

**PLANNING COMMITTEE**  
**(HELD AS A VIRTUAL MEETING)**

Monday 7 September 2020

Present:-

Councillor

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

Also Present

Director City Development, Housing & Supporting People, Corporate Manager Democratic and Civic Support, Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) (PJ), Principal Project Manager (Development) (MH), Project Manager (Planning) (LD), Project Manager (Planning) (LP), Project Officer, City Development, Legal Advisor, Principal Project Manager (Strategic Policy) (JD), Principal Project Manager - Housing Delivery, Assistant Highways Development Management Officer (Exeter), Democratic Services Officer (HB) and Democratic Services Officer (MD)

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**CHAIR**

Councillor Ruth Williams, the Deputy Chair, chaired the meeting.

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**MINUTES**

The minutes of the meeting held on 29 June 2020 were taken as read, approved and signed by the Deputy Chair as correct.

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**DECLARATIONS OF INTEREST**

No declarations of disclosable pecuniary interests were made.

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**PETITION REFERRED FROM COUNCIL ON 21 JULY 2020 - SAVE OUR HISTORIC EXETER**

The Corporate Manager Democratic and Civic Support presented the report on the petition titled, "Save Our Historic Exeter" which the Council, at its meeting on 21 July 2020, had referred to this Committee in line with the Council's Petition Scheme. At the Council meeting, the Lord Mayor had ruled that any debate of the issue could be considered as pre-determination of a proposed development in the city and it had therefore been deemed appropriate for the matters raised in the petition to be considered by this Committee.

The report detailed the contents of the petition and the policy framework, both nationally and within the City Council itself through the Exeter Local Plan and supporting documents, which set out the existing processes the Council followed in planning matters and in determining planning applications.

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

- congratulate residents on a significant petition of 4,000 signatures with over 2,000 by Exeter residents;

- the essence of the petition relates not to a specific planning application but to planning policy, as residents believe that, notwithstanding the Local Plan and supplementary planning documents, there are gaps in the city's planning policy. The Local Plan does not meet the city's current or future needs;
- although the Local Plan describes Exeter as low rise there are many high rise buildings which fail to respect historic Exeter and these developments benefit only investors. Exeter is one of five historic city centres recognised by the Ancient Monuments and Archaeological Areas Act 1979;
- residents feel that the Council lacks sufficient resources to scrutinise planning applications, many of which impact adversely on their properties especially when these are listed buildings and require mitigation measures;
- developer proposals are overwhelmingly about profit and there is little regard for protecting Exeter's heritage or its long term vision and creating thriving and coherent communities;
- petitioners seek the right to influence their environment and to encourage developments of flair and imagination with world class architecture and visionary thinking worthy of a historically important city and addressing the challenges of the city becoming zero carbon. People want to engage constructively in the future of the city;
- the absence of a Council policy on co-living on which there are two planning applications pending. Petitioners are asking the Council to put these on hold as there is inadequate evidence or information about whether these developments are needed or are in keeping with the Local Plan; and
- residents need to know how communities will be fully involved on the updating of the Local Plan and wish to contribute their local knowledge and to ensure the Council becomes a real advocate for local people

Members expressed the following views:-

- impressed with the petition and the thoughtfulness that went into it and agree with many aspects. The Council does seek to support sustainable and environmentally responsible developments but is constrained by its limited resources and national policies;
- accept growing local concern about the lack of affordable and social housing in the city given the level of student accommodation built. The City Council seeks to build more social and affordable housing in the city but lacks the necessary powers and resources;
- agree the need for planning policies specific to the needs of a historic city like Exeter;
- the current White Paper on planning could become a developers' charter and further erode local checks and balances;
- the Council seeks to lead on social housing provision and has brought forward its target of building 500 social homes in the next ten years to the next five years;
- some of issues are broad and relate to generic planning issues and, with the withdrawal of Mid and East Devon District Councils from the GESP, the Council is progressing the review of the Local Plan;
- Councils are required to undertake extensive public consultation in the development of Local Plans and Neighbourhood Plans and will do so in bringing forward the new Local Plan;
- it is noted that over 50% of signatures are from those outside Exeter;
- co living can offer a solution to housing problems and these proposals will be appropriately scrutinised; and
- it is hoped that the two recommendations will address concerns raised and that there will be a positive and structured debate going forward to inform the review of the Local Plan and the preservation of Historic Exeter.

