EXETER**

The Principal Project Manager (Development) (PJ) presented the application for residential development for 40 dwellings with associated access, landscaping, open space and infrastructure.

The Principal Project Manager (Development) reported that:-

- the applicants were promoting zero carbon housing for the whole scheme, a consequence being an increase in the building cost per dwelling (estimated at approximately £27,700);
- the applicants had offered a provision of only 15% affordable housing whilst the policy required a 35% provision, that is, an offer of six affordable housing out of a total of 40. They had submitted a viability report stating that the combination of zero carbon dwellings and highway and educational contributions had resulted in the policy compliant level of 35% provision being unachievable. This conclusion of the viability assessment had been accepted by the Council's independent viability assessor as an acceptable compromise; and
- a request could be made for the provision of a footpath to the boundary but there was no guarantee that this would be continued should the adjacent site be developed.

Responding to a Member's query, the Highways Development Management Officer advised that a Pinhoe Area Access Strategy had been produced identifying mitigation measures across the highways network in this area including the E4 Cycle route, improvements to the pedestrian network and enhanced bus provision together with the proposed Langaton Lane Link Road.

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

- object to yet a further development in an area where there has been a significant number of other developments impacting adversely on the green belt land and wildlife corridor;
- major increase in population causing additional sewage, drainage, light pollution and impact on ground stability;
- Pinhoe suffers from severe traffic congestion particularly around commuter and school traffic periods and the present road infrastructure is inadequate to cope with further developments;
- the road is too narrow and additional properties will lead to highway safety issues;
- noise will be generated from the heat pumps; and
- detrimental impact on residential amenities, schools, medical surgery etc.

Mr Carr spoke in support of the application. He raised the following points:-

- Verto has operated for 10 years and its key goal is to change the way people live and to provide a radical change in the South West housing market;
- wishes to encourage a carbon zero lifestyle and use of clean renewable energy away from fossil fuel, CO<sub>2</sub>, gas burners and wood burners; and

- reflects the City Council goal of becoming carbon neutral by 2030.

He responded as follows to Members' queries:-

- can look to reduce car parking provision to help development proceed but acknowledge that a car free offer can hinder sales;
- at previous schemes a slight premium has been added because of the sustainable nature of the properties and as a response to demand;
- heat pumps will not be noisy and will not be audible outside properties;
- will seek to add two electric car charging points in each household port; and
- would be open to the suggestion to review affordable housing provision.

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

Members expressed the following views:-

- disappointment that affordable housing provision was less than the City Council policy compliant level of 35%;
- the balance between the construction of zero carbon dwellings and affordable housing provision should be revisited;
- cumulative impact of developments in Pinhoe as well as East Devon is detrimental to the highway network and leading to increased congestion. A car free development would therefore be preferable; and
- further consideration should be given to both increasing the affordable housing provision and reducing car parking spaces.

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

**RESOLVED** that the application for residential development for 40 dwellings with associated access, landscaping, open space and infrastructure be **DEFERRED** for the applicant to respond to the requirements for increased provision of affordable housing and reduced car parking provision.

19

**PLANNING APPLICATION NO. 19/1460/OUT - LAND OFF PENNSYLVANIA ROAD, EXETER**

The Principal Project Manager (Development) (PJ) presented the application for outline application for residential development for up to 26 dwellings with all matters reserved except access.

The Principal Project Manager (Development) reported the receipt of further representations from the applicant's agents objecting to the reasons in the report for refusing the application and requesting the deferral of the application. He advised that the report's recommendation that the site for housing would have a detrimental impact on the character and appearance of the area identified as important for landscape setting remained and that the protection of the landscape outweighed the need for housing. The request for deferral therefore was not warranted.

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

- the safety of local residents will be compromised as an additional development will increase the dangerous traffic conditions along

Pennsylvania Road which lacks footpaths on both sides. Motorists often miss the speed limit sign which is located outside the built up area. There are a number of incidents where debris has been collected resulting from accidents and there has been one fatality;

- the road is not safe for pedestrian and cyclists and there is a long walk to the nearest bus stop in Stoke Valley Road;
- the site is close to two stables and the safety and health of horses may be compromised;
- adverse impact on bio-diversity of the area;
- an additional settlement will adversely affect water supply in the area as well as causing additional flooding during periods of high run off; and
- there will be an adverse impact on the landscape setting and character of the green hills.

The recommendation was for refusal for the reasons set out in the report.

