

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

Monday 16 November 2020

Present:-

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

Also Present

Director City Development, Housing & Supporting People, City Development Consultant, Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) (PJ), Principal Project Manager (DC), Project Manager (Planning), Highways Development Management Office, Legal Advisor, Democratic Services Officer (MD) and Democratic Services Officer (HB)

82

**MINUTES**

The minutes of the meeting held on 12 October 2020 were taken as read and approved as correct, for signing by the Chair at the earliest possible convenience.

83

**DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

84

**PLANNING APPLICATION NO. 15/0641/OUT - ALDENS FARM WEST LAND BETWEEN SHILLINGFORD ROAD AND CHUDLEIGH ROAD, ALPHINGTON**

The Principal Project Manager (Development) (PJ) presented the application for residential development including new access onto Shillingford Road and associated infrastructure, with all matters reserved for future consideration.

The Principal Project Manager (Development) provided a description of the site area with outline proposal and an illustrative layout for 116 dwelling and explained the planning context of the site in relation to surrounding sites and the strategic allocation of 2,500 homes for South West Exeter. He referred to the following key issues:-

- the principle of development;
- affordable housing of potentially 35 dwellings at a rate of 30%;
- the Council's five year supply of housing;
- access and impact on local highways;
- scale, design, and impact on character and appearance;
- the Alphington Development Brief;
- ecological issues and habitat mitigation;
- district heating;
- sustainable construction and energy conservation;
- economic benefits and CIL/Section 106 for the wider south west area, public realm.

The Principal Project Manager (Development) (PJ) advised that:-

- following further consultation with Devon County amendments were proposed to the phasing of the Section 106 Agreement contributions in respect of affordable housing, district heating, provision and maintenance of public open space, transport, education, GP and open space to align with the timing requirements of Teignbridge District Council in the neighbouring developments;
- conditions had been included to secure a through route link from Shillingford Road to Chudleigh Road and an additional condition was proposed to ensure a two way bus flow through the site; and
- it was considered that the additional information provided by the developer met the requirements of the Alphington Development Brief.

The Principal Project Manager (Development) responded as follows to Members' queries:-

- conditions had been added to increase the width of radius of the road into the site to ensure enough space to be served by public transport and to ensure a suitable internal layout with appropriate provision within the Section 106 Agreement;
- the Alphington Development Brief confirmed the importance of Markham Lane to the character of the area to ensure its bio-diversity would be maintained, its hedgerows retained and that it would not be used as a bus route. Financial contributions within the Section 106 Agreement would secure the upgrade of the road;
- gaps would be provided through Markham Lane for pedestrian and cycle access from the site to the community facilities and school to the south of the site and barriers and appropriate fencing provided at reserved matters stage to secure safe access onto the Lane;
- regard would be made to preserve the landscape setting of the Markham Ridge as part of the overall strategic housing site; and
- although not included within the Section 106 Agreement, discussions were progressing with Burrington Estates and Redrow on the proposal to link to the District Heating network and the Marsh Barton incinerator.

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

- pleased that many of the requirements of the Alphington Development Brief will be met including the 30% affordable housing provision and the character of Markham Lane retained;
- welcome access onto Chudleigh Road to meet the County Council's highway objections and a limit of 75 dwellings before this access can be built;
- welcome footpath from the access to the development site onto Shillingford Road and the new pedestrian crossing;
- the requirement for adequate pedestrian and cycling access from this site to the city centre remains;
- welcome requirement in the Section 106 Agreement for traffic calming and 20 mph limit along Chudleigh and Shillingford Roads to improve safety for pedestrian and cyclists;
- concerns of Devon Wildlife Trust regarding the need to maintain biodiversity through the retention of existing hedgerows - bats use the hedgerows and trees as corridors in which to navigate. A mitigation and enhancement plan to protect bio-diversity is set out in the Alphington Brief and the associated conditions are welcomed; and

- connection to the district heating scheme also included in the Alphington Brief in line with the Council's Net Zero 2030 goal. Link to the energy from waste incinerator at Marsh Barton should therefore be a condition to make efficient use of local and natural resources and the developer should be tied to this and implemented as part of this planning permission.

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

- Alphington is going through a significant change with the loss of agricultural land for housing;
- need to address the serious local concerns about the increased traffic which will further grow with this and other housing developments;
- Shillingford Road, although single in parts, is not a quiet country lane. A survey showed 92 vehicles passing in 30 minutes from 10:00 am to 10:30am and, similarly, 124 vehicles between 3:30pm and 4:00pm;
- welcome safeguarding of the second entrance onto Chudleigh Road and the crossing on Shillingford Road because of the dangers to pedestrians visiting Alphington shops and the community centre. Shillingford Road has no pavement on one side of the road where there are 12 houses that have driveways that come directly onto the highway;
- have requested traffic calming for Shillingford Road which is also a main road for the villagers of Shillingford St George, Shillingford Abbot, Cuthan Underdown and tourist areas such as Haldon Forest, the angling centre, the vineyards and the caravanning and camping site at Clapham Underdown. Agricultural and HGV vehicles also use the road; and
- people in Alphington do need housing but the changes to the area are substantial and Shillingford Road remains dangerous.

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

- Alphington residents concerned about the increased traffic on Shillingford Road once this development is built;
- drivers ignore the unenforceable 20mph speed limit, ending up at speed at the double roundabout on Chudleigh Road, regularly congested with traffic from the A379, causing vehicles to back up almost as far as this development site;
- at least half of the whole South West Exeter development is north of the A379 with approximately 1,300 houses in addition to this application, with at least five new accesses onto Chudleigh Road and two on to Dawlish Road;
- there is a need to look at the whole picture instead of approving each application separately;
- declaration by the Highways Authority that the development's traffic is unlikely to result in a severe impact on the safe and efficient operation of the strategic road network is flawed;
- the two village mini-roundabouts will not be able to operate within capacity. There is a direct impact from the neighbouring developments of 2,500 new houses;
- no new community facilities apart from the Local Centre being built over a kilometre away, south of the A379. New residents will come into Alphington village, where there is no proper car park and the school and surgery are already full;
- Burrington Estates have ignored the fact that their development is part of a much bigger scheme with no links to surrounding residential areas or into the rest of the South West Exeter;
- the historic Markham Lane bordering the south side is meant to be made into a high-quality cycle and pedestrian route and it is essential that the developer

- contributes to these works; and
- request deferral of the application.

