

## **PLANNING COMMITTEE**

Monday 15 November 2021

### **Present:-**

Councillor Emma Morse (Chair)  
Councillors Williams, Bialyk, Branston, Denning, Hannaford, Mrs Henson, Lights, Martin, A, Mitchell, M, Moore, D and Sparkes

### **Apologies**

Councillors Buswell and Sutton

### **Also Present**

Chief Executive & Growth Director, Interim Service Lead for City Development, Assistant Service Lead (Planning), Principal Project Manager and Acting Major Projects Team Leader, Principal Project Manager (Development) (MH), Transport Planning Manager and Democratic Services Officer (HB)

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### **MINUTES**

The minutes of the meeting held on 11 October 2021 were taken as read, approved and signed by the Chair as correct.

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### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

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### **PLANNING APPLICATION NO. 21/1104/FUL - THE HARLEQUIN CENTRE, PAUL STREET, EXETER**

The Principal Project Manager and Acting Major Projects Team Leader presented the application for development of two Co-Living (Sui Generis) accommodation blocks, following demolition of existing shopping centre and pedestrian bridge, change of use of upper floors of 21-22 Queen Street to Co-Living (Sui Generis), and all associated works including parking, landscaping, amenity areas, public realm improvements, new pedestrian bridge and provision of heritage interpretation kiosk. *(Revised)*

The Principal Project Manager and Acting Major Projects Team Leader reported the detail of a revised application for the site, permission having been granted previously for a co-living block and hotel on the site, the developer now seeking to replace the hotel with a second block for co-living. He set out a detailed description of the site and surrounding area, including: site photographs, the location of Central and St David's conservation areas, the location of listed and locally listed buildings, and the character of the surrounding built environment. He then presented the proposed scheme, including: layout plans, floor plans, elevations and Landscape and Visual Impact Assessment (LVIA) views.

The report set out the following key issues:-

- the principle of development;

- affordable housing;
- access and impact on local highways and parking provision;
- design and landscape;
- impact on heritage assets;
- residential amenity;
- impact on amenity of surroundings, air quality and trees and biodiversity;
- contaminated land;
- flood risk and surface water management;
- sustainable construction and energy conservation; and
- development plan, material considerations and presumption in favour of sustainable development.

The Principal Project Manager and Acting Major Projects Team Leader set out the following key elements:-

- demolition of existing 1980's shopping centre;
- two blocks of co-living accommodation plus change of use of upper two floors of 21-22 Queen Street into co-living accommodation;
- a total of 383 bedspaces (132 more than previous scheme for co-living block and hotel);
- Block 1 comprising 138 studios and 18 cluster flats with 107 bedrooms;
- Block 2 comprising 133 studios;
- 21-22 Queen Street comprising five studios;
- 20% affordable housing provided with 55 studios and 21 cluster bedrooms with priority to be given to essential local workers;
- provision of a new landscaped square and 'pocket park';
- retention of the ramp with a new interpretation centre beneath to include promotion of the nearby City Wall Scheduled Monument in association with RAMM;
- removal of four trees to facilitate access;
- new pedestrian bridge across Paul Street;
- improved access to City Wall;
- Paul Street narrowed to two lanes with wider foot/cycleways and public cycle parking; and
- the removal of 91 car parking spaces and with the retention of nine spaces for local businesses and two disabled spaces together with two Electric Vehicle car club spaces for co-living use.

The Principal Project Manager and Acting Major Projects Team Leader responded as follows to Members' queries:-

- the proposal for a new footbridge across Paul Street was an improvement on the existing bridge and improved permeability into the Guildhall Shopping Centre, although there were also alternative routes into the Centre;
- the proposals for an active street frontage with windows at ground floor level were positive;
- improved sustainable drainage would be provided in spite of archaeological and contamination constraints;
- the two types of accommodation were student flats and cluster flats. The former had their own kitchenette and bathroom and each cluster flat had a separate kitchen and amenity room to be shared by the residents, the number of bedrooms in each cluster varied between five and six. The rooms were for single occupancy;
- no data available on the national average length of occupancy for Co-living schemes;

- Co-living was new to Exeter, although this type had been built elsewhere, especially in London. It was geared to a particular section of the market, that is, individuals seeking such accommodation in preference to a house in multiple occupation,
- the Section 106 legal agreement would include a management plan and required on-site staff to ensure that the building was well managed and that anti-social behaviour was not a problem. It would require the production of an annual report to monitor the management;
- CP5 did not refer to co-living directly as it was a special form of housing aimed at young adults who would wish to live in a well-managed communal environment who might otherwise live in Houses in Multiple Occupation;
- as the hotel element had been removed there would be less overall number of jobs provided;
- the development included specific rooms for the disabled;
- the development was essentially car free with only minimal parking provision retained including two spaces for disabled use;
- waste and re-cycling had been future proofed with the size of the waste bin stores increased with the revised plans;
- in respect of cycle way provision and highway safety at the junction with Queen Street, the plans would need to fit in with current highway arrangements. Thereafter, changes agreed with the Highway Authority to improve safety would require a Section 278 Agreement under the Highways Act 1980; and
- it would be for the NHS Devon Clinical Commissioning Group to determine the split of the £98,048 financial contribution towards the three health facilities at Barnfield Hill Medical Practice, Southernhay Medical Practice and the St Leonards Medical Centre.

In respect of a question as to how safe access to the site by cars would be achieved and the nature of traffic arrangements for Iron Bridge and the Queen Street/Fore Street junction, the Transport Planning Manager responded that the changes had not been finalised but had been agreed in outline with the developer and would be brought forward under a Section 278 Agreement under the Highways Act 1990 for public works to highways and would also include future changes to Bartholomew Street and shared pedestrian/cycle usage. There would be a balanced benefit for both cyclists and pedestrians in addition to improved public realm.

Chris Dadds spoke in support of the application. He raised the following points:-

- it was the second application for the site following a long period of consultation relating to the principles of re-development, the site constraints and the impacts of the proposals, the previous application having been approved;
- the revised application included two blocks of co-living accommodation and excluded the hotel previously proposed. The two blocks were very similar in scale and location to those approved in 2020. The cluster rooms had been made slightly larger, and the amount of communal space increased;
- the new co-living blocks would contribute to meeting housing needs in the city and to the Council's vision for a Liveable Exeter. The proposals provided for high quality accommodation, within buildings managed 24/7, designed to Passivhaus Principles;
- the majority of the car parking within the basement of the site had been removed, the only car parking now proposed was for local employers, along with two spaces for disabled drivers and two Electric vehicle spaces, which it was anticipated would be occupied by a car club. In addition there would be 280 cycle parking spaces, for residents and visitors;
- had worked closely with officers and other stakeholders relating to the detail of the scheme, including discussions with the Police Liaison Officer, Fire Officer,

the Highways Authority, Environmental Health, the refuse team and Historic England;

- the development was more attractive than previously approved and provided more active frontages to the street and to the city wall and a safe environment for residents and neighbours; and
- accepted that there would be impacts, both on the historic environment and on neighbours but these would be minimised through careful design of the buildings and their active management.

