

PLANNING COMMITTEE

Monday 27 October 2014

Present:

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

Apologies:

Councillor Winterbottom

Also Present:

Assistant Director City Development, City Development Manager and Democratic Services
Officer (Committees) (HB)

96

MINUTES

The minutes of the meetings held on 21 July, 1 September and 29 September were taken as read and signed by the Chair as correct.

97

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

98

PLANNING APPLICATION NO 13/3822/03 - EXETER GOLF AND COUNTRY CLUB, TOPSHAM, EXETER

The Assistant Director City Development reported that there had been little further progress between the Golf Club and Persimmon.

99

PLANNING APPLICATION NO. 14/1451/01 - LAND EAST OF EXMOUTH BRANCH LINE, NEWCOURT, OLD RYDON LANE, EXETER

The City Development Manager presented the application for outline Planning Application (all matters reserved except for access) for up to 392 residential dwellings with associated infrastructure on land forming part of the Newcourt Urban Extension

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

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

- accept application will be approved as it forms part of the Newcourt masterplan;
- a 1.5 metre footpath proposed for part of Old Rydon Lane will help slow the traffic down but the road but will only be 4.32 metres wide in places, which is not wide enough for two vehicles to pass and the only passing points are in private drives leading to damage to the drives. Safety of pedestrians, cyclists will be compromised by construction traffic;

- during the IKEA construction the footpath will be closed and pedestrians and cyclists will be forced to use Old Rydon Lane and the Sandy Park link to access Digby/Clyst Heath;
- the Transport Safety Audit was completed on a Saturday and only recorded vehicle journeys. At peak time, Old Rydon Lane has at least 150 road users including cyclists and pedestrians per hour. Safety of all road users will not be addressed by a footpath;
- a link road should be constructed prior to work commencing as per Newcourt Way. Otherwise Old Rydon Lane should be 20mph from the development to Newcourt Way and made a "No Through Road" to lorries;
- access from the development to the railway land and halt should be via a caged step-free bridge not an underpass;
- existing residents request the three storey buildings to be minimised and positioned at the lowest point on the site so that existing line of view is not obstructed; and
- SWW identified the foul sewer to be at probable capacity. Newcourt residents are aware of sewer smells in the area and sludge bowsers are in constant attendance pumping out sewers. Improvements to the system will cost money and cause major disruption on Old Rydon Lane.

Responding to a Member he stated that he objected to an underpass because of the potential for anti-social behaviour.

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

- the development is fully compliant with policy, with the land allocated in Newcourt Masterplan for housing. It is compliant with Core Strategy and Local Plan, Newcourt Masterplan, Green Infrastructure Strategy, and Residential Design SPD;
- the proposal provides the key elements as set out in the Newcourt Masterplan. The Exeter Core Strategy proposes around 3,500 dwellings and 16 hectares of employment land, and the site is considered to be suitable for housing development;
- no residential development has yet been granted planning permission to the east of the Exmouth branch line but a planning application for 50 dwellings was recently refused on land adjoining this application site at Bricknells Bungalow for reasons of insufficient transport information; failure to accord with residential design policies; and failure to achieve the highest appropriate density compatible with the proposed development site and adjoining land;
- the proposal meets the Council's affordable housing requirements;
- the application is for 392 dwellings, with 35% affordable dwellings, and a mix that complies with local housing market assessment. The layout also demonstrates how a further 63 dwellings could be achieved through a co-ordinated development with the adjacent site at Bricknell's Bungalow;
- the proposal provides the key elements as set out in the Newcourt Masterplan, the layout demonstrating how the proposed development can be successfully achieved and is underpinned by a robust site analysis that includes full consideration of relationship to motorway, access and transport, ecology, arboriculture, archaeology, flood risk and surface water drainage and air quality. The proposed housing design, amenity space and parking provision meets the requirements of the Residential Design SPD;
- the proofing layout also illustrates strategic proposals for public open space, particularly in the form of an east/west belt across the centre of the site that would prospectively link with existing development west of the railway and the existing open space via the underpass provided as part of the new Newcourt Station;

