

Planning Committee Report: 19/0650/OUT

1.0	Application Number:	19/0650/OUT
	Applicant name:	Eutopia Homes (Exeter) Limited
	Proposal:	Outline application for the construction of 400 residential dwellings (Class C3), 65 senior living with care units (Class C2), new public open and green spaces, access road, refurbishment and extension of locally listed former water tower, and associated works (Landscaping reserved for future consideration).
	Site address:	The Old Coal Yard Exmouth Junction Mount Pleasant Road Exeter, EX4 7AE
	Registration Date:	10 th May 2019
	Link:	http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PRALQBHBKON00
	Case Officer:	Matt Diamond
	Ward Member(s):	Cllr Jane Begley, Cllr Rachel Lyons, Cllr Ian Quance

REASON APPLICATION IS GOING TO COMMITTEE – Officer decision.

2.0 UPDATE

This application received a resolution to grant planning permission by the Planning Committee on 16 March 2020, subject to the completion of a s106 legal agreement and conditions, and also subject to the Service Lead City Development being granted delegated authority to determine updated highways drawings/technical information requested by Devon County Council as Local Highway Authority in its consultation response dated 1 November 2019 and adding or amending conditions accordingly. Following the submission of the updated highways drawings/technical information, the Local Highway Authority provided a further consultation response on 4 June 2020. The Summary of that response is copied below:

“The applicant has provided further details regarding access points (for all users) to serve the site. All access point should be open to everyone (including the public) allowing for permeability on site. These access proposals have been through an RSA 1 and are acceptable in principle. The applicant is reminded that work on the highway require a S278 agreement.

The previous set of relevant comments still apply and therefore conditions are recommended. Note, S106 items as agreed by members need to be secured to make the application acceptable in highway terms.”

In addition, since the Planning Committee made its decision the applicant has submitted an updated phasing plan and requested various changes to the conditions to reflect the phased nature of the development.

Therefore, officers have redrafted the conditions to account for the Local Highway Authority's further response and the requests made by the developer. Officers consider that the changes go beyond the Planning Committee's resolution and have therefore brought the application back to Planning Committee to seek approval of the redrafted conditions.

The s106 legal agreement is expected to be completed before the end of March 2021. The time taken to draft the agreement is due to part of the development comprising Build to Rent housing and the extra time it has taken to negotiate this aspect of the agreement with the applicant.

In terms of CIL, the applicant has requested that the development is treated as a phased development for the purposes of the levy. This will mean that each phase will be treated as a separate chargeable development for CIL purposes. The CIL Regulations 2010 (as amended) allows for this. The National Planning Practice Guidance states that, 'This is expected to be especially useful for large scale development, which is an essential element of increasing housing supply.' As the site is a large scale development that will be delivered in three phases, officers have no objections to this.

3.0 RECOMMENDATION

A) DELEGATE TO CITY DEVELOPMENT MANAGER TO GRANT PERMISSION SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO SECURE THE FOLLOWING:

- 33 affordable units from Block A (that is half the building) and 15 affordable townhouses (pepper potted) (equating to 28% of 170 units for sale) - 70% of each to be social rented in accordance with Policy CP7 and three socially rented flats to be wheelchair accessible in accordance with Part M4(3)(2)(b) of the Building Regulations;
- 57 affordable Private Rent units (25% of 230 Build to Rent units) in Blocks B and C; affordable private rent units to be at least 20% less than the private market rent (inclusive of service charges);
- £1,051,421 education contribution (including £759,854 secondary contribution towards the new school at South West Exeter);
- £500,000 towards Stoke Hill Roundabout improvements;
- £333,139 towards allotment link option two or offsite affordable housing should this link or any other link not be feasible to deliver;
- £25,000 towards Traffic Regulation Orders;
- £134,767 to expand the Mount Pleasant Health Centre;

and restricting the use of Block D to Use Class C2 only, as well as securing a management plan with respect to the Build to Rent units (Blocks B and C) and car parking within the development.

All S106 contributions should be index linked from the date of resolution.

And the following conditions:

1. Details of the landscaping (hereinafter called "the reserved matter") for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority before any development begins within that phase and the development shall be carried out as approved.
Reason: To safeguard the rights of the local planning authority in respect of the reserved matter. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matter.
2. Application(s) for the approval of the reserved matter relating to the phased development hereby permitted in outline shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission, and the development of each phase hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matter for that phase.
Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
3. The development hereby permitted shall be carried out in complete accordance with the approved plans and documents listed below, unless modified by the other conditions of this permission:

Received 10.05.2019

- (03)-P-0G0 PL1 - Site - Ground Floor Plan
- (03)-P-0R0 PL1 - Site - Roof Plan
- (03)-P-001 PL1 - Site - Level 01 Floor Plan
- (03)-P-002 PL1 - Site - Level 02 Floor Plan
- (03)-P-003 PL1 - Site - Level 03 Floor Plan
- (03)-P-004 PL1 - Site - Level 04 Floor Plan
- (03)-Z1-P-0G0 PL1 - Zone 1 - Ground Floor Plan
- (03)-Z1-P-0R0 PL1 - Zone 1 Roof Plan
- (03)-Z1-P-001 PL1 - Zone 1 - Level 01 Floor Plan
- (03)-Z1-P-002 PL1 - Zone 1 - Level 02 Floor Plan
- (03)-Z1 -P-003 PL1 - Zone 1 - Level 03 Floor Plan
- (03)-Z1 -P-004 PL1 - Zone 1 - Level 04 Floor Plan
- (03)-Z2-P-0G0 PL1 - Zone 2 - Ground Floor Plan
- (03)-Z2-P-0R0 PL1 - Zone 2 Roof Plan
- (03)-Z2-P-001 PL1 - Zone 2 - Level 01 Floor Plan
- (03)-Z2-P-002 PL1 - Zone 2 - Level 02 Floor Plan
- (03)-Z2 -P-003 PL1 - Zone 2 - Level 03 Floor Plan
- (03)-Z2 -P-004 PL1 - Zone 2 - Level 04 Floor Plan
- (03)-Z3-P-0G0 PL1 - Zone 3 - Ground Floor Plan
- (03)-Z3-P-0R0 PL1 - Zone 3 Roof Plan
- (03)-Z3-P-001 PL1 - Zone 3 - Level 01 Floor Plan
- (03)-Z3-P-002 PL1 - Zone 3 - Level 02 Floor Plan
- (03)-Z3 -P-003 PL1 - Zone 3 - Level 03 Floor Plan

- (03)-Z3 -P-004 PL1 - Zone 3 - Level 04 Floor Plan
- (03)-X-100 PL1 - Section AA
- (03)-X-101 PL1 - Section BB
- (03)-X-102 PL1 - Section CC
- (03)-X-103 PL1 - Section DD
- (03)-X-104 PL1 - Section EE
- (03)-X-105 PL1 - Section FF
- (03)-E-300 PL1 - Street Elevations - Sheet 01
- (03)-E-301 PL1 - Street Elevations - Sheet 02
- (03)-E-320 PL1 - Elevations - Block A
- (03)-E-321 PL1 - Elevations - Townhouse A
- (03)-E-322 PL1 - Elevations - Townhouse B
- (03)-E-323 PL1 - Elevations - Block B
- (03)-E-324 PL1 - Elevations - Block B
- (03)-E-325 PL1 - Elevations - Block B
- (03)-E-326 PL1 - Elevations - Block C
- (03)-E-327 PL1 - Pump House - Proposed Elevations
- (03)-E-328 PL1 - Elevations - Block D
- (03)-E-350 PL1 - Bay Studies - Block A & B
- (03)-E-351 PL1 - Bay Studies - Block C & D
- (70)-P-1B T1 - 1 Bed Type 1 (M3 Compliant)
- (70)-P-1B T2 - 1 Bed Type 2 (M2 Compliant)
- (70)-P-1B T3 - 1 Bed Type 3 (M2 Compliant)
- (70)-P-1B T4 - 1 Bed Type 4 (M2 Compliant)
- (70)-P-1B T5 - 1 Bed Type 5 (M2 Compliant) C2 Adapted
- (70)-P-2B T1 - 2 Bed Type 1 (M2 Compliant)
- (70)-P-2B T2 - 2 Bed Type 2 (M2 Compliant)
- (70)-P-2B T3 - 2 Bed Type 3 (M2 Compliant)
- (70)-P-2B T4 - 2 Bed Type 4 (M3 Compliant)
- (70)-P-2B T5 - 2 Bed Type 5 (M3 Compliant)
- (70)-P-2B T6 - 2 Bed Type 6 (M3 Compliant)
- (70)-P-2B T7 - 2 Bed Type 7 (M2 Compliant) C2 Adaptable
- (70)-P-3B T1 - 3 Bed Type 1 (M2 Compliant)
- (70)-P-3B T2 - 3 Bed Type 2 (M2 Compliant)
- (70)-P-3B T3 - 3 Bed Type 3 (M2 Compliant) C2 Adaptable
- (70)-P-4B - 4 Bed Type 2 (M2 Compliant)

Received 09.01.2020

- 60615144-DR-001 Rev C - Mount Pleasant Road Emergency Access Design and Vehicle Tracking
- 60615144-DR-002 Rev E - Site Main Access Junction
- 60615144-DR-003 Rev D - Site Main Access Roundabout Vehicle Tracking
- 60615144-DR-004 Rev A - Internal Site Speed limit 10mph Forward Visibility & Vehicle Tracking
- 60615144-DR-005 Rev C - Work required outside of red line boundary

Received 03.04.2020

- (03)-P-S004 Rev PL2 - Site Proposed Site Layout Plan

Received 12.05.2020

- (03)-P-S006 PL4 - Site - Proposed Movements Plan

Received 02.06.2020

- 13553-HYD-XX-XX-DR-TP-0101 Rev P03 - Site Access Mini-Roundabout General Arrangement Design

Received 17.08.2020

- (01)-P-S001 PL2 - Site - Existing Site Plan

Received 20.01.2021

- (03)-P-S005 Rev PL2 - Site - Phasing Plan

Documents:

- Heritage Statement (CBRE, April 2019)
- Environmental Site Investigation & Outline Remediation Strategy Rev 1 (John F Hunt Remediation, July 2018)
- Light Assessment Rev 02 (AECOM, April 2019)
- Noise and Vibration Report Rev 2 (AECOM, April 2019)
- Planning Statement (CBRE, April 2019)
- Energy Assessment Rev 2 (AECOM, April 2019)
- Transport Assessment V2.1 (AECOM, April 2019)
- Travel Plan V2.1 (AECOM, April 2019)
- British Standard 5837:2012 Arboricultural Survey V1.0 (Advanced Arboriculture, 12th April 2019)
- Outline Construction Traffic Management Plan V2.1 (AECOM, April 2019)
- Statement of Community Involvement (Darling Associates, April 2019)
- Community Benefit & Social Report (Darling Associates, April 2019)
- Construction Resource Management Plan Rev R003 (AECOM, April 2019)
- Preliminary Ecological Appraisal (AECOM, April 2019)
- Accommodation for the Elderly (class C2) BREEAM Pre-Assessment Rev 1.1 (AECOM, April 2019)
- Design and Access Statement (Darling Associates Architects, April 2019)
- Air Quality Impact Assessment Rev 1 (AECOM, April 2019)
- Invasive Non-Native Species Report V 2.0 (Wardell Armstrong, August 2019)
- Reptile Report V1 (Wardell Armstrong, July 2019)
- Bat Report 2019 V2.0 (Wardell Armstrong, October 2019)
- Flood Risk Assessment and Drainage Strategy Report Rev 04 (AECOM, April 2019)

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

4. The reserved matter details shall include a fence adjacent to Network Rail's boundary and provisions for its maintenance and renewal in accordance with the comments submitted by Network Rail on 23.07.2019. The fence shall be provided prior to the occupation of any part of the development and maintained/renewed in accordance with the approved details. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way.