The Highways Development Management Officer advised that:-

- the development was included within the South West Exeter Masterplan allocating 2,500 homes in Teignbridge and Exeter. The developer of this site would contribute to safe and sustainable highway conditions to be delivered through a Section 106 Agreement and mitigation measures;
- a sense of place and frontage development would in themselves enforce the speed limits along Shillingford Road;
- the Section 106 Agreement included a package of safety works for Alphington village including safety measures in the village itself, pedestrian links to north and south of the development and the bus route within the site; and
- the development was part of the holistic approach adopted for the whole Masterplan area including pedestrian and cycle bridge works linking to the developments in Teignbridge, contributions to Markham Lane on the boundary between Exeter and Teignbridge and bus packages linking Exeter and Teignbridge.

Members expressed the following views:-

- the development should be connected to the District Heating network in line with CP17 of the Core Strategy Submission Document 2011 as part of the carbon energy from waste facility at Marsh Barton;
- there should have been a more comprehensive approach in the development of the wider south west area as opposed to bringing forward individual, piecemeal developments;
- no guarantee that the proposed serving of the development by a bus route will be maintained;
- the application is part of the wider South West Exeter development which has been discussed for some ten years with the majority of the 2,500 homes being brought forward in the neighbouring authority with a smaller number within the Exeter boundary;
- recognise role of the Alphington Village Forum in working to securing a number of changes associated with the developments; and
- the developments in Alphington are important to help meet the housing need in the city and reflect the ambitions within the Liveable Exeter Vision

The recommendation was for approval, subject to the completion of a Section 106 Agreement and the conditions as set out in the report together with an additional condition as set out in the update sheet regarding the bus route into the site.

A proposal to add a condition to require the development to be linked to the District Centre was moved as an amendment, seconded and carried.

The recommendations, as amended, were moved and seconded and carried.

**RESOLVED** that

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

#### **Affordable housing**

30% contribution (70% of the affordable units are to be social rent and the

remainder to be intermediate affordable housing) - 5% of the affordable units to be wheelchair accessible; and  
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 affordable housing units to be constructed and made available for occupation prior to occupation of 80% of Open Market units.

### **Transport**

Contributions required as follows:

- Pedestrian/cycle bridge contribution of £1,104 per dwelling;
- Chudleigh Road/A379 improvements works contribution of £3,798 per dwelling;
- Alphington Public Realm Works contribution of £1,100 per dwelling;
- Loram Way Cycle link contribution of £375 per dwelling;
- Bus Service upgrade/extension contribution of £1,750 per dwelling;
- Car Club contribution of £132 per dwelling;
- Travel planning contribution £500 per dwelling;
- Markham Lane contribution (to be agreed); and
- In the case of the highway contributions all figures to be indexed linked from 2016.

For simplicity, the applicant has suggested the above is combined into one payment of £8,759 per dwelling (plus the Markham Lane contribution), payable as follows:-

To pay the County Council 50% of the highway contribution prior to occupation of 25% of the dwelling; and

To pay to the County Council the full balance of the highway contribution prior to the occupation of 50% of the dwellings.

- Prior to commencement;
- Enter into a Section 278 agreement; and
- One Traffic Regulation Order of £5,000.

### **Education**

Contribution to primary education of £4,004.75 per family-type dwelling (based on the Department of Education new build rate of £16,019 per pupil). This contribution would be used towards new primary provision in South West Exeter. One bedroom dwellings are excluded;

Contribution to secondary education of £2,026.83 per family-type dwelling (based on the Department of Education new build rate of £24,261 per pupil). This contribution will be used towards new secondary provision in South West Exeter. One bedroom dwellings are excluded;

Contribution of £250 per dwelling for Early Years provision. This will be used to

provide early years provision for pupils likely to be generated by the proposed development. This contribution will be used towards new early years' places in South West Exeter. One bedroom dwellings are excluded.

Payments to be provided as follows:-

To pay the County Council 50% of the education contribution prior to occupation of 25% of the dwelling; and

To pay to the County Council the full balance of the education contribution prior to the occupation of 50% of the dwellings.

### **GP Facilities/Provision**

£384 per dwelling towards enhanced GP facilities in the locality.

To pay 50% of the health contribution to the Council prior to the first dwelling being occupied; and  
To pay the full balance of the health contribution prior to the occupation of 50% of the dwellings.

### **Open Space/Landscaping**

No more than 50% of dwellings shall be occupied until the Public Open Space has been laid out in accordance with the approved plans; and  
Prior to completion of Public Open Space/Locally Equipped Area of Play areas, details of management company to be provided.

### **District heating connection.**

### **Safeguard access/bus link to eastern boundary**

all Section 106 contributions to be index linked from the date of resolution.

the Assistant Service Lead City Development be authorised to **APPROVE** planning permission for residential development including new access onto Shillingford Road and associated infrastructure, with all matters reserved for future consideration subject to prior consultation with the Chair on securing the linking of this development to the District Heating system and, subject also to the following conditions:

1. Approval of the details of the layout, scale, appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
2. 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 the permission and the development hereby permitted shall be begun before the expiration of five years from the date of the permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved whichever is the later.  
Reason: To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.
3. In respect of those matters not reserved for later approval the development hereby permitted shall be carried out in accordance with the proposed access scheme shown on drawing no.14807-HYD-XX-XX-DR-TP-0201 rev P02.  
Reason: To ensure that an appropriate vehicular access is provided to serve the development.
4. No part of the development shall be occupied until pedestrian/cycle links onto Shillingford Road, Veitch Gardens and Markham Lane to existing highways have been completed with details that shall have been submitted to, 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 Paragraph 108 of the NPPF.
5. No part of the development shall be occupied until a 2m footpath adjacent to Shillingford Road as indicated on *Drawing Number 14807-HYD-XX-XX-*

DR-TP-0201 Rev P02 have been completed with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and with the Local Highway Authority

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

6. No more than 75 dwellings shall be occupied until a vehicular route from Shillingford Road to Chudleigh Road capable of accommodating two-way bus flow through the site have been provided to a specification agreed in writing with the Local Planning Authority and with the Local Highway Authority  
Reason: To ensure the site is served by sustainable transport modes required to meet the agreed residential trip rates and to ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 108 of the NPPF.
7. If, during demolition/ development, contamination not previously identified is found to be present at the site then the Local Authority shall be notified as soon as practicable and no further development (unless otherwise agreed in writing with the Local Planning Authority), shall be carried out until the developer has submitted an investigation and risk assessment, and where necessary a remediation strategy and verification plan, detailing how this unsuspected contamination shall be dealt with. Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy, shall be submitted to and approved by the Local Planning Authority.  
Reason: In the interests of the amenity of the occupants of the buildings hereby approved.
8. **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: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.
9. **Pre-commencement condition:** No development shall take place until a Waste Audit Statement for waste arising from the development has been submitted to and agreed in writing by the Local Planning Authority. The statement shall include:
  - a) methods to reduce the amount of waste material
  - b) methods to re-use the waste within the development
  - c) methods for the reprocessing and/or final disposal of excavated materials, including locations (which should hold appropriate planning permission, Environment Agency licences and exemptions) where such activities will take place
  - d) estimated quantities of excavated/demolition materials arising from the site
  - e) evidence that all alternative methods of waste disposal have been considered
  - f) evidence that the distance travelled when transporting waste material to its final disposal point has been kept to a minimum.Reason: The development shall be carried out in accordance with the

approved statement.