- it is a sustainable development in terms of location, linkages to public transport and walking/cycling. It has a dedicated combined footpath/cycleway through the site providing good linkages to the pedestrian/cycle link which runs up Old Rydon Close to Clyst Heath and destinations to the north and to Newcourt Station to the south west where there is a link via the proposed underpass to Liberty Way and River Plate Road, and by train to Exeter City Centre on the Exmouth line;
- the proposed vehicular access is considered to be acceptable by Devon County Council, and is provided from Old Rydon Lane at the north-eastern corner of the site, via a T junction initially, followed by a new roundabout junction that will also serve land to the north of Old Rydon Lane;
- the development proposes over 10% of the site as open space, with high quality public spaces, enhanced biodiversity and a strong landscape structure.
- the proposals are fully compliant with the Council's Residential Design Guide;
- some representations have expressed concern regarding the relationship with existing properties - the minimum distance between existing properties and those shown on the applicant's Proofing Layout is approximately 50 metres. This level of separation would entirely accord with the Council's Residential Design Guide and would not result in overlooking, unacceptable levels of amenity or unacceptable loss of light; and
- the development will deliver significant CIL receipt for addressing wider infrastructure needs.

Responding to a Member, the City Development Manager advised that the CIL contributions were considered to be sustainable in terms of the whole Newcourt Masterplan area. Members noted that no decisions had been made on the use of CIL receipts. A Member was re-assured that the three storey buildings would be located around open spaces and also towards the entrances and therefore would not be visible from neighbouring residential areas. Members raised concerns regarding highway issues including use of residential driveways and speed of traffic along Old Rydon Lane. Traffic issues would be monitored following development to determine if any management measures on Old Rydon Lane would be needed in the future. It was noted that noise attenuation measures to ameliorate the impact of the nearby M5 were included in the proposal. The suggestion of solar panels along the site border with the motorway was not considered feasible because of possible distraction to drivers.

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

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure:-

- affordable housing;
- proportionate costs of pedestrian and cyclist rail line crossing;
- proportionate costs of the link to the A379;
- costs of match day traffic orders on site; and
- Travel planning and travel plan implementation costs

delegated authority be given to the Assistant Director City Development, subject to prior consultation with the Chair of the Planning Committee, to **APPROVE** the application for outline planning permission for up to 392 residential dwellings with associated infrastructure on land forming part of the Newcourt Urban extension,

subject also to the following conditions (which may be varied or supplemented as appropriate)

- 1) Approval of the details of the layout, scale, appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2) C07 - Time Limit - Outline
- 3) Unless otherwise agreed with the Local Planning Authority, the development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 25 September 2014 (dwg. no 14038 L01-03 revision D) as modified by other conditions of this consent.
Reason: In order to achieve the following outcomes from the development hereby permitted and on adjoining land within the Newcourt strategic allocation:
 - safe and convenient access to public transport;
 - the highest appropriate density of development;
 - well located public open space that is of sufficient size and quality
- 4) Unless otherwise agreed in writing by the Local Planning Authority, as part of the first application for approval of reserved matters, a phasing plan shall be submitted to, and be approved in writing by, the Local Planning Authority. The phasing plan shall include details of the anticipated timing for the delivery of the areas of public open space/green infrastructure as well as the construction programme for the housing and other built elements of the development. The development shall take place in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the development proceeds in accordance with an agreed programme of delivery, that areas closest to existing transport services are developed first, and that within individual phases the open space associated with the development is co-ordinated with the construction of the houses which it will serve.
- 5) A detailed scheme for landscaping, including the planting of trees and/or shrubs and hard landscaping including boundary screen walls and fences shall be submitted to the Local Planning Authority as part of the submission of reserved matters; such scheme shall specify types and species, and any earth works required, together with a programme of planting and the timing of implementation of the scheme.

The submitted landscaping scheme will be expected to accord with drawing no 14038 L01-03 revision D and the details received by the Local Planning Authority on 4 September 2014 (Addendum to Ecology Mitigation and Enhancement Plan Updated Mitigation and Enhancement plans to show minor masterplan revisions).