He responded as follows to Member's queries:-

- it was the expectation that both blocks would be managed and monitored by the same management company and that part of the remit was to prevent anti-social behaviour given the transient nature of the occupants;
- there was a minimum of three months tenancy although there was a variety of experiences with co living models across the country with some tenancies shorter than three months. It was not possible to predict the nature of the market with completion of build some two years away;
- the management plan would set out the terms and conditions of tenancy;
- the remit of the management team was to encourage and develop community cohesion and could help residents run and organise events such as yoga, dining clubs etc;
- there would be 14 units catering for the disabled, representing 5% of the total units;
- up to 80% of the market value was the maximum chargeable for the affordable units;
- it was the intention to attract key workers and essential local workers which would be subject to negotiation with the Council in terms of the remaining 20%; and
- there would be no physical contact between the blocks and the City Wall.

The proposal was considered to be a sustainable development when balancing the development plan policies, National Planning Policy Framework 2021 (NPPF) policies, including the presumption in favour of sustainable development in paragraph 11, National Planning Practice Guidance (NPPG), and the constraints and opportunities of the site. A Section 106 legal agreement and conditions were necessary to secure affordable housing, infrastructure contributions and other aspects of the development to make it acceptable in planning terms. The proposed development was considered to be acceptable, bringing heritage benefits and the public benefits. The layout and design of the scheme were very similar to the previously approved application for a co-living block and hotel on the site. However, the scheme was considered to be an improvement over the consented scheme in terms of the quality of the architecture, increased active frontage along Paul Street and sustainability through removal of the public car parking spaces on the site.

Members expressed the following views:-

- it would be for the NHS Devon Clinical Commissioning Group to determine the split of the £98,048 financial contribution towards the three health facilities at Barnfield Hill Medical Practice, Southernhay Medical Practice and the St Leonards Medical Centre;
- the city centre is an ideal location for co-living units with access to many local amenities for the likely cohort of occupiers;
- helps meet the city's housing supply need and will contribute to reducing the 3,200 on the housing waiting list. It is a significant contribution to the housing need in Exeter;

- it will be a re-development of a brown field site;
- those who did secure units could bid for larger accommodation at a later date;
- smaller units have value in that the carbon footprint is significantly less than larger homes;
- the application brings significant contributions as part of the Section 106 Agreement including £175,000 towards public open space, £25,000 to repair and maintain the City Wall, and £45,000 to maintain and upgrade off-site play areas;
- improved landscaping for the area which enhances linkage to the RAMM and the Phoenix;
- there will be a market for this type of accommodation;
- welcome a car free development;
- concern that Policy CP5 does not refer to co-living, that there is no Build to Rent policy and rental levels are unknown;
- St David's has a high level of Purpose Built Student accommodation already and many in the ward are transient. This development does not therefore help achieve a balanced mix of accommodation within the area;
- concerns if pregnancy results in eviction and also the impact on the neighbourhood of potential anti-social behaviour; and
- great need for accommodation for key workers such as NHS staff, bus drivers etc. and, potentially, teachers.

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

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

**RESOLVED** that, 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:-

- Co-living Management Plan/Monitoring;
- 20% of the dwellings (55 studios and 21 cluster bedrooms) will be affordable private rented with first priority to essential local workers
- £252,546 habitats mitigation;
- £25,000 towards management, maintenance, repair and promotion of City Wall;
- £175,000 for maintenance/upgrade of off-site public open spaces;
- £45,000 for maintenance/upgrade of off-site play areas;
- £98,048 to improve facilities at either Barnfield Hill Medical Practice, Southernhay Medical Practice or St Leonards Medical Centre;
- £10,000 towards traffic regulation orders in the area;
- details of VMS/signage to manage the use of the Guildhall car park
- details of the type of materials used on the highway (section 44 of the Highways Act 1980);
- a Management Plan to ensure no parking is associated with the development and to ensure the operational facilities of the loading bays (in conjunction with the Guildhall);
- rights of access for all users for the new footbridge over the highway; and
- public access to the open space on the site and to the City Wall.

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

the Deputy Chief Executive be authorised to grant planning permission for the

development of two Co-Living (Sui Generis) accommodation blocks, following demolition of existing shopping centre and pedestrian bridge, change of use of upper floors of 21-22 Queen Street to Co-Living (Sui Generis), and all associated works including parking, landscaping, amenity areas, public realm improvements, new pedestrian bridge and provision of heritage interpretation kiosk. (*Revised*), subject also to 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

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:

Received 12 July 2021

- B1 Paul Street Elevation (19720-0330 P-00)
- B1 Elevation Courtyard 1 (19720-0331 P-00)
- B1 Elevation Courtyard 2 (19720-0332 P-00)
- B1 Elevation Queen Street 1 (19720-0333 P-00)
- B1 – Northernhay Elevation (19720-0334 P-00)
- B1 Landscape Gardens 1 (19720-0335 P-00)
- B1 Elevation Landscape Gardens 2 (19720-0336 P-00)
- B1 Elevation Landscaped Gardens 3 (19720-0337 P-00)
- B1 Sections 1 of 3 (19720-0350 P-00)
- B1 Sections 2 of 3 (19720-0351 P-00)
- B1 Sections 3 of 3 (19720-0352 P-00)
- GA – Ground Floor Plan (19720-2003 P-00)
- GA – Mezzanine Floor Plan (19720-2004 P-00)
- GA – First Floor Plan (19720-2005 P-00)
- GA – Second Floor Plan (19720-2006 P-00)
- GA – Third Floor Plan (19720-2007 P-00)
- GA – Fourth Floor Plan (19720-2008 P-00)
- GA – Fifth Floor Plan (19720-2009 P-00)
- GA – Roof Plan (19720-2010 P-00)
- B2 Elevation Landscaped Gardens (19720-0342 P-00)
- GA Ground Floor Plan (19720-2103 P-00)
- GA First Floor Plan (19720-2104 P-00)
- GA Second Floor Plan (19720-2105 P-00)
- GA Third Floor Plan (19720-2106 P-00)
- GA Fourth Floor Plan (19720-2107 P-00)
- GA Roof Plan (19720-2108 P-00)
- Stumpery Detail (19720-6001 P-00)
- Landscape Details 2 of 2 (19720-6003 P-00)
- Insect Hotel Detail (19720-6004 P-00)
- Footbridge Sections (19720-6020 P-00)
- Interpretation Centre (19720-6030 P-00)
- Proposed Highway Layout Plan (Paul Street) (0779 PHL-101 J)

