

PLANNING COMMITTEE
(HELD AS A VIRTUAL MEETING)

Monday 14 December 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, Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) (HS), City Development Consultant, Democratic Services Officer (MD), Democratic Services Officer (HB) and Democratic Services Officer (SLS)

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MINUTES

The minutes of the meetings held on 26 October and 16 November 2020 were taken as read and approved as correct for signing by the Chair at the earliest convenience.

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DECLARATIONS OF INTEREST

Members declared the following interests:-

COUNCILLOR	MINUTE
Councillor Morse	Min. No. 92 - disclosable pecuniary interest
Councillor Bialyk	Min. No. 93 - disclosable pecuniary interest
Councillor Foale	Min. No. 93 - non pecuniary interest
Councillor Ghusain	Min. No. 93 - non pecuniary interest
Councillor Hannaford	Min. No. 93 - non pecuniary interest
Councillor Harvey	Min. No. 93 - non pecuniary interest
Councillor Wright	Min. No. 93 - non pecuniary interest

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**PLANNING APPLICATION NO. 20/0938/FUL - LAND AT CORNER OF
RETREAT DRIVE AND EXETER ROAD, TOPSHAM**

The Assistant Service Lead (City Development) presented the application for the construction of a commercial building extending to 2,820sqm (GIA) for the flexible use of Class E (Commercial, business and service uses, excluding sub class E(g)(iii) Industrial processes), access, car and cycle parking, landscaping and associated infrastructure

The Assistant Service Lead (City Development) provided a description of the site and the development and went through the site location plan, views of the site including aerial views, and photographs showing the relationship with the Chasee development and the M5 motorway bridge, including a photo from the motorway itself. He ran through the footprint and floor plans with CGI images also shown. He provided detail of previously approved schemes including a residential scheme and a smaller office development. The current proposal covered a larger footprint than

the previous office application.

He referred to the following key issues:-

- the principle of development;
- the Topsham Gap;
- the scale, design, impact on character and appearance and impact on amenity of surroundings, the design being acceptable to the Design Review Panel and with a Green Wall to be provided;
- parking for 46 car parking spaces, 46 cycle spaces, 10 co-bikes and 2 co-cars;
- access and impact on local highways and parking provision;
- sustainable public transport links; and
- landscaping and sustainability and ecology, the scheme to be developed to being BREEAM excellent standard.

He also referred to the following:-

- consultee responses from Devon County Council, Environmental Health, the Flood Authority, Highways England and the RSPB and associated conditions requested;
- 44 objections had been received including from the Topsham Society and the Ministry of Defence;
- two further representations (one from the Topsham Society) including reference to road surfacing, increased traffic and parking and the scale of the development. The initial objections had been summarised in detail in the officer report; and
- the applicant was not obliged to make public the comments of the Design Review Panel but it, together with all other representations received, were published on the website.

The following responses were given to Members' queries:-

- the applicant had reduced the height of the building taking away much of the top floor so there would be little significant impact from the motorway; and
- on a previous appeal the Inspector had considered the principle of development and had concluded that the site was suitable for a substantial building.

David Burley spoke against the application. He raised the following points:-

- the site was a recreational-amenity space for the adjacent Chasse development but has been subject to repeated applications;
- the Topsham Society highlight that the proposal is vast, equivalent to the Ashfords Building on Honiton Road. Whilst that faces a dual carriageway, the application site is in a quiet, private residential tree lined road and intrudes deeply into this quiet and small scale setting;
- the building is not proportional to the M5 embankment. It exceeds the height of the motorway by nearly 9 metres;
- it is 6.7 metres higher than the highest eaves of the adjacent Chasse and is over-scaled. It tries to turn a quiet residential area into a Business Park;
- there is a fundamental impact on the character of Retreat Drive";
- the Design Review Panel report is not in the public domain and the Panel was mainly commenting on the building as an object, not in context, and the conclusions are of limited worth;
- parking provision is 30-50% below the City Council's normal standard and is unacceptable for an isolated location where more, not less users, will travel by

- car and overspill into adjoining streets;
- recent residential cramming around Topsham is due to a policy drive to address a housing shortfall but no such driver exists for offices and it is questionable if demand remains in light of Covid-19;
- the current boatyard is small scale, serving a local need whilst the proposal is vast and over scaled; and
- Topsham Society request the rejection of this damaging, merit-less, profit first, proposal.

