

## PLANNING COMMITTEE

Monday 16 March 2020

### Present:-

Councillor Lyons (Chair)

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

### Apologies

Councillor Sparkes

### Also Present

Director (BA), Principal Project Manager (Development) (MD), Principal Project Manager (Development) (PJ) and Democratic Services Officer (Committees) (HB)

24

### MINUTES

The minutes of the meeting held on 10 February 2020 were taken as read, approved and signed by the Chair as correct.

25

### DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

26

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

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

The Principal Project Manager (Development) advised of two late objections from the Chair of the Railfuture Devon and Cornwall Branch and the Chair of SERUG (Salisbury to Exeter Rail Users Group) which is affiliated to Railfuture, requesting that the new buildings be pulled back by 25 metres from the railway line to facilitate any identified future railway improvements. He reported that Network Rail had been asked to respond and that it had confirmed that it had no objection to the application as it had sold the land to Eutopia Homes in 2018, and had carried out consultation revealing no impact on future rail projects.

The Principal Project Manager (Development) presented the scheme in detail highlighting the following:-

- provision of a mixed housing scheme comprising 465 units in total, meeting a variety of housing needs and to create a balanced community. The scheme included a five storey apartment block with 66 apartments near to Mount Pleasant Road, 104 four-bed townhouses, a 'Village Green', two blocks of 230 Build to Rent apartments, a hard landscaped square, referred to as 'Pump House Square', a converted and extended water tower building to contain a

- management suite and social hub for the Build to Rent apartments and a part 4/5 storey block containing 65 'senior living with care' apartments;
- details of vehicular access to the site from the road serving Morrisons and making the existing access to/from Mount Pleasant Road a pedestrian/cycle access point only, except for emergency vehicles;
- low car parking to encourage more sustainable modes of travel, including walking, cycling and public transport, as well as reducing the dominance of cars in the street-scene with a total of 192 car parking spaces across the scheme as a whole. Over 1,000 cycle parking spaces would be provided across the scheme;
- a package of affordable housing provision of 105 units; and
- the following financial contributions:-
  - £1,051,421 education contribution;
  - £500,000 towards Stoke Hill Roundabout improvements;
  - £333,139 towards allotment link option two;
  - £25,000 towards Traffic Regulation Orders; and
  - £134,767 to expand Mount Pleasant Surgery.

With reference to the allotment link option two, Members referred to the objections received including from the management committee of the Prince Charles Road Allotment Association against Devon County Council's request as Local Highway Authority to secure funding to provide a pedestrian/cycle shared footpath link to the development site through the Prince Charles Road allotments site. The Principal Project Manager (Development) advised that the design details of this access would be the subject of a separate planning application, however acceptance of the contribution would indicate support in principle.

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

- support from the community for the development of this brownfield site but object to the density of the development which will accommodate some 1,500 people as well as the scale of the buildings;
- despite the aim to reduce the dependency on cars, such as the Co-Car scheme, the number of parking spaces will be inadequate to serve the total number of people accommodated and will lead to parking in surrounding streets including the car park of St. James Church which is well used by the wider community;
- the height of the buildings will impact adversely on the neighbourhood and cast shadows over the adjacent allotments which are important for the health and well-being of the community;
- concerns that the dwellings could be occupied by students and change the balance of the community;
- the Mount Pleasant Health Centre has already expanded its foot print and may not have the resources to staff a further expansion;
- concerns that the properties will not be sufficiently insulated to reduce noise and that the play area is not adequate enough and with an area also needed for teenagers; and
- a more proportionate development should be sought.

The Principal Project Manager (Development) advised that the development had been designed in accordance with national planning policy/guidance to make efficient use of land in regard to density. Also, a management plan would be secured as part of the Section 106 legal agreement to control car parking on the

site and that Traffic Regulation Orders would help mitigate parking issues off site. He advised that the scale of the buildings was considered appropriate and a further condition could be added to restrict occupation by students on the site. Also, Condition 21 required sound insulation schemes to be submitted and details of the children's play area would be covered by the application(s) for reserved matters details of landscaping.