- Queen Street/Paul Street General Arrangements (0779 GA-101 D)
- North Street/Paul Street General Arrangements (0779 GA-102 E)

Received 3 September 2021

- Rooftop Softworks Plan (19720-0012 P-01)
- B2 Paul Street Elevation – Block 2 (19720-0340 P-01)
- B2 Northernhay Elevation (19720-0341 P-01)
- B2 Iron Bridge 2 (19720-0343 P-01)
- B2 Iron Bridge Elevation (19720-0344 P-01)
- B2 Northernhay Elevation 2 (19720-0345 P-00)
- Proposed Site Sections (19720-0353 P-01)
- B2 Sections 1 of 2 (19720-0354 P-01)
- B2 Sections 2 of 2 (19720-0355 P-01)
- Streetscenes – Proposed NW & SE Elevations Proposed NW and SE Elevations (19720-0390 P-01)
- Street Scenes – Proposed NE & SW Elevations (19720-0391 P-01)
- GA – Lower Ground Floor Plan (19720-2002 P-01)
- GA Roof Plan (19720-2108 P-01)
- Landscape Details 1 of 2 (19720-6002 P-01)
- Indicative 3D views (19720-6040 1)
- Electrical Services External Lighting Strategy Ground Floor (EHQ-HYD-XX-00-DR-ME-00010 P08)

Received 15 October 2021

- GA Lower Ground Floor Plan (19720-2102 P-04)

Received 27 October 2021

- Softworks Landscape Plan (19720 0011 P-03)

Received 10 November 2021

- Hardworks Landscape Plan (19720 0010 P-04)

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

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

#### **3. Programme of Archaeological Work**

No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

#### **4. 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 buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

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

#### 5. Surface Water Drainage

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

- a) Detailed proposals for the management of surface water and silt run-off from the site during the demolition and construction phases of the development.

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

- b) A detailed drainage design based upon the submitted Drainage Strategy (Ref. CB1780-Rep01-M; Rev. M; dated 2<sup>nd</sup> September 2021);
- c) Proposals for the adoption and maintenance of the permanent surface water drainage system; and
- d) A plan indicating how exceedance flows will be safely managed at the site.

The details under a) shall be implemented as approved throughout the demolition and construction phases. No building hereby permitted shall be occupied until the approved details under b) have been implemented, which shall be maintained thereafter in accordance with the approved details under c) and d).

**Reason:** To ensure that surface water drainage is managed sustainably in accordance with Policy CP12 of the Core Strategy and paragraph 169 of the NPPF (2021). These details are required pre-commencement as specified to ensure that appropriate surface water drainage management systems are in place during the demolition/construction phases and after the development has been completed, and that these systems will be properly maintained to prevent adverse risk to the environment.

#### 6. Foundation Details, Landscaping Formation Levels and Service Trench Routes

No development shall take place within the application site until the following details have been submitted to and approved in writing by the Local Planning Authority:

- the means of construction of the foundations of the buildings;
- landscaping formation levels; and
- service trench routes (including foul drainage).

The details shall be implemented as approved.



**Reason:** To ensure that disturbance to important archaeological remains is minimised in accordance with saved Policy C5 of the Exeter Local Plan First Review, and that there will be no impact to controlled waters in accordance with saved Policy EN3 of the Exeter Local Plan First Review. These details are required pre-commencement as specified to ensure that no works commence that may impact archaeological remains and controlled waters.

#### 7. 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 has been submitted to and approved in writing by the Local Planning Authority. The document shall provide for:

- a) Demolition and construction programme including integration of archaeological tasks from Condition 3.
- b) Protection and monitoring arrangements and measures for the City Wall adjoining the site during the demolition and construction phases taking into account the recommendations of the submitted reports regarding the City Wall (*as referred to in the Heritage Officer's comments dated 20<sup>th</sup> August 2020 and 6<sup>th</sup> October 2020 under application ref. 19/1556/FUL*).
- c) The site access point(s) of all vehicles to the site during the demolition and construction phases.
- d) The parking of vehicles of site operatives and visitors during the demolition and construction phases.
- e) The areas for loading and unloading plant and materials during the demolition and construction phases.
- f) Storage areas of plant and materials during the demolition and construction phases.
- g) The erection and maintenance of securing hoarding.
- h) Wheel washing facilities.
- i) Strategy to measure and control the emission of dust and dirt during the demolition and construction phases (including boundary dust monitoring).
- j) No burning on site during the demolition and construction phases, or site preparation works.
- k) Strategy to measure and minimise noise/vibration nuisance to neighbours from plant and machinery during the demolition and construction phases.
- l) Demolition/construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- m) No driven piling without prior consent of the Local Planning Authority.
- n) Details and timing of any lighting.

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

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

#### 8. Waste Audit Statement

Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit

template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

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

#### 9. Tree Protection / Tree Protection Plans

No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, Demolition and Construction (or any superseding British Standard). Unless otherwise agreed in writing with the Local Planning Authority, 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 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 during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

#### 10. Wildlife Licence

Demolition works, or any other works which cause disturbance to bats, shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or
- b) a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

**Reason:** To ensure that Natural England as the licencing body is satisfied that the works can proceed without causing harm or disturbance to bats. This evidence is required before development begins to ensure that the works are not carried out without a wildlife licence being obtained.

#### ***Pre-tree and Vegetation Clearance Works***

#### 11. Bird Nesting Season

No tree works or felling, or other vegetation clearance works shall be carried out on the site during the bird 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 180 of the NPPF (2021).

### ***During Demolition and Construction Phases***

#### **12. 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 for the protection of future occupiers and of controlled waters.

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

#### **13. Energy Performance (Policy CP15)**

Before commencement of construction of the superstructure of each co-living block hereby permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented and within 3 months of practical completion of each building the developer will submit a report to the Local Planning Authority from a suitably qualified consultant to demonstrate compliance with this condition.