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

- 6) No development shall take place until a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.
Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 7) No materials shall be brought onto the site or any development commenced, until the developer has erected protective fencing 2 metres from all hedges to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. 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 hedges during the carrying out of the development.
- 8) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 9) C57 - Archaeological Recording
- 10) No individual dwelling hereby approved shall be brought into its intended use until secure cycle parking facilities for residents have been provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said cycle parking facilities shall be retained for that purpose at all times
Reason: To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3
- 11) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 (including a 44% CO2 emissions rate reduction from Part L 2006) as a minimum, and a CSH Level 5 (Zero Carbon) if commenced on or after 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 maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.
Reason: In the interests of sustainable development.

- 12) Future reserved matters applications that relate to this consent must prepare as part of that application a waste audit statement relating to the development proposed therein. This statement should identify:
- (a) sustainable procurement measures to minimise the generation of waste during the construction process, including avoidance of over-ordering and reduced use of hazardous materials;
 - (b) the types and quantities of waste that will be generated during the demolition and construction phases and the measures to ensure that the waste is managed in accordance with the waste hierarchy including:
 - the segregation of waste materials to enable their separate reuse, recycling or recovery;
 - the recycling of construction, demolition and excavation waste for use on site or at the nearest suitable facility; and
 - for any waste materials that are unsuitable for reuse, recycling or recovery, confirmation of the location for their disposal;
 - (c) the types and quantities of waste that will be generated during the operational phase of the development and measures to ensure that the waste is managed in accordance with the waste hierarchy including:
 - methods for limiting the generation of waste;
 - the provision of sufficient storage facilities to enable the segregation of reusable and recyclable waste from waste requiring disposal; and any other steps that are necessary to secure the maximum diversion of waste from disposal.
- Reason:** To comply with Devon County Council Waste Local Plan Policy WPC4 and emerging Devon Waste Plan policy W4 and to ensure that the waste hierarchy is followed”.
- 13) Prior to commencement of any dwelling the developer shall submit to the Local Planning Authority a Design Stage Code for Sustainable Homes (CSH) assessment including the score expected to be achieved and which standard this relates to. Where this does not meet the minimum required standard the developer must provide details of what changes will be made to the development to achieve the minimum standard, and thereafter implement those changes. Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until an application for a Final Code Certificate has been made seeking certification that the required Code Level has been achieved and within one year of occupation of any dwelling the developer shall submit to the Local Planning Authority a Final Code Certificate to demonstrate that a Final Code Level of 4 or 5 has been achieved as required above.
- Reason:** In the interests of sustainable development.
- 14) The Local Planning Authority shall be notified in writing of the identity of all dwellings for which construction has commenced before 1 January 2016, within 10 days following that date.
- Reason:** In the interests of monitoring compliance with sustainable development requirements.
- 15) Prior to the occupation of each dwelling hereby approved, ducting or equivalent service routes should be installed capable of accommodating at least 6 separate fibre-optic cables that enable electronic communications services network suppliers to freely connect between the boundary of the site and the inside of each dwelling for the purposes electronic communications.

Reason: To contribute to the development of high speed broadband communication networks and to ensure that adequate provision is made to meet the needs of future occupants of the dwellings for high speed internet access in line with paragraph 42 of the NPPF.

- 16) Prior to occupation of the development hereby permitted, full details of the public open space and play equipment to be provided in the areas of public open space including timing of implementation and installation 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

- 17) The dwellings hereby approved shall be designed and built to meet Lifetime Homes Standards

Reason: To increase choice, independence and longevity of tenure in accordance with Policy CP5 point three of the Exeter Core Strategy

- 18) The development hereby approved should be constructed to incorporate a Sustainable Urban Drainage (SUDS) scheme that should be approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To reduce overall flood risk in accordance with Policy CP12 of the Exeter Core Strategy

- 19) Prior to occupation of the first dwelling details of a fence spanning the to the west of the site and bounding the railway line should be submitted to the Council for approval in consultation with Network Rail and constructed in accordance with the approved scheme.

