

PLANNING COMMITTEE
(HELD AS A VIRTUAL MEETING)

Monday 1 June 2020

Present:-

Councillor Lyons (Chair)
Councillors Williams, Bialyk, Branston, Foale, Ghusain, Harvey, Mrs Henson, Mitchell, M, Morse, Sheldon, Sutton and Sparkes

Also Present

Director (BA), Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) (PJ), Project Manager (Planning) (LP), Democratic Services Officer and Democratic Services Officer (MD) and Democratic Services Officer (HB)

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MINUTES

The minutes of the meetings held on 21 April and 4 May 2020 were taken as read and approved as correct, for signing by the Chair at the earliest possible convenience.

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DECLARATIONS OF INTEREST

Members declared personal interests and left the meeting during consideration of the item below.

COUNCILLOR	MINUTE
Councillor Harvey	Min. No. 48
Councillor Morse	Min. No. 48
Councillor Williams	Min. No. 48

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PLANNING APPLICATION NO. 19/1713/RES - FORMER FOXHAYES INFANT SCHOOL - GLOUCESTER ROAD, EXETER

The Principal Project Manager (Development) (PJ) presented the application for the construction of 31 dwellings with associated gardens, parking and landscaping with vehicular access from Gloucester Road. (Approval of Reserved Matters of appearance, landscaping, layout and scale pursuant to planning permission reference [17/1789/OUT](#) granted on 7 January 2019.

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

- welcome the proposal, the intention always having been to develop this brownfield site and note the number of detailed conditions which address the concerns expressed on traffic and highway issues;
- the provision of affordable housing at a level of nearly 40% is welcome given the great need for social housing in the city and the number of Tree Preservation Orders is supported as is the continuous footpath through the site; and
- urge a considerate construction approach including issues around accessing the site.

Mr Adam Preece had requested to speak but was unable to do so because of technical difficulties with his phone.

Members, in welcoming the development, noted the provision of affordable housing and the access arrangements notably the joint cycleway and footpath down through Pine Avenue onto Exwick Road. It was also noted that the developer was committed to the proper management of the site and its open space.

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

The recommendation was moved and seconded.

RESOLVED that planning permission for the construction of 31 dwellings with associated gardens, parking and landscaping with vehicular access from Gloucester Road. (Approval of Reserved Matters of appearance, landscaping, layout and scale pursuant to planning permission reference [17/1789/OUT](#) granted on 7 January 2019 be **APPROVED**, subject to the following conditions:-

1. The development hereby approved must be begun with five years from the date of the grant of outline planning permission, or two years from the final approval of the reserved matters, whichever is the longer.
Reason: To ensure compliance with section 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 5 December 2019 (dwg. nos.1831:02 rev B); 14 April 2020 (dwg nos BD1831:02 rev B; 1831:20 rev A; 21 rev A; 22 rev A & 23 rev A) and 11 May 2020 (dwg, nos 19007 100 rev E & 300 rev J) 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. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development shall be carried out within the curtilage of the dwellings without the formal consent of the Local Planning Authority.
Reason: In order to protect the visual and residential amenities of the surrounding area and to prevent overdevelopment.
5. All conditions imposed on notice of outline approval (ref no.17/1789/OUT) are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

6. Prior to occupation of the development, details shall be submitted to the Local Planning Authority of secure covered cycle parking provision for the development. Development shall not be occupied 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
7. No part of the development hereby approved shall be brought into its intended use until the link (including cycle ramp) to Pine Avenue as indicated by Drawing no. 100 Rev E have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.
Reason: To provide a safe and suitable access, in accordance with Paragraph 108 of the National Planning Policy Framework
8. No dwelling shall be occupied until full details of the electric charging points 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:
Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.

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. A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
3. The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development.

It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.

The Principal Project Manager (Development) (PJ) presented the application for the construction of 43 dwellings with associated gardens, parking and landscaping with vehicular access from Gloucester Road via Higher Exwick Hill. (Approval of Reserved Matters of access, appearance, landscaping, layout and scale pursuant to planning permission reference [17/1788/OUT](#) granted on 7 January 2019.

