

PLANNING COMMITTEE

29 April 2021

ADDITIONAL INFORMATION

Correspondence received and matters arising following preparation of the Agenda

Item 5: 20/1187/FUL - Exmouth Junction Gateway Site, Prince Charles Road, Exeter, Devon

On 19 April comments on the revised plans were received from the Disability Access Champion, Living Options Devon noting the proposed disabled parking space and asking if it would be possible to allow undercover space for charging mobility scooters; they also commented that care needs to be taken to make sure sections of the community are not excluded from the Council's ambition of becoming carbon neutral by 2030 – "Many disabled people are also very keen to play their part in helping reduce carbon footprint and energy consumption."

On 21 April the applicant submitted a revised Proposed Ground Floor Plan (Dwg. No. 20001 (03)-P-0G0 Rev 03) which included areas to store mobility scooters internally and also a charging point area. The applicant also confirmed they accept the £60,000 contribution towards playing pitches in the local area, following confirmation of this amount by the Service Manager Public & Green Spaces in their comments on the revised plans. The applicant has raised no objections to the other contributions in the Planning Committee Report.

On 21 April Devon County Council in its role as Lead Local Flood Authority (LLFA) submitted a representation maintaining its objection to the proposed surface water drainage strategy for failing to conform to Policy CP12 (Flood Risk). Subsequently the LLFA agreed to deal with this matter via a pre-commencement condition and suggested how this condition should be worded. This condition has been added to the conditions in the recommendation.

On 23 April the applicant confirmed to officers that balconies can be provided for the 1-bed flats in addition to those proposed for the 2 and 3-bed flats, with the exception of one flat abutting land outside their ownership. Therefore, the officer recommendation has been changed to grant delegated authority to officers to agree revised plans with the applicant to include balconies for the relevant 1-bed flats.

On the same day the applicant confirmed they accept the financial contribution for 0.2 of a dwelling towards off-site affordable housing, calculated as £27,387.65 in accordance with the Affordable Housing SPD.

The applicant also submitted an indicative landscaping plan on 23 April. Whilst this plan has been accepted, it does not remove the requirement for a condition for a detailed landscaping scheme, as it is only indicative and lacks detail.

The applicant also pointed out two typos in the Planning Committee Report – the figure of £67,750 is stated in the table in section 4.0 (page 26) and section 16.0 (page 42) when it should be £63,750. The correct figure is stated elsewhere in the report.

Taking the above matters into account, the recommendation in Section 18.0 of the Planning Committee Report is updated to:

18.0 RECOMMENDATION

A) DELEGATE TO CITY DEVELOPMENT MANAGER TO GRANT PERMISSION SUBJECT TO THE SUBMISSION OF REVISED PLANS SHOWING BALCONIES ADDED TO THE 1-BED FLATS WHERE IT IS FEASIBLE TO DO SO AND PRIOR CONSULTATION WITH THE CHAIR OF PLANNING COMMITTEE ON THIS MATTER; AND THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO SECURE THE FOLLOWING:

- 20% of the dwellings will be affordable private rented (10 dwellings) in accordance with the glossary definition of Affordable housing for rent in Annex 2 of the NPPF (2019)
- £27,387.65 financial contribution for 0.2 of a dwelling towards off-site affordable housing
- £88,968 towards secondary education provision
- £63,750 towards improvements towards the E4 strategic cycle route/Stoke Hill roundabout
- £60,000 towards provision and improvement of off-site playing fields

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

And the following conditions:

1. Standard Time Limit – Full Planning Permission

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

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

2. Approved Plans (NB. Some plans to be revised to show balconies added to the 1-bed flats where feasible)

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

- Site Location Plan (20001 (01)-S-001)
- Proposed Ground Floor Plan (20001 (03)-P-0G0 Rev 03)
- Proposed 1st + 2nd Floor Plan (20001 (03)-P-001 Rev02)
- Proposed 3rd Floor Plan (20001 (03)-P-003 Rev 02)
- Proposed 4th & 5th Floor Plan (20001 (03)-P-004 Rev 02)
- Proposed Roof Plan (20001 (03)-P-0R0 Rev 02)
- Proposed SE Elevation (20001 (03)-E-001 Rev 02)
- Proposed SW Elevation (20001 (03)-E-002 Rev 02)
- Proposed West Elevation (20001 (03)-E-003 Rev 02)
- Proposed NE Elevation (20001 (03)-E-004 Rev 02)
- Swept Path Analysis – Large Refuse (VN201674-TR103)
- Indicative Landscaping (20001 (90)-P-0G0 Rev 01)

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

Pre-commencement Details

3. Construction and Environmental Management Plan (CEMP)

No development (including 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 Ecological Impact Assessment. A CEMP is required before any development begins to ensure that appropriate mitigation measures are identified and carried out during the construction phase.

