

PLANNING

Date: Monday 27 October 2014
Time: 5.30 pm
Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Howard Bassett, Democratic Services Officer (Committees) on 01392 265107.

Entry to the Civic Centre can be gained through the Customer Service Centre, Paris Street.

Membership -

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

Agenda

Part I: Items suggested for discussion with the press and public present

1 Apologies

To receive apologies for absence from Committee members.

2 Minutes

To sign the minutes of the meeting held on 21 July, 1 September and 29 September 2014.

3 Declarations of Interest

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item.

Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

4 LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC

It is not considered that the Committee would be likely to exclude the press and public during the consideration of any of the items on this agenda but, if it should wish to do so, then the following resolution should be passed: -

RECOMMENDED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for particular item(s) on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part I of Schedule 12A of the Act.

Public Speaking

Public speaking on planning applications and tree preservation orders is permitted at this Committee. Only one speaker in support and one opposed to the application may speak and the request must be made by 5pm on the Thursday before the meeting (full details available on request from the Democratic Services (Committees) Officer).

5 Planning Application No.14/1451/01 - Land East of Exmouth Branch Line, Newcourt, Old Rydon Lane, Exeter

To consider the report of the Assistant Director City Development. (Pages 5 - 20)

6 Planning Application No. 14/1714/02 - Land at Sandrock, Pinn Lane, Exeter

To consider the report of the Assistant Director City Development. (Pages 21 - 28)

7 Planning Application No.14/1993/03 - The Old City Library, Castle Street, Exeter

To consider the report of the Assistant Director City Development. (Pages 29 - 34)

8 List of Decisions Made and Withdrawn Applications

To consider the report of the Assistant Director City Development. (Pages 35 - 50)

9 Appeals Report

To consider the report of the Assistant Director City Development. (Pages 51 - 52)

10 SITE INSPECTION PARTY

To advise 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.

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 1 December 2014** at 5.30 pm in the Civic Centre.

Find out more about Exeter City Council services by looking at our web site <http://www.exeter.gov.uk>. This will give you the dates of all future Committee meetings and tell you how you can ask a question at a Scrutiny Committee meeting. Alternatively, contact the Democratic Services Officer (Committees) on (01392) 265107 for further information.

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Agenda Item 5

ITEM NO.

COMMITTEE DATE:

27/10/2014

APPLICATION NO:

14/1451/01

OUTLINE PLANNING PERMISSION

APPLICANT:

BC and EN PRATT

PROPOSAL:

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

LOCATION:

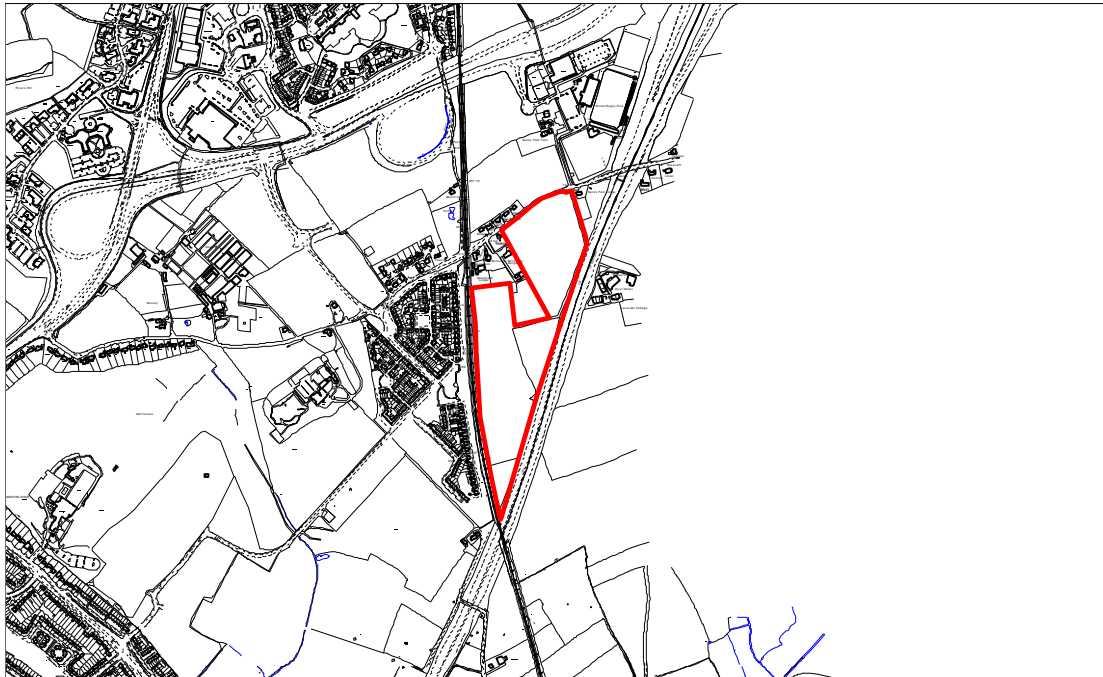
Land East of Exmouth Branch Line, Newcourt, Old Rydon Lane, Exeter, EX2