David Lovell spoke in support of the application. He raised the following points:-

- application has been the subject of extensive consultation and will provide a zero carbon, sustainable work environment with a wide range of potential uses and be within easy walking or cycling distance for a large number of people who will work in the building;
- have consulted with the Planning Member Working Group and the Design Review Panel;
- the aim is to build one of the first Zero Carbon flexible, commercial building in Exeter to cater for a wide variety of employment uses such as a Dentist's or Doctor's consulting rooms, small businesses and general office use as it can be divided into a wide range of space sizes;
- it will be heated by either Ground Source or Air Source Heat Pumps, with extensive PV Solar panels and battery storage to make it carbon neutral;
- the external design breaks the building into smaller individual blocks using a variety of natural materials;
- the Fitness Studio and "Well Being Suite" on the top floor will focus on health and wellbeing of the people who will work in the building with a range of non-work activities and training to be provided. Electric co-bikes will be provided both for employees and local residents, as well a large number of cycle parking bays and a network of Electric Car Charging points; and
- the building will be a front runner in integrating sustainable employment space in a fully flexible zero carbon building and it will allow people to work close to where they live without travel into the City Centre or an out of town business park.

He responded as follows to Members' queries:-

- whilst many offices in Exeter have been designed with large scale open plan space, this development can be subdivided into flexible, smaller units/blocks so can be split up to accommodate the various needs identified;
- the building is screened by trees which are higher than the motorway so the motorway will not be impacted. In addition, the top floor is lower than the adjacent buildings with approved consents;
- the whole building will have an air filtration system which will filter out air pollutants;
- neither Highways England or Devon County Council have expressed concern regarding the design of the building in respect of potential light intrusion onto motorists on the highway. The top floor has few windows on the motorway side; and
- the proposal was changed to a larger footprint as land was purchased from the adjacent boatyard which no longer requires part of its land.

Members expressed the following views:-

- application provides a flexible, multi-use site and will help future proof Exeter's economy and also includes community and medical use in a growing part of the

city;

- it is a sustainable development as it provides an employment hub and should reduce car journeys for workers in to Exeter;
- it has a previous consent for an office building;
- the sustainable nature of the development is welcome with car parking spaces located underneath the building; and
- it is on a main bus route and is not therefore a remote, inaccessible location. It is easily accessible for cyclists given the flat nature of the approaching roads and with a number of different routes from the city centre.

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

The recommendation was moved and seconded and carried.

RESOLVED that planning permission for the construction of a commercial building extending to 2,820sqm (GIA) for the flexible use of Class E (Commercial, business and service uses, excluding sub class E(g)(iii) Industrial processes), access, car and cycle parking, landscaping and associated infrastructure be **APPROVED**, subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.
- 2) 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 23 July 2020 (including dwg. nos. 1420 PL06L (first and second floor plans), Archaeological assessment, Sustainability statement, and Acoustic screening assessment), 11 September 2020 (dwg. nos 1420 PL04E (landscape plan), 1420 PL05N (GF plan)), 10 November 2020 (dwg. nos. 1420 PL07 rev O (3rd and 4th floor plan), 1420 PL08M (SE and NE elevations)), 20 November 2020 (dwg. nos 1420 PL03K (site plan), 1420 PL09K (SW and NW elevations), 1420 PL10H (cross section AA), 1420 PL12F (cross section BB), 1420 PL13F (cross section CC), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) Pre-commencement condition: No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
 - (a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.
 - (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.
 - (e) Evidence there is agreement in principle from South west Water to connect into their system.No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.
Reason for pre-commencement condition: 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 condition 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 the site layout is fixed.

- 4) Pre-commencement condition: Details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope, to be submitted to and approved in writing by the LPA. The predicted noise levels shall be submitted prior to commencement of the development and shall be demonstrated by measurement prior to occupation of the development. Reason for pre-commencement condition: To protect occupiers of the building, and nearby residents from excessive noise. The details are needed prior to the start of work as the acoustic report may require changes to the design details.
- 5) Pre-commencement condition: Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall achieve a BREEAM excellent standard (minimum 70% score) as a minimum. Prior to commencement of development of such a building, the developer shall submit to the Local Planning Authority a BREEAM design (interim) stage assessment report, to be written by a licensed BREEAM assessor, which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required, the developer shall provide, prior to the commencement of development of the building, details of what changes will be made to the building to achieve the minimum standard for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.
Reason for pre commencement condition: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.
- 6) Pre-commencement condition: Prior to the commencement of development, details of the provision for integral bird boxes shall be submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.
Reason for pre-commencement condition: In the interests of preservation and enhancement of biodiversity in the locality. These details are required prior to commencement of the development to ensure that they are delivered in the construction.
- 7) 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:

- a) Details of access arrangements and timings and management of arrivals and departures of vehicles
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to monitor and control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent from the LPA.

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

Reason for pre-commencement condition: In the interests of highway safety and public amenity including the occupants of nearby dwellings.