Mr Yarwood spoke against the application. He raised the following points:-

- speaking on behalf of the Prince Charles Road Allotment Association. These Council owned allotments provide some 300 people direct and indirect benefits furthering social wellbeing. There was a current occupancy rate of 95%;
- the County Council require a pedestrian/cycle path through the allotment site to link the development with Prince Charles Road which would divide the allotment community into two parts, separated by new gates and fences;
- the proposal utilizes the existing track beside the Trading Hut and would mix cars, pedestrians and cyclists on the path travelling in different directions, a recipe for accidents;
- the Trading Hut is the focal point of the allotment community acting as a sale and function room and the path will impact on these activities;
- vandalism and theft, against the Trading Hut, will increase because of increasing public access;
- environmentally, the site is a valuable corridor and haven for wildlife in an urban environment, a value which will increase as the development proceeds covering more land and buildings with hard surfacing; and
- the negative impact of this short cut across the allotment site is significant and will outweigh any benefits of saving cyclists and pedestrians a longer journey.

He responded as follows to Members' queries:-

- the alternative access site near the boundary fence of St James Church was discussed with County and City officers but rejected;
- potentially three plots will be affected one of which currently houses a number of bee hives. Keeping of bees on this plot may become unviable if the hives are too close to the public; and
- other community facilities such as rural pubs have been retained through the designation of "asset of community value"

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

- Eutopia Homes are seeking to provide a quality development with a high level of amenity and providing environmental sustainability;
- aim is to encourage sustainable modes of transport with car parking provision for only 50% of dwellings, car sharing opportunities, electric charging points and 1,000 cycle parking spaces;
- 75% of the site is green space;
- the scheme was supported by the Design Review Panel;
- 105 affordable homes will be delivered and provision for the elderly;
- the access point through the allotments was requested by the County Council and if the link is not supported the financial contribution will stand and can be used for other purposes; and
- Eutopia Homes believe the development will be a benchmark for Exeter.

Members made the following comments:-

- high density developments of this nature help meet the shortage of homes in the city and such developments are popular on the continent. The development offers a good mix of living units;
- reduction of car parking spaces welcome, particularly given the City Council's commitment to a Carbon Neutral city;
- pedestrian links important to further encourage sustainable travel modes to local facilities; and
- development of this brownfield site protects green space from development elsewhere in the city.

One Member voiced their support for the proposal, but not the pedestrian/cycle shared footpath link through the Prince Charles Road allotments required by Devon County Council and asked the Principal Project Manager (Development) to clarify the implications of approving the application on provision of this link. The Principal Project Manager (Development) advised that the link would need to be the subject of a separate planning application and the Section 106 legal agreement could allow for the contribution to be used for the provision of offsite affordable housing should this link, or any other link through the allotments site, prove to be unfeasible to deliver.

Members commented as follows:

- given the objections raised by the allotment holders to the proposed access point a full consultation should take place with them on the County's proposal and subsequent planning application. Should it not proceed, the financial contribution set aside for the access should be utilised in accordance with the Principal Project Manager's advice; and
- the site is adjacent to an Article 4 area and to control the potential occupation by students an additional condition should be added to remove permitted development rights in respect of the change of use of Class C3 use (Dwellings) to Class C4 use (Houses in Multiple Occupation (HMOs)).

The recommendation was for approval subject to the provisions set out in the Additional Information Sheet.

The recommendation was moved and seconded, with a further condition to remove permitted development rights allowing the change of use of Class C3 use (Dwellings) to Class C4 use (Houses in Multiple Occupation (HMOs)) and for the Section 106 legal agreement to allow for the contribution for allotment link option 2 to be used for the provision of offsite affordable housing should this link or any other link through the allotments site not be feasible to deliver.

**RESOLVED** that subject to:-

- a) the Service Lead City Development being granted delegated authority to determine the updated highways drawings/technical information requested by the Local Highway Authority in its consultation response dated 1 November 2019 and revised drawings showing an additional 'accessible for all' path traversing the wooded slope, subject also to prior consultation with the Chair and the Local Highway Authority over these matters; and
- b) the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 securing the following package of affordable housing and listed contributions:-

- 33 affordable units from Block A (that is half the building) and 15 affordable townhouses (pepper potted) (equating to 28% of 170 units for sale) - 70% of each to be social rented in accordance with Policy CP7 and three socially rented flats to be wheelchair accessible in accordance with Part M4(3)(2)(b) of the Building Regulations;
- 57 affordable Private Rent units (25% of 230 Build to Rent units) in Blocks B and C; affordable private rent units to be at least 20% less than the private market rent (inclusive of service charges);
- £1,051,421 education contribution (including £759,854 secondary contribution towards the new school at South West Exeter);
- £500,000 towards Stoke Hill Roundabout improvements;
- £333,139 towards allotment link option two or offsite affordable housing should this link or any other link not be feasible to deliver;
- £25,000 towards Traffic Regulation Orders;
- £134,767 to expand the Mount Pleasant Health Centre; and
- CIL liability on 295 open market sale/buy to rent units (with CIL liability not applying to Block D or affordable units).

