

PLANNING COMMITTEE

Monday 4 September 2017

Present:

Councillor Gottschalk (Chair)
Councillors Bialyk, Denham, Edwards, Harvey, Mrs Henson, Morse, Newby, Prowse, Sutton and Spackman

Apologies:

Councillors Lyons and Foale

Also Present:

Chief Executive & Growth Director, Director, City Development Manager, Principal Project Manager (Development) (MH) and Democratic Services Officer (Committees) (HB)

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MINUTES

The minutes of the meetings held on 24 April, 22 May and 26 June 2017 were taken as read and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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PLANNING APPLICATION NO. 17/0440/02 - PHASE 2, LAND NORTH, WEST AND SOUTH OF MET OFFICE, HILL BARTON ROAD

The Principal Project Manager (Development) (MH) presented the application for the reserved matters application for construction of 116 dwellings and associated works (Phase 2 development area).

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

The Principal Project Manager advised that, following consideration by the Planning Member Working of the wider access issues in the area, Members had sought clarification on the legal/planning position in respect of the future composition of the commercial land in relation to access arrangements. He advised that this was purely a matter for planning judgement. In addition to information on the update sheet he reported that the agent for the developer of the commercial land had reiterated concerns in respect of the proposed layout, removal of the hedgerow, the nature of the acoustic fence, landscaping details and the need for a physical barrier for the proposed bus link. The agent had sought further information on the three road layout options put forward through a revised unilateral undertaking and the need for technical drawings to be provided on connections between the developments

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

- do not object to the housing, but only seek clarity on three key boundary matters and request deferral for more consideration;

- the layout is driven by higher density and do not object to this principle, however the opportunity has been missed for the main road to run along the hedge boundary to act as a further buffer from the noisy commercial scheme, instead housing now directly borders the boundary hedge, in some cases within 10 metres from a consented noisy service yard. The outline consent proposed to retain the 200m length of hedge, yet the commercial developer was only advised on 1 September that the hedge will be removed to ensure adequate parking and gardens are provided with the new boundary being the acoustic fence;
- the photos show this 150 year hedge to be in a very healthy condition, acting as a 7 metre screen between residential and commercial sites, yet for its own convenience the applicant wishes to ignore their outline consent and ecology assessment and remove this hedge out. There is no justification to remove and the hedge should remain and the acoustic fence delivered on the northern side of the hedge line, at present it is not. Together they would make an effective boundary between residential and commercial;
- an acoustic fence is proposed to solve all the noise concerns and this matter is put sharply into focus if the hedge is now being ripped out. This was not clarified at the last committee meeting. But will the fence solve the problems? To serve the purpose it is likely a 5-6metre acoustic fence is required. This would be a high unsightly fence. Planning should be secured for this fence as part of this application To ensure this application is sound, deliverable and provides the comfort of ripping out this historic 200m hedge;
- no landscaping details have been included and it is not felt that the application can be determined absent of those details;
- a tighter drafting of the acoustic condition has been requested, with the specification reflecting the proposed/likely noise via commissioned assessments from the commercial operators, but this has not been agreed by officers;
- some junction designs have been secured via an undertaking, yet no documents have been provided since the last committee meeting and fair representation can not therefore be made. Working drawings have been requested to understand how road links/levels may work between the two schemes but not provided. A deferral is therefore sought;
- support highways in offering the bus link in the future, however, the bus only link must be enforced via a control mechanism not just signage. A signage only link will be utilised by private cars and condition three needs to drafted to reflect this;
- at the last meeting the highways officer confirmed the concern that a full vehicular link would be a heavily used rat run and lead to issues with junction performance. Sight of the junction layouts are required; and
- clarity and a deferral to understand the above issues is requested.

He responded to Members' queries as follows:-

- the retention of the hedge is important to act as an additional acoustic barrier to the fence as it will be next to the service yard of the commercial development which is likely to be noisy. This may impact on the ability of the commercial developer to attract interest in the site;
- Persimmon have put forward the road layout in order to maximise the number of units that can be included in the development;
- the commercial developer, having maintained the hedge for some 65 years, can continue to do so if it is retained;
- the suggestion of a bus link only may discourage access to the commercial site by residents of the new development but this is the County Council's suggestion and detailed plans have not been made available.