Reason: For reasons of public safety.

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

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

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

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

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

Reason: In the interests of the amenity of occupants of nearby buildings.

- 21) 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.

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

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

- 23) No development shall proceed on site until such time as a detailed sewerage evaluation has been carried out and funding provided for improvements identified as necessary. No building shall be occupied, and no connection to the public sewerage system take place, until all improvements to the public sewerage network, rendered necessary by the development, have been completed to the Local Planning Authority's satisfaction.

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

- 24) The following shall be achieved within 3 years of the commencement of development or prior to occupation of the 50th dwelling hereby approved:

a) the specification of a pedestrian and cyclist link to the pedestrian and cycling crossing at Point C approved through Devon County Council planning permission reference DCC/3513/2013 shall be agreed in writing with the Local Planning Authority and the link shall be made available for free and unrestricted public pedestrian and cyclist access to all occupied dwellings. Free and uninterrupted public pedestrian and cyclist access between the link and all dwellings occupied thereafter shall be provided prior to their occupation.

b) the specification of the following pedestrian and cyclist links shall be agreed in writing with the Local Planning Authority and the links shall be made available for free and unrestricted public pedestrian and cyclist access at all times:

(i) between points A and B and the connection with the pedestrian and cyclist crossing at Point C (shown on drawing number 14038 L01_04 rev D);

(ii) between points D and E and the connection with Old Rydon Lane at Point F (shown on drawing number 14038 L01_04 rev D).

The connections at Points A, B, D and E shall be provided up to and contiguous with the boundary of Bricknells Bungalow that is shown on drawing number 161/2013/102 dated January 2014 in support of the planning application with reference number 14/2007/01. The course of the routes shall not be altered unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of permeability and safe and suitable access to high quality public transport and other facilities.

- 25) Prior to commencement of the 150th dwelling hereby approved the specification of a direct highway link between points D and E and the access to the public highway hereby approved at point F (shown on drawing number 14038 L01_04 rev D) shall be agreed in writing with the Local Planning Authority and the link shall be made available for free and unrestricted public

access at all times. Both highway connections at points D and E shall be provided up to and contiguous with the eastern boundary of Bricknells Bungalow that is shown on drawing number 161/2013/102 dated January 2014 in support of the planning application with reference number 14/2007/01.

Reason: In the interests of permeability and safe and suitable access to all new development in the area.

- 26) No part of the development hereby approved shall be brought into its intended use until the proposed vehicle access onto Old Rydon Lane, including visibility splays (as indicated on drawing 14401/SKT01 Rev C, received on 14.10.2014), 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 32 of the National Planning Policy Framework.
- 27) No part of the development hereby approved shall be occupied until the improvements to pedestrian facilities on Old Rydon Lane (as indicated in drawing 14401/SKT07 RevB) and associated pedestrian/cycle access from the site to Old Rydon Lane (as indicated in drawing 14401/SKT06 RevB) has been provided in accordance with details that shall have been submitted to, and approved in writing, to the local planning authority and maintained for those purposes at all times.
Reason: To provide a safe and suitable access for pedestrians, in accordance with paragraph 32 of the National Planning Policy Framework.
- 28) The proposed mini roundabout providing future access to the application site and the land to the north of Old Rydon Lane shall be provided in accordance with details to be submitted to, and approved in writing, by the local Planning Authority and maintained for those purposes.
Reason: To provide a safe and suitable access for all users, pedestrians, in accordance with paragraph 32 of the National Planning Policy Framework.
- 29) Development of the site shall be limited to the occupation of 150 dwellings until a new vehicular link connecting the site to a new all movement junctions on the A379 has been provided to a standard agreed in writing by the Local Planning Authority opened for public use and maintained for those purposes at all times.
Reason: To ensure suitable access for the full development and mitigate the impact of development traffic on the operation of the Clyst Road/ A376 junction and Old Rydon Lane.
- 30) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement should include details of access arrangements, heavy vehicle routing, timings and management of arrivals and departures of vehicles. The approved Statement shall be adhered to throughout the construction period.
Reason: In the interests of highway safety and public amenity
- 31) No part of the development hereby approved shall be brought into its intended use until secure cycle parking facilities have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

Reason: To ensure that adequate facilities are available for the traffic attracted to the site

- 32) The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.

