

PLANNING COMMITTEE

Monday 27 June 2011

Present:-

Councillor Bialyk (Chair)
Councillors Macdonald, Clark, Denham, Edwards, Mrs Henson, Mrs J Morrish, Newby, Spackman, Sutton and Winterbottom

Also Present

Director Economy and Development, Head of Planning and Building Control, Development Manager, Planning Solicitor, Trainee Legal Executive and Member Services Officer (HB)

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DECLARATIONS OF INTEREST

Members declared the following personal interests:-

COUNCILLOR	MINUTE
Macdonald	60 and 61 (Member of the RSPB)
Sutton	60 and 61 (Member of the RSPB)

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PLANNING APPLICATION NO.10/2088/01 - LAND AT PINHOE QUARRY, HARRINGTON LANE, EXETER

Councillors Macdonald and Sutton declared personal interests as members of the RSPB.

The Head of Planning and Building Control presented the planning application for full permission for re-profiling of the quarry to provide a platform for accommodation of residential development and outline permission for up to 380 residential units, community facilities, shop, associated open spaces (including allotments) and infrastructure with all matters reserved for future consideration apart from access, at land at Pinhoe Quarry, Harrington Lane, Exeter.

The recommendation was to approve the application, subject to a Section 106 Agreement, as set out in the report, and having had regard to the Environmental Impact Assessment submitted with the application and the representations made about the environmental effects of the development and conditions as set out in the report.

The Head of Planning and Building Control advised that a late representation had been received from English Nature requesting a financial contribution of £350 per dwelling to mitigate the cumulative effects of the provision of housing on the Natura 2000 sites (Exe Estuary, East Devon Pebblebed Heaths and East Devon Heaths). He advised that any decision that the proposal created a significant impact, on the level of any contribution in mitigation, was premature until an agreement had been reached on these issues following on from a meeting between representatives of the City Council, East Devon District Council and Teignbridge District Council with English Nature, scheduled to take place in September.

English Nature were also seeking a Wildlife Conservation Management Plan and a scheme for the protection of the Regionally Important Geological Sites. These were covered by conditions.

He detailed the rationale behind the contributions being sought through the proposed Section 106 Agreement for transport, education, affordable housing and community facilities. The density of the development would be 37 per hectare. He advised that two additional conditions would be required. One would require that no development shall take place until detailed sections showing the existing and proposed levels within the site in relation to the nearest adjacent buildings had been submitted to and approved in writing by the Local Planning Authority. The other enabling the precise locations of the highway accesses to be varied on full details of the locations and design of the highway accesses being submitted to and approved in writing by the Local Planning Authority.

In response to Members, he advised the proportion of the site to be allocated to open space and stated that a developer contribution of £625 per property would be sought which would raise approaching £250,000 for contribution towards community/recreation facilities. The developer had undertaken to maintain the open space area rather than paying a commuted sum to fund maintenance and Members were advised that this obligation would be passed on to any future owner of this land. With regard to the 15% affordable housing this figure was being proposed as a compromise in view of the costs associated with the levelling of the site and the fact that use as a landfill site would have been a financially viable alternative.

A Member referred to the County Council policy in respect of developer contributions to education facilities and his request that this be considered further at the Planning Member Working Group was supported.

Councillor Mrs Thompson, having given notice under Standing Order No. 44, spoke on this item. She circulated copies of a consultation plan by a prospective developer and an extract from the Draft Pinhoe Area Access Strategy. She raised the following points:-

- clarification required on the position of the County Council relating to the proposal for an improved or new railway bridge at the end of Exhibition Way and the necessary funding. Given that it appears that the new development requires a new road leading to Exhibition Way the funding for this issue should be taken into account prior to a decision being made. If the new road is unachievable because the bridge cannot be funded should the application be refused.
- the residents of Grenville Avenue and Thackeray Road had stated that they had not been consulted on proposals for the access road between Exhibition Way and Harrington Lane.
- further clarification was required on the future use of the right of way from the site onto Church Hill currently used by the Quarry owners.

The Head of Planning and Building Control advised that the right of way to Church Hill was a private right of way and not therefore a planning issue. In addition, consultation on the link road to Exhibition Way would be undertaken as part of a separate planning application for the link.