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

#### **14. Materials**

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

**Reason:** In the interests of good design and the character and appearance of the Conservation Area, in accordance with Policy CP17 of the Core Strategy, saved Policies C1 and DG1 of the Exeter Local Plan First Review, and paragraphs 130 and 135 of the NPPF (2021).

#### **15. Green Roofs – Details/Maintenance**

Prior to the construction of the Co-Living accommodation blocks (not including the foundations), the detailed design of the green roof systems together with a scheme for their management and maintenance shall be submitted to and approved in writing by the Local Planning Authority. The green roof systems shall be constructed, managed and maintained as approved.

**Reason:** In the interests of good design and biodiversity, in accordance with Policies CP16 and CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review, and paragraphs 130, 135 and 180 of the NPPF (2021).

#### 16. Green Wall – Details/Maintenance

Prior to the construction of Block 2 (not including the foundations), the detailed design of the green wall system together with a scheme for its management and maintenance shall be submitted to and approved in writing by the Local Planning Authority. The green wall system shall be constructed, managed and maintained as approved.

**Reason:** In the interests of good design, the character and appearance of the Conservation Area and biodiversity, in accordance with Policies CP16 and CP17 of the Core Strategy, saved Policies C1 and DG1 of the Exeter Local Plan First Review, and paragraphs 130, 135 and 180 of the NPPF (2021).

#### 17. Nesting and Roosting Boxes

Prior to the construction of the Co-Living accommodation blocks (not including the foundations), details of the provision for nesting birds and roosting bats in the built fabric of the buildings 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 paragraph 9.28 and Appendix 2 of the Residential Design Guide SPD, and paragraph 180 of the NPPF (2021). Also to provide mitigation for the impact on bats in accordance with paragraph 4.4 of the submitted Ecological Assessment Addendum Report.

#### 18. Obscured Glazing

Prior to the construction of the Co-Living accommodation blocks (not including the foundations), details of the obscured glazing indicated on the approved elevations shall be submitted to and approved in writing by the Local Planning Authority, which shall include the level of obscurity of the glazing. In addition, details of low level obscured glazing on the four windows nearest to Northernhay Street not indicated as obscured on drawing number 19720-0344 P-01 ('B2 Iron Bridge Elevation') shall be submitted to and approved in writing by the Local Planning Authority. The approved details under this condition shall be implemented as approved and maintained at all times thereafter.

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

#### 19. Bridge

The new footbridge over Paul Street shall not be constructed until an Approval in Principle for the design of the bridge has been agreed by the Local Highway Authority. The footbridge shall be constructed as approved.

**Reason:** To ensure the safe construction of the footbridge and the integrity of adjacent structures and land.

#### 20. Arboricultural Method Statement

The submitted Arboricultural Method Statement for the construction of a path through the root protection areas of the trees to be retained within the pocket park shall be implemented in full. Prior to the commencement of these works, the Council's Tree Manager shall be notified of the date of the intended works.

**Reason:** To protect the trees in Tree Group 2 in the interests of the amenities of the area.

### ***Pre-occupation***

#### **21. Detailed Landscaping Scheme**

Prior to the occupation of the development hereby permitted, a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including street furniture and all boundary treatments (including the design and security rating of the gates indicated on drawing number 19720 0010 P-04). Where applicable, it shall specify tree and plant species and methods of planting. 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 Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraphs 130 and 135 of the NPPF (2021).

#### **22. Landscape and Ecology Management plan (LEMP)**

Prior to the occupation 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.

The landscape on the site shall be managed in accordance with the approved LEMP.

**Reason:** In the interests of biodiversity and good design in accordance with Policies CP16 and CP17 of the Core Strategy, saved Policies LS4 and DG1 of the Local Plan First Review and paragraphs 130 and 180 of the NPPF (2021).

### 23. CCTV

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

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

### 24. Under-croft Parking Area

Prior to the occupation of the development hereby permitted, Secured by Design measures for the under-croft parking area beneath Block 2 shall be submitted to and approved in writing by the Local Planning Authority. The measures shall address the issues raised by the Police Designing Out Crime Officer in their comments on the application. The measures shall be implemented as approved prior to the occupation of the development and maintained thereafter.

**Reason:** In the interests of crime prevention in accordance with saved Policy DG7 of the Exeter Local Plan First Review.

### 25. External Lighting Scheme

Prior to the occupation of the development hereby permitted, an External Lighting Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the location, type, illuminance and light spill of the external lighting on the site. The scheme shall be implemented and maintained as approved.

**Reason:** In the interests of good design (including public safety) and the character and amenity of the area, in accordance with Policy CP17 of the Core Strategy, saved Policies DG1, DG4 and DG7 of the Exeter Local Plan First Review, and paragraphs 130 and 135 of the NPPF (2021). Also to minimise disturbance to bats in accordance with paragraph 4.6 of the submitted Ecological Assessment Addendum Report.

### 26. Lighting Impact Assessment

Prior to the occupation of the development hereby permitted, a Lighting Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Impact Assessment shall assess the impact of internal and external light spill on neighbouring properties (taking into account the details submitted under conditions 24 and 25). The recommendations of the approved Lighting Impact Assessment to minimise harm to the neighbouring properties, including any timing controls, shall be implemented in full.

**Reason:** In the interests of the amenity of neighbouring properties, in accordance with saved Policy DG4 of the Exeter Local Plan First Review.

### 27. Detailed Design and Management of the Interpretation Centre

Prior to the occupation of the development hereby permitted, the detailed design and management of the Interpretation Centre shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of the proposed site interpretation panels. The Interpretation Centre shall be constructed and managed as approved.

**Reason:** In the interests of good design and the character and appearance of the Conservation Area, in accordance with Policy CP17 of the Core Strategy, saved Policies C1 and DG1 of the Exeter Local Plan First Review, and paragraphs 130 and 135 of the NPPF (2021).

#### 28. Paul Street Highway Works

No part of the development shall be occupied until the proposed highway works on Paul Street (loading bays, vehicular access points and improved pedestrian/cycleway facilities), as indicated on drawing number PHL-101 Rev J ('Proposed Highway Layout Plan (Paul Street)'), have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

**Reason:** To provide safe and suitable access for vehicles, pedestrians and cyclists, in accordance with paragraphs 110 and 112 of the NPPF (2021).

#### 29. Queen Street/Paul Street Highway Works

No part of the development shall be occupied until the proposed highway works on Queen Street/Paul Street, as indicated on drawing number GA-101 Rev D ('Queen Street/Paul Street General Arrangements'), have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

**Reason:** To provide safe and suitable access for vehicles, pedestrians and cyclists, in accordance with paragraphs 110 and 112 of the NPPF (2021).