10. **Pre-commencement condition:** Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved Plan and programme of implementation.  
Reason - In the interests of securing a comprehensive approach to the preservation and enhancement of the landscape and ecological interest of the site.

11. **Pre-commencement condition:** No development (including ground works) or vegetation clearance work shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority including:
- (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inclusive: 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - (h) hours during which no construction traffic will be present at the site;
  - (i) the means of enclosure of the site during construction works; and
  - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
  - (k) details of wheel washing facilities and obligations
  - (l) the proposed route of all construction traffic exceeding 7.5 tonnes.
  - (m) details of the amount and location of construction worker parking.
  - (n) photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Reason: To minimise the environmental impacts of the construction process for local residents and in the interests of amenity.

12. **Pre-commencement condition:** No development shall take place until a noise quality assessment has been carried out in accordance with a programme and methodology to be agreed in writing by the local planning authority and the results, together with any mitigation measures necessary, have been agreed in writing by the local planning authority. The development shall not be occupied until the approved mitigation measures

have implemented.

Reason: In the interests of residential amenity.

13. Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:
- (a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with our DCC groundwater monitoring policy.
  - (b) A detailed drainage design based upon the approved Flood Risk Assessment and the results of the information submitted in relation to (a) above
  - (c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
  - (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - (e) A plan indicating how exceedance flows will be safely managed at the site.
  - (f) Evidence there is agreement in principle from the landowner/DCC highways/SWW
  - (g) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor. No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (g) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

14. **Pre-commencement condition:** No development shall take place until an air quality report has been submitted and agreed in writing by the Local Planning Authority of how good design principles and best practice measures, as outlined in Chapter 5 of the IAQM/EPUK guidance Land-Use Planning & Development Control: Planning For Air Quality, will be incorporated to ensure that emissions are fully minimised. The development shall not be occupied until the agreed measures have implemented.

Reason: In the interests of residential amenity.

15. **Pre-commencement condition:** No development shall commence until details of the open space provision (to be not less than 10% of the total site area and excluding hedgerow and associated buffer area) and children's play equipment has been submitted to and approved in writing by the local planning authority and thereafter installed to an agreed timescale and maintained in accordance with the agreed details.

Reason: In the interests of residential amenity.

16. With the exception of the approved removal of the accesses for the site any trees and hedges on or around the site shall not be felled, lopped, or removed without the prior written consent of the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

17. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the tree protection plans submitted as part of a arboricultural Survey before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.  
Reason: 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.
18. Unless it is agreed in writing by the Local Planning Authority prior to commencement that it is not viable or feasible to do so , or would unreasonably delay construction the habitable buildings comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that their internal systems for space and water heating are capable of being connected to the proposed low temperature hot water decentralised energy district heating network. Space shall be provided for the necessary on-site infrastructure (including pipework, plant and machinery) for connection of those systems to the network at points at the application site boundary, as agreed in writing by the local planning authority.  
Reason: To ensure that the proposal complies with Policy CP13 of Councils Adopted Core Strategy and paragraph 153 of the NPPF and in the interests of delivering sustainable development.
19. The development shall achieve a 19% reduction in CO2 emissions over than necessary to meet the requirements of the 2013 Building Regulations.  
Reason - In the interests of sustainable development and in accordance with Exeter Core Strategy Policy CP15.
20. Prior to or as part of the Reserved Matters, details of a vehicular route from Shillingford Road to the eastern boundary capable of accommodating two way bus flow including swept path analysis through the site has been provided to a specification agreed in writing with the Local Planning Authority and the Local Highway Authority.  
Reason: To ensure that a safe and suitable access to the site is provided and capable of being used by buses.

### **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.

- (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 Assistant Service Lead City Development for the reasons set out below:-

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters:-

- Affordable Housing;
- Education contribution;
- GP contribution;
- Highway infrastructure contributions;
- Travel Planning contribution; and
- Traffic Regulation Order contribution

The proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, and 10, and policies CP4, CP5, CP7, CP9, CP10, CP13, CP16 and CP17, Exeter Local Plan First Review 1995-2011 saved policies H6, T3, DG1 and DG4 Exeter City Council Affordable Housing Supplementary Planning Document 2014, Exeter City Council Sustainable Transport Supplementary Planning Document 2013.

cabinet at base and associated ancillary works.

The Assistant Service Lead City Development:-

- detailed the location of the mast and the associated equipment explaining that the height of the mast had been reduced from 20 metres and its location moved slightly to avoid a gas main;
- referred to a map showing the cell search of the area detailing areas covered by 5G and areas where coverage was poor or with little or no coverage;
- referred to other site options considered by the applicant and the reasons for their rejection such as conflicts with transmission with other masts and a preference for using public land; and
- referred to a series of photo montages provided by the applicant, which showed a range of views and the potential visual impact the mast would have on the street scene.

He advised that a total of 183 representations had been received with 178 objecting. Responding to new issues raised he advised that:-

- a potential site option to the north of Exeter Arms was not considered suitable because of an existing mast used by a different operator which would have resulted in interference;
- the height of a typical double decker bus was 4.5 metres which was lower than the 18 metre height of the mast and therefore the difference between passengers and height of mast was significantly in excess of Government guidelines; and
- the visuals submitted were in respect of a 20 metre mast but were considered acceptable as it was possible to gauge the impact of a 18 metre mast.

The Assistant Service Lead City Development advised that grounds for approval of the prior approval were limited to size, shape and appearance and it was not considered that there were reasons for refusal on these grounds.

He responded as follows to Members queries:-

- St Peters School, which was 200 metres from the application site, had been consulted, the school making representations in July 2020, seeking assurance that the mast complied with Government guidance. No further representation had been received from the school;
- the mast and associated equipment were on the back edge of the pavement with a gap of 3.475 metres between the cabinet and kerb. The Highway Authority had confirmed that the pavement was sufficiently wide and the equipment did not impede use by pedestrians and cyclists;
- no objections had been received from the Devon and Cornwall Constabulary;
- issues relating to Biodiversity, including the reference to wildlife whiskered bats, accorded with Government guidance and there was no evidence that there would be an adverse impact on wildlife; and
- the submission of a statutory nuisance was not part of the planning system.

