

## **PLANNING COMMITTEE**

Monday 13 January 2014

### **Present:**

Councillor Bialyk (Chair)  
Councillors Spackman, Choules, Denham, Edwards, Mrs Henson, Mitchell, Newby, Owen, Prowse, Sutton, Tippins and Winterbottom

### **Also Present:**

Chief Executive & Growth Director, Assistant Director City Development, Area Planner (PJ), Planning Solicitor and Democratic Services Officer (Committees) (HB)

### **Also Present:**

Highway Development Management Officer (Exeter)

## 1 **MINUTES**

The minutes of the meetings held on 28 October and 2 December 2013 were taken as read and signed by the Chair as correct.

## 2 **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

## 3 **DEFERRAL OF ITEMS**

The Assistant Director City Development reported that the following applications were being deferred to a Special Meeting of this Committee on 20 January 2014. (Min. nos. 6,7,8 and 9).

<u>App. No.</u>	<u>Location</u>
13/4524/01	Housing Site South of A379 & West of Exmouth Branch Line, Newcourt Way, Exeter
13/4525/01	Land South of A379 & East of Newcourt Way, Newcourt Way, Exeter
13/4073/03	Devon & Cornwall Constabulary, Police Headquarters, Middlemoor, Exeter, EX2 7HQ
13/4067/01	Devon & Cornwall Constabulary, Police Headquarters, Middlemoor, Exeter, EX2 7HQ

He reported that all objectors should be advised when the Planning Committee agenda is published to give them an opportunity to come along to meetings and to alert them to the opportunity for both an objector and a supporter to speak. It appeared that not all notifications had gone out in time due to the Christmas and New Year breaks and it was necessary therefore to defer these applications by a week to Monday 20 January to provide a little more time for consideration of these important issues.

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**PLANNING APPLICATION NO 13/3822/03 - EXETER GOLF AND COUNTRY CLUB, TOPSHAM ROAD, EXETER**

This Committee had resolved on 30 September 2013 that it was minded to approve the planning application but deferred a decision to allow Persimmon and the Exeter Golf and Country Club the opportunity to agree a more appropriate solution. It had been agreed that it would receive update reports on progress.

The Assistant Director City Development reported that the exchange of correspondence between the Club and Persimmon, allied to the Christmas break, had meant that progress had not been as quick as would have been hoped. It was the intention to report the matter to this Committee as soon as possible, possibly to the meeting on 17 February 2014.

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**PLANNING APPLICATION NO. 13/4802/01 - LAND AT HOME FARM, CHURCH HILL, PINHOE, EXETER**

The Assistant Director City Development presented the application for outline planning permission for 120 dwellings with associated infrastructure and open space (all matters reserved for future consideration apart from access).

Members were circulated with an update sheet - attached to minutes.

The Assistant Director City Development reported that two additional letters of objection had been received raising similar issues to those set out in the report and with reference also to flooding problems over the Christmas period. The Environment Agency had not objected, subject to the development proceeding in accordance with the submitted Flood Risk Assessment. The Devon Wildlife Trust had expressed concern that the proposal did not demonstrate that there would be no net loss of biodiversity. Further information was required relating to how much hedgerow would be lost and how much is proposed to be replaced to mitigate the impact. A site visit had been held.

Councillor Macdonald, having given notice under Standing Order No. 44, spoke on the item with reference to three circulated documents and photographs to back her statement. She supported the recommendation, requesting the refusal of the application and asking that, in addition to the reasons set out in the report, the following three additional reasons also be added:-