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

planning permission for the construction of 400 residential dwellings (Class C3), 65 senior living with care units (Class C2), new public open and green spaces, access road, refurbishment and extension of locally listed former water tower, and associated works (Landscaping reserved for future consideration) be **APPROVED**, subject also to the following conditions, a new condition 41 in respect of permitted development rights and to the Service Lead City Development being granted delegated authority to add/amend conditions if necessary following the completion of a) above: -

1. Reserved Matters

Details of the landscaping (hereinafter called "the reserved matter") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

**Reason:** To safeguard the rights of the local planning authority in respect of the reserved matter. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matter.

2. Standard Time Limits – Outline Planning Permission

Application for the approval of the reserved matters relating to the development hereby permitted in outline shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development hereby permitted in outline shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.

**Reason:** To ensure compliance with sections 91 - 93 of the Town and Country Planning Act 1990.

3. Approved Plans and Documents

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

(To be confirmed following completion of a) above)

**Reason:** To ensure the development is constructed in accordance with the approved plans.

4. Boundary with Network Rail

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

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

***Pre-commencement Details***

5. Construction and Environmental Management Plan (CEMP)

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

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

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

**Reason:** To protect the biodiversity of the site including protected species, taking into account the recommendations of the submitted protected species reports. A CEMP is required before any development begins to

ensure that appropriate mitigation measures are identified and carried out during the construction phase.

6. Precautionary Working Method Statement for Reptiles

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

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

7. Invasive Non-Native Species Mitigation

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

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

8. Contaminated Land

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 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 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. Detailed Permanent Surface Water Drainage Scheme

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 and Network Rail. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the submitted Flood Risk Assessment and Drainage Strategy Report (AECOM, April 2019) (Revision 04, 16.10.2019). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

**Reason:** To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems. A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.

(Advice: Refer to Devon County Council's Sustainable Drainage Guidance.)

10. Surface Water Drainage Management System (Construction)

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 and Network Rail. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site. The approved surface water drainage management system shall be implemented and maintained throughout the construction period.

**Reason:** To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area. These details are required pre-commencement as specified to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

11. Exceedance Pathways and Overland Flow Routes

No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority and Network Rail. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water



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

12. Adoption and Maintenance Arrangements

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The permanent surface water drainage management system shall be adopted and maintained as approved.

**Reason:** To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

13. Detailed Survey of Culvert

No part of the development hereby permitted shall be commenced until a detailed survey of the culvert within the site has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The survey shall confirm the location, levels, diameter and condition of the culvert.

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

14. Capacity Assessment of Culvert

No part of the development hereby permitted shall be commenced until a capacity assessment of the culvert within the site has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The capacity assessment shall confirm the contributing area draining to the culvert.

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

15. Energy 1

Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 in respect of Energy and CO<sub>2</sub> Emissions including a 44% CO<sub>2</sub> emissions rate reduction from Building Regulations Part L 2006 as a minimum, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical

Guide November 2010 and the Code Addendum May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.

**Reason:** In the interests of sustainable development.

16. Energy 2

Prior to the commencement of the development hereby permitted, the developer shall submit to the Local Planning Authority an assessment to show how the requirements of condition 15 above will be met. The measures set out in that assessment shall subsequently be implemented on site in relation to each individual dwelling prior to the first occupation of that dwelling.

**Reason:** To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. This information is required before development commences to ensure that a sustainable design is finalised before any irreversible element of the construction process takes place.

17. Phasing Plan

Prior to the commencement of the development hereby permitted a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing plan.

**Reason:** To ensure all parts of the development, including infrastructure, are delivered in an appropriate order. A phasing plan is required before development begins to confirm the order the development will be carried out.

