

PLANNING COMMITTEE

29 JUNE 2015
ADDITIONAL INFORMATION

Correspondence received and matters arising following preparation of the Agenda

Item 4: Pages 5–32 - Refs 15/0172/03 and 15/0173/07 Exeter Flood Defence Scheme

An additional comment has been received:

“When trees are planted in public places they are not always watered... and sometimes die”.

Response: Condition 9 requires replanting where trees fail within the first 5 years. Condition 11 requires a manual for the management and maintenance of landscaping to be prepared.

A further letter with 28 signatories has been received regarding works at Countess Weir. This sets out support for the scheme in principle but requests amendments that: 1) The sluice at Waring Bowen Court not be constructed to cater for lorries but to a lighter and lower construction. 2) The alignment of the defence embankment be extended further away from Mill Lane properties and enhancements to the wetland be made including public viewing. The current proposal is considered unsympathetic to the location.

Response: The Environment Agency has advised that they consider it essential that access is provided up to a 3.5 metre wide standard for future access. The proposals are considered acceptable in planning terms. The height of the parapet is necessary to achieve the 1 in 100 year protection level. The wording of suggested condition 15 allows for details of this structure to be reserved, to be approved by officers, and condition 7 requires the further approval of a detailed scheme of landscaping.

Correspondence has been received from Cllr Brock on behalf of a resident requesting that Councillors visit the area of Eagle Cottages to properly understand the impact on residents there before making a decision.

Response: The proposals are considered acceptable in planning terms not resulting in unacceptable impact on living conditions of occupier of Mill House and Eagle Cottages. It is recommended that condition 15 is amended to also reserve details of the construction of the defence wall at this location to enable further consideration of these matters in detail, with the intention of reducing the extent of work if possible, by addition of the following additional text:

“k) Details of the flood defence structures at Mill House and Eagle Cottages, Bonhay Road.”

Item 5: Pages 33-46 - Ref 14/2093/03 Aldi Store, Exeter Road, Topsham

The following additional representations have been received –

- 4 Letters in support – stating the following –
 1. In absence of a shop being delivered on Newcourt development of an Aldi store in reasonable proximity would be a useful and sustainable facility.
 2. It would provide an alternative to existing Exe Vale Tesco and Countess Wear/Glasshouse Lane shops thereby reducing traffic through these residential areas.
 3. It would enhance choice for local residents, including those in Topsham, provide value for money shopping and be complimentary to existing outlets/facilities within Topsham.
 4. Proposal would create local jobs.
 5. Proposed Aldi would meet needs of less affluent population.
- A petition in support containing 323 signatures.
- Notification has also been received of an online petition against the scheme. The number of signatures to this petition will be reported verbally at Committee.

Item 6: Pages 47-54: Ref 15/0185/03
Land rear of former Crawford Hotel, Alphington Road, Exeter

Revised drawings have been received 1-0003A (Proposed Block Plan) and 1-0004 B (Plot Boundaries). Condition 2 to read as follows:

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 13 February 2015 (*dwg. no(s). 14-018 0-0001; 14-018 0-0002*), on 5 June 2015 (*dwg. No. 8519-PHL-001b*) and on 18 June 2015 (*dwg no. 14-018 1-0003A and 14-018 1-0004B*) and supporting documents including the FRA (Revised March 2015), Ecological Assessment J1103.013 and Transport Assessment (dated 13 February 2015) as modified by other conditions of this consent.

Reason: In order to ensure compliance with the approved drawings.

Item 7: Pages 55-62 - Ref 14/2062/03
Phase 1, Hill Barton Road, Exeter

Negotiations in respect of affordable housing matters set out in the main report have taken place. The outcome is that the overall level of affordable housing provision is now acceptable and the clusters have been amended to more closely reflect the guidance in the Council's Affordable Housing SPD. Agreement has also been reached in respect of the issue related to wheelchair accessible and supports units that comprise four 2bed dwellings being sold to the Council for £200k. This will be secured through a deed of variation of the existing S106 Agreement.

An additional condition is required in respect of the detailed design of the internal road layout junction opposite plot 45.

4) Notwithstanding the details shown on the drawings hereby approved the road junction adjacent plot 45 shall be constructed in accordance with further detailed design drawings that shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority) prior to the final construction of that junction being commenced.