- Flooding – flood risk analysis and flood relief plan are not persuasive
  - no evidence that every existing source of potential flood-water was identified for consideration in the applicant's calculations of what is needed to prevent the proposed development causing flooding;
  - the applicant admits that its own calculations do not cover the entire site;
  - balancing ponds are not suitable for use high up on a steep hillside area;
  - the proposed solution is dependent on regular maintenance and there is no indication of who will carry this out;
  - applicant does not recognise existing inadequacies of the rainwater capture and control system further downhill than Harrington Lane/Gardens;
  - no offer of funding is made to sort out known flooding problems; and
  - the applicant assumes that Devon County Council will take over the management of the ponds and crates.
- failure by the applicant's documentation to allay concerns about how the foul sewerage system in the area would cope with another 120 households and insufficient information on the foul sewer connections; and

- Devon Wildlife Trust make it clear that the planning application proposal, although referring to wildlife features, is inadequately silent when it comes to the essential points which the National Planning Policy Framework expects to see.

She provided detailed evidence to back each of the above additional reasons for refusal including:-

- flood risk – her two flooding related reports, correspondence from South West Water’s Development Co-ordinator confirming that the response to the proposal only covered SWW owned sewer systems, reference to a number of admissions within its Flood Risk Analysis and correspondence from local residents;
- foul sewer - lack of detailed information from the applicant of any proposals it may have for foul sewage and from SWW of its capability to accommodate the extra capacity; and
- Bio-diversity - no indication, in response to Devon Wildlife Trust’s concerns, of proposals with regard to the hedgerows and comments of a resident’s son with a doctorate in ecology on the quality of the ecological survey.

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

- 126 letters of objection had been received to the scheme which is contrary to the Exeter Local Plan First Review which gives it important “Landscape” status, safeguarding Exeter’s distinctiveness and character;
- it is contrary to the Revised 2013 Strategic Housing Land Availability Assessment where the Council has proved that there is enough housing to supply its needs;
- contradicts the recent planning refusal, on appeal, for just one dwelling nearby, the reasons stated for refusal including its proposed location on the ridge, the partial erosion of the landscape’s open character, the site is emphasised over the quarry and other developments which are not in a protected area and it would harm the character and appearance against Policy LS1 and CP16 in the Core Strategy;
- Church Hill is narrow, steep, on the ridge line and not conducive to people walking or cycling to school, work or shops;
- site access is poor and the proposed priority narrowing is impractical with high banks on either side making any improvements impossible. The access for emergency vehicle would also be less than ideal;
- there is little connectivity to public transport links;
- highways nearby are already unsafe, with dangerous parking outside the school and traffic congestion, chronic tailbacks and severe motorist frustration at the double mini roundabouts;
- the nearest bus and railway stations are too far for most people to walk, especially with a steep hill for the return trip;
- the RSPB had expressed concern that the development will cause harm to protected wildlife and the Devon Wildlife Trust are concerned at the loss of biodiversity habitat, particularly because of the presence of bats, including rare woodland Barbastelle Bats;
- the area suffers from significant flooding problems and the mitigation measures proposed by the developer do not go far enough; and
- to grant permission would give the green light to other unacceptable developments and significant developer land grabbing activity.

The recommendation was for refusal.

**RESOLVED** that:-

- (1) outline planning permission for 120 dwellings with associated infrastructure and open space (all matters reserved for future consideration apart from access) be **REFUSED** for the following reasons:-
- 1) The proposal is contrary to the National Planning Policy Framework 2012, Policies CP1, CP4 and CP16 of the Exeter Local Development Framework Core Strategy 2012, Saved Policies H1, H2 and LS1 of the Exeter Local Plan First Review 1995-2011, and policies DD9, DD21 and DD30 of the emerging Exeter Draft Development Delivery Development Plan Document 2013, because:
    - a) the proposal would harm the landscape setting of the city through development of protected land of particular importance to the setting of the city and of intrinsic landscape value in itself;
    - b) adequate information has not been submitted to demonstrate that the proposal is acceptable in terms of access and impact on the highway network; and,
    - c) it would set an undesirable precedent for other nearby residential development proposals that individually, or collectively, would harm the character of the area;
  - 2) In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which makes provision for a contribution towards affordable housing, the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Policy CP7, Exeter Local Plan First Review 1995-2011 Saved Policy H6 and Exeter City Council Affordable Housing Supplementary Planning Document 2013; and
- (2) the Assistant Director City Development be granted delegated authority to add any further reasons for refusal after research into the issues raised by the Councillor attending under Standing Order No 44.