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

- Sidmouth Road is a major link between Exeter and the East of Exeter with the mature trees being a crucial aesthetic creating an image of a "Green

City";

- a Devon Wildlife Trust Survey of 2018 states that there are "Whiskered Bats " at Middlemoor, a protected species in the UK and Europe;
- 5G will not pass through wet foliage, trees are being felled nationwide to allow this new technology and any damage to the tree lined road would alter the appearance of the locality;
- this 18 metre pole will be visible from some distance and will be in direct line of sight for local residents, businesses, approach roads and loom high above bus stops;
- there is a proliferation of masts in this area;
- it is sited close to a school with 2,000 pupils, which had little time to research and inform parents;
- no evidence to show that local businesses have been consulted;
- no exclusion zone information has been provided regarding the close proximity of the School, local businesses and residential properties;
- the International Commission on Non-Ionizing Radiation Protection certificate is out of date, unsigned, incomplete;
- emissions may constitute a Statutory Nuisance caused by toxic pollutants and a Statutory Nuisance Complaint has been lodged with Environmental Health by residents to investigate whether polluting effects are permissible;
- a precautionary approach to the siting of masts is necessary on public health grounds; and
- application should be rejected on siting, appearance and the incomplete, invalid information provided with this application.

The Chair referred to the following:-

- under national planning regulations the Council can only consider siting and appearance and mobile operators are not required to justify need;
- the Council cannot consider perception of health risk associated with new telecoms, or the precautionary principal. The considerations to be taken into account in the determination of Prior Approval applications are prescribed and are very limited under planning regulations;
- the application has to be determined within 56 days of receipt or a date agreed with the applicant. The operator has the right to install the apparatus if there is no response within this timescale; and
- the Council has no control over what applications are submitted, nor can it withdraw the application. Only the applicant can withdraw the application. If the Council refuses to determine the application within the 56 days (or an agreed date) and planning permission can still be granted.

Members expressed the following views:-

- oppose location of the site and the mast will have an adverse impact on residential area and local residents;
- site is close to the school building itself as well as the corner of the playing field and concern that the school has not come back with further issues;
- mast is likely to have an adverse impact on the neighbouring public service operators given the proximity of the Police Headquarters and the Fire Station, radio etc. signals from which are likely to be disrupted;
- the application should be deferred to assess the statutory nuisance complaint lodged with the Council;
- further information is required on the cumulative impact of masts in the area;
- St. Peters School and the Police have engaged with the consultation process, the school being 200 metres away. Neither objected;

- site is in an acceptable location on the outskirts of the city and not sufficiently close to residential areas; and
- masts are required to meet coverage for mobile phones use of which is widespread.

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

The recommendation was moved and seconded.

**RESOLVED** that, subject to receipt and consideration of outstanding consultation responses and any representations received, prior approval is granted for the installation of 18m high 5G telecommunication monopole with cabinet at base and associated ancillary works, subject to no development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement should include details of access arrangements and timings and management of arrivals and departures of vehicles. The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and public amenity

The meeting was adjourned at 19:20 and re-convened at 19:25.

86

**PLANNING APPLICATION NO. 19/1417/FUL - AMBULANCE STATION,  
GLADSTONE ROAD, EXETER**

The Principal Project Manager (Development) (DC) presented the application for the demolition of existing buildings and re-development of site to provide co-living accommodation with associated accesses/egresses, landscaping and other external works.

The Principal Project Manager (Development), went through the site location plan, aerial views, and photographs of the existing site and its context with adjacent buildings.

The Principal Project Manager (Development) set out a detailed description of the application and highlighted:-

- co-living residential development of 133 studios;
- 27 studios to be affordable rented, equating to 20% in-line with National Planning Practice Guidance;
- the development would be car free except for deliveries and drop off/pick up;
- the proposals included a new pedestrian crossing on Gladstone Road;
- the developer had agreed to provide a £65,000 contribution towards a pedestrian/cycle crossing on Heavitree Road;
- there would be a reliance on existing public open spaces nearby to provide outdoor amenity and recreational space. The proposals included a £50,000 contribution towards upgrade and maintenance of Belmont Park;
- the Section 106 under the Town and Country Planning Act 1990 would also secure habitats mitigation of £114,247; and
- the development was sui generis and not CIL liable.

The Principal Project Manager (Development) went through the proposed site plan of the development detailing the proximity of the building to adjacent neighbouring buildings and to Gladstone Road, proposed accesses, proposed landscaping for the development, location of bin store and covered cycle store and the location of the proposed pedestrian crossing on Gladstone Road.

The Principal Project Manager (Development) in her presentation highlighted the following key elements of the application:-

- comparison between the previous flat roof scheme and the new pitched roof design;
- studio sizes from lower ground floor to third floor being on average 20 square metres, each studio being self-contained with a kitchenette, en-suite shower room, work space and wardrobe;
- floor layouts for each floor including a total of 409 square metres of communal areas providing work space and seating space, communal kitchen and communal dining area, laundry, games area, flexible events and social space. The majority of communal areas to be provided on the ground floor with some communal space also on the lower ground floor;
- the communal amenity space equating to 3.1 square metres per studio;
- the courtyard area providing outdoor amenity for the residents;
- a gated vehicular access from Gladstone Road for drop off and pick up purposes and deliveries;
- the accommodation to have a General Manager and a team to support the general running of the scheme. The Management Plan sets out that the site is likely to be staffed 8:00 am to 8:00 pm Monday to Friday with key times covered over the weekend, all tenants to have a contact number for out of hours emergencies.

The Principal Project Manager (Development) went through the scale, height, massing and detailed design and appearance of the building and its relationship with adjacent built development. A series of Computer Generated Images (CGI's) were shown of the proposed development from various viewpoints in the locality. The Principal Project Manager (Development) stated that officers consider that the development will have a neutral impact on the setting of adjacent conservation areas and a neutral impact on the setting of St. Lukes College.

The Principal Project Manager (Development) referred to sections of the Design and Access Statement and cross sections through the development and Sandford Walk properties in explaining how officers had considered the impacts on amenity of adjacent neighbours. The Principal Project Manager (Development) referred to the recommended conditions contained on the Update Sheet and stated that Condition 13 should be amended to also require the windows at second floor level lighting amenity and corridor area to be obscure glazed.

The Principal Project Manager (Development) stated that:-

- the proposal made effective use of a previously developed site;
- the site was in a sustainable, accessible location, close to the city centre;
- the principle of specialist housing development in this location was acceptable in principle;
- the development would assist the Council towards providing a five year supply of deliverable housing sites;
- this Build to Rent housing would provide 20% affordable private rent and the affordable housing would be prioritised for essential local workers;

- the development would improve pedestrian crossing facilities on Gladstone Road;
- a contribution would be made towards improving pedestrian/cycling crossing facilities at Gladstone Road/Heavitree Road junction;
- the quality of amenity provided within the development was acceptable; and
- taking into account the urban context of the site, the impacts on the amenity of surrounding properties were within acceptable limits.