Members welcomed the proposals contained in the unilateral undertaking and the retention of the link between the two sites. Greater co-operation between developers was required in general terms and it was suggested that future land allocation, particularly through the Greater Exeter Strategic Partnership process, was one way of helping to facilitate this.

The recommendation was for approval, subject to an appropriate Unilateral Undertaking and the conditions as set out in the report.

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 regarding the construction of a road link up to the ownership boundary and the payment of a required financial contribution to the County Council of £75,000 towards potential means of control over use of the highway connection to the adjoining land planning permission for the reserved matters application for construction of 116 dwellings and associated works (Phase 2 development area) be **APPROVED**, subject to the following conditions:-

- (1) All conditions imposed on application number 14/0832/03 are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- (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 22nd & 26th June and 6th July 2017 (including dwg. nos. Location Plan, 120 Rev P7, 121 Rev P4, GA-02 Rev P1, 122 Rev P2, 123 Rev P3, PL500-1 Rev P2, PL500-2 Rev P2, PL500-3 Rev P2, PL501-1 Rev P2, PL501-2 Rev P2, PL501-3 Rev P2, PL501-4 Rev P2, PL501-5 Rev P2, PL501-6 Rev P2, PL501-7 Rev P2, PL502-1 Rev P2, PL502-2 Rev P2, PL502-3 Rev P2, PL503-1 Rev P1, PL503-2 Rev P1, PL503-3 Rev P1, PL503-4 Rev P1, PL504-1 Rev P2, PL504-2 Rev P2, PL504-3 Rev P2, PL504-4 Rev P2, PL504-5 Rev P2, PL504-6 Rev P2, PL505-1 Rev P2, PL505-2 Rev P2, PL505-3 Rev P2, PL506-1 Rev P3, PL506-2 Rev P3, PL506-3 Rev P3, PL506-4 Rev P3, PL506-5 Rev P3, PL506-6 Rev P3, PL507-1 Rev P2, PL507-2 Rev P2, PL507-3 Rev P2, PL507-4 Rev P2, PL507-5 Rev P2, PL508-1 Rev P2, PL509-1 Rev P2, PL509-2 Rev P2, PL509-3 Rev P2, PL509-4 Rev P2, PL510-1 Rev P2, PL510-2 Rev P2, PL510-3 Rev P2, and PL510-4 Rev P2) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) No more than 65 of the dwellings included within this application shall be occupied until the road outside plot 246 has been constructed up to the boundary of the applicant's land ownership with the adjoining land to the south (safeguarding a potential bus route), as indicated on Drawing Number 120 Rev P7, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the full extent of the road up to the said boundary shall be included within any Highway Adoption agreement in respect of this development.
Reason: To provide adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.
- (4) The pedestrian/cycle connections from the development to the adjoining combined foot/cycle path, located adjacent to plot 247 and between plots 262 & 263, shall be constructed and made available for use by the public in accordance with details (including a timeframe) that shall be submitted to

and approved in writing by the Local Planning Authority prior to occupation of 50% of the dwellings included within this application.

Reason: In the interests of permeability and maximisation of opportunities for the adoption of sustainable transport choices in connection with both travel to work and recreation by residents of the development and their visitors.

- (5) The acoustic fence along south-east boundary of the site between plots 205 and 246, as indicated on drawing no. 121 Rev P4 (Materials & Boundary Treatment Plan), shall be constructed prior to occupation of any dwellings bordering it in accordance with further details/specification which shall previously have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of the residential amenities of the potential occupants of those properties bordering the adjoining commercial land, and to protect the interests of the adjoining land owner in relation to the carrying out of lawful operations associated with the commercial use of the adjoining land.

- (6) No part of the development hereby approved shall be commenced until details (including timeframe for delivery) of a proposed pedestrian/cycle connection of a minimum 3 metre width between the Met Office path and the southern boundary of the site between the parking for plots 227/228 have been submitted to and approved in writing by the Local Planning Authority. Thereafter the said connection shall be constructed in accordance with those details up to the boundary of the applicant's land ownership with the adjoining land to the south prior to the first occupation of more than 65 dwellings included within this application, or such other trigger agreed in writing by the Local Planning Authority as part of the details to discharge this condition.

Reason: In the interests of permeability and encouragement of the use of sustainable modes of transport.