Reason: In the interests of public safety, the safe operation of the railway and the protection of Network Rail's adjoining land.

5. Applications for the approval of the reserved matter shall include a Lighting Design Strategy to maintain "dark areas" on the site incorporating:

- a) A map showing the "dark areas" that will be maintained on site.
- b) An evidence based assessment of light levels of the development, including buildings, vehicle headlamps and street lighting, comprising a written report and accompanying drawings of the site with the levels of predicted illuminance and light spill in and adjacent to the "dark areas" shown by appropriate isolines.
- c) Evidence to demonstrate that a light spill no higher than 0.5 lux will be achieved within the "dark areas".
- d) Where c) is achieved either fully or in part through landscaping, details of the landscaping and its management to ensure it will maintain the "dark areas" in perpetuity. These details shall be incorporated into the details of landscaping and Landscape and Ecological Management Plan (LEMP) where applicable.

The Lighting Design Strategy shall be implemented and maintained as approved.

Reason: To prevent disturbance to bats in accordance with the recommendations of the submitted Bat Report 2019 V2.0 (Wardell Armstrong, October 2019).

Pre-commencement Details

6. No part of the development hereby permitted shall be commenced until a detailed survey of the culvert within the site has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The survey shall confirm the location, levels, diameter and condition of the culvert.

Reason: To determine whether the historical culvert is a feasible receptor for the disposal of surface water from the site. These details are required pre-commencement as specified to inform the design of the permanent surface water drainage system and to ensure that surface water can be safely managed at the site without increasing the risk of surface water flooding either on the site or downstream.

7. No part of the development hereby permitted shall be commenced until a capacity assessment of the culvert within the site has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The capacity assessment shall confirm the contributing area draining to the culvert.

Reason: To determine whether the historical culvert is a feasible receptor for the disposal of surface water from the site. These details are required pre-commencement as specified to inform the design of the permanent surface water drainage system and to ensure that surface water can be safely managed at the site without increasing the risk of surface water flooding either on the site or downstream.

Pre-commencement Details – Phases

8. No development (including demolition and ground works) or vegetation clearance works shall take place of any approved phase of the development until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMPs shall be prepared in accordance with specifications in clause 10.2 of BS 42020:2013 (or any superseding British Standard) and shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
 - e) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMPs shall be adhered to and implemented throughout the construction period of the development strictly in accordance with the approved details.

Reason: To protect the biodiversity of the site including protected species, taking into account the recommendations of the submitted protected species reports. A CEMP is required before any development within a phase begins to ensure that appropriate mitigation measures are identified and carried out during the construction phase.

9. The Precautionary Working Method Statement for Reptiles (PWMSR) appended to the submitted Reptile Report V1 (Wardell Armstrong, July 2019) shall be implemented in full. Prior to the commencement of the development hereby permitted within any approved phase, the details of the suitably qualified ecologist or Ecological Clerk of Works who will be responsible for implementing

the PWMSR for that phase shall be submitted to and approved in writing by the Local Planning Authority together with a timetable for the implementation of the PWMSR. The approved ecologist shall inform the Local Planning Authority in writing of the results of each stage of the timetabled PWMSR, including any further measures carried out to protect reptiles.

Reason: To ensure that reptiles on the site will not be harmed by vegetation clearance works or other construction activities. These details are required pre-commencement as specified to ensure that the Precautionary Working Method Statement for Reptiles is carried out appropriately to the satisfaction of the Local Planning Authority.

10. The mitigation measures in section 4.4 of the submitted Invasive Non-Native Species Report V 2.0 (Wardell Armstrong, August 2019) for Three-Cornered Garlic, Montbretia and Cotoneaster Species shall be implemented in full. Prior to the commencement of the development hereby permitted within any approved phase, the details of the suitably qualified ecologist or Ecological Clerk of Works who will be responsible for implementing the mitigation for that phase shall be submitted to and approved in writing by the Local Planning Authority together with a timetable for the implementation of the mitigation. The approved ecologist shall inform the Local Planning Authority in writing of the results of each stage of the timetabled mitigation, including any further measures carried out to prevent the spread of these plant species.

Reason: To prevent the spread of the invasive non-native species on the site. These details are required pre-commencement as specified to ensure that the mitigation is carried out appropriately to the satisfaction of the Local Planning Authority.

11. No development shall take place within any approved phase until a full investigation of the site within that phase has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works for any phase 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: 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.

12. Prior to the commencement of development in any approved phase (including ground works and vegetation clearance works), a Construction Method Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Statements shall provide for:

- a) The site access point(s) of all vehicles to the phase during the construction period.
- 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 within the phase.
- 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.

The Construction Method Statements shall address all works within the phase, including any demolition and remediation works, unless Construction Method Statements have been submitted separately under this condition to address these specific works within the phase.

The approved Statements shall be strictly adhered to throughout the construction period of the phase of the development to which they relate.

Reason: To ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that building operations are carried out in an appropriate manner.

13. Prior to the commencement of development in any approved phase, a Waste Audit Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The statements shall include all information outlined in the waste audit statement template appended to Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statements.

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 construction is managed sustainably.

14. No development shall take place (except demolition and remediation works) within any approved phase until the detailed design of the proposed permanent surface water drainage management system for that phase has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority and Network Rail. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the submitted Flood Risk Assessment and Drainage Strategy Report (AECOM, April 2019) (Revision 04, 16.10.2019). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems. A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.

(Advice: Refer to Devon County Council's Sustainable Drainage Guidance.)

15. No development shall take place (except demolition and remediation works) within any approved phase until the detailed design of the proposed surface water drainage management system which will serve the development of the phase for the full period of its construction has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority and Network Rail. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site. The approved surface water drainage management system for each phase shall be implemented and maintained throughout the construction period of the phase to which it relates.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area. These details are required pre-commencement as specified to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

16. No development shall take place (except demolition and remediation works) within any approved phase until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority and Network Rail. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed. These details are required pre-commencement as specified to ensure the development is designed and constructed safely with respect to the exceedance pathways and overland flow routes.

17. No development shall take place (except demolition and remediation works) within any approved phase until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system for that phase have been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The permanent surface water drainage management system shall be adopted and maintained as approved.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

18. Prior to the commencement of the development in any approved phase hereby permitted (except demolition and remediation works), the developer shall submit to the Local Planning Authority a SAP calculation for the habitable buildings within the phase demonstrating that the buildings shall achieve a minimum of a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations. The measures necessary to achieve the CO2 emissions saving shall be implemented in full and within three months of practical completion of any dwelling the developer shall submit a report to the Local Planning Authority from a suitably qualified consultant to demonstrate compliance with this condition.

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

19. Prior to the commencement of development in any approved phase (except demolition and remediation works), plans shall be submitted to and approved in writing by the Local Planning Authority showing the routeing of underground apparatus within the phase.

Reason: In the interests of protecting the trees to be retained on and around the site. These plans are required before development commences to ensure that these aspects of the development do not adversely affect the health of the trees.

20. No development above slab level shall take place in any approved phase until a scheme for sound insulation to protect occupants of the phase from external noise has been submitted to and approved in writing by the Local Planning Authority. The approved schemes shall be implemented in full prior to occupation of the phases and shall be maintained as agreed thereafter.

Reason: To protect the residents from noise caused by neighbouring land uses taking into account the submitted Noise and Vibration Report (AECOM, April 2019) (Revision 2, 29.03.2019). These details are required prior to the construction of the buildings to ensure that noise mitigation measures are included in the development.

Pre-commencement Works

21. No materials shall be brought onto the site or any development commenced, until the tree protective fencing indicated on drawing numbers TH/A279/0219 Rev 1.0 ('Tree Protection Plan (West)' and 'Tree Protection Plan (East)') within the submitted British Standard 5837:2012 Arboricultural Survey V1.0 (Advanced Arboriculture, 12th April 2019) has been installed and inspected by an officer of the Local Planning Authority. The developer shall maintain the fencing 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 areas, nor shall trenches for service runs or any other excavations take place within the fenced areas 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 to be retained during the carrying out of the development. These measures are required pre-commencement as specified to ensure that the health of the trees to be retained are not harmed by building operations.

Pre-tree and Vegetation Clearance Works

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

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

During Construction

23. The Arboricultural Method Statement and Arboricultural Method Statement Plan (drawing number TH/A279/0219 Rev 1.0) within the submitted British Standard 5837:2012 Arboricultural Survey V1.0 (Advanced Arboriculture, 12th April 2019) shall be implemented in full and strictly adhered to during the construction of the development.

Reason: To ensure the protection of the trees to be retained during the carrying out of the development.

24. If, during development of any approved phase, contamination not previously identified is found to be present at the site then no further development in that phase (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: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

25. Overnight all excavated holes associated with the construction of the development shall be covered and all trenches shall have sloping planks placed in them.

Reason: To avoid trapping animals and to provide a means for escape.

Pre-Specific Works

26. Prior to the construction of any buildings within an approved phase of the development (not including the foundations), samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials of the buildings within the phase shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall be constructed in accordance with the approved materials.

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

27. Prior to the construction of any buildings within an approved phase of the development (not including the foundations), details of the provision for nesting birds and roosting bats in the built fabric of the buildings within the phase shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as part of the development and retained thereafter.

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

28. Prior to the construction of any buildings indicated as having a biodiverse roof on page 51 of the Design and Access Statement (Darling Associates Architects, April 2019), detailed plans and maintenance arrangements of the biodiverse roofs shall be submitted to and approved in writing by the Local Planning Authority. The biodiverse roofs shall be constructed and maintained as approved.

Reason: In the interests of good design and biodiversity.

29. No external lighting shall be installed on the site unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority, in consultation with Network Rail, (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity, wildlife (taking into account the approved Lighting Design Strategy required by condition 5) and the operation of the railway (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.

Reason: To ensure lighting is well designed to protect the amenities of the area, wildlife and the operation of the railway.

Pre-occupation

30. Prior to the first occupation or use of the development hereby permitted, the roundabout and associated works (including crossing facilities and 3.5 metre pedestrian/cycle connections) as shown on drawing number 13553-HYD-XX-XX-DR-TP-0101 P03 ('Site Access Mini-Roundabout General Arrangement Design') shall be constructed in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Reason: To ensure that access to the site is safe and suitable for all users in accordance with Policy CP9 of the Core Strategy and paragraphs 108 and 110 of the NPPF.

31. Prior to the first occupation or use of the development hereby permitted, the automatic barrier system indicated on drawing number 13553-HYD-XX-XX-DR-TP-0101 P03 ('Site Access Mini-Roundabout General Arrangement Design') shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The automatic barrier system shall be maintained at all times thereafter.

Reason: To ensure that access to the site is safe and suitable for all users in accordance with Policy CP9 of the Core Strategy and paragraphs 108 and 110 of the NPPF.

32. Prior to the first occupation or use of the development hereby permitted, the car club facility indicated on page 45 of the Design and Access Statement (Darling Associates Architects, April 2019) shall be provided and made available for use by residents of the development in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The car club facility shall be maintained and made available for use by residents of the development at all times thereafter.

Reason: To ensure this aspect of the application is delivered in the interests of sustainable travel.

Pre-occupation – Phases

33. Prior to the first occupation or use of the buildings in any approved phase, a Landscape and Ecological Management Plan (LEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMPs shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).

- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMPs shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

All post-construction site management of each phase shall be undertaken in accordance with the approved LEMP for that phase.

Reason: In the interests of biodiversity and good design in accordance with Policy CP16 of the Core Strategy, saved Policies LS4 and DG1 of the Local Plan First Review and paragraphs 127 and 175 of the NPPF. Also taking into account the operational mitigation recommended in the submitted protected species surveys.