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

- in favour of developing a brownfield site for housing which also benefits from the relative proximity to the rural surrounds of the city accessed via Exwick Lane;
- support the landscaping proposed including the retention of trees;
- welcome the measures agreed with the Highways Authority to improve highway safety around Exwick Heights Primary School including the traffic calming measures and both the Headteacher and Chair of the School Governing body no longer have any objections; and
- seek assurance that the developers will work with the local school during the construction period, especially at the start and finish of the school day, to ensure that children and family members are kept safe.

Mr Pritchard spoke on the application. He raised the following points:-

- not opposed to use as housing;
- the proposed 1.8metre close bordered timber fence should be erected prior to any building works starting to reduce dust and noise disturbance. The construction of a new fence within the site should be made a condition;
- the sub-station construction needs to be sympathetically designed, preferably brick clad and needs to be enclosed in a building with acoustic cladding walls with a condition added to this effect;
- trees shown as being retained must not change to benefit the adjacent properties and to preserve the long view from the other side of the River Exe;
- the roots of the trees at the vehicle entrance to the site must not be damaged during the road construction;
- the tree protection barrier will need to be erected prior to any construction commencing so that vehicles and any machinery do not cause damage to this area;
- a condition is required so that construction does not take place on Saturdays, Sundays and Bank Holidays; and
- the developer should pay for the windows of adjacent proprieties to be cleaned.

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

- the trees provide a degree of screening for nearby homes and a high quality and diverse natural environment for a compact community nestled amongst them;
- the area to the south has been designed as a habitat for reptiles and that to the north, running alongside Higher Exwick Hill, managed as a woodland;
- access can only realistically be achieved via Higher Exwick Hill as the junction with Gloucester Road is problematic used as both a car park and a turning head for the school run and care will be taken not to worsen it;
- three key safety elements are reducing parking at the junction and giving pedestrians priority, reducing the risk of vehicles colliding with pedestrians and cyclists using Higher Exwick Hill and reducing local traffic by improving pedestrian and cycle connectivity through our site;
- double yellow lines will be provided to the southern side of Higher Exwick Hill to clarify that parking is prohibited with a raised table at this junction to give pedestrians priority;
- bollards on Higher Exwick Hill will be replaced with staggered barriers to slow cyclists down and define where children should wait; and

- vehicles leaving the site will be required to give way, having been forced to slow by passing through a 3 metre width restriction

Members supported the proposed development of this brown field site and acknowledged the associated improvements to the highway network to help improve safety. An additional condition to brick clad the sub-station was also supported.

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 an additional condition to enclose the sub-station with cladding walls, planning permission for the construction of 43 dwellings with associated gardens, parking and landscaping with vehicular access from Gloucester Road via Higher Exwick Hill. (Approval of Reserved Matters of access, appearance, landscaping, layout and scale pursuant to planning permission reference [17/1788/OUT](#) granted on 7 January 2019 be **APPROVED**, subject to the following conditions:-

1. The development hereby approved must be begun with five years from the date of the grant of outline planning permission, or two years from the final approval of the reserved matters, whichever is the longer.
Reason: To ensure compliance with section 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 5 December 2019 (dwg. nos.1832:01); 12 March 2020 (dwg nos 19006 101 rev D 110 rev A & 300 rev H); 14 April 2020 (dwg nos BD1832:02 rev B; 1832:20 rev A; 21 rev A; 22 rev A; 23 rev A; 24 rev B; 25 rev A & 26 rev A) 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. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development shall be carried out within the curtilage of the dwellings without the formal consent of the Local Planning Authority.
Reason: In order to protect the visual and residential amenities of the surrounding area and to prevent overdevelopment.
5. No dwelling shall be occupied until full details of the electric charging points 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:
Reason: Insufficient information has been submitted with the application

and in the interests of visual amenity.