#### 30. North Street/Paul Street Highway Works

No part of the development shall be occupied until the proposed highway works on North Street/Paul Street, as indicated on drawing number GA-102 Rev E ('North Street/Paul Street General Arrangements'), have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

**Reason:** To provide safe and suitable access for vehicles, pedestrians and cyclists, in accordance with paragraphs 110 and 112 of the NPPF (2021).

#### 31. Pedestrian Routes

No part of the development shall be occupied until the pedestrian routes through the site linking Paul Street to Northernhay Street via Maddocks Row have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

**Reason:** To provide safe and suitable access for pedestrians, in accordance with paragraphs 110 and 112 of the NPPF (2021).

#### 32. Electric Hire Bikes

No part of the development shall be occupied until a facility for the hire of electric bicycles has been provided on the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The facility shall be maintained at all time thereafter unless otherwise agreed in writing with the Local Planning Authority.  
**Reason:** In the interests of encouraging sustainable travel.

### 33. Cycle Parking

The Co-Living accommodation blocks shall not be occupied until secure cycle parking for the residents of the buildings has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The secure cycle parking shall be maintained at all times thereafter.  
**Reason:** To encourage sustainable travel in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

### 34. Cycle Parking – Public Realm

Unless otherwise agreed in writing with the Local Planning Authority, the development shall not be occupied until the cycle parking shown on the approved drawings within the public realm for use by the general public has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. This general cycle parking shall be maintained at all times thereafter.  
**Reason:** To encourage sustainable travel in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

### 35. Electric Vehicle Charging Points

No part of the development shall be occupied until the two electric vehicle charging bays beneath Block 2 have been provided in accordance with details of the charging points previously submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging bays/points shall be maintained at all times thereafter.  
**Reason:** To ensure that this aspect of the application is delivered and in the interests of encouraging sustainable travel in accordance with the Sustainable Transport SPD and paragraph 112 of the NPPF (2021).

### 36. Car Club

Unless otherwise agreed in writing with the Local Planning Authority, the two electric vehicle charging bays beneath Block 2 shall be used exclusively to provide a car club facility on the site utilising electric vehicles only. The development shall not be occupied until this facility has been provided and it shall be maintained at all times thereafter, unless otherwise agreed in writing with the Local Planning Authority.  
**Reason:** To discourage the use of private cars in the interests of sustainable travel in accordance with the Sustainable Transport SPD and chapter 9 of the NPPF (2021).

### 37. Travel Pack

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



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

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

### ***Post Occupancy***

#### 38. Waste and Recycling Bins

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

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

#### 39. Communal Spaces

The communal and local amenity rooms within the Co-Living accommodation blocks, as shown on the approved floor plans, and the private outdoor amenity areas shall be used for communal use purposes only and shall not be sub-divided in any way to create additional private bedrooms/spaces.

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

#### 40. Plant Noise

The total noise from mechanical building services plant on the site shall not exceed the noise levels shown in the table of paragraph 9.3.8 of the submitted Acoustic Design Statement (Clarke Saunders Acoustics, 2 July 2021) (Report Ref. AS10946.1901009.R3.1.docx).

**Reason:** To protect the amenity of sensitive receptors in the vicinity of the site.

#### 41. Access Control Measures

Access control measures shall be implemented for all access points to the buildings to prevent access by non-residents or staff.

**Reason:** In the interests of crime prevention in accordance with saved Policy DG7 of the Exeter Local Plan First Review, taking into account the recommendations of the Police Designing Out Crime Officer.

and further **RESOLVED** that:-

the City Development Lead or Deputies be authorised to **REFUSE** planning permission for the reasons set out below if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) is not completed by 15 May 2022 or such extended time as agreed by the City Development Lead or Deputies for the reasons set out below:-

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

- Co-living Management Plan/Monitoring;
- 20% of the dwellings (55 studios and 21 cluster bedrooms) will be affordable private rented with first priority to essential local workers
- £252,546 habitats mitigation;
- £25,000 towards management, maintenance, repair and promotion of City Wall;

- £175,000 for maintenance/upgrade of off-site public open spaces;
- £45,000 for maintenance/upgrade of off-site play areas;
- £98,048 to improve facilities at either Barnfield Hill Medical Practice Southernhay Medical Practice or St Leonards Medical Centre;
- £10,000 towards traffic regulation orders in the area;
- details of VMS/signage to manage the use of the Guildhall car park;
- details of the type of materials used on the highway (section 44 of the Highways Act 1980);
- a Management Plan to ensure no parking is associated with the development and to ensure the operational facilities of the loading bays (in conjunction with the Guildhall)
- rights of access for all users for the new footbridge over the highway
- public access to the open space on the site and to the City Wall

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, 8 and 10, and policies CP4, CP7, CP9, CP10, CP16, CP17 and CP18, Exeter Local Plan First Review 1995-2011 saved policies TM5, L4, T1, C5, LS2, LS3 and DG1, 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.

**The meeting adjourned at 6:50pm and re-convened at 7:07pm.**

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**PLANNING APPLICATION NO. 21/1119/FUL - THE MEWS, BOWLING GREEN ROAD, RIVERSMEET, TOSPHAM, EXETER**

The Assistant Service Lead Planning presented the application for a proposed single-storey rear extension and alterations.

The Assistant Service Lead Planning referred to photos showing the extension attached to the garage of the Coach House, with the frontage to Bowling Green Road presented as a continuous stone wall and with a small courtyard located behind the garage of the Coach House. The photos also illustrated the impact of the proposal on the neighbouring property.

He reported the following main elements of the proposal:-

- a raised roofline above the garage with a window in the rear elevation that had been moved away from the boundary with the Coach House;
- the provision of solar panels and conservation roof-light in the rear roof slope;
- the roofline above the garage was to be raised to bring it in line with the main roofline of the house to run at one continuous level. A window previously shown in the rear elevation had been moved further away from the boundary with the Coach House. There were two existing windows in this location, one of which was much closer to the boundary than the current proposed window;
- small new windows were to be inserted onto the front roof and first-floor elevation; and
- timber cladding to replace tiles hanging at the first-floor level.

The Assistant Service Lead referred to an error in the report stating that the reference to the roof height dropping down from the main roof by approximately 0.5 metres should read 1.13 metres. He referred to objections received relating mainly

to the raised roofline above the garage and the relocated window and overbearing, overlooking and overshadowing.