The recommendations were moved, seconded and carried.

**RECOMMENDED** to Council that:-

- (1) the contents of the petition be noted; and
- (2) the progress being made to ensure robust policies and plans are in place to meet the development demands being placed on the city, be noted and supported.

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**PLANNING APPLICATION NO. 20/0581/TEL - ST THOMAS CENTRE, COWICK STREET, EXETER**

The Assistant Service Lead City Development presented the application for prior approval for the installation of a 15 metre high 5G telecommunication monopole with cabinet at base and associated ancillary works. He explained the following different types of telecommunication developments:-

- permitted development, for example, alterations to an existing mast;
- permitted development - prior approval notification, for example, a new mast up to 20 metres; and
- planning application, for example, a new mast over 20 metres; and

set out the following relevant statutory requirements:-

For all Telecommunication developments:-

- National Planning Policy Framework paragraph 116: and
- Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission on Non-Ionising Radiation Protection guidelines for public exposure.

Prior Approval Notifications:-

- General Permitted Development Order Part 16: The developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development; and
- 56 days from receipt to determine and to approve/refuse siting and design.

The Assistant Service Lead City Development set out the following factors which can be considered in relation to appearance as part of the prior approval process including:-

- design, form, shape and dimensions;
- colour and materials; and
- whether there are more suitable sites for the proposed works; and

also set out the factors which can be considered concerning siting including:-

- height of the site in relation to surrounding ground;
- existing topographical features and natural vegetation;
- the effect on the skyline or horizon;
- the site when observed from any side;

- the site in relation to areas designated for scenic value;
- the site in relation to existing masts;
- the site in relation to residential properties

The Assistant Service Lead City Development, through a series of photo montages provided by the applicant, showed from a range of views the location and potential visual impact the mast would have on the street scene within the Cowick Street Conservation Area. He advised that a number of sites in St. Thomas had been considered but rejected for technical reasons and the current site proposed was the only suitable one to achieve the necessary cell radius. Due to operational reasons the mast needed to be located in the St. Thomas area and a location outside of the city was unlikely to provide sufficient coverage. The proposal was required due to acute capacity issues and would facilitate significantly improved 5G coverage in areas that had started to gain this service.

The Assistant Service Lead City Development advised that 12 representations in support had been received, seven from St. Thomas, one from Torquay and four from elsewhere. 342 objections had been received, 50 from St. Thomas. It was noted that, in the interests of highway safety, the site of the mast has been moved away from the bus shelter and pavement.

The Assistant Service Lead City Development responded as follows to Members' queries:-

- the photo montage was the one sent to English Heritage and was considered sufficiently accurate to assess the impact on the view of the Cathedral and other historical assets;
- the view of the Cathedral from the photo montage and including the mast showed that the view of the Cathedral was partly obscured by trees;
- the applicant had advised that the mast would provide the necessary coverage and that they would not seek additional masts in the area;
- as the Government had set permitted development at 20 metres, providers would seek to apply for this height in the first instance;
- other sites considered in the vicinity would not have met the guidelines set by the International Commission on Non-Ionising Radiation Protection including a suggested location which would have brought the top of the mast to be in line with passengers waiting on the St. Thomas Rail Halt. The current location would meet the guidelines;
- the mast is unlikely to have an adverse impact on wildlife; and
- not aware of any Tree Preservation Orders in the Cowick Street Conservation Area.

