

## **PLANNING COMMITTEE**

Monday 18 February 2013

### Present:

Councillor Bialyk (Chair)  
Councillors Lyons, Denham, Donovan, Edwards, Mrs Henson, Morris, Owen, Prowse,  
Spackman, Sutton and Winterbottom

### Apologies:

Councillors Mitchell

### Also Present:

Assistant Director City Development, Senior Area Planning Officer, Planning Solicitor and  
Member Services Officer (HB)

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### **DECLARATIONS OF INTEREST**

Whilst not declaring disclosable pecuniary interests, the following Members withdrew from the meeting for the items below:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Lyons	12 (campaigned in favour of hostel)
Councillor Morris	16 (engagement with the applicant on other matters)

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### **PLANNING APPLICATION NO.12/2551/03 - THE QUEENS HEAD, 270 PINHOE ROAD, EXETER, EX4 7JQ**

Councillor Prowse expressed an interest as a Member of Devon County Council.

The Assistant Director City Development presented the application for the erection of a new food retail store (Class A1) with associated external works at The Queens Head, 270 Pinhoe Road, Exeter. He advised of two corrections to the report stating that the application had been initially considered by the Southern and not the Northern Area Working Party and that condition 7 should read 8.00am to 1.00pm (Saturdays) rather than Sundays. He reported the receipt of revised plans and advised that two petitions had been submitted, one of 675 signatures (Save Our Pub) and the other of 80.

Members were circulated with an update sheet - attached to minutes. The following additional conditions were proposed:-

- the agreement and implementation of a scheme covering storage of waste; and
- the agreement of the finished floor levels (to mitigate any flood risk from the Northbrook).

The recommendation was for approval subject to the conditions as set out in the report and the update sheet.

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

- pub licensee is unable to speak in opposition to the application because of his relationship with Farmfoods
- area does not require this retail outlet but does require the retention of the pub
- the proposal is contrary to CP10 of the Exeter Local Development Framework Core Strategy and Government planning principles which seeks where possible to retain community facilities
- strong community support for retention of the pub as indicated by current campaign including support on Facebook
- the area is well served with retail outlets such as Morrisons
- will have an adverse impact on other shops and fast food outlets in the area which have a mutual relationship with the pub
- poor vehicular access for unloading foodstuffs and unsuitable for articulated lorries
- other pubs in the area including the Half Moon and Village Inn serve their own communities as does the Queens Head. Patrons of the latter will lose a local facility and will not necessarily visit the other pubs
- ten jobs will be lost if the pub closes but, if it remains open, jobs will be created as there are plans to expand the pub and to introduce a carvery, provide accommodation and offer computer facilities to the local community etc.

Mr Hampson (representing the Queens Head) spoke against the application. He raised the following points:-

- the licensee is prepared to buy the premises to retain a public house and community venue for the area
- when purchased, the owner will no longer be tied to a single drinks supplier and will use alternative sources at better value
- the landlord has been able to sustain the pub in a difficult economic climate. Further, it is the intention to introduce new initiatives such as increased variety of food, accommodation, for example, for temporary workers, entertainment such as local bands as well as offering a free internet café
- a financial package is in place, including funding from local suppliers
- staff will be retained

Mr McCreddie (applicant) spoke in support of the application. He raised the following points:-

- Farmfoods operate 300 stores across the country specialising in units of approximately 500 sq metres, commensurate with local centres and offering similar foodstuffs to convenience stores
- have sought a suitable site in Exeter for a number of years and have sufficient resources to ensure viability of the operation given that a number of pubs as well as the smaller family run shops are closing in the face of difficult economic conditions
- customers will also boost trade of neighbouring shops in the area
- requested landlord not to submit objections. He will have an alternative premises to manage in the event of permission being granted

He responded, as follows, to Members' questions:-

- shop will not sell newspapers, alcohol, cigarettes, lottery tickets but will offer a wide range of food stuffs of which approximately half will be frozen
- other Exeter sites not suitable
- total pub footprint is 6,000 sq ft but use of first floor would incur extra staffing etc. costs. Proposal for a new store of 5,000 sq ft will be cost effective

- car park to be moved to front of site and no access to be permitted immediately after the railway bridge
- report of traffic consultant passed to the County Council highways

**RESOLVED** that planning permission for erection of a new food retail store (Class A1) with associated external works be **refused** as the proposal is contrary to planning principle 12 and paragraph 70 of the National Planning Policy Framework and Policy CP10 of the Exeter Local Development Framework Core Strategy because it would result in the unnecessary loss of a valuable community facility which would reduce the community's ability to meet its day to day needs.

(Report circulated)

12      **PLANNING APPLICATION NO.12/1720/16 - 33 PINHOE ROAD, EXETER, EX4 7HS**

Councillor Lyons withdrew from discussion of this item as she had campaigned to retain the hostel and left the meeting during consideration.

The Senior Area Planning Officer presented the application for change of use from dwelling to hostel for rough sleepers at 33 Pinhoe Road, Exeter.

Members were circulated with an update sheet - attached to minutes. A condition was included to ensure that a management plan was properly implemented, the plan now having been submitted. There would be a maximum of five clients at any one time and occupation by individuals would be for a maximum period of three nights.

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

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

- advised that the description of the proposal should be changed to read "change of use from dwelling to hostel for move on accommodation" rather than for "rough sleepers"
- care would be taken to respect the sensibilities of residents and there would be a robust approach to those causing problems. The aim was to move those occupants not from the Exeter area back to their place of origin with the assistance of the relevant District Council
- the proposal would help meet the Council's duty to provide move on accommodation
- a comprehensive hostel management plan would help ensure the effective management of the facility
- similar provision in the St Thomas area has been effectively managed with minimal problems occurring
- CCTV will be provided in the communal area

Mr Barkley (representing local property owners) spoke against the application. He raised the following points:-

- representing both residents who live in the area and a landlord
- objectors recognised the need for this facility but feel that it is in the wrong location

- residents are concerned that, as well as housing individuals who have been homeless for a short period, the facility will also cater for long term, rough sleepers. These can possess chaotic lifestyles and entrenched anti-social behaviour and are therefore more likely to disrupt the neighbourhood
- those who eventually leave the facility may return to the immediate area to sleep rough
- excess student accommodation now available in the City could provide a suitable solution

Mr Hancock (Housing Needs Manager – Exeter City Council) spoke in support of the allocation. He raised the following points:-

- 105 incidents of “street activity” had been recorded during a survey undertaken in December 2012, of whom a third were individuals with no local connections and who had chosen Exeter to sleep rough as the City was perceived to be relatively safe. Surrounding market towns in Devon did not offer the same high level of support services for the homeless. Very often, the homeless advise one another of areas where greater support can be obtained which has resulted in many gravitating to Exeter
- by seeking to offer accommodation in the area of origin the aim is to reduce the number of hard core, entrenched rough sleepers who often gravitate back to sleeping on the streets of Exeter

