

PLANNING COMMITTEE

Monday 5 January 2015

Present:

Councillor Bialyk (Chair)
Councillors Spackman, Denham, Edwards, Lyons, Mitchell, Newby, Raybould, Sutton,
Williams and Winterbottom

Apologies:

Councillors Choules and Mottram

Also Present:

Assistant Director City Development, Area Planner (PJ), Forward Planning Officer (FP),
Highway Development Management Officer and Democratic Services Officer (Committees)
(HB)

1

MINUTES

The minutes of the meetings held on 27 October and 1 December 2014 were taken as read and signed by the Chair as correct.

2

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

3

PLANNING APPLICATION NO. 14/2007/01 - BRICKNELLS BUNGALOW, OLD RYDON LANE, EXETER

The Principal Project Manager (Strategic Infrastructure Planning) presented the application for outline planning permission for the construction of up to 63 dwellings (including affordable) on land to the rear of Bricknells Bungalow. He explained that the application had been deferred at the Committee meeting on 1 December for a site inspection and further consultations by the applicant with residents and negotiations with an adjoining land owner. Revised plans had subsequently been submitted. He reported an additional letter of objection relating to the access arrangements and private driveway of Bricknells from Old Rydon Lane.

The recommendation was for approval subject to planning conditions and a Section 106 Agreement under the Town and Country Planning Act 1990 as set out in the report.

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

- residents are not against the 63 homes, solely the safety issues surrounding the access;
- in the latest revised application, the developer says he has “no intention of serving the full 450 dwellings through this access” which is at odds with the “permeability” planning have insisted the complete development should have. How will this developer stop future residents, all 455 of them, using this access if they want to?;

- clarification is sought as to why the transport assessment does not include the correct number of potential traffic movements at this junction nor take into account the blind spot at the bridge, why and when the precedent for not allowing construction lorries into Old Rydon Lane East was revoked and what happens when Old Rydon Lane is closed for the access road and service installation;
- other than a footpath plan being submitted and approved before construction no other safety recommendations are made such as a 20mph speed limit and single flow traffic direction at the end of the Lane which would mirror Old Rydon Lane West. Other areas of high development, like Harrington Lane, have 20mph speed restrictions. Old Rydon Lane East should merit these safety features;
- the pavement should extend beyond the steps at Newcourt Way. Full disability and pram access was promised. This has not happened at the steps and the station underpass is years away meaning that the disabled or pram user have to use an unpaved road;
- the Highway Authority are planning closure to the road bridge at the top of Old Rydon Close. Pedestrians and cyclists will be diverted along Old Rydon Lane during the construction period;
- the developer is installing a “stand alone” sewerage system. Planning have recommended a unified approach to sewerage on both sides but this developer does not want to wait or contribute to this approach resulting in the loss of the Council’s sustainable objectives in CP10,15 and 17. Constant sewerage overflow, smell and gully pumping, as occurs on the Persimmon and Barratt sites, is not wanted

He responded as follows to Members queries:-

- the agent for the applicant indicates in their letter that an appeal will be launched should the application be refused – such a statement is a veiled threat; and
- the sewerage system of the adjoining Barratt development is overloaded and emptying of excess sewerage has been necessary of late. As the applicant’s proposal includes a stand-alone sewage system it is likely that similar problems are likely to occur. The sewage system should be linked to sewerage upgrades as part of any development of the Pratt land.

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

- following deferral, the applicant has consulted with the adjoining land owner, residents and planning officers;
- with regard to highway and safety issues, the County Council has confirmed that there are no technical highway objections and the access proposal has been subject to an independent safety audit;
- planning obligations have been clarified and revised plans provided;
- the applicant had submitted revised drawings slightly adjusting the position of the proposed access on to Old Rydon Lane north westwards and indicating a footway into the site on the eastern side (where it was previously to the west). These adjustments are considered acceptable and the County Council has previously indicated its support;
- the applicant has confirmed that there is no intention of more than up to 63 dwellings being served through the proposed access and a willingness to agree this formally, if feasible, through a planning condition or Section 106 planning obligation;
- the applicant is willing to downgrade the purpose of the proposed access when vehicular accesses east, via the surrounding development site

becomes available. In this instance, vehicular access north onto Old Rydon Lane would be restricted to serving up to '10 or so' dwellings through alterations to the development's internal roads; and

- pedestrian, cycle and emergency vehicle connections to the wider development area would be retained.