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

18. Construction Method Statement

Prior to the commencement of development in any approved phase (including ground works and vegetation clearance works), a Construction Method Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Statements shall provide for:

- a) The site access point(s) of all vehicles to the phase during the construction period.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development within the phase.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to minimise noise nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

The approved Statements shall be strictly adhered to throughout the

construction period of the phase of the development.

**Reason:** To ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that building operations are carried out in an appropriate manner.

19. Waste Audit Statements

Prior to the commencement of development in any approved phase, a Waste Audit Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The statements shall include all information outlined in the waste audit statement template appended to Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statements.

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

20. Tree Protection 1 – Service Runs

Prior to the commencement of development in any approved phase, plans shall be submitted to and approved in writing by the Local Planning Authority showing the routeing of underground apparatus within the phase.

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

21. Sound Insulation Schemes

Prior to the commencement of development in any approved phase, a scheme for sound insulation to protect occupants of the phase from external noise shall be submitted to and approved in writing by the Local Planning Authority. The approved schemes shall be implemented in full prior to occupation of the phases and shall be maintained as agreed thereafter.

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

***Pre-commencement Works***

22. Tree Protection 2 – Tree Protective Fencing

No materials shall be brought onto the site or any development commenced, until the tree protective fencing indicated on drawing numbers TH/A279/0219 Rev 1.0 ('Tree Protection Plan (West)' and 'Tree Protection Plan (East)') within the submitted British Standard 5837:2012 Arboricultural Survey (Tom Hurley, 12<sup>th</sup> April 2019) has been installed and inspected by

an officer of the Local Planning Authority. The developer shall maintain the fencing to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced areas, nor shall trenches for service runs or any other excavations take place within the fenced areas except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.  
**Reason:** To ensure the protection of the trees to be retained during the carrying out of the development. These measures are required pre-commencement as specified to ensure that the health of the trees to be retained are not harmed by building operations.

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

#### 23. Bird Nesting Season

No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird nesting season from March to September, inclusive. If this period cannot be avoided, these works shall not be carried out unless they are overseen by a suitably qualified ecologist and the reasons why have previously been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name and contact details of the ecologist. If nesting birds are found or suspected during the works, the works shall cease until the ecologist is satisfied that the nest sites have become inactive.

**Reason:** To protect nesting birds in accordance with saved Policy LS4 of the Exeter Local Plan First Review and paragraph 175 of the NPPF.

### ***During Construction***

#### 24. Tree Protection 3 – Arboricultural Method Statement

The Arboricultural Method Statement and Arboricultural Method Statement Plan (drawing number TH/A279/0219 Rev 1.0) within the submitted British Standard 5837:2012 Arboricultural Survey (Tom Hurley, 12<sup>th</sup> April 2019) shall be implemented in full and strictly adhered to during the construction phase of the development.

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

#### 25. Unsuspected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of

the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.

**Reason:** No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

26. Ecological Mitigation

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

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

**Pre-Specific Works**

27. Materials

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

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

28. Nesting and Roosting Boxes

Prior to the construction of any buildings within an approved phase of the development (not including the foundations), details of the provision for nesting birds and roosting bats in the built fabric of the buildings within the phase shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as part of the development and retained thereafter.

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

29. Biodiverse Roofs

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

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

30. External Lighting

No external lighting shall be installed on the site unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority, in consultation with Network Rail, (including location, type and specification). The details shall demonstrate how the

lighting has been designed to minimise impacts on local amenity, wildlife and the operation of the railway (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.

**Reason:** To ensure lighting is well designed to protect the amenities of the area, wildlife and the operation of the railway.

31. Vehicle Barriers

The vehicle barriers shown on the approved plans shall not be installed until design details of the barriers have first been submitted to and approved in writing by the Local Planning Authority.

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

***Pre-occupation***

32. Landscape and Ecological Management Plan (LEMP)

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

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

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery. All post-construction site management shall be undertaken in accordance with the LEMP.