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PLANNING APPLICATION NO.17/0946/03 - THE QUAY BRIDGE, EXETER FLOOD DEFENCE SCHEME

The City Development Manager presented the application for Exeter's Flood Defence Scheme. Variation to approved scheme at Quay Bridge (ref. 15/0172/03): Introduction of a headwall to leat downstream of Quay Bridge. Masonry-clad headwall with bottom-hinged flap gate, glass parapet and access walkway, together with a connecting demountable flood defence barrier system.

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

The City Development Manager advised that, following consideration at the Planning Committee meeting on 31 July when permission had been refused as it had not been demonstrated that the benefits of an increase from 1 in 75 year to 1 in 100 year standard of flood protection outweighs the harm to the setting of listed buildings or to the desirability of preserving or enhancing the character or appearance of the Riverside Conservation Area, Members had met with Environment Agency representatives on site on 22 August 2017.

It had been recognised on site that alternative options were not feasible and that, although there would be some impact on the valuable heritage of the Quay, the need to protect homes in the event of flooding was paramount.

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

- the project is to reduce flood risk to families and businesses and allow Exeter to thrive and the proposal was the only opportunity to reduce flood risk for this iconic location and prevent an excess of 100 homes and businesses being put at greater risk of flooding;
- the design is the result of nearly a year's discussions and compromise between officers from the Environment Agency, Exeter City Council and Devon County Council and from outside experts, representing heritage and engineering. It is the best design that can be submitted; and
- the defences proposed will sit sensitively within the Quay and will help frame the historic Quay Bridge and Custom House but will not draw attention away from their architectural features, apart from, perhaps, the gas pipework across the bridge).

Members recognised the need to avoid flooding problems in the area, similar to those experienced elsewhere in the country during adverse weather conditions, and therefore supported the application.

The recommendation was for approval.

RESOLVED that planning permission for Exeter's Flood Defence Scheme. Variation to approved scheme at Quay Bridge (ref. 15/0172/03): Introduction of a headwall to leat downstream of Quay Bridge. Masonry-clad headwall with bottom-hinged flap gate, glass parapet and access walkway, together with a connecting demountable flood defence barrier system be **APPROVED**, subject to conditions, the wording of which to be delegated to the City Development Manager, subject to prior consultation with the Chair of this Committee.

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

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APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

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SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 19 September 2017 at 9.30 a.m. The Councillors attending will be Prowse, Morse and Gottschalk.

Additional Information Attached after Agenda Dispatched - circulated as an appendix

(The meeting commenced at 5.30 pm and closed at 6.17 pm)

Chair

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PLANNING COMMITTEE

4 SEPTEMBER 2017
ADDITIONAL INFORMATION

Correspondence received and matters arising following preparation of the Agenda

Item 5

Application Ref: 17/0440/02

Pages 5-18

Phase 2, Land north, west and south of Met Office, Hill Barton Road

Further representations have been received from the owners of the adjoining commercial land, and their agent, re-iterating previous objections and highlighting the following points –

- Irrespective of the proposed road connection shown on submitted plans there is potential for non-delivery of a reciprocal connection from the commercial land side if the number of houses delivered on the Hill Barton site is below the threshold triggering required connection to Oberon Road. This is because a previous condition attached to development of the commercial land only required them to provide their part of the connection once the Oberon Road link is delivered.
- Lack of clarity over location of the proposed road connection and relative land levels between sites being appropriate to facilitate the road connection between them. Similar point made regarding the other potential pedestrian link.
- Adequacy of proposed condition regarding acoustic fence to protect residential amenities of potential occupants of dwellings given proximity to potential commercial development on adjoining land.
- Loss of hedgerow along boundary with commercial land – query necessity and ecological impact.
- Suggest provision of a temporary car park on residential site, in lieu of some of the houses, to facilitate more convenient access for residents of development to potential commercial facilities on adjoining site.

Further negotiations with the applicant regarding nature of potential road connection to be provided on their side of the boundary with the commercial land, along with content of an appropriate associated Unilateral Undertaking, are still taking place. The outcome of these negotiations will be reported at Committee.

Item 6

Application Ref: 17/0946/03

Pages 19-28

The Quay Bridge, Exeter Flood Defence Scheme

The Environment Agency, on behalf of the partnership of the Environment Agency, Devon County Council and Exeter City Council, has submitted an additional statement of support for the proposal. The statement seeks to further explain the limited options available, the design constraints, and to demonstrate that the scheme has taken account of relevant local and national planning policies.

A copy of the statement is attached.

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