

## **PLANNING COMMITTEE**

Monday 3 December 2018

### Present:-

Councillor Sutton (Chair)

Councillors Lyons, Bialyk, Branston, Edwards, Foale, Harvey, Mrs Henson, Prowse, Sheldon, Thompson and Vizard M

### Apologies

Councillor Morse

### Also Present

City Development Manager, Principal Project Manager (Development) (PJ), Principal Project Manager (Development) (MH), Democratic Services Officer and Democratic Services Officer

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### **MINUTES**

The minutes of the meeting held on 29 October 2018 were approved, taken as read and signed by the Chair as correct.

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### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

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### **PLANNING APPLICATION NO. 18/0873/FUL - LAND AT RIBSTON AVENUE**

The Principal Project Manager (Development) (MH) presented the application for the construction of a 54-bed independent hospital with access, car parking, landscaping/open space and associated works.

The Principal Project Manager (Development) (MH) detailed the consultations undertaken, relevant planning policies and advised that over 200 objections had been received originally, which were summarised in the report. A further seven had been submitted and included in the update report with another 12 objections received since the update. He outlined the content of one letter of support received.

Members discussed the application and asked questions for clarification to the Principal Project Manager (Development) (MH). In response, he explained that:-

- a change of class from residential institution (C2) to Secure Residential Institution (C2a) would require specific planning permission;
- Ofsted had been consulted but had not responded;
- the Committee are required to address land use and other planning matters and should not take the specific operator of the facility into consideration;
- the use as a hospital and its co-existence in the area was not deemed an issue;
- there were no specific planning guidelines for this type of building;
- the facility would enable the treatment of patients locally; and

- the application was for the provision of care and treatment to patients falling in the 'Acute to Low Secure' range. Given the profile and needs of the intended patients, the nature of the proposed facility was necessary to ensure the safety of the patients as people vulnerable to exploitation by others, and to prevent them from harming themselves, rather than the patients presenting a danger to society generally.

Councillor Holland, having given notice under Standing Order No. 44, spoke on the item. He raised the following points:-

- the unmet demand for mental health facilities is recognised;
- residents welcomed a possible relocation of the Exeter Deaf Academy, and as a brownfield site, it offers an opportunity for housing;
- NHS England guidance indicates that the unit will provide services to patients who are a threat to others which will present a risk;
- a pathway running next to the school field could lead to patients engaging with children of the St. Nicholas Primary School through a chain link fence;
- the development will have an adverse effect on the character of the area and a detrimental effect on amenity value; and
- parking problems in the area will be exacerbated as the majority of staff will travel to work by car. County Council trip figures are questionable.

Councillor Holland summarised further issues he wished to detail as those of communication, community impact, the applicant, material considerations including threat, fear and safeguarding. He provided details of each.

#### Communication

- Leith/Cygnet had not been open in the consultation with inadequate communication with local Members and local groups including Residents' and Community Associations. A meeting at Whipton Village Hall had been insufficiently promoted; and
- the end use has been shielded from residents because of its contentious nature and proximity to the school and sheltered housing.

#### Community Impact

- the original plan of a nursing home for patients with eating disorders not a secure unit for people with psychological problems. A significant number of Cygnet Units are inadequate with Police called on multiple occasions; and
- the head teacher of the school and the Governing Body state that the hospital poses a significant risk to the well-being of children.

#### Material Considerations

##### Threat

- strong enough material considerations can outweigh policy grounds and the safeguarding of children is a material consideration. The Care Quality Commission (CQC) report that many Cygnet facilities are inadequate or require improvement, particularly with regard to safeguarding. The emotional effect of seeing escapees/the police being called out etc. could disturb young people;
- the unit conforms to Section 17 of the Mental Care Act governing the type of provision and medical sign-off for patients receiving Community

Treatment Orders from the primary admission hospital. Such a facility next to the school is inappropriate and the risks need to be known at the decision stage; and

- Cygnet Healthcare's current and past standards and Devon and Cornwall police concerns that the facility needs to be well managed are evidence of threats. The Police have asked Cygnet for design improvements.