4. Reptile Mitigation Strategy

No development (including ground works) or vegetation clearance works shall take place until a Reptile Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall be carried out by a suitably qualified ecologist and be based on the ecological mitigation and avoidance measures for reptiles contained in the submitted Ecological Impact Assessment (Burton Reid Associates, August 2020). The Strategy shall be adhered to and implemented in full.

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 an appropriate strategy is in place to protect reptiles on the site before construction works begin.

5. 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 building hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

6. Detailed Permanent Surface Water Drainage Scheme

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with Devon County Council groundwater monitoring policy.
- b) Evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins/tanks if infiltration based techniques are to be proposed.
- c) A detailed drainage design should be submitted which encompasses above ground sustainable drainage systems and the use of FEH rainfall data as well as the results of the information submitted in relation to (a) and (b) above.
- d) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- e) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- f) A plan indicating how exceedance flows will be safely managed at the site.
- g) Evidence there is agreement in principle from SWW for the connection into their system.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under a) - g) above.

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

7. Tree Protection

No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing to protect trees and shrubs on or adjacent to the site to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason: To ensure the protection of the trees/shrubs during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

8. Construction Method Statement

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

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of security hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures monitor and control the emission of dust and dirt during construction (including, but not limited to, the measures recommended in Table 17 of Syntegra Consulting's Air Quality Assessment for Exmouth Junction Gateway, Exeter (date:18/08/2020)).
- h) No burning on site during construction or site preparation works.
- i) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent from the Local Planning Authority.

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

9. Waste Audit Statement

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

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

Pre-specific Works

10. Energy Performance Standard

Prior to the construction of the foundations of the building hereby permitted, the Design SAP calculation(s) of the dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the dwelling(s) will achieve a 19% reduction in CO2 emissions in relation to the level required to meet the 2013 Building Regulations. No individual dwelling shall be occupied until the As-Built SAP calculation of the dwelling has been submitted to and approved in writing by the Local Planning Authority to confirm that a 19% reduction in CO2 emissions in relation to the level required to meet the 2013 Building Regulations has been achieved.

Reason: To ensure the dwelling(s) will achieve the energy performance standard required by Policy CP15 of the Core Strategy, taking into account the Written Ministerial Statement on Plan

Making (25 March 2015) requiring local planning authorities not to exceed the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes, in the interests of reducing greenhouse gas emissions and delivering sustainable development. (Advice: Please see Paragraph: 012 ID: 6-012-20190315 of the National Planning Practice Guidance on Climate Change for background information.)

11. 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 paragraphs 174 and 175 of the NPPF (2019).

12. Materials

Prior to the construction of the external walls of the building hereby permitted, samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials of the building shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved materials.

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

13. Nesting and Roosting Boxes

Prior to the construction of the external walls of the building hereby permitted, details of the provision for nesting birds and roosting bats in the built fabric of the building shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as part of the development and retained thereafter.

Reason: To enhance biodiversity on the site in accordance with the Residential Design Guide SPD (Appendix 2) and paragraph 175 of the NPPF (2019).

14. 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 (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.

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

15. Details of Building Services Plant

Prior to installation, details of all building services plant shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design (including any compound) and noise specification. The plant shall not exceed 5dB below the existing background noise level at the site boundary. If the plant exceeds this level, mitigation measures shall be provided to achieve this in accordance with details previously submitted to

and approved in writing by the Local Planning Authority. (All measurements shall be made in accordance with BS 4142:2014).

Reason: In the interests of residential amenity.

Pre-occupation

16. Detailed Landscaping Scheme

Prior to the occupation of any dwelling hereby permitted, a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments. The soft landscaping shall take into account the recommended ecological enhancements in the submitted Ecological Impact Assessment (Burton Reid Associates, August 2020). The hard landscaping shall be constructed as approved prior to the occupation of the development. The soft landscaping shall be planted in the first planting season following the occupation of the development or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of good design in accordance with saved Policy DG1 of the Exeter Local Plan First Review and paragraphs 127 and 174 of the NPPF (2019).

17. 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 recommendations of the submitted Ecological Impact Assessment.

18. Noise Mitigation and Ventilation Standards

Prior to occupation of the development, the noise mitigation and ventilation standards set out in Syntegra Consulting's Noise Impact Assessment for Exmouth Junction Gateway, Exeter (date:

18/08/2020) shall be implemented in full. The measures shall be maintained thereafter unless alternative noise mitigation measures are implemented in accordance with details submitted to and approved in writing by the Local Planning Authority, which shall be maintained thereafter.