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

33. Lighting Design Strategy – Dark Areas

Prior to the first occupation or use of the development hereby permitted, a Lighting Design Strategy to maintain “dark areas” on the site shall be submitted to and approved in writing by the Local Planning Authority. The

Strategy shall include:

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

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

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

34. Travel Plan 1

No part of the development shall be occupied (not including the ‘senior living with care’ apartment block) until a Travel Plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Thereafter the recommendations of the Travel Plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

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

35. Travel Plan 2

No part of the ‘senior living with care’ apartment block shall be occupied until a Travel Plan (including recommendations and arrangements for monitoring and review) for this element of the scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Thereafter the recommendations of the Travel Plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

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

***Pre-occupation – Phases***

36. Cycle Parking

Prior to the first occupation or use of the buildings in any approved phase,

the cycle parking within that phase, as shown on the approved drawings and within the Design and Access Statement (Darling Associates Architects, April 2019), shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

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

37. Car Parking

The buildings in any approved phase shall not be occupied until all of the car parking spaces and access thereto within the phase have been provided and made available for use. The car parking spaces shall be kept permanently available for parking and access purposes thereafter.

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

**Post Occupancy**

38. Plant Noise Levels

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

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

39. Build to Rent Facilities

The facilities shown on page 110 of the submitted Design and Access Statement (Darling Associates Architects, April 2019) shall be used as ancillary facilities for the residential development within the site only.

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

40. Removal of PD Rights

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

Part 1, Class A – enlargement, improvement or other alteration of a dwellinghouse

Part 1, Class B – additions etc. to the roof of a dwellinghouse

Part 1, Class C – other alterations to the roof of a dwellinghouse

Part 1, Class D – porches

Part 1, Class E – buildings etc. incidental to the enjoyment of a dwellinghouse

Part 1, Class F – hard surfaces incidental to the enjoyment of a dwellinghouse



Part 1, Class G – chimneys, flues etc. on a dwellinghouse  
Part 1, Class H – microwave antenna on a dwellinghouse

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

41 Removal of PD Rights 2

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

- Part 3, Class L – small HMOs to dwellinghouses and vice versa

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

The meeting was adjourned at 7.00 pm for ten minutes for the Senior Management Board to update Members on the latest position in respect of the Coronavirus crisis.

27 **PLANNING APPLICATION NO. 19/1676- FUL - ST. ANDREWS YARD, WILLEYS AVENUE, EXETER**

Councillor Bialyk was not present in the meeting for the consideration of this item.

The Principal Project Manager (Development) (PJ) presented the application for the demolition of existing single storey business premises and construction of a new nine dwelling residential apartment block

The Principal Project Manager (Development) stated that the revised scheme was essentially similar to that previously submitted. It largely addressed only one of the two previous reasons for refusal agreed at the July meeting of this Committee, that is, the scheme's poor design in relation to the character of the area. The other reason for refusal, namely the scale, massing and height of the building remained unchanged. The Principal Project Manager (Development) considered that the intention to now pursue a more traditional elevational approach was more appropriate. Consequently, it was considered that the applicant had addressed the

second reason for refusal relating to design. The Principal Project Manager (Development) stated that a planning judgement was necessary to decide whether the changes made to the design of the building outweighed the unchanged height, scale and massing of the proposed building. The recommendation was for approval, subject to the conditions as set out in the report.

The Principal Project Manager (Development) referred to an email objecting to the development received from Councillor D. Moore including the following points:-

- revised development only addresses one of the reasons for refusal. The height and mass of the development remains out of keeping on both the plot and in its location in Willey's Avenue. The whole three story block adjacent to the terrace row is oppressive in its design and mass;
- the design and access statement shows the building in relation to other properties, cited as apartments opposite, but these are at the end of Willey's Avenue, not adjacent to the property; and
- as parking is on site and in a sustainable location, if permission is granted a condition should be added that no on street parking provision be allowed in order to reduce the potential for conflict for car parking on street spaces.

Ms Kidney spoke against the application. She raised the following points:-

- the community does not object to the development of the site but to the current plans. The revised scheme does not address the majority of the previous concerns, particularly size, scale and massing. It is an oppressive, domineering development;
- the design has been altered but not the bulk of this building and it feels like the developer is trying to shoehorn as many people as possible;
- the building still does not fit into the existing street scene. The mass and scale remain excessive, overbearing and visually intrusive. It does not relate well to the adjacent terraced properties and has a poor relationship with the existing neighbourhood;
- this development has a mansard roof which is out of character as most buildings in the local area have a pitched roof;
- the scale and massing of this design will have a huge impact on existing neighbours on three streets and have a detrimental effect on the amenities currently enjoyed and there will be a significant impact upon the sunlight in homes and gardens; and
- although the developer stated that he wished to consult with neighbours and was committed to the local community he had not made any subsequent contact, nor taken up a request from Councillor D. Moore for a community meeting.