Peter Martin of Devon County Council set out the options considered for improving traffic flow in the area. Replacing the railway bridge on Exhibition Way would require Network Rail approval which could take some considerable time and introducing a two way flow was likely to exacerbate traffic problems in the area. A contribution of £1.3 million was therefore being sought from this development and any future development of the Ibstock Brickworks to improve the bridge and seek a separate cycleway/footpath on the side, subject to Network Rail approval. Because there would be a significant amount of levelling work required for Pinhoe Quarry, it was

not thought that building work would commence for some two years. In the meantime, it was anticipated that, once financial contributions had been obtained, the City and County Councils would seek to improve the bridge in advance as part of the creation of a link between Harrington Lane and Exhibition Way.

The Chair asked that local residents be informed of the outcome of the planning application by means of a summary of the decision being sent to them by means of a letter drop.

RESOLVED that:-

- (1) 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 full permission for re-profiling of quarry to provide platform for accommodation of residential development and outline permission for up to 380 residential units, community facilities, shop, associated open spaces (including allotment) and infrastructure (all matters reserved for future consideration apart from access) be **approved** subject to a Section 106 legal agreement securing the matters referred to in the circulated report and the following conditions:-
 - 1) The quarry re-profiling development ("QRD") to which this permission relates must be begun not later than the expiration of five 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 residential development hereby approved ("RD") shall not take place until a phasing scheme has been submitted to and approved in writing by the Local Planning Authority. The phasing scheme shall identify the phases in which the RD shall be constructed ("Phase"), and unless otherwise agreed in writing the RD shall be carried out in accordance with the phasing scheme.
Reason: To allow for the phased development of the site in accordance with an indicative site layout.
 - 3) Approval of the details of the layout, scale, appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") for each Phase of the RD shall be obtained from the Local Planning Authority in writing before that Phase of the RD is commenced. A detailed scheme for landscaping the RD within each Phase shall include details of the planting of trees and/or shrubs and hard landscaping including boundary screen walls and fences and shall be submitted to the Local Planning Authority as part of the submission of reserved matters for each Phase; 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. This condition shall apply to each Phase of the RD.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
 - 4) Within 12 months of commencement of the QRD a structural landscape concept scheme including long term management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority. The structural landscape concept scheme shall be carried out as approved by the Local Planning Authority.
Reason: To ensure the provision and future maintenance of structural landscaping to safeguard the amenity of the area.

- 5) This consent does not imply the approval of the details of siting, layout or design shown on the submitted illustrative master plan, which must be the subject of approval of reserved matters.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 6) The RD hereby approved must be begun within five years from the date of completion of the QRD, or two years from the final approval of the reserved matters, relating to the first Phase of the RD, whichever is the longer.
Reason: To ensure compliance with section 91 - 92 of the Town and Country Planning Act 1990.
- 7) Application for the approval of the reserved matters for the first Phase of the RD shall be made to the Local Planning Authority before the expiration of three years from the date of the completion of the QRD and the first Phase of the RD hereby permitted shall be begun before the expiration of five years from the date of the completion of the QRD or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved whichever is the later. The time period for submission for approval of reserved matters for any subsequent Phase of the RD shall be agreed with the Local Planning Authority in writing as part of the phasing scheme approved pursuant to condition 2.
Reason: To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.
- 8) The QRD hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 23 December 2010(*dwg. nos. 500, 502C, 503C and 504C*), 23 June 2011(*dwg. no. 505C*) and 27 June 2011(*dwg. no. 21669-002-001B*) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 9) Samples of the materials it is intended to use externally in the construction of the RD (except infrastructure within each Phase) shall be submitted to the Local Planning Authority and the development of each Phase shall not be started before their approval is obtained in writing and the materials used in the construction of the RD in that Phase shall correspond with the approved samples in all respects. This condition shall apply to each Phase of the RD.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- 10) 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.
- 11) Prior to commencement of RD within any Phase the developer shall erect tree protection fencing 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 as required by the approved

plan. 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.

- 12) Unless otherwise agreed in writing, prior to the occupation of any of the dwellings hereby approved within any Phase the roads required by the Phase of the RD shall be constructed at least to base course level and street lighting provided to the satisfaction of the Local Planning Authority.

Reason: In the interests of the amenity and safety of occupants.

- 13) Archaeological work shall be carried out in accordance with the written scheme submitted (Ref Written Scheme of Investigation, Watching Brief, Strip Map and Sample Excavation) prepared for Pinhoe Quarry LLP by GK Heritage dated April 2011). This scheme will include on-site work, and off-site work incorporating analysis, publication, and archiving of the results. All works shall be carried out and completed in accordance with the 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.

- 14) No RD shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. Any building(s) affected by contamination requiring remedial works in any Phase shall not be occupied until the approved remedial works have been implemented and a remediation statement for that Phase 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: In the interests of the amenity of the occupants of the building(s) hereby approved.