The Assistant Service Lead advised that whilst there would be some impact from the raised roof on the amenity of the neighbour at the Coach House, it was not considered sufficiently severe to justify refusal.

Responding to a Member, the Assistant Service Lead advised that the construction hours set out in the conditions were standard as recommended by Environmental Health. They could be varied, but this was not advised as it might be open to challenge.

Jeremy Meadow spoke against the application. He raised the following points:-

- there was no objection to the main part of the amended application, and he appreciated the modifications;
- the proposed first-floor extension was 1.13 metres in height, not 0.5 metres as set out in the report;
- he was speaking on behalf of his mother as there would be a severe impact on her privacy; she is nearly 90 and has lived in the Coach House for 34 years. The house sat behind a solid stone wall with a sense of enclosure with a secure garage door and with a courtyard in front of the house with the courtyard used multiple times a day and was a significant part of her ability to continue to live independently;
- overlooking – the proposed higher and larger windows, despite being further away, command more of a view of the courtyard and front of the house frontage than the current small window, which is much lower and camouflaged by ivy;
- overbearing – the garage roof slopes steeply down from roadside to the inner courtyard, and the immediately adjoining extension will tower over the property creating a hemmed-in feeling;
- overshadowing - the structure will reduce both the passage and feel of light both in the courtyard and indoors, obscuring the skyline through both upper and lower front windows;
- planning is about people as well as land. Policy clause 13.36 refers to feeling comfortable and at ease and not feeling overlooked and hemmed in as specific principles of residential development, and the submitted photos support these points;
- the occupant's health is deteriorating even before work starts; there was no prior consultation made before the planning process commenced;
- a compromise was rejected - to appropriately lower the overall extension height and omit the rear windows as the plan shows that the room has another window and skylight;
- if granted, it is hoped that there will be a safeguarding condition regarding the listed wall and that working hours start at 9:00 am; and
- he was positive about the planning officer's suggestion of lowering the height and removing the window. He would rely on the Council's conditions regarding building onto the listed wall.

He responded as follows to Members' questions:-

- his mother used the courtyard to sit in, which is her sanctuary and to access the road at the front of the property;
- the height of the first-floor roof raise was material as the proposed roof raise was more than double than stated - 1.2 metres, not 0.5 metres; and
- a frosted window would be an acceptable compromise.

Simon Briscoe spoke in support of the application. He raised the following points:-

- the extra height transforms the two bedrooms, and lifting the slope of the roof from shoulder height allows people to stand up fully;
- there will be little impact on a protected stretch of road;
- plans have been changed to help satisfy the neighbours with the size of the extension reduced, and it no longer touches the garden boundary wall with doors and windows moved;
- the neighbour's suggestion to have no windows was rejected, but two windows have been reduced to one, and the view will be at a more oblique angle and from further away with these changes leading to less visibility;
- as the extra roof height is at least six metres away from a window, it will have no measurable impact on internal light;
- there will not be any shadow on the neighbour's house or courtyard;
- the extra height on the roof - which does not form one of the walls creating the enclosure of the courtyard - will not be overbearing; and
- the objections related to privacy, light and overbearing do not stand up to scrutiny and are rejected.

He responded as follows to Members' questions:-

- request to change the hours of working could be challenging to implement as not aware of builders who start later than 8:00 am;
- have tried to facilitate the concerns of the neighbour; and
- the new window provides less visibility of the courtyard, and the suggestion of a frosted window is not appropriate for a bedroom.

Members expressed the following views:-

- the application had been considered at a Delegation Briefing and brought to the Committee on the request of local Members;
- the use of glazed windows for a bedroom would not be appropriate; and
- limiting hours of construction would only extend the overall period of works.

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

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

**RESOLVED** that planning permission for proposed extension and alterations be **APPROVED**, subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details – Plan numbers 21-867 S.01, A.02 Rev B, A.06 Rev. B dated 18/8/21 and A.03 Rev. C, A.04 Rev. C, A.05 Rev. C, and A.07 Rev. C dated 28/9/21  
Reason: To ensure compliance with the approved drawings.

- 3) No site machinery or plant shall be operated, no process shall be carried out, and no demolition or construction-related deliveries received or dispatched from the site except between the hours of 8 am to 6 pm Monday to Friday, 8 am to 1 pm Saturday  
Reason: To protect the amenity of the locality, especially for people living or working nearby.
- 4) No development or construction activity shall be undertaken within the area(s) outlined on the attached plan until the means of protecting archaeological remains have been agreed in writing with the Local Planning Authority. All works shall be carried out and completed as approved unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure that significant archaeological remains are protected from damage during development.

#### Informatives

- 1) Following paragraph 38 of the National Planning Policy Framework, the Council has worked positively and pro-actively and has imposed planning conditions to enable the grant of planning permission.
- 2) Following the Conservation of Habitats and Species Regulations 2017, this development has been screened regarding the need for an appropriate assessment.
- 3) The Party Wall Act 1996 contains requirements to serve notice on adjoining property owners if planning to do work of any kind described in Sections 1, 2, or 6 of the Act.

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#### **PLANNING APPLICATION NO. 21/1054/RES - LAND FOR RESIDENTIAL DEVELOPMENT AT HILL BARTON FARM, HILL BARTON ROAD, EXETER**

The Principal Project Manager (Development) (MH) presented the application for the approval of reserved matters of layout, scale, appearance and landscaping of planning permission ref. [19/1375/OUT](#) (Outline application for up to 200 dwellings).

The Principal Project Manager set out a detailed description of the site and surrounding area and the development, including: site photographs and aerial views. He referred to the following key issues:-

- the principle of development;
- access/impact on local highways and parking provision
- affordable housing;
- the scale, design, impact on character and appearance and impact on biodiversity and heritage assets;
- flood risk and surface water management;
- sustainable construction and energy conservation; and
- economic benefits and CIL/Section 106.

He also referred to the following:-

- the allocation of the site is within the strategic housing allocation of the Monkerton and Hill Barton Master Plan;
- the erection of 198 dwellings had been reduced from the originally applied for 200 as a result of negotiations;

- the road running between the site and the proposed linear green space, and the adjoining consented housing development did not form part of the current proposal and had been consented as part of the adjoining Persimmon development;
- the parking approach comprised a mixture of allocated and unallocated parking spaces, on-plot and right angle parking within in streets and a small number of parking courts;
- open space was provided in the form of a linear area on the southern/eastern boundary of the site and would incorporate an equipped play area and combined pedestrian/cycle path that would link to other existing and proposed routes in the area;
- detailed design matters raised by the Highway Authority and the submission of revised drawings and formal consultation responses, the Highway Authority stressing the need to maximise permeability with the wider Monkerton and Hill Barton Strategic Allocation; and
- a late representation referring to the appearance of construction vehicles on site prior to determination which it was understood related to an adjoining site.