### Fear

- fear is also a material consideration. Having regard to the NHS booklet outlining low secure mental health services in the UK there is concern from the local community for the safety of the 340 children at the school;
- currently, 10 of Cygnet's 19 facilities are failing as assessed by the CQC. Fearfulness of a 54-Bed secure mental health unit operated by Cygnet is a clear reason for the application to be rejected especially considering fear from a child's perspective. There are a number of concerns about this provider relating to criminal activity of patients and violent acts carried out shortly after release into the community which is also a material planning consideration.

### Safeguarding

- approval would be contrary to the Council's safeguarding policy which includes a duty to co-operate with the County Council in discharging duties in respect of the wellbeing of children and adults;
- two OFSTED Inspectors, the Director of Education for Warwickshire and the National Association of Headteachers all express serious reservations;
- none of the 500 Devon schools are sited next to a prison or secure unit and the care provider has no other facilities adjacent to a primary school;
- as a former Head of three different primary schools in Central Devon, he believed that granting planning permission for a secure unit in such close proximity to a school with 350 pupils compromises the safety of children; and
- the benefits attributed to the provision do not outweigh the considerable negative impact of such a development in a densely populated area.

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

- Leith Planning claimed that the proposal had been subject to an extensive consultation exercise, which the residents feel was not the case;
- clear evidence that the facility will impact on Police resources;
- the report misleads on parking, accessibility and traffic;
- residents and parents are deeply concerned about children's welfare;
- choosing a suitable location is vital when considering building a mental healthcare facility, with special emphasis on nearby schools and domestic dwellings;
- a report issued by the National Health Development Unit stated that a mental health facility did present a risk to the public. Evidence shows that more than 31% of Cygnet facilities require improvement to their security;
- residents had strong reason to believe that the facility could hold people from the criminal justice system, with the potential to increase the crime level in the area;
- more than 95% of the Hill Barton Community Association and the 230 objectors opposed the development of the facility in the location; and
- there was clear evidence of residential fears about the proposal going

forward, and that it should be rejected on the grounds of being incompatible with the area and for over use.

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

- World Health Organisation highlight the widespread misunderstanding surrounding mental ill health and there remains the belief that mental issues are untreatable leading to abuse and isolation. People are too often treated in institutions which resemble human warehouses rather than places of healing;
- “MIND” state that 1 in 4 people in the UK will experience a mental health problem every year;
- every “mental health patient” treated at the proposed facility is a family member, neighbour or work colleague and mental health remains the Cinderella service;
- the report states that there are no outstanding matters from statutory consultees and covers residents’ concerns, including local concerns around fear and public safety; and
- an independent hospital is proposed providing mental healthcare to NHS patients in a community setting and the recommendation is for approval. The assurances of protections in the Use Classes Order and within the report should be accepted.

Some Members expressed concerns with the application. One did not feel that such a facility was appropriate next to a primary school, another felt that the arrival of vehicles with patients could be alarming to the school children and that the consultation process had been inadequate with another being of the view that the unit could not co-exist with existing activities in this community setting. Both Members also stated that they objected to the Chair’s decision not to permit Members to ask questions of the speakers. Another Member noted that the risk and perception of anti/social behaviour arising from the proposed use was capable of being a material consideration in the assessment.

Other Members supported the application as it was not thought that the fears referred to were based on sound reasons and that case law had established that unfounded fear in itself would rarely or if ever be a reason to justify the withholding of planning permission. It was also stated that the facility would enable local people to be treated locally and that the patients were vulnerable and not those who would require treatment in a secure institution as defined within Class C2a. One Member, who had worked in the sector, did not believe that problems could occur. She referred to patients previously released into the community from mental health institutions that had not resulted in difficulties, some of whom reside close to other City schools.