He responded, as follows, to Members’ queries:-

- some 200 units of temporary accommodation are available in the City for the homeless
- estimated that five individuals a week come to the City to sleep rough
- of those sleeping rough in the City, approximately half are returned to the area of origin, the remainder becoming entrenched rough sleepers in the City
- all potential occupiers will be risk assessed

**RESOLVED** that planning permission for change of use from dwelling to hostel for move on accommodation be **approved** subject to the following conditions:-

- 1) C05 - Time Limit – Commencement
- 2) The use hereby approved shall cease on or before 18 February 2014.  
**Reason:** A 'trial run' is necessary to assess whether the use is suitable on a permanent basis in this locality.
- 3) The development hereby permitted shall not be occupied until the Local Planning Authority has agreed in writing a Management Scheme submitted by the applicant, and the agreed measures have been put in place. The Management Scheme shall include the following: A) details of the management arrangements for the property, including procedures for dealing with (i) management problems, (ii) anti-social behaviour, (iii) noise and (iv) fires or other emergencies; and, B) the maximum number of bed spaces to be occupied at any one time. Occupation shall be managed in accordance with the approved scheme.  
**Reason:** To help protect the existing residential amenity standards currently enjoyed by neighbouring properties.

(Report circulated)

**PLANNING APPLICATION NO.12/0472/01 - LAND TO NORTH, WEST & SOUTH  
OF MET OFFICE OFF, HILL BARTON ROAD, EXETER, EX2**

Councillor Donovan expressed an interest as he was working on a contract basis for the Met Office.

The Senior Area Planning Officer presented the application for a mixed use scheme comprising up to 750 dwellings, a local centre (A1, D1, D2), public open space, demolition of buildings, landscaping, highway access to Hill Barton Road and associated infrastructure works (all matters reserved for future consideration apart from access) at land to north, west & south of Met Office off, Hill Barton Road, Exeter.

Members were circulated with an update sheet - attached to minutes, setting out additional advice from the Highway Authority. With regard to the provision of a new vehicular transport link from Oberon Road into the development, the County Council had proposed amendments to the wording of the relevant condition, set out on the update sheet to which the applicants had indicated that this would cause funding difficulties. It was considered by the Assistant Director City Development, on balance, that the condition as set out in the original report would achieve the required outcome without endangering the delivery of housing.

The recommendation was that having had regard to the Environmental Impact Assessment submitted with the application and the representations made about the environmental effects of the development, delegated authority be given to the Assistant Director City Development in consultation with the Chair of the Planning Committee to approve, subject to a Section 106 agreement and conditions as set out in the report.

Mr Lloyd (representing a local landowner) spoke against the application. He raised the following points:-

- fundamental flaws remain in this application even though the main issue under consideration is the means of access
- access from Hill Barton Road is inadequate for 500 new homes and no more than 400 homes had been previously proposed
- will leave a legacy of congestion along Hill Barton Road, with average queues of 112 vehicles likely with no commitment to deliver a second access
- the junction will operate over capacity with 500 houses, with capacity likely to exceed 20% in reality. 0.4 trips per dwelling is aspirational only and supports the argument that Hill Barton Road will lack capacity
- the proposed junction design is unsafe and the design promotes car capacity rather than pedestrian safety. Waiting times of nearly four minutes will encourage crossing during the red man phase, a route used by children and cyclists who have a different perception of safety. The County Council state that this is adequate due to the existing low pedestrian and cycle flow but, an alternative view, is that wait time should be no more than two minutes, even when pedestrian flows are low
- the scheme fails to deliver the Core Strategy and Hill Barton Masterplan objectives. Eight conditions under this application promote general sustainability yet the proposal will result in traffic being directed the wrong way and the opportunity for a bus link through the site will be prejudiced
- the viability of Fitzroy Road, a high profile site on the gateway to Exeter should be guaranteed by ensuring Oberon Road is delivered first

Mr Fayers (Eagle One) spoke in support of the application. He raised the following points:-

- representing the Hill Barton Consortium
- the scheme offers a sustainable development and helps meet housing need in the City. 187 affordable homes will be provided
- it is a significant element of the Hill Barton/Monkerton Masterplan included within the adopted Core Strategy.
- discussions between the Hill Barton Consortium, the County and City Councils have been concluded satisfactorily.
- improved vehicular access provided for 129 Hill Barton Road.
- the scheme will tie in to proposals for the district heating network
- link to be provided to Oberon Road on completion of the 600<sup>th</sup> home
- district heating provision and highway improvements to Moor Lane will also benefit the wider Monkerton Master Plan.

He responded as follows to Members' queries:-

- a contribution will be made to sports facilities, Exeter City Council to determine their location
- a second Toucan crossing will be provided which will operate "on demand" so no need for four minute wait

Mr Hulland, Transportation Studies Manager, Devon County Council explained that:-

- the primary Hill Barton Road pedestrian/cycle crossing desire line would remain at the existing toucan crossing and would provide an on demand crossing triggered by use of the push buttons and was not linked to the new junction signal phasing. The number of pedestrian and cyclist using the crossing facilities at the proposed new junction would therefore be low
- safety and capacity had been properly considered and up-to-date data used. The Trip Rate used was in accordance with that in the Monkerton Access Strategy submitted as evidence for the Exeter Core Strategy and reflected the improved pedestrian, cycle and bus facilities provided. The Highway Authority has confirmed the increased traffic was not significant and no further assessment of the junctions was necessary
- the Monkerton Access Strategy assessed the overall traffic impact of development in the Monkerton Masterplan area and concluded that with infrastructure improvements and sustainable transport measure the impacts would be mitigated satisfactorily
- additional flows through the Wilton Way roundabout were calculated to be an additional 2% in both the AM and PM peaks and the junction was considered to be operating within capacity and mitigation measures were not required
- provision of a link to Oberon Road was not a specific requirement of the Core Strategy but it was recognised that the link was an aspiration of the Monkerton and Hill Barton Masterplan Study. Although not a specific requirement for the delivery of the site, the applicant had agreed to design the internal road network to enable a link to Oberon Road to be made and enable the desired strategic road to be provided.

In order to achieve a permeable network to support the sustainable transport aspirations of the Masterplan Study, the Highway Authority had recommended a variation to condition 27 as follows:-

*Unless otherwise agreed by the relevant planning authority (in consultation with the local highway authority), no further development shall take place beyond the first*

*occupation of the 600th dwelling or 5 years from the first occupation of the 500<sup>th</sup> dwelling, whichever is earlier, until:-*

*a) The local planning authority has approved in writing a scheme of works to provide a new vehicular transport link from Oberon Road into the development, including details of access for Ellen Tinkham School.*

*b) The approved works have been completed in accordance with the local planning authority's approval (in consultation with the local highway authority).*

Members supported the above variation to condition 27, but otherwise supported the recommendation to approve the application.