**RESOLVED** that outline planning permission for residential development for up to 26 dwellings with all matters reserved except access be **REFUSED** for the following reasons:-

1. The development is contrary to Policy LS1 of the Exeter Local Plan First Review and Policy CP16 of the Exeter Core Strategy. The development would result in harm to the character and local distinctiveness of this rural area evidenced in the Exeter Landscape Sensitivity and Capacity Study and the Devon Landscape Character Area Assessment by reason of it contributing to the urbanisation of the area and detracting from the rural green hillside setting.
2. The development is contrary to Policies LS1 & LS4 of the Exeter Local Plan First Review and CP16 of the Exeter Core Strategy. The creation of vehicular access for the site to the serve the residential units in this location would result in the loss of a substantial section of hedge bank fronting onto Pennsylvania Road detrimental to the visual landscape character and appearance of the area and harmful to the biodiversity of the area located with a site of local interest for nature conservation.
3. In the absence of sufficient highway information, particularly in respect of a Road Safety Audit regarding pedestrian access to and from the site, the Local Planning Authority as advised by the Local Highway Authority is unable to confirm that the scheme meets necessary highway safety standards onto the existing highway network and therefore is contrary to Policy DG1 of the Exeter Local Plan First Review and Policy CP9 of the Exeter Core Strategy.

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**PLANNING APPLICATION NO. 19/1621/FUL - WHIPTON BARTON HOUSE,  
VAUGHAN ROAD, EXETER**

The Principal Project Manager (Development) (HS) presented the application for demolition of existing buildings and construction of 92 apartments, access and parking, landscaping and associated infrastructure/highways works.

The Principal Project Manager (Development) reported:-

- the comments of the Police Architectural Liaison Officer on additional design issues;
- an updated condition two;

- objections in respect of tree planting;
- the use of Passivhaus construction techniques throughout;
- car parking limited to 46 spaces including five disabled spaces and five for electric car club cars on Vaughan Road and Hill Lane. Five hire bikes would be provided together with 118 cycle parking spaces. Charging points would be installed for electric vehicles. There would be eight units of a wheelchair accessible design and eight scooter charging points;
- in respect of affordable housing, a viability assessment had been carried out by Plymouth City Council which advised that the return would be less than that expected by a commercial developer and that, whilst the scheme would be required to make a CIL contribution, it would not be able to support affordable housing sought by Core Strategy Policy CP7 or Section 106 developer contributions. The scheme would therefore be considered as from a planning perspective as 100% market housing with restrictions on occupation or disposal. Whilst no affordable housing would be secured through the planning system it was the applicant's intention that 60 of the 92 units would be delivered as affordable housing with third party funding.

Mr Tarbet spoke in objection to the application. He raised the following points:-

- the RD&E had made a Section 106 claim under the Town and Country Planning Act 1990 worth £118,000 in December 2019 but the Council officers had rejected the claim based on no justification and insufficient information;
- legal opinion states that health is a material consideration and the National Planning Policy Framework (NPPF) covers healthy communities;
- approximately 1,000 houses require £1 million to deliver health service per annum which is considered reasonable and fair and is related in scale and kind to the development;
- a failure to mitigate will result in lower quality care and higher costs of vital health services; and
- a detailed model used elsewhere in the UK had been provided as evidence.

He responded as follows to Members' queries:-

- support is sought for secondary care not primary;
- with regard to timing and expectation behind the request, the NHS has only recently considered the need for contributions because of the growth in housing developments nationwide and is considered legitimate in law. Although a contribution of £1,000 would be the average sought for a property, when aggregated, the contribution for 50,000 new homes would require a £50 million contribution without which the performance of hospitals would be expected to dip. Contributions would not be just for A and E but towards patient flow through the hospital; and
- similar approaches are being made to neighbouring authorities with a lead being sought from Exeter. A Teignbridge contribution was being sought in respect of Torbay Hospital.

The Principal Project Manager (Development) reiterated Members empathy with the NHS on the funding situation. He agreed that health provision was capable of being a material consideration and advised that robust evidence in respect of any funding sought should properly be tested at local planning examination following public consultation, including with the development industry, supported by viability analysis of the plan provisions as a whole. Such representations had not been made in the preparation of the Core Strategy which had been adopted in 2012.

Representation had been made and contributions secured for some primary care and to safeguard land for GP provision as part of new development. The request in this case was not considered to meet the tests and guidance in respect of CIL and Section 106 contributions. It was noted that a similar request for contributions made in respect of a recent appeal for a housing development in the city had been declined by the Inspector. The NHS Trust was encouraged to continue working with the City Council on this issue particularly as the Greater Exeter Strategic Plan progressed.

Mr Childs spoke in support of the application. He raised the following points:-

- the design set a new standard for public housing in Exeter and the region. It will be one of the most sustainable developments in the country outside London. Using Passivhaus principles of construction - energy management and high levels of insulation - flats will cost less than £200 per year to run;
- provides high quality spaces and places for people to live;
- the ambition is to create a community that is part of Whipton Village.
- the apartments are collected around a community garden which will be accessible to everyone and the landscape will promote wildlife and biodiversity and includes fruit trees and vegetable gardens;
- will be an inclusive neighbourhood that promotes social interaction;
- will be managed as a mix of tenures but tenure blind, except for eight adapted flats, designed for accessibility, with more generous circulation areas and eight covered parking bays for electric buggies; and
- described by the South West Design Review Panel as exemplary in conception and design.