The City Development Manager advised that the difference with a C2a use was that the main purpose was to keep persons under control who were a potential danger to society at large as opposed to residential institutions whose primary function was the provision of care to people in need of care but where ancillary security measures were provided as part of the delivery of that care. Consequently, it was considered that, in planning terms, the proposal would be a Residential Institution falling within Use Class C2 rather than a Secure Residential Institution within Use Class C2a. As such, it was considered appropriate for the residential institution proposed in the application to be located within the residential context of the application site.

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

report.

**RESOLVED** that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure the provision of public open space including access and maintenance arrangements and a contribution of £3,000 toward traffic order planning permission for the construction of a 54-bed independent hospital with access, car parking, landscaping/open space and associated works be **APPROVED**, subject also to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.
- (2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 5th June, 11th and 19th October 2018 (including dwg. nos. CYG-PHS-XX-ZZ-DR-A-90-001 Rev P1, CYG-PHS-XX-ZZ-DR-A-90-003 Rev P1, CYG-PHS-XX-ZZ-DR-A-90-004 Rev P6, CYG-PHS-XX-00-DR-A-22-001 Rev P2, CYG-PHS-XX-01-DR-A-22-002 Rev P2, CYG-PHS-XX-ZZ-DR-A-27-001 Rev P1, CYG-PHS-XX-ZZ-DR-A-20-001 Rev P5, CYG-PHS-XX-ZZ-DR-A-90-005 Rev P2, Landscape General Arrangement 001F, Landscape Design 003 and Landscape Site Sections 002D) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- (3) Pre commencement condition: 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 for pre commencement condition:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.
- (4) Pre-Commencement condition: - No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
  - a) The parking of vehicles of site operatives and visitors.
  - b) Loading and unloading of plant and materials.
  - c) Storage of plant and materials used in constructing the development.
  - d) The erection and maintenance of securing hoarding, if appropriate, which shall be kept clear of graffiti and fly-posting.
  - e) Wheel washing facilities.
  - f) Measures to control the emission of dust and dirt during construction.
  - g) A scheme for recycling/disposing of waste resulting from construction works, with priority given to reuse of building materials on site wherever practicable.

- h) No burning on site during construction or site preparation works
- i) Measures to minimise noise and vibration nuisance to neighbours from plant and machinery.
- j) No driven piling without prior consent from the LPA.
- k) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

The approved Statement shall be adhered to throughout the construction period of the development.

**Reason for pre-commencement condition:** In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

- (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.

- (6) The building hereby approved shall not be brought into use until the landscaping has been completed in accordance with the approved plans and a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved maintenance schedule shall be adhered to.

**Reason:** In the interests of the visual amenity of area and to ensure appropriate maintenance measures are implemented to secure the longevity of the implemented landscaping scheme.

- (7) No part of the development hereby approved shall be brought into its intended use until the vehicular parking, on-site turning area, vehicular and pedestrian access points onto Ribston Avenue as indicated "Drawing Number CYG-PHS-XX-ZZ-DR-A-90-004 Rev P6" has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** To ensure that a safe and suitable access is achieved, in accordance with paragraph 108 of the National Planning Policy Framework.

- (8) No part of the development hereby approved shall be brought into its intended use details of the pedestrian/cycle access to the adjacent residential site (to the south of Ribston Avenue) have been approved in writing by the Local Planning Authority and the pedestrian/cycle access has been provided, surfaced and marked out in accordance with the approved plans. Thereafter the said access shall be retained for those purposes at all times.

**Reason:** To provide a safe and suitable access for pedestrians and cyclists in accordance with Paragraphs 108 and 110 of the NPPF and CP9 of the ECC Core Strategy

- (9) Prior to the development hereby approved being brought into use secure cycle parking provision and staff changing facilities to serve the

development shall be provided and made available for use in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said facilities shall be maintained at all times for the intended purpose.