He responded as follows to Members queries:-

- the development must possess the required standard of sewage arrangements to meet the building regulations. If it does not, the development would not occur;
- with regard to safety concerns, an independent safety audit has found the proposal to be acceptable as have the County Council; and
- a Construction Environment Management Plan will set out details of the site compound, materials store, hours of operation etc.

The Highway Development Management Officer responded to the issues raised relating to Highway matters, confirming that the County Council was satisfied with the application.

It was noted that prior to the commencement of development details, of the proposed vehicle access onto Old Rydon Lane, including a footway past the Old Rydon Lane Rail Bridge to the west and visibility splays would be submitted. The agreed access would be constructed before any other part of the development.

An appropriately worded planning obligation could limit long term access onto Old Rydon Lane to 15 dwellings.

RESOLVED that, subject to a Section 106 Agreement under the Town and County Planning Act 1990 to secure the following:-

- affordable housing;
- a limit to providing vehicular access to no more than 15 new dwellings upon the provision of publically accessible highways to the eastern boundary of the site;
- off site noise mitigation measures if required;
- proportionate costs of pedestrian and cyclist rail line link and crossing;
- proportionate costs of the link to the A379;
- costs of match day traffic orders on site; and
- travel planning and travel plan implementation costs.

the Assistant Director (City Development), subject to prior consultation with the Chair, be authorised to **APPROVE** outline planning permission for the construction of up to 63 dwellings (including affordable) on land to the rear of Bricknells Bungalow, subject to the following conditions, which may be varied or supplemented as appropriate:-

- 1) Approval of the details of the layout, scale, appearance of the building(s), 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.
- 2) C07 - Time Limit – Outline.

- 3) Unless otherwise agreed in writing with the Local Planning Authority, 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 25 September 2014 (dwg. no 14038 L01-03 revision D) with planning application reference 14/1451/01 as modified by other conditions of this consent.
Reason: In order to achieve the following outcomes from the development hereby permitted and on adjoining land within the Newcourt strategic allocation:
- safe and convenient access to public transport;
 - the highest appropriate density of development;
 - well located public open space that is of sufficient size and quality.
- 4) 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 earth works required, together with a programme of planting and the timing of implementation of the scheme. The submitted landscaping scheme will be expected to accord with drawing no 14038 L01-03 revision D unless otherwise agreed in writing with 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.
- 5) No development shall take place until a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.
Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 6) 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.
- 7) 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.
- 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) C57 - Archaeological Recording.
- 10) No individual dwelling hereby approved shall be brought into its intended use until secure cycle parking facilities for residents have been provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said cycle parking facilities shall be retained for that purpose at all times
Reason: To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.
- 11) Future reserved matters applications that relate to this consent must prepare as part of that application a waste audit statement relating to the development proposed therein. This statement should identify:
- (a) sustainable procurement measures to minimise the generation of waste during the construction process, including avoidance of over-ordering and reduced use of hazardous materials;
 - (b) the types and quantities of waste that will be generated during the demolition and construction phases and the measures to ensure that the waste is managed in accordance with the waste hierarchy including:
 - the segregation of waste materials to enable their separate reuse, recycling or recovery;
 - the recycling of construction, demolition and excavation waste for use on site or at the nearest suitable facility; and
 - for any waste materials that are unsuitable for reuse, recycling or recovery, confirmation of the location for their disposal;
 - (c) the types and quantities of waste that will be generated during the operational phase of the development and measures to ensure that the waste is managed in accordance with the waste hierarchy including:
 - methods for limiting the generation of waste;
 - the provision of sufficient storage facilities to enable the segregation of reusable and recyclable waste from waste requiring disposal; and any other steps that are necessary to secure the maximum diversion of waste from disposal.
- Reason:** To comply with Devon County Council Waste Local Plan Policy WPC4 and emerging Devon Waste Plan policy W4 and to ensure that the waste hierarchy is followed.
- 12) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) 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 maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.
Reason: In the interests of sustainable development.
- 13) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority a Design Stage Code for Sustainable Homes (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.