6 **PLANNING APPLICATION NO. 13/4524/01 - HOUSING SITE SOUTH OF A379 AND WEST OF EXMOUTH BRANCH LINE, NEWCOURT WAY, EXETER**

The application was deferred until a Special Meeting of this Committee on 20 January 2014.

7 **PLANNING APPLICATION NO. 13/4525/01 - LAND SOUTH OF A379 AND EAST OF NEWCOURT WAY, NEWCOURT WAY, EXETER**

The application was deferred until a Special Meeting of this Committee on 20 January 2014.

8 **PLANNING APPLICATION NO. 13/4073/03 - DEVON AND CORNWALL CONSTABULARY, POLICE HEADQUARTERS, MIDDLEMOOR, EXETER, EX2 7HQ**

The application was deferred until a Special Meeting of this Committee on 20 January 2014.

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**PLANNING APPLICATION NO. 13/4067/01 - DEVON AND CORNWALL  
CONSTABULARY, POLICE HEADQUARTERS, MIDDLEMOOR, EXETER, EX2  
7HQ**

The application was deferred until a Special Meeting of this Committee on 20 January 2014.

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**PLANNING APPLICATION NOS. 13/4660/03 AND 13/46661/07 - KALENDAR  
HALL, SOUTH STREET, EXETER, EX1 1DZ**

The Area Planner presented the application for planning permission for demolition of existing building, construction of performing arts and teaching facility and two retail units including improvements to public realm.

Members were circulated with an update sheet - attached to minutes.

One additional objection had been received from a local resident concerning the building's height, appearance and the use of polycarbonate material.

The Area Planner reported that the polycarbonate boxes at first and second floor level on the front façade had been replaced by glazing and that a lighting/management scheme for the glazing would be sought by condition. The usual conditions for a Listed Building would be added to the permission as they had been omitted from the Committee report.

The recommendation was for approval subject to the conditions as set out in the report and an additional condition requiring a lighting management strategy.

**RESOLVED** that planning permission for demolition of existing building, construction of performing arts and teaching facility and two retail units including improvements to public realm 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 18 October 2013 (dwg nos. 0955 L01.00 rev A; 0955 L01.01 rev A; 0955 L01.02 rev A; 0955 L01.03 rev A; 0955 L01.04 rev A; 0955 L02.01 rev C; 0955 L02.02 rev C; 0955 L03.01 rev B; 0955 L04.01 rev C; 0955 L04.02 and rev C; 0955 L04.07) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) Notwithstanding the requirements of Condition 2 of this planning permission, no work shall commence on either phase of development hereby approved until full details of the following, insofar as they relate to that phase of development, 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 of the Vicars Choral;
- e) refuse storage;
- f) CCTV cameras and location.

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

- 5) No part of the development hereby approved shall be brought into its intended use until the provision of secure cycle parking facilities to serve the site has been agreed, in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.
- 6) A Construction Environmental Management Plans (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site, with the exception of demolition, and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic, the effects of piling, and emissions of noise and dust. The CEMPs 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 works, in order to discuss forthcoming work and its environmental impact.  
**Reason:** In the interest of the site environment and surrounding areas.
- 7) Details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope, to be submitted to and approved in writing by the LPA. The predicted noise levels shall be submitted prior to commencement of the development and shall be demonstrated by measurement or calculation prior to occupation of the development.  
**Reason:** In the interests of residential amenity.
- 8) No demolition/construction work shall not take place outside the following times: 8am to 6pm Mondays to Fridays, 8am to 1pm on Saturdays nor at any time on Sundays, Bank Holidays or Public Holidays.  
**Reason:** In the interests of residential amenity.
- 9) The theatre/performance area use hereby approved shall not be carried on other than between the hours of 8am and 11pm on any day.  
**Reason:** So as not to detract from the amenities of the near-by residential property.
- 10) The development hereby approved shall not commence until details of the proposed finished floor levels and overall height of the building, in relation to an agreed fixed point or O.S. datum have been submitted to, and been approved in writing by, the Local Planning Authority.  
**Reason:** To protect the existing character and appearance of the streetscene.
- 11) C57 - Archaeological Recording.
- 12) the building shall not be occupied until a Light Management Strategy has been submitted and approved in writing by the Local Planning Authority. The Strategy shall include levels of light intensity, times of operation, a