The recommendation was for approval, subject to a Section 106 Agreement under the Town and Country Planning Act 1990 and the conditions as set out in the report.

Members:-

- welcomed the means of providing affordable housing as set out in the report and praised the consultation process undertaken with local residents;
- referred to the provision of homes which would help residents live healthier, longer lives; and
- supported ongoing engagement with the NHS on the issue of financial contributions towards health care provision.

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

- Arrangements for the ongoing management of communal spaces, landscaping, means of enclosure, access controls and open spaces;
- Travel Plan measures;
- Completion of agreements with the Highway Authority for works in the Highway; and
- Habitats Mitigation payments (where any CIL exemption is sought).

planning permission for demolition of existing buildings and construction of 92 apartments, access and parking, landscaping and associated infrastructure/highways works be **APPROVED**, subject also to the following conditions which may be varied or removed as necessary if the conditions are

satisfactorily resolved prior to the issue of the decision notice, or switched between the conditions and Section 106 Agreement:-

- 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 18 November 2019, and 28 and 30 January 2020 (including dwgs listed below) as modified by other conditions attached to this consent.

18/505/010 Ground Floor Site Plan Rev C  
18/505/020 Block A Ground and First Floor Rev B  
18/505/021 Block A Second and Third Floor Rev -  
18/505/022 Block A Roof Plan Rev -  
18/505/025 Block B1 Floor Plans Rev B  
18/505/026 Block B1 Roof Plan Rev -  
18/505/030 Block B2 Ground and First Floor Rev B  
18/505/031 Block B2 Second and Third Floor Rev -  
18/505/032 Block B2 Roof Plan Rev -  
18/505/035 Blocks C1 and C2 Floor Plans Rev B  
18/505/060 Block B1 Elevations Rev B  
18/505/061 Block B2 Elevations Rev B  
18/505/062 Block A Elevations Rev B  
18/505/063 Block C1 Elevations Rev A  
18/505/064 Block C2 Elevations Rev A  
Arb Impact Assessment and Tree Protection Plan Rev A

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

- 3) Notwithstanding the approved plans no development, other than the demolition or stripping-out of the existing buildings, shall commence on site until the detailed matters listed below have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details.
  - a) Detailed design of the bins stores and entrances into buildings from Vaughan Road, Hill Lane and Pinhoe Road.
  - b) Means of enclosure within the site.
  - c) Cycle stores
  - d) External lighting

**Reason:** In the interests of visual amenity and the living conditions of future occupiers.

- 4) No development, other than the demolition or stripping-out of the existing buildings, shall take place until details of the proposed finished floor levels and overall heights of the proposed building, as indicated on the approved drawings and set in relation to an agreed fixed point or Ordnance Survey datum, has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.  
**Reason:** In order to ensure compliance with the approved drawings.



- 5) A schedule of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. Samples of these materials shall be submitted where requested by 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 to the visual amenity requirements of the area.

- 6) No development, other than the demolition or stripping-out of the existing buildings, 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 building(s) 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:** In the interests of the protection of human health and the natural environment.

- 7) 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 monitor and control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent from the LPA.

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

**Reason:** In the interests of the protection of human health and the natural environment.

- 8) No development, other than the demolition or stripping-out of the existing buildings, shall take place until the applicant has submit for approval in writing by the LPA an Acoustic Design Statement. Any mitigation measures required shall be implemented in full prior to occupation of the development, and maintained thereafter. The Professional Practice Guidance Note

(ProPG): Planning and Noise for New Residential Development May 2017 (ANC, IoA and CIEH) describes the expected content and approach of an Acoustic Design Statement.