**Reason:** To provide adequate facilities for sustainable transport.

- (10) No development shall take place until adequate areas have been made available within the site to accommodate operatives' vehicles, construction plant and materials and 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, measures to minimise the impact on the adjacent footpath and timings of the proposed works. The approved Statement shall be adhered to throughout the construction period.

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

- (11) A comprehensive Travel Plan in line with the proposals mentioned in the submitted Travel Plan Statement (June 2018) and Car Park Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in advance of occupation of the development. The Travel Plan measures and Car Park Management Plan shall thereafter will be implemented in accordance with the approved details. A review of travel patterns for the site shall be undertaken within 6 months of occupation of the development and updated on a basis as agreed in writing with the Local Planning Authority as part of the Travel Plan thereafter.

**Reason:** To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 111 of the NPPF.

- (12) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 and 2 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 3 has been complied with in relation to that contamination.

#### 1. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### 2. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme

works.

Following completion of measures identified in the approved remediation scheme, a verification 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.

### 3. Reporting of Unexpected Contamination

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 in accordance, and where remediation is necessary an updated remediation scheme must be prepared in accordance with the requirements of part 1, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved updated remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part 2.

Parts 1, 2 and 3 must all be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

**Reason:** In the interests of the amenity of the occupants of the building hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

- (13) Prior to the commencement of the use hereby permitted, the kitchen ventilation system for the unit shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The details shall include drawings of the location and design of the system, and information on how odour emissions shall be controlled, including abatement if necessary, and how the system shall be maintained to ensure it does not adversely affect the amenity of surrounding uses. The applicant should be advised that further guidance on the required information is available in annex B of the DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'.

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

- (14) Noise levels at the boundaries of the site associated with plant forming part of the development hereby approved shall not exceed the limits specified in figure 1 attached to the WSP memo dated 21st September 2018 ref WSP-APM001 submitted in support of the application.

**Reason:** To protect the residential amenity of the occupants of surrounding properties.

- (15) Prior to the development hereby approved being brought into use boundary treatments to all 4 external boundaries of the site, and between the hospital and the open space, shall be erected in accordance with further detailed specifications that shall previously have been submitted to and approved in writing by the Local Planning Authority. The details shall be based on the boundary treatments specified on the approved landscaping plans and comprise detailed specifications for each boundary. Thereafter the said

boundary treatments shall be maintained at all times.

**Reason:** In the interests of the visual amenities of the area, and the security of the site.

- (16) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter 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.

- (17) The detailed design of the proposed surface water drainage scheme to serve the site, including the associated maintenance and management arrangements, shall be submitted to and be approved in writing by the Local Planning Authority prior to the installation of the said drainage facilities. Thereafter the drainage shall be implemented and managed and maintained in accordance with the approved details. Those details shall include:
- a) a timetable for its implementation, and
  - b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

**Reason:** To ensure the satisfactory drainage of the development. This information is required before development commences to ensure that any drainage scheme is properly designed and implemented at the appropriate stage.

191 **PLANNING APPLICATION NOS. 15/0640/OUT AND 15/0641/OUT - ALDENS FARM, ALPHINGTON**

The Principal Project Manager (Development) (PJ) presented two applications for residential development including new access onto Chudleigh Road and Dawlish Road (15/0640/OUT) and Shillingford Road (15/0641/OUT) and associated infrastructure. (All matters reserved for future consideration except access). Details of the applications were provided as follows:-

Application ref 15/0640/OUT - outline planning permission for development for up to 234 dwellings with associated infrastructure. The application is for all matters reserved except for access, which is proposed from Chudleigh Road and Dawlish Road using an improved existing vehicular and pedestrian access. The site comprises an area of land of 8.07 hectares in total comprising open fields to the south of existing residential properties located in Steeple Drive, Pulpit Walk, Lichgate Road and Tower Walk.

