

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

Monday 18 January 2021

**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) (PJ), Project Manager (Planning) (LP), Democratic Services Officer (HB) and Democratic Services Officer (SLS)

1 **MINUTES**

The minutes of the meeting held on 14 December 2020 were taken as read and approved as correct to be signed by the Chair at the earliest possible convenience.

2 **DECLARATIONS OF INTEREST**

A Member declared the following interest:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Sparkes	Min. No. 4 - disclosable pecuniary interest

3 **PLANNING APPLICATION NO. 19/1375/OUT - HILL BARTON FARM, HILL BARTON ROAD, EXETER**

The Principal Project Manager (Development) (PJ) presented the outline application for up to 200 dwellings (Approval sought for details of access only, with scale, layout, appearance and landscaping all reserved for future consideration).

The Principal Project Manager (Development) provided a description of the site and the development, went through the site location and referred to a change in the recommendation from refusal to that of approval following the applicant's confirmation that their proposed offer of 10% affordable housing had been increased to a policy compliant 35% affordable housing. He referred to the following key issues:-

- the allocation of the site within the strategic housing allocation of the Hill Barton Master Plan;
- previous permission for housing had been granted in 2013 which had lapsed and which had proposed 25% affordable housing provision which fell short of the policy compliant requirement of 35%;
- a detailed illustrative plan provided by the applicant of the proposed house types and location, noting that the application was in outline;
- having initially concluded that the scheme could only generate a 10% level of affordable housing on site, being 20 units out of a possible total of 200, the applicant had now proposed a policy compliant figure of 35%, being 70

affordable units which was a significant contribution towards the Council's Five Year Housing Supply;

- the inclusion of a condition to ensure the provision of a policy compliant level of open space together with a Multi-Use Games Area and play space for the remainder of the development to the north within the Ridge Line Park as identified in the Hill Barton Masterplan to compensate for the shortfall onsite. Discussions had already taken place with the applicant regarding the area and the form that this would take;
- a change to the recommendation of approval to no longer require the applicant to enter into a bond to provide a future area of open space in an area outside their control with a condition requiring 10% open space on the application site with a flexibility to reduce it if facilities are provided on the Ridge Line in a future application; and
- significant financial contribution of over £385,000 towards sustainable transport measures and an education contribution of over £679,000 towards special education and secondary schools.

Lyndon Bent spoke against the application. He raised the following points:-

- represent the residents of Sidbury Close and Membury Crescent;
- do not object to residential development but concerned about access and safety of the area of Hill Barton as a whole;
- the outcome of this larger scale site is pivotal to the enjoyment of the existing residents of Hill Barton Vale and Rougemont Park;
- this application forms the likelihood of 100 more properties than the original structure plan, while the current access to existing development is already under considerable strain, particularly at Heritage Way and Peppercombe Avenue.
- if the Trip Generation recording was undertaken during any stage of the Pandemic since March 2020 it is not a true reflection of normal usage;
- the provision of double yellow lines through the estate could take several years if not adopted early, for example, the adoption of the roads on Rougemont Park has not been completed in over five years and necessary road markings and traffic calming remain absent;
- welcome recommendation of an additional local equipped children's play area, however additional usage of the existing play area at the junction of Peppercombe Avenue and Huntsham Road is likely. This area requires safety fencing;
- request that build density is curtailed and that the provision of yellow lines, traffic management and calming is set as a condition before construction with the safety of the existing children's play area enhanced by safety fencing.

Members supported the recommendation to approve, requesting the provision of safety fencing around the existing play area which is on a junction with a busy road and clarification on the timing of play area provision and of future commercial bus services.

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

- a plan was well advanced between the applicant and the Public Realm Officer on open space play area provision on this site and the Ridge Line Park and a condition would ensure the provision of policy compliant 10% open space and play equipment on the application site, notwithstanding provision on the Ridge Line Park;
- although a timescale for open space and play area provision on the Ridge Line

Park was not available, an application was anticipated but, if not forthcoming within an appropriate timescale, policy compliant provision would be addressed on this site as part of reserved matters;

- conditions were included to support transport provision including the sites for bus stops, although it was not possible to predict at this point the future commercial bus service;
- room sizes of individual dwellings would be determined at reserved matters stage and would be required to meet national standards; and
- although not directly related to this site, the issue of safety fencing for the existing play area would be passed to the consortium of developers.