REGISTRATION DATE:

01/07/2014

EXPIRY DATE:

30/09/2014



Scale 1:20000

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HISTORY OF SITE

The site has not been subject to any previous planning applications. It comprises agricultural fields to the east of Exeter and forms part of the Exeter Core Strategy Newcourt Strategic Allocation. Almost 2,000 dwellings have been approved at Newcourt. In total, the Exeter Core Strategy proposes around 3,500 dwellings and 16ha of Employment 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.

DESCRIPTION OF SITE/PROPOSAL

The application site comprises approximately 12.3 hectares of land that was last used for agriculture. The land generally slopes gradually from north-west to south-east. Much of its boundary consists of a combination of fencing, trees and hedgerows. The interior of the site contains a number of hedges that demarcate field boundaries. To the immediate north west

of the site are approximately six low density residential dwellings, including Bricknells Bungalow. Further north, beyond Old Rydon Lane, lie a further line of dwellings. At the north east of the site is an existing vehicular access from which an unpaved field track leads to the fields within the application area. Immediately east of the site is the M5 motorway and west is the 'Avocet' Exmouth rail branch line. Beyond the railway and raised above the application site are residential dwellings that form part of the redeveloped former Royal Naval Stores Depot site; the roads facing the development being Jack Sadler Way and Liberty Close.

The proposal comprises an outline application for up to 392 dwellings with associated infrastructure. The applicant commits to delivering 35% affordable housing, with 70% of units for social rent and 5% to be wheelchair accessible. Having initially proposed up to 450 dwellings, the applicant has amended the description to accord with the most up to date 'proofing layout' submitted. That proofing layout provides a Masterplan for the application site and for the adjoining land at Bricknell's Bungalow and illustrates a mix of dwelling types (including 1 and 2 bed apartments) as follows:

- 1 bed: 33%
- 2 bed: 37%
- 3 bed: 13%
- 4 bed: 17%

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 open space to the west of the railway via the underpass.

Vehicular access would be achieved to the north east of the site, approximately 60 metres to the west of the current field access. Initially it is proposed that a regular priority T-junction would be instated allowing access to and from Old Rydon Lane. However, it will ultimately be necessary for the scale of development proposed to be served by a direct link to and from the A379 to the north. The land needed to deliver this link is within the applicant's control. The link road would connect to the A379 via the existing 'Sandy Park Junction' (currently left in, left out), which would also need to be upgraded to accommodate traffic movements in all directions. Devon County Council has commissioned design work for these junction improvements. The applicant has submitted drawings to demonstrate that it will be feasible to provide primary access via the north/south link road and anticipates that all of the works required to link to the A379 will be the subject of a 'Grampian' style planning condition.

The application indicates that primary pedestrian and cycle access would be to the west of the site via an underpass that will allow crossing of the Exmouth rail branch line and which already has conditional planning permission (County Council reference DCC/3513/2013). This point of access would provide a route to the rail station that is currently under construction, community and school facilities and other destinations including Topsham to the south.

From the westerly access, the applicant's 'proofing layout' illustrates a dedicated pedestrian and cycle route running through the site to the north east corner, where the existing field access is positioned. From this position pedestrian and cyclists would be able to access Sandy Park rugby stadium, the David Lloyd leisure centre and other facilities north of the A379 Baker Bridge. A further pedestrian, cyclist and emergency vehicle access is proposed to the north/north west of the site with highway works to instate a footway that would provide a connection to other facilities at Digby (including Rydon Lane Retail Park).

The appearance, layout and scale of the development are all 'reserved matters' for subsequent approval. The only detailed matter for which approval is sought at this stage is highway access to the site. Nevertheless, the applicant has submitted a 'proofing layout' as a Masterplan that is considered to be deliverable and which encompasses land at Bricknells

Bungalow that falls outside the application boundary. The application is supported by a statement that commits to the benefits of the Masterplan and a comprehensive approach across the two sites.

