

## **PLANNING COMMITTEE**

Monday 29 October 2012

### **Present:**

Councillor Bialyk (Chair)  
Councillors Lyons, Denham, Donovan, Mrs Henson, Morris, Owen, Prowse and Spackman

### **Apologies:**

Councillors Mitchell, Sutton and Winterbottom

### **Also Present:**

Strategic Director (KH), Assistant Director City Development, Planning Solicitor, Area Planner (PJ) and Member Services Officer (SJS)

113

### **MINUTES**

The minutes of the meetings held on 23 July, 3 September, 17 September and 1 October 2012 were taken as read and signed by the Chair as correct.

114

### **DECLARATIONS OF INTEREST**

Members declared the following personal interests:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Owen	115 (his daughter lives in the current Match Day Access Strategy zone)
Councillor Prowse	116 (Member of Devon County Council)

115

### **PLANNING APPLICATION NO.12/1030/03 - SANDY PARK STADIUM, SANDY PARK WAY, EXETER, EX2 7NN**

Councillor Owen declared a personal interest as his daughter lives in the current Match Day Access Strategy zone.

The Assistant Director City Development presented the application for the redevelopment to increase capacity from 10,750 to 20,600 by new and extended grandstands, additional parking, bus/coach drop off and additional conference centre facilities at Sandy Park Stadium, Sandy Park Way, Exeter.

Members were advised that the site comprised the rugby stadium situated at Sandy Park which was sandwiched between the A379 and the David Lloyd Centre to the north, the M5 and slip road to the east, Old Rydon Lane to the south and Sandy Park Farm to the west. Vehicular access to the site was via a junction on the A379 to the north-west of the site, with an emergency access, also used as coach/bus exit only, onto Old Rydon Lane. Pedestrian/cycle access to the site was principally obtained via a purpose built pedestrian/cycle bridge over the A379 from the north, secured as part of the original approval for the stadium, and via Old Rydon Lane from the south.

The Assistant Director City Development stated that the site had consent for an extension to the main stand, and additional new stands to increase the capacity to

13,956. This consent had not yet been implemented. This application sought to increase capacity from the current 10,744 to 20,600 in the form of an extension to the existing West stand and new permanent stands on the remaining three sides of the ground. The proposal also included increasing the Conference and Banqueting facilities from the existing capacity of 600/650 to 2,675. The parking would increase from 154 spaces to 395 spaces, with parking being limited to 254 spaces on match days to allow for TV cameras and crew and buses/coaches.

Members were updated on the issues including the visual prominence, sustainability and the transport issues. The Highways Authority and Highways Agency were now satisfied subject to appropriate conditions limiting increased capacity until such time as additional travel surveys and Junction 30 improvements had been carried out and a revised Match Day Access Strategy had been approved. The conference centre would be constructed to Breeam excellent standard.

Members were circulated with an update sheet advising that David Lloyd Leisure had retracted their objection; details of three additional letters of representation; minor design changes; revised consultation responses from the Highways Authority and Highways Agency with details of appropriate conditions and advising that the Section 106 was no longer required.

The recommendation was for approval, subject to the conditions as set out in the report and modified by the update sheet.

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

- no objection in principle to Exeter Rugby Club's expansion plans and the desire to play International Rugby
- had concerns regarding the use of Old Rydon Lane; use would increase once the capacity increased
- evening games were a big challenge; how to move spectators safely and quickly away from the ground, particularly if the capacity was to increase to over 20,000?
- the barrier should be removed from the footbridge over the A379
- understand expansion necessary but need to get it right.

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

- was a season ticket holder at Sandy Park and member of the Chiefs' supporters club
- concern regarding pedestrian safety along Old Rydon Lane to the Stadium
- with all the development in the area, in excess of 1,600 homes, and with the new rail halt promised at Newcourt; the proposal would lead to the increase use of Old Rydon Lane to access the Stadium
- the rail link from Exmouth to Digby Halt was already well used and could not cope at peak times
- if the use of narrow public path along the side of the railway adjacent to Liberty Way increased this would be dangerous, as it was necessary at present to walk single file and there was also a flight of steep steps; using this path in poor light or darkness would be very hazardous.

In response to Members, Mr Richardson clarified that his main concerns was lack of an adequate footpath and inadequate lighting for spectators when leaving the Stadium via Old Rydon Lane.