- 14) The Local Planning Authority shall be notified in writing of the identity of all dwellings for which construction has commenced before 1 January 2016, within 10 days following that date.
Reason: In the interests of monitoring compliance with sustainable development requirements.
- 15) Prior to the occupation of each dwelling hereby approved, ducting or equivalent service routes should be installed capable of accommodating at least 6 separate fibre-optic cables that enable electronic communications services network suppliers to freely connect between the boundary of the site and the inside of each dwelling for the purposes electronic communications.
Reason: To contribute to the development of high speed broadband communication networks and to ensure that adequate provision is made to meet the needs of future occupants of the dwellings for high speed internet access in line with paragraph 42 of the NPPF.
- 16) The dwellings hereby approved shall be designed and built to meet Lifetime Homes Standards
Reason: To increase choice, independence and longevity of tenure in accordance with Policy CP5 point three of the Exeter Core Strategy.
- 17) The development hereby approved should be constructed to incorporate a Sustainable Urban Drainage (SUDS) scheme that should be approved in writing by the Local Planning Authority prior to the commencement of development.
Reason: To reduce overall flood risk in accordance with Policy CP12 of the Exeter Core Strategy.
- 18) No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:
 - a) There shall be no burning on site during demolition, construction or site preparation works;
 - b) Unless otherwise agreed in writing, no construction works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
 - c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.The approved CEMP shall be adhered to throughout the construction period.
Reason: In the interests of the amenity of occupants of nearby buildings.
- 19) No development 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. The buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been

found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason: In the interests of the amenity of the occupants of the building(s) hereby approved.

- 20) A scheme for protecting the proposed development from noise shall be submitted to the Local Planning Authority as part of the submission of reserved matters. The scheme shall include the phasing of works, so that no property is occupied until full noise mitigation measures for that property have been completed. The agreed scheme shall be implemented in full thereafter.

Reason: In the interests of the residential amenity of the future occupants of the dwellings, especially as detailed design of the development has not yet been fixed.

- 21) Prior to occupation of the 30th dwelling hereby approved the specification of the following highway links shall be agreed in writing with the Local Planning Authority and the links shall be made available for free and unrestricted public access at all times:

a) between points A and D as shown on drawing number 14038 L01_04 rev D submitted with planning application 14/1451/01 unless otherwise agreed in writing with the Local Planning Authority.

b) between points B and E as shown on drawing number 14038 L01_04 rev D submitted with planning application 14/1451/01 unless otherwise agreed in writing with the Local Planning Authority.

The highway connections at points A, D, B and E shall be provided up to and contiguous with the boundaries of the adjoining development site shown on site location plan drawing number 14038 L01_03 rev B submitted with planning application 14/1451/01 unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of permeability and safe and suitable access to high quality public transport and other facilities from all dwellings hereby approved.

- 22) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement should include details of access arrangements, heavy vehicle routing, timings and management of arrivals and departures of vehicles. The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and public amenity.

- 23) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for the construction period.

Reason: In the interest of public safety.

- 24) No more than 50 dwellings hereby approved shall be occupied until a new vehicular link from Old Rydon Lane to a new all movement junctions on the A379 has been provided to a standard agreed in writing by the Local Planning Authority, opened for public use and maintained for those purposes at all times.

Reason: To provide suitable access for the full quantum of development south of Old Rydon Lane and mitigate the impact of development traffic on the operation of the Clyst Road/ A376 junction and Old Rydon Lane.