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

- serious concerns amongst the residents of St. Thomas relating to scale, design and siting of the mast which is out of place within this community setting;
- the mast will dominate the skyline, is an eyesore and will impact adversely on the St. Thomas precinct which is the heart of the local community;
- concerns have also been expressed regarding the impact on the general landscaping and biodiversity of the area. Devon Wildlife Trust have confirmed the presence of Pied Wagtails which are in long term decline;
- applicant had only considered three alternatives which failed to meet the guidelines of the International Commission on Non-Ionising Radiation Protection;
- location is too close to residential properties and there have been numerous

- concerns about potential health implications; and
- more than 50 St. Thomas residents are deeply opposed to the mast on grounds of scale, design, siting and bio-diversity.

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

- the mast will have a detrimental effect not only on listed buildings but the Cowick Street Conservation Area as a whole as well as other Conservation Areas such as Central, the Riverside and St. Davids;
- long distance views from the centre of the city looking out towards the hills beyond St. Thomas will also be affected;
- as St. Thomas is at a lower level, the mast will have a detrimental effect on views up to the centre of the city and of the Cathedral;
- the Cowick Street Area Conservation Management Plan states that the post war period after 1945 saw a collection of inappropriate re-development in this part of St. Thomas, fragmenting the townscape and detracting from the special character of the area. The mast and associated cabinets will further detract from the area and its amenity;
- the proposed mast and cabinets will have a poor relationship with the character of the street scene and undermine the Council's efforts to improve the street scene in line with the Conservation Area Management Plan;
- absence of an ecological study into the impact on wildlife; and
- if prior approval is granted, any future proposal for a 20 metres high mast must be refused.

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

- mast will be located in the vicinity of a number of schools including the Little Saints Pre-School and St. Thomas and Bowhill Primary Schools and there is no guarantee that the mast will meet the requisite standards for telecommunication masts;
- potential disruption to the radio waves of emergency services;
- other providers may seek to add their equipment to the mast; and
- adverse impact on bio-diversity of the area with particular reference to bee hives and the pied wagtail.

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

- wider issues including potential impact on health are also relevant;
- Historic England were misled about the scale of the mast and have suggested that alternative locations should be examined;
- the mast is significantly taller than trees and nearby street lamps and wider at the top than the street lamps and adds to the clutter of the street creating a hard industrial feel to the area;
- photos are misleading with some images not showing the mast in an accurate position and do not show the correct scale and height in some views with a distorted wide angle perspective. Revised photos are required;
- adverse impact on the view of the Cathedral; and
- prior approval should be rejected on grounds of siting and appearance.

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

- hands tied as only able to reject on the grounds of appearance and siting;
- 5G is a toxic pollutant and untested technology, studies showing that it causes biological harm and is a carcinogen impacting immune systems and wildlife;
- being 15 meters high, ugly and an extremely prominent piece of industrial infrastructure dominating the skyline it is not a normal mast;
- the applicant's photos are inaccurate and not properly assessed;
- it impacts the view of the Cathedral and Conservation Area generally from various angles;
- viewed against the existing horizon and skyline, it totally dominates the surrounding community of St. Thomas, including its amenities, businesses and residential properties;
- it is intrusive and overbearing, completely out of scale and three times taller than houses and ground level shops and to live, shop and spend recreational time close to the mast would seriously affect the whole ambiance of the area;
- allowing the application would set a dangerous precedent for other Conservation Areas in a beautiful historic city;
- it will have an adverse impact on the character and appearance of the area in breach of Exeter City Council's Local Plan;
- contrary to the applicant's proposal, the siting is in close proximity to St. Thomas Primary School, two other primary schools, two pre-schools and a nursery; and
- the siting, design and appearance is therefore completely inappropriate for St. Thomas and the Conservation area.

Before the commencement of the debate the Deputy Chair reminded Members that the application was a prior notification in respect of siting and appearance and was not a planning application and that the principal of the development was permitted by national government regulations. Moreover, as prior approval application required an applicant to seek approval from the Local Planning Authority (LPA) only certain elements of the proposal were acceptable before commencement of work and the LPA could not consider any other matters.