**RESOLVED** that having had regard to the Environmental Impact Assessment submitted with the application and the representations made about the environmental effects of the development, the application for planning permission for a mixed use scheme comprising up to 750 dwellings, a local centre (A1, D1, D2), public open space, demolition of buildings, landscaping, highway access to Hill Barton Road and associated infrastructure works (all matters reserved for future consideration apart from access) be **delegated** to the Assistant Director City Development in consultation with the Chair of Planning Committee to approve, subject to the completion of a Section 106 Agreement securing the items identified in the report and the following conditions (with any necessary amendments to those conditions):-

- 1) C01 - Standard Outline
- 2) Unless otherwise agreed in writing by the Local Planning Authority, the first application for approval of reserved matters shall be made before the expiration of two years from the date of this permission, and the development hereby permitted shall begin before the expiration of two years from the date of the first reserved matters approval.  
**Reason:** To ensure compliance with section 91 - 92 of the Town and Country Planning Act 1990.
- 3) C04 - Outline - Exclude Details
- 4) The outline planning permission hereby approves the following plans together with the design principles and parameters established in the approved Design and Access Statement and Design and Access Statement supplement:  
Revised illustrative masterplan to be agreed with applicant.  
Parameters plan to be agreed with applicant  
Signal controlled access onto Hill Barton Road detailed drawings to be agreed with applicant.  
Prior to the submission of any reserved matters application(s) for an agreed phase or phases of the development, a framework plan and statement on the appearance palette for the agreed phase or phases of the development shall be submitted to and approved in writing by the LPA. The framework plan(s) (1:1000) shall follow the principles established in the indicative masterplan and it shall be in accordance with the approved parameter plans. The framework plan(s) shall show the indicative location of buildings and their type, public and private open spaces and parking typologies, together with how the design principles in the approved Design and Access Statement and Design and Access Statement supplement will be applied at the more detailed level. The appearance palette shall be provided in the

form of a statement providing information and guidance on building design and character, constructional materials and detailing, surface materials and their finishes, street furniture and street tree species.

Unless otherwise agreed in writing, the reserved matters application or applications shall adhere to the approved framework plan(s) and accompanying appearance palette relevant to that part of the site.

**Reason:** In order to ensure compliance with the approved drawings and associated details.

- 5) Unless otherwise agreed in writing by the Local Planning Authority, as part of the first application for approval of reserved matters, a phasing plan shall be submitted to, and be approved in writing by, the Local Planning Authority. The phasing plan shall include details of the anticipated timing for the delivery of the areas of public open space/green infrastructure as well as the construction programme for the housing and other built elements of the development. The development shall take place in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To ensure that the development proceeds in accordance with an agreed programme of delivery, that areas closest to existing transport services are developed first, and that within individual phases the open space associated with the development is co-ordinated with the construction of the houses which it will serve.
- 6) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and any agreed phase of the development shall not be started before their approval is obtained in writing and 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.
- 7) A detailed scheme for landscaping, including the planting of trees and/or shrubs and hard landscaping including boundary screen walls and fences shall be submitted to the Local Planning Authority as part of the submission of each phase of the reserved matters; such scheme shall specify types and species, and any earthworks required, together with a programme of planting and the timing of implementation of the scheme.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 8) C37 - Replacement Planting
- 9) C38 - Trees - Temporary Fencing
- 10) C57 - Archaeological Recording
- 11) Unless otherwise agreed in writing, the buildings comprised in the development hereby approved shall be constructed so that their internal systems for heating (space and water) are capable of being connected to the proposed decentralised energy network.  
**Reason:** In the interests of sustainable development.
- 12) Unless otherwise agreed in writing, no dwelling hereby approved shall be occupied until the applicant has submitted a SAP calculation which demonstrates that a 10% reduction in CO<sub>2</sub> emissions over that necessary to meet the requirements of the Building Regulations current at the time of

Building Regulations approval can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site.

**Reason:** In the interests of sustainable development.

- 13) Any individual dwelling hereby approved shall achieve a Code Level 4 (including a 44% CO2 emissions rate reduction from Part L 2006) as a minimum, and a Code Level 5 (Zero Carbon) if commenced on or after 1<sup>st</sup> January 2016, in accordance with the requirements of the Code for Sustainable Homes 2006 and the Code for Sustainable Homes Technical Guide November 2010 (or such equivalent standard that is approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15. Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until an application for certification has been made confirming that the required Code Level has been achieved and within one year of occupation of any dwelling the developer shall submit to the Local Planning Authority evidence of the certification to demonstrate that a Final Code Level of 4 or 5 has been achieved as required above.  
**Reason:** In the interests of sustainable development.
- 14) The Local Planning Authority shall be notified in writing of the identity of all dwellings for which construction has commenced before 1<sup>st</sup> January 2016, within 10 working days following that date.  
**Reason:** In the interests of monitoring compliance with sustainable development requirements.
- 15) Any individual building contained within the District Centre, other than a dwelling, hereby approved shall achieve a BREEAM 'excellent' standard (or such equivalent standard that is approved in writing by the Local Planning Authority) as a minimum, and shall achieve 'zero carbon' if commenced on or after 1<sup>st</sup> January 2019. Prior to commencement of such a building the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report, the score expected to be achieved and which standard this relates to. Where this does not meet the minimum required standard the developer must provide details of what changes will be made to the development to achieve the minimum standard, and thereafter implement those changes. A post completion BREEAM report shall be submitted to the Local Planning Authority within 3 months of the substantial completion of any such building hereby approved. The required BREEAM assessments shall be prepared, and any proposed design changes approved prior to commencement of the development, by a licensed BREEAM assessor.  
**Reason:** In the interests of sustainable development.
- 16) The Local Planning Authority shall be notified in writing of the identity of all buildings (other than dwellings) for which construction has commenced before 1<sup>st</sup> January 2019, within 10 working days following that date.  
**Reason:** In the interests of sustainable development.
- 17) Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interests of local amenity.
- 18) A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and adhered to during the construction

period. This should include details of monitoring and mitigation measures to control the environmental impact of the construction and demolition phases and highway safety, including but not limited to details of access arrangements and timings and management of arrivals and departures of vehicles, site traffic, emissions of noise and dust and the phasing and timing of work. The CEMP should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development, in order to discuss forthcoming work and its environmental impact.

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

- 19) No development shall take place on any individual phase of the site identified pursuant to condition 5 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 ensure that the site is safe for residential occupancy.
- 20) Prior to commencement of each phase of the development the applicant shall review the ambient noise environment on the site and propose a scheme of noise mitigation measures based on this review, to ensure that the residential properties are protected from noise. This shall be submitted to and approved in writing by the LPA prior to commencement of the development. All works that form part of the scheme shall be completed before any of the permitted development is occupied. The applicant should aim to achieve at least the 'Reasonable' standards for internal noise level specified in BS8233:1999 Sound Insulation and Noise Reduction for Buildings – Code of Practice.  
**Reason:** In the interests of local amenity. This condition will be applied flexibly depending on the location of the proposed dwellings within the site and their proximity to the railway and to commercial land uses.
- 21) No deliveries shall be taken at or dispatched from commercial units in the local centre outside the hours of 7am to 11pm Monday – Saturday nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interests of local amenity.
- 22) No individual Class A unit size shall exceed 750m<sup>2</sup> in floorspace.  
**Reason:** In the interests of minimising vehicle journeys to and from the site and to protect the vitality and viability of existing retail centres.
- 23) No development shall take place on site until an evaluation has been undertaken of the foul drainage provision available and the results, together with a scheme for any improvement works, has been agreed in writing by the Local Planning Authority. The scheme shall include full details of the proposed improvement works, a timescale for implementation and adoption of these works, and arrangements for maintenance of the system prior to adoption. No buildings shall be occupied unless and until the approved improvement works have been implemented in accordance with the agreed scheme.  
**Reason:** In the interests of residential amenity.