Reason: In the interests of residential amenity.

19. S278 Agreement

The development shall not be occupied or brought into use until a Section 278 Highways Agreement has been entered into in order to secure the necessary works to the public highway. The s278 works shall include a pedestrian crossing of the road to the south of the site adjacent to the pedestrian entrance to the site and the footpath widening to the south. The works shall be implemented prior to the occupation of the development.

Reason: In the interests of pedestrian safety and promoting sustainable modes of travel taking into account the desire line between the development and supermarket, in accordance with Policy CP9 of the Core Strategy, saved Policies T1, T3 and DG1(a) of the Exeter Local Plan First Review, and paragraphs 108 and 110 of the NPPF (2019).

20. Vehicle Access

Prior to the occupation of the development hereby permitted, the vehicular access as shown on drawing number 20001 (03)-P-0G0 Rev 03 ('Proposed Ground Floor Plan') shall be provided in accordance with a plan previously submitted to and approved in writing by the Local Planning Authority. The plan shall include visibility splays to protect the users of the shared use pedestrian/cycle path to the south. The vehicular access shall be maintained thereafter and the visibility splays shall be kept free of visual obstructions above 600mm.

Reason: To provide a safe and suitable access to the site in accordance with paragraphs 108 and 110 of the NPPF (2019).

21. Cycle Parking

Prior to the occupation of the development hereby permitted, the internal and external cycle parking as shown on the approved plans shall be provided in accordance with details of the cycle parking (type of racks and weather protection) previously 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).

22. Car Parking

Prior to the occupation of the development hereby permitted, the disabled car parking space and the EV Car Club space as shown on drawing number 20001 (03)-P-0G0 Rev 03 ('Proposed Ground Floor Plan') shall be provided. The EV Car Club space shall be provided in accordance with details of the vehicle charging point and car club, i.e. who the operator will be and how it will be managed, previously submitted to and approved in writing by the Local Planning Authority. These facilities shall be maintained at all times thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the disabled parking space and EV Car Club space are delivered and available for residents of the development in the interests of sustainable travel.

23. Travel Plan

No part of the development 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. 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.

24. Travel Pack

Prior to the occupation of any dwelling in the development on a continuing basis, a travel pack shall be provided to the future resident(s) of the dwelling informing them of the car-free status of the development and that they will not be entitled to residents parking permits to park on local streets, and the walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car clubs and electric bike hire facilities available in the area, the form and content of which will have previously been submitted to and approved in writing by the Local Planning Authority.

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

25. Play Space

Prior to the occupation of the development hereby permitted, the Play Space as shown on drawing number 20001 (03)-P-0G0 Rev 03 ('Proposed Ground Floor Plan') shall be provided in accordance with details of the play equipment previously submitted to and approved in writing by the Local Planning Authority. The play equipment and Place Space shall be maintained at all times thereafter. The Play Space shall be accessible at all times except for times when the play equipment is being maintained or replaced from damage or general wear and tear.

Reason: To ensure the play space is delivered and available for residents of the development in the interests of residential amenity.

26. LEAP

The development shall not be occupied until a Locally Equipped Area for Play (LEAP) has either been provided on the 'Village Green' as part of the development with a resolution to approve under application number 19/0650/OUT ('Exmouth Junction'), or the details of the LEAP and timing of its delivery have been approved by the Local Planning Authority.

Reason: To accord with saved Policy DG5 of the Local Plan First Review and the Fields in Trust guidance document 'Guidance for Outdoor Sport and Play – Beyond the Six Acre Standard England' (November 2020).

B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 26 SEPTEMBER 2021 OR SUCH EXTENDED TIME AS AGREED BY THE CITY DEVELOPMENT MANAGER

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

- 20% of the dwellings will be affordable private rented (10 dwellings) in accordance with the glossary definition of Affordable housing for rent in Annex 2 of the NPPF (2019)
- £27,387.65 financial contribution for 0.2 of a dwelling towards off-site affordable housing
- £88,968 towards secondary education provision

- £63,750 towards improvements towards the E4 strategic cycle route/Stoke Hill roundabout
- £60,000 towards provision and improvement of off-site playing fields

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6 and 10, and policies CP7, CP9, CP10, CP16 and CP18, Exeter Local Plan First Review 1995-2011 saved policies L4, T1, T3, LS2 and LS3, Exeter City Council Affordable Housing Supplementary Planning Document 2014, Exeter City Council Sustainable Transport Supplementary Planning Document 2013 and Exeter City Council Public Open Space Supplementary Planning Document 2005.