

Spruce Close Inquiry

Appeal by Salter Property Investments Limited

Land off Spruce Close, Exeter EX4 9DR

Appeal Ref: APP/Y1110/W/22/3292721

LPA Ref: 20/0538/OUT

DRAFT AGREED CONDITIONS

The following conditions are agreed between the Appellant and Local Planning Authority. They are identical to the Planning Committee Report (CD-DD4).

1. Reserved Matters

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

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

2. Standard Time Limits – Outline Planning Permission

Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun not later than two years from the final approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 rule 2 of the Town and Country Planning Act 1990 as amended.

3. Approved Plans

The development hereby permitted shall be carried out on the land outlined in red on drawing number 1000 Rev E ('Location Plan') and shall not be carried out otherwise than in accordance with the plans listed below, unless modified by the other conditions of this consent:

- Parameters Plan Land Use (1150 Rev F)
- Parameters Plan Density (1151 Rev F)
- Parameters Plan Scale (1152 Rev E)
- Parameters Plan Access & Movement (1153 Rev F)

- Parameters Plan Open Space Provision (1154 Rev G)
- Mood Board – Higher Density Area (001 Rev A)
- Mood Board – Lower Density Area (001 Rev A)
- Preliminary Road Design Celia Crescent Access (04268-A-SK110-P4)
- Site Layout Swept Path Assessment (04268-TR-007-P1)
- Spruce Close access and parking arrangement south east of site (04268-ASK124-P4)
- Spruce Close proposed bus stop locations (04268-A-SK125-P4)

Reason: To ensure compliance with the approved drawings.

4. Replacement Tree Planting

The application(s) for approval of landscaping as a reserved matter shall include replacement tree planting on the site to compensate for the loss of trees for access, including new trees in the southwest corner of the site.

Reason: In the interests of visual amenity and screening taking into account the submitted Arboricultural Report – Addendum.

5. Lighting Design Strategy – Dark Areas

The application(s) for approval of the reserved matters shall include a Lighting Design Strategy to maintain “dark areas” on the site incorporating:

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

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

Reason: To prevent disturbance to bats taking into account the submitted Ecological Impact Assessment.

6. IPF Safeguarding Assessment

The application(s) for approval of scale as a reserved matter shall include an Instrument Flight Procedure (IFP) safeguarding assessment of the development.

Reason: To ensure aviation safety is maintained, in accordance with the consultation responses of Exeter International Airport.

Pre-commencement Details

7. Archaeology

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.

8. Surface Water Drainage

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with our DCC groundwater monitoring policy.
- b) A detailed drainage design based upon the approved Flood Risk Assessment Land off Spruce Close, Exeter, 0777 Rev C dated 18th June 2021 and the results of the information submitted in relation to (a) above
- c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- e) A plan indicating how exceedance flows will be safely managed at the site.
- f) Evidence there is agreement in principle from South West Water for the new 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) - (f) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be precommencement 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.

9. Contamination

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: To protect the health and amenity of residents and visitors. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

10. Arboricultural Method Statement and Tree Protection Plan

No development (including ground works) or vegetation clearance works shall take place until an Arboricultural Method Statement and Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. This information shall be prepared in accordance with BS 5837:2012 ('Trees in relation to design, demolition and construction'), or any superseding British Standard, and include details of tree/hedgerow protection fencing, which must be erected prior to the commencement of the development and retained until the completion of the development. No vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences. The approved Arboricultural Method Statement and Tree Protection Plan shall be adhered to throughout the construction of the development.

Reason: To protect the trees and hedgerows to be retained in the interests of the amenities of the area and biodiversity, in accordance with saved Policy LS4 of the Exeter Local Plan First Review and the Trees in Relation to Development SPD (September 2009). These details are required pre-commencement as specified to ensure that trees and hedgerows to be retained are not damaged by building operations or vegetation removal, including their biodiversity interests.

11. 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 clause 10 of BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard, and include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Mitigation Method Statements, in accordance with the recommendations of the submitted Ecological Impact Assessment.

- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- e) 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.
- f) 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.
- g) Responsible persons and lines of communication.
- h) 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.

12. 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 securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to measure and control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to measure 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.

13. 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

14. 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 179 and 180 of the NPPF (2021).

15. Energy Performance Standard

Prior to the construction of the foundations of any dwelling 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.)