The Principal Project Manager (Development) responded as follows to Members' queries:-

- the Council's Waste Collections Team had commented that the number of bins required for local authority collection was 7 x 1,100 litre refuse + 1 x 240 litre refuse and 7 x 1,100 litre recycling + 240 litre recycling, anything less to be under capacity and extra paid for collections would be needed. They had also commented that ideally the refuse lorry would be as near to the bin store as possible with the distance that bins have to be moved minimal and preferably direct. In response, the applicant has confirmed that the bin store would have capacity for 9 x 1,100 litre bins and waste collection for the scheme would be undertaken by private contractors who would be required to provide a more regular bin collections service and would include recycling;
- the access to the bin storage area would be via St Matthews Close and the access to the storage area would be gated and only accessible by the residents;
- the proposed development, if approved, would be a material planning consideration should the adjacent Police Station site be brought forward for re-development;
- the scale of building shown in the CGI of the proposed development with Atlas House in the foreground was, in the officer's view, a result of perspective when viewing the site from a distance further east along Heavitree Road;
- the position of the pedestrian crossing over Gladstone Road had been agreed with the Highway Authority. The crossing includes a refuge for pedestrians; and its detailed design is subject to a planning condition;
- a detailed sunlight and daylight assessment had been submitted by the applicant, the findings of which are considered in the officer report;
- the majority of windows in the scheme would be a minimum of 22 metres from the rear of Sandford Walk properties and privacy would be improved by the fact the new building would not run totally parallel to the Sandford Walk properties. The separation distances from the studio windows at second and third floor level on the northern elevation was not significantly greater than 22 metres and therefore a condition was considered necessary to require those windows to be partially obscure glazed at a low level to protect the privacy of neighbours on Sandford Walk;
- obscure glazing would also be provided for the windows in the north elevation of the corridor areas in the wings at first floor level and the windows lighting amenity space and corridor at second floor level; and
- given the separation distances and having regard to the urban nature of the locality, the visual outlook for residents was considered acceptable.

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

- despite its central location, Newtown is a close community village and the temporary nature of this adult only accommodation will fail to serve the housing needs of the community and not provide affordable family homes;
- the proposal is overbearing, would put a strain on outdoor spaces and be

- detrimental to the area's bio diversity;
- the on-site outdoor space is insufficient, residents will be reliant on community parks and green spaces and the suggested Section 106 payment will be insufficient to cover the additional demands on the parks. Belmont Park is extremely well used and the extra money will not meet the demands of 133 extra people using the park;
- Natural England state that this development falls within the zone of influence for the Exe Estuary and is likely to have a harmful effect on the Special Protection Area;
- the development will lead to the loss of a mature ash tree and an independent assessment of whether it has Ash Die Back is required. The Devon Ash Die Back Forum recommend that live, infected ash trees should not be felled unless for public safety and provide evidence that a small proportion of trees will be able to tolerate the disease and recover;
- the development will impact on the local residents of Sandford Walk and St. Matthews Close by introducing additional height and massing not in keeping with the character of the Victorian properties on Sandford Walk and not sympathetic to the local character of the Conversation Area. It will block light and overshadow neighbouring properties;
- Sandford Walk residents will lack winter sunlight requirements and St. Matthews Close residents will be looking out to a large expanse of brickwork;
- the wellbeing of the future residents of the development is a concern without any local or national guidance - co living is experimental and may not result in happy co-living communities;
- the communal spaces located on the ground floor may not be well used by those on the third or fourth floors. Consideration should be given to the impact any further lockdown will have on residents of this type of development because of the small size of living quarters with no outdoor space;
- overbearing development will have a negative impact on the local area, putting pressure on local green spaces and dwarf the homes of local residents, blocking light and impacting on their privacy. It would fail to efficiently use the existing brownfield site and also fails to provide the affordable family homes needed for Newtown.

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

- the ambulance station site is in the heart of Newtown representing the first step of likely significant development of the Heavitree Road corridor. The development is unsuitable, unsustainable and is a towering, oppressive block;
- the majority of rooms in the proposed co-living scheme fall below the national space standard for a 1 bed 1 person dwelling of 37 square metres - the room sizes of the studios vary between 18 and 42 square metres;
- the communal amenity areas on the ground floor do not compensate for the exceptionally small room sizes;
- 20% affordable housing provision falls short of this Council's policy of 35%;
- whilst there is a need to attract young professionals to come to the city and for graduates to stay, this is a one dimensional approach to a complex issue and will upset the local community in the process;
- scale and massing of the building is inappropriate. It is a huge development of 133 bedroom units, visually uninspiring, with no garden provision and offering minimal external areas;
- inappropriate relationship to the St. Luke's campus, a locally listed building;
- the development is not fully sympathetic to the local character and there is a potentially uncomfortable height relationship between the proposed building and the existing flats of Nos. 7-8 St. Matthews Close and the juxtaposition

between the buildings of lower height on Sandford Walk and St. Matthews Close;

- the ridge height of the main part of the building would be more than twice that of the terraced houses on Sandford Walk and fails to meet the minimum distance away. Residents have raised concerns about increased noise disturbance and anti-social behaviour. On site management is proposed between 8:00am and 8:00pm with an out of hours emergency number but the Police have requested a condition for 24-7 onsite management indefinitely as well as the vetting of potential tenants;
- lack of outdoor amenity space and the proposed courtyard will not meet the needs of the occupiers of 133 studios;
- there has been no further public consultation after the initial one over a year ago and no offer to meet on site to review and address issues;
- this Council has demonstrated an innovative and sustainable approach to solving the housing need in Exeter with its garden city vision but it is necessary to ensure a consistent message is sent to the community about suitable housing, first class design, sustainability and a positive contribution to the environment and the commitment to make Exeter carbon neutral by 2030. The application does not meet these standards and should be refused or deferred to re-consult with the Newtown community and seek a revised, higher quality development.

Dr Matthew Lockyear spoke against the application. He raised the following points:-

- a transient student population is not suitable for Newtown;
- there is a significant potential for noise nuisance and late night antisocial behaviour;
- height and scale of the building at six stories is unacceptable;
- the St Luke's building is an important heritage building and the proposed six story building is out of keeping with the rest of the buildings in the area;
- the "co-living" aspect is in name only and people will not want to live in a building with an 80% student occupancy;
- the average size of a dwelling falls considerably below residential amenity;
- as affordable co-living, this development is inadequate;
- the developer's daylight and sunlight report states that 15 % of the windows of Sandford Walk properties will suffer day-light reductions of up to 75% and 21% of the properties. Some gardens will receive less than two hours of sunlight per day due to overshadowing;
- windows of the development will look directly into gardens and lower floor and upper floor windows and severely affect residents' privacy;
- the Residential Design Guide states a minimum back to back distance should exceed 22 metres for buildings of different heights which is not met by this development being 10.5 metres in places;
- an independent report on the condition of the Ash Tree on Gladstone Road is required; and
- this oppressive, inappropriate and inadequate development should be refused for the people of Newtown and St Leonards and the whole of Exeter.