Mr Rowe (applicant) spoke in support of the application. He raised the following points:-

- thanked Exeter City Council Members and Officers for their support over the years
- looking to increase the capacity to just over 20,000 to be able to take the club forward in England and Europe; and expand the Conference and Banqueting facilities to increase income
- the Conference and Banqueting centre would be the largest centre of it's kind in the South West; this facility was required to support the club
- was a challenging time for the club
- asked the Committee for their support.

In response to Members, Mr Rowe clarified that there was no Police presence required for matches; photo voltaic panels would be installed on the Southern Stand and conference centre; Sandy Park was a market leader in the facilities that it provided; last year had three sell outs, anticipated that the numbers would gradually increase as the club moved into Europe and that once the stadium was at maximum capacity he would envisage it would be full once or twice a year; and the expansion of the Conference and Banqueting facilities would create additional employment.

During discussion, Members raised the following points:-

- Exeter Rugby Club had moved into European Rugby quicker than had been envisaged
- a lot of work had gone into the original application to get it right
- concerns over the lack of lighting on Old Rydon Lane and Apple Lane; this could cause safety issues
- the barrier on the footbridge caused spectators leaving a match to back up across the bridge causing safety issues; it should be removed
- concern over the use of Old Rydon Lane for picking up and dropping off of spectators
- would the new residential development in Newcourt have the same match day restrictions that apply in Digby and surrounding areas?
- Local Ward Members should be consulted on the Match Day Access Strategy before it was agreed.

Mr Hulland, Transportation Studies Manager, Devon County Council, clarified that plans would be made to remove the barrier on the footbridge over the A379 within the next couple of months. When the Newcourt Rail halt was built the lighting of the access to this halt would need to be looked at, although street lighting in this area could form part of any further residential planning applications on the Newcourt development. The Match Day Access Strategy would evolve as evidence emerged from additional travel surveys. The original consent in 2004 enabled match day parking restrictions to cover an area of 1.5km from the Stadium which would include Newcourt.

The Assistant Director City Development clarified that a stadium capacity exceeding 11,700 spectators could not be in force until a Match Day Access Strategy had been agreed with the Local Planning Authority. Members concerns regarding the adequate lighting of Old Rydon Lane and Apple Lane and the use of the emergency access on Old Rydon Lane for dropping off and picking up would be taken forward with the relevant bodies. The Local Ward Members could be consulted on the Match Day Access Strategy before agreed.

**RESOLVED** that planning permission for the redevelopment to increase capacity from 10,750 to 20,600 by three new grandstands, additional parking, bus/coach drop off and extension to west stand including conference centre to south stand be **approved** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C12 - Drainage Details
- 5) C35 - Landscape Scheme
- 6) C37 - Replacement Planting
- 7) Unless otherwise agreed the playing area and spectator facilities in the main stadium shall only be used for the purposes of playing rugby or other sporting activities. The site shall not be used for public performance of musical events.  
**Reason:** To enable the Local Planning Authority to retain control over the use.
- 8) The designated disabled parking areas shown on the approved drawings shall be retained at all times.  
**Reason:** To ensure that adequate provision is made for disabled parking.
- 9) 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.
- 10) The access from the site to Old Rydon Lane shall only be used by emergency or maintenance vehicles, and not as general means of access to or from the stadium and conference facilities.  
**Reason:** In the interests of highway safety.
- 11) A Construction and Demolition Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and adhered to during the construction period. This should include details of the monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and emissions of noise and dust. This should include details of the phasing and timing of work and measures that will minimise the impact of construction traffic on the local road network, including parking. The CEMP should contain a procedure for handling and investigation complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development, in order to discuss forthcoming work and its environmental impact.  
**Reason:** To minimise the potential for disruption during the construction process.
- 12) Construction/demolition work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at

any time on Sundays, Bank or Public Holidays.

**Reason:** In the interest of residential amenity.

- 13) Capacity of the stadium exceeding 11,700 spectators shall not be utilised until a Match Day Access Strategy for crowds exceeding this figure has been submitted to and approved in writing by the Local Planning Authority. The scope and content of the Match Day Access Strategy shall be agreed with the Local Planning Authority in consultation with the Local Highway Authority and the Highways Agency (on behalf of the Secretary of State for Transport) and contain detailed provisions for the purposes of securing compliance with the approved measures together with its review and amendment as necessary. The Match Day Access Strategy shall incorporate the commitments for such a Strategy as set out in the existing Section 106 Agreements dated 9<sup>th</sup> September 2004 and 20<sup>th</sup> November 2009. Thereafter the stadium shall only be used and operated in accordance with the approved Match Day Access Strategy.