- 24) No more than 250 dwellings shall be built until such time as improvements to Moor Lane Junction, as shown on drawing B2300117/MOORLN/101A, or an alternative scheme agreed in writing with the Local Planning Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport), has been completed in accordance with the Local Planning Authority's approval.  
**Reason:** To ensure that the strategic highway network can accommodate the additional traffic generated by the development.
- 25) Unless otherwise agreed in writing by the Local Planning Authority, the development shall be limited to the occupation of a maximum of 500 dwellings to be served from the proposed signal controlled junction onto Hill Barton Road and any further occupation beyond 500 dwellings shall require the provision of a further and alternative means of full vehicular access at a location to be agreed in writing with the Local Planning Authority (in consultation with the Highway Authority).  
**Reason:** To limit the total number of vehicle trips through the Hill Barton Junction in order to prevent congestion on Hill Barton Road and encourage both alternative vehicular access, trip distribution and permeability within the development
- 26) A comprehensive Travel Plan will be prepared and implemented for all elements of the development hereby permitted. The Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of any dwelling within the development and shall include, but not exclusively, the following elements;
- The identification of targets for trip reduction and modal shift
  - The methodology to be employed to reach these targets
  - The mechanisms for monitoring and review
  - The mechanisms for reporting
  - The failsafe measures to be applied in the event that the targets are not met
  - The mechanisms for mitigation
  - Implementation of the Travel Plan to an agreed timescale or timetable and its operation thereafter
  - Mechanisms to secure variations to the Travel Plan following monitoring and reviews
- Reason:** To ensure that the development promotes all travel modes other than the private car and consequently reduces dependence on private car travel.
- 27) Unless otherwise agreed in writing by the Local Planning Authority (in consultation with the Highway Authority), no further development shall take place beyond the first occupation of the 600th dwelling or 5 years from the first occupation of the 500<sup>th</sup> dwelling, whichever is earlier until:-
- a) The Local Planning Authority has approved in writing a scheme of works to provide a new vehicular transport link from Oberon Road into the development, including details of access for Ellen Tinkham School.
  - b) The approved works have been completed in accordance with the Local Planning Authority's approval (in consultation with the Highway Authority).

- 28) The proposed estate roads, footways, footpaths, junctions, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, cycle routes, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.  
**Reason:** To ensure that adequate information is available for the proper consideration of the detailed proposals.
- 29) Unless otherwise agreed in writing by the Local Planning Authority, prior to the occupation of any dwelling within each phase of the development that adjoins the David Wilson Homes development to the west of the site, vehicular access to an adoptable standard shall be provided to the site boundary so that it is capable of linking to the approved highway network within the David Wilson Homes development.  
**Reason:** To assist with provision of a choice of routes for all development traffic in the south west part of the Hill Barton and Monkerton Masterplan Framework area.
- 30) Unless otherwise agreed in writing with the Local Planning Authority, for each application for approval of reserved matters, a detailed scheme for the pedestrian and cycle network shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-  
(a) the access points identified on the drawing to be agreed with applicant;  
(b) details of routes, road crossings, bridges, surface treatments, lighting, street furniture and signage;  
(c) a programme for implementation synchronised with the progressive occupation of the development; and  
(d) such temporary measures as are necessary (such as ramps where routes cross unfinished roads) to ensure the routes are fully usable during the construction period.  
The approved scheme shall be adhered to at all times, including (where applicable) any amendments subsequently agreed in writing by the Local Planning Authority. The routes provided in accordance with this condition shall be maintained at all times thereafter, including keeping them free from vegetation, unless and until they become maintainable at public expense.  
**Reason:** To ensure that the pedestrian and cycle routes are provided, to encourage travel by sustainable means in accordance with policy T3.
- 31) Unless otherwise agreed in writing with the Local Planning Authority, for each application for approval of reserved matters, a scheme for on-site bus routes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-  
(a) details of routes and stops (including shelters, seats, and static and electronic signage);  
(b) a programme for implementation synchronised with the progressive occupation of the development, road adoption programme, and/or applicable funding;  
(c) any temporary arrangements during the construction period.  
The approved scheme shall be adhered to at all times, including (where applicable) any amendments subsequently agreed in writing by the Local Planning Authority. The facilities provided in accordance with this condition shall be maintained at all times thereafter, unless or until they become maintainable by or on behalf of a public authority.

**Reason:** To ensure that suitable bus routes and stops are provided, to enable and encourage use of public transport in accordance with policy T3.

- 32) Prior to commencement of any phase of the development, details shall be submitted to the Local Planning Authority of:-
- secure cycle parking for residents;
  - secure cycle parking, lockers, showers and changing facilities for staff; and
  - cycle parking for visitors;
- as applicable to the type of premises in question.  
Construction of that phase shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to first occupation of that phase, the cycle parking and other facilities shall be provided in accordance with the approved details.
- Reason:** To ensure that cycle parking and other facilities are provided, in accordance with Local Plan policy T3, to encourage travel by sustainable means.
- 33) Unless otherwise agreed in writing with the Local Planning Authority, notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development shall be carried out within the curtilage of the dwelling(s) within the 'potential zone of influence from Met Office satellite receivers' shown on drawing identified as Appendix 5.1 received by the Local Planning Authority on 7 February 2013, without the formal consent of the Local Planning Authority.
- Reason:** In order to protect the visual and residential amenities of the surrounding area, to prevent overdevelopment and to ensure that any future alteration or expansion of the approved dwellings undertaken under permitted development rights cannot cause an obstruction to Met Office satellite receivers.
- 34) No development shall take place until the Local Planning Authority (in consultation with the Met Office) has approved in writing a detailed plan outlining 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. Construction work will only take place in accordance with the agreed plan.
- Reason:** In the interests of minimising the impact of development work on the performance of the satellite receivers.
- 35) Prior to commencement of the development, a detailed scheme for the management of surface water shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the "Proposed surface water drainage strategy" set out in para 8.3 of the submitted Flood Risk Assessment.
- Reason:** To protect controlled waters.
- 36) The development shall not commence until full details of the Planned Drainage Strategy is submitted to and approved in writing by the Local Planning Authority. This shall include appropriate evidence of seasonal variation of the soil conditions with regard to permeability characteristics and monitoring of the level of the natural ground water table. The drainage design proposals should be based upon the worst conditions to ensure adequate storage / attenuation is provided all year round. The developer will also need to demonstrate that the necessary drainage infrastructure can be

accommodated within the development without undue constraints upon the Public Open Space.