The Deputy Chair further emphasised that the mobile operators did not need to justify the need for the apparatus. National planning policy stated that health implications associated with new telecoms could not be considered. The Council could not therefore consider perception of health risk, or the precautionary principal as the application considerations related to siting and appearance only. The considerations to be taken into account in the determination of prior approval applications were therefore very limited under planning regulations.

The application had to be determined by the Council within 56 days of receipt and the operator had the right to install the apparatus if there was no response within this timescale.

A number of Members opposed the granting of prior approval on the following grounds:-

- the insertion of an alien structure will detract from the Cowick Street Conservation Area and negate the efforts of the Council and the local community to improve the area;
- Historic England have reservations and questioned whether the applicant had seriously examined alternative locations. Alternative sites should be explored;
- a number of trees have been removed in the area and the mast will further detract from the overall landscaping;
- Section 40 of the Natural England and Rural Communities Act 2009 sets out a duty to conserve the biodiversity of areas. The presence of a mast is likely to

- have an adverse impact on wildlife;
- as providers have stated that mast coverage has a greater impact at ground level for mobile phones, a height of 15 metres is unnecessary;
- the mast will have an adverse impact on the unique character of St. Thomas;
- the scale and massing is inappropriate and will dwarf adjacent shops and residential properties and the example of other authorities such as Norwich, Bath, Brighton and Hammersmith and Fulham Councils, who have rejected such applications, should be followed;
- the mast will detract from the view of the Cathedral and also panoramic views in the opposite direction, west to Dartmoor; and
- the mast neither preserves nor enhances the Cowick Street Conservation Area.

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

The following motion was moved, seconded and carried.

“That the application be refused on the grounds that the mast was not appropriate in a Conservation Area on the basis of its design, location, form and height and was not in keeping with the current topographical features in the immediate vicinity and would neither enhance nor protect the area”

**RESOLVED** that prior approval for the installation of a 15 metre high 5G telecommunication monopole with cabinet at base and associated ancillary works be **REFUSED** as the proposal is contrary to National Planning Policy Framework paragraphs 127 and 192, policy CP17 of the Core Strategy, policies C1, C2, DG1 and EN7 of the Exeter Local Plan First Review 1995-2011, and policies DD6, DD25 and DD28 of the emerging Development Delivery Development Plan Document because the proposed telecommunications equipment by reason of its height, siting and design would be unacceptably prominent and visually intrusive, to the detriment of visual amenity, street scene and character of the Cowick Street Conservation Area.

64 **PLANNING APPLICATION NO. 20/0809/TEL - LAND AT SIDMOUTH ROAD, EXETER**

The Deputy Chair reported that the application had been removed from the agenda as the applicant had requested an extension of time in respect of their application.

65 **PLANNING APPLICATION NO. 19/0699/FUL - LAND AT HILL BARTON, ADJACENT TO THE BOUNDARY OF THE MET OFFICE, EXETER**

The Principal Project Manager (Development) (PJ) presented the application for residential development of 47 dwellings including all other associated infrastructure works and road access to the site served off Hill Barton roundabout. He highlighted:-

- site situated within the Monkerton and Hill Barton Strategic Residential Allocation as designated in the Core Strategy and was previously granted outline consent for residential development in 2013;
- the scheme would provide 13 open market homes and 16 affordable houses, the latter being a policy compliant level of such provision for the overall number of dwellings proposed;
- concerns raised by local residents in respect of highway matters can be

suitably addressed through planning conditions and/or the Section 106 Agreement;

- access from Heritage Road, Mytlebury Way and a new section of highway;
- the open space for the scheme would be provided at the picturesque ridge line park proposed within the Hill Barton and Monkerton Master Plan; and
- Section 106 contributions are proposed towards transport and education requirements.