- 15) Unless otherwise agreed in writing by the Local Planning Authority no alteration shall take place to plot boundaries, open spaces, and highways, on completion of the development in accordance with the approved layout plan.

Reason: To ensure adequate provision is made for the future maintenance of all land within the application site boundary.

- 16) In relation to the RD 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 within each Phase 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.

- 17) Unless otherwise agreed in writing 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 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) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The site investigation results and the detailed risk assessment ((2) above) 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 (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 LPA. The scheme shall be implemented as approved.

Reason: To protect controlled waters against pollution.

- 18) If, during the development, contamination not previously identified is found to be present at the site then no further development affected by that contamination (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect controlled waters against pollution.

- 19) The noise levels arising from the development shall not exceed the following limits at noise sensitive dwellings when measured in accordance with Minerals Policy Statement 2:

- LAeq, 1hr (free-field) 55 dB
- LAeq, 1 hr (free-field) 70 dB for periods of up to eight weeks in a year at specified noise-sensitive properties if agreed in writing in advance with the LPA. If monitoring at a noise sensitive receptor is not possible, the level at this point should be calculated from monitoring data at another point using the techniques in BS5228:1 (2009).

Reason: In the interests of local amenity.

- 20) The Best Practicable Means shall be used at all times to prevent, or where that is not practicable, to reduce noise and dust emissions beyond the site boundary.

Reason: In the interests of local amenity.

- 21) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include details of monitoring and mitigation measures to control the environmental impact of

the development, including site traffic and emissions of noise and dust. This should include details of the phasing and timing of work, full details of the hours of working including construction and deliveries, provision for noise and dust monitoring, noise and dust emission limits, procedures to be followed in the event of non-compliance with noise and dust limits and measures that will minimise the impact of construction traffic on the local road network, including parking. 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.

- 22) No development shall take place until a scheme for the protection of the Regionally Important Geological Sites (RIGS) during development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the agreed details.

Reason: In the interests of protecting the RIGS.

- 23) No more than 50% of the dwellings hereby permitted shall be occupied until on-site interpretation material relating to the Regionally Important Geological Sites has been provided in accordance with details which shall first have been agreed in writing by the Local Planning Authority.

Reason: To ensure that the geologically important context of the site is apparent to residents and visitors.

- 24) No development shall take place until full details of the measures set out in the Biodiversity and Mitigation and Enhancement Management Plan have been submitted to and approved in writing by the Local Planning Authority. The biodiversity mitigation and enhancement shall be carried out as approved by the Local Planning Authority.

Reason: In the interests of preserving and enhancing wildlife opportunities in the area.

- 25) In accordance with details that shall previously have been submitted to and approved by the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains onto any County Highway.

Reason: In the interests of public safety and to prevent damage to the highway.

- 26) No more than 200 residential units provided as part of the RD shall be occupied until the community facilities have been completed to shell level.

Reason: To ensure provision of the community facilities.

- 27) Unless otherwise agreed in writing, the QRD shall not utilise any material not already present on the site unless used for specialist engineering and landscaping purposes in relation to the QRD.

Reason: In the interests of minimising heavy vehicle movements associated with the QRD.

- 28) No development shall take place until detailed sections showing the existing and proposed levels within the site in relation to the nearest adjacent buildings have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity.

29) The highway accesses shall be laid out and constructed in accordance with the details shown on drawing 21669-002-001B submitted with the application, or such amended details as may be agreed in writing by the Local Planning Authority.

Reason: In the interests of maintaining flexibility in the location of accesses in relation to other proposed developments in the vicinity.

- (2) in the event that the Section 106 Agreement is not completed within six months of the Committee resolution to approve, authority be delegated to the Head of Planning and Building Control to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the Section 106 Agreement;
- (3) officers be authorised to make an order under Section 257 of the Town and Country Planning Act 1990 for the diversion of sections of Public Footpaths Nos. 50 and 53 affected by the development, this Committee being satisfied that it is necessary to do so in order to enable any development to be carried out;
- (4) the Planning Member Working Group examine Devon County Council policy in respect of developer contributions towards education facilities; and
- (5) a brief resume of the details of the decision be prepared for circulation to those who submitted representations to keep them apprised of the development.

(Report circulated)

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PLANNING APPLICATION NO.11/0780/02 - MILLBROOK VILLAGE (FORMER ST LOYE'S COLLEGE), TOPSHAM ROAD, EXETER

Councillors Macdonald and Sutton declared personal interests as members of the RSPB.