- 8) Pre-commencement condition: Prior to commencement of the development, details shall be submitted to the Local Planning Authority of the exact location of the tree and materials used on the highway (of the corner of Retreat Drive/Exeter Road). Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Highway Authority, and prior to commencement the development, details shall be provided in accordance with the submitted details.
Reason for pre-commencement condition: 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. This information is required before development commences to ensure that the proposals are properly considered and addressed at the earliest possible stage.
- 9) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
Reason for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages

of the construction process.

- 10) 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: 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.
- 11) 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.
- 12) Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning General Development Order 2015 (or any Order revoking or re-enacting that Order) and the Town and Country Planning Use Classes Order 1987 or any Order revoking and re-enacting that Order, the site shall not be used for residential use without the formal consent of the Local Planning Authority.
Reason: To enable the Local Planning Authority to retain control over the use, to consider residential amenity, and to prevent the loss of commercial units in this area.
- 13) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place 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.
- 14) 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.
- 15) No part of the development hereby approved shall be brought into its

intended use until the vehicular access point, vehicular turning head and footway/cycleway adjacent to Retreat Drive as indicated on Drawing Number "1402/PL05 Rev O" 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.

- 16) No part of the development hereby approved shall be brought into its intended use until a 3m effective width footway/cycleway adjacent to Exeter Road as indicated on Drawing Number "1402/PL05 Rev O" 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

- 17) No part of the development hereby approved shall be brought into its intended use until the Parking bays for a two Co-Cars and space for a 10 Co bikes and associated docking station (together with electricity supply to both elements) as indicated on Drawing number "1402/PL05 Rev O" 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 adequate facilities for sustainable transport and ECC Core Strategy CP9

- 18) No part of the development hereby approved shall be brought into its intended use until the secure sheltered cycle parking spaces as indicated on Drawing number "1402/PL05 Rev O" 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 adequate facilities for sustainable transport and ECC Core Strategy CP9

- 19) A comprehensive Framework Travel Plan/Car Park Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in advance of occupation of the development. The approved travel plan measures will be implemented to the satisfaction of the Local Planning Authority.

A review of travel patterns for the site shall be undertaken within 6 months of occupation of the development and updated on a basis as agreed in writing with the Local Planning Authority thereafter.

Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 111 of the NPPF.

- 20) Prior to installation, details of the green wall shall be submitted to and approved in writing by the Local Planning Authority. Upon written approval of the details, the green wall shall be fully implemented as part of the development and retained thereafter.

Reason: In the interests of enhancement of biodiversity, and sustainable development.

**PLANNING APPLICATION NO. 20/0691/FUL - CLIFTON HILL SPORTS
CENTRE, CLIFTON HILL, EXETER**

Councillor Morse declared a disclosable pecuniary interest and left the meeting during consideration of this item.

The Principal Project Manager (Development) (HS) presented the application for the demolition of existing sport facility and rifle range and re-development of the site to provide 42 new dwellings, associated car parking, amenity space and access.

The Principal Project Manager (Development) set out a detailed description of the application and went through the site location plan, views of the site including aerial views, site levels and photographs of the existing site and its context with adjacent buildings, layouts, floor plans, and sections. His presentation covered additional revised plans received after the publication of the report.

The Principal Project Manager (Development) highlighted the following key issues:-

- the principle of development;
- transport;
- heritage conservation and environment;
- design and affordable housing;
- impacts on existing occupiers; and
- economic benefits and CIL/Section 106.

The Principal Project Manager (Development) referred to the following:-

- a Tree Preservation Order had been made for the site;
- two additional representations received, one regarding the impact on the green space and the access to the properties to the rear of Clifton Hill and the other to the inadequate mitigations measures for the loss of landscaping;
- additional comments received since the publication of the update sheet from the Arboricultural Consultant reinstating his preference for compensatory landscaping on the south west boundary, and on site landscaping scheme mitigation measures still being considered inadequate;
- an updated plan condition, and a proposed additional condition 26 in the update sheet and a new condition 27 to reflect the comments of the Arboricultural Consultant to refer to a revised Arboriculture Method Statement to be submitted to and approved in writing by the Local Planning Authority prior to commencement of development;
- a viability report in respect of the proposed affordable housing being provided by Plymouth City Council; and
- corrections to the report to show the number of units as 42 not 44 by the removal of two five-bed houses for a total of 11 not 13 such houses and therefore 31 not 33 houses in total on pages 92 and 112, to refer to flats being four storey on page 92, and to delete co-living on page 114.