100 **PLANNING APPLICATION NO. 14/1714/02 - LAND AT SANDROCK, PINN LANE, EXETER**

The Assistant Director City Development reported that the application for the erection of 57 dwellings, vehicular access from Pinn Lane, associated roads, parking and provision of public open space had been deferred pending receipt of Devon County Council comments on highway matters.

101 **PLANNING APPLICATION NO.14/1993/03 - THE OLD CITY LIBRARY, CASTLE STREET, EXETER**

The Assistant Director City Development presented the application for the refurbishment and extension to provide 34 student apartments and two Class A3 units.

Members were circulated with an update sheet - attached to minutes. It was noted that no objections had been received other than from English Heritage. Members were advised that lighting to the front of the property would be dependent on the requirements of the restaurants.

With regard to CIL contributions in the future, a Member asked that regard be had to measures that could ameliorate the impact of the concentration of students on local communities.

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 requiring an agreed unilateral undertaking securing a Student Management Plan and continued use as student accommodation, delegated authority be given to the Assistant Director City Development in consultation with the Chair of Planning Committee to **APPROVE** planning permission for 34 student apartments and two Class A3 units, subject also to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 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 18 August (*dwg. no's: AS14 01 L.01.11 revP1*), and on 7th October (*dwg. no's: AS14 01 L.02.10 rev P4, AS14 01 L.02.11 rev P4, AS14 01 L.02.12 rev P4, AS14*

01 L.03.10 rev P2, AS14 01 L.04.10 rev P2, AS14 01 L.04.11 rev P2) as modified by other conditions of this consent.

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

- 3) Notwithstanding condition no (2), no work shall commence on site under this permission until full details of the secondary glazing to principal windows has been 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 visual amenity.
- 4) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and 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.
- 5) 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: To ensure the amenity of the area is protected.
- 6) The developer shall submit full details of kitchen extraction odour control at the A3 uses for approval in writing prior to occupation of the A3 uses. The agreed systems shall be installed in full and operated as agreed thereafter. (For further guidance, the DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems', particularly Annex B)
Reason: To ensure the details are agreed prior to occupation.
- 7) The developer shall undertake testing of the existing building glazing, and based on the results shall submit a scheme for protecting the development from noise and providing additional mechanical ventilation. This scheme shall be submitted to and approved by the Local Planning Authority before development commences. All works that form part of the scheme shall be completed before any of the permitted development is occupied.
The applicant should aim to achieve at least the standards for internal and external noise levels specified in BS8233:2014 Sound Insulation and Noise Reduction for Buildings.
Reason: To ensure the amenity of the residents.
- 8) No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:
 - a) There shall be no burning on site during demolition, construction or site preparation works;
 - b) Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800hrs to 1800hrs Monday to Friday, 0800hrs to 1300hrs on Saturdays, and not at all on Sundays and Public Holidays;
 - c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.

The approved CEMP shall be adhered to throughout the construction period.
Reason: To ensure that the construction of the development does not impact on the amenity of the neighbourhood.

- 9) Further details of the bin (residential and commercial) storage areas, including details of type, number and size of bins, routes and locations for bin collection shall be submitted to and approved in writing by the LPA prior to occupation of the development.

Reason: To ensure that the bin storage areas are of sufficient size and located in a convenient position to allow for easy access.

- 10) Further details of the bike storage areas, including any proposed covers for those located outside the building, shall be submitted to and approved in writing prior to the occupation of the development.

Reason: Insufficient information submitted with the application.

- 11) No part of the development hereby approved shall be occupied until cycle parking facilities have been provided in accordance with details that shall previously have been submitted and approved in writing by the Local Planning Authority and maintained for that purpose at all times

Reason: To encourage travel by sustainable modes in accordance with Paragraph 32 of the NPPF and Local Plan Policy T3.