maintenance schedule and display method examples. A review of the Strategy shall be undertaken and submitted within six months of the commencement of the lighting facility and agreed in writing by the Local Planning Authority. The lighting shall operate in accordance with these approved details at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interest of visual amenity and insufficient information has been submitted with the application.

**RESOLVED** that listed building consent for demolition of existing building, construction of performing arts and teaching facility and two retail units including improvements to public realm be **APPROVED**, subject to the following conditions:

- 1) C08 - The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To comply with section 18 of the Planning (Listed Buildings and Conservation Areas) 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 18 October 2013 (dwg nos. 0955 L01.00 rev A; 0955 L01.01 rev A; 0955 L01.02 rev A; 0955 L01.03 rev A; 0955 L01.04 rev A; 0955 L02.01 rev C; 0955 L02.02 rev C; 0955 L03.01 rev B; 0955 L04.01 rev C; 0955 L04.02 and rev C 0955 L04.07) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C17 - 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) Notwithstanding the requirements of Condition 2 of this planning permission, no work shall commence on either phase of development hereby approved until full details of the following, insofar as they relate to that phase of development, 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 of the Vicars Choral;
  - e) refuse storage;
  - f) CCTV cameras and location.**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 5) C57 - 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.

11 **PLANNING APPLICATION NO. 13/4843/03 - PORTLAND HOUSE, LONGBROOK STREET, EXETER, EX4 6AB**

The Assistant Director City Development presented the application for a variation of condition two to approve amended drawings showing additional accommodation at level six (Ref No 11/0895/03 granted 16-01-2012).

Members were circulated with an update sheet - attached to minutes.

Mr Hill spoke in support of the application. He raised the following points:-

- Vitastudent operated nationally offering quality accommodation for students which they believed to be the best in the market. This was therefore a high quality investment;
- the six studio flats proposed at the top of the building would be well designed and provide excellent views. They would be of premium value and were crucial to the viability of the scheme;
- there was a 40% reduction from the number of flats previously sought for the top floor and they would be set back from the front of the existing building.
- students would not be able to access the roof and communal facilities were to be provided in the basement. There would be a 24/7 management/warden presence; and
- there was minimal difference to the approved scheme and the development would make a positive difference to the economy and built environment of the City.

Responding to Members, the Assistant Director City Development confirmed that an earlier application for the studio flats was being appealed and that he was not in a position to provide information on the finances of the scheme.

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

**RESOLVED** that planning permission for variation of condition two to approve amended drawings showing additional accommodation at level six (Ref No 11/0895/03 granted 16-01-2012), be **REFUSED** because the proposal is contrary to the National Planning Policy Framework 2012 (particularly having regard to paragraphs 64, 132 & 134), Exeter Local Development Framework Core Strategy 2012 policy CP17, Exeter Local Plan First Review 1995-2011 Saved Policies C1, DG1 (a,b,c,d,e,f,g,h) and DG4 (a & b) and Exeter St James Neighbourhood Plan (March 2013) policies D1a, C2 & H1 because by reason of the increased massing of the building:

- (a) it would have an unacceptably increased overbearing and overshadowing impact on the amenity of occupants of nearby buildings in Longbrook Street compared with the previously approved scheme; and
- (b) it would detract from the character and appearance of the Longbrook Conservation Area.