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

- the space between dwellings on the plans represent car parking ports and parking standards meet requirements;
- the quantum of play area at 11% is above the 10% requirement;
- the sustainable energy provision will meet building regulation requirements and there will be a connection to the District Heating Network
- there will be play facilities but there is not a community hall provided for as part of the wider site;
- there will be permeability to existing footpaths and the cycle path that links into the Met Office;
- the development is designed to facilitate a future bus route if the County Council and Stagecoach come forward with a proposal, although no route is currently planned; and
- a policy complaint figure of 35% of affordable housing was proposed.

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

- thanked the Planning Committee for previous decisions to protect the green spaces and hills defining the city and stated that he was not against the development in principle;
- opposed to excessive cumulative impact of individual developments in this area and their impact on local infrastructure including roads which has had an adverse impact on Pinhoe, changing it almost beyond recognition;
- the Core Strategy makes specific reference to the Monkerton/Hill Barton Master Plan which was intended to address the impact of a number of intensive; developments across disparate sites. CP18 states that developments must be supported by appropriate infrastructure provided in a timely manner and to mitigate adverse impacts;
- the development and others do not combine to address the requirement to provide a community centre, facilities such as a GP and appropriate local areas for play space. Local community facilities such as the GP are at capacity;
- there is no indication of support for a rail halt as set out in the Devon Metro Plan;
- the Strategic Master Plan refers to an open space framework providing formal and informal open space including parks, playing fields and allotments – the development does not recognise this requirement nor identify the physical space

for it to be provided. This absence is recognised in the objections from residents and the Exeter Cycling Campaign;

- the development lacks provision of a local convenience store referring to provision some distance from this development; and
- provision should be made to contribute towards the proposed Pinhoe hub as well as allotments.

Responding to a Member, Councillor Wood, confirmed that a community centre was vital to generate a community spirit and that a provision of 11% open space did not necessarily provide an identical area of play space.

Tom Rocke spoke in support of the application. He raised the following points:-

- it will deliver housing where the Council considers it should be located, as part of a sustainable urban extension at Monkerton and Hill Barton;
- the proposed development is an acceptable density that reflects the Council's aspirations set out in the Monkerton and Hill Barton Masterplan Study, and will make efficient use of suitable housing land that is in very short supply;
- good mix of homes is provided, ranging from one to five bedrooms comprised in a variety of unit types, including apartments, terraced, semi-detached and detached properties. The proposals will therefore provide for a mixed, balanced and inclusive community;
- 69 affordable homes will be provided, with a predominance of one and two bed units in response to the greatest need as reflected in the latest Devon Home Choice Quarterly Monitoring report;
- 11% of the site is dedicated to public open space, exceeding the Council's policy requirement for 10%. The principle of a green corridor open space was established through the Monkerton and Hill Barton Masterplan Study and in this location it will provide good accessibility to neighbouring homes that form part of the wider development of the area as well as to future residents on the site itself and will assist in alleviating pressure on existing facilities;
- the area includes a Local Area for Play (LAP) for younger children and a Local Equipped Area for Play (LEAP) for older children as well as areas for informal recreation and sitting out. Additional open space is to be provided as part of the ridge top park. An application for outline planning permission for that final phase has been submitted and includes a LAP, LEAP and Multi Use Games Area (MUGA); and
- the means of access to the site was approved under outline planning permission and the spine road through the site as part of the adjacent Persimmon development. The internal residential roads within the development will be predominantly shared surfaces, in which pedestrians and cyclists have equal priority to motorised means of transport and in which vehicle speeds are low.

He responded as follows to Members queries:-

- the air quality assessment submitted at outline stage had indicated that there would be no adverse impact on air quality;
- the proposal follows the principles set out by the Council in the Monkerton/Hill Barton Master Plan with the provision of a linear area of open space in the south west part of the site. It was important to consider provision in the context of the wider area including the David Wilson development to the west and the Persimmon development to the east and the final phase to the north just submitted with substantial open space with the ridge top park established in the Master Plan. The applicant had followed the framework set by the Council to the letter;

- the development is brought forward within the context of the Hill Barton Character Area on the basis of limited through traffic and open space for play with the neighbourhood core in the south west of the site providing community interaction space for this and adjacent developments;
- the Master Plan identifies two areas for local convenience stores, one at Pinhoe and the other at Hill Barton in conjunction with the proposed rail halt, although only land has been set aside to date. Moreover, significant community facilities would be developed at the Moor Exchange site once the market recovers; and
- CIL receipts would be used to fund community facilities.

Members expressed their concerns regarding the failure to bring forward necessary community facilities in a timely manner and an apparent “houses first” approach rather than ensuring the necessary infrastructure was in situ not only in this area but in other areas of the city. They regarded this failure in the Pinhoe area as particularly serious given the number of developments already provided and with more on stream. Engendering social cohesion and interaction and providing for community building should be viewed as a vital adjunct when bringing forward developments.

Members also raised the following issues:-

- the application should be considered in the context of the overall Master Plan which sets out the “bigger picture” aspiration in terms of infrastructure and community facility provision. It would be important therefore for future reports on planning applications in this area to be accompanied by the agreed Master Plan and its current application;
- the developer has also missed the opportunity to bring forward other community facilities not referred to in the Master Plan which would help community cohesion;
- the report does not include Environmental Health comments on air pollution as it is a car led development in spite of Council aspirations to encourage car free developments;
- no reference to a sustainable transport plan as required by the Transport Supplementary Planning Document; and
- facilitating community cohesion helps combat mental health issues.

The Principal Development Manager stated that the proposals submitted by the applicant largely reflected the detailed illustrative Master Plan and that the principle of the residential development of this site and the access arrangements to serve it had already been established through the outline consent. The site also formed part of a Strategic Housing allocation within the Council's Adopted Core Strategy although some developments were yet to be delivered. An area had been identified for a small retail facility but that outline consent had been established for houses and not for community facilities.

