

PLANNING COMMITTEE

Monday 1 September 2014

Present:

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

Apologies:

Councillors Choules, Lyons, Mitchell, Mottram and Newby

Also Present:

Assistant Director City Development, Senior Area Planning Officer, Highway Development Management Officer and Democratic Services Officer (Committees) (HB)

82

MINUTES

The minutes of the meetings held on 14 April, 12 May and 16 June 2014 were taken as read and signed by the Chair as correct.

83

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

84

PLANNING APPLICATION NO. 13/5128/03 - LAND SOUTH OF MET OFFICE, FITZROY ROAD, EXETER

The Assistant Director City Development presented the application for the amendment of condition 29 requiring a vehicular connection to the northern boundary of the site prior to the occupation of any retail unit (Ref. No. 11/1619/01 granted 19-06-2012).

Members were circulated with an update sheet - attached to minutes.

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

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

- concern since 2012 has been that condition 29 as originally drafted could permit access to Fitzroy Road for circa 750 homes (900 long term) without proper assessment of how the highway connection required by this condition would affect either the site to the south or the local highway network. This link would not access directly onto Fitzroy Road, but initially through the Growen site which has major delivery implications for the permitted employment and commercial development on it, with potential for gridlock at its junction with Fitzroy Road. Its ability to accommodate this level of residential traffic was not assessed as part of the Consortium's application relating to land to the north;
- strong support from the Met Office, Premier Inn and Wilton Way Residents Association, who all share a common goal to ensure that the

performance of the highway network in this location is safeguarded. However, there is a wider picture, Honiton Road is a key arterial route into the city centre and its performance must not be compromised, a position recently supported by the Chamber of Commerce;

- the highway authority have discussed the matter in the light of the highway evidence submitted by Growen Estates' highway consultants, WSP. The consensus was that the performance of the connection to Fitzroy Road is of significant concern without a second eastern access from the residential development, to Oberon Road, being in place first. There is potential for highway malfunction and junction locking which would not only have major implications for the Met Office's entrance, but also for an employment/ commercial site that is seeking to deliver occupier interest and jobs. Neither can be secured if performance of the highway network, and the access point to it, cannot be proven to function satisfactorily. Prospective developers and occupiers will simply not take the risk and the investment will not be made;
- the re-drafting of condition 29 will deliver the long term goals of the Masterplan for three main access points, whilst safeguarding the performance of the highway network in the vicinity of Fitzroy Road/Honiton Road by requiring the second eastern access to Oberon Road to be constructed first; and
- the only outstanding difference between Growen Estates and the planners relates to the trigger for the construction of the connection to Fitzroy Road through their site. The Growen position is that the trigger must be 'adoption' of the connection to Oberon Road since this is the only way to guarantee its availability in perpetuity, and therefore the long term performance of Fitzroy Road/Honiton Road. Only a trigger relating to the 'adoption' of Oberon Road will provide the confidence for prospective investors and/or occupiers to deliver development on the Growen site. If development does not come forward on the Growen' site, then neither will the connection to Fitzroy Road since its delivery is dependent on development taking place. There is every incentive for the developers of the residential land to offer the Oberon Road connection for early adoption, since they are restricted in the numbers of dwellings they can build and offer for occupation until the connection is in place.

Members referred to the proposal within the Monkerton Masterplan for an alternative local centre to serve both the residential area to the north as well as the employment/commercial area and were concerned that the former could not be provided. Mr Rocke explained that the Pilton Centre could not be delivered because of difficulties with land ownership. He re-iterated that the change in the condition had been sought to ensure that there would not be traffic problems associated with an early provision of an access to Fitzroy Road. The Highway Development Management Officer also confirmed that the condition had been changed so that the north-south link to the Hill Barton Consortium land must be provided no later than four months after the Oberon Road link, but it could be provided earlier. Members noted that access to the proposed local centre would be pedestrian only for a limited period.

RESOLVED that planning permission for the amendment of condition 29 requiring a vehicular connection to the northern boundary of the site prior to the occupation of any retail unit (Ref. No. 11/1619/01 granted 19-06-2012) be approved subject to the following conditions including an amended condition 20 and subject to a deed of variation to continue to apply to the original Section 106 Agreement:-

- 1) Approval of the details of the layout, scale, appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. The details of layout required under this condition shall provide details of a vehicular connection to the northern boundary of the application site.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters, and to ensure that appropriate links are made to adjoining development land.
- 2) C04 - Outline - Exclude Details
- 3) C07 - Time Limit - Outline
- 4) C06 - Time Limit - Approval of Reserved Matter
- 5) No development shall take place until a scheme for the safe management of surface waters in conformity with the submitted Flood Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details.
Reason: In the interests of the safe and sustainable drainage of the site.
- 6) 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 28 September 2011 (*dwg. no. 10705 L01_01C*) and 4 October 2011 (*dwg. no. 31007/PHL/101A*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 7) C17 - Submission of Materials
- 8) C34 - Landscape Scheme - Outline
- 9) C36 - No Trees to be Felled
- 10) C37 - Replacement Planting
- 11) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees, hedges or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
Reason: To ensure the protection of the trees during the carrying out of the development.
- 12) C57 - Archaeological Recording
- 13) C70 - Contaminated Land