**Reason:** In the interests of the living conditions of future occupiers of the site.

- 9) Noise from all building services plant shall not exceed a rating noise level of 39dB (07:00 to 23:00) and 30dB (23:00 to 07:00) (measured at the façade of any noise sensitive property in accordance with BS4142:2014).  
**Reason:** In the interests of protecting the neighbouring occupiers from noise nuisance.
- 10) No development, other than the demolition or stripping-out of the existing buildings, shall take place on site until an air quality assessment has been carried out in accordance with a programme and methodology to be agreed in writing by the Local Planning Authority and the results, together with any mitigation measures necessary, have been agreed in writing by the Local Planning Authority. The development shall not be occupied until the approved mitigation measures have been implemented.  
**Reason:** In the interests of protecting human health and the natural environment.
- 11) A sustainable surface water management strategy for the site shall be submitted to and approved in writing by the Local Planning Authority before development, other than the demolition or stripping-out of the existing buildings, commences on site. The approved strategy shall subsequently be implemented on site before any building is occupied.  
**Reason:** In the interests of sustainable drainage.
- 12) No part of the development hereby approved shall be brought into its intended use until details of vehicular access points have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the access points have been provided, surfaced and marked out in accordance with the approved plans retained for those purposes at all times.  
**Reason:** To provide a safe and suitable access for vehicles, pedestrians and cyclists in accordance with Paragraph 108 of the NPPF.
- 13) No part of the development hereby approved shall be brought into its intended use until the raised crossing on Vaughan Road and relocated crossing point on Vaughan Road, as indicated on Drawing No. SK08 have been provided in accordance with details and specifications that shall previously have been submitted to, agreed 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 Paragraphs 108/110 of the NPPF and CP9 of the Exeter City Council Core Strategy
- 14) No development, other than the demolition or stripping-out of the existing buildings, shall take place on the application site until details of the relocated bus stop has been provided and made available for use in accordance with detailed drawings which shall previously have been submitted to an approved in writing by the Local Planning Authority in consultation with Devon County Council as the Local Highway Authority and Stagecoach. No apartments comprised in the development shall be occupied until the bus stop location

has been fully agreed/relocated in accordance with the approved details  
**Reason:** To provide a safe and suitable access for buses, pedestrians and cyclists in accordance with Paragraph 108 of the NPPF

- 15) No part of the development hereby approved shall be brought into its intended use details of a raised crossing at Summer Lane, changes to Hill Lane (i.e. surface materials/street furniture) and the removal of guardrail/bollards on Pinhoe Road have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the crossing, materials and the details to the changes in the vicinity of the signalised crossing on Pinhoe Road have been provided, surfaced and marked out in accordance with the approved plans retained for those purposes at all times.  
**Reason:** To provide a safe and suitable access for vehicles, pedestrians and cyclists in accordance with Paragraph 108 of the NPPF
- 16) No part of the development hereby approved shall be brought into its intended use until details of pedestrian access on Hill adjacent to the Co-Car spaces have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the pedestrian access have been provided, surfaced and marked out in accordance with the approved plans retained for those purposes at all times.  
**Reason:** To provide a safe and suitable access for vehicles, pedestrians and cyclists in accordance with Paragraph 108 of the NPPF
- 17) No part of the development hereby approved shall be brought into its intended use until the 5 Co-Car spaces, e-bike docking stations (including 5 bikes) and the sheltered secure cycle spaces as indicated on Drawing No. RF-083-001 Rev C have been provided in accordance with details and specifications that shall previously have been submitted to, agreed 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 Paragraphs 108/110 of the NPPF and CP9 of the ECC Core Strategy.
- 18) Prior to occupation of the development hereby permitted, a travel pack/car park management plan shall be provided informing all residents of walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car sharing schemes and car clubs, as appropriate, the form and content of which shall have previously been approved in writing by the Local Planning Authority. The travel plan shall include provisions for the ongoing monitoring and control of the sustainable measures.  
**Reason:** To ensure that all occupants of the development are aware of the available sustainable travel options, in accordance with Paragraph 111 of the NPPF.
- 19) Before commencement of construction of the superstructure of the development hereby permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations or other equivalent standard as may be agreed in writing by the Local Planning Authority can be achieved. The measures necessary to achieve the 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.

- 20) No development, other than the demolition or stripping-out of the existing buildings, 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:** 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.
- 21) Any trees, shrubs and/or hedges on or around the site, other than those shown as being removed on the Arboricultural Impact Assessment and Tree Protection Plan rev A received 28.01.2020 shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 22) A detailed scheme for landscaping, 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.
- 23) 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.
- 24) The development shall only be carried out in accordance with the avoidance, mitigation and compensatory measures in the Conservation Action Statement appended to the Wildlife Survey report version 002, including (unless otherwise agreed in writing) the installation of bat boxes (minimum 4 no.), swift nesting bricks (minimum 48 no. cavities) and sparrow terraces (minimum 4 no.) in the completed development. These shall be retained thereafter unless previously agreed in writing by the Local Planning Authority.  
**Reason:** In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

## Informative

- 1) 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.
- 2) 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 (i.e. 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).
- 3) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
- 4) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary 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).

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

The report of the Service Lead City Development was submitted.

**RESOLVED** that the report be noted.

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#### **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 3 March 2022 at 9.30 a.m. The Councillors attending will be Councillors Ghusain, Harvey and Mrs Henson.

(The meeting commenced at 5.30 pm and closed at 7.53 pm)

Chair

DRAFT