34. No part of the development in any approved phase shall be occupied until a Travel Plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority, for the development in the approved phase. Thereafter the recommendations of the Travel Plans shall be implemented, monitored and reviewed in accordance with the approved documents, or any amended documents subsequently approved in writing by the Local Planning Authority.

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

35. No individual dwelling hereby approved shall be occupied until it has been provided with cycle parking in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be maintained at all times thereafter.

Reason: To encourage cycling as a sustainable mode of transport in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport Supplementary Planning Document (March 2013).

36. Prior to the first occupation or use of the buildings in approved phase 1, the electric bikes (provision to hire) indicated on page 42 of the Design and Access Statement (Darling Associates Architects, April 2019) shall be provided and made available for use by the residents of the development in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The electric bikes shall be maintained and made available for use by residents of the development at all times thereafter.

Reason: To ensure this aspect of the application is delivered in the interests of sustainable travel.

37. The buildings in any approved phase shall not be occupied until all of the car parking spaces and access thereto within the phase have been provided and

made available for use. The car parking spaces shall be kept permanently available for parking and access purposes thereafter.

Reason: To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use in the interests of highway safety and to protect the amenities of the neighbourhood.

38. Subject to condition 39 below, the buildings in any approved phase shall not be occupied until all of the pedestrian/cycle/shared use paths within the phase have been constructed and made available for use in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The paths shall be kept permanently available for access purposes thereafter.

Reason: To promote sustainable modes of travel and ensure safe and suitable access for all users, in accordance with saved Policy T1 of the Exeter Local Plan First Review, and paragraphs 108 and 110 of the NPPF.

39. The access shown on drawing number 60615144-DR-001 C ('Mount Pleasant Road Emergency Access Design And Vehicle Tracking') and the 3.5m wide shared use path shown on drawing number 60615144-DR-002 E ('Site Main Access Junction') in approved phase 2 shall be constructed and made available for use in accordance with details previously submitted to and approved in writing by the Local Planning Authority prior to the occupation of all the dwellings in this phase or the completion of the development in this phase, whichever is the sooner. The details for the 3.5m wide shared use path must be designed to tie in with any shared use path granted planning permission through the allotments to the north. The access and path shall be kept permanently available for access purposes thereafter for pedestrian, cycle and emergency vehicle use only.

Reason: To promote sustainable modes of travel and ensure safe and suitable access for all users, in accordance with saved Policy T1 of the Exeter Local Plan First Review, and paragraphs 108 and 110 of the NPPF.

40. Prior to the commencement of development in approved phase 2 or the occupation of development in approved phases 1 or 3, whichever is the sooner, a temporary shared use path for pedestrians and cyclists shall be provided within approved phase 2 along the route of the 3.5m wide shared use path shown on drawing number 60615144-DR-002 E ('Site Main Access Junction') that is segregated from vehicles in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The temporary path shall be maintained at all times thereafter until condition 39 above has been discharged in full.

Reason: To provide a safe and suitable access between approved phases 1 and 3 and Mount Pleasant Road during the construction of approved Phase 2 for pedestrians and cyclists in the interests of promoting sustainable travel.

41. Prior to the first occupation or use of the buildings in approved phases 1 and 2, the electric vehicle charging points indicated on page 45 of the Design and Access Statement (Darling Associates Architects, April 2019) within each phase shall be installed and made available for use by residents of the development in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be maintained

and made available for use by residents of the development at all times thereafter.

Reason: To ensure this aspect of the application is delivered in the interests of sustainable travel.

Post Occupancy

42. Mechanical building services plant shall not exceed the levels stated in Table 6.4 of the submitted Noise and Vibration Report (AECOM, April 2019) (Revision 2, 29.03.2019). Plant noise levels shall be measured as a rating noise level in accordance with BS4142:2014.

Reason: In the interests of the amenity of the locality.

43. The amenity facilities shown on drawing number 17050 (03)-Z2-P-0G0 PL1 ('Zone 2 - Ground Floor Plan') shall be used as ancillary facilities for the residential development within the site only.

Reason: To ensure that the development reflects the proposals upon which the application was assessed.

44. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

- Part 1, Class A - enlargement, improvement or other alteration of a dwellinghouse
- Part 1, Class B - additions etc to the roof of a dwellinghouse
- Part 1, Class C - other alterations to the roof of a dwellinghouse
- Part 1, Class D - porches
- Part 1, Class E - buildings etc incidental to the enjoyment of a dwellinghouse
- Part 1, Class F - hard surfaces incidental to the enjoyment of a dwellinghouse
- Part 1, Class G - chimneys, flues etc on a dwellinghouse
- Part 1, Class H - microwave antenna on a dwellinghouse

Reason: To ensure minimum garden sizes are maintained in accordance with chapter 7 of the Residential Design SPD and to maintain the principles of the Design and Access Statement (Darling Associates Architects, April 2019) in the interests of good design in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraph 127 of the NPPF.

45. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the type described in the following Class of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

- Part 3, Class L - small HMOs to dwellinghouses and vice versa
Reason: To control the provision of houses in multiple occupation (HMOs) for student housing given the proximity of the site to the University of Exeter, in order to provide a mixed community and meet housing needs in accordance with Policy CP5 of the Core Strategy.

ORIGINAL PLANNING COMMITTEE REPORT - 16/03/2020

<u>APPLICATION NO:</u>	19/0650/OUT
<u>APPLICANT:</u>	Eutopia Homes (Exeter) Limited
<u>PROPOSAL:</u>	Outline application for the construction of 400 residential dwellings (Class C3), 65 senior living with care units (Class C2), new public open and green spaces, access road, refurbishment and extension of locally listed former water tower, and associated works (Landscaping reserved for future consideration).
<u>LOCATION:</u>	The Old Coal Yard, Exmouth Junction, Mount Pleasant Road, Exeter, Devon, EX4 7AE
<u>REGISTRATION DATE:</u>	10/05/2019
<u>RELATED DOCUMENTS:</u>	https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=19/0650/OUT

HISTORY OF SITE

86/0869/FUL -	Use of former wagon repair workshop & yard as warehouse & distribution centre of fertilisers & associated products	REF	14.11.1986
89/0672/FUL -	Erection of four bulk screening hoppers and canopy	WDN	02.01.1991
EN/92/00053 -	New building been erected, tank erected and lights on all night.	CLOSED	28.05.1992
EN/95/00363 -	Waste Disposal Depot	CLOSED	24.10.1995
EN/96/00009 -	Change of use class.	CLOSED	23.01.1996
EN/96/00077 -	Untidy site	CLOSED	05.03.1996
EN/97/00167 -	Unauthorised building work	CLOSED	04.07.1997
EN/98/00147 -	Unloading of earth and hardcore	CLOSED	28.10.1998
98/1017/CMA -	Temporary waste transfer facility (12 months)	RNO	17.02.1999
EN/99/00010 -	Untidy site	CLOSED	07.01.2000
EN/99/00042 -	Builders Yard / Tarmac Business	CLOSED	26.05.2000
99/0886/CMA -	Temporary (6 months) waste transfer facility	RNO	15.12.1999
00/1276/CMA -	Temporary (6 months) waste transfer facility	WDN	04.10.2000
EN/00/00348 -	Untidy building	CLOSED	15.08.2002
EN/01/00116 -	Installation of grey metal fence over 1 metre tall	CLOSED	06.04.2001
EN/01/00573 -	Untidy site, abandoned railway buildings.	CLOSED	14.03.2002
02/0305/CTY -	Temporary storage site for used refrigerators for up to 2/3 years	WDN	25.04.2002
EN/02/00103 -	Dumping of rubble in former coal yard	CLOSED	19.08.2002

ENF/10/00077 -	Unauthorised advertisements	CLOSED	25.02.2011
10/1735/ADV -	Non-illuminated double sided freestanding sign at junction with Mount Pleasant Road and 2 road safety/security signs on access road	PER	08.02.2011
16/0769/SO -	EIA screening opinion request for 240 dwellings (outline application with all matters reserved except access)	EIANOT	08.07.2016
18/1614/SO -	Request for Environmental Impact Assessment Screening – Outline application for approximately 412 dwellings (Use Class C3) and a 55 unit care home facility (Use Class C2), with appearance and landscaping reserved	EIANOT	01.02.2019

DESCRIPTION OF SITE/PROPOSAL

The site comprises part of the site that was used historically as a railway depot to the north of Exmouth Junction, where the Exmouth branch line diverges from the main railway line. It's most recent use has been as a storage site, including the storage of motorhomes and caravans. The site is bounded by St James' Church and the Prince Charles Road allotments to the north, Morrisons supermarket to the east, the railway line to the south with housing and Priory Park beyond, and housing to the west. The site is largely sunken and below the level of the surrounding uses except for an access road running along the north boundary, which connects to Mount Pleasant Road to the west. A second vehicular access point is on the east boundary connecting to the road serving Morrisons, but apart from these there are no other existing access points. The site is mainly rectangular in shape and measures approximately 700 metres east to west and 100 metres north to south, although it narrows to the east where Network Rail wish to retain some land. A wooded slope separates the main part of the site from the access road. The overall site area is 5.95 hectares. The site is in Pennsylvania ward.

The site is unallocated and undesignated in the adopted Core Strategy (2012) and Local Plan First Review (2005), but the western part of the site is allocated for housing in the emerging Development Delivery DPD (2015). The site is in Flood Zone 1 (land assessed as having less than 1 in 1,000 annual probability of river or sea flooding), although there are a few small areas at risk of surface water flooding from heavy rainfall. There are no heritage assets on the site or within the vicinity apart from a disused water tower building, which is locally listed. The site has been identified as being potentially contaminated from previous land uses. Prince Charles Road running parallel with and on the other side of the allotments has been designated part of the E3 strategic cycle route by Devon County Council, which connects the University of Exeter with Exeter Science Park and other growth point areas to the east of the city.

The proposed development is to redevelop the site to provide a mixed housing scheme comprising 465 units in total. A mix of dwelling sizes and tenures is proposed to meet a variety of housing needs and to create a balanced community. A 5 storey apartment block with 66 apartments (28 no. 1-beds, 28 no. 2-beds and 10 no. 3-beds) will be sited to the west of the site at its lowest point, closest to Mount Pleasant Road. Next to this will be 104 no. 4-bed townhouses, arranged in four perimeter blocks with gardens backing onto each other. To the east of the townhouses will be a 'Village Green' (0.025ha), including a children's play area and other amenity areas, which will act as the heart of the new community. To the east of the Village Green will be two blocks comprising a total of 230 Build to Rent apartments. The first block will comprise 177 apartments (75 no. 1-beds, 71 no. 2-beds and 31 no. 3-beds) and will be part 3/4/5 storeys; it will also have a central courtyard, described as a 'Community Garden' in the Design and Access Statement (DAS). The second block will comprise 53 apartments (28 no. 1-beds, 17 no. 2-beds and 8 no. 3-

beds) and will be part 4/5 storeys. To the north of this block will be a hard landscaped square, referred to as 'Pump House Square' in the DAS, and framing this to the north will be the converted and extended water tower building, which will contain a management suite and social hub for the Build to Rent apartments. Several other communal facilities will be situated around the square, including a fitness suite, lounge and 'tech hub' offering shared work space. To the east of the second Build to Rent block (at the far east of the site nearest to Morrisons) will be a part 4/5 storey block containing 65 'senior living with care' apartments (17 no. 1 beds, 39 no. 2-beds and 9 no. 3-beds). Whilst an operator for this facility has not yet been identified, this block will provide residential accommodation for older people requiring a certain amount of personal care. It will include a lounge/dining area on the ground floor, as well as reception, consultation room, wellbeing suite and staff room. It will also provide outdoor amenity space in the form of a rear courtyard/garden and rooftop terrace.