16. Materials

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

Reason: To ensure good quality design and local distinctiveness, in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraph 130 of the NPPF (2021).

17. Nesting and Roosting Boxes

Prior to the construction of any dwelling hereby permitted (except the foundations), details of the provision for nesting birds and roosting bats in the built fabric of the dwellings shall be submitted to and approved in writing by the Local Planning Authority (with a minimum overall average ratio of 1 built-in nest/roost site per dwelling – provision can be more concentrated on dwellings in more suitable locations). 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).

18. 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.

Pre-occupation

19. Highways 1

Prior to the occupation of any dwelling which is accessed from Celia Crescent, the access arrangements indicated on Drawing Number SK110-P4 ('Preliminary Road Design Celia Crescent

Access') shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The access arrangements shall be maintained in accordance with the approved details at all times thereafter.

Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with paragraphs 110 and 112 of the NPPF (2021).

20. Highways 2

No more than 50 dwellings shall be occupied until the access arrangements on Spruce Close/Pinwood Meadow Drive and link road through the open space as indicated on Drawing Number SK124-P4 ('Spruce Close access and parking arrangement south east of site') have been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The access arrangements and link road shall be maintained in accordance with the approved details at all times thereafter.

Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with paragraphs 110 and 112 of the NPPF (2021).

21. Highways 3

No more than 50 dwellings shall be occupied until a vehicular/pedestrian/cycle route from Celia Crescent to Spruce Close/Pinwood Meadow Drive capable of accommodating bus flow through the site has been provided to a specification previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Reason: To ensure the site is served by sustainable transport modes required to meet the agreed residential trip rates, and to ensure that a safe and suitable access to the site is provided for all users, in accordance with Policy CP9 of the Core Strategy and paragraphs 110 and 112 of the NPPF (2021).

22. Charging Points

Prior to the occupation of 90% of the dwellings hereby permitted, rapid charge electric vehicle charging points will be provided on the site at a rate of 1 per 10 dwellings with allocated parking and 1 per 10 spaces for unallocated parking (subject to sufficient capacity in the local network). The charging points shall be maintained at all times thereafter.

Reason: To mitigate environmental impacts from traffic emissions in accordance with Policy CP11 of the Core Strategy, taking into account good practice guidance in Land-Use Planning & Development Control: Planning for Air Quality (IAQM, January 2017) and paragraph 112e) of the NPPF (2021).

23. Cycle Parking

No dwelling shall be occupied until cycle parking has been provided for the dwelling in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The parking shall accord with the minimum parking standards for residents in Table 2 of the Sustainable

Transport SPD and be designed in accordance with the guidance contained therein. 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).

24. Car Parking

No dwelling shall be occupied until the car parking for the dwelling and access thereto has been provided and made available for use. The car parking shall be maintained at all times thereafter and kept permanently available for the purpose of car parking.

Reason: To ensure that adequate car parking is provided and maintained for the dwellings, in the interests of highway safety and to protect the amenities of the neighbourhood.

25. Biodiversity Enhancement

Prior to occupation of any dwelling hereby approved an Ecological Mitigation and Enhancement Strategy (EMES) for the operational phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The EMES shall be prepared in accordance with BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard, and take into account the mitigation and enhancement measures in section 5.0 of the submitted Ecological Impact Assessment. The EMES shall be implemented as approved.

Reason: To protect and enhance biodiversity on the site in accordance with Policy CP16 of the Core Strategy, and paragraph 180d) of the NPPF (2021).

Post Occupancy

26. Removal of Permitted Development Rights

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

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

Part 1, Class AA – enlargement of a dwellinghouse by construction of additional storeys

Part 1, Class B – additions etc to the roof of a dwellinghouse

Part 1, Class C – other alterations to the roof of a dwellinghouse

Part 1, Class D – porches

Part 1, Class E – buildings etc incidental to the enjoyment of a dwellinghouse

Part 1, Class F – hard surfaces incidental to the enjoyment of a dwellinghouse

Part 1, Class G – chimneys, flues etc on a dwellinghouse

Part 1, Class H – microwave antenna on a dwellinghouse

Reason: To ensure minimum garden sizes are maintained in accordance with chapter 7 of the Residential Design SPD, to protect the character and local distinctiveness of the area in accordance with Policy CP16 of the Core Strategy, and so that the Local Planning Authority retains control over the development to ensure that a consistent design quality is maintained in accordance with chapter 12 of the NPPF (2021).