- 12) Prior to commencement of any part of the site the Planning Authority shall 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 Statement shall be adhered to throughout the construction period.

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

- 13) Travel Plan measures including the provision of sustainable transport welcome packs, shall be provided in accordance with details agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of development.

Reason: To promote the use of sustainable transport modes, in accordance with paragraph 32 and 36 of the NPPF.

RESOLVED that the report be noted.

103

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

104

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 18 November 2014 at 9.30 a.m. The Councillors attending will be Choules, Denham and Mitchell.

Additional information circulated after agenda dispatched - circulated as an annexe

(The meeting commenced at 5.30 pm and closed at 6.55 pm)

Chair

This page is intentionally left blank

**PLANNING COMMITTEE
27 OCTOBER 2014**

ADDITIONAL INFORMATION

Correspondence received and matters arising following preparation of the Agenda

**Item 5. Pages 5-20. Ref: 14/1451/01
Land east of Exmouth Branch Line
Newcourt
Old Rydon Lane
Exeter**

Planning Condition Drawing Numbers

The proposed planning conditions have been updated to reflect the most up to date drawing numbers.

Footway on Old Rydon Lane

In discussion with the County Council as Highway Authority, the applicant had submitted updated highway drawings including a new drawing proposing a pedestrian footpath along Old Rydon Lane between the proposed site pedestrian access and the steps to the west of the rail branch line (14401/SKT07RevC). It is understood that the primary purpose of this footpath (in addressing the proposed development) is to accommodate trips to the north west along Old Rydon Close, over the A379 and into the Digby area.

Those that had already commented on the application were notified of these proposals and three further objections have been received with the following (summary) comments:

- The footpath would narrow the vehicular carriageway so that it would be difficult for cars to pass one another and not possible for lorries to pass other vehicles where narrowed.
- Old Rydon Lane should be restricted to 20mph, large vehicles banned and signage installed stating that Old Rydon Lane is effectively a single carriageway.
- Mobility scooters and prams will not be able to mount the pavement when travelling from existing properties to the north of Old Rydon Lane.
- In principle support for a pavement.

Analysis and response

The carriageway would be narrowed for approximately 115m. The County Council Highway Development Management Officer has confirmed that the proposed solution is acceptable. Carriageway narrowing will reduce speeds as a result of a change in perspective and wheelchair/pram users will be able to mount the pavement at the various dropped kerb locations proposed (which broadly correspond with existing dwelling access points to the north).

Permeability Conditions

The applicant's agent has commented on planning conditions 24 and 25 as follows. These conditions require permeability between the application site and the adjoining Bricknells Bungalow site:

1. On condition 24, the need to deliver a pedestrian/cycle link early in the development is clear and reference should also be made to points D, E and F in this condition. Also, we see no need for "Areas 1 and 2" etc.
2. On condition 25, we take it that there is a typing error in this condition and that it should say 150th dwelling to reflect condition 29.

Analysis and response

The proposed amendment to condition 24 would secure the pedestrian and cyclist permeability sought through the Core Strategy. It is proposed that draft condition 24 should read as follows and an updated drawing (14038/ L01_04 RevD) has been submitted to make it clearer where points A - F are:

Condition 24:

The following shall be achieved within 3 years of the commencement of development or prior to occupation of the 50th dwelling hereby approved:

- a) the specification of a pedestrian and cyclist link to the pedestrian and cycling crossing at Point C

approved through Devon County Council planning permission reference DCC/3513/2013 shall be agreed in writing with the Local Planning Authority and the link shall be made available for free and unrestricted public pedestrian and cyclist access to all occupied dwellings. Free and uninterrupted public pedestrian and cyclist access between the link and all dwellings occupied thereafter shall be provided prior to their occupation.

b) the specification of the following pedestrian and cyclist links shall be agreed in writing with the Local Planning Authority and the links shall be made available for free and unrestricted public pedestrian and cyclist access at all times:

- (i) between points A and B and the connection with the pedestrian and cyclist crossing at Point C (shown on drawing number 14038 L01_04 rev D);
- (ii) between points D and E and the connection with Old Rydon Lane at Point F (shown on drawing number 14038 L01_04 rev D).