**Reason:** In the interests of highway safety, the efficient operation of the Local and Strategic Road Network, and to safeguard the amenities of neighbouring residents.
- 14) Prior to occupation of the development hereby permitted, cycle parking shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained at all times thereafter.

**Reason:** To ensure that cycle parking is provided, in accordance with Local Plan policy T3, to encourage travel by sustainable means.
- 15) The four staff flats shown on the second floor of the south west stand on drawing no 1032 PL02.42 Rev B shall only be occupied by staff members associated with the operation and running of the rugby club and associated facilities.

**Reason:** The said accommodation lacks the provision of adequate private external amenity space to meet the standards set out in the Council's adopted Residential Design SPD. However, it forms an intrinsic part of the overall proposal and is considered acceptable on that basis provided occupation is only limited to staff associated with the development.
- 16) The level of noise emitted from all fixed plant and equipment on the site shall not exceed a rating noise level of 38 dB (07:00hrs to 23:00hrs) and 29 dB (23:00hrs to 07:00hrs) at the western boundary of the site, and 47 dB (07:00hrs to 23:00hrs) and 32 dB (23:00hrs to 07:00hrs) at the southern boundary of the site (measured in accordance with BS4142:1997). The developer shall demonstrate, by measurement and confirmation in writing to the Local Planning Authority, compliance with this level prior to the expanded facilities being brought into use, and as requested by the LPA thereafter.

**Reason:** In the interest of minimising noise pollution to protect the residential amenity of the occupants of nearby properties.
- 17) A comprehensive Travel Plan will be developed for all elements of the development which are ancillary to the operation of the Stadium, hereby permitted. The acceptability of the Travel Plan will need to be agreed in writing by the Local Planning Authority (who shall consult with the Local Highway Authority and the Highways Agency (on behalf of the Secretary of State for Transport)), in advance of occupation of the development. The Travel Plan will need to be prepared in line with prevailing policy and best practice and shall include as a minimum:

- The identification of targets for trip reduction and modal shift
- The methods to be employed to meet these targets
- The mechanisms for monitoring and review
- The mechanisms for reporting
- The fail safe measures to be applied in the event that targets are not met
- The mechanisms for mitigation
- Implementation of the travel plan to an agreed timescale or timetable and its operation thereafter
- Mechanisms to secure variations to the Travel Plan following monitoring and reviews

A review of the targets shall be undertaken within 3 months of occupation of the development, and on an annual basis thereafter, at the time of submission of the Annual Travel Plan Report. Thereafter the development shall be operated in accordance with the approved Travel Plan.

**Reason:** In order that the development promotes public transport, walking and cycling, and limits the reliance on the private car.

- 18) Capacity of the stadium exceeding 15,000 spectators shall not be utilised until such time as the improvements to Junction 30 of the M5, as identified on attached drawing no. A10021-08 have been completed in accordance with the Local Planning Authority's approval (who shall consult with the Local Highway Authority and Highways Agency on behalf of the Secretary of State for Transport).
- Reason:** In the interests of highway safety and the efficient operation of the Strategic Road Network.
- 19) Prior to the commencement of the development an assessment of the impact of all external lighting associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall consider the impact of all external lighting (including hours of use) on nearby receptors as agreed in writing by the Local Planning Authority.
- Reason:** To ensure that potential light pollution is minimised in the interests of the residential amenity of the occupants of surrounding properties.
- 20) Prior to the implementation of any revised floodlighting scheme associated with the construction of the increased stadium capacity hereby approved a lighting assessment of the proposed flood lighting shall be submitted to and approved in writing by the Local Planning Authority.
- Reason:** To ensure that potential light pollution is minimised in the interests of the residential amenity of the occupants of surrounding properties.
- 21) The development hereby approved shall be implemented in accordance with the submitted Energy and Sustainability Strategy Rev F dated 11th October 2012 including a plant room that is compatible with future connection to a District Heating Network, and installation of photo voltaic panels to meet the requirement of Core Strategy policy CP14. However, notwithstanding the contents of that document the South stand, South Stand conference centre and East and North stands shall be constructed to BREEAM 2011 Excellent standard. A copy of the final BREEAM assessment for each of these elements shall be submitted to the Local Planning Authority prior to them being brought into use.
- Reason:** To ensure that the scheme is developed in such a way as to reduce reliance on non-renewable energy sources and maximise energy efficiency in the interest of sustainable development in accordance with Core Strategy Policies CP14 and CP15.

(Report circulated)

116 **PLANNING APPLICATION NO.12/0500/03 - BISHOPS COURT QUARRY, APPLE LANE, EXETER, EX2 7JH**

Councillor Prowse declared a personal interest as a member of Devon County Council.