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

- there were three/four storey residential buildings in St Thomas as well as Willeys Avenue itself and, as such, the development was not out of character with the area;
- a development in New North Road had been approved even though it was a modern building set within a Grade II Listed Georgian Terrace and did not therefore relate to the context of the neighbourhood;
- no off street parking proposed as part of the development;
- four separate sets of drawings had been prepared responding to issues raised; and

- have responded in great detail to the issues raised by the Councillor.

A number of Members noted that there had been no change to the scale and massing, that the proposal remained oppressive and it was also suggested that an improved quality in design was required to better reflect the setting of the neighbourhood. One Member requested the future proofing of arrangements for bin storage.

The recommendation was moved and seconded.

**RESOLVED** that the application for the demolition of existing single storey business premises and construction of a new nine dwelling residential apartment block be **REFUSED** as the proposal would be contrary to Paragraph 127 (a, b, c, and d) and Paragraph 130 of the National Planning Policy Framework (2019), objective 9 and Policy CP17 of the Exeter Local Development Framework Core Strategy (2012), Policies DG1 (b, g, and h) of the Exeter Local Plan First Review (2005) and the Residential Design Guide SPD (2010) because:-

- 1) by virtue of its scale and massing this apartment block would be dominant and visually intrusive within the streetscene, unsympathetic with and detrimental to the character of this established residential area; and
- 2) the proposed development represents poor design that would fail to take the opportunities to improve the character or quality of the area, would not contribute positively to the visual richness and amenity of the townscape and would not raise the quality of urban living through excellence in design.

28 **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 redevelopment with a four storey building comprising of a ground floor retail unit (Class A1), purpose built student accommodation development (71 bed-spaces) above, one wardens's flat and associated private amenity space, secure cycle storage and landscaping.

The Principal Project Manager (Development) advised that the scheme considered at the previous meeting of this Committee had been amended by:-

- removing the second floor cluster flat to the rear and replacing with a mansard roof setting the highest point 1.3 metres in from the boundary;
- reducing the number of bed-spaces from 72 to 71;
- changing the materials of one of the new units at the front from render to brick with dormer windows reduced in size and plinths added to the base of the walls and cappings added to the top; and
- a commitment, following comments of the Fire and Rescue Service, to provide a dry riser in the main staircase.

Responding to Members' queries he advised that:-

- it would be for the applicant to discuss with a neighbour the issue of a boundary wall in respect of the part demolition of a building which was not a planning matter;
- the student management plan could make reference to ensure that the light from a stairway would not become intrusive to neighbours; and

- the applicant had undertaken to provide cycle parking within a secure courtyard and that some cycle parking spaces would also be provided outside the retail unit.

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 a financial contribution of £3,000 towards a Traffic Regulation Order, planning permission 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 (71 bed-spaces) above, one warden's flat and associated private amenity space, secure cycle storage and landscaping be **APPROVED**, 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 91-92 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall not be carried out otherwise than in accordance with the submitted details received by on 17 January 2020 (dwg no. AS18.64 L.02.00 rev 05 & L.02.01 rev 05) and 26 February 2020 (dwg nos. AS18.64 L.01.02 rev 05; L.02.02 rev 06; L.02.03 rev 06; L.02.04 rev 06; L.04.00 rev 05; L.04.02 rev 05; L.04.01 rev 06; L.03.03 rev 02 & L.03.02 rev 02) the Local Planning Authority on as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
3. 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.
4. No development (including ground works and demolition) shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
  - a) the site access point(s) of all vehicles to the site during the construction phase.
  - b) the parking of vehicles of site operatives and visitors.
  - c) the areas for loading and unloading plant and materials.
  - d) storage areas of plant and materials used in constructing the development.
  - e) the erection and maintenance of securing hoarding, if appropriate.
  - f) wheel washing facilities.
  - g) measures to control the emission of dust and dirt during construction.
  - h) no burning on site during construction or site preparation works.
  - i) measures to minimise noise nuisance to neighbours from plant and machinery.

j) construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

k) no driven piling without prior consent from the LPA.