The Chief Executive & Growth Director recognised Members frustration over the apparent failures of the planning system including the importance of prioritising community needs. However, with outline consent granted, those issues of concern could not be addressed at this stage. Developers were not obliged to defer to an adopted Master Plan which did not legislate against developers bringing forward their own Master Plans for individual developments. The Council had however achieved commitment by developers to bring forward open space provision for the community as part of the ridgeline park to the north of this development and it was within the Council's capacity to fund community contributions through CIL. The Liveable Exeter project was a Council response to delivery of housing provision given the current planning system.



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

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

**RESOLVED** that subject to satisfactory clarification in respect of highway matters and the formal consultation response from the Highway Authority, planning permission for reserved matters of layout, scale, appearance and landscaping of planning permission ref. [19/1375/OUT](#) (Outline application for up to 200 dwellings) be **APPROVED**, subject to the following conditions (and their reasons) and any other appropriate conditions as recommended by the Highway Authority in the formal consultation response:-

- 1) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 1<sup>st</sup> July, 21<sup>st</sup> and 22<sup>nd</sup> October 2021 (including drawing numbers listed on the Rocke Associates Drawing and Documents Schedule dated 21st October 2021) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 2) All conditions imposed on the outline approval 19/1375/OUT are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 3) The details to be submitted pursuant to Condition 9 of the outline planning permission shall include information stating how vehicles, machinery and other equipment involved in the construction phases of the scheme will be deployed and managed to prevent interference and obstruction to Met Office satellite receivers in relation to their operational schedules, and construction work shall subsequently be undertaken strictly in accordance with the agreed plan.  
**Reason** - To ensure adequate protection to the line of sight of the Met Office satellite reception facility at Met Office during construction.
- 4) The ridge heights of the proposed development shall not exceed the heights specified for each of the proposed dwellings as indicated on the 'Proposed Roof Height Plan' drawing (drawing ref: 2019 VH RH\_01\_P2) - dated 21st October 2021) and the accompanying 'Northings Eastings FFLs and RHs Hill Barton\_P2' spreadsheet, which accompany the application. The Met Office shall be consulted on any proposed amendments to the layout and heights of the proposed development.  
**Reason** - To ensure adequate protection to the line of sight of the Met Office satellite reception facility.
- 5) Samples of the materials to be used externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.  
**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.

- 6) The development hereby approved shall be implemented and thereafter be maintained strictly in accordance with the provisions, recommendations and mitigation measures contained within the following documents submitted as part of the application -  
Ecological Management Plan prepared by ead ecology dated 18th October 2021 report ref: 211019\_EAD Ecology\_P1106\_EMP\_01 and  
Construction Ecological Management Plan by ead ecology dated 19th October 2021 report ref: 1019\_EAD Ecology\_P1106\_CEcoMP\_01  
**Reason** - In the interests of preserving and enhancing the ecological value of the site both during and post construction.
- 7) Notwithstanding the submitted Landscape Management and Maintenance Plan, no trees shall be planted as part of the landscaping scheme for the site until the Local Planning Authority (in consultation with the Met Office) has approved in writing provisions within a revised 'Landscape Management and Maintenance Plan' to ensure that new tree planting shall only include species which are expected to reach a height at maturity of no higher than the ridge height of the dwellings as shown on the Proposed Roof Height Plan or that long term management provisions are in place to ensure that all trees and hedgerows provided as part of the landscaping scheme will be managed at a height so as not to cause unacceptable interference to Met Office satellite reception facility.  
**Reason** - To ensure adequate protection to the line of sight of the Met Office satellite reception facility at Met Office.
- 8) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and any Order revoking and re-enacting that Order with or without modification, no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-  
Part 1, Class A extensions and alterations  
Part 1, Classes B and C roof addition or alteration  
Part 1, Class E buildings incidental to the enjoyment of the dwelling house  
Part 1 Class F hard surfaces  
**Reason:** In order to protect residential amenity and to prevent overdevelopment.
- 9) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 10) Notwithstanding the details shown on drawing no Q7015\_D, submitted via agent email dated 21st October 2021 in which it was referred to as an illustrative only drawing, full details of the layout and play equipment/street furniture and boundary treatments to be provided as part of the proposed open space shall be submitted for approval as part of the information to be submitted pursuant to condition 14 of the outline planning permission reference no. 19/1375/OUT. Thereafter the open space/paly area shall be implemented strictly in accordance with the approved details.

**Reason** - To ensure that the details of the open space and associated play facilities are acceptable prior to their installation.

- 11) Prior to occupation of the apartments included within the development, details shall be submitted to the Local Planning Authority of the secure covered cycle parking provision to serve the apartments. The apartments shall not be occupied until such details have been agreed in writing by the Local Planning Authority, and the cycle parking has been provided in accordance with the approved details.

**Reason:** To comply with the standards set out in the Sustainable Transport SPD and provide for sustainable travel.

- 12) Prior to occupation of the development, details shall be submitted to the Local Planning Authority of the proposed tie in connections to Membury Crescent/Peppercombe Avenue and Cranbrook Walk. Access must be provided and maintained in accordance with details that shall have been submitted to, and approved in writing, by the Local Planning Authority in conjunction with the Local Highway Authority and retained for that purpose at all times.

**Reason:** To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108 and 110 of the NPPF.

- 13) Prior to occupation of the development, details shall be submitted to the Local Planning Authority of suitable priority for pedestrians on all side road junction. Access must be provided and maintained in accordance with details that shall have been submitted to, and approved in writing, by the Local Planning Authority in conjunction with the Local Highway Authority and retained for that purpose at all times.

**Reason:** To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108 and 110 of the NPPF.

- 14) Prior to occupation of the development, details shall be submitted to the Local Planning Authority of suitable pedestrian and cycle access on the east – west route through the site (to the south of plot 189). Access must be provided and maintained in accordance with details that shall have been submitted to, and approved in writing, by the Local Planning Authority in conjunction with the Local Highway Authority and retained for that purpose at all times.

**Reason:** To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108 and 110 of the NPPF.

#### Informatives

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

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

- 2) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 3) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).
- 4) Your attention is drawn to the consultation response from the Airfield Operations Duty Manager dated 30th July 2021, and in particular the documents referred to therein -
- Airport Operators Association (AOA) Advice note 4 Cranes and other Construction Issues, and
  - Civil Aviation Authority (CAA) CAP1096 Guidance to crane users on crane notification process and obstacle lighting and marking.

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

The report of the Deputy Chief Executive was submitted.

**RESOLVED** that the report be noted.

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#### **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

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#### **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 30 November 2021 at 9.30 a.m. The Members attending will be Councillors Morse, Sparkes and Williams.

(The meeting commenced at 5.30 pm and closed at 8.50 pm)

DRAFT