The Principal Project Manager (Development) concluded by highlighted the following key elements:-

- the site is a brownfield site within the urban area in a sustainable location close to a range of services;
- the principle of housing is acceptable as leisure provision in the area was still considered adequate, with the St Sidwell's Point shortly to be opened;

- the development would make a positive contribution to the Council's five year housing land supply which was deficient;
- there was a presumption in favour of sustainable development;
- cycle parking and parking on the site was acceptable;
- reduction in the number of units by two was made for privacy reasons;
- the proposal is acceptable in its design and general visual impact, including its impact on the Conservation Area and the Locally Listed Building and supported by the Design Review Panel;
- the proposal is not considered to be of any significant harm to residential amenity of nearby residential properties;
- the private amenity space was well related to dwellings and the dwellings have a positive relationship with green spaces immediately adjacent to the benefit of amenity of occupiers;
- the scheme will provide 11 affordable dwellings, being 26% of buildings on the site, through seven two bed and one four bed flats considered to be a good offer with a viability assessment to be provided by Plymouth City Council;
- the proposals, through replacement planting on-site and contributions to the improvement of off-site green spaces including tree planting off site, are considered to adequately compensate for the loss of trees on site, the latter to be achieved through a proposed Grampian condition;
- £70,000 contribution to opens space enhancements;
- secondary educational contributions of £138,000; and
- no material considerations which it was considered outweigh the above and would warrant refusal.

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

- conditions included a requirement for the properties to be single dwellings in accordance with Use Class 3 and also would not therefore become Houses in Multiple Occupation (HMO);
- three parking spaces would be allocated for the 11 unit block of flats, near to the listed brick office to include disabled parking with secure cycle shelter for 12 cycle parking spaces;
- to enable all parking spaces on the site to be provided with EV charging points a two metre squared enclosure would be provided to serve as a sub-station;
- the amendment to the additional proposed condition 27 in the update sheet in order to reflect the recent receipt of a method statement - for the final details of the statement to be subject to approval in writing by the local planning authority;
- the distances between the main house and annex varied between 7 and 13 metres;
- 17 trees were to be removed to be replaced with 22 on-site and with a Grampian condition to provide additional trees off site in consultation with the Arboricultural Officer;
- one of the dwellings amenity space fully met the Residential Design Guide Standards. 14 met the standards set by precedent elsewhere, and a further 15 would meet the standard if guidance on split amenity space was set aside; and
- there were other schemes with an amenity space below the standard 55 metres in the city. Reduced garden sizes could be more appropriate for smaller rather than larger homes and this approach was considered appropriate in light of the five year housing supply and the proximity of amenities including Belmont Park, and Clifton Hill green space.

Councillor Atkinson, having given notice under Standing Order No. 44, spoke on the item. She was speaking in a personal capacity as a local resident living at the

other end of Belmont Road, and had participated in the community engagement process. She raised the following points:-

- pleased that the Council did not pursue the sale of the land to a private developer to maximise the capital receipt from such a sale;
- the development greatly enhances the local community and will provide much needed family homes and social housing;
- Exeter City Living (ECL) had engaged fully with the community and key individuals and stakeholders with a public consultation event attended by over 80 local residents with a dedicated project web site;
- the development would be built to Passivhaus standards to provide low energy and low carbon solutions. In 2019, only 127 Passivhaus homes were completed in the UK and only 10 in 2020, all in Exeter;
- carbon emissions would be reduced therefore contributing to the Council's ambition to achieve Net Zero Carbon by 2030. The hot water strategy used ground source heat pump technology despite this technology being significantly more expensive. It was a climate ready proposal;
- it provided a high quality green infrastructure, likely to be the first certified development delivered in the Exeter in its support for bio diversity;
- close access to the Belmont Park and green space next to the site;
- all houses built to recognized standard for the healthy living environment;
- 11 social rented homes for the over 60's identified as a specific need during public consultation and there would be a diverse mix of family homes for children and apartments for older people;
- developer will invest £70,000 in openspace enhancement and for the upgrade of Belmont Park; and
- highways works include sustainable transport measures, a cycle hub station and a car club space with charging infrastructure.

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

- thank ECL for updating ward councillors and public consultation;
- welcome many aspects including Passivhaus standards, much needed residential accommodation close to the city centre, provisions for the wildlife, access to back of Portland Street homes retained and return of profits to the Council;
- as a City Council's own development delivery company, a higher standard should have been set to fully meet Council policies;
- although the intention was to 'build with nature', 17 trees are to be removed and the proposed tree planting does not adequately mitigate for this loss, a view shared by Tim Arkell, a local Tree Warden, with the Arboriculturalist, engaged by the developers stating that the proposed development will have a moderate adverse impact;
- the landscape design should be reviewed by the developer. Many of the trees proposed for mitigation are small and short lived varieties with plans for tree planting to be judged on their resilience after 10 or 50 plus years;
- proposals do not meet the recommendations in the Residential Design Guide which sets a minimum garden size of 55 square metres for dwellings;
- the development does not provide 10% level open space with play space and residents are likely to use Belmont Park and the green space at the back of the development. The former is heavily used and the latter a wildlife haven;
- the Green Street may not live up to the images provided;
- the development will be overly dense, negatively impact the trees on the site and provide insufficient garden and open outside space; and
- request that the application be deferred for further revisions.