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The Principal Project Manager (Development) and the Assistant Highways Development Management Officer (Exeter) gave the following responses to Members' queries:-

- the proposal for the Monkerton Rail Halt was a significant infrastructure development and there was no timescale at present for its provision. The land for the Halt would be safeguarded by the Section 106 Agreement;
- the footway/cycle way provision at the eastern boundary was adjacent to the Met Office and would feed into the overall footway and cycle way network for the area;
- detailed discussions had been held with the respective developers to develop the picturesque ridgeline park which, it was hoped, would be brought forward within a relatively short timescale as part of an outline planning application for the remainder of the Hill Barton site; and
- the Police Designing Out Crime Officer had provided detailed comments on the layout and were generally satisfied that appropriate surveillance would be provided for the benefit of households, that rear gardens would not be exposed and effective parking allocation identified. A condition would be included to ensure that all rear service alleyways would be gated.

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

- welcome provision of 16 affordable homes for the people of Exeter;
- the Council is constrained by existing legal frameworks and, given the support of the highway authority, there are no legal reasons to refuse;
- the Government White Paper on planning is likely to ease existing restrictions on developments;
- it is a misapprehension amongst some residents that the proposed Hill Barton Park is to be built on as part of this planning application;
- although open space will be provided in the ridgeline park, local play spaces are also necessary closer to homes. The provision of a green corridor through the site is welcome; and
- residents are concerned that there is no clear timeline for the provision of the Rail Halt.

The Chair read out a statement from Mr Tal Donahue on behalf of the Hill Barton Residents' Association, who opposed the application, a summary of which is below:-

- the Monkerton Master plan will be 10 years old in three weeks;
- seek assurance as to the extent which the Master Plan and the strategic plan for the Hill Barton development area, approved by Council in 2013, are being followed through in their delivery, particularly in relation to green space, public health and wellbeing;
- the location of the application is almost where the Master Plan earmarks land for the "Hill Barton Park";
- assurances required that such a park will be delivered within a suitable timescale and that it will conform to the goals laid out in the Master Plan;



- a green corridor should be established running across the eastern side of the Hill Barton development area adjacent to and surrounding the Met Office;
- many comments have been made regarding the unsafe nature of the Heritage Road access which has become a single lane road due to street parking;
- this development forms part of next phase of the Hill Barton Consortium's development plan approved in 2013 and these houses, added to the approximately 200 across the rest of Phase 3 and the 300 or so already delivered in Phases 1 and 2, will create dangerous road conditions around Hill Barton; and
- the Monkerton Rail Halt forms part of the wider considerations for the Devon Metro initiative. Residents require clarification on the status of the Rail Halt.

Mr Rudge spoke in support of the application.

- outline permission was originally granted on 29 November 2013 for a mixed use scheme but, as that application had lapsed, a detailed scheme has been put forward covering the same principles;
- have worked closely with the planning authority to address initial concerns with regards to density, storey heights and parking with significant changes including a reduction in the number of plots proposed on the site, creating an inviting vista with railings being incorporated to frontages of properties where they are located in a prominent location and working with the topography of the site to minimise the impact on the wider area. Cycle/pedestrian links have also been provided;
- 35% affordable dwellings will be delivered across the site, which remains policy compliant. The delivery of these units, with a mixture of tenure types, will make a positive contribution towards the delivery of housing within Exeter;
- the applicant is in a position to complete the Section 106 Agreement quickly. In the context of the growth agenda and the national and local need for housing, the application will meet the need for new homes in a sustainable manner and underpin the sustainability of Hill Barton; and
- the County Highways Officer has responded to highway concerns which can be addressed through planning conditions or the Section 106 agreement.

Members expressed the following views:-

- the provision of two access points including another access from the north will increase the strain on an already busy highway network;
- although a rail station is to be provided at Marsh Barton, the timeline for the proposed rail halt as part of the Monkerton Master Plan is unclear and may not occur for many years;
- in line with the Sport England Active Exeter pilot, there should be greater emphasis on the provision of play parks adjacent to houses in addition to the ridgeline park being provided as part of the Monkerton and Hill Barton Master Plan;
- provision of affordable homes is welcome; and
- notwithstanding general pressure on green land in Exeter, further developments are needed and, given the support of the Highway Authority, there are no planning reasons to refuse.