The Area Planning Officer presented the application for the demolition of buildings and the re-profiling of the quarry to provide a platform for 190 residential units, public open space, landscaping, access, pedestrian and cycle links and associated infrastructure at Bishops Court Quarry, Apple Lane, Exeter.

The application site comprised the former Bishops Court Quarry and was bounded to the north and north-east by Sidmouth Road and retail units, to the south by the A379, to the south-west by the footpath leading over the A379 to the Rugby Stadium and to the north-west by the Apple Lane footpath and Apple Lane industrial estate.

The application was for the demolition of all existing buildings on the site, the re-profiling of the former Quarry to provide a development platform and the erection of 190 residential units. The site would be served by a single point of vehicular access utilising the existing arm of the Apple Lane roundabout to provide access to Sidmouth Road.

Members were advised that the Highway Authority had no objections and adequate parking would be provided. The clustering of the affordable housing had yet to be agreed although the tenure was acceptable. The applicant had confirmed that it would be fully responsible for the on-going maintenance of the cliff face. The number of dwellings had been reduced from 225 to 190 and met the Residential Design Guide SPD, the building for life score had been improved and was now 14.5. Additional conditions were proposed regarding play equipment and a bat and reptile survey. Revised layout plans had been received on 29 October and officers would review these plans with regards to the amendments made to the affordable housing clusters.

The Area Planning Officer updated Members on the comments of Natural England and the Site Allocation and Development Management Document which was subject to consultation. He advised that the site had been identified to meet the Council's Core Strategy five year housing land supply.

Members were circulated with an update sheet giving details of two additional conditions.

The recommendation was for approval to be delegated to the Assistant Director City Development in consultation with the Chair of Planning Committee, subject to the receipt and consideration of the suitable mix and location for the affordable housing and revisions to layout to achieve satisfactory residential amenity, the completion of a Section 106 Agreement, the conditions as set out in the report and additional conditions regarding play equipment and a bat and reptile survey and the two conditions as reported on the update sheet.

In response to Members, the Area Planning Officer clarified that the cliff faces were stable; the boundary between the dwellings and the A379 was thick dense vegetation and boundary treatment would be controlled by condition; a condition was proposed to deal with South West Water comments; the public open space was

12% of the site exceeding the Council's policy of 10%; the Highway Authority had no objections; no comment had been received from the Environment Agency; the change in levels of the site would not be as severe as present as levelling would take place.

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

- Digby Community Association had raised objection to the proposal in the draft Site Allocation and Development Management Plan document which was out for public consultation for this site to be residential not employment use
- the Council's Core Strategy Policy CP 2 stated that Sowton, which this site was part of, was designated for employment use
- this site was not suitable for residential use as it was bounded by Sidmouth Road, retail units and the A379; there were no local amenities and it was not in a sustainable location
- the site coming forward at Middlemoor would provide additional residential land
- there were no primary school places available in the vicinity; the nearest school places would be in Clyst St George
- would add additional traffic to the local road network at key times
- how had the building for life score changed from 7.5 to 14.5?
- there were no Doctor's surgeries in the vicinity
- although the applicants stated that they had sent out leaflets publicising a Public Exhibition no one had attended the Exhibition
- this application would result in the loss of employment land
- objected to the application.

Ms Francis (agent) spoke in support of the application. She raised the following points:-

- Harrow Estates specialised in developing Brownfield sites
- the recommendation was for approval
- the quarry had come to the end of its working life and was economically unviable
- Devon County Council had no objection to the use of the site for residential
- this site would help the Council meet its five year housing land supply; this was a Brownfield windfall site
- meets National and Local Policy and is in a sustainable location
- no objections from the statutory consultees
- site would help deliver homes in the city
- asked the Committee to support the application.

In response to Members, Ms Francis clarified that technical studies regarding the drainage had been undertaken and dialogue was taking place with South West Water and the Environment Agency; an agency had been used to distribute information regarding the application and the public exhibition and had advertised it in the Echo, were disappointed that only four people turned up to the exhibition; discussions had taken place with Devon County Council regarding the appropriate level of education contribution; the site was 8.34 hectares with the part of the site being developed 6.4 hectares with 0.66 hectares of public open space, this was over the 10% required in the Council's policy.

During discussion, Members raised the following points:-

- lack of usable public open space



- concern that the thick vegetation forming the boundary to the A379 would not deter teenagers from trying to use the area for play; this raised safety issues
- would there be a need for an education contribution towards secondary school places?
- site was a long way from local amenities
- the local primary schools were full to capacity
- this site should be used for small industrial businesses
- need to balance the requirement for employment land and residential use
- site was suitable for residential use
- the play equipment should also be suitable for older children.