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

The recommendation was moved and seconded and, following a vote, was carried.

**RESOLVED** that,

A)subject to the completion of a Section106 Agreement under the Town and Country Planning Act 1990 to secure:-

#### **Affordable housing**

35% of total housing shall be defined as affordable housing.

#### **Transport**

Safeguard the land for the Monkerton Railway Halt.

Financial contributions required as follows:

pedestrian/cycle improvements £450 per dwelling;  
bus service £981.82 per dwelling and travel planning £500 per dwelling;  
total transport contribution per dwelling of £1,931.82. The Highway Officer had calculated the contribution on the basis of 200 dwellings being provided. Notwithstanding the actual level of dwellings provided onsite within the reserved matter application, the financial contribution payable is £386,364. 50% of the contribution to be paid prior to open market houses being occupied and the remainder to be paid prior to 80% of units occupied; and  
Traffic Regulation Order - £3,500 (to be paid at Devon County Council's request).

#### **Education**

The total education sum will be £146.56 per unit for special education and £2,731.50 per unit for secondary education. This figure will be indexed linked from March 2015 as specified by the Education Authority. 50% of the contribution to be paid prior to open market houses being occupied and remainder to be paid prior to 80% of units occupied.

#### **Open Space**

On site open space - No more than 75% of dwellings shall be occupied until the public open space and play provision has been laid out in accordance with the approved plans. Prior to completion of public open space/play areas, details of the management company including maintenance to be provided.

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 outline approval for up to 200 dwellings (Approval sought for details of access only, with scale, layout, appearance and landscaping all reserved for future consideration), 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. Prior to occupation of the development, details shall be submitted to the Local Planning Authority of bus stops (including location and type of bus stop) for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority, and prior to occupation the bus stops shall be provided in accordance with the submitted details.  
Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.
4. Prior to occupation of any part of any development to the north, details shall be submitted to the Local Planning Authority of the future pedestrian/cycle crossing facilities for the development as indicated on Drawing Number "PHL-903 Rev D". Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority, and prior to occupation of any part of further development the crossing facilities shall be provided in accordance with the submitted details.  
Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.
5. Any reserved matters application submitted pursuant to the outline consent hereby approved shall incorporate forward visibility splays as indicated on Drawing Number "071-003-001 Rev P4 Section 38 Plan" as part of the consideration of the reserved matters application. The visibility splays shall remain free of any obstructions that prevent forward visibility to motorists, unless otherwise agreed in writing with the Local Planning Authority in consultation with the Local Highway Authority  
Reason: To provide a safe and suitable access in accordance with paragraph 108 of the National Planning Policy Framework.
6. Any reserved matters application submitted pursuant to the outline consent hereby approved shall incorporate within the layout pedestrian/cycle links

as indicated on Drawing Number "PP01 HB" as part of the consideration of the reserved matters application. The said pedestrian/cycle connection points shall thereafter be constructed prior to the first occupation of any dwelling contained within the development, or such other trigger point as shall be agreed in writing.

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

7. No part of the development hereby approved shall be brought into its intended use until the vehicular access points and adjacent footway/cycleway as indicated on Drawing Numbers "PHL-901 Rev D", "PHL-902 Rev C" and "PHL-903 Rev D" 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.
- 8) No dwelling for which planning permission is hereby granted shall be occupied unless and until a comprehensive Travel Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Highways England).  
Reason: in the interest of the safe and efficient operation of the M5 motorway.
- 9) 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) The site access point(s) of all vehicles to the site during the construction phase.
  - b) The parking of vehicles of site operatives and visitors.
  - c) The areas for loading and unloading plant and materials.
  - d) Storage areas of plant and materials used in constructing the development.
  - e) The erection and maintenance of securing hoarding, if appropriate.
  - f) Wheel washing facilities.
  - g) Measures to monitor and control the emission of dust and dirt during construction.
  - h) No burning on site during construction or site preparation works.
  - i) Measures to monitor and minimise noise/vibration nuisance to neighbours and the Me Office 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.Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas. 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. The approved Statement shall be strictly adhered to throughout the construction period of the development.
- 10) If during development contamination not previously identified is found to be present at the site then no further development, unless otherwise agreed in writing with the Local Planning Authority, shall be carried out until the