- 25) Prior to the commencement of development details of the proposed vehicle access onto Old Rydon Lane, including a footway past the Old Rydon Lane Rail Bridge to the west and visibility splays (as indicated on drawing 01485-PHL-01 Rev I) shall be submitted to and approved in writing by the Local Planning Authority. No other part of the development hereby approved shall be commenced until the vehicle access has been constructed in accordance with the approved details.

Reason: To ensure that a safe and suitable access is achieved, in accordance with paragraph 32 of the National Planning Policy Framework .

- 26) The proposed estate road, cycleways, 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.

- 27) No building shall be occupied, and no connection to the public sewerage system take place, until all improvements to the public sewerage network rendered necessary by the development have been completed to the Local Planning Authority's satisfaction.

Reason: To ensure that the sewerage infrastructure is adequate to accommodate the proposed development.

4

PLANNING APPLICATION NO. 14/1375/03 - LAND TO NORTH WEST AND SOUTH EAST OF THE PADDOCKS, HARTS LANE, EXETER

The Principal Project Manager (Development) presented the application for the development of 178 residential dwellings along with green infrastructure, public open space, flood attenuation provisions, vehicle access points and internal roads, pedestrian/cycle links and associated works. He advised that the number of dwellings had been reduced from 180 to 178.

He reported that two additional letters of objection had been received.

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

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

- Barratt's/David Wilson are based in Exeter employing 710 and will create 1,900 jobs as part of its' developments. Build period would be between 2015 and 2019;
- development is in accordance with the Monkerton Master Plan and the Exeter Local Plan and will meet housing needs in east Exeter;
- a CIL contribution of almost £1 million will be provided;

- the Section 106 Agreement will include affordable housing including the provision of three wheelchair accessible units to be transferred to condition 21, public open space and contribution toward off-site play equipment of £80,000, including £500 per dwelling towards Devon County Council Travel Planning;
- affordable housing will include a tenure mix; and
- the development provides a balance between housing provision and ecological and biodiversity requirements.

In response to Members he stated that linkage to the District Heating System would only be possible when the system was available. This was not the case at present and a good gas main was already in situ. Further, the development would meet Code 4 of sustainable home requirements.

The Assistant Director City Development stated that by the time final approval had been obtained the District Heating system was likely to be operational. Requirement for linkage to the system could be included in Section 106 Agreements, if required, and this was supported. It was stated that there was a need for more two bedroom houses on the social housing mix, rather than shared ownership and an agreement on this would be necessary before the affordable housing was signed off.

RESOLVED that, subject to the receipt of revised plans to address issues of layout and compliance with the Residential Guide SPD, the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure the following:-

- affordable housing including the provision of three wheelchair accessible units, details of which are to be finalised;
- public open space, including provision of its ongoing management and maintenance;
- financial contribution toward off-site play equipment of £80,000; £500 per dwelling towards Devon County Council Travel Planning and £5,000 to Traffic Regulation Order; and
- linkage to any available District Heating System.

the Assistant Director (City Development), subject to prior consultation with the Chair, be authorised to **APPROVE** planning permission for the development of 178 residential dwellings along with green infrastructure, public open space, flood attenuation provisions, vehicle access points and internal roads, pedestrian/cycle links and associated works, subject also to the following conditions, which may be varied or supplemented as appropriate:-

- 1) the development to which this permission relates must be begun not later than the expiration of two 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) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C23 - Permitted Development Restriction
- 5) C35 - Landscape Scheme
- 6) C37 - Replacement Planting
- 7) C36 - No Trees to be Felled