**Reason:** In the interests of the proper drainage of the site and to ensure that public space within the site is not rendered unusable at any time of the year.

- 37) Unless otherwise agreed in writing by the Local Planning Authority, prior to commencement of development or site preparation, an Ecological Method Statement and an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. They shall include (but not be limited to) a lighting plan to ensure a dark corridor for commuting bats, a reptile mitigation plan and opportunities for enhancement.

**Reason:** In accordance with the terms of the submitted Environmental Statement and to protect and enhance biodiversity.

(Report circulated)

14

**PLANNING APPLICATION NO.12/1619/03 - EXETER COLLEGE, 33-36 QUEEN STREET, EXETER, EX4 3SR**

The Senior Area Planning Officer presented the application for a sports hall and teaching facility with associated parking at Exeter College, 33-36 Queen Street, Exeter.

Members were circulated with an update sheet - attached to minutes. The Assistant Director Environment had recommended two additional conditions relating to hours of use and noise attenuation. Devon County Council's Head of Planning, Transportation and Environment had recommended three additional conditions relating to the submission of a Green Travel Plan, the provision of on-site cycle and car parking facilities, and submission of a Construction Traffic Management Plan. The County Head of Planning, Transportation and Environment has also indicated that a financial contribution should be sought towards highway improvements to be secured by a Section 106 Agreement under the Town and Country Planning Act 1990. The recommendation was for approval, subject to the conditions as set out in the report and the update sheet.

Mr Cruse spoke against the application. He raised the following points:-

- because a number of residents are tenants, the consultation process did not cover some key parties such as owners and landlords. A number of residents were also unable to respond as they had missed the consultation process as they had been away over the Christmas/New Year period
- ambulance and fire service were not consulted, particularly in respect of the narrow access to the site off Queen Street.
- objectors will not have the opportunity to consider the detailed specifications for elements such as the water handling plant, air conditioning etc. to determine if concerns regarding the potential impact on the neighbourhood of noise, light, pollution, etc. will be adequately addressed.
- concerns regarding noise, both of activities within the facility and of students entering and leaving throughout the day, are anticipated.
- the Queen Street access will present dangerous conditions to both pedestrians and vehicle drivers
- design concerns relating to featureless, monolithic nature of certain elevations.

**RESOLVED** that planning permission for a sports hall and teaching facility with associated parking be **approved**, subject to the additional conditions sought by the County Head of Planning, Transportation and Environment relating to the submission of a Green Travel Plan, the provision of on-site cycle and car parking

facilities and the submission of a Construction Traffic Management Plan, conditions in respect of noise attenuation measures, light, hours of use and additional planting to reduce the bland appearance of the external wall facing the railway and a Section 106 Agreement under the Town and Country Planning Act 1990 to secure a financial contribution towards highway improvements, together with the following conditions, as set out in the schedule of planning 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 91-92 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 received by the Local Planning Authority on the 20 November 2012 (*dwg. no(s). 6723PRSCH01E, 6723PRSCH02E, 6723PRSCH03F, 6723SCH08A, 6723PRSCH07A, 6723PRSCH04F & 6723PRSCH06D*), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and 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.
- 4) Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** To ensure the amenity of nearby residential units are protected.
- 5) The submitted remediation scheme must be carried out in full prior to the occupation of development, unless otherwise agreed in writing by the Local Planning Authority. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary an amended remediation scheme must be prepared, which shall be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.  
**Reason:** In the interests of the amenity of the users of the building(s) hereby approved.
- 6) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be

implemented in accordance with the approved scheme in accordance with the agreed programme.

**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 7) 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.
- 8) Within six months of the commencement of use of the development, a Sustainable Travel Plan shall have been implemented in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and the plan shall be updated at intervals not exceeding six months.  
**Reason:** To ensure that all users of the building are aware of sustainable travel options.
- 9) No part of the development hereby approved shall be brought into its intended use until on-site cycle and car parking facilities together with any means of access have been provided, surfaced and marked out in accordance with the requirements of this permission and retained for those purposes at all times.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.
- 10) No part of the development shall commence until a construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in strict accordance with the approved Plan unless, otherwise agreed in writing by the Local Planning Authority. The plan shall include: (i) the timetable of the works; (ii) hours during which construction vehicles will be present at the site; (iii) the routing of vehicles to and from the site; (iv) the methods of traffic control at the site and / or at any other location if required; (v) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits; (vi) the compound / location where all building materials will be stored during the demolition and construction phases. Prior to commencement it is recommended that the developer consults, and if necessary meets with, the Local Highway Authority to establish a safe means of progress.  
**Reason:** To minimise impacts from construction related traffic on the environment, the amenity of local residents/businesses and safety on the public highway.
- 11) Prior to the start of development on the site, an external lighting scheme shall be submitted for the consideration and written approval of the Local Planning Authority.

The scheme shall take into account all of the lighting needs associated with the development during operational hours and shall be the minimum required to perform the relevant lighting task. It shall be specifically designed to minimise the risk of light spillage beyond the development site boundary and into the sky.

The scheme shall include:-

- A report, prepared by a lighting engineer, setting out the technical details of the luminaires and columns, including their location, type, shape, dimensions and, expected luminance output and specifically explaining what design attributes have been chosen to minimise light pollution.
- A plan illustrating illuminance levels across the development site and at the boundary of the site. The level of illuminance should be appropriate to the character of the surrounding area as a whole. The design will show that control of overspill light is limited to the level required by the particular environmental setting.
- A plan illustrating illuminance levels beyond the boundary of the site, together with the downward light output ratio of the lights.
- A statement which demonstrates how the lighting scheme will be viewed against the wider landscape and, where appropriate, the potential role of landscaping in minimising the day and night-time visual impact of the installation.
- An operational statement, the purpose of which is to ensure that the developer and the lighting designer have considered operational regimes that can provide energy savings.

Once approved in writing, the lighting scheme shall thereafter be operated in accordance with the approved details. The Council reserves the right to require periodic testing to be conducted on the lighting installations and if it is confirmed that approved levels are being exceeded the operator of the lighting scheme will be required to implement the necessary works to bring it back within compliance within a specified time period.

**Reason:** To ensure that the council retains control over these matters, to ensure the proper implementation of the lighting proposals in the interests of the amenity of the site and the area as a whole, to prevent light pollution and to minimise energy use.

- 12) The level of noise emitted from fixed plant and equipment on the site shall not exceed a rating noise level of 37dB (07:00-23:00) or 21 dB (23:00-07:00) (measured in accordance with BS4142:1997) at the nearest residential receptors (or other surrogate point with appropriate distance corrections). The developer shall demonstrate by measurement compliance with this level prior to occupation of the development and as requested by the LPA thereafter.

**Reason:** To ensure the amenity enjoyed by nearby residential units is protected.

- 13) The building hereby approved shall not be used other than between the hours of 08:30am and 21:00pm Mondays to Saturdays and shall not be used on Sundays and public or Bank Holidays.