**PLANNING APPLICATION NO. 13/4806/03 - FORMER IBSTOCK BRICKWORKS  
SITE, LAND OFF HARRINGTON LANE, EXETER**

The Assistant Director City Development presented the application for planning permission for variation to condition two of planning permission 11/1800/03 to allow re-siting of previously approved residential units, alterations to house types, minor highway realignment and six additional dwellings.

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

**RESOLVED** that planning permission for variation to condition two of planning permission 11/1800/03 to allow re-siting of previously approved residential units, alterations to house types, minor highway realignment and six additional dwellings be **APPROVED**, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990, securing two additional affordable housing units and subject also 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 *date (dwg.nos.)*, 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 no building within the development shall be started before the samples for that building have been approved 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) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order, 1995 (and any Order revoking and re-enacting that Order with or without modification), no development of the types described in the following Classes of Schedule 2 shall be undertaken on plots xx-xx (as shown on drawing xx) without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-
  - Part 1, Class A (extensions and alterations)
  - Part 1, Classes B and C (roof addition or alteration)
  - Part 1, Class D (porch)
  - Part 1, Class E (swimming pools and buildings incidental to the enjoyment of the dwellinghouse)
  - Part 1, Class F (hard surfaces)**Reason:** In order to protect residential amenity and to prevent overdevelopment.
- 5) A detailed scheme for landscaping for the care home site and the residential development site, 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 together or separately, and no development shall take place until the Local Planning Authority have approved the scheme(s); such scheme(s) 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(s). The landscaping shall thereafter be implemented in accordance with the approved scheme(s) 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.

- 6) Any trees, shrubs and/or hedges on or around the site (other than those permitted to be felled by this permission) 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.
- 7) C37 - Replacement Planting.
- 8) No materials shall be brought onto the care home site or the residential site and no development shall be commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained on either site, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission on either site is completed unless otherwise agreed in writing by the Local Planning Authority. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.  
**Reason:** To ensure the protection of the trees during the carrying out of the development.
- 9) Prior to the commencement of development, a Landscape and Habitat Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved document.  
**Reason:** In the interests of securing a comprehensive approach to the preservation and enhancement of the landscape and ecological interest of the site.
- 10) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority (LPA)), the following components of a scheme to deal with the risks associated with contamination of the site, including gas migration, shall each be submitted to and approved, in writing, by the LPA:
  - 1) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

**Reason:** To protect controlled waters and in the interests of residential amenity.

- 11) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA)) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved. In addition, to prevent pollution, any oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.  
**Reason:** To protect controlled waters.
- 12) No building shall be built until a foundation risk assessment for that building has been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the conclusions of the assessment.  
**Reason:** In order to ensure that piling does not create new migration pathways for contamination.
- 13) A comprehensive residential travel plan, to be agreed in writing by the Local Planning Authority, in relation to development of the site should be provided, operated and maintained.  
**Reason:** To ensure that sustainable (non private car) trips to and from the site are maximised.
- 14) The proposed estate roads, footways, footpaths, cycle routes, junctions, verges, 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 as appropriate for any part of the development shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before construction of that part of the development 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.

15) Prior to occupation of any dwelling hereby permitted, cycle parking shall be provided for that dwelling or the care home in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be maintained at all times thereafter.  
**Reason:** To ensure that cycle parking is provided, in accordance with Local Plan policy T3, to encourage travel by sustainable means.

16) Prior to commencement of the development, 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) details of routes, road crossings, bridges, surface treatments, lighting, street furniture and signage;

(b) a programme for implementation synchronised with the progressive occupation of the development; and

(c) 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.

**Reason:** To ensure that the pedestrian and cycle routes are provided and maintained in accordance with Local Plan policy T3, to encourage travel by sustainable means.

17) No development shall take place until details of the sustainable urban drainage design serving that part of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details.