The Development Manager presented the application for 71 retirement units on the southern part of the site, and hard and soft landscaping (approval of reserved matters on Ref. No. 09/0832/01 approved 24 September 2010) at Millbrook Village (Former St Loye's College), Topsham Road, Exeter.

Members were circulated with an update sheet giving details of further correspondence received from the applicant's agent regarding the affordable housing contribution referred to in the circulated report and from Sport England who had no objection to the application.

Members were advised that an objection had been received from the owners of the adjoining Crematorium on the grounds that the development would conflict with mourners. It was noted that the comments should have been raised when the application for outline consent had been under consideration.

The RSPB had stated that they did not accept that because the accommodation would be limited to residents over 55 years of age they would not impact upon the Natura 2000 areas and that there should therefore be an Appropriate Assessment with a contribution towards mitigation. Because of the age restricted nature of the accommodation, the distance of the site from the Natura 2000 sites, the presence of

the Riverside Valley Park on the 'doorstep' of the site, and the amount and type of open space being created on site, officers advised that the potential impact arising directly from the development was unlikely to be significant and did not therefore warrant a contribution towards mitigation. It was noted that a meeting would be held with East Devon and Teignbridge District Councils to agree a mitigation strategy and a charging schedule for any future contributions to other developments.

The recommendation was to approve the application, subject to the conditions as set out in the report.

RESOLVED that the application for 71 retirement units on the southern part of the site, and hard and soft landscaping (approval of reserved matters on Ref. No. 09/0832/01 approved 24 September 2010) be **approved** subject to the following conditions:-

- 1) All conditions imposed on notice of outline approval (ref no. 09/0832/01 enter) 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 28th April 2011 (*dwg. nos. S-106 Rev AA, S-101 Rev AA, S-105 Rev AA, S-SE-01 Rev AA, S-SE-02 Rev AA, S_BE_01 Rev AA, S_BE_02 Rev AA, S_BE_03 Rev AA, S_BE_04 Rev AA, S_BE_05 Rev AA, S_HT_A-01 Rev AA, S_HT_A-02 Rev AA, S_HT_F-02 Rev AA, S_HT_F-01 Rev AA, S_HT_G-02 Rev AA, S_HT_G-01 Rev AA, S_HT_H-02 Rev AA, S_HT_H-01 Rev AA, S_HT_H1-02 Rev AA, S_HT_H1-01 Rev AA, S_HT_K-02 Rev AA, S_HT_K-03 Rev AA, S_HT_K-01 Rev AA, P-L108, L207, L208, L209, P-L109, P-L110, P-L111*, as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) Prior to the commencement of any identified phase of the development full details (including sections and elevations to a scale of not less than 1:20) of the construction, including glazing, opening method and material finish of all windows/doors within that phase shall previously have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed strictly in accordance with the approved details.
Reason: To protect and preserve the character of Fairfield House and to ensure a high quality design throughout the development.

(Report circulated)

The Development Manager presented the application for redevelopment to provide a continuing care retirement community (appearance and landscaping reserved for future consideration) at University of Plymouth, Faculty of Arts and Education, Earl Richards Road North, Exeter. This application was for the extension of time for extant planning permission Ref No. 07/1316/01 granted 09/05/2008.

The recommendation was to approve the application, subject to the completion of a legal agreement to link the original Section 106 Agreement to the new application and the conditions as set out in the report.

RESOLVED that the application for redevelopment to provide continuing care retirement community (appearance and landscaping reserved for future consideration) (Extension of time for extant planning permission Ref No. 07/1316/01 granted 09 05 2008) be **approved** subject the completion of a legal agreement to link the original Section 106 to the new application and to 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 five years from the date of the permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved whichever is the later.
Reason: To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.
- 2) Approval of the details of the appearance of the buildings 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) The development shall not begin until full details of drainage works have been submitted to and approved by the Local Planning Authority in writing.
Reason: To ensure the satisfactory drainage of the development.
- 4) 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 14th June, 17th October and 25th October 2007 (*dwg. nos. A5209/2.3/011, A5209/2.1/008B, A5209/2.1/003E, A5209/2.1/004I, A5209/2.1/005D, A5209/2.1/006E, A5209/2.1/007D, A5209/2.1/015 and A5209/2.3/020B*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 5) 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.
- 6) 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 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.

- 7) 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.
- 8) 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.
- 9) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, 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 is completed. 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.
- 10) Prior to the commencement of work a full written schedule of any tree work proposed, showing the limbs and branches affected shall be submitted to the Local Planning Authority and their written approval obtained.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity to comply with Tree Preservation Order Regulations.
- 11) The plans submitted in accordance with condition 2 of this permission shall indicate the location of all trees, shrubs and hedges in the land, together with their species.
Reason: In the interests of amenity.
- 12) No development shall take place within the site until a written scheme of archaeological work has been submitted 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. All works shall be carried out and completed as approved, 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.
- 13) 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.