The Area Planning Officer clarified that the parking on the site exceeded the Council's minimum requirements; the majority of the gardens were larger than the minimum standards in the Residential Design Guide; and a condition would be placed on any approval regarding the provision of play equipment.

The Assistant Director City Development advised Members on the allocation of employment land within the city and the surrounding areas including Sky Park and Science Park, and the Council requirement to meet its five year housing land supply; this site at present employed sixteen people; and the provision of the public open space would form part of the Section 106 Agreement.

The Strategic Director (KH) advised Members on the Council's policy requirement for 10% public open space.

**RESOLVED** that planning permission for the demolition of buildings and the re-profiling of quarry to provide a platform for 190 residential units, public open space, landscaping, access, pedestrian and cycle links and associated infrastructure be delegated to the Assistant Director City Development in consultation with the Chair of Planning Committee to **approve** subject to the receipt and consideration of the suitable mix and location for the affordable housing and revisions to layout to achieve satisfactory residential amenity, the completion of a Section 106 Agreement securing the affordable housing, highway contribution, education contribution, Natura 2000 contribution, indoor sports facilities contribution, community facilities contribution, playing pitch contribution, provision of public open space and the need to safeguard a future road link and the following conditions which may be modified if necessary:-

- 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) C12 - Drainage Details
- 5) C23 - Permitted Development Restriction
- 6) C35 - Landscape Scheme
- 7) C36 - No Trees to be Felled

- 8) C37 - Replacement Planting
- 9) C38 - Trees - Temporary Fencing
- 10) C70 - Contaminated Land
- 11) No construction work shall be undertaken, or machinery operated, within the site outside the hours of 0730 to 1800hrs Mondays to Fridays, 0800 to 1300hrs on Saturdays, nor at any time on Sundays or public holidays without the prior written consent of the Local Planning Authority.  
**Reason:** In the interests of the residential amenity of the occupants of surrounding property.
- 12) A Construction Environmental Management Plans (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site, and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic, the effects of piling, and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.  
**Reason:** In the interest of the environment of the site and surrounding areas.
- 13) Prior to occupation of the development hereby permitted, a travel pack shall be provided informing all residents of walking and cycling routes and facilities, and public transport routes and timetables, car sharing schemes, and the location of local and central shopping and leisure facilities, the form and content of which shall have previously been approved in writing by the Local Planning Authority.  
**Reason:** To ensure that all occupants of the development are aware of the available sustainable travel options.
- 14) The development excluding demolition hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of the 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.  
**Reason:** In the interests of the residential amenities of future occupants.
- 15) C72 - Highway - Estate Roads etc
- 16) Prior to occupation of any dwelling the means of access and parking for that dwelling shall be in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for those purposes at all times.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.
- 17) 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:** To ensure that adequate on-site facilities are available for the construction traffic attracted to the site.

- 18) No development shall take place unless and until an Environmental Management Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan.  
**Reason:** To ensure that the wildlife opportunities associated with the site are maximised in the interests of biodiversity.
- 19) No dwelling hereby approved shall be occupied until the applicant has submitted a SAP calculation which demonstrates that, through the use of decentralised energy or local energy networks and/or renewable or low carbon energy sources, a 10% reduction in CO2 emissions over that necessary to meet the requirements of the Building Regulations current at the time of Building Regulations approval can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site.  
**Reason:** In the interests of sustainable development.
- 20) Any individual dwelling hereby approved shall achieve a Code Level 3 (including a 25% CO2 emissions rate reduction from Part L 2006) as a minimum, but shall achieve a Code Level 4 (including a 44% CO2 emissions rate reduction from Part L 2006) if commenced on or after 1 January 2013, and a Code 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 is approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15. No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that a Final Code of 3, 4 or 5 has been achieved as appropriate.  
**Reason:** In the interests of sustainable development.
- 21) No building shall be occupied, and no connection to the public sewerage system shall take place, until all improvements to the public sewerage network rendered necessary for the occupation of that part of the development have been completed and confirmed in writing by the Local Planning Authority (in consultation with South West Water) as being satisfactory.  
**Reason:** To ensure that the public foul sewer network has sufficient capacity to serve the proposals.
- 22) 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.
- 23) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained thereafter.

