

**Application Ref. 21/0020/OUT**

**Appeal Ref. APP/Y11110/W/22/3298452**

**Site Address: Land off Pendragon Road, Exeter, EX4 9EE**

**Draft Conditions:**

**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 in accordance with the plans listed below, unless modified by other conditions of this consent:

- Highway Access (20.106/001 B)
- Highway S278 Works (20.106/004 B)
- Highway Swept Paths (20.106/005 A)

**Reason:** To ensure compliance with the approved drawings.

**4. Landscaping Details**

The application for approval of landscaping as a reserved matter shall include the following details:

- a) A full specification of all proposed tree and hedgerow planting to be approved in writing by the Local Planning Authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification;
- b) Details of soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
- c) An Ecological Mitigation and Enhancement Strategy (EMES) for the operational phase of the development that shall have been 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 the submitted Ecological Impact Assessment.

The EMES and landscaping works shall be implemented as approved.

**Reason:** In the interests of good landscape design and biodiversity.

#### 5. Lighting Design Strategy – Dark Areas

Concurrent with the submission of the reserved matters, a Lighting Design Strategy to maintain “dark areas” on the site shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Design Strategy shall include the following details:

- a) A plan indicating where ‘dark areas’ will be maintained on the development site;
- b) Assessment of light levels arising from the development (including from building, vehicles, street lighting and any other external lighting sources)
- c) Plans annotated with isolines to show predicted illuminance and light spill in relation to the ‘dark areas’;
- d) Evidence to demonstrate light spillage arising from the development shall not exceed 0.5lux within ‘dark areas’ and be maintained in perpetuity.

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. Surface Water Drainage

Concurrent with the submission of the reserved matters, details of the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with Devon County Council’s groundwater monitoring policy.
- b) A detailed drainage design based upon the approved Flood Risk Assessment, Pendragon Road, Exeter, Devon, Report Ref 1550w0001 P2 dated 21.09.21 and the results of the information submitted in relation to (a) above.
- c) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by the relevant public authority or statutory undertaker (South West Water) and any other arrangements to secure the operation of the scheme throughout its lifetime;
- d) the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

No dwelling hereby permitted shall be occupied until the works associated with the surface water drainage system have been implemented in accordance with the approved details and shall thereafter be managed and maintained in accordance with those approved details.

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

#### 7. Electric Vehicle Charging Points

Concurrent with the reserved matters application, details of rapid charge electric vehicle charging points specification within the development hereby approved shall be submitted to

and approved in writing by the Local Planning Authority. Those details shall show locations of rapid charge points and demonstrate a provision of 1 per 10 spaces of unallocated parking and 1 per 10 dwellings with allocated parking (subject to network capacity). The rapid charge points shall be provided in accordance with the approved details and maintained (or subsequently upgraded) 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).

## 8. Cycle Parking

Concurrent with the reserved matters application, details of cycle parking provision within the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Those details shall demonstrate the cycle parking provision satisfies the design and minimum parking standards guidance set out in the Sustainable Transport SPD. The cycle parking provision shall be provided in accordance with the approved details and maintained 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).

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

## 9. Construction Method Statement

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The CMS shall provide for:

- a) the provision of site accesses haul routes, parking of vehicles for site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant, materials or other equipment used in constructing the development;
- d) the erection and maintenance of security hoarding;
- e) the supply of water for damping down and wheel washing;
- f) wheel washing protocols and facilities;
- g) a timetable of dust generating activities and details of measures to control the emission of dust and dirt during construction (include prohibiting burning of any materials or vegetation on site);
- h) a Waste Audit Statement for recycling/disposing of waste resulting from demolition and construction works in accordance with the waste audit template in Devon County Council's Waste Management and Infrastructure SPD
- i) measures to minimise noise/vibration disturbance to nearby residents from plant and machinery
- j) delivery, site clearance, piling and construction working hours;
- k) detailed proposals for the management of surface water and silt run-off from the site during construction;
- l) air quality monitoring objectives and protocols, including site log book and procedure by which to notify the Environment and Safety Services Department of any air quality objectives being exceeded or other exceptional incidents;
- m) the name, role and contact details of the authorised personnel responsible on site for fulfilling the CMS including the Air Quality Monitoring Log Book during the course of construction works.