6. All conditions imposed on notice of outline approval (ref no.17/1788/OUT) are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
7. Prior to occupation of the development, details shall be submitted to the Local Planning Authority of secure covered cycle parking provision for the development. Development shall not be occupied 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
8. No part of the development hereby approved shall be brought into its intended use until the access arrangements into the site as indicated on drawing no. 101 rev D have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times
Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108 and 110 of the NPPF
9. Prior to occupation of the development, details shall be submitted to the Local Planning Authority of the staggered barriers on Higher Exwick Hill for the development. Development shall not be occupied until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the staggered barriers shall be provided in accordance with the submitted details.
Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108 and 110 of the NPPF
10. No part of the development hereby approved shall be brought into its intended use until the pedestrian/cycle access arrangements into the site as indicated on drawing no. 110 rev A have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times
Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108 and 110 of the NPPF.
11. No development shall commence until the design, including details of materials, of the electricity substation enclosure has been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with these details thereafter.
Reason: In the interests of visual and residential amenity.

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. A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

3. The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development.

It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.

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**PLANNING APPLICATION NO 20/0284/FUL - EXISTING CAR PARK D,
UNIVERSITY OF EXETER (EAST OF AMORY BUILDING), EXETER**

The Principal Project Manager (Development) (PJ) presented the application for the construction of a six storey research and education building.

The Principal Project Manager stated that the development met the requirements of Development Planning Policy and was included within the University of Exeter Masterplan. Permission would include construction to a BREEAM excellent standard and he referred to a minor amendment in condition 11 relating to noise levels during construction.

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

- project will accommodate 627 academic colleagues in six research institutes including core research themes in the Government's Industrial Strategy and help drive the local economy in the post Covid recovery phase by supporting the LEP's Local Industrial Strategy;
- will support 4,000 students;
- will help challenges in recruiting foreign students, the Government is to allow 105% of predicted growth for 2020/21 to come from Home/EU students. Nursing and allied health places are excluded from the 105% cap and the University's College of Medicine and Health is well placed to benefit from this;
- an additional demand of 300,000 Higher Education places is predicted through to 2030;
- the University's Research activity this year will be circa £97million projected to expand to £120-125million over next five years;
- continued investment by the University together with Further Education Partners has seen recent successful projects for research and education including the South West Institute of Technology, with a focus on Computer Science, Big Data and Artificial Intelligence; and
- the project is required to ensure the University will continue to be a "Forever Destination Institution" to help ensure it is in a position to realise our Core Strategy of being a Top 10 UK and Top 100 Global Research Intensive University.

Responding to a Member, he advised that the 400 seat auditorium was flexible and could be divided into two areas of 200 seats each as well as being able to move all seating back to create a single standing space. This would be of value in view of the current COVID 19 crisis.

A Member made the following comments:-

- welcome the contribution the research facility will bring to the local economy;
- because of the dominant nature of the building in relation to the surrounding residential area, regard should be given to its impact on the wider community. As such, similar mitigation measures, as introduced for the adjoining East Park development on the campus, are necessary including the need to ensure that noise levels are kept to a minimum during construction and that floodlighting is kept to appropriate hours; and
- seek the updating of the University's Traffic Management Plan prior to the opening of the building, particularly to ensure that car parking does not occur in neighbouring residential areas. Suggest also that the University could consider becoming a car free University.

The recommendation was for approval, subject to the conditions as set out in the report and additional conditions in respect of drainage and landscape.

The recommendation was moved and seconded.

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 for a highway contribution of £30,000, planning permission for the construction of a six storey research and education building be **APPROVED**, subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.
- 2) 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.
- 3) 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 8 January 2020 (dwg nos. UoE-ASL-IT-01-DR-A-1001 rev P09; 1002 rev P07; 1003 rev P03; UoE-ASL-IT-ZZ-DR-A-1050 rev P04; UoE-ASL-T-01-DR-A-1011 rev P03; UoE-ASL-IT-ZZ-DR-A-9905 rev P02; UoE-ASL-IT-ZZ-DR-A-1080 rev PO4; 1081 rev P02 & 1082 rev P02) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
4. 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.
- l) Lighting detail/timings during construction phase.