- 14) Details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope, to be submitted to and approved in writing by the LPA. The predicted noise levels shall be submitted prior to commencement of the development and shall be demonstrated by measurement prior to occupation of the development.
Reason: In the interests of local amenity.
- 15) The applicant shall submit for approval a management plan for the development. This should describe the steps that will be taken to ensure that noise from use of the development does not have an adverse effect on local amenity. It should include, but not be limited to, the hours of use of the development (including deliveries), supervision and any noise mitigation measures that are appropriate. The approved plan shall be implemented whenever the development is in use and shall be reviewed as required on request of the LPA.
Reason: In the interests of local amenity.
- 16) 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 interests of local amenity.
- 17) The floorspace of the pub/restaurant element of the hotel use hereby permitted shall not exceed 750m². In addition to the pub/restaurant element of the hotel, the total amount of Class A floorspace shall not exceed 1600m², and no more than 900m² shall be A1 or A3/A4/A5.
Reason: In the interests of minimising vehicle journeys to and from the site and to protect the vitality and viability of existing retail centres.
- 18) No individual Class A unit size shall exceed 750m² in floorspace.
Reason: In the interests of minimising vehicle journeys to and from the site and to protect the vitality and viability of existing retail centres.
- 19) The A3/A4/A5 uses hereby approved shall not include a drive-through element.
Reason: In the interests of minimising vehicle journeys to and from the site and to protect the vitality and viability of existing retail centres.
- 20) Prior to commencement of the development, the location and full details of pedestrian and cycle links (i) from north to south across the site and up to the respective site boundaries, (ii) from west to east along the southern boundary of the site linking to the existing public highway, and (iii) providing full permeability within the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include surface treatments, road crossings, dropped kerbs, lighting, street furniture and signage. The links shall be constructed in accordance with the approved details, be opened for public use in accordance with a timetable agreed in writing by the Local Planning Authority, and be maintained at all times thereafter.
Reason: To ensure that the pedestrian and cycle routes are provided and maintained in accordance with Local Plan policy T3.
- 21) The car parks for public use shall at all times be managed in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that customers are not prevented from visiting nearby premises on foot, to encourage them to park in one place and visit multiple neighbouring premises on foot rather than by car, in accordance with Local Plan policy T3.

- 22) Prior to occupation of the development hereby permitted, cycle parking for visitors and secure cycle parking, lockers and showers for staff shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking and other facilities shall be maintained at all times thereafter.

Reason: To ensure that cycle parking and other facilities are provided, in accordance with Local Plan policy T3, to encourage travel by sustainable means.

- 23) A comprehensive Travel Plan will be developed for all elements of the development hereby permitted. The acceptability of the travel plan will need to be agreed in writing by the Local Planning Authority and the Local Highway Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport), in advance 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 review and monitoring
- The mechanisms for reporting
- The penalties 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 the occupation of the development and on an annual basis thereafter, at the time of submission of the Annual Travel Plan Report.

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

- 24) The building(s) comprised in the development hereby approved shall be constructed to have all their heating systems (including space and water heating) compatible with the proposed decentralised energy network. Prior to occupation of the development, the necessary on site infrastructure shall be put in place for connection of those systems to the network at a point on the site boundary agreed in writing by the LPA.

Reason: In the interests of sustainable development.

- 25) Any individual building to be developed pursuant to this planning permission shall achieve a BREEAM 'very good' standard as a minimum, increasing to 'excellent' for buildings for which application for approval of reserved matters is made on or after 31st January 2013, and shall achieve 'zero carbon' for buildings commenced on or after 1st January 2019. Prior to the commencement of construction the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report to be prepared by a licensed BREEAM assessor confirming the score expected to be achieved and the BREEAM rating to which this corresponds. Where the score does not meet the minimum standard the developer must provide details of what changes will be made to the development to achieve the minimum standard, and shall thereafter implement those changes. A post completion BREEAM report shall be submitted to the Local Planning Authority within 6 months of the substantial completion of the development hereby approved.

Reason: In the interests of sustainable development.

- 26) The Local Planning Authority shall be notified in writing of the identity of all buildings for which construction has commenced before 1st January 2013, and of the identity of all buildings 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 monitoring the application of sustainable building principles to the development.
- 27) No development shall take place until a Wildlife Plan has been produced by the applicant and approved by the Local Planning Authority.
Reason: To demonstrate how the proposed development will be managed in perpetuity to enhance wildlife.
- 28) Before the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. It shall include for the provision of a dilapidation survey of the highways adjoining the site. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.
Reason: In the interests of minimising the impact of construction works.
- 29) The vehicular connection to the northern boundary of the application site shall be constructed in accordance with the approved details, to the adoption standards of the Highway Authority, and be available for public use, at a date no later than 4 months (or such other timescale as may be agreed by the local planning authority in writing) following the completion and availability for public use of a new full vehicular link and connection between both Hill Barton Road and Oberon Road on adjoining land to the north of the application site in accordance with Planning Permission Ref: 12/0472/01, or any planning permission by which it may be amended and/or superseded.
Reason: To ensure the approved retail/leisure facilities may be conveniently accessible from the proposed development to the north, with appropriate trigger for timing of the link to protect the deliverability of the site and performance of the wider highway network in the vicinity of Fitzroy/Honiton Road.
- 30) No building 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 achieving a sustainable development.