**Reason:** To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.

- 24) Prior to commencement of the development excluding demolition, a detailed scheme of pedestrian and cycle links (including the connection to Sidmouth Road and connections at the boundaries of the site) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of surface treatment, lighting, street furniture and signage. The approved scheme shall be adhered to at all times, including (where applicable) any amendments subsequently agreed in writing by the Local Planning Authority.

**Reason:** to ensure that the pedestrian and cycle routes are provided and maintained in accordance with Local Plan policy T3, to encourage travel by sustainable means.

- 25) No development, excluding demolition, shall have taken place until a bat survey and reptile survey has been submitted to and approved in writing by the Local Planning Authority. Any mitigation and enhancement recommended in the surveys shall be carried out as approved by the Local Planning Authority.

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

- 26) Prior to occupation of the development hereby permitted, full details of the play equipment including timing of installation to be provided in the areas of the public open space shall be submitted to and approved in writing by the Local Planning Authority, and shall be maintained thereafter.

**Reason:** In the interests of residential amenity.

In the event that the Section 106 Agreement is not completed within six months of the date of this committee meeting, authority be delegated to the Assistant Director City Development to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt within the Section 106 Agreement.

(Report circulated)

117

**PLANNING APPLICATION NO.12/0920/03 - LAND ADJ., BEECH COTTAGE,  
OLD RYDON CLOSE, EXETER, EX2 7JR**

The Assistant Director City Development presented the application for residential development of sixteen dwellings, access, parking, landscaping and associated works at land adjacent to Beech Cottage, Old Rydon Close, Exeter.

Members were advised that the site comprised an area of land of approximately 0.8 hectares, bounded by Old Rydon Lane to the south, Old Rydon Close to the east, and residential properties to the north (Beech House) and west (Old Rydon Ley). The proposal was for 11 four-bed and 5 five-bed dwellings of conventional design with garages. They would be 2 and 2.5 storeys in height. Materials to be used were a mixture of brick and render with some timber cladding.

This development was in association with the 233 dwelling residential development of land to the west, which was the subject of a recent resolution to approve a reserved matters application. Access to the proposal would be from the west through the adjoining development site. No public open space was provided within the site on the basis that it would be developed in association with the land to the east, which had open space which would also serve this scheme.

The Assistant Director City Development advised that Network Rail had objected due to the increased use of the Bolts Park level crossing although this crossing was private right of way therefore access by the public was not permitted. The building for life score was 15 which was in the excellent range.

Members were circulated with an update sheet advising that the precise amount of the affordable housing contribution in lieu of on-site provision had not yet been agreed. It was therefore requested that delegated authority be given to the Assistant Director City Development in consultation with the Chair of Planning Committee to approve the application.

During discussion, Members raised the following points:-

- would the applicant be required to provide a Highways contribution? and if so, could this include a provision toward lighting on Old Rydon Close?
- had the Tree Officer confirmed that the proposal was acceptable?
- could the Bolt Park level crossing be used by the general public?

The Assistant Director City Development stated that the delegated approval could also be subject to any necessary transport contribution required by the Highway Authority which may include lighting and no objection from the Tree Officer. The Bolt Park level crossing was on private land and the public would be trespassing if they used it.

**RESOLVED** that planning permission for residential development of sixteen dwellings, access, parking, landscaping and associated works be delegated to the Assistant Director City Development in consultation with the Chair of Planning Committee to **approve** subject to any Highway Authority contribution, comments of the Tree Officer and a Section 106 Agreement to secure financial contributions towards affordable housing in lieu of on-site provision, highways contribution if required, education infrastructure, mitigation of the impact of development on Natura 2000 sites within 10km, indoor leisure facilities (£674 per dwelling), community facilities (£625 per dwelling) and the following conditions:-

- 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) C12 - Drainage Details
- 5) C57 - Archaeological Recording
- 6) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of the 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.  
**Reason:** In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties
- 7) C35 - Landscape Scheme

- 8) C37 - Replacement Planting
- 9) C38 - Trees - Temporary Fencing
- 10) C72 - Highway - Estate Roads etc
- 11) No part of the development hereby approved shall be occupied until the on-site parking facilities together with any means of access have been provided and surfaced in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for those purposes at all times.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.
- 12) 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:** To ensure that adequate on-site facilities are available for the construction traffic attracted to the site.
- 13) Unless otherwise agreed in writing, prior to first occupation of more than eight of the dwellings hereby permitted, the road link between plots 48 and 49 shall be constructed up to, and contiguous with, the boundary line dividing the application site from the land to the immediate north, and the 3 metre wide pedestrian and cycle link between plots 45 and 46 shall be constructed up to the surfaced public highway in Old Rydon Close, both in accordance with details to be approved pursuant to condition 10.  
**Reason:** To ensure that appropriate connections are made between the site and adjoining land in the interests of promoting the use of sustainable modes of transport in accordance with policies T1 and T3 of the adopted Exeter Local Plan First Review and policy CP17 of the Exeter Local Development Framework Core Strategy.
- 14) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained at all times thereafter.  
**Reason:** To ensure that cycle parking is provided, in accordance with Local Plan policy T3, to encourage travel by sustainable means.
- 15) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.  
**Reason:** In the interests of the amenity of the occupants of the building(s) hereby approved.