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

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 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: Insufficient information has been submitted with the application and in the interests of future amenity
6. 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. 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.
Reason: Insufficient information has been submitted with the application and in the interests of future amenity
7. Unless otherwise agreed in writing by the Local Planning Authority the building hereby approved shall achieve a BREEAM excellent standard. A BREEAM design stage assessment report has been submitted confirming that the uses will achieve a BREEAM Excellent Standard. The building must now be completed fully in accordance with any approval given. A BREEAM post completion report of the building shall be carried out by a licensed BREEAM assessor within three 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: 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.
8. Prior to commencement of the development, details shall be submitted to the Local Planning Authority of sheltered secure covered cycle parking provision for the development. Development shall not be commenced until

such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details

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

9. Prior to commencement of the development, details shall be submitted to the Local Planning Authority of changing facilities/lockers for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the changing facilities/lockers shall be provided in accordance with the submitted details.

Reason: To provide adequate facilities for sustainable transport

10. A comprehensive Travel Plan/Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in advance of occupation of the development. The approved travel plan measures will be implemented to the satisfaction of the Local Planning Authority. A review of travel patterns for the site shall be undertaken within 3 months of occupation of the development and updated on a basis as agreed in writing with the Local Planning Authority thereafter.

Reason: To promote the use of sustainable transport modes, in accordance with paragraph 111 of the National Planning Policy Framework

11. Noise from mechanical building services plant shall not exceed a rating noise level (measured in accordance with BS4142:2014) of 38dB (07:00 to 23:00) and 37dB (23:00 to 07:00) at 1m from the façade of any residential receptor.

Reason: In the interest of amenity.

12. An operational noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. Any noise mitigation required shall be agreed in writing with the Local Planning Authority and implemented in full prior to occupation and maintained thereafter.

Reason: In the interest of amenity.

13. Pre-commencement condition - No development shall commencement until an air quality assessment based on the AECOM brief dated 7 May 2020 has been submitted and approved in writing by the Local Planning Authority. Any mitigation measure required following the completion of the assessment shall be agreed in writing and implemented in full prior to occupation and maintained thereafter.

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

14. 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 of buildings 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 earth works required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implanted 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.

- 15: 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 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.

16. 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. 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 Tech Note Drainage Strategy (Ref. PNP-ACM-XX-XX-TN-CE-000001-P01; dated 18th May 2020). 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.

17. 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.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

18. 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. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: 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.

Councillors Harvey, Morse and Williams declared personal interests and left the meeting during consideration of the item.

The Assistant Service Lead City Development presented the application for the construction of three dwellings (Approval sought for details of access and layout, all other matters reserved for future consideration).

He advised that the Local Highways (Devon County Council) officer had no objection subject to a financial contribution towards suitable infrastructure as part of the Pinhoe Area Access Strategy and that the Environment Agency were supportive of the drainage arrangements.

Mrs Randall spoke in support of the application. She raised the following points:-

- land was historically part of an orchard that was half developed in the mid 1970's at which time there was outline planning for the whole orchard including this plot with the second part of the orchard developed in the late 1990's but the plot at the bottom of the garden of 32 Harringcourt Road retained by the family who now wish to secure planning consent for the plot as always intended;
- the land was maintained as a garden by the family but is now overgrown;
- two trees out of nine will have to be removed as they are within the footprint of the proposed houses with the others not of significant value;
- an ecology survey has not found any protected species and there are no significant plants with the site described as scrub land;
- the proposed sewage treatment plant can be dealt with under a condition and will not be a nuisance to neighbours;
- parking has been provided for each dwelling in accordance with Council guidelines and secure cycle parking and bin storage will be provided for each dwelling; and
- all concerns raised by objectors have been taken into account.

Responding to a Member, the Assistant Highways Development Management Officer (Exeter) outlined the measures to mitigate additional housing developments in the Pinhoe ward as set out in the Pinhoe Area Access Strategy and which had been used as evidence in respect of the Exeter Core Strategy, the East Devon Local Plan and for an inquiry into a development site in East Devon.