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

- thank the Council for saving the green space on the Clifton Hill site in spite of potential revenue generation by the sale. Newtown residents saw greater value in its contribution to the city's environment, offsetting air pollution and supporting carbon reduction, and in a ward where health and wellbeing outcomes are challenging and leisure and amenity at a premium;
- thank ECL for working with residents to address concerns;
- new family homes and affordable and social housing are needed in light of forthcoming student and co-living accommodation in Newtown;
- positive aspects include a Passivhaus environmental design, the Green Street, retention of the locally listed old brickworks building, the limited parking allocation and focus on cycling and pedestrian travel, excellent public consultation and the conditioned financial contributions to the green space and Belmont Park;
- anxiety remains in Portland Street about the proximity and height of the development particularly the annexes;
- the tree issue has been highly emotive with Tim Arkell providing helpful technical comments. Existing trees were not initially acknowledged as being a constraint to development and the majority will be removed. Trees bordering the site will be damaged by construction impacts. The retained Yew Tree at the front of 29 Clifton Hill will be damaged by construction activities;
- the Clifton Emery Softworks Plan shows 24 new trees but 11 are large shrubs and the quantum of mitigation for tree loss remains well below the standards used by other Local Planning Authorities;
- no compunction to provide off-site tree planting as mitigation and no guarantee of additional planting on the green space or of funding for their management;
- Members need to be assured that the remaining trees will be protected and should request a detailed report on tree protection; and
- all outstanding concerns should be addressed prior to determining the application

Keith Lewis spoke against of the application. He raised the following points:-

- Civic Society supports the re-development of this site for residential use but feel it fails to accord with the City Council's residential design guide;
- the design of many homes is very unusual, with limited outside space, poor use of the site, and many homes with annexes which could result in secondary occupations. A condition is required to ensure the homes remain as single family dwellings;
- the applicant advises that the lack of garden space is offset by the proximity of Belmont Park, but a recommendation for a crossing point across Clifton Hill has not been pursued;
- it is unacceptable that block eight for eleven flats and block three for four homes are located close to mature trees to the south east of the site which will need to be significantly lopped and boundary walls are within the root protection area. The blocks could be moved away from the trees. The City Council's Arboriculture Officer has objected to the proximity of buildings to the trees;
- submitted plans do not explain the three major revisions made; and
- the application is a poor reflection on the City Council and ECL and should be refused or recommended for significant amendments.

Responding to a Member, he advised that the membership of the Exeter Civic

Society totalled 240.

Emma Osmundson spoke in support of the application. She raised the following points:-

- speaking on behalf of Exeter City Living Ltd (ECL) as its Managing Director, ECL being a public sector owned developer building a number of developments across the City offering a range of social homes for Exeter families, all designed to provide healthy places for people to live, with low energy demand and sympathetic to surroundings, whilst displaying character and individuality;
- the development is of high quality design and layout to deliver 42 dwellings comprising a mix of 1, 2, 4 and 5 bedroom homes. Many of the homes have been designed with multi-generational living in mind;
- the South West Design Review Panel are supportive of the design;
- includes a Green Street through the centre of the development of biocultural benefit to residents connecting Belmont Park with the open green space on Clifton Hill which, in addition to providing a healthy corridor, will improve surveillance to the area, which currently experiences anti-social behaviour;
- the new trees planted have been selected for their future climate resilience and for promoting wildlife and biodiversity. The new development has been designed in order to obtain Building with Nature accreditation which is the UK's first green infrastructure benchmark - likely to be a first for Exeter;
- extensive community consultation undertaken. Appropriate setback distances from the site boundaries have been maintained to protect residential amenities of adjoining properties;
- no objections from statutory consultees including Devon County Highways and the Environment Agency;
- the proposals accord with City Council affordable housing policy, taking into account vacant building credit and delivers 26% affordable housing, all as social rent; and
- the development will contribute towards the Council's five year housing land supply.