Application ref 15/0641/OUT - outline planning permission for development up to 116 on land between Chudleigh Road and Shillingford Road together with a new vehicular access to Shillingford Road with other all matters reserved matters. The site comprises an area of land of 4.1 hectares in total comprising of open fields to the south of existing residential properties located in Veitch Gardens and Royal Close.

In view of the two applications, two individuals spoke separately on each. They spoke objecting to the proposals.

The Principal Project Manager (Development) (PJ) referred to the objections received from the Alphington Village Forum and local residents and to some updated reports provided by the applicant which had been submitted with the application in 2015. He referred to a proposed Section 106 Agreement relating to affordable housing, district heating connection and traffic management and transport improvements. He advised that a late representation from the Council for the Protection of Rural England had raised the following issues:-

- the design and access statement is inadequate and is noncompliant with the National Policy Framework 2018;
- independent studies show that the number of new houses required in Devon did not reflect the real housing need in the County; and
- lack of a strategic goal and failure to build safe and well-designed homes.

He reported that the proposed condition 24 in respect of education would be deleted as the County Council, as Education Authority, had confirmed that an all through school would be provided within the Teignbridge boundary as part of the Bovis housing development which would also serve the two developments at Aldens Farm.

In respect of affordable housing, the Principal Project Manager (Development) (PJ) referred to the proposed Section 106 Agreement to secure a contribution of 30%. He reported that, although the applicant had initially considered their affordable housing provision should be 10% in line with that agreed by Teignbridge District Council within the outline planning application submitted by Bovis Homes, this had not been considered acceptable as it fell below the Exeter development plan policy requirement. The difference in opinion regarding the provision of affordable housing explained the reason for the delay in the submission of the applications in 2015. Following the submission of viability information and subsequent discussions with the applicant, it had been agreed that both developments would provide 30% affordable housing.

Councillor Musgrave, having given notice under Standing Order No. 44, spoke on the item. He raised the following points:-

- as with the Alphington Village Forum, do not object to the developments in principle but to the overall strategy;
- the Alphington Development Brief sets out a number of the requirements relating to highways and traffic concerns but these are not being addressed;
- an Environmental Impact Assessment is required in line with the Council's Core Strategy CP17 and 19 and Development Brief to ensure an acceptable green infrastructure and high quality green spaces;
- both the Council's Development Brief and Core Strategy CP17 refer to the goal of retaining and enhancing biodiversity but the absence of a green infrastructure framework means that there is no guarantee that existing trees, hedges and habitats and species will be protected - in some parts of the developments the developer will remove some hedgerows and trees;
- the applicant's Landscape and Visual Assessment states that the South West Masterplan "notes that the existing green infrastructure does not currently feature strongly around Alphington with limited existence of public open space located to the north of the village and play areas only located to the north and east";
- building houses on open fields will worsen the lack of public open space in Alphington and the lack of sufficient public open space is a serious concern;
- Core Strategy Policy CP17 requires the development to "retain and

enhance the biodiversity of the site and adjacent areas” and the Development Brief requires that the site must be developed as a place which provides for a net gain in biodiversity;

- the bat population will be affected by the removal of their habitat and disturbed by lighting from the new houses and mitigation measures are inadequate;
- the findings from the traffic assessment in relation to air quality are questionable and existing poor air quality in the area and along Alphington Road will be exacerbated. Church Road and the northern section of Chudleigh Road already exceed or are just below the legal acceptable limits;
- sites will be developed but both applications should be deferred for further assessment of material considerations including a requirement for an environmental impact assessment.