Vehicular access to the site will be provided from the road serving Morrisons to the east. The existing access to/from Mount Pleasant Road will be made into a pedestrian/cycle access point only, except for emergency vehicles. The street hierarchy will consist of a primary route running the length of the site east to west, with secondary routes off of this providing access to the blocks north to south. These secondary routes will take the form of mew streets designed using 'home zone' principles to reduce the dominance of the car and prioritise pedestrian movement and activities. The primary route will run along the base of the wooded slope on the site, whilst the pedestrian/cycle route linking to Mount Pleasant Road will run along the top. This will slope down to the primary route and link with it near the converted water tower building. A footpath will run through new woodland areas planted along the edge of the site to the west and south, which will connect with the pedestrian/cycle route and Village Green to form a recreational walking circuit for residents and visitors. The highways on the site will be privately managed enabling higher quality surface materials to be used, except for the initial part of the primary route to the east which will be adopted by Devon County Council. Vehicle control barriers will be placed at the base of the pedestrian/cycle route and across the primary route in front of the Build to Rent properties to ensure only registered and emergency vehicles can access the site.

The scheme has been designed as a low car parking scheme to encourage more sustainable modes of travel, including walking, cycling and public transport, as well as reduce the dominance of cars visually within the streetscene. Each of the townhouses will have one designated car parking space, either on-plot or in bays on-street. A row of 22 car parking spaces will be provided to the west of the western apartment block, including 5 disabled spaces and 5 electric charging point spaces. 8 parallel spaces will be provided adjacent to the main Build to Rent apartment block and 8 disabled spaces will be provided adjacent to the smaller Build to Rent apartment block. 18 car parking spaces will be provided for the 'senior living with care' apartment block in two areas either side of the building. A small car park with 24 spaces will be provided near the site entrance for general use. A car club will be provided adjacent to the management suite in the water tower building with 8 spaces, 4 of which will include electric charging points. There will be a total of 192 car parking spaces across the scheme as a whole representing a car parking to dwelling ratio of 1:2.42 (41%). This is skewed more towards the for sale units.

Conversely over 1,000 cycle parking spaces will be provided across the scheme. Each of the townhouses will have a combined bike/bin store to the front of the plot. The apartment blocks will have internal bike stores with double stacking racks (778 spaces). External covered bike stores will be provided adjacent to the management suite and to the rear of the 'senior living with care' block (120 spaces). Groups of Sheffield bike stands will also be provided in various areas around the site (140 spaces). An electric bike hire facility will also be provided within the Build to Rent complex. (See pages 42 and 44 of DAS for further details).

Each of the townhouses and the apartment blocks will have refuse stores on the ground floors. Estate bins will be provided along the primary access route and two recycling banks will also be provided. (See page 43 of DAS for further details).

The application has been submitted in outline with details of landscaping as a reserved matter only. However, an Illustrative Landscape Masterplan has been submitted with the application and a Landscape Strategy has been provided as part of the DAS (see Section 7.0) to indicate the design intent with regards to hard and soft landscaping. 'Green roofs' are proposed on each of the apartment blocks to enhance biodiversity, as well as solar panels (see page 51 of the DAS).

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- Design and Access Statement (Darling Associates, April 2019)
- Statement of Community Involvement (Darling Associates, April 2019)
- Community Benefit & Social Value Report (Darling Associates, April 2019)
- Planning Statement (CBRE, April 2019)
- Heritage Statement (CBRE, April 2019)
- Arboricultural Survey (Advanced Arboriculture, 12th April 2019)
- Environmental Site Investigation & Outline Remediation Strategy (John F Hunt Remediation, July 2018)
- Transport Assessment (AECOM, April 2019)
- Travel Plan (AECOM, April 2019)
- Air Quality Impact Assessment (AECOM, 2019)
- Flood Risk Assessment and Drainage Strategy Report (AECOM, April 2019)
- Noise and Vibration Report (AECOM, April 2019)
- Preliminary Ecological Appraisal (PEA) (AECOM, April 2019)
- Light Assessment (AECOM, April 2019)
- Energy Assessment (AECOM, April 2019)
- Accommodation for the Elderly (class C2) BREEAM Pre-Assessment (AECOM, April 2019)
- Outline Construction Management Plan (AECOM, April 2019)
- Construction Resource Management Plan (AECOM, April 2019)

Additional Information Submitted During Application

- Air Quality Impact Assessment Revision 1 (AECOM, 18/06/19)
- Updated Noise and Vibration Report (AECOM, April 2019)
- Flood Risk Assessment and Drainage Strategy Report Revision 3 (AECOM, 02.08.19)
- Reptile Report (Wardell Armstrong, July 2019)
- Invasive Non-Native Species Report, August 2019)
- Technical Note – Stoke Hill Roundabout Scheme Financial Contribution Revision 3 (AECOM, 02/09/2019)
- Bat Report 2019 (Wardell Armstrong, October 2019)
- Confidential Update Badger Report (Wardell Armstrong, October 2019)
- CBRE letter 21 October 2019
- Response to DCC Highways Requests for Further Information (Darling Associates, October 2019)

REPRESENTATIONS

40 representations were received during the publicity period, including 32 objections and 8 neither supporting nor objecting. The following issues were raised:

- Inadequate car parking provision.
- Buildings too high.
- Dislike industrial design.
- Too high density.
- Impact of traffic generation on Morrisons roundabout.
- Dislike architectural design.
- Overcrowded and oppressive.
- Overdevelopment.
- No visible controls to stop parking on pavements, footpaths and cycleways.
- Needs to be designated cycle route within the site.
- Pedestrian access to Mount Pleasant Road and Old Tiverton Road is inadequate.
- There should be more sets of steps and disabled path up the wooded slope.
- Risk of increase in accidents and casualties at Stoke Hill roundabout.
- Additional traffic will have a detrimental impact on local highway network.
- Capacity of schools and medical practices to accommodate additional people.
- Contributions to public transport infrastructure.
- Impact of congestion on air quality.
- Design not in keeping with local residential area.
- Impact on foul drainage.
- Industrial or park and ride uses would be better than high density housing.
- Impact on existing community.
- Inadequate Transport Assessment.
- Impact on St James' Church Hall car park.
- Schools at capacity.
- If children cannot walk to school, parents will be forced to drive them.
- Overspill parking on roads without parking controls.
- Applaud use of brownfield site to deliver affordable homes.
- Not enough provision to protect mature trees on the site.
- Some materials not in keeping with area.
- Applaud retention of trees and concept of green spaces.
- Does not meet CS objectives of 'providing decent homes for all', 'promoting development that contributes to a healthy population' and 'protecting and enhancing the city's character.
- Lack of cycling infrastructure to the city centre.
- Should be more open space, low rise buildings and more car parking.
- Should be one allocated parking space per dwelling.

One of the representations was from a firm of solicitors on behalf of the Royal Devon and Exeter NHS Foundation Trust providing evidence for s106 developer contributions for services. The Trust are seeking £515,745 from the 400 dwellings and £53,580 from the 65 'senior living with care' apartments towards the delivery of health care services during the first year of occupation of each unit.

In addition to the representations above, 45 objections were received against Devon County Council's request as Local Highway Authority to provide two pedestrian/cycle shared footpath links to the site through the Prince Charles Road allotments site. This included an objection from the management committee of the Prince Charles Road Allotment Association. The majority of the objections raised the same points copied below:

- At least two and probably three allotment plots will be become unviable when there is a waiting list for plots at our site.
- The allotment site has Asset of Community Value (ACV) status under The ACV (England) Regulations 2012. As such, our main use is to further the social wellbeing or social interests of the plot holders and could do so in the future. The Localism Act states that 'social interests' includes recreational interests. Option 2, splitting the site into two areas will have an adverse impact on our ability to provide this function.
- Currently the site has some 86 plots, many of which are divided into two. There are then some 120 tenants on the site. Given family and friends help out and we have two community plots, the site probably provides social, recreational and wellbeing facilities for some 300 people ranging from 8 months old to over 80. Any loss or diminution of these facilities is a retrograde step.
- Both options will mean loss of mature trees from Prince Charles Road. Trees potentially affected by the proposal may have recently been felled.
- Both options would increase the risk of vandalism attacks on the allotment site and the Trading Hut, which has been broken into on a number of occasions.
- Both options, with formed surfaces, increase the barrier to wildlife known to be on and using the site from moving between areas in the wildlife corridor e.g. badgers, foxes, frogs, toads, slow worms and common lizards, some of which are protected.
- There would be potential drainage issues with both options increasing the rainfall run-off from the site, which could adversely impact on the development site.
- Option 2 will cut the allotment site into two separate areas. This will make managing the site more difficult and severely impact on its community spirit and ethos.
- With Option 2 there is the risk of accidents with cyclists travelling at speed not expecting to meet vehicles on the pathway.
- The Option 2 will make lorry deliveries of bulk items (compost, grow bags and manure) to the Trading Hut impractical, if not impossible. There will be similar difficulties and issues with manure deliveries by tractor and trailer.
- Option 2 has the path being close to an allotment that currently houses a number of bee hives. Keeping of bees on this plot may become unviable if the hives are too close to the public. Having the bees on site aids pollination of our crops and flowers.
- The benefits in shortening the access to Prince Charles Road and Stoke Hill Infant and Nursery School are marginal. Neither achieves the recommended maximum walking distance of 400 metres
- Option 3 would reduce the car parking spaces available at the west end of the site.

CONSULTATIONS

Local Highway Authority (Devon County Council): The proposed development results in a substantial increase in trips onto the highway network using the TRIC's database. The site is in a sustainable location and sustainable travel should be promoted. A £500k contribution is required towards improvements to Stoke Hill roundabout, which is already congested and prone to accidents. The other roundabouts within the vicinity – Prince Charles Road/Calthorpe Road and Morrisons – have capacity. More details are required in relation to the onsite roundabout, the pedestrian/cycle/emergency access onto Mount Pleasant Road and eastern access point to demonstrate they are acceptable in highways terms. A £522k contribution is required towards the provision of two pedestrian/cycle links to the north through the allotments site, which should be constructed before occupation of any of the new dwellings to avoid a reason for refusal. A Traffic Regulation Order (TRO) is required to prohibit vehicles using the access from Mount Pleasant Road. There are a lack of links within the site to the pedestrian/cycle route. It is unclear whether the public will be able to walk/cycle through the site. Residents parking permits will not be given to serve the development. A £25k contribution is requested towards a review of existing residential parking zones. The proposed electric vehicle charging points and electric car club cars are welcomed; further details should be included in the travel plan. Private management of the

roads is acceptable in principle, but residents parking must be managed. A Travel Plan contribution is not sought, however the preparation of updated travel plans for the development should be conditioned. In the absence of the further information requested, the highway authority would be minded to recommend refusal.

Natural England: Mitigation will be required to prevent the development from harming the Exe Estuary SPA in accordance with the South East Devon European Sites Mitigation Strategy (SEDEMS) and the Joint Approach of Exeter City Council, Teignbridge District Council and East Devon District Council. Permission should not be granted until such time as the implementation of these measures has been secured. An appropriate assessment in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) may be necessary. Figure 3 in the Exeter Area and East Devon Growth Point Green Infrastructure Strategy – Phase II shows the linear vegetation alongside the railway line as a habitat link in the investment programmes. This application provides the opportunity to secure new wildlife corridors. The green spaces and landscaping proposals should strengthen this green network for wildlife movement. Any permission must secure appropriate management to encourage biodiversity and wildlife movement. Opportunities to achieve a measurable net gain for biodiversity should be sought through the delivery of this development.

Lead Local Flood Authority (Devon County Council): Initially raised concerns with the drainage calculations and principle of connecting into the existing historic culvert under the site, however withdrew this following the submission of further information. Recommended pre-commencement conditions to secure details relating to: the detailed design of the systems (permanent and construction stages), exceedance pathways and overland flow routes, adoption and maintenance arrangements, and a detailed survey of the culvert.