developer has submitted, and obtained written approval from the Local Planning Authority for, an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan, and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy, and the effectiveness of the remediation, shall be submitted to and approved, in writing, by the Local Planning Authority.

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

- 11) Pre commencement condition: No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.  
Reason for pre commencement condition: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.
- 12) 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 building operations are carried out in a sustainable manner.
- 13) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.  
Reason: To ensure the protection of the trees during the carrying out of the development.

- 14) Pre-commencement condition: No development shall commence until details of the open space, play provision (LEAP- Local Equipped Area for Play) and associated landscaping including a programme for its installation and maintenance 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.

- 15) Pre-commencement condition: Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority. A photographic record of any trees, hedges on site shall be taken prior to any felling working being undertaken. An arboricultural report shall be submitted to and approved in writing prior to the commencement of any works to existing trees, shrubs and or hedges.

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

- 16) Pre-commencement condition: Before commencement of construction of the development hereby permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in 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 for Pre-commencement condition: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.

- 17) 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) A detailed drainage design based upon the approved Flood Risk Assessment. The portion of land draining to the south must meet the parameters of the existing surface water drainage system to the south. The portion of land draining to the east must meet the parameters of the surface water drainage system to the east.
  - (b) Detailed proposals for the management of surface water and silt run-off 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 the landowner/DCC highways/SWW

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: 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.

- 18) Pre-commencement condition - A noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. Any noise mitigation required shall be agreed in writing with the Local Planning Authority and implemented in full prior to occupation and maintained thereafter.  
Reason: In the interest of amenity.
- 19) Pre-commencement condition: No development shall commence until an air quality assessment has been submitted and approved in writing by the Local Planning Authority. Any mitigation measure required following the completion of the assessment shall be agreed in writing and implemented in full prior to occupation and maintained thereafter.  
Reason: Insufficient information has been submitted with the application and in the interests of amenity.
- 20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no mobile base stations shall be erected within the development.  
Reason – To ensure adequate protection to the Met Office satellite reception facility.

### **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) The applicants attention is drawn to the need to meet the Exeter Airport Aerodrome Safeguarding criteria as contained in the Airport Operators Association 'Cranes and other Construction Issues' Advice Note.
- 5) The applicant is advised that they should contact the Met Office to discuss specific issues regarding their operational requirements prior to commencement.

and further **RESOLVED** that,

- B) 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 18 July 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 planning obligation in terms that are satisfactory to the Local Planning Authority which makes appropriate provision for the following matters Affordable housing, Open space provision Education contributions, Sustainable Travel Planning contribution Traffic Regulation Order contributions the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 3, 5, 6 and 10, policies CP7, CP9, CP10, CP18, Exeter Local Plan First Review 1995-2011 saved policies AP1, T1, T3 and DG5, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.*

4

**PLANNING APPLICATION NO. 20/1200/FUL - FLYING HORSE, DRYDEN ROAD, EXETER**

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

The Project Manager (Planning) presented the application for construction of two storey building containing four flats. He described the development as comprising a two storey block, in contemporary design, containing four self-contained flats with a communal amenity space provided at the rear as well as private spaces for each of the flats. Car parking spaces and storage areas for bins and bicycles were also incorporated into the scheme, the Project Manager stating in response to a Member that normally it would be expected that the cycle parking area of eight spaces would be covered.