**Reason:** In the interests of sustainability, and visual and local amenity.

18) No construction work shall be undertaken, or machinery operated, within the site outside the hours of 0800 to 1800hrs Mondays to Fridays, 0800 to 1300hrs on Saturdays, nor at any time on Sundays or public holidays without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of the residential amenity of the occupants of surrounding property.

19) A Construction Environmental Management Plan (CEMP) for the development 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 development during the construction and demolition phases, including site traffic, the effects of piling, and emissions of noise and dust. The CEMPs 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 works, in order to discuss forthcoming work and its environmental impact. **Reason:** In the interest of the environment of the site and surrounding areas.

20) Prior to the commencement of any development adjacent to the boundary with the adjacent employment land, detailed plans, including sections of

the proposed noise attenuation features, along with a timeframe for their implementation, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details and no building intended for residential use adjacent to this boundary shall be occupied until the noise attenuation feature has been completed in accordance with the approved details.

**Reason:** In the interests of the residential amenity of the future occupants of buildings within these phases of the development.

- 21) A detailed scheme(s) for the treatment of the boundary of the site with all adjoining land including the planting of trees and/or shrubs and walls and fences shall be submitted to the Local Planning Authority and no development on any particular part of the site shall take place until the Local Planning Authority have approved a scheme(s); such scheme(s) 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(s). The boundary treatment shall thereafter be implemented in accordance with the approved scheme(s) 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.

- 22) No dwelling hereby approved shall be occupied until the applicant has submitted a SAP calculation which demonstrates that a 10% reduction in CO2 emissions over that necessary to meet the requirements of the Building Regulations current at the time of Building Regulations approval can be achieved through the use of decentralised and renewable or low carbon energy sources. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site.

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

- 23) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes Level 4 (including a 44% CO2 emissions rate reduction from Part L 2006) as a minimum, and a CSH Level 5 (Zero Carbon) if commenced on or after 1 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.

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

- 24) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority a Design Stage CSH assessment including 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. Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until an application for a Final Code Certificate has been made seeking certification 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 a Final Code Certificate to demonstrate that a Final Code Level of 4 or 5 has been achieved as required above.

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

- 25) Where construction of any dwelling hereby permitted has not been commenced before 1 January 2016, the Local Planning Authority shall be notified in writing of the identity of those dwellings for which construction has commenced before 1 January 2016, within 10 working days following that date.

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

13

**LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

14

**ENFORCEMENT PROGRESS REPORT**

The Assistant Director City Development presented the report updating Members on enforcement matters.

**RESOLVED** that the report be noted.

(Report circulated)

15

**APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

16

**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party be held on Tuesday 4 February 2014 at 9.30 a.m. The Councillors attending will be Denham, Newby and Spackman.

**Additional Information Circulated after Agenda Dispatched - circulated as an appendix**

(The meeting commenced at 5.30 pm and closed at 7.43 pm)