Network Rail: Requested conditions securing: full details of the drainage plans before development commences and consultation with Network Rail on this; provision of a steel palisade fence at least 1.8m in height adjacent to Network Rail's boundary; and details regarding lighting and consultation with Network Rail on this. Provided other advice relating to the site layout, the Party Wall etc. Act 1996, excavations/earthworks, plant scaffolding and cranes, encroachment, and access to railway.

Environment Agency: Planning permission should only be granted provided a verification report condition and unsuspected contamination condition are added.

RSPB: Bird/bat boxes should be secured in the built fabric of the buildings. A Landscape and Ecological Management Plan (LEMP) should be conditioned.

Sport England: Sport England encourages the Council to consider spending CIL receipts on new and improved facilities for sport, e.g. floodlighting adult rugby pitch at the Arena site. Sport England commend the use of the 'Active Design' guide (October 2015) in the masterplanning process for new residential developments.

Police Designing Out Crime Officer (Devon and Cornwall Police): Welcome barriers to control car movements. The 'woodland walk' could be misused, due to limited surveillance and footfall. The management and maintenance of the route is crucial. The Village Green had good surveillance, which should not be hampered by extensive tree canopies. Onsite security is encouraged in order to provide some guardianship of the development. A suitable boundary treatment is needed around the Village Green and play space. There must be a clear demarcation between public and private space. Street furniture should be well overlooked and vandal resistant. The Community Garden should be restricted to legitimate users. Appropriate access control systems needed for apartments. Defensive planting should be utilised wherever possible around ground floor windows. External site lighting

should comply with BS 5489:2013. Cycle and bin storage should follow 'Secured by Design – Homes 2019' guidance. It should be considered that if there is a significant increase in vehicles associated with the development which cannot be accommodated there, the impact and conflict it could potentially have on the development and surrounding area.

Devon & Somerset Fire & Rescue Service: No objections provided the development complies with the functional requirements of Approved Document B (ADB) or similar standards. The key points for ourselves are:

- Emergency vehicle access throughout the site as stated in ADB.
- High Reach vehicle access (as stated in ADB)
- Water supplies (Hydrants)
- Firefighting measures for Blocks of Flats and Townhouses (if access does not meet requirement within ADB)
- Consideration to install residential sprinklers

Devon County Council: Requested education contribution totalling £972,299, however this was latterly superseded (see Local Education Authority below).

The Planning Statement has omitted the Devon Waste Plan as forming part of the development plan. A Waste Audit Statement has not been submitted, however the required information has been submitted in other supporting documents. The Construction Resource Management Plan provides a consideration of waste to be generated during the demolition and construction phases and the applicant has sought to demonstrate how suitable space for waste segregation and storage has been incorporated to the design of the development as set out in the Refuse Strategy outlined within the Design and Access Statement. This is welcomed and will support the achievement of sustainable waste management during the lifetime of the development. However, neither of these documents refer to the Devon Waste Plan or the requirements of Policy W4: Waste Prevention and should be amended accordingly.

The County Council in its role as Mineral Planning Authority has no objection to the application.

The historic environment team at Devon County Council has no comments to make.

(Comments provided on surface water flooding – see Lead Local Flood Authority above.)

The public health department at the County Council is encouraged by the application's focus to deliver a development that:

- Encourages active travel.
- Promotes opportunities for physical activity.
- Aspires to deliver sustainable development and the use of renewable energies.
- Provides an element of affordable housing.
- Provides adaptable housing.
- Provides employment opportunities.

Given the scale and density of the development, a defibrillator should be provided. The fitness suite should make provision for use by those living with disabilities. Hybrid boilers could be used to help tackle fuel poverty and reduce the impact on the environment. The County Council would support proposals which provide access to the allotments and provisions to enable residents to grow their own food. The County Council would support proposals to connect the site to the local cycle network.

The site is an appropriate location for an extra care housing scheme, but it is not clear whether the 65 'senior living with care' apartments would be considered as affordable, extra care housing, a form of accommodation promoted by the County Council. The County Council would welcome discussions with the applicant and City Council to explore the opportunity.

The Devon Partnership Gypsy and Traveller accommodation assessment of 2015 identifies there to be a projected need for an additional 18 pitches in Exeter by 2034 while there is a total additional need for 287 pitches within the Partnership area. Given this is a large application in the context of the city, it is recommended that the potential for the inclusion of an area of pitches is investigated for provision within this site.

The proposed development would fall under the catchment area of Mount Pleasant surgery in Exeter. The practice attended the initial planning meeting and are supportive of the proposal. The current surgery has insufficient capacity to accommodate the additional patients from the development. There will be a requirement of 58.62m of additional floor space at the practice. A sum of £134,767 is sought by NHS Devon CCG, which will be used to expand the facility to provided additional consulting rooms.

Local Education Authority (Devon County Council): The development will generate an additional 67.25 primary pupils and 40.35 secondary pupils which would have a direct impact on the primary and secondary schools in Exeter. The following contributions are requested accordingly:

- £39,060 towards additional primary and secondary SEN provision.
- £185,257 towards the expansion of Willowbrook and/or St Leonards Primary Schools.
- £759,854 towards new secondary provision at South West Exeter releasing capacity at secondary schools in the East of Exeter to serve Monkerton and surrounding development.
- £67,250 towards new provision at Trinity Primary & Nursery School.

All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on March 2015 prices and any indexation applied to contributions requested should be applied from this date.

NHS Devon Clinical Commissioning Group: Responded to request by the applicant for further information to justify the £134,767 contribution requested as part of Devon County Council's response to the application. Stated that further discussions have taken place between the CCG and the Mount Pleasant surgery practice manager. Stated that reconfiguration of the building to provide additional clinical capacity is not possible, therefore the facility will need to be expanded.

Exeter Cycling Campaign: Welcome how developer has endeavoured to build sustainable transport into the design of the scheme. The pedestrian/cycle access to Mount Pleasant Road is welcomed, but safe access needs to be built for people cycling into/out of the east of the site, opened up to the north and considered to the south. A physical modal filtering solution must be implemented at the Mount Pleasant Road access to prevent motorised traffic (except emergency vehicles) using it. The desire line from the buildings to this access (up the slope) should be catered for with dedicated pedestrian and cycle paths. A cycle path should be provided from the east of the site to join up to the cycle paths at the east end of Prince Charles Road. Consideration should be given to providing a connecting cycle path from the site to the E4 cycle route. Contributions should be sought towards a cycle path

along Mount Pleasant Road and the extension of the E4 cycle route from Prince Wales Road to Union Road. Concur with Design Review Panel recommending additional pedestrian and cycle connections to the north. Consideration should be given to connecting the Village Green to Priory Park over the railway line. Seen little in the proposals that will actively disable the parking of cars in the development – physical measures should be used to inhibit this. There should be a designated cycle route within the site.

Living Options Devon: The application appears to cater for all who may reside here. It is hoped that the scheme will be closely monitored throughout to ensure all ‘statements’ are met including all outside areas being fully accessible (including the play areas where disabled and elderly people may wish to go to watch/assist their children play).

Environmental Health (Exeter City Council): Requested additional information on contaminated land, noise and air quality. Conditions recommended (CEMP, contaminated land, sound insulation and plant noise).

Arboricultural Officer (Exeter City Council): There are many semi-mature trees across the site that individually are not particularly important, but collectively provide a high degree of visual amenity. As the trees are distributed across the site it will not be practical to retain all the trees if the site is to be developed. Owing to the above, attempts should be made to retain the trees on or close to the perimeter of the site and to incorporate new planting into any proposed development. It is important that new tree planting is designed into any new development so that it makes an important visual contribution, rather than planting in left over and/or inappropriate locations.

Place Making Officer (Exeter City Council):

- The proposals are consistent with the pre-application discussions with the developer’s team and demonstrate an informed response to the constraints and opportunities of the site which have led to a coherent and believable masterplan with the aspiration to create a high quality residential development.
- The design strategy is a logical response to the linear character of the site whilst taking advantage of the site character and assets.
- The sub-division of the site would allow the creation of a number of character areas supported by the location of the two different building types, namely, townhouses and apartment blocks the arrangement of which would help to generate a credible streetscape.
- The illustrated height and massing indicates a measured approach which would enhance the creation of the spaces within the site and the vehicle and pedestrian/cycle routes.
- The illustrations of the elevations of the proposed townhouses indicates a modern interpretation of local terraced housing in terms of scale, vertical emphasis and a co-ordinated palette of brick colours and detailing. However, the layout is based on back-to-back building distances of 20m (minimum 22m in Res. Des. SPD) and further detailed consideration would be required to determine whether the overall design was sufficient to mitigate for this shortfall.
- The apartment blocks would share similar details but with the addition of large windows and balconies which would help to reduce the apparent scale of the additional height. However, with regard to Block A (western end of site) I have concerns that the proposed double window balconies would have an ‘add-on’ appearance which could detract from the overall design of the building: consideration should be given to the use of integral balconies or the self-supporting balconies shown for the single windows at the corners of the building.

- Pump House: the Pump House would be retained as part of a new square. The design of the proposed extension would need to be carefully considered.
- The street hierarchy would be supported by the hardworks strategy but clarity about ownership and responsibility would be needed before proposals are fully developed to ensure that the objectives can be realised.
- The proposed pedestrian movement reflects the limited access to the site but further consideration may need to be given to another link between the primary and secondary routes to the north of the site.
- Building materials: whilst the indicative choice of brick is generally appropriate full details of combinations of all materials would be required.
- Landscape strategy: the illustrative landscape masterplan, character areas and hardworks and softworks strategies are coherent and co-ordinated and would complement the proposed buildings, open spaces and roads.
- Communal space: clarification is needed that sufficient space would be available for the apartment blocks particularly Block A (western end of site).

PLANNING POLICIES/POLICY GUIDANCE

Government Guidance

National Planning Policy Framework (NPPF) (February 2019)

Planning Practice Guidance (PPG)

National Design Guide (October 2019)

Core Strategy (Adopted 21 February 2012)

Core Strategy Objectives

CP1 – Spatial Strategy

CP2 – Employment

CP4 – Density

CP5 – Mixed Housing

CP7 – Affordable Housing

CP9 – Transport

CP11 – Pollution

CP12 – Flood Risk

CP15 – Sustainable Construction

CP16 – Green Infrastructure, Landscape and Biodiversity

CP17 – Design and Local Distinctiveness

CP18 – Infrastructure

Exeter Local Plan First Review 1995-2011 (Adopted 31 March 2005)

AP1 – Design and Location of Development

AP2 – Sequential Approach

E3 – Retention of Employment Land or Premises

H1 – Search Sequence

H2 – Location Priorities

H7 – Housing for Disabled People

L4 – Provision of Playing Pitches

L10 – Allotments

T1 – Hierarchy of Modes

T2 – Accessibility Criteria

T3 – Encouraging Use of Sustainable Modes

T8 – Safeguarding Former Railway Land and Access to Rail

C3 – Buildings of Local Importance
LS2 – Ramsar/Special Protection Area
LS3 – Sites of Special Scientific Interest
LS4 – Nature Conservation
EN2 – Contaminated Land
EN3 – Air and Water Quality
EN4 – Flood Risk
EN5 – Noise
DG1 – Objectives of Urban Design
DG2 – Energy Conservation
DG4 – Residential Layout and Amenity
DG5 – Provision of Open Space and Children’s Play Areas
DG6 – Vehicle Circulation and Car Parking in Residential Development
DG7 – Crime Prevention and Safety

Devon Waste Plan 2011 – 2031 (Adopted 11 December 2014) (Devon County Council)

W4 – Waste Prevention
W21 – Making Provision for Waste Management

Development Delivery Development Plan Document (Publication Version, July 2015)