Iestyn John spoke in support of the application. He raised the following points:-

- is a carefully designed scheme with an extensive design process;
- will help meet acute need for housing for young people and key workers and vital to maintain jobs and skills needed in Exeter. It is a brownfield site suitable for a co-living use;
- scheme does not have a harmful relationship to adjoining houses in relation to

- privacy, overlooking and sun/daylight and is of a good design;
- the scheme complies with the newer Exeter Design Guide which ensures that schemes have a proper relationship with surroundings;
- outlook is satisfactory, as demonstrated by the scheme visualisations and is in a zone of transition between the more traditional housing in the east and the more modern and commercial character of Heavitree Road;
- as long established providers of multi-occupancy developments, Watkin Jones understand the needs of residents and the amount of communal space is acceptable; and
- the scheme represents a well-designed, well located proposal to provide much needed housing in the city centre aligning closely with the Council policy to provide affordable development. It will provide funding capital for the NHS.

He responded as follows to Members' queries:-

- independent research on the demand for this type of accommodation has been undertaken by Development Economics, who examined economic and labour market conditions, the characteristics of Exeter, evidence provided by the City Council and evidence across the UK. Exeter is considered to experience difficulty in retaining highly qualified young people in the city;
- tenancy arrangements would be a minimum tenure of three months including for key workers;
- there is a significant demand for this type of accommodation from a wide range of people particularly young professionals and is also likely to include graduates and post graduates as identified as a key requirement by Watkin Jones for this type of development. No particular target as breadth of market exists;
- the accommodation differs from Purpose Built Student Accommodation (PBSA) as it is 100% studio accommodation whereas PBSA can be a mix of studio and cluster rooms and it offers more substantial communal space with work space, breakout areas, games areas and communal dining and kitchens etc.; and
- it would be possible for couples to lease the rooms on any floor.

Members expressed the following views:-

- opposed to the scheme as previous PBSA schemes in Newtown have been closer to the city centre but this is in the residential area itself and is too near residential properties, including elderly residents;
  - 20% affordable housing is short of the Council policy;
  - inappropriate height reducing daylight and sunlight - building heights should complement the area;
  - height will also set a precedent for a tall building on the Police Station site;
  - it does not enhance the neighbourhood and has a significant negative impact on the quality of residents' life;
  - the "icon" Ash tree reduces traffic pollution and improves air quality;
  - building is too close to St. Matthews Close and Sandford Walk;
- 
- proposal is suitable for this area of the city close to the centre;
  - the alternative would be a PBSA without an option for 20% affordable housing;
  - demand exists for this type of social, shared, sustainable, urban living;
  - contribution of £50,000 for Belmont Park welcome;
  - young people and key workers will welcome this opportunity and the inclusion of retail workers within the list of key workers is desirable;
  - proposal is a golden opportunity to provide housing for key workers such as

RD&E staff. The Housing Needs Survey confirms demand for good quality accommodation for young professionals and recent graduates;

- higher rise proposals contribute to housing need. There is no evidence to suggest that occupation will be limited to students;
- development of a brownfield site preferable to green areas and it offers a sustainable development close to supermarkets, the hospital and the city centre helping meet the Council's green agenda;
- widens the nature of housing provision in the Newtown neighbourhood;
- quality of Ash Tree indicates that it is unlikely to be retained;
- helps support those looking for temporary accommodation prior to selling and buying properties;
- city centre living represents a new phase in accommodation provision, a Co-living option offering both high density and high quality;
- a new type of city centre accommodation should be embraced, with the developer helping address housing provision in a new way; and
- it is a car free development on bus routes with no parking pressure in the neighbourhood.

The Principal Project Manager (Development) provided the National Planning Policy Framework definition of Essential Local Worker as 'Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers' and advised that retail workers could be included if Members wanted to include these types of workers for this application. The Principal Project Manager (Development) also sought an amendment to the recommendation as set out in the Additional Information Update Sheet to grant delegated authority to the Service Lead City Development to make minor changes to the conditions, subject to prior consultation with the Chair, as the detailed wording of the conditions was being discussed with the developer.

The following proposals were moved as amendments, seconded and carried:-

- (a) delegated authority be granted to the Service Lead City Development, subject to prior consultation with the Chair, to finalise detailed wording of the conditions; and
- (b) with respect to the obligation for 20% of the dwellings to be affordable private rented with first priority to essential local workers, to add retail workers to the National Planning Policy Framework definition of Essential Local Worker.

**RESOLVED** that:-

- (1) the Service Lead City Development be authorised to **APPROVE** planning permission for the demolition of existing buildings and re-development of site to provide co-living accommodation with associated accesses/egresses, landscaping and other external works, subject to:
  - i. the completion of a Section106 Agreement under the Town and Country Planning Act 1990 to secure:-
    - Co-living Management Plan/Monitoring;
    - 20% of the dwellings within the co-living block will be affordable private rented with first priority to essential local workers, as defined in the National Planning Policy Framework and including retail workers. 5% of the affordable dwellings to be fitted out so they are wheelchair accessible;

- £114,247 habitats mitigation;
- £50,000 for maintenance/upgrade of off-site public open spaces;
- Management Plan to ensure no parking is associated with the development; and
- £65,000 contribution to improve the pedestrian/cycling crossing facilities at the Gladstone Road/Heavitree Road junction.

all Section 106 contributions should be index linked from the date of resolution.

- ii. the conditions below, subject to carrying out minor amendments to the wording as necessary subject to prior consultation with the Chair.