The connections at Points A, B, D and E shall be provided up to and contiguous with the boundary of Bricknells Bungalow that is shown on drawing number 161/2013/102 dated January 2014 in support of the planning application with reference number 14/2007/01. The course of the routes shall not be altered unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of permeability and safe and suitable access to high quality public transport and other facilities.

With these changes to condition 24, the proposed amendment to condition 25 is considered acceptable. The original draft was not a typing error but with pedestrian and cyclist permeability secured through condition 24 and on the basis that adjoining Bricknells Bungalow can be accessed independently off Old Rydon Lane (the principle of which the County Council has previously confirmed) it is not considered necessary for condition 25 to require vehicular permeability until occupation of the 150th dwelling. It is proposed that condition 25 should now read as follows:

Condition 25:

Prior to commencement of the 150th dwelling hereby approved the specification of a direct highway link between points D and E and the access to the public highway hereby approved at point F (shown on drawing number 14038 L01_04 rev D) shall be agreed in writing with the Local Planning Authority and the link shall be made available for free and unrestricted public access at all times. Both highway connections at points D and E shall be provided up to and contiguous with the eastern boundary of Bricknells Bungalow that is shown on drawing number 161/2013/102 dated January 2014 in support of the planning application with reference number 14/2007/01.

Reason: In the interests of permeability and safe and suitable access to all new development in the area.

Section 106 Obligations

For clarity, the recommendation of approval is made subject to the draft planning conditions identified and section 106 planning obligations that include the following:

- Affordable housing;
- Proportionate costs of pedestrian and cyclist rail line crossing;
- Proportionate costs of the link to the A379;
- Costs of match day traffic orders on site;
- Travel planning and travel plan implementation costs.

Item 6. Pages 21-28. Ref: 14/1714/02

Land at Sandrock

Pinn Lane

Exeter

Amend Condition 1 to reflect revised drawings received that clarified the design of the Wheelchair Accessible Bungalow and the flats in the north eastern corner of the site.

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 23rd October 2014 as modified by other

conditions of this consent.

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

Following the receipt of revised plans suggested Condition 4 is no longer required.

Preliminary results of a geophysical survey of the site have now been received, and as a result the Council's PPM (Heritage) confirms that a) it does not identify any major remains on the site and therefore there are no archaeological constraints upon the proposed layout, and b) the survey does not, due to site conditions and its nature, preclude some remains being present however, and therefore further archaeological work will be necessary under the planning condition on the outline consent.

Item 7. Pages 29-34. Ref: 14/1993/03

The Old City Library

Castle Street

Exeter

Five additional Conditions to be added:

- (i) Further details of the bin (residential and commercial) storage areas, including details of type, number and size of bins, routes and locations for bin collection shall be submitted to and approved in writing by the LPA prior to occupation of the development.

Reason: To ensure that the bin storage areas are of sufficient size and located in a convenient position to allow for easy access.

- (ii) Further details of the bike storage areas, including any proposed covers for those located outside the building, shall be submitted to an approved in writing prior to the occupation of the development.

Reason: Insufficient information submitted with the application.

- (iii) No part of the development hereby approved shall be occupied until cycle parking facilities have been provided in accordance with details that shall previously have been submitted to agreed and approved in writing by the Local Planning Authority and maintained for that purpose at all times.

Reason: To encourage travel by sustainable modes in accordance with Paragraph 32 of the NPPF and Local Plan Policy T3.

- (iv) Prior to commencement of any part of the site the Planning Authority shall 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 Statement shall be adhered to throughout the construction period.

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

- (v) Travel Plan measures including the provision of sustainable transport welcome packs, shall be provided in accordance with details agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of the development.

Reason: To promote the use of sustainable transport modes, in accordance with paragraphs 32 and 36 of the NPPF.

This page is intentionally left blank