Chair

# Minute Annex

## PLANNING COMMITTEE 13 JANUARY 2014

### ADDITIONAL INFORMATION

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

<p>Items 6 to 9 - Applications by the Police/Morrisons at Middlemoor and IKEA at Newcourt are deferred to the reserve date of 20 January.</p> <p>We contact all objectors when the Planning Committee meeting agenda is published to give them an opportunity to come along and listen to the debate and to let them know there is an opportunity for an objector and a supporter to speak. It appears that not all notifications went out in time due to the Christmas and New Year breaks. We want to give the public adequate notice so these applications are deferred by a week to Monday 20 January. This will provide a little more time for consideration of these important issues.</p>	
<p>Item 5 Pages 5-20 Ref: 13/4802/01 Land at Home Farm Church Hill Pinhoe Exeter</p>	<p>Two additional letters of objection have been received, raising similar issues to those set out in the report, and also referring to flooding in the area during the Christmas period, which it is feared would be exacerbated by the development.</p> <p>The Environment Agency has advised that there is no objection subject to the development proceeding in accordance with the submitted Flood Risk Assessment.</p> <p>Devon Wildlife Trust has expressed concern that the proposal does not demonstrate that there would be no net loss of biodiversity. Further information is required relating to how much hedgerow would be lost, and how much is proposed to be replaced to mitigate the impact.</p>
<p>Item 10 Pages 93-104 Refs: 13/4660/03 and 13/4661/07 Kalendar Hall South Street Exeter</p>	<p>Members are advised that the main front external material is to be changed from polycarbonate to glass. The architects are providing further details to demonstrate its appearance, maintenance, longevity and appropriateness within a technical/design statement. This additional information will be available at the meeting.</p> <p>One additional objection has been received from a local resident concerning the building's height, appearance and the use of polycarbonate material. This objection is supported by Cllr Brock.</p>
<p>Item 11 Pages 105-112 Ref: 13/4843/03 Portland House Longbrook Street Exeter</p>	<p>One additional letter of objection has been received on the grounds that the building is already so tall that it is out of scale with the rest of the street, and another floor would make this worse.</p> <p>The issue of scale and massing is discussed in the main report.</p>
<p>Item 12 Pages 113-122 Ref: 13/4806/03 Former Ibstock Brickworks Site off Harrington Lane, Exeter</p>	<p>No further information.</p>

**PROPOSED FENCE AT EXETER GOLF AND COUNTRY CLUB, TOPSHAM ROAD**  
**Application Ref. 13/3822/03**

Update report to Planning Committee 13 January 2014

**Planning Committee is not being asked to make a decision**  
**at this meeting, this is not a discussion item**

Planning Committee resolved on 30 September 2013 that it was minded to approve the planning application but deferred a decision to allow Persimmon and Exeter Golf & Country Club the opportunity to agree a more appropriate solution. It was agreed that it would receive oral reports on progress.

Following an initial exchange of correspondence on their positions (Persimmon 3 Oct and EG&CC 1 & 4 Oct), EG&CC and Persimmon met on 11 October. This was followed by further correspondence (Persimmon 14 Oct and 28 Oct and EG&CC 22 Oct and 6 Nov).

There was no further dialogue then on 20 November EG&CC requested that the matter be reported back to Planning Committee on 2 December following a lack of progress. The ADCD then sought to take a more active role as a mediator to try and get the parties together. The Chief Executive met Persimmon on 27 November and the ADCD and Development Control Manager met Persimmon on 29 November. Persimmon indicated that it would be writing to the Council with a compromise proposal to resolve EG&CC's problem with insurance. This proposal was received by letter on 5 December. The main provision was 'Persimmon Homes will provide an insurance policy to protect the boundaries that are affected for the Golf Club to enter into at no extra cost to the club over existing policy.'

The ADCD contacted EG&CC on 9 December to pass on Persimmon's proposal, to seek a mandate to enable Persimmon to get a quote and to try and set up a meeting to explore whether this was a realistic option. EG&CC responded that it would provide a mandate and sought a meeting before Christmas, however, this could not be arranged until 6 January due to Persimmon's year end. ADCD indicated it would not then be possible for Planning Committee to make decision on 13 January, this written update would be prepared and the matter reported to Planning Committee, if necessary via a special meeting, as soon as issues are sufficiently resolved to determine the nature of any compromise

The meeting on 6 January was attended by both parties and their insurance advisors. Both parties appear to agree that insurance is presently available, however, if there are claims it may be more expensive and/or difficult to secure in the longer term. Persimmon argue this is no different to the present situation or any insurance position. EG&CC agreed to provide claims history and other information to enable Persimmon to obtain a quotation. Debate also focused on the relative merits and costs of the current proposal for fencing against reorientation of holes and lower fences. EG&CC will provide costings for the Council and Persimmon to verify. While Persimmon has so far stated it will not contribute to costs, it recognises that solutions require compromise.

A further meeting has been arranged for the 29 January when insurance quotes and cost information should be available.