DD1 – Sustainable Development
DD3 – Retention of Employment Land
DD7 – Allocated Housing Sites
DD8 – Housing on Unallocated Sites
DD9 – Accessible, Adaptable and Wheelchair User Dwellings
DD13 – Residential Amenity
DD19 – Safeguarding Railway Land and Former Railway Land
DD20 – Accessibility and Sustainable Movement
DD21 – Parking
DD22 – Open Space, Allotments, and Sport and Recreation Provision
DD25 – Design Principles
DD26 – Designing out Crime
DD28 – Conserving and Managing Heritage Assets
DD30 – Green Infrastructure
DD31 – Biodiversity
DD32 – Local Energy Networks
DD34 – Pollution and Contaminated Land

Exeter City Council Supplementary Planning Documents

Affordable Housing SPD (April 2014)
Sustainable Transport SPD (March 2013)
Planning Obligations SPD (April 2014)
Public Open Space SPD (Sept 2005)
Residential Design Guide SPD (Sept 2010)
Trees and Development SPD (Sept 2009)

Devon County Council Supplementary Planning Documents

Minerals and Waste – not just County Matters Part 1: Waste Management and Infrastructure SPD (July 2015)

OBSERVATIONS

The key issues are:

1. The Principle of the Proposed Development
2. Affordable Housing
3. Access and Impact on Local Highways
4. Parking
5. Design and Landscape
6. Impact on Heritage Assets
7. Residential Amenity
8. Impact on Amenity of Surroundings
9. Impact on Trees and Biodiversity
10. Contaminated Land
11. Impact on Air Quality
12. Flood Risk and Surface Water Management
13. Sustainable Construction and Energy Conservation

1. The Principle of the Proposed Development

The planning status of the land is unclear, as planning permission was not obtained for either the current or historic uses. The site is currently used for a mix of open air storage and the sale of motor vehicles. The storage use began on 1 August 2010 according to the information on the company's website meaning this use will not have become lawful through the '10 year rule'. The car sales business describes itself as being located within the storage business, so is assumed to have begun at a later date. The prior uses according to the submitted information were as a concrete works and coal concentration depot, and as a railway maintenance yard, which are considered to fall within Class B2 (General industrial). Therefore, officers consider that the lawful use of the land is still B2.

The proposal is to redevelop the site for residential development. Whilst the site is not allocated for this use in the adopted Core Strategy or Local Plan First Review, the majority of the site to the west is allocated for housing in the emerging Development Delivery DPD. The remaining part to the east is safeguarded railway land in this document, however as Network Rail are seeking to dispose of it officers are satisfied that there is no demand for its use for transport related purposes.

Policy CP2 states that alternative uses may be acceptable (on employment sites) where it is demonstrated that employment use is not viable or needed to meet current and long term needs or where there are unacceptable amenity impacts for local residents. Saved Policy E3 states that the loss of employment land or premises will not be permitted where it would harm business or employment opportunities in the area. Officers do not consider that continued employment use of the site is needed to meet current and long term needs. This is evidenced by the fact that the majority of the site has been allocated for housing in the emerging DPD. Furthermore, residential development is considered to be a better 'fit' for the site given the surrounding residential uses and potential for industrial use to impact the amenity of local residents.

In addition, at present the Council cannot identify a 5 year supply of deliverable housing sites. The development will deliver a significant number of new homes on a brownfield site within 10-15 minutes walking distance of the city centre. The presumption in favour of sustainable development (NPPF 2019 para. 11) therefore applies and should be afforded significant weight.

In conclusion, the proposal to redevelop the site for residential development is considered to be acceptable in principle.

2. Affordable Housing

Policy CP7 requires 35% affordable housing, subject to considerations of viability and feasibility. The development mix is: 170 no. for sale units, 230 no. Build to Rent units and 65 no. 'senior living with care' units. The developer considers that the 'senior living with care' units fall within Class C2 (Residential institutions), i.e. use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3 (dwelling houses)), which excludes them from Policy CP7. Officers accept this provided their use is restricted to Class C2 only in a s106 legal agreement. Planning Practice Guidance on affordable housing for Build to Rent states that 20% is generally a suitable benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) without a specific policy dealing with this type of housing. In accordance with the NPPF, affordable private rent must set the rent in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable). Therefore the total number of affordable dwellings sought is 105.5 (35% of 170 and 20% of 230).

The developer submitted a Financial Viability Assessment that concluded that no affordable housing or obligations were viable except for CIL. In accordance with the Planning Obligations SPD, officers obtained third party advice from an independent valuer who concluded that it would be viable for the development to include affordable housing, as well as various other obligations and CIL. Based on further discussions with the independent valuer and taking into account the guidance on distribution and design of affordable housing within the Affordable Housing SPD, officers have requested the following affordable housing provision as part of the scheme:

- 33 no. affordable units in Block A (i.e. half the building), at least 70% social rented, 3 units of which to be wheelchair accessible in accordance with Part M4(3)(2)(b) of the Building Regulations.
- 15 no. affordable townhouses, at least 70% social rented.
- 57 no. Affordable Private Rent units in Blocks B and C.
- TOTAL = 105 affordable dwellings (28% of 170 and 25% of 230).

The developer has yet to agree to this and an update will be provided on the Additional Information Sheet before committee.

3. Access and Impact on Local Highways

The Local Highway Authority has raised no concerns with the proposed access to the site in principle, but has requested additional technical drawings/information to demonstrate that the accesses and adopted highways will be acceptable in highways terms. This has yet to be submitted and should be secured to the satisfaction of the Local Highway Authority before planning permission is granted.

The Local Highway Authority has also requested a £522,000 contribution to deliver two shared use pedestrian/cycle paths to connect the development to Prince Charles Road through the allotments to the north. These would cut the walking/cycling distance between the development and the bus stops and E3 strategic cycle route along Prince Charles Road, and the schools to the north. This has generated 45 objections from users of the allotments and others, but the Local Highway Authority has stated that the application should be refused if these links are not provided before occupation.

'Link 2' would utilise the existing track on the allotments site for the majority of its length and part of a single allotment plot to the north, although at the time of the officer site visit this part of the plot was not in use. This link would pass the allotments trading hut. An informal car parking area has developed on the adjoining plot and this could be reconfigured to compensate for the part of the allotment plot that would be lost. This link is 100m long and would align with an existing crossing point on Prince Charles Road. The distance to get to the same point to the west is 980m and to the east is 670m.

'Link 3' would run alongside the boundary of the allotments site with St James' Church. It would utilise the allotment plot at the far end of the site and part of the formal car park. It would require the existing vehicle access to be relocated. This link is 55m. The distance to get to the same point to the west is 256m and to the east is 1,388m.

The policy justification to provide these links is strong: Policy CP16 states that opportunities to enhance cycling and walking opportunities will be implemented. Policy CP17 states that all proposals for development will exhibit a high standard of sustainable design that is resilient to climate change, and the supporting text states that particular attention should be given to designing permeable layouts and pedestrian and cycle friendly places and routes. Saved Policy T3 states that development should be laid out and linked to existing or proposed developments and facilities in ways that will maximise the use of sustainable modes of transport. The Sustainable Transport SPD states that contributions may be required towards improving facilities for pedestrians and cyclists in the vicinity of the site, including the creation of links to reduce walking and cycling distances to public transport and other local facilities (paragraph 9.2.5). It goes on to state that for larger sites a pedestrian and cycle network should be devised across the whole site, in conjunction with connections beyond its boundaries, to minimise walking and cycling distances, especially between homes and local facilities, schools, parks, bus stops and rail stations (paragraph 10.2.6).

Conversely Policy CP10 states that facilities that meet Exeter's community, social, health, welfare, education, spiritual, cultural, leisure and recreation needs will be protected. It goes on to state that facilities which serve neighbourhood needs should, wherever possible, be located within or close to district or local centres or at locations easily accessible to the local community, particularly by foot or bicycle. Saved Policy L10 states that development that would result in the loss of allotments will not be permitted if it would harm allotment provision in the area.

Having weighed the above and taking into account the discussions with the developer over viability, officers consider that 'Link 2' should be provided and that the contribution to deliver this (£333,139) is necessary to make the development acceptable in planning terms. It is also considered to be directly related to the development and fairly and reasonably related in scale and kind to the development. 'Link 2' will provide greater sustainability benefits than 'Link 3' in terms of minimising walking and cycling distances between the development and bus stops, the strategic cycle route and schools. It will also be overlooked by the larger Build to Rent apartment block, making it safer and more secure, whereas 'Link 3' is more isolated. Contrary to the views of some objectors, it's considered that it will improve the security of the trading hut, due to enhanced natural surveillance from the people using it. It will also enhance the sustainability of the allotments site by making it more accessible by foot and bicycle.

Within the site, the Local Highway Authority has pointed out that there is a lack of pedestrian/cycle accesses to the pedestrian/cycle access along the north boundary, i.e. there is only a single set of steps traversing the wooded slope to the west and a connection adjacent to the converted water tower building. Officers consider that there should be at least one more connection traversing the wooded slope and it should be accessible for all,

including cyclists and people with disabilities. Revised drawings have been requested and are yet to be submitted.

In terms of the traffic generation of the scheme and its impact on local highways, the Local Highway Authority has requested a £500,000 contribution to improve the capacity and safety of the Stoke Hill Roundabout, which already suffers from congestion and is prone to accidents. This is based on a scheme prepared by the Local Highway Authority to change the roundabout into a double mini-roundabout with zebra crossings on each of the arms. The developers have not prepared an alternative scheme to improve this roundabout and the works are considered necessary to make the development acceptable in planning terms. The contribution is therefore considered to be directly related to the development and fairly and reasonably related in scale and kind to the development.

In terms of other matters, the Local Highway Authority advises that a Traffic Regulation Order contribution is required to stop motor vehicles accessing the site along the proposed pedestrian/cycle route from Mount Pleasant Road (£5,000). It has no objections to the majority of the roads within the development being privately managed by the developer, although the developer should make provisions to manage parking within the development. Updated travel plans for the residential and C2 elements of the scheme should be secured by condition. A condition should also be added to ensure appropriate facilities for construction traffic are provided.

4. Parking

As described above, the proposed development is promoted by the developer as being a low car scheme. The car parking standard for residential development in the Residential Design SPD and Sustainable Transport SPD is 1.5 spaces per dwelling, although the former sets this as a maximum and the latter as indicative. This standard would result in 698 car parking spaces across the scheme, whereas 192 are proposed. The reason for this is mainly because very few spaces are provided for the apartments. Instead a car club is proposed, including electric vehicles, and other sustainable modes of transport will be promoted as an alternative to the private car. The Planning Statement states that parking on site will be managed to ensure that parking will only be allowed within designated spaces and residents will have permits. This will be enforced by a specialist management company that will patrol the site to ensure that vehicles are parked within designated spaces and to ensure that non-residents are not using the site to park.

The Local Highway Authority and officers consider that a low car scheme is appropriate on this site, given its close proximity to the city centre and the range of facilities and public transport options available there, as well as local centres including Sidwell Street/Blackboy Road and Mount Pleasant, and schools. It also fits in with the Corporate Strategy priority of tackling congestion and accessibility within the city. To ensure that car parking within the site does not exceed the proposed level, the management measures outlined above should be secured by condition and/or s106 legal agreement. To ensure that overspill parking from the development does not occur on local roads within the neighbourhood, the Local Highway Authority has requested a £20,000 contribution towards a review of the existing residential parking zones/making and implementing traffic orders as necessary, and has confirmed that residents of the scheme will not be entitled to residents parking permits. This contribution is considered to be fair and reasonable and to comply with the other 'tests'.

The Sustainable Transport SPD requires a minimum of 569 cycle spaces to be provided and as described above over 1,000 cycle spaces are proposed within the scheme. Therefore, the proposed level of cycle parking is acceptable and should be secured by condition.