1. Standard Time Limit – Full Planning Permission

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 comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans and Documents

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

- Site Location Plan (Dwg. No. 2407\_350)
- Proposed Site Plan (Dwg. No.2407\_358)
- Proposed Site Context Elevations – East South (Dwg. No. 2407\_370 Rev B)
- Proposed Site Context Elevations – North & West (Dwg. No. 2407\_371 Rev A)
- Proposed Lower Ground Floor Plan (Dwg. No. 2407\_359 Rev A)
- Proposed Ground Floor Plan (Dwg. No. 2407\_360 Rev A)
- Proposed First Floor Plan (Dwg. No. 2407\_361 Rev A)
- Proposed Second Floor Plan (Dwg. No. 2407\_362 Rev A)
- Proposed Third Floor Plan (Dwg. No. 2407\_363 Rev A)
- Proposed Fourth Floor Plan (Dwg. No. 2407\_364 Rev A)
- Proposed Roof Plan (Dwg. No. 2407\_365 Rev A)
- Landscape Layout (Dwg. No. 101 Rev Q)
- Drainage Strategy Drawing 19252-JUBB-XX-00-DR-C-500 P7
- Addendum Daylight and Sunlight Report (Consil) dated 13 August 2020
- Air Quality Assessment (Redmore Environmental)(Reference 2879r5) dated 7 August 2020
- Supporting Statement (Arboricultural Appraisal by Advanced Arboriculture) dated 13 August 2020
- BREEAM Pre-Assessment Report Revision 0 (Consolux), 573/11.1, 13 August 2020
- Built Heritage Statement (RPS Group) V3 19 August 2020
- Construction Management Plan (The Watkin Jones Group) August 2020
- Management Plan (Fresh Property Group) 4 August 2020
- Co-Living Design Review (Manson), dated August 2020, REV C
- Planning Statement (Bell Cornwell)(9277) August 2020
- Archaeological Desk Based Assessment (RPS) 4 August 2020

- Design and Access Statement Rev B (Manson), dated August 2020
- Drainage Strategy (Jubb) Technical Note 02-Rev C, 7 August 2020
- Ecological Appraisal (Bowland Ecology) 4 August 2020
- Energy and Sustainability Concept Statement (Consolux Sustainability Ltd)(reference 573/4.2), August 2020, Revision 4
- Flood Statement (Jubb) (TN01 Rev B) dated 7 August 2020
- Ground Investigation Report (Tier Environmental Ltd), Issue 1.5, TL1196GIR, dated 5 August 2020
- Landscape Design Statement (TPM), August 2020
- Ambient Noise and Building Envelope Assessment (PDA) Revision 5, dated 3 August 2020
- Preliminary Risk Assessment Report (Tier Environmental Ltd) dated 5 August 2020, reference TE1 151 PRA, issue number 1.2
- Transport Statement (ADL Traffic and Highways Engineering Ltd), Issue 3, 7 August 2020, report ref: CW/J002573/3902/05
- Framework Travel Plan (ADL Traffic and Highways Engineering Ltd), Issue 3, 7 August 2020
- Unexploded Ordnance Risk Assessment (report ref.: DA8603-00, date: 5th May 2019)

**Reason:** To ensure the development is constructed in accordance with the approved plans and documents, unless modified by the other conditions of this permission.

### 3. Unexploded Ordnance Risk Assessment

The mitigation measures recommended in 1st Line Defence Limited's Detailed Unexploded Ordnance Risk Assessment (report ref.: DA8603-00, date: 5th May 2019) shall be implemented in full.

**Reason:** In the interests of safety to ensure that construction works take place in accordance with the recommendations contained in the Unexploded Ordnance Risk Assessment.

## ***Pre-commencement Details***

### 4. Programme of Archaeological Work

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:** 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.

### 5. Surface Water Drainage Management System

No development hereby permitted shall commence until the following information 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:

- a) A detailed drainage design based upon the approved Drainage Strategy Drawing 19252-JUBB-XX-00-DR-C-500 P7.

- b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
  - c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - d) A plan indicating how exceedance flows will be safely managed at the site.
- The development shall not be occupied until the works approved under a) to d) above have been implemented in accordance with the approved details under a) - d).

**Reason:** To ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG and Policy CP12 of the Core Strategy, Policy EN4 of the Exeter Local Plan First Review. These details are required pre-commencement as specified to ensure that appropriate surface water drainage management systems are in place during the demolition/construction phases and after the development has been completed, and that these systems will be properly maintained to prevent adverse risk to the environment.

#### 6. Noise Impact Assessment

Prior to commencement of the development, a noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority. This report shall consider the impact of noise from the development on local receptors and shall include noise from plant and equipment as well as noise from deliveries, residents and events. If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme of works to ensure that the development does not have a significant negative impact on local amenity. These measures shall be agreed in writing by the LPA and shall be implemented prior to and throughout the occupation of the development.

**Reason:** In the interests of the amenity of the occupants of neighbouring dwellings. This information is required before development commences to ensure that any necessary noise mitigation measures are considered and addressed at the appropriate stage.

#### 7. Contamination

No development (other than demolition) shall take place until a full site investigation and remediation strategy has been submitted to, and approved in writing by, the Local Planning Authority. The site investigation and remediation strategy shall determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary to bring the land to a standard suitable for the proposed development. The building(s) shall not be occupied until the approved remedial works have been implemented and a verification report has been submitted to and approved in writing by the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

**Reason:** In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

#### 8. Construction Method Statement

No demolition or 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 demolition and construction phases.
- b) The parking of vehicles of site operatives and visitors during the demolition and construction phases.
- c) The areas for loading and unloading plant and materials during the demolition and construction phases.
- d) Storage areas of plant and materials during the demolition and construction phases.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to control the emission of dust and dirt during the demolition and construction phases.
- h) No burning on site during the demolition and construction phases, or site preparation works.
- i) Strategy to measure and minimise noise/vibration nuisance to neighbours from plant and machinery during the demolition and construction phases.
- j) Demolition/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) Measures to minimise the impact on the adjacent footpath
- l) Timings of the proposed works
- m) No driven piling without prior consent from the Local Planning Authority.

The approved document shall be strictly adhered to throughout the demolition and construction phases of the development.

**Reason:** To ensure that the demolition and construction works are carried out in an appropriate manner to minimise the impact on the amenity of the properties in the neighbourhood and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that a plan is in place to ensure that the development works are carried out in an appropriate manner.

#### 9. Waste Audit Statement

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

#### 10. Co-Living Energy Performance

Before commencement of construction of the superstructure of the co-living accommodation block 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 the building the developer will submit a report to the Local Planning Authority from a suitably qualified consultant to demonstrate compliance with this condition.

**Reason:** In the interests of sustainable development and to ensure that the development accords with Policy CP15 of the Core Strategy. These details are required pre-commencement as specified to ensure that the requirements of Policy CP15 are met and the measures are included in the construction of the building.

### ***Pre-Tree & Vegetation Clearance Works***

#### 11. Bird Nesting Season

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

**Reason:** To protect nesting birds in accordance with saved Policy LS4 of the Exeter Local Plan First Review, and paragraphs 174 and 175 of the NPPF.

### ***Pre-Specific Works***

#### 12. Materials

Prior to the construction of the Co-Living accommodation block (not including the foundations), samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved materials.

**Reason:** In the interests of good design and the character of the area, in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review, and paragraphs 127 and 130 of the NPPF (2019).