She responded as follows to Members' queries:-

- comments of the Tree Officer have been satisfactorily resolved. Some trees had to be removed to develop the site and necessary mitigation measures undertaken. Those trees to be removed have low arboriculture impact, and will be replaced by 22 new, climate resilient trees with an additional 17 fruit trees in the private gardens;
- special protection during construction will be provided for the Yew Tree at the entrance of the site being some 300 years old;
- advised less than 20% of root zone excavation of trees
- trees will be planted above the stone wall planters in the Green Street with an irrigation system to provide longevity for the trees;
- a service charge provision, with a sinking fund, is provided to enhance the landscaping including the Green Street and the trees, particularly those on the south west boundary, will be maintained on a five year cycle;
- adopting Building With Nature Accreditation Standard to ensure bio-diversity across the site and on target to meet accreditation;
- ECL has to act in a value for money way and has looked to optimise the site having regard to the constraints. Whilst a private developer would look to a minimum return of 25%, ECL has focussed on the key elements of affordable family homes and quality green space including the Green Street so accepted a reduced return on investment in the development. A private developer would be likely to reduce open space and not integrate two service roads in the

- development;
- accommodation is in proximity to trees as a degree of density was necessary to ensure viability and with regard to the Council's Climate Change strategy solar shading can be achieved in the summer;
- design incorporates climate mitigation measures and enhanced biodiversity with a green corridor connecting the open space with Belmont Park;
- the latest Tree Warden comments have been addressed satisfactorily;
- mix of dwelling driven by viability with six different iterations examined. Current demand suggests a requirement for larger family homes including five bed properties. Original scheme did have more four bed homes, amenity space constraints resulting in a slight reduction in the number of properties but more five bed homes. The annexes meet modern day aspirations of multi-generational living, such as home working, older generation downsizing and young people moving back in.

Members expressed the following views:-

- welcome mix of dwellings meeting people's needs and avoiding uniformity and taking account of bio-diversity. Additional mitigation measures would have been welcome but not possible to meet all requirements. Provides good quality development with regard to carbon neutral goals;
- welcome the thorough consultation undertaken by the developer;
- development is very close to city centre amenities and the tree mitigation measures reflects City Council policy of planting 10,000 trees in 10 years;
- confident views of the Arboricultural Officer will be taken into account
- to meet the Net Zero Carbon 2030 target different design homes are necessary include higher density developments with the buildings themselves also higher and reduced parking;
- this higher density reflects the existing character of Newtown and could not have gone anywhere else;
- good provision of affordable housing; and
- welcome the principle of the development focussing on high quality, affordable homes and not seeking to maximise profit.

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 amended condition 2, additional condition 26 and a new condition 27 and the completion of a viability appraisal report in respect of affordable housing provided by Plymouth City Council.

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

RESOLVED that,

A) Subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) to secure the following:

- affordable housing for social rent comprising seven two-bed and four one-bed flats one of which is disabled accessible standard;
- open space enhancement contributions totalling £70,000;
- secondary education contribution of £138,791;
- highways works, sustainable transport measures, including cycle hub station and car club space with charging infrastructure, and Traffic Orders

(All Section 106 contributions will be index linked from the date of resolution.)

the Service Lead (City Development) be authorised to **APPROVE** planning permission for the demolition of existing sport facility and rifle range and redevelopment of the site to provide 42 new dwellings, associated car parking, amenity space and access, subject also to the receipt of a satisfactory viability appraisal report in respect of affordable housing from Plymouth City Council and to the following conditions (and their reasons) which may be amended:

- 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. The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority.

- 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
Updated Revised General Arrangement Plan 190908 L 02 02 revision F received 4/12/2020
Updated Revised Boundary Treatment Plan 190908 L 02 03 revision E received 4/12/2020
Updated Revised Refuse Strategy 190908 L 02 04 revision D received 4/12/2020
Updated Revised Vehicular Parking Strategy 190908 L 02 05 revision D received 4/12/2020
Revised Floor Plans Block 01 Drg 100 rev A received 17/11/2020
Revised Sections Block 01 Drg 110 rev A received 17/11/2020
Revised Elevations Block 01 Drg 120 rev A received 17/11/2020
Revised Floor Plans Block 02 Drg 200 rev A received 17/11/2020
Revised Sections Block 02 Drg 210 rev A received 17/11/2020
Revised Elevations Block 02 Drg 220 rev A received 17/11/2020
Revised Floor Plans Block 03 Drg 300 rev A received 17/11/2020
Revised Sections Block 03 Drg 310 rev A received 17/11/2020
Revised Elevations Block 03 Drg 320 rev A received 17/11/2020
Revised Floor Plans Block 04 Drg 400 rev A received 17/11/2020
Revised Sections Block 04 Drg 410 rev A received 17/11/2020
Revised Elevations Block 04 Drg 420 rev A received 17/11/2020
Updated Revised Floor Plans Block 5-7 Drg 501 rev A Received 3/12/2020
Revised Floor Plans Block 5-7 Drg 502 rev A received 17/11/2020
Revised Sections and Visualisation Block 5-7 Drg 510 rev A received 17/11/2020
Revised Elevations Block 5-7 Drg 521 rev A received 17/11/2020
Revised Elevations Block 5-7 Drg 522 rev A received 17/11/2020
Revised Floor Plans Block 8 Drg 800 rev A received 17/11/2020
Revised Sections and Visualisation Block 8 Drg 810 rev A received 17/11/2020
Revised Elevations SW Block 08 Drg 821 rev A received 17/11/2020
Revised Elevations NE Block 08 Drg 822 rev A received 17/11/2020
Revised Floor Plans Block 09 Drg 900 rev A received 17/11/2020
Revised Sections Block 09 Drg 910 rev A received 17/11/2020
Revised Elevations Block 09 Drg 920 rev A received 17/11/2020
Boundary Test Sections Sk004 1-3 rev B received 17/11/2020
Boundary Test Sections Sk004 4-5 rev B received 17/11/2020
Boundary Test Sections Sk004 6-8 rev B received 17/11/2020
Boundary Test Sections Sk004 9-10 rev B received 17/11/2020
Revised Street Elevations 020 rev A received 17/11/2020
Revised Street Elevations 021 rev A received 17/11/2020