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 completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure a contribution of £9,750 to Devon County Council to provide suitable infrastructure to mitigate the impact of the development planning permission for the construction of three dwellings (Approval sought for details of access and layout, all other matters reserved for future consideration) be **APPROVED**, subject also to the following conditions

- 1) Application for the approval of the reserved matters 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 must be begun not later than two years from the final approval of the last of the reserved matters to be approved.
Reason: To comply with Section 92 rule 2 of the Town and Country Planning Act 1990 as amended.
- 2) Pre-commencement condition: Details of the appearance, landscaping and scale, (hereinafter called the reserved matters) shall be submitted to and be approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
Reason for pre-commencement condition: To safeguard the rights of the local planning authority in respect of the reserved matters. This information is required before development commences to ensure that the development

is properly planned with appropriate regard to the reserved matters.

- 3) 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.

- 4) Details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope, to be submitted to and approved in writing by the LPA. The predicted noise levels shall be submitted prior to commencement of the development and shall be demonstrated by measurement prior to occupation of the development.
- 5) No part of the development hereby approved shall be brought into its intended use until the access via Bourn Rise and vehicular parking spaces, as indicated on *Drawing No. 108.002* 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
- 6) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure cycle parking provision for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.
Reason: To provide adequate facilities for sustainable transport.
- 7) Pre commencement condition: Construction during the period March to August shall not commence until bird nesting habitats are thoroughly inspected for nesting birds, by a suitably qualified person and written evidence confirming this has been submitted to and approved in writing by the Local Planning Authority. If nesting birds are found, all activities likely to

damage or disturb the nesting area should be delayed until the chicks have fledged.

Reason for pre commencement condition: To ensure nesting birds are not killed or otherwise harmed by building operations. These details are required pre-commencement as specific to ensure that the pre-works check recommended in the Ecological Appraisal.

- 8) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
- Reason for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

- 9) Prior to occupation of any dwelling hereby approved a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.
- Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

Informatives

- 1) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
- 2) 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).

- 3) 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.

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PLANNING APPLICATION NO. 20/0293/FUL - 89 MOUNT PLEASANT ROAD, EXETER

The Assistant Service Lead City Development presented the application for the change of use from dwelling (Class C3) to House in Multiple Occupation (HMO).

The Assistant Service Lead explained that the dwelling had previously been an HMO, the applicant having bought the property to convert it back into a Class C3 dwelling but now wished to sell as it was located in an area that was surrounded by other HMO dwellings. Although in an Article 4 Area, permission could be granted to convert to a HMO if there was a demonstrable difficulty in selling - one of four criteria under the Exceptional Circumstances section of the Council's Supplementary Planning Document on HMOs. There was an acknowledgment that two of the other four criteria had been met inasmuch as there was relatively little local interest in the proposal and the property was surrounded by a large number of HMOs. The property remained on the market, the asking price having been recently reduced.

Mrs Partridge spoke in support of the application. She raised the following points:-

- house was previously a student let and was not in a great condition and much renovation work had been undertaken;
- houses on both sides are HMOs, one for students, the other a Salvation Army halfway house;
- have always been noise and other issues but now affect the family's children more include shouting and swearing, drug use and loud music. The managers of the halfway house are very helpful but as residents change every few months, the problems recur;
- has been on the market for nine months but no offers, feedback including no HMO planning, parking, but mainly concern about adjoining HMOs;
- estate agent initially did not reduce price because of the high level of interest, and several other three beds sold quickly for similar prices;

- almost the entire terrace and the terrace opposite are HMOs or flats; and
- situation is exceptional because of the Salvation Army property, and the manager supports the application.

Members noted that the reduction in price had only occurred recently at a time when the market had been adversely affected by the COVID 19 crises.

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

A motion to defer the application was moved and seconded.

RESOLVED that the application for the change of use from dwelling (Class C3) to House in Multiple Occupation be **DEFERRED**.

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Director (BA) was submitted.

RESOLVED that the report be noted.

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APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(The meeting commenced at 5.30 pm and closed at 7.28 pm)

Chair