- 8) C38 - Trees - Temporary Fencing
- 9) the occupation of the southern parcel of development (up to 106 dwellings) authorised by this permission shall not be allowed, unless otherwise agreed by the Local Planning Authority (in consultation with the Secretary for Transport) until either:-
- Devon County Council (in consultation with the Secretary of State for Transport) has approved in writing a full scheme of works for improvements to Moor Lane roundabout and;
- The approved works at Moor Lane roundabout have been completed in accordance with the Local Highway Authority's written approval (in consultation with the Secretary of State) and have been certified in writing as complete on behalf of the Local Planning Authority or
- The Phase 3 or 'Tithebarn' Link Road has been completed between Cumberland Way and Tithebarn Bridge, and either the full eastern section completed to its junction with the former A30 and open to traffic in accordance with the Local Highway Authority's written approval (in consultation with the Secretary of Transport) or agreed provisions are in place to use Science Park Drive as an interim highway link open to all traffic pending full completion of the eastern section.
- Reason:** To ensure that the capacity of Moor Lane Roundabout is either enhanced to prevent the risk of queuing on the westbound A30 Honiton Road approach extending into and impacting upon the operation of M5 Junction 29, or a full linkage is in place to the north between the former A30 and Cumberland Way to achieve the necessary traffic relief to the Moor Lane junction. This linkage would include the completed section of the Phase 3 Link Road between Cumberland Way and Tithebarn Bridge and subject to the Agency being satisfied with the provisions within the Agreement being discussed, permitted general traffic use of Science Park Drive as an interim eastern section of the route pending full completion of the Phase 3 Link Road to the east of the M5.
- 10) No dwellings in the northern parcel of the development hereby approved shall be occupied until the access to Monkerton Drive, including footway and access drainage, have been provided and maintained 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 a safe and suitable access to the northern parcel of the development, in accordance with Paragraph 32 of the NPPF.
- 11) no more than 50 dwellings in the northern parcel shall be occupied until the pedestrian/cycle connections in the north west corner to Cumberland Way, and at the south onto Harts Lane (as indicated on the Planning Layout (Drawing Number 100 Revision *) have been provided and made available for public use in accordance with details to be approved by the Local Planning Authority and maintained for this purpose at all times.
- Reason:** To provide adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.
- 12) No dwellings in the southern parcel of the development hereby approved shall be occupied until the access onto Pinn Lane, including side road pedestrian priority, have been provided and maintained 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 safe and suitable access to the southern parcel of the development, in accordance with Paragraph 32 of the NPPF.

- 13) No more than 75 dwellings in the southern parcel shall be occupied until the three pedestrian/cycle connections; to the west to tie into Cumberland Way; to north in broadly the centre of the boundary with Harts Lane; to Harts Lane through the Open Space to the north east and as indicated on the Planning Layout (Drawing Number 100 Revision *) have been provided and made available for public use in accordance with details to be approved by the Local Planning Authority and maintained for this purpose at all times.
Reason: To provide adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.
- 14) No part of the development hereby approved shall be brought into its intended use until secure cycle parking facilities have been provided and maintained 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.
- 15) The proposed estate road, cycleways, 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 plans.
- 16) Access to the northern part of the site for construction vehicles over 3.5 Tonnes shall only be from Cumberland Way, with such access to be in accordance with details approved in writing by the Local Planning Authority. The access hereby permitted shall be removed and the land reinstated to its former condition on or before 4 years from its first use.
Reason: To provide safe and suitable access to the northern parcel for construction traffic and minimise the impacts on the amenity of local residents.
- 17) The development hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 (including a 44% CO2 emissions rate reduction from Part L 2006) as a minimum, if no development of the site is commenced before the 1 January 2016 the dwellings shall accord with CSH Level 5 (Zero Carbon) 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 maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.
Reason: In the interests of sustainable development.
- 18) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority a Design Stage Code for Sustainable Homes (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.