- 14) 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.

- 15) No part of the development hereby approved shall be brought into its intended use until the visibility splays, on-site parking (both vehicular and cycle), turning, loading and unloading facilities have been provided 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.

- 16) Trees due for pruning or felling should be assessed for possible bat interest prior to works being carried out. This should involve inspection of the tree / limbs to be removed for potential roosting opportunities. If bats are found to be using limbs or trees, the advice of a bat consultant should be sought to prevent disturbance / injury to bats which would constitute an offence.

Reason: To comply with the Wildlife and Countryside Act 1981 and amended by the Countryside and Rights of Way Act 2000

- 17) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of the buildings, 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: In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.

- 18) Prior to the development being occupied, or at such other time as may be agreed by the Local Planning Authority in writing, a sustainable drainage solution such as a soakaway, designed and constructed in accordance with Building Research Establishment Digest 365; or a Sustainable Urban Drainage System, in accordance with Construction Industry Research and Information Association Document 522 for surface water disposal shall be installed and the system shall be maintained effective at all times thereafter. Clean surface and roof water shall be kept separate from the foul drainage system. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to reduce surface water runoff in a catchment area where flooding occurs.

- 19) Notwithstanding the details indicated in the Revised Design and Access Statement dated October 2007 prior to the commencement of any

development detailed method statements for the construction of the development, including all buildings, footpaths, roads and services to the development shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be completed strictly in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that implementation of the development proceeds in a manner that will not prejudice the health and long term retention of existing trees and vegetation to be retained as part of the development.

- 20) Notwithstanding condition no. 4 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 development shall thereafter be provided in accordance with such details:

- a) refuse storage facilities;
- b) details of construction phasing;
- c) hours of construction works;
- d) location, size and means of enclosure of storage compounds;
- e) extract ventilation systems;
- f) noise levels associated with all plant and equipment associated with the development;
- g) Air Quality Assessment;
- h) Green Travel Plan;
- i) Wildlife Plan identifying existing wildlife associated with the site, and proposals for its protection and the further enhancement of wildlife opportunities;
- j) all boundary treatments;
- k) cycle parking facilities; and
- l) Construction Management Plan, including Construction Traffic.

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

- 21) Prior to the commencement of the development hereby approved a detailed statement, including appropriate plans/drawings, demonstrating how the scheme will incorporate decentralised and renewable or low carbon energy sources to cut the predicted Carbon dioxide emissions arising from the development by the equivalent of at least 10% over and above those required to meet the building regulations current at the time of building regulations approval shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be completed strictly in accordance with the approved details.

Reason: To ensure that the scheme is developed in compliance with Policy CP14 of the Council's submitted Core Strategy.

- 22) Prior to the commencement of the works hereby approved the developer shall undertake such investigations as are reasonably required by South West Water to ascertain whether there is sufficient capacity in the existing public sewage system to accept foul water drainage from the development and if there is insufficient capacity identify, in agreement with South West Water, any works of improvement or enhancement to the public sewage system that are required as a result of the development. Any agreed works shall then be carried out in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there is adequate capacity within the public sewage system to accommodate the development.

- 23) Prior to the occupation of the development hereby permitted cycle parking for staff, residents and visitors shall be provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the agreed cycle parking facilities shall be permanently retained solely for that purpose.
Reason: To ensure that adequate cycle parking is provided in order to encourage travel by sustainable means in accordance with Local Plan policy T3.

In the event that the Section 106 agreement is not completed within 3 months of the Committee resolution, authority be delegated to the Head of Planning and Building Control to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the Section 106 agreement.

(Report circulated)

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

The report of the Head of Planning and Building Control was submitted.

RESOLVED that the report be noted.

(Report circulated)

64 **ENFORCEMENT PROGRESS REPORT**

The Head of Planning and Building Control presented the report updating Members on enforcement matters.

RESOLVED that the report be noted.

(Report circulated)

65 **APPEALS REPORT**

The Head of Planning and Building Control presented the schedule of appeal decisions and appeals lodged.

RESOLVED that the report be noted.

(Report circulated)

66 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party will be held on Tuesday 12 July 2011 at 9.30 a.m. The Councillors attending will be Councillors Bialyk, Mrs Henson and Mrs J. Morrish.

(The meeting commenced at 5.30 pm and closed at 7.40 pm)

Chair