The approved CMS shall be adhered to throughout the construction period for 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.

#### 10. 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.

#### 11. Contamination 1

No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

**Reason:** To determine if contamination is present. This work must be carried out before development commences to ensure that any remedial works necessary are carried out.

#### 12. Contamination 2

In the event of there being evidence of contamination from the risk assessment carried out under condition 11, details of remedial works shall be submitted to and approved in writing by the Local Planning Authority. The dwellings 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 of the end users of the site.

#### 13. Contamination 3

In the event of there being evidence of contamination as the development proceeds, the development shall cease pending the carrying out of an investigation of the extent and nature of contamination, the risks that it poses, together with the preparation of a remediation strategy, that shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be carried out in accordance with the approved details.

**Reason:** To protect the health of the end users of the site.

#### 14. Tree Protection Scheme

No site vegetation clearance or works to trees or hedgerows on site shall take place until a scheme for the protection of trees and hedgerows has been submitted to an approved in writing by the Local Planning Authority. The scheme shall include:

- a) A Tree Protection Plan showing the position of every tree or hedgerow on the site and on land adjacent to the site that could influence or be affected by the development, indicating which trees are to be removed, any proposed pruning, felling or other work;
- b) An Arboricultural Method Statement in relation to every existing tree or hedgerow identified to be retained on the plan referred to in a) above, details of any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area; and, all appropriate tree or hedgerow protection measures required before and during the course of development (in accordance with paragraph 5.5 and 6.1 of British Standard BS 5837) (or in an equivalent British Standard if replaced);
- c) A Nesting Bird Method Statement that shall include timetable for carrying out works to trees outside bird nesting season, protocols in the event nesting birds are found or suspected during works, and the name and contact details of a suitably qualified ecologist overseeing those works.

The vegetation clearance or works to trees or hedgerows shall subsequently be carried out in accordance with the approved details.

**Reason:** To protect trees, hedgerows and nesting birds while the development is carried out.

#### 15. Updated Ecological Surveys

No development shall take place until an Ecology Report has been submitted to and approved in writing by the Local Planning Authority. The Ecology Report shall be prepared by a suitably qualified ecologist. The Ecology Report shall include the results of an updated survey of the site to determine whether any protected species are present, the results of any protected species surveys considered necessary by the qualified ecologist and any recommendations for compensation or mitigation accordingly.

**Reason:** To ensure that the ecological condition of the site and recommendations for compensation or mitigation are up-to-date, as the ecological surveys referred to in the submitted Ecological Impact Assessment were carried out in 2020 and 2021. These details are required pre-commencement as specified to ensure that appropriate compensation/mitigation measures are implemented during the construction of the development based on the current ecological condition of the site.

#### 16. 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 Ecology Report submitted under condition 15.

- 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. A CEMP is required before any development begins to ensure that appropriate mitigation measures are identified and carried out during the construction phase.

### ***Pre-specific Works***

#### **17. 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, or if the dwellings are constructed to the 2022 Building Regulations that a reduction in CO2 emissions at the levels (or higher) set out in Part L of the 2022 Building Regulations will be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented. No 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 the CO2 reduction 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.

#### **18. 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).

#### **19. 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***

#### 20. Highways 1

The development shall not be occupied until a Section 278 Highways Agreement has been entered into in order to secure the necessary works to the public highway as indicated on drawing number 20.106/004 B ('Highway S278 Works'). The works shall be implemented prior to the occupation of the development.

**Reason:** To ensure there is safe and suitable access to the development.

#### 21. Travel Plan

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

**Reason:** To encourage travel by sustainable means, in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD (page 32).

#### 22. Travel Pack

Prior to occupation of the development hereby permitted, a travel pack shall be provided informing all residents of walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car sharing schemes and car clubs, as appropriate, the form and content of which have previously been approved in writing by the Local Planning Authority.

**Reason:** To ensure that all occupants of the development are aware of the available sustainable travel options, in accordance with the Sustainable Transport SPD (page 33).

#### 23. 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.