**Reason:** So as not to detract from the amenities of the near-by residential property.

(Report circulated)

**PLANNING APPLICATION NO.12/1707/03 - 12 WENTWORTH GARDENS,  
EXETER, EX4 1NH**

The Assistant Director City Development presented the application for a ground floor side extension at 12 Wentworth Gardens, Exeter.

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

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

- two previous applications for building on the site had been refused, in both cases the Inspectors having advised that the proposal would be detrimental to the amenity of the area and that the open character of the area was worth preserving
- supplementary planning documents emphasise the importance of retaining the character of original housing as well as the established street scene to protect the local amenity
- planning guidance in respect of extensions state that these should be no more than half the width of the existing house. The initial extension would have been 3.9 metres wide, now reduced to 3.4 metres but still exceeding the 2.75 metres which would be half the width of the side elevation. An extension of 3.4 metre in width would compromise the street scene
- the floor area of what would be a fourth bedroom will be the equivalent of the master bedroom in the main house
- if approval is to be given, the extension should be no wider than that provided for within supplementary planning guidance
- approval could lead to an application for increasing the extension

He responded as follows to Members' queries:-

- main building is 5.5 metres wide, therefore 2.75 (half is maximum permissible)
- concern has been expressed that the application is a preliminary step before enlargement, such as the provision of a second floor.

The Assistant Director reported that an extension of 3.4 metres would result in internal space of 3.15 metres and Members noted that the application was in accordance with the requirements of residential design guidance which specified the minimum size for rooms.

**RESOLVED** that planning permission for a ground floor side extension be **approved** subject to the following conditions:-

- 1) C05 - Time Limit – Commencement
- 2) 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 6 February 2013 (dwg nos. 1571 2.0D; 1561 2 7C & 1561 2.9C) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials

(Report circulated)

**PLANNING APPLICATION NO.12/0781/01 - LAND SOUTH OF, YEOFORD WAY,  
MARSH BARTON TRADING ESTATE, EXETER**

The Assistant Director City Development presented the application for additional mixed uses including A1, 2, 3, 4 and 5 and D1 and D2 on zone B of previous consent ref no 10/0200/01 (all matters reserved for future consideration) at land south of, Yeoford Way, Marsh Barton Trading Estate, Exeter.

The recommendation was delegated to Assistant Director City Development to approve subject to the variation of the Section 106 Agreement attached to planning reference 10/200/01 regarding improvement works to the culvert under Bad Homburg Way and the conditions as set out in the report.

**RESOLVED** that the application for planning permission for additional mixed uses including A1, 2, 3, 4 and 5 and D1 and D2 on zone B of previous consent ref no 10/0200/01 (all matters reserved for future consideration) be delegated to Assistant Director City Development to **approve** subject to the variation of the Section 106 Agreement attached to planning reference 10/200/01 regarding improvement works to the culvert under Bad Homburg Way, and the following conditions:-

- 1) 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 the permission and the development hereby permitted shall be begun before the expiration of two years from the date of the permission.  
**Reason:** To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.
- 2) Approval of the details of the layout, scale, appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 3) This consent does not imply the approval of the details of siting, layout or design shown on the submitted plan, which must be the subject of a further application for approval of reserved matters.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 4) No building(s) shall be occupied until the drainage details have been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To ensure the satisfactory drainage of the development.
- 5) The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.  
**Reason:** To ensure that adequate information is available for the proper consideration of the detailed proposals.

- 6) No development shall take place on site until a full survey of the site has taken place to determine the extent of 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 the site is in such a condition as to be suitable for the proposed use.  
**Reason:** In the interests of the amenity of the occupants of the building(s) hereby approved and to protect controlled waters.
- 7) If, during development, contamination not previously identified is found to be present at site then no further development, unless otherwise agreed in writing with the Local Planning Authority shall be carried until the developer has submitted and obtained written approval from the Local Plan Authority for an amendment to the remediation strategy detailing how this contamination shall be dealt with.  
**Reason:** In the interests of the amenity of the occupants of the building(s) hereby approved and to protect controlled waters.
- 8) Applications for reserved matters shall include a Design Statement, scope of which must be agreed with the Local Planning Authority prior to preparation, which demonstrates compliance with the Archial Design Guide, submitted with the outline planning application, dated January 2010.  
**Reason:** To ensure that the design and layout of the development is approached comprehensively.
- 9) No development shall take place until an Outline Landscape and Ecology Management Plan has been submitted to and approved by the Local Planning Authority. The Management Plan shall indicate
  - a) how the existing biodiversity of the site will be protected, in accordance with all relevant legislation, and
  - b) how the proposed development and associated works will enhance wildlife in the area;and shall be submitted to the Local Planning Authority for review on an annual basis unless otherwise agreed in writing.  
**Reason:** In the interests of nature conservation.
- 10) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of 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.
- 11) The cycleways and walkways within the application site, and connections to and from routes outside the site boundaries, shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To ensure satisfactory provision of these facilities, pursuant to Local Plan Policy T3.
- 12) Prior to the commencement of any individual building, an assessment of the impact of all external lighting associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The assessment should address the impact of the lights (including hours of use) on the nearest receptors. Thereafter the lighting shall be installed and

maintained in accordance with the specifications within the assessment.

**Reason:** To reduce light pollution in the area and protect the amenity of nearby residents.

- 13) Construction work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To protect the amenities nearby residential occupiers.

- 14) Prior to the commencement of any individual building details of all external plant/ventilation equipment plant and kitchen extraction units (including any boiler and associated flue), including sound power levels at a specified location outside the building envelope, to be submitted to and approved in writing by the LPA.

**Reason:** To reduce noise pollution and protect the amenity of nearby residential occupiers.

- 15) A comprehensive Travel Plan will be developed for all elements of the development hereby permitted. The acceptability of the Travel Plan will need to be agreed in writing by the Local Planning Authority and Local Highway Authority ( who shall consult with the Highways Agency on behalf of the Secretary of State for Transport), in advance of occupation of the development. The Travel Plan will need to be prepared in line with prevailing policy and best practice and shall include as a minimum:

The identification of targets for trip reduction and modal shift;

The methods to be employed to meet these targets;

The mechanisms for monitoring and review;

The mechanisms for reporting;

The penalties to be applied in the event that targets are not met;

The mechanisms for mitigation;

Implementation of the Travel Plan to an agreed timescale or timetable and its operation thereafter;

Mechanisms to secure variations to the Travel Plan following monitoring and reviews.

A review of the targets shall be undertaken and submitted to the Local Planning Authority within 3 months of the occupation of the development and on an annual basis thereafter. The Travel Plan as approved shall be adhered to throughout the lifetime of the development.

**Reason:** To encourage the use of modes of transport other than the private car.

- 16) Before works commence on any individual building(s) a Sustainability Statement detailing the measures to reduce the impact of the building on the environment during both construction and operational phases shall have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried in accordance with that statement unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of sustainable development.