- 16) A Construction and Demolition Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and adhered to during the construction period. This should include details of the monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and emissions of noise and dust. This should include details of the phasing and timing of work and measures that will minimise the impact of construction traffic on the local road network, including parking. The CEMP should contain a procedure for handling and investigation complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development, in order to discuss forthcoming work and its environmental impact.  
**Reason:** To minimise the potential for disruption during the construction process.
- 17) Unless otherwise agreed in writing, construction/demolition work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interest of residential amenity.
- 18) The development shall be carried out in accordance with the Ecological Management Plan prepared by EAD Ecological Consultants, and received by the City Council on 25 June 2012.  
**Reason:** In the interests of protecting and improving existing and creating new wildlife habitats in the area.
- 19) No dwelling hereby approved shall be occupied until the applicant has submitted a SAP calculation which demonstrates that, through the use of decentralised energy or local energy networks and/or renewable or low carbon energy sources, a 10% reduction in CO2 emissions over that necessary to meet the requirements of the Building Regulations current at the time of Building Regulations approval can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site.  
**Reason:** In the interests of sustainable development.
- 20) Any individual dwelling hereby approved shall achieve a Code Level 3 (including a 25% CO2 emissions rate reduction from Part L 2006) as a minimum, but shall achieve a Code Level 4 (including a 44% CO2 emissions rate reduction from Part L 2006) if commenced on or after 1st January 2013, and a Code Level 5 (Zero Carbon) if commenced on or after 1st 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 is approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15. No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that a Final Code Level of 3, 4 or 5 has been achieved as appropriate.  
**Reason:** In the interests of sustainable development.
- 21) The Local Planning Authority shall be notified in writing of the identity of all dwellings for which construction has commenced before 1st January 2013, and of the identity of all dwellings for which construction has commenced thereafter but before 1st January 2016, within 10 working days following

each of those dates.

**Reason:** In the interests of sustainable development.

In the event that the required Section 106 Agreement was not completed within six months of the date of this committee meeting, or if within that period agreement cannot be reached on an appropriate level of contribution, authority be delegated to the Assistant Director City Development to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the Section 106 Agreement.

(Report circulated)

118

**PLANNING APPLICATION NO.11/1922/03 - MOUNT WEAR HOUSE, 47-49  
COUNTRESS WEAR ROAD, EXETER, EX2 6LR**

The Area Planning Officer presented the application for the change of use and conversion of the Youth Hostel to ten self contained apartments and one dwelling, alterations to access and highway, alterations to roof, parking and associated works at Mount Wear House, 47-49 Countess Wear Road, Exeter.

The building was a large detached Grade II Listed Building which was currently occupied by the Youth Hostel Association. 18 parking spaces were proposed.

Members were advised that two additional conditions were proposed regarding the replacement boundary treatment to 51 Countess Wear Road and the window in the Manager's House that faced on to 51 Countess Wear Road should be obscure glazed.

The recommendation was for approval subject to the completion of a Section 106 Agreement securing Natura 2000, indoor sports facilities and community facilities contributions and off site highway works, the conditions as set out in the report with additional conditions regarding the boundary treatment to 51 Countess Wear Road and the window in the Manager's House facing on to 51 Countess Wear Road to be obscure glazed.

**RESOLVED** that planning permission for the change of use and conversion of Youth Hostel to ten self contained apartments and one dwelling, alterations to access and highway, alterations to roof, parking and associated works be **approved** subject to the completion of a Section 106 Agreement securing Natura 2000 contribution, indoor sports facilities contribution and community facilities contribution and off site highway works and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) C57 - Archaeological Recording
- 7) A visibility splay shall be provided, laid out and maintained for that purpose at the access to Countess Wear Road where the visibility splay provides intervisibility between any points on the X and Y axes at a height of 0.6



metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 17.8 metres in a northerly direction.