- 19) The Local Planning Authority shall be notified in writing of the identity of all dwellings for which construction has commenced before 1 January 2016, within 10 days following that date.
Reason: In the interests of monitoring compliance with sustainable development requirements.
- 20) Prior to the occupation of each dwelling hereby approved, ducting or equivalent service routes should be installed capable of accommodating at least 6 separate fibre-optic cables that enable electronic communications services network suppliers to freely connect between the boundary of the site and the inside of each dwelling for the purposes electronic communications.
Reason: To contribute to the development of high speed broadband communication networks and to ensure that adequate provision is made to meet the needs of future occupants of the dwellings for high speed internet access in line with paragraph 42 of the NPPF.
- 21) The affordable dwellings hereby approved shall be designed and built to meet Lifetime Homes Standards.
Reason: To increase choice, independence and longevity of tenure in accordance with Policy CP5 point three of the Exeter Core Strategy.
- 22) No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:
a) There shall be no burning on site during demolition, construction or site preparation works;
b) Unless otherwise agreed in writing, no construction works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.
The approved CEMP shall be adhered to throughout the construction period.
Reason: In the interests of the amenity of occupants of nearby buildings.
- 23) C70 - Contaminated Land.
- 24) No development shall commence, within the southern parcel of the site, until details of the children's play equipment to be located within the southern areas of public open space has been submitted to and approved in writing by the Local Planning Authority and thereafter installed to an agreed timescale and maintained in accordance with the agreed details at all times.
Reason: To ensure appropriate children's play equipment is provided on the site for the benefit of future residents.
- 25) Notwithstanding condition no 2 and prior to first occupation of the dwellings full details of the sound insulation measures shall be submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
Reason: Insufficient information has been submitted with the application and in the interests of residential amenity.

- 26) C57 - Archaeological Recording
- 27) Unless it is demonstrated in writing prior to commencement that it is not viable or feasible to do so, the buildings comprised in the development hereby approved shall be constructed so that their internal systems for space and water heating are capable of being connected to the proposed decentralised energy (district heating) network. Prior to occupation of the development the necessary on site infrastructure shall be put in place for connection of those systems to the network at points at the application site boundary agreed in writing by the LPA.
Reason: To ensure that the proposal complies with Policy CP13 of Council's Adopted Core Strategy and paragraph 96 of the NPPF and in the interests of delivering sustainable development.
- 28) No development shall commencement until a plan has been submitted indicating the position of the emergency vehicular access onto Cumberland Way and thereafter implemented in accordance with the agreed details and made available for use prior to the first occupation of any dwelling and maintained thereafter at all times.
Reason: To satisfy the requirement identified within the Flood Risk Assessment to enable vehicular access to and from the site in the event of a 1 in 1000 year flood.
- 29) Unless otherwise agreed in writing, no development shall take place until details of provision for bird/bat boxes has been submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.
Reason: In the interests of preservation and enhancement of biodiversity in the locality.
- 30) the development hereby approved shall not commence until details of the proposed finish floor levels and overall ridge height of specified dwellings, 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. Thereafter the development shall be implemented in accordance with the approved details.
Reason : In the interests of visual amenities of the area and the residential amenities of future occupants and existing neighbouring occupants.
- 31) The development shall proceed in accordance with the Hydrock Flood Risk Assessment Final Report June 2014 (ref R/C12145/001.06) and that the existing 'substandard' Pinn Brook culvert identified within the report is removed to an agreed method and timescale (not to exceed first occupation) to the satisfaction of the Local Planning Authority.
Reason: In the interests of flood mitigation and protection.

5

**PLANNING APPLICATION NO. 14/0525/01 - LAND NORTH OF WESSEX CLOSE,
WESSEX CLOSE, TOPSHAM, EXETER**

The Assistant Director City Development presented the application for residential development of up to nine dwellings.

He reported the receipt of four additional letters of objections, two having been received earlier that day and circulated to Members re-iterating the objections set out in the report and asking for a deferral in light of new plans provided and concerns over the manner in which the application had been notified. There had,

however, been no new plans provided as this was an outline application. The additional two letters had also referred to the notification of the application.

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

Mr Bishop spoke against the application;

- notification of the application had been inadequate – letters to two people dated 19th December had not been received until the 27th December when the Council Offices had been closed;
- the main stakeholders – the Ministry of Defence, Annington House, the Retreat Boatyard and five residential properties – had not been advised;
- any development should be harmonised with the application approved for Heritage Homes;
- Retreat Drive is unsuitable for additional traffic and there have been two fatalities on the junction with Exeter Road. This road is very busy and there can be a 5-7 minute wait to exit;
- there are already 45 cars associated with Wessex Close and 10 vehicles associated with affordable homes are likely to be generated at the Heritage Homes development and this development will generate a further 18-25 vehicles; and
- parking problems occur along Retreat Road by spectators at Topsham FC football matches and the road is used by heavy vehicles, bin lorries etc;

In response to a Member question he stated that the MOD owned Retreat Road was leased to Annington Homes but there was dispute over maintenance arrangements.