The Principal Project Manager (Development) and the Assistant Highways Development Management Officer (Exeter) advised that the infrastructure proposals allowed for the new cycle/footway provision and a future bus route. The cycleway was part of the strategic cycle route from the north of Hollow Lane to the City Centre and that Stagecoach had agreed in principle to introduce a new bus route to serve the emerging developments. Safety along Heritage Road would also

be improved.

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

The recommendation was moved and seconded.

**RESOLVED** that:-

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

Affordable housing

16 dwellings (11 social rent and 5 intermediate rent) 50% of affordable housing units to be constructed and made available for occupation prior to the occupation of 50% of Open Market units. Remaining 50% of AH units to be constructed and made available for occupation prior to occupation of 80% of Open Market units.

Transport

Safeguard the land for the Monkerton Railway Halt

Financial contributions required as follows:

Pedestrian/cycle improvements £450 per dwelling; bus service £981.82 per dwelling and travel planning £500 per dwelling. Total transport contribution per dwelling of £1931.82

50% of the contribution to be paid prior to open market houses being occupied and remainder to be paid prior to 80% of units occupied.

Traffic Regulation Order - £3,500 (to be paid at Devon County Council's request)

Education

The total education sum will be £64,716 (primary); £98,742 (secondary) and £8,750 (early years) a total of £172,208.

50% of the contribution to be paid prior to open market houses being occupied and remainder to be paid prior to 80% of units occupied.

Open Space

No more than 75% of dwellings shall be occupied until the public open space (alongside the cycleway has been laid out in accordance with the approved plans. Prior to completion of public open space areas, details of management company to be provided.

the Assistant Service Lead City Development be authorised to **APPROVE** planning permission for residential development of 27 dwellings (including 35% affordable housing), access from Newcourt Road, public open space and associated works, subject also to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 7 July 2020 (including dwg. nos. HB3-location plan rev E ; HB3-120 P10 Site Layout; HB3-121 P2 Boundary Treatments; HB3-129 P2 Ridge Heights; HB3-130 P2 Garden Areas; HB3-200 P3 Street Scenes; HB3-PL500

P3 Welwyn LTH; HB3-PL501 P2 Hanbury LTH ; HB3-PL503 P2 Hatfield LTH; HB3-PL504 P4 Clayton LTH; HB3-PL505 P3 Souter LTH; HB3-PL506 P3 Chedworth; HB3-PL507 P4 Garages; HB3-PL508 P1 Clayton Corner LTH & HB3-SK3000 P3 Site FFLs & Site Sections.

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) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with the details specified in the Arboricultural Impact Assessment Report prepared by Aspect Tree Consultancy ref 05400 AIA 20.03.20 and accompanying drawing no. 05400 TPP 23.03.20. 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.

- 5) Pre-commencement condition: No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- 6) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of vehicular visibility splays 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 proposed vehicular visibility splays shall be provided in accordance with the submitted details.

Reason: To provide a safe and suitable access in accordance with paragraph 108 of the National Planning Policy Framework.

- 7) None of the individual dwellings hereby approved shall be occupied until the cycle storage provision to serve that dwelling of a detail to be agreed with the Local Planning Authority, has been provided and made available for use by the occupant. Thereafter the said cycle

storage provision shall be retained for that purpose at all times.  
Reason - To ensure that cycle storage facilities are provided to encourage the use of sustainable modes of transport by the future occupants of the properties.