**Reason:** To provide visibility from and of emerging vehicles.

- 8) No part of the development hereby approved shall be occupied until the access to Countess Wear Road, visibility splay and on-site parking facilities have been provided and marked out in accordance with details that shall previously have been submitted to, agreed and approved in writing by, the Local Planning Authority and retained for those purposes at all times.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.
- 9) 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 period of construction works.  
**Reason:** To ensure that adequate facilities are available for the construction traffic attracted to the site, in the interest of public safety.
- 10) No construction work shall be undertaken, or machinery operated, within the site outside the hours of 0800 to 1800hrs Mondays to Fridays, 0800 to 1300hrs on Saturdays, nor at any time on Sundays or public holidays without the prior written consent of the Local Planning Authority.  
**Reason:** In the interests of the residential amenity of the occupants of surrounding property.
- 11) No development shall commence on site under this permission until full details of the boundary treatment with No. 51 Countess Wear Road has been submitted to and approved in writing by the Local Planning Authority and thereafter be provided in accordance with such details.  
**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 12) Prior to occupation of the Manager's House hereby revised under this permission full details of the obscure glazing of the side window towards No.51 Countess Wear Road shall be submitted to and approved in writing by the Local Planning Authority and thereafter be provided in accordance with such details.  
**Reason:** Insufficient information has been submitted with the application and in the interest of visual amenity.

In the event that the Section 106 Agreement is not completed within six months of the date of this committee meeting, authority be delegated to the Assistant Director City Development to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt within the Section 106 Agreement.

(Report circulated)

**PLANNING APPLICATION NO.12/1342/03 - CATHEDRAL GREEN, CATHEDRAL  
CLOSE, EXETER**

The Assistant Director City Development presented the application for an Annual Christmas market of up to 30 days to run for five years at Cathedral Green, Cathedral Close, Exeter. The exact operating dates would vary in each year. For 2012, it was proposed that the market commenced trading on Friday 23 November to Sunday 16 December.

Members were circulated with an update sheet giving details of one further letter of objection, two letters of support and advising that condition six should be deleted as the third bullet point of condition five duplicates it. The Assistant Director City Development advised that a Local Ward Member did not object although she did have concerns regarding the five year period and how any unresolved issues could be dealt with.

The recommendation was for approval for a temporary period of 30 consecutive days during November and December for the five years starting with 2012 and subject to the conditions as set out in the report with the removal of condition six.

Whilst Members welcomed a Christmas market in the city they raises concerns regarding the length of the permission should problems arise, storage of goods and removal of waste.

The Assistant Director City Development advised that the proposed condition five would cover the management of the market and enable changes to be made in subsequent years should they be required.

**RESOLVED** that planning permission for an Annual Christmas market of up to 30 days to run for five years be **approved** for a temporary period of 30 consecutive days during November and December for the five years starting with 2012 and subject to the following conditions:-

- 1) 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 24 September 2012, as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 2) The use hereby approved shall only be carried out for a single period of not more than 30 consecutive days during the months of November and December in the five calendar years commencing with 2012.  
**Reason:** The use is unsuitable on a permanent basis or for a longer period in this locality.
- 3) The use hereby approved shall not be carried on other than between the hours of 10:00 to 21:00 Mondays to Saturdays and between the hours of 10:00 to 18:15 on Sundays and public or Bank Holidays, with the exception of the first day the market operates each year when the use may carry on until 22:00 unless that day is a Sunday.  
**Reason:** So as not to detract from the amenities of the near-by residential property.
- 4) The works associated with assembling, dismantling and servicing of the Market shall not be carried out outside the hours of 08:00 and 22:00.  
**Reason:** To safeguard the amenities of nearby occupiers

5) Notwithstanding condition no. 1, the use hereby permitted shall not commence on site in any given year under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details for that years market event:

- The laying out of the market area including the position of the stalls and the area(s) given over for selling and of hot food and drink.
- A scheme for the collection and disposal of waste and the cleaning of the market area.
- Mean of power supply (including locations and sound levels of any generator(s))
- Details of any general or flood lighting scheme.

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

6) Following the cessation of the market operation in each year the condition of the surfaces and street furniture in Cathedral Green shall be reinstated to their condition prior to the commencement of the works associated with the market that year to the satisfaction of the Local Planning Authority.

**Reason:** To protect the appearance of the Cathedral Green.

(Report circulated)

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

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

121 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

122 **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 20 November 2012 at 9.30 a.m. The Councillors attending will be Edwards, Lyons and Mitchell.

(The meeting commenced at 5.30 pm and closed at 8.35 pm)

Chair