Reason: To ensure that safe and suitable access for all users of the road network is provided in accordance with paragraph 32 of the National Planning Policy Framework.

Item 8: Pages 63-70 - Ref 15/0457/03
Hill Barton House, 133 Hill Barton Road, Exeter

The formal observations of the Highway Authority have now been received as follows –

“The submitted application is for 18 dwellings on land at Hill Barton House, to the east of Hill Barton Road.

The majority, of the dwellings are served from the estate roads associated with the reserved matters application for Phase 1 of the surrounding the Met Office (application reference 14/2062/02), which is acceptable.

The 3 dwellings in the south west of the site are shown with vehicular access via amendments to the existing Hill Barton House access onto Hill Barton Road. The application shows the kerb radii at this access being reduced to 3.0 metres. This should help to reduce vehicle entry and exit speeds, improving safety and is therefore acceptable.

*The shared footways on Hill Barton Road form part of a primary cycle route, and therefore to protect the function of the route for pedestrian and cyclists, these works will need to be completed prior to commencements of work on the site. The applicant is advised that they **must** apply for permission to work on the highway and get permission **before** undertaking any such works.*

Subject to a condition to secure this and appropriate on site space to accommodate all construction plant and materials being attached in the granting of any permission, no objection.”

The negotiations in respect of affordable housing provision referred to in the main report have been satisfactorily concluded.

The following amendments to the wording of the conditions set out in the main report, and additional conditions set out below are required -

Revised Condition 3

Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and no development above damp-proof course level shall take place before their approval is obtained in writing. The materials used in the construction of the development shall correspond with the approved samples in all respects.

Reason: In the interests of character and appearance of the development and the visual amenity of the area.

Revised Condition 4

Unless otherwise agreed in writing by the Local Planning Authority none of the dwellings shall be occupied until the works for the disposal of sewage have been provided on the site to serve the development hereby permitted in accordance with details indicated on drawing nos. 1005 Rev P02, 2502 Rev P03, 2503 Rev P03, 2504 Rev P03, 2202 Rev P02 and 2203 Rev P02.

Reason: To ensure the satisfactory drainage of the development.

Revised Condition 5

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.

Revised Condition 6

The approved remediation scheme comprised in the submitted Phase 2 Geo-Environmental Site Investigation Report dated August 2014 and Supplementary Trial Pit Investigation dated January 2015 (Both by TUV SUD PMSS) must be carried out in accordance with its terms prior to the commencement of development on any parts of the site affected by the remediation works required, unless otherwise agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority prior to occupation of the development.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary an (amended) remediation scheme must be prepared in accordance with the requirements of condition 2. The investigation, risk assessment and remediation scheme shall be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved (amended) remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to occupation of the development.

Reason: In the interests of the amenity of the occupants of the buildings hereby approved.

Revised Condition 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 JP Associates

Arboricultural Constraints Report dated June 2014 and plans reference nos. D11 55 P4 (x2). 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.

Revised Condition 10

The development hereby approved shall be carried out strictly in accordance with the submitted Construction Environmental Management Plan (CEMP) ref and dated

Reason: In the interest of the environment of the site and surrounding areas.

Revised Condition 12

No development above damp-proof course level shall take place until a Sustainable Urban Drainage Scheme (SUDS) to deal with surface water associated with the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with Devon County Council as the Lead Local Flood Authority). The said scheme shall include details of the on-going maintenance arrangements associated with any drainage system to be installed. The development shall be implemented strictly in accordance with the approved scheme.

Reason: - To ensure the satisfactory drainage of the development.

Additional Condition 18

No part of the development hereby approved comprising plots 1-4 shall be commenced until amendments to the access onto Hill Barton Road to provide 3.0 kerb radii, as indicated in the Site Layout and Housing Mix drawing number SK130 Rev P2, have been completed. Thereafter the access shall be maintained as amended unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide a safe and suitable access for all users, in accordance with Paragraph 32 of the National Planning Policy Framework.

Item 9: Pages 71-76 - Ref 15/0247/03
Land rear of 16 West Avenue, Exeter

No further update.

Item 10: Pages 77-78 - Ref 15/0354/03
Wat Tyler House, 3 King William Street, Exeter

No further update.