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

For the avoidance of doubt, this condition allows for the submission and approval of separate Construction Method Statements for the demolition and construction phases of the proposed development, and for development to proceed on each phase following the approval of the Construction Method Statement for that phase.

**Reason:** In the interests of the occupants of nearby buildings.

5. 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 such as to provide reasonable confirmation that no unacceptable risks remain.

**Reason:** In the interests of amenity of the occupants of the buildings hereby approved.

6. Pre commencement condition - Prior to commencement of the development a noise assessment shall be undertaken and submitted for approval in writing by the LPA. This assessment shall consider the impact of noise from the development on local receptors and shall include noise from plant and equipment as well as future site users. If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme of works to ensure that the development does not have a significant negative impact on local amenity. These measures shall be agreed in writing by the LPA and shall be implemented prior to and throughout the occupation of the development.

**Reason:** Insufficient information has been submitted with the application and in the interests of residential amenity.

7. 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 both on-site work, and subsequent assessment, 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.

8. Pre-commencement condition: Unless otherwise agreed in writing by the Local Planning Authority the building hereby approved shall achieve a BREEAM 'Excellent' standard as a minimum. Prior to commencement of the development, excluding demolition, any works required to facilitate demolition and ground re-profiling work, the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report to be

prepared by a licensed BREEAM assessor which shall set out the evidence to confirm that the minimum standard can be achieved. The building must be completed fully in accordance with any approval given. A BREEAM post-completion report of the building is to be carried out by a licensed BREEAM assessor within twelve months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

**Reason for pre-commencement condition:** To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

9. Prior to the first occupation of the development hereby permitted a student management scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include securing student only occupation; employment of a warden/student liaison representative to manage student behaviour; on-site CCTV management, lighting and restriction of student parking within the area. The plan shall be implemented in accordance with the agreed details thereafter unless other agreed in writing by the local planning authority.  
**Reason:** In the interests of the amenity of local residents and the character and appearance of the area.
10. Prior to occupation of the building hereby approved place until details of provision for nesting swifts has been submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.  
**Reason:** In the interests of preservation and enhancement of biodiversity in the locality.
11. No part of the development hereby approved shall be brought into its intended use until the seven cycle spaces, as indicated on *Drawing No. 19091 - 010 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 provide adequate facilities for sustainable transport
12. Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure cycle parking provision for the student element of 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
13. No part of the development hereby approved shall be brought into its intended use until details of the parallel space within the existing car park as indicated on *Drawing No. 19091 - 010 Rev C* have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the parallel space lining 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 in accordance with Paragraph 108 of the NPPF

14. Management Plan/Travel Plan measures including the provision of sustainable transport welcome packs and details of the arrangements of how student pick up/drop off will be managed, shall be provided in accordance with details agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of the development.  
**Reason:** To promote the use of sustainable transport modes and in the interest of highway safety, in accordance with paragraphs 111 of the NPPF.
15. Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
- a) natural slate and timber windows within the public house front elevation;
  - d) onsite external lighting;
  - e) boundaries treatment within rear courtyard;
  - f) boundary treatment retail and student refuse area;
  - g) refuse storage facility on Spinning Path;
  - h) recording and retention of internal architectural features within the public house;
  - i) refuse management plan for the retail unit.
- Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity
16. Prior to commencement of the development, details shall be submitted to the Local Planning Authority of programme of works including where necessary structural reports for the demolition and construction process in respect of the Sorry Head public house which shall be implemented and adhered to all times unless otherwise agreed in writing.  
**Reason:** To protect the structural element of the building identified for retention.

### **Informatives**

- 1) In accordance with paragraphs 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. A Liability Notice is attached to this permission.

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).

29

**LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the Service Lead City Development was submitted.

**RESOLVED** that the report be noted.

30

**APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

31

**SITE INSPECTION PARTY**

**RESOLVED** that the scheduling of the next Site Inspection Party for Tuesday 7 April 2020 at 9.30 a.m., with Members listed as Councillors Branston, Foale and Williams be noted. Update - site inspection cancelled.

(The meeting commenced at 5.30 pm and closed at 7.44 pm)

Chair