The Project Manager also reported:-

- the principle of housing development had been previously agreed when a development of two dwellings had been supported in 2017;
- Devon County Council had requested payment of £14,235 to mitigate the impact on local secondary schools which the applicant had agreed to pay; and
- the 19% improvement on energy efficiency should be beyond the current building regulations standards.

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

The recommendation was moved and seconded and, following a vote, was carried unanimously.

**RESOLVED** that, subject to the completion of a legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) to secure a financial contribution of £14,000 towards secondary education the Assistant Service Lead City Development be authorised to **APPROVE** planning permission for construction of two storey building containing four flats, subject also to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

**Reason:** To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 09 December 2020 (including dwg. nos. 267:1:01 Rev. H, 267:1:02 Rev. C, 267:1:03 Rev. B and 267:4:01 Rev. C) as modified by other conditions of this consent.

**Reason:** In order to ensure compliance with the approved details.

- 3) **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) The site access point(s) of all vehicles to the site during the construction phase;
  - b) The parking of vehicles of site operatives and visitors;
  - c) The areas for loading and unloading plant and materials;
  - d) Storage areas of plant and materials used in constructing the development;
  - e) The erection and maintenance of securing hoarding, if appropriate;
  - f) Wheel washing facilities;
  - g) Measures to control the emission of dust and dirt during construction;
  - h) No burning on site during construction or site preparation works;
  - i) Measures to minimise noise nuisance to neighbours from plant and machinery;
  - j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays; and
  - k) No driven piling without prior consent from the Local Planning Authority.The approved Statement shall be strictly adhered to throughout the construction period of the development.

**Reason for pre-commencement condition:** In the interest of the environment of the site and surrounding areas and to ensure the construction phase is managed in a way that reduces any harmful impacts on the locality.

- 4) **Pre-commencement condition:** No development shall take place on site until a full investigation of the site has taken place to determine the extent

of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

**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.

- 5) **Pre-commencement condition:** No development shall take place until details of the implementation, maintenance and management of a sustainable urban drainage scheme have been submitted to, and approved by, the Local Planning Authority. The scheme shall be implemented, and thereafter managed and maintained, in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

**Reason for pre-commencement condition:** To ensure the satisfactory drainage of the development. This information is required before development commences to ensure that any drainage scheme is properly designed and implemented at the appropriate stage.

- 6) A detailed scheme for landscaping, including the planting of trees and or shrubs and the use of surface materials, shall be submitted to the Local Planning Authority and no flat shall be occupied until the Local Planning Authority has 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:** Insufficient information has been submitted with the application and in the interests of visual and residential amenity.

- 7) In the event of failure of any trees or shrubs, planted in accordance with the landscaping 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:** In the interests of visual and residential amenity.

- 8) The flats shall not be occupied until full details of the bicycle store have been submitted to, and approved by, the Local Planning Authority. Thereafter, the bicycle store shall be constructed, maintained and retained in accordance with the approved details.

**Reason:** To ensure that safe and secure bicycle storage is provided in order to encourage sustainable forms of travel.

- 9) Prior to the installation of windows into the buildings, full details of the design/depth of the reveals shall be submitted to, and approved by, the Local Planning Authority. The windows shall thereafter be inserted in

accordance with the approved details.

**Reason:** In the interests of ensuring that design details result in a high quality finish and appearance to the building.

- 10) No part of the development hereby approved shall be brought into its intended use until the vehicular spaces and turning area, shown on Drawing Number 267:1:01 Rev G (received by the Council on 25 November 2020), have been provided in accordance with the approved details and thereafter maintained and retained for that purpose at all times.

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

- 11) Prior to their use on site, samples of the brick and cladding materials shall be submitted to, and approved, by the Local Planning Authority. The development shall thereafter be constructed using these approved materials where relevant in the approved plans.

**Reason:** In the interests of visual amenity and ensuring good quality materials are used.

### **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 (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).
- 2) 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.

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

The report of the Director City Development, Housing and Supporting People was submitted.

**RESOLVED** that the report be noted.

**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 6.24 pm)

Chair

DRAFT