Updated Revised Softworks Plan revision E received 4/12/2020
Updated Revised Softworks Schedule revision C received 4/12/2020
As modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.

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

Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.

reason: To provide adequate facilities for sustainable transport

- 7) A detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared, and is subject to the approval in writing of the LPA. The scheme must be based on the findings in South West Geotechnical Ltd.'s Geotechnical and Geo-Environmental Assessment (report no.: 12072 V3, date: October 2020) (including any additional data obtained after that report was submitted) and must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the LPA. Following completion of measures identified in the approved remediation scheme and prior to occupation of the development, a verification report must be produced that demonstrates the effectiveness of the remediation carried out and provides confirmation that no unacceptable risks remain, and is subject to the approval in writing of the LPA.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the LPA. An investigation and updated risk assessment must be undertaken, and where remediation is necessary an updated remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be produced and approved in writing by the LPA.

Reason for pre-commencement condition: 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) Pre-commencement condition: No development shall take place until a Construction and Environment Management Plan CEMP has been submitted to and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:
- a. There shall be no burning on site during demolition, construction or site preparation works;
 - b. Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
 - c. Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.

The CEMP should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.

The CEMP should include details of access arrangements and timings and management of arrivals and departures of vehicles.

The approved CEMP shall be adhered to throughout the construction period.

Reason for pre-commencement condition: In the interests of the occupants of nearby buildings. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

- 9) The following additional details shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall subsequently be implemented on site:
- Details of the boundary treatment on the boundary with the rear of properties on Portland Street.
 - Details of the alternative arrangement of substation, covered and secure cycle spaces, car parking spaces and landscaping details adjacent the retained - Brick Office building.
 - Details of works to the Brick Office building.
 - A detailed specification and method statement for all works within the identified root protection zones of the retained trees.
- Reason: In the interests of controlling these details which are not submitted in detail as part of the application.
- 10) No part of the development hereby approved shall be brought into its intended use until the access points onto Clifton Hill, as indicated on Drawing No. 190908 L 02 02 Rev D have been provided in accordance with details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.
- Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108/110 of the NPPF and CP9 of the ECC Core Strategy
- 11) No part of the development hereby approved shall be brought into its intended use until a club car parking and a club-bike docking station (together with electricity supply to both elements) as indicated on Drawing No. 190908 L 02 02 REV D, or such other location as may subsequently be agreed in writing, 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 adequate facilities for sustainable transport and ECC Core Strategy CP9.
- 12) Prior to occupation of the development hereby permitted, a travel pack/car park management plan shall be provided informing all residents of walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car sharing schemes and car clubs, as appropriate, the form and content of which shall have previously been approved in writing by the Local Planning Authority.
- Reason: To ensure that all occupants of the development are aware of the available sustainable travel options, in accordance with Paragraph 111 of the NPPF
- 13) Any gates that provide access to rear gardens must be capable of being locked from both sides. All external doors and accessible windows should as a minimum standard comply with the requirements of Approved Document Q (ADQ) of the Building Regulations and/or Secured by Design (SBD) standards as set out in Secured by Design Homes 2019.
- Reason: In the interests of reducing opportunities for crime.

- 14) 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
Reason- To protect controlled waters.
Reason - The proposed development site is located on a historic landfill site. This presents a risk of contamination that could be mobilised during construction to pollute controlled waters.
- 15) Prior to occupation of any dwelling hereby approved a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.
Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 16) Notwithstanding the submitted plans a detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no dwelling or building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 17) 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.
- 18) 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.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 19) No building hereby permitted shall be occupied until surface water drainage works broadly in accordance with the Preliminary Drainage Strategy (Drawing No. PDL 101 Rev C dated 16.11.2020) have been implemented, and any connection to the Surface Water Sewer having been put in place, in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface

water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, National Planning Policy Guidance and the Department for Environment, Food and Rural Affairs Sustainable Drainage Systems Non statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority.

The submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation; and
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In the interests of sustainable drainage.

- 20) The development hereby approved shall only be undertaken in accordance with the recommended mitigation measures set out in the Unexploded Ordnance Risk Assessment dated 5th February 2020.

Reason: In the interests of human health.

- 21) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and any Order revoking and re-enacting that Order with or without modification, no development of the types described in the following Classes of Schedule 2 shall be without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-
Part 1, Class A extensions and alterations
Part 1, Classes B and C roof addition or alteration
Part 1, Class E swimming pools and buildings incidental to the enjoyment of the dwellinghouse.

Reason: In order to protect residential amenity and to prevent overdevelopment.

- 22) Prior to occupation of the dwellings with which they are associated each of the parking spaces and garages shown on the approved plans shall be fitted with electric vehicle charging points.

Reason: In the interests of sustainable development and air quality.

- 23) Before commencement of construction of the superstructures of the development hereby permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.

Reason: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.

- 24) Prior to the occupation of each dwelling hereby approved, ducting or equivalent service routes should be installed capable of accommodating at

least 6 separate fibre-optic cables that enable electronic communications services network suppliers to freely connect between the boundary of the site and the inside of each dwelling for the purposes electronic communications.

Reason: To contribute to the development of high speed broadband communication networks and to ensure that adequate provision is made to meet the needs of future occupants of the dwellings for high speed internet access in line with paragraph 42 of the NPPF.

- 25) The dwellings hereby permitted shall each only be occupied as single unit of accommodation within Use Class C3 (dwelling houses).
Reason: For the avoidance of doubt and to prevent the creation of an additional separate dwellings or the occupation as Houses in Multiple Occupation without that being considered by the Local Planning Authority.
- 26) Prior to commencement of any works on site (including any ground clearance, tree works or demolition) a detailed scheme of off-site replacement tree planting, together with a programme for implementation shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved programme thereafter.
Reason for the pre-commencement condition: In the interest of further mitigating the impacts of development on trees and protecting the amenity of the area.
- 27) The development hereby permitted shall only be carried out in accordance with an Arboriculture Method Statement that shall have been submitted to and agreed in writing by the Local Planning Authority prior to commencement of development on site.
Reason: To ensure the protection of the retained trees during the carrying out of the development and protecting the amenity of the area.

Informatives

- 1) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 2) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Area (SPA), the Exe Estuary, which is a designated European site. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government

Act 1972 or a Unilateral Undertaking).

- 3) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.

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

- 4) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
- 5) Movement of waste off-site - The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes. The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here:

https://www.gov.uk/uploads/system/uploads/attachment_data/file/waste-duty-care-code-practice-2016.pdf

and further **RESOLVED** that,

- B) the Service Lead City Development be authorised to **REFUSE** planning permission for the reasons set out below if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990(as amended) is not completed within six months of the date of this Committee 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 Affordable Housing, Open space contributions, highways works, sustainable transport measures and Traffic Orders 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, Exeter Local Plan First Review 1995- 2011 saved policies, L4, T1, T3, DG5, 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.

**PLANNING APPLICATION NO. 20/1421/FULL - THE COTTAGE, REDHILLS,
EXETER**

Councillor Bialyk declared a disclosable pecuniary interest and left the meeting during consideration of this item and for the other items on the agenda.

Councillors Foale, Ghusain, Hannaford, Harvey and Wright declared non-pecuniary interests and left the meeting during consideration of this item.

The Assistant Service Lead (City Development) presented the application for a first floor extension to form a new bedroom. He provided a description of the site and referred to the following key issues of the principle of development, scale, design, impact on character and appearance and impact on amenity of surroundings.

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

The recommendation was moved and seconded and carried unanimously.

RESOLVED that planning permission for a first floor extension to form new bedroom be **APPROVED**, subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority, these drawings are as follows:
 - Amended Location Plan - Date Received: 05/11/2020
 - Amended Site Plan - Date Received: 05/11/2020
 - Proposed Ground Floor Plan - Date Received: 26/10/2020
 - Proposed Floor Plan - Date Received: 05/11/2020
 - Proposed Rear Elevation - Date Received: 05/11/2020
 - Proposed Front Elevation - Date Received: 26/10/2020
 - Proposed Side Elevation - Date Received: 26/10/2020**Reason:** In order to ensure compliance with the approved drawings.

- 3) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.
Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

Informatives

- 1) In accordance with the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature and scale of the

development it has been concluded that the proposal does not require an AA.

- 2) 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.

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the City Development Manager was submitted.

RESOLVED that the report be noted.

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APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(The meeting commenced at 5.33 pm and closed at 8.33 pm)

Chair