It was noted that road ownership was not relevant to the planning application.

The Highway Development Management Officer responded to the issues raised relating to Highway matters. Given the modest scale of development and that a safe and suitable access to the site could be achieved on to Retreat Drive and/or Wessex Close the development was considered to be acceptable in highway terms. A condition would be included so that no development would take place until the provision of suitable pedestrian facilities.

RESOLVED that, subject to:-

- the completion of a Section 106 Agreement under the Town and County Planning Act 1990 to secure a financial contribution to provide highway improvements to the sum of £25,000 and reference within the Section 106 Agreement that, if the development exceeds 10 units and/or 1,000sqm combined floor-space, an affordable housing contribution will be sought

the Assistant Director (City Development), subject to prior consultation with the Chair, be authorised to **APPROVE** planning permission for residential development of up to nine dwellings, subject also to the following conditions:-

- 1) Approval of the details of the layout, scale, appearance of the buildings(s), the means of access thereto and the landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason : To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

- 2) 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 sections 91 – 93 of the Town and Country Planning Act 1990.
- 3) An appropriate agreement to secure pedestrian and cycle facilities in the vicinity of the junction of Retreat Drive and Exeter Road, together with any required road signs and markings, before the occupation of the first residential unit, all in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.
Reason: To ensure a safe and suitable access is provided for pedestrians, in accordance with paragraph 32 of the NPPF.
- 4) The proposed estate road, cycleways, 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
- 5) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for the construction period.
Reason: In the interest of public safety.
- 6) 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, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical Guide November 2010, the addendum thereto dated May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.
Reason: to promote best practice in sustainable development
- 7) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority a Design Stage Code for Sustainable Homes 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: to promote best practice in sustainable construction.

- 8) 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.

- 9) Prior to the commencement of the development hereby approved a wildlife plan, indicating how the design and layout of the site and buildings will maximise wildlife opportunities and habitat within the site, shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To ensure that wildlife opportunities and habitat are maximised in the development of the site in the interests of biodiversity

- 10) No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:

a) There shall be no burning on site during demolition, construction or site preparation works;

b) Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;

c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.

The approved CEMP shall be adhered to throughout the construction period.

Reason: to protect neighbouring residential amenity

- 11) The developer shall prior to commencement of the development submit for approval in writing, a scheme for protecting the proposed development from noise. All works that form part of the approved scheme shall be completed before any of the permitted development is occupied.

The applicant should aim to achieve at least the standards for internal and external noise levels specified in BS8233:2014 Sound Insulation and Noise Reduction for Buildings.

Reason: to protect future residential amenity

- 12) No development 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. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason: to protect future residential amenity

- 13) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials,

species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

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

- 14) C37 - Replacement Planting
- 15) 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.
- 16) 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.
- 17) The dwellings hereby approved shall be designed and built to meet Lifetime Homes Standards
Reason: To increase choice, independence and longevity of tenure in accordance with Policy CP5 point three of the Exeter Core Strategy.
- 18) Prior to the occupation of each dwelling hereby approved, ducting or equivalent service routes should be installed capable of accommodating at least 6 separate fibre-optic cables that enable electronic communications services network suppliers to freely connect between the boundary of the site and the inside of each dwelling for the purposes electronic communications.
Reason: To contribute to the development of high speed broadband communication networks and to ensure that adequate provision is made to meet the needs of future occupants of the dwellings for high speed internet access in line with paragraph 42 of the NPPF.

6

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

7

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 20 January 2015 at 9.30 a.m. The Councillors attending will be Newby, Lyons and one other.

(The meeting commenced at 5.30 pm and closed at 7.32 pm)

Chair