85 **APPLICATION NO. 14/1753/06 - 5 ST. JOHNS VILLAS, SIVELL PLACE,
EXETER, EX2 5ES**

The Assistant Director City Development presented the application to fell a T1 Leylandii and a T3 Laburnum.

The recommendation was in support of the application.

RESOLVED that no objection be raised to the felling of a Leylandii and Laburnum and a Tree Preservation Order be not made.

86 **LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

87 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

The Assistant Director City Development reported that an appeal had been allowed for the conversion from office space to yoga studio in respect of Berkley House, Dix's Field with costs awarded against the Council for this written representation appeal. This would be reported to the next Committee meeting.

In respect of Application No 14/0057/03 - Land to West of Pilton Lane, the Inspector had supported the Council's position with regard to the payment of £630,000 in lieu of the provision of affordable housing and dismissed the appeal by the developer. It was noted that the Assistant Director City Development had been granted delegated authority, subject to prior consultation with the Chair of the Planning Committee, to grant planning permission for retirement apartments should permission be sought for the duplicate application with the offer of a similar payment.

RESOLVED that the report be noted.

88 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party be held on Tuesday 16 September 2014 at 9.30 a.m. The Councillors attending will be Denham, Newby and Lyons.

**Additional information circulated after agenda dispatched - circulated as an
annexe**

(The meeting commenced at 5.30 pm and closed at 6.27 pm)

Chair

PLANNING COMMITTEE
ADDITIONAL INFORMATION

1 SEPTEMBER 2014

Correspondence received and matters arising following preparation of the Agenda

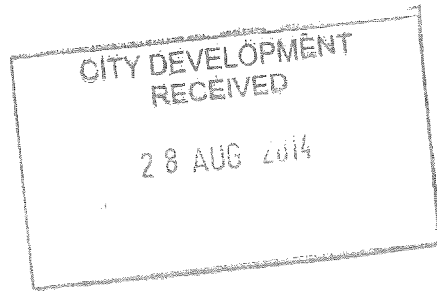
Item 5 Pages 5-16 Ref: 13/5128/03 Land south of Met Office Fitzroy Road Exeter	An objection from Hill Barton Consortium was received on 28 August and is shown overleaf. Condition 12 on Item 5 can now be deleted as the necessary work has been completed.
Item 6 Pages 17-18 Ref: 14/1753/06 5 St Johns Villas Sivell Place Exeter	No further comment.

HILL BARTON CONSORTIUM

CDF/sj

26 August 2014

Mr R Clotworthy
Exeter City Council
Civic Centre
Paris Street
Exeter, EX1 1NN



Dear Sirs

Re: Section 73 Application for Removal of Condition 29 of Outline Planning Permission Reference 11/1619/01

We write to register both our objection and concern to the proposed variation of Condition 29 attached to the above permission. We think such a variation goes against the spirit and intention of the original purpose of Condition 29. It is likely to undermine the proper planning of the Monkerton/Hillbarton Master Plan area. If approved we would ask how officers and members can reconcile why Condition 29 was attached to the original planning permission.

Originally the local centre for Hillbarton/Monkerton Master Plan area was identified on land adjoining Hillbarton Road. The Honiton Road applicants addendum to their planning statement of December 2011 argued that the local centre on their land would provide a more viable solution due to its proximity to the new residential development but also to the Sowton Industrial Estate.

We supported this due to the inclusion of Condition 29 introduced by officers to ensure that appropriate connections between the local centre and the residential land to the north were provided at an early stage.

The applicants fully supported such a condition and argued properly that "*the early provision of local shopping facilities can do much to meet local demand and curtail excessive traffic movement.*" Their planning statement concludes that the benefits provided by having such facilities in place as the residential development to the north '*comes on stream*' were an '*important planning factor.*'

This application to amend exactly what both the applicants and ourselves together with the planning officers and the Monkerton Master Plan considered was the most appropriate way to bring this development forward, is of concern as it delivers very little of the Masterplan.

The contrived alternative Condition proposed which has persuaded the County does not guarantee any connection whatsoever. Oberon Way land is in third party ownership and therefore there is no guarantee that this will happen. It also means that up to 630 dwellings will have no connection to their local centre on this site. We are sure local members will understand potential questions from residents if such a situation were to arise.

There can be no benefit other than to the applicants in jeopardising the delivery of a wider Hillbarton Master Plan area and the importance of such a connection to be delivered early. We would request that members give careful consideration to this application but would suggest there are no sensible planning merits for its approval.

Yours sincerely

C D Fayers MRICS

Director

Email: cdf@eagle-one.co.uk

Hillbarton Consortium Limited

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