#### 13. Obscured Glazing

Prior to the construction of the Co-Living accommodation block (not including the foundations), details of the provision of obscured glazing on the north elevation of the building shall be submitted to and approved in writing by the Local Planning Authority. This shall include the windows of the corridor areas in the wings at first floor level (which shall be fully obscured and shall be permanently fixed closed) and the windows of the studios at second and third floor levels, which shall be partially obscured at a low level. The details shall include the level of obscurity of the glazing. The details shall be implemented as approved and maintained at all times thereafter.

**Reason:** To protect the privacy of neighbouring properties in accordance with saved Policy DG4 of the Exeter Local Plan First Review

#### 14. Integral Bird Boxes

Prior to the construction of the Co-Living accommodation block (not including the foundations), details of the provision for nesting birds in the built fabric of the building shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as part of the development and retained thereafter.

**Reason:** To enhance biodiversity on the site in accordance with Policy CP17 of the Core Strategy, the Residential Design Guide SPD (Appendix 2) and paragraph 175 of the NPPF.

15. External Lighting Scheme

No external lighting shall be installed on the site or on the building hereby permitted unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.

**Reason:** To ensure lighting is well designed to protect the amenities of the area and wildlife in accordance with Policy CP17 of the Core Strategy, saved Policies DG1 and DG4 of the Exeter Local Plan First Review, and paragraphs 127 and 130 of the NPPF (2019).

***Pre-occupation***

16. Ambient Noise & Building Envelope Assessment

Prior to the occupation of the development hereby permitted, the recommended standards for the glazing, ventilation and building façade elements set out in Philip Dunbavin Acoustics Ltd.'s Ambient Noise & Building Envelope Assessment (report ref: CW/J002573/3902/05, date: 03 August 2020,) shall be implemented in full. The measures shall be maintained thereafter unless alternative noise mitigation measures are implemented in accordance with details submitted to and approved in writing by the Local Planning Authority, which will be maintained thereafter.

**Reason:** In the interests of the amenity of the occupiers of the development.

17. CCTV

Prior to the occupation of the development hereby permitted, a strategy for the distribution and management of CCTV on the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include the location and design of CCTV cameras, which should be integrated in an unobtrusive manner. The strategy shall be implemented as approved.

**Reason:** In order to help prevent/detect crime, disorder and anti-social behaviour in accordance with the advice of the Police Designing Out Crime Officer and saved Policy DG7 of the Exeter Local Plan First Review.

18. Gladstone Road Highway Works

Prior to the occupation of the development hereby permitted, the proposed highway works on Gladstone Road (new vehicular access point, reinstatement of the redundant access point, and pedestrian crossing with refuge), as indicated on drawing number 2407\_360 Rev A (Proposed Ground Floor Plan), shall have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

**Reason:** To provide a safe and suitable access for vehicles, pedestrians and cyclists, in accordance with paragraphs 108 and 110 of the NPPF (2019).

19. St Matthews Close Highway Works

No part of the development shall be occupied until the proposed highway works on St Matthews Close (pedestrian and cycle access points), as indicated on drawing number 2407\_360 Rev A (Proposed Ground Floor Plan), have been provided in accordance with details that shall previously have been submitted to and approved

in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

**Reason:** To provide a safe and suitable access for pedestrians and cyclists, in accordance with paragraphs 108 and 110 of the NPPF (2019).

#### 20. Cycle Parking

The Co-Living accommodation block shall not be occupied until secure cycle parking for the residents of the building has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The secure cycle parking shall be maintained at all times thereafter.

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

#### 21. Travel Plan

Prior to occupation of the development hereby permitted, a travel plan (including recommendations and arrangements for monitoring and review) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the travel plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

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

#### 22. Travel Pack

Prior to occupation of the development hereby permitted, a travel pack shall be provided informing all residents and staff of the car free status of the development, and the walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car clubs and electric bike hire facilities available, the form and content of which will have previously been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

**Reason:** To ensure that all residents and staff of the development are aware of its car free status and the available sustainable travel options.

#### 23. Bin Store

The Co-Living accommodation block shall not be occupied until a bin store for the residents of the building has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that bin storage is provided for the development in the interests of good design and residential amenity.

#### 24. Detailed Landscaping Scheme

Prior to the occupation of the development hereby permitted, a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments and signage. The plan shall specify tree/plant species and methods of planting, including tree pit details. The hard landscaping shall be constructed as approved prior to the occupation of the development. The soft landscaping shall be planted in the first planting season following the occupation of the development or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the

development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** In the interests of good design in accordance with saved Policy DG1 of the Exeter Local Plan First Review and paragraph 127 of the NPPF (February 2019).

#### 25. District Heating Network

The buildings comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that their internal systems for space and water heating are capable of being connected to the local decentralised energy district heating network. Prior to occupation of the development, the necessary on site infrastructure (including pipework, plant and machinery) for connection of those systems to the network in a manner agreed in writing by the LPA shall be put in place.

**Reason:** To ensure that the proposal complies with Policy CP13 of the Council's Adopted Core Strategy and paragraph 153 of the NPPF, and in the interests of delivering sustainable development.

#### **Post Occupancy**

#### 26. Co-Living Communal Spaces

The communal areas, communal kitchen/dining space, amenity space, work space, games area, flexible events and social space within the Co-Living accommodation block, as shown on the approved floor plans, and the external courtyard to the north of the building shall be used for communal use by all the residents of the Co-Living accommodation block only and shall not be sub-divided in any way to create additional private bedrooms/spaces.

**Reason:** To ensure sufficient communal space is available for the residents of the Co-Living accommodation block in the interests of residential amenity.

#### 27. Waste and Recycling Bins

No waste or recycling bins or containers shall be stored outside the bin store of the development hereby approved except upon the day(s) of collection.

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

- 2) the 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 16 May 2021 or such extended time as agreed by the Service Lead City Development for the reasons set out below:-

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters:-

- Co-living Management Plan/Monitoring;
- 20% of the dwellings within the co-living block will be affordable private rented with first priority to essential local workers, as defined in the National Planning Policy Framework and including retail workers. 5% of the affordable dwellings to be fitted out so they are wheelchair accessible;
- £114,247 habitats mitigation;
- £50,000 for maintenance/upgrade of off-site public open spaces;

- Management Plan to ensure no parking is associated with the development;
- £65,000 contribution to improve the pedestrian/cycling crossing facilities at the Gladstone Road/Heavitree Road junction; and

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, and 10, and policies CP5, CP7, CP9, CP10, CP17 and CP18, Exeter Local Plan First Review 1995-2011 saved policies, L4, T1, C5, LS2, and DS1, Exeter City Council Affordable Housing Supplementary Planning Document 2014, Exeter City Council Sustainable Transport Supplementary Planning Document 2013 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

87

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

The report of the Director was submitted.

**RESOLVED** that the report be noted.

88

### **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 9.07 pm)

Chair