Councillor Warwick, having given notice under Standing Order No. 44, spoke on the item. He raised the following points:-

- Alphington is a semi-rural suburb, with a village culture, which would be lost by any new development;
- local concerns about building on agricultural land to generate income for shareholders rather than genuinely addressing local housing needs;
- there was a considerable traffic issues in the area, which was near the A30, with Alphington Road a major gateway into the city;
- the Traffic Assessment Report had been written in 2014 and was out of date and could not refer to recent delays caused by traffic incidents. There is also an increase in farming vehicles using the roads during certain periods;
- of the 2,500 homes agreed for construction, 2,000 had already been agreed by Teignbridge District Council which would be a vast increase in homes to the area and which also had not been covered by the Traffic Assessment Report;
- the Traffic Assessment Report suggested alternative transport arrangements for Alphington, however the two important transport options had not happened. The Marsh Barton rail station was due to open in 2015, but the latest report showed the station may not have the funding to be opened. The second arrangement was the Alphington Park and Ride which had also been delayed. The traffic assessment did not align with the current circumstances;
- clarification is required from Devon County Council on infrastructure proposals and on negotiations with developers on transport arrangements;
- time for locals to walk to the local doctor surgery and school, has been referred to. However, both are full and these issues have not been taken into consideration;
- the A30 is also a tourist route from Cornwall and, during summer months in particular, an element of that traffic heads for the city centre further increasing pollution; and
- the Traffic Assessment Strategy must be revisited before any permission is granted.

Ms Meadowcroft spoke against the application. She raised the following points:-

- Alphington Village Forum had held five workshops to produce a Development Brief to serve as a Supplementary Planning Document for the future development of Aldens Farm East and West. Had made clear that

- the development was part of the South West Exeter Urban Extension adjoining land to the south within the Teignbridge District, comprising 2,500 new houses, of which approximately 350 would be in Alphington village;
- the Forum had pointed out that the outline plans were unfit for purpose with 12 points of concern. The most important one was the lack of evidence of a co-ordinated approach to the plans by the two councils on either side of the Exeter/Teignbridge administrative boundary. There was a lack of provision for community facilities; open space; protection of existing trees and hedgerows and there is no integrated approach to cycleway and bus route provision and traffic generation from the Teignbridge District Council development in the calculation of traffic and road junction capacity;
  - the County Council, in its response to the proposal, had referred to the lack of joined-up thinking and awareness of the future impact from the whole site. Half of the whole South West Exeter development was going to be built between the A379 and Alphington;
  - much of Alphington Village is a Conservation Area especially along Chudleigh and Church Roads, which is the route already used by a large volume of traffic for access to the City Centre and is frequently congested;
  - the South West Exeter Access Strategy is out of date and there is no agreed methodology for Transport Assessments for the whole site. The junctions on to the Shillingford Road are dangerously sited and should be moved to the entrance to Markham Lane, where it could meet up with the road from the Bovis development in Teignbridge, avoiding the access for buses across this historic lane, which was to be a high-quality cycle and pedestrian route as set out in the Development Brief.

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

- Alphington Village Forum is not against the development and are supportive of good development which enhances the quality of life for the occupiers of the new homes;
- the objection is that the application under consideration is not fit for purpose and does not demonstrate that the proposed development is viable;
- compromises will be required and therefore the Forum assisted in the production of the Alphington Development Brief to show how issues can be addressed;
- the applicant has no interest in identifying the conflict and how they may be overcome due to extra cost and any restrictions on the development, in particular number of dwellings. The developer will look to maximise profit for an unhindered site. It is believed that the constraints arising from the conditions will restrict the developable area, reduce the number of dwellings and reduce viability leading to the developer applying to increase the density with three and four storey buildings and/or reduce the number of affordable homes;
- Devon County Council will get what they want, but Alphington will suffer with imposition of poor development and Exeter City Council will not get the affordable homes needed; and
- urge refusal of consent or deferral until the applicant has submitted an indicative proposal showing compliance with the Alphington Development Brief. There are many technical reasons to refuse or defer the decision on this application until the applicant has demonstrated the viability of the site.