- 8) Prior to occupation of the development, details shall be submitted to the Local Planning Authority of bus stops (including location and type of bus stop) for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority, and prior to occupation the bus stops shall be provided in accordance with the submitted details.  
Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.
- 9) Prior to occupation of the development, details shall be submitted to the Local Planning Authority of the vehicular access radii into the development (between plots 315/316) for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority, and prior to occupation the vehicular access radii shall be provided in accordance with the submitted details.  
Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.
- 10) Prior to occupation of any part of "Phase 4" of the development, details shall be submitted to the Local Planning Authority of the future pedestrian/cycle crossing facilities for the development as indicated on Drawing Number "071-003-001 Rev P4 Section 38 Plan". Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority, and prior to occupation of any part of "Phase 4" the crossing facilities shall be provided in accordance with the submitted details.  
Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.
- 11) No part of the development hereby approved shall be brought into its intended use until the access roads (together with raised table crossing points), vehicular parking spaces and associated turning area as indicated on Drawing Number "071-003-001 Rev P4 Section 38 Plan" has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.  
Reason: To provide a safe and suitable access in accordance with paragraph 108 of the National Planning Policy Framework.
- 12) No part of the development hereby approved shall be brought into its intended use until the East-West footway/cycleway connections and North-South footway/cycle connections and associated crossing points as indicated on Drawing Number "071-003-001 Rev P4 Section 38 Plan" has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local

Planning Authority.

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.

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

Reason for Pre-commencement condition: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.
- 14) A detailed scheme for landscaping, including the planting of trees and/or shrubs (in particular in respect of the southern boundary), the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no unit shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 15) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority. A photographic record of any trees, hedges on site shall be taken prior to any felling working being undertaken.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 16) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 17) 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 5837:2005 - 'Trees in Relation to 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: To ensure the protection of the trees during the carrying out of the development.

- 18) Pre-commencement condition: No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.  
Reason for pre-commencement condition: To ensure that surface water runoff from the construction site is appropriately managed.
- 19) 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: In the interests of the amenity of the occupants of the buildings hereby approved.
- 20) The dwellings hereby approved shall be designed and built to meet M4 2 of the Building Regulations Access to and Use of Building Approved Document M, 2015 edition.  
Reason: To increase choice, independence and longevity of tenure in accordance with Policy CP5 point three of the Exeter Core Strategy.
- 21) Pre-commencement condition: Before commencement of construction of the development hereby permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO<sub>2</sub> emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO<sub>2</sub> saving shall

thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.

Reason for Pre-commencement condition: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.

- 22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no mobile base stations shall be erected within the development.  
Reason – To ensure adequate protection to the Met Office satellite reception facility.
- 23) Pre commencement condition: No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.  
Reason for pre commencement condition: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.
- 24) Pre-Commencement condition - No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems. 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.
- 25) No dwelling shall be occupied until details of gates to all rear service alleyways have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with these agreed details at all times.  
Reason: In accordance with paragraphs 91 and 127 the National Planning Policy Framework in respect of reducing the fear of crime and increased surveillance opportunities.
- 26) Pre-commencement condition - A 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.

- 27) Pre-commencement condition: No development shall commencement until an air quality assessment 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.

- 28) No dwelling shall be occupied until a lighting assessment 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.

### **Informatives**

- 1) 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, 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).
- 2) 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 (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.

- 3) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
  - 4) 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.
  - 5) The applicants attention is drawn to the need to meet the Exeter Airport Aerodrome Safeguarding criteria as contained in the Airport Operators Association 'Cranes and other Construction Issues' Advice Note.
  - 6) The applicant is advised that they should contact the Met Office to discuss specific issues regarding their operational requirements prior to commencement.
- (1) the Assistant Service Lead City Development be authorised to **REFUSE** planning permission if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990(as amended) is not completed by 7 March 2021 or such extended time as agreed by the Service Lead City Development

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#### **ADJOURNMENT OF MEETING**

The meeting was adjourned for the following items to be considered at a re-convened meeting of this Committee to be held on Thursday 17 September 2020 at 5.30pm.

Planning Application No 20/0293/FUL - 89 Mount Pleasant Road, Exeter;  
Planning Application No 20/0437/FUL - Land to the North East of Newcourt Road;  
List of Decisions Made and Withdrawn Applications; and  
Appeals Report.

(The meeting commenced at 5.30 pm and closed at 8.26 pm)

Chair