5. Design and Landscape

The developer's team worked with officers and other bodies, such as the Design Review Panel, during an extensive pre-application phase to ensure that the design of the scheme was high quality and appropriate for the site. Officers encouraged a high density development in accordance with Core Strategy objective 1 and Policy CP4. The density of development is 78 dwellings per hectare (gross). The layout and street hierarchy are considered to be the appropriate response to the linear shape of the site. The scale of the buildings is considered appropriate and takes advantage of the site topography. The appearance of the buildings are locally distinctive and reference the character of Exeter and the industrial/railway heritage of the site. Landscaping is a reserved matter, but the overall strategy of retention and enhancement of existing green infrastructure combined with new hard and soft landscaped spaces is appropriate. A materials condition should be added.

6. Impact on Heritage Assets

The only heritage asset that will be affected by the development is the (non-designated) locally listed former water tower building on the site. This will be converted and extended to provide a management suite and social hub for the Build to Rent apartments. This will help conserve the building and prevent it from falling into disrepair. The design of the conversion/extension are considered appropriate and will complement the historic character of the building. The proposals will not in the opinion of officers have a harmful impact on the significance of the heritage asset.

7. Residential Amenity

All the proposed dwellings comply with the national internal space standard. Whilst the level of amenity space and its configuration may not conform exactly to the guidance in the Residential Design SPD (e.g. 1-bed apartments in Build to Rent blocks do not have balconies), it is considered to be acceptable for the scheme considering it has been designed as a high density development in accordance with Core Strategy objective 1 and Policy CP4. There is also a good mix of different types of amenity, both indoor and outdoor, and a clear commitment to ensure that it will have a high quality specification. The relationship between dwellings on the site in terms of consideration of the issues of privacy, light and outlook is also considered to be acceptable.

Environmental Health have recommended a pre-commencement condition to secure and implement a scheme for sound insulation in the buildings, due to the proximity to the railway line and retained Network Rail land. They have also recommended a plant noise condition to ensure that noise levels from building services plant do not exceed a certain level. These conditions should be added accordingly.

8. Impact on Amenity of Surroundings

The separation distance between the proposed buildings and surrounding land uses is fairly large, therefore the proposed development will not have a significant adverse impact on the amenity of surrounding land uses. A Construction Method Statement should be conditioned to ensure that the impacts of the construction phase are controlled in the interests of the amenity of the area.

9. Impact on Trees and Biodiversity

The proposals require the removal of a large proportion of the trees on the site, although the majority of these are poor quality. The better quality trees on the wooded slope will be retained. Minor tree works are also recommended for two Oak trees to maximise their future

potential. The loss of trees will be mitigated by new tree planting in the scheme, the details of which will be determined separately as part of the landscaping reserved matter. The Arboricultural Officer has raised no objections. Tree Protection Plans and an Arboricultural Method Statement have been submitted and should be conditioned.

There are no protected or priority habitats on or adjoining the site. The most valuable features in biodiversity terms are the trees. A condition should be added requiring tree works to take place outside the bird nesting season, unless a check has been carried out by an ecologist. A number of protected species have been identified as using the site, such as bats and reptiles. Detailed survey reports have been submitted accordingly and conditions should be added securing the mitigation and enhancement measures therein. A condition should also be added requiring the submission of a Wildlife Plan to show how the development has been designed and will be managed to enhance the biodiversity value of the site long-term.

With reference to 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 of the development it has been concluded that an AA is required in relation to the potential impact on the Exe Estuary Special Protection Area (SPA). This AA has been carried out and concludes that the development could have an impact in combination with other residential developments primarily associated with recreational activity of future occupants. However, 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 CIL collected in respect of the development being allocated to funding the mitigation strategy.

10. Contaminated Land

The site is contaminated from the previous industrial/railway uses. Environmental Health have recommended the standard full contaminated land condition accordingly. This requires a full investigation before development commences and approval of a remedial strategy, which must be implemented before occupation of any dwelling.

11. Impact on Air Quality

The revised Air Quality Impact Assessment stated that on the basis of the construction and operational assessments carried out, the overall effect of the proposed development on air quality is not considered to be significant and the proposals are considered to be compliant with relevant air quality planning policy. Environmental Health are satisfied with the report and don't require any conditions in this respect apart from a Construction Method Statement.

12. Flood Risk and Surface Water Management

Policy EN4 does not permit development if it would be at risk of flooding. The site is within Flood Zone 1 and the proposed use is classified as 'more vulnerable' (see PPG). 'More vulnerable' uses are appropriate in Flood Zone 1, therefore the proposal accords with Policy EN4.

Policy CP12 requires all development proposals to mitigate against flood risk utilising SUDS where feasible and practical. The proposed surface water drainage strategy is to construct a new drainage system that will collect runoff from the site and discharge it into an existing culvert running beneath the site at the greenfield runoff rate. The Lead Local Flood Authority has agreed this strategy in principle, subject to a pre-commencement condition securing the detailed design of the system. They have also recommended pre-commencement conditions securing the detailed design of the drainage system for the construction phase, details of the

exceedance pathways and overland flow routes, details of the adoption and maintenance arrangements, and a detailed survey of the culvert.

13. Sustainable Construction and Energy Conservation

Policy CP15 requires residential development to be zero carbon from 2016. However, in light of Government announcements on the subject, the Council is still seeking Code for Sustainable Homes Level 4 in respect of energy and CO2 emissions, including a 44% CO2 emissions rate reduction from Building Regulations Part L 2006 as a minimum. The standard conditions should be added accordingly.

The site is not located within or near to a decentralised energy network area in the city, so connection is not possible at the current time. However, the submitted Energy Assessment has committed to providing a heat network to serve the apartment blocks within the scheme, including the 'senior living with care' block. It also states that photovoltaic panels will be provided for the houses, flats and accommodation for the elderly.

CIL/S106

The following affordable housing and contributions have been requested by officers, following discussions over the viability of the proposed development:

- 33 no. affordable units from Block A (i.e. half the building) and 15 no. affordable townhouses (pepper potted) (equating to 28% of 170 units for sale) – 70% of each social rented in accordance with Policy CP7; 3 no. SR flats to be wheelchair accessible in accordance with Part M4(3)(2)(b) of the Building Regs.
- 57 no. Affordable Private Rent units (25% of 230 no. Build to Rent units) in Blocks B and C; APR at least 20% less than the private market rent (inclusive of service charges).
- £1,051,421 education contribution. (This includes £759,854 secondary contribution towards the new school at SW Exeter.)
- £500,000 towards Stoke Hill Roundabout improvements.
- £333,139 towards allotment link option 2.
- £25,000 towards TROs.
- £134,767 to expand Mount Pleasant Surgery.
- CIL liability on 295 no. OM sale/BTR units (CIL liability won't apply to Block D or affordable units).

At the present time this has not been agreed by the developer. An update will be provided on the Additional Information Sheet before planning committee.

Apart from the obligations listed above, the s106 legal agreement will also need to restrict the use of Block D to Class C2 use only.

NB. The obligation sought on behalf of the Royal Devon and Exeter NHS Foundation Trust is not sought, as it is not considered to comply with the 'tests' for obligations set out in the CIL Regulations/NPPF. This follows the advice made to Planning Member Working Group on 27 August 2019.

The proposed development is CIL liable, as it is for residential development. The rate for permission granted in 2020 is £119.29 per sq m. This is charged on new floorspace, but does not include social housing (including relevant communal spaces) provided a claim for social housing relief is made. As agreement has not been reached with the developer over the proportion and mix of affordable housing within the scheme, the CIL liability cannot be

calculated at the current time. However, if CIL was charged on the total floorspace within the scheme (not including Block D) the liability would be £4,804,166.17.

RECOMMENDATION

APPROVE; subject to the submission and approval in consultation with the Local Highway Authority of additional technical drawings/information to demonstrate that the accesses and adopted highways will be acceptable in highways terms, and revised drawings incorporating an additional access traversing the wooded slope that is accessible for all; subject to completion of a s106 legal agreement to secure the obligations set out in this report or as amended on the Additional Information Sheet; and with the following conditions:

The recommended conditions will be provided on the Additional Information Sheet following consultation with the developer in accordance with national planning practice guidance.

PLANNING COMMITTEE - 16th March 2020

ADDITIONAL INFORMATION

Correspondence received and matters arising following preparation of the Agenda

Item 5: Planning Application No. 19/0650/OUT

The applicant has agreed to the package of affordable housing and contributions set out in the report of the Service Lead City Development.

Updated highways drawings/technical information and drawings showing an additional 'accessible for all' path traversing the wooded slope have not been submitted. These aspects should therefore be delegated to the Service Lead City Development for determination, subject to prior consultation with the Chair and the Local Highway Authority. In addition, consideration of adding any further conditions recommended by the Local Highway Authority should also be delegated to the Service Lead City Development, subject to prior consultation with the Chair.

The recommendation of the Service Lead City Development in the report is updated as follows:

APPROVE; subject to:

- a) the Service Lead City Development being granted delegated authority to determine the updated highways drawings/technical information requested by the Local Highway Authority in its consultation response dated 1 November 2019 and revised drawings showing an additional 'accessible for all' path traversing the wooded slope, and prior consultation with the Chair and the Local Highway Authority over these matters;
- b) the completion of a s106 legal agreement securing the package of affordable housing and contributions in the report of the Service Lead City Development and restricting the use of Block D to Use Class C2 only and securing a management plan with respect to the Build to Rent units (Blocks B and C) and car parking within the development; and
- c) with the following conditions, and the Service Lead City Development being granted delegated authority to add/amend conditions if necessary following the completion of a) above:

1. Reserved Matters

Details of the landscaping (hereinafter called "the reserved matter") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: To safeguard the rights of the local planning authority in respect of the reserved matter. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matter.

2. Standard Time Limits – Outline Planning Permission

Application for the approval of the reserved matters relating to the development hereby permitted in outline shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development hereby permitted in outline shall be begun before the expiration of five years from the date of this 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 sections 91 - 93 of the Town and Country Planning Act 1990.

3. Approved Plans and Documents

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

(To be confirmed following completion of 'a' above)

Reason: To ensure the development is constructed in accordance with the approved plans.

4. Boundary with Network Rail

The reserved matter details shall include a fence adjacent to Network Rail's boundary and provisions for its maintenance and renewal in accordance with the comments submitted by Network Rail on 23.07.2019. The fence shall be provided prior to the occupation of any part of the development and maintained/renewed in accordance with the approved details. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way.

Reason: In the interests of public safety, the safe operation of the railway and the protection of Network Rail's adjoining land.

Pre-commencement Details

5. Construction and Environmental Management Plan (CEMP)

No development (including demolition and ground works) or vegetation clearance works shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be prepared in accordance with specifications in clause 10.2 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.

- d) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- e) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period of the development strictly in accordance with the approved details.

Reason: To protect the biodiversity of the site including protected species, taking into account the recommendations of the submitted protected species reports. A CEMP is required before any development begins to ensure that appropriate mitigation measures are identified and carried out during the construction phase.

6. Precautionary Working Method Statement for Reptiles

The Precautionary Working Method Statement for Reptiles (PWMSR) appended to the submitted Reptile Report (Wardell Armstrong, July 2019) shall be implemented in full. Prior to the commencement of the development hereby permitted, the details of the suitably qualified ecologist or Ecological Clerk of Works who will be responsible for implementing the PWMSR shall be submitted to and approved in writing by the Local Planning Authority together with a timetable for the implementation of the PWMSR. The approved ecologist shall inform the Local Planning Authority in writing the results of each stage of the timetabled PWMSR, including any further measures carried out to protect reptiles.