The Principal Project Manager (Development) (PJ) commented that a screening opinion had been taken which concluded that an environmental statement would not be required. An environmental assessment requirement would only result in the re-packaging of the existing reports already provided to Members and not offer any

new information. Where appropriate, older reports had been updated, which included the Transport Assessment, which had been updated in 2017. Devon County Council had been given the opportunity to comment further on the updated reports but did not wish to amend their original comments. The air quality reports had been assessed by the Environmental Health Officer and were deemed appropriate.

Whilst welcoming contributions to bus services, Members expressed concerns in respect of a number of issues which they felt should be further considered. They felt that, because of the scale of growth proposed in the South West Exeter urban extension, a coordinated, comprehensive approach was required to successfully create a sustainable community. They were concerned about the ability of the County Council to take on the delivery of infrastructure, as it would be dependent on sufficient developer contributions being collected. They felt that, because of the scale of the development, an updated Transport Assessment was necessary particularly regarding the uncertainty over Park and Ride provision and the rail halt at Marsh Barton. The comments on differing affordable housing provision associated with the proposed developments in the area were reiterated and it was felt that the policy requirement should be met.

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

**RESOLVED** that planning permission for a residential development including new access onto Chudleigh Road and Dawlish Road and associated infrastructure. (All matters reserved for future consideration except access) be **DEFERRED** for discussions to be held at Member and Officer level with Devon County Council to reconsider both of the applications and assess the many issues of concern raised including:-

- the failure to adequately meeting requirements of the Alphington Brief;
- the percentage of affordable housing proposed;
- uncertainty about health/school provision
- lack of sufficient community infrastructure;
- the failure to bring forward a Park and Ride facility for this side of the City;
- need for greater open space;
- the stalled progress on the delivery of a Marsh Barton Rail Halt; and
- an outdated Transport Plan for the area given both of these development and that proposed within the Teignbridge boundary.

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**PLANNING APPLICATION NO. 18/1088/FUL - MALLISON BRIDGE, EXETER QUAY**

The Principal Project Manager (Strategic Policy) (PJ) presented the application for the replacement of Mallison Bridge with elevated boardwalk over riverside walkway to link to existing foot/cycleways at Cricklepit Bridge. He advised of four objections, two of which from the Exeter Civic Society and Historic England had been withdrawn following the submission of amended plans. The revised plans increased the bridge width from 2 metres to 3.5 metres and provided a much enhanced facility for this historic Conservation Area.

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

**RESOLVED** that planning permission for the replacement of Mallison Bridge with elevated boardwalk over riverside walkway to link to existing foot/cycleways at

Cricklepit Bridge be **APPROVED**, subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

**Reason:** To ensure compliance with ss 91-92 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 12 July 2018 (including drawing number MBB – LD/3.1, the Preliminary Ecological Appraisal Report and the Flood Risk Assessment), on 7 November 2018 (including drawing number MBB-LL/05.1) and on 14 November 2018 (including drawing numbers MBB-LL/1.0, LD/01, LD/05, LD/06, LD/07, LD/08, and LD/09) as modified by other conditions of this consent.

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

- (3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.

- (4) No works shall take place until the local planning authority have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) any road closure;
- (c) hours during which delivery and construction traffic will travel to and from the site
- (d) the number and sizes of vehicles visiting the site;
- (e) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored;
- (f) confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (g) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (h) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Prior to commencement it is recommended that the developer consults, and if necessary meets with, the Highway Authority to establish a safe means of progress. The approved Construction Management Plan shall be adhered to throughout the construction period.

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

- (5) No development shall take place until a detailed Construction Methods Statement is submitted to and agreed in writing by the local planning authority. This includes the construction methods within the river corridor.

Thereafter the development shall be carried out in accordance with the approved Construction Methods Statement and any subsequent amendments shall be agreed in writing with the local planning authority.  
**Reason:** To ensure flood risk is not increased for others.

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**LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

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**APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

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**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 18 December at 9.30 a.m. The Councillors attending will be Edwards, Harvey and Prowse.

(The meeting commenced at 5.30 pm and closed at 8.25 pm)

Chair

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