- 17) Before works commence on any individual building(s) details of the finished floor levels and overall roof heights of the building(s) in relation to a fixed point or O.S datum shall have been submitted to, and approved in writing by the Local Planning Authority.

**Reason:** In the interest of visual amenity and the appropriate development of the site.

- 18) No development work to raise the ground levels of the site shall commence until finished ground floor levels and sectional plans indicating the profile with the original levels have been submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the agreed plans.  
**Reason:** In the interests of visual amenity.
- 19) The floorspace of the pub/restaurant element hereby permitted shall not exceed 1000m<sup>2</sup>.  
**Reason:** In the interests of minimising vehicle journeys to and from the site and to protect the vitality and viability of existing retail centres.
- 20) No individual Class A1 unit size shall exceed 450m<sup>2</sup> in floorspace.  
**Reason:** In the interests of minimising vehicle journeys to and from the site and to protect the vitality and viability of existing retail centres.
- 21) The total floorspace for A1, A2, A3, A4, A5, D1 and D2 use shall collectively not exceed 3000 sq metres.  
**Reason:** In the interests of minimising vehicle journeys to and from the site and to protect the vitality and viability of existing retail centres.

In the event that the Section 106 Agreement is not completed within 3 months of the date of this committee meeting, authority be delegated to the Assistant Director, City Development to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt within the Section 106 Agreement.

(Report circulated)

17

**PLANNING APPLICATION NO.12/1522/03 - LAND OFF, ENNERDALE WAY, EXETER, EX4 2BJ**

Councillor Morris left the meeting during consideration of this item.

The Assistant Director City Development presented the application for three residential buildings comprising eight flats and one coach house, access to highway, parking and associated works at Land off, Ennerdale Way, Exeter.

Members were circulated with an update sheet - attached to minutes. Revised plans had been received indicating the area of communal open space proposed.

The recommendation was to authorise the Assistant Director City Development to approve the application, subject to the receipt of a Building for Life assessment, revised landscape plans indicating the extent of the communal open space, a financial contribution towards protection of Natura 2000 sites and the conditions as set out in the report.

A management plan was sought in respect of the use of the communal garden area and car parking arrangements.

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

- scheme will contribute to the tidying up and enhancement of the area generally and reduce security problems
- Cornerstone are the largest provider of social housing in the Exwick area

- other Cornerstone schemes in Exeter were well designed
- although some of the existing tenants in the flats adjoining the site will have reduced views, the provision of an improved community area will benefit all and enhance community interaction. This part of the City possessed significant areas of open space for use by residents.

Ms Seaborne (applicant) spoke in support of this application. She raised the following points:-

- Cornerstone is an established Housing Association managing 1,200 homes in Exeter and specialising in affordable housing
- the site has been long identified for nine new affordable homes and grant support is available from the Homes and Communities Agency. The units will be built within an existing estate of 28 homes
- a new landscaping scheme will be provided, to possibly include allotments
- scheme supported by Exeter City Council housing section as it contributes to meeting the significant demand for affordable homes in Exeter
- a range of units will be provided including one bed flats for singles and couples on the first floor and two bed flats for small families and those with disabilities on the ground floor
- close to shops and open space and provides a safe and secure environment for tenants

She responded as follows to Members' queries:-

- a landscape architect has been engaged to deliver a landscape scheme in consultation with the residents
- apart from two objections, the majority of tenants were agreeable to the loss of their garden areas to facilitate a communal garden. There was unanimous support for landscaping the waste ground adjacent to the Civil Service Club
- a parking management plan will be provided

**RESOLVED** that, subject to an additional condition requiring the submission of a management plan for both a communal garden area and car parking arrangements, the application for planning permission for three residential buildings comprising eight flats and one coach house, access to highway, parking and associated works be delegated to the Assistant Director City Development to **approve** subject to the receipt of revised landscape plans indicating the extent of the communal open space, a financial contribution towards protection of Natura 2000 sites and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:-

- a) windows to include materials, means of opening, reveals, cills and headers;
- b) external doors;
- c) rainwater goods;
- d) lighting;
- e) treatment of balcony;
- f) obscure glazing within the first floor windows of the western elevation;
- h) location of site compound

**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.

- 7) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in location shown on drawing no. in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained thereafter.  
**Reason:** To ensure that cycle parking is provided, to encourage travel by sustainable means.
- 8) No part of the development hereby approved shall be commenced until a method of demolition and construction statement, to include details of:
  - a) parking and vehicles of site personnel, operatives and visitors;
  - b) loading and unloading of planting and materials;
  - c) storage of plant and materials;
  - d) programme of works to include measures for traffic management;
  - e) vehicle washdown measures and facilities; and
  - f) provision of boundary hoarding
 have been submitted to, agreed and approved in writing by the Local Planning Authority and carried out in accordance with the agreed details throughout the development works.  
**Reason:** In the interests of public safety and to ensure that adequate on-site facilities are available throughout the development period.
- 9) Construction work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interest of residential amenity.
- 10) No development shall take place unless and until details of swift boxes have been submitted to and approved by the Local Planning Authority in consultation with the RSPB. Thereafter the development shall be carried out entirely in accordance with the approved plan.  
**Reason:** To ensure that the wildlife opportunities associated with the site are maximised in the interests of biodiversity in the locality.
- 11) C70 - Contaminated Land.

(Report circulated)

18

**PLANNING DECISIONS TAKEN UNDER DELEGATED POWERS AND  
WITHDRAWN APPLICATIONS**

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

19

**APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

20

**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 5 March 2013 at 9.30 a.m. The Councillors attending will be Lyons, Edwards and Prowse.

21

**Additional Information Sheet**

(The meeting commenced at 5.30 pm and closed at 9.21 pm)

Chair

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**PLANNING COMMITTEE  
18 FEBRUARY 2013**

**ADDITIONAL INFORMATION**

**Correspondence received and matters arising following preparation of the Agenda**

<p><b>Item 4</b> <b>Pages 1-8</b> <b>Ref: 12/2551/03</b> <b>The Queens Head</b> <b>270 Pinhoe Road</b> <b>Exeter</b></p>	<p>The current licensee of the premises has provided up to date financial information and details of a mortgage to purchase the property. This documentation, and particularly the proof that the licensee has access to the necessary capital, appears to demonstrate that there is no reason why the public house could not become viable in the future based on the business model put forward. Members can therefore attach significant weight to the argument that the pub has a viable future. The question therefore is whether the loss of the pub – as a community facility – is outweighed by the arguments in favour of the foodstore. Officers' view is that, on balance, it is for the reasons discussed in the conclusion to the main report that the recommendation remains unchanged.</p> <p>Other matters:-</p> <p>Additional conditions recommended to require:</p> <p>1) the agreement of and implementation of a scheme for the covered storage of waste, and</p> <p>2) the agreement of the finished floor levels (to mitigate any flood risk from the Northbrook).</p>
<p><b>Item 5</b> <b>Pages 9-12</b> <b>Ref: 12/1720/16</b> <b>33 Pinhoe Road</b> <b>Exeter</b></p>	<p>Three further letters of objection have been received, on similar grounds to those set out and dealt with in the main report.</p> <p>The applicant has now provided a management plan which covers the following:</p> <ul style="list-style-type: none"> <li>• Eligibility &amp; admissions</li> <li>• Refusing referrals</li> <li>• Risk assessments</li> <li>• Staffing</li> <li>• Security</li> <li>• Fire safety</li> <li>• Alcohol and drugs</li> <li>• Accommodation rules</li> <li>• Anti-social behaviour</li> <li>• Serious incidents</li> <li>• Smoking</li> <li>• Animals</li> <li>• Health &amp; safety</li> <li>• Out of hours</li> </ul> <p>Notwithstanding this, it is recommended that condition 3 as set out in the main agenda is imposed to ensure that the plan is properly implemented.</p>