Reason: To ensure that reptiles on the site will not be harmed by vegetation clearance works or other construction activities. These details are required pre-commencement as specified to ensure that the Precautionary Working Method Statement for Reptiles is carried out appropriately to the satisfaction of the Local Planning Authority.

7. Invasive Non-Native Species Mitigation

The mitigation measures in section 4.4 of the submitted Invasive Non-Native Species Report (Wardell Armstrong, August 2019) for Three-Cornered Garlic, Montbretia and Cotoneaster Species shall be implemented in full. Prior to the commencement of the development hereby permitted, the details of the suitably qualified ecologist or Ecological Clerk of Works who will be responsible for implementing the mitigation shall be submitted to and approved in writing by the Local Planning Authority together with a timetable for the implementation of the mitigation. The approved ecologist shall inform the Local Planning Authority in writing the results of each stage of the timetabled mitigation, including any further measures carried out to prevent the spread of these plant species.

Reason: To prevent the spread of the invasive non-native species on the site. These details are required pre-commencement as specified to ensure that the mitigation is carried out appropriately to the satisfaction of the Local Planning Authority.

8. Contaminated Land

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

Reason: 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.

9. Detailed Permanent Surface Water Drainage Scheme

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority and Network Rail. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the submitted Flood Risk Assessment and Drainage Strategy Report (AECOM, April 2019) (Revision 04, 16.10.2019). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems. A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.

(Advice: Refer to Devon County Council's Sustainable Drainage Guidance.)

10. Surface Water Drainage Management System (Construction)

No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority and Network Rail. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site. The approved surface water drainage management system shall be implemented and maintained throughout the construction period.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area. These details are required pre-commencement as specified to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

11. Exceedance Pathways and Overland Flow Routes

No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority and Network Rail. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed. These details are required pre-commencement as specified to ensure the development is designed and constructed safely with respect to the exceedance pathways and overland flow routes.

12. Adoption and Maintenance Arrangements

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The permanent surface water drainage management system shall be adopted and maintained as approved.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

13. Detailed Survey of Culvert

No part of the development hereby permitted shall be commenced until a detailed survey of the culvert within the site has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The survey shall confirm the location, levels, diameter and condition of the culvert.

Reason: To determine whether the historical culvert is a feasible receptor for the disposal of surface water from the site. These details are required pre-commencement as specified to inform the design of the permanent surface water drainage system and to ensure that surface water can be safely managed at the site without increasing the risk of surface water flooding either on the site or downstream.

14. Capacity Assessment of Culvert

No part of the development hereby permitted shall be commenced until a capacity assessment of the culvert within the site has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The capacity assessment shall confirm the contributing area draining to the culvert.

Reason: To determine whether the historical culvert is a feasible receptor for the disposal of surface water from the site. These details are required pre-commencement as specified to inform the design of the permanent surface water drainage system and to ensure that surface water can be safely managed at the site without increasing the risk of surface water flooding either on the site or downstream.

15. Energy 1

Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 in respect of Energy and CO₂ Emissions including a 44% CO₂ emissions rate reduction from Building Regulations Part L 2006 as a minimum, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical Guide November 2010 and the Code Addendum May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.

Reason: In the interests of sustainable development.

16. Energy 2

Prior to the commencement of the development hereby permitted, the developer shall submit to the Local Planning Authority an assessment to show how the requirements of condition 15 above will be met. The measures set out in that assessment shall subsequently be

implemented on site in relation to each individual dwelling prior to the first occupation of that dwelling.

Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. This information is required before development commences to ensure that a sustainable design is finalised before any irreversible element of the construction process takes place.

17. Phasing Plan

Prior to the commencement of the development hereby permitted a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing plan.

Reason: To ensure all parts of the development, including infrastructure, are delivered in an appropriate order. A phasing plan is required before development begins to confirm the order the development will be carried out.

Pre-commencement Details – Phases

18. Construction Method Statement

Prior to the commencement of development in any approved phase (including ground works and vegetation clearance works), a Construction Method Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Statements shall provide for:

- a) The site access point(s) of all vehicles to the phase during the construction period.
- 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 within the phase.
- 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.

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

Reason: To ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that building operations are carried out in an appropriate manner.

19. Waste Audit Statements

Prior to the commencement of development in any approved phase, a Waste Audit Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The statements shall include all information outlined in the waste audit statement template appended to Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statements.

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 construction is managed sustainably.

20. Tree Protection 1 – Service Runs

Prior to the commencement of development in any approved phase, plans shall be submitted to and approved in writing by the Local Planning Authority showing the routeing of underground apparatus within the phase.

Reason: In the interests of protecting the trees to be retained on and around the site. These plans are required before development commences to ensure that these aspects of the development do not adversely affect the health of the trees.

21. Sound Insulation Schemes

Prior to the commencement of development in any approved phase, a scheme for sound insulation to protect occupants of the phase from external noise shall be submitted to and approved in writing by the Local Planning Authority. The approved schemes shall be implemented in full prior to occupation of the phases and shall be maintained as agreed thereafter.

Reason: To protect the residents from noise caused by neighbouring land uses taking into account the submitted Noise and Vibration Report (AECOM, April 2019) (Revision 2, 29.03.2019). These details are required pre-commencement as specified to ensure that noise mitigation measures are included in the development.

Pre-commencement Works

22. Tree Protection 2 – Tree Protective Fencing

No materials shall be brought onto the site or any development commenced, until the tree protective fencing indicated on drawing numbers TH/A279/0219 Rev 1.0 ('Tree Protection Plan (West)' and 'Tree Protection Plan (East)') within the submitted British Standard 5837:2012 Arboricultural Survey (Tom Hurley, 12th April 2019) has been installed and inspected by an officer of the Local Planning Authority. The developer shall maintain the fencing 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 areas, nor shall trenches for service runs or any other excavations take place within the fenced areas 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 to be retained during the carrying out of the development. These measures are required pre-commencement as specified to ensure that the health of the trees to be retained are not harmed by building operations.

Pre-tree and Vegetation Clearance Works

23. Bird Nesting Season

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

suspected during the works, the works shall cease until the ecologist is satisfied that the nest sites have become inactive.

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

During Construction

24. Tree Protection 3 – Arboricultural Method Statement

The Arboricultural Method Statement and Arboricultural Method Statement Plan (drawing number TH/A279/0219 Rev 1.0) within the submitted British Standard 5837:2012 Arboricultural Survey (Tom Hurley, 12th April 2019) shall be implemented in full and strictly adhered to during the construction phase of the development.

Reason: To ensure the protection of the trees to be retained during the carrying out of the development.

25. Unsuspected Contamination

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: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

26. Ecological Mitigation

Overnight all excavated holes associated with the construction of the development shall be covered and all trenches shall have sloping planks placed in them.

Reason: To avoid trapping animals and to provide a means for escape.

Pre-Specific Works

27. Materials

Prior to the construction of any buildings within an approved phase of the development (not including the foundations), samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials of the buildings within the phase shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall be constructed in accordance with the approved materials.

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

28. Nesting and Roosting Boxes

Prior to the construction of any buildings within an approved phase of the development (not including the foundations), details of the provision for nesting birds and roosting bats in the built fabric of the buildings within the phase shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as part of the development and retained thereafter.

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

29. Biodiverse Roofs

Prior to the construction of any buildings indicated as having a biodiverse roof on page 51 of the Design and Access Statement (Darling Associates Architects, April 2019), detailed plans and maintenance arrangements of the biodiverse roofs shall be submitted to and approved in writing by the Local Planning Authority. The biodiverse roofs shall be constructed and maintained as approved.

Reason: In the interests of good design and biodiversity.

30. External Lighting

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

Reason: To ensure lighting is well designed to protect the amenities of the area, wildlife and the operation of the railway.

31. Vehicle Barriers

The vehicle barriers shown on the approved plans shall not be installed until design details of the barriers have first been submitted to and approved in writing by the Local Planning Authority.

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

Pre-occupation

32. Landscape and Ecological Management Plan (LEMP)

Prior to the first occupation or use of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.

- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

All post-construction site management shall be undertaken in accordance with the LEMP.

Reason: In the interests of biodiversity and good design in accordance with Policy CP16 of the Core Strategy, saved Policies LS4 and DG1 of the Local Plan First Review and paragraphs 127 and 175 of the NPPF. Also taking into account the operational mitigation recommended in the submitted protected species surveys.

33. Lighting Design Strategy – Dark Areas

Prior to the first occupation or use of the development hereby permitted, a Lighting Design Strategy to maintain “dark areas” on the site shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include:

- a) A map showing the “dark areas” that will be maintained on site.
- b) An evidence based assessment of light levels of the proposed development, including buildings, vehicle headlamps and street lighting, comprising a written report and accompanying drawings of the site with the levels of predicted illuminance and light spill in and adjacent to the “dark areas” shown by appropriate isolines.
- c) Evidence to demonstrate that a light spill no higher than 0.5 lux will be achieved within the “dark areas”.
- d) Where c) is achieved either fully or in part through landscaping, details of the landscaping and its management to ensure it will maintain the “dark areas” in perpetuity. These details shall be incorporated into the details of landscaping and Landscape and Ecological Management Plan (LEMP) where applicable.

The Lighting Design Strategy shall be implemented and maintained as approved.

Reason: To prevent disturbance to bats in accordance with the recommendations of the submitted Bat Report (Wardell Armstrong, October 2019).

34. Travel Plan 1

No part of the development shall be occupied (not including the ‘senior living with care’ apartment block) until a Travel Plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Thereafter the recommendations of the Travel Plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

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

35. Travel Plan 2

No part of the ‘senior living with care’ apartment block shall be occupied until a Travel Plan (including recommendations and arrangements for monitoring and review) for this element of the scheme has been submitted to and approved in writing by the Local Planning Authority in

consultation with the Local Highway Authority. Thereafter the recommendations of the Travel Plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

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

Pre-occupation – Phases

36. Cycle Parking

Prior to the first occupation or use of the buildings in any approved phase, the cycle parking within that phase, as shown on the approved drawings and within the Design and Access Statement (Darling Associates Architects, April 2019), shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage cycling as a sustainable mode of transport in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport Supplementary Planning Document (March 2013).

37. Car Parking

The buildings in any approved phase shall not be occupied until all of the car parking spaces and access thereto within the phase have been provided and made available for use. The car parking spaces shall be kept permanently available for parking and access purposes thereafter.

Reason: To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use in the interests of highway safety and to protect the amenities of the neighbourhood.

Post Occupancy

38. Plant Noise Levels

Mechanical building services plant shall not exceed the levels stated in Table 6.4 of the submitted Noise and Vibration Report (AECOM, April 2019) (Revision 2, 29.03.2019). Plant noise levels shall be measured as a rating noise level in accordance with BS4142:2014.

Reason: In the interests of the amenity of the locality.

39. Build to Rent Facilities

The facilities shown on page 110 of the submitted Design and Access Statement (Darling Associates Architects, April 2019) shall be used as ancillary facilities for the residential development within the site only.

Reason: To ensure that the development reflects the complexion of the proposals upon which the application was assessed.

40. Removal of PD Rights

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

Part 1, Class A – enlargement, improvement or other alteration of a dwellinghouse

Part 1, Class B – additions etc to the roof of a dwellinghouse
Part 1, Class C – other alterations to the roof of a dwellinghouse
Part 1, Class D – porches
Part 1, Class E – buildings etc incidental to the enjoyment of a dwellinghouse
Part 1, Class F – hard surfaces incidental to the enjoyment of a dwellinghouse
Part 1, Class G – chimneys, flues etc on a dwellinghouse
Part 1, Class H – microwave antenna on a dwellinghouse

Reason: To ensure minimum garden sizes are maintained in accordance with chapter 7 of the Residential Design SPD and to maintain the principles of the Design and Access Statement (Darling Associates Architects, April 2019) in the interests of good design in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraph 127 of the NPPF.