**Item 6**  
**Pages 13-30**  
**Ref: 12/0472/01**  
**Land to North, West & South of**  
**Met Office**  
**Hill Barton Road**  
**Exeter**

Three further representations have been received, raising issues set out in the main report, and the following additional issues:

- There will be unacceptably long waiting times for pedestrians and cyclists at the Hill Barton Road Junction.
- The junction redesign does not adequately address safety and capacity.
- The junction redesign may result in difficulty for vehicles entering and leaving 46 & 48 Hill Barton Road.
- Trip rate data used to assess the impact of the proposal may be out of date or inappropriate.
- The existing junctions and roundabouts in the area are already congested.
- The development should be served by public transport.
- Additional traffic will result in further difficulty leaving Wilton Way, particularly in the morning rush hour.
- Why cannot the Oberon link be provided at the 500 dwelling trigger? This would be simpler, neater and more satisfactory in terms of the proper planning of the area.

In response to these points:

- The primary Hill Barton Road pedestrian/cycle crossing desire line will remain at the existing toucan crossing. The Highway Authority is planning improvements (partially funded by the proposed development) to provide a more formalised Exeter City Centre to East Devon pedestrian/cycle link that will utilise the toucan crossing. The toucan provides an **on demand crossing triggered by use of the push buttons** and is not linked to the new junction signal phasing. Considering the above and the fact that the existing cycle/footway on the eastern side of Hill Barton road terminates before St Lukes School it has been determined that numbers of pedestrian and cyclist using the crossing facilities at the proposed new junction will be low. The Highway Authority has assessed the signal phasing on this basis and has confirmed its acceptance.
- The Highway Authority has made it very clear that the safety and capacity have been properly considered, and the highway advice given reflects this.
- The Highway Authority is satisfied that its advice is based on up-to-date and appropriate data. The Trip Rate used is in accordance with that in the Monkerton Access Strategy submitted as evidence to the Exeter Core Strategy. The trip rate reflects the improved pedestrian, cycle and bus facilities provided internally within the development, through S106 contributions and the Travel Plan. The impacts on the Pinhoe Sainsbury's and Middlemoor junction were calculated not to exceed a 5% increase in traffic flows through the junctions at peak periods. The Highway Authority has confirmed the increased traffic was not significant and no further assessment of the junctions was necessary.
- The Monkerton Access Strategy assessed the overall traffic impact of development in the Monkerton Masterplan area and concluded that with infrastructure improvements and sustainable transport measure the impacts would be mitigation satisfactorily. This development adopts those

sustainable transport measures and provides funding through the Section 106 to the wider highway infrastructure improvements.

- An extension of the A bus service into the development is funded through the S106 transport contributions.
- Additional flows through the Wilton Way roundabout were calculated to be an additional 2% in both the AM and PM peaks. The Highway Authority confirms that the junction is operating within capacity and that the increased flows are not significant and do not necessitate any mitigation measures.
- Provision of a link to Oberon Road is not a specific requirement of the Core Strategy. It is, however, recognised that the link is an aspiration of the Monkerton and Hill Barton Masterplan Study. There is no specific reference to the timing of this link in the Masterplan Study, or the Core Strategy. Although not a specific requirement for the delivery of the site, the applicant has agreed to design the internal road network to enable a link to Oberon Road to be made and enable the desired strategic road to be provided. The link will be provided at an appropriate point of time linked to the phasing of the proposed development and taking account of the Council's desire to secure other strategic infrastructure provision, including the district heating network. The provision of the link road, and the proposed timing, is therefore in accordance with the Masterplan Study.

In order to achieve a permeable network to support the sustainable transport aspirations of the Masterplan Study, the Highway Authority has recommended a variation to condition 27 as follows:

*Unless otherwise agreed by the relevant planning authority (in consultation with the local highway authority), no further development shall take place beyond the first occupation of the 600th dwelling or 5 years from the first occupation of the 500<sup>th</sup> dwelling, whichever is earlier, until:-*

*a) The local planning authority has approved in writing a scheme of works to provide a new vehicular transport link from Oberon Road into the development, including details of access for Ellen Tinkham School.*

*b) The approved works have been completed in accordance with the local planning authority's approval (in consultation with the local highway authority).*

Whilst it is recognised that this represents a "belt and braces" approach to securing the Oberon Road link, the applicants have indicated that this would potentially cause funding difficulties and prevent the provision of other vital infrastructure including district heating. They would be likely to appeal against the imposition of this condition. On balance it is considered that the condition as originally worded in the main agenda will achieve the required outcome without endangering the delivery of housing.

<p><b>Item 7</b>  <b>Pages 31-36</b>  <b>Ref: 12/1619/03</b>  <b>Exeter College</b>  <b>33-36 Queen Street</b>  <b>Exeter</b></p>	<p>Assistant Director Environment has recommended two additional conditions relating to hours of use and noise attenuation.</p> <p>County Head of Planning, Transportation and Environment has recommended three conditions relating to the submission of a Green Travel Plan, the provision of on-site cycle and car parking facilities, and submission of a Construction Traffic Management Plan. The County Head of Planning, Transportation and Environment has also indicated that a financial contribution will be sought towards highway improvements to be secured by S106.</p> <p>The architect has provided an amended drawing showing the installation of two gates at either end of the north elevation. The gates have been included to minimise the risk of unauthorised access and anti-social behaviour.</p> <p>One additional letter of objection has been received. Planning concerns raised related to hours of use, noise and light.</p>
<p><b>Item 8</b>  <b>Pages 37-40</b>  <b>Ref: 12/1707/03</b>  <b>12 Wentworth Gardens</b>  <b>Exeter</b></p>	<p>No further update.</p>
<p><b>Item 9</b>  <b>Pages 41-50</b>  <b>Ref 12/0781/01</b>  <b>Land South of Yeoford Way</b>  <b>Marsh Barton</b>  <b>Exeter</b></p>	<p>No further update.</p>
<p><b>Item 10</b>  <b>Pages 51-56</b>  <b>Ref 12/1522/03</b>  <b>Land off Ennerdale Way</b>  <b>Exeter</b></p>	<p>Revised plans received which indicate the area of communal open space proposed.</p> <p>Building for Life Assessment report produces a score of 10.5 out of 12.</p>