It is of note that a new planning application for up to 63 dwellings on land at Bricknells Bungalow (14/2007/01) has been submitted with reference to the Masterplan that supports this application.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The following documents have been submitted in support of the application:

- Air Quality Assessment
- Arboricultural Impact Assessment
- Impact Assessment
- Archaeology Survey
- Design and Access Statement
- Ecological Impact Assessment Mitigation and Enhancement Plan
- Flood Risk Assessment
- Geotechnical and Contamination Assessment
- Noise Assessment
- Planning Statement
- Proofing Layout [Masterplan]
- Statement of Community Involvement
- Topographic Survey
- Transport Assessment
- Flood Risk Assessment

REPRESENTATIONS

15 comments/objections have been received and can be summarised as follows:

- Loss of views from properties to the north and west.
- Safety concerns associated with proximity to the motorway.
- Existing roads (including Old Rydon Lane) unsuitable for the amount of traffic that would result.
- Old Rydon Lane is unsuitable for construction traffic.
- Development should not commence until a direct link road from the A379 to the site (east of existing dwellings on Old Rydon Lane) has been constructed, as shown in the Newcourt Masterplan.
- Traffic calming measures applied to Old Rydon Lane South [no entry from Newcourt Way] should also be applied to Old Rydon Lane North
- Loss of sunlight for properties to the west.
- Any three storey dwellings should come forward away from existing dwellings on lower ground.
- Risk of overlooking from and into existing properties, especially if three storey properties are constructed close to the site boundary.
- Unsightly views from existing properties to the rear of newly constructed flats and houses.
- Fewer affordable houses should be provided and they should be dispersed.
- The roundabout and A379 junction adjacent Sandy Park are not suitable for the additional traffic that would result.
- The proposals should cater for car parking.
- No rail underpass has been approved.
- Insufficient school places and GP surgery space.

- The majority of homes will have 2 vehicles (one for work and one for domestic use) and 750 car parking spaces would be needed to accommodate 450 homes.
- The development would undermine Old Rydon Lane as a relatively quiet route for walking, cycling and exercise.
- The proposed development would not be within 500m of public transport facilities.
- The proposal will require removal of species rich hedge to accommodate the proposed vehicular access to the north.
- A landscape and environmental management plan should be required by planning condition.
- Bird nesting/roosting places should be integrated into the proposed buildings.

CONSULTATIONS

Devon County Council Highways and Transport

Subject to contributions towards access to Newcourt Station, traffic orders and travel planning being secured through a legal agreement and various planning conditions [set out below], the highway authority raises no objection to the proposed development.

Safe and suitable access for all users can be achieved. The impact of additional traffic on the Clyst Road/A376 junction is a fundamental concern and an alternative vehicular route from the site to an improved junction on the A379 will be required prior to occupation of the 150th dwelling.

Devon County Council Chief Planner

A contribution of £2,245,155 is sought towards primary and secondary school facilities through the Community Infrastructure Levy. The City Council has made no commitment to such a contribution. The use of sustainable urban drainage systems is recommended. A Waste Audit Statement is sought at the reserved matters stage and an associated planning condition is recommended in accordance with the County Council's Waste Local Plan.

Highways Agency

The HA initially imposed a 'holding direction' pending submission of further information. Following a further submission they now make no objection. A waste audit statement is sought

Network Rail

A minimum 1.8m high trespass proof fence must be provided adjacent Network Rail's boundary and provision made for its maintenance. A minimum height 2 metre protective fence should be provided in the case of a children's play area adjacent the railway boundary. Drainage should not be onto railway land. Network Rail needs to be consulted on any alterations to ground levels, excavations or piling. Lighting on site should not impact on operation of the railway.

Environment Agency

No objection provided the application proceeds in accordance with the submitted flood risk assessment. It may be appropriate to secure this via a suitably worded planning condition.

South West Water

The public foul sewer network is unlikely to have sufficient capacity to serve the proposals. The sewer network will require detailed investigations to establish the level and cost of necessary improvements. A planning condition should be applied to ensure that no building shall be occupied, and no connection to the public sewerage system made, until all improvements to the public sewerage network, rendered necessary by the development, have been completed to the Local Planning Authority's satisfaction [in consultation with South West Water].

Natural England

Natural England advises that measures are already in place to mitigate the impacts of the proposed development on designated habitats in the area. Opportunities should be taken to work with the Growth Point Green Infrastructure Officer to strengthen green infrastructure officer to strengthen green infrastructure within the proposal [at the reserved matters stage]. Natural England's Standing Advice on protected species also applies in this case.

ECC Environmental Health

Environmental Health initially sought further information on the impact of the proposals on the Exeter Air Quality Management Area. Further information has since come forward and it is now considered that the proposed development will not have a significant adverse impact on the Management Area. They recommend planning conditions requiring:

- agreement and adherence to a Construction Environmental Management Plan;
- a full investigation of contamination risk and any necessary remedial works prior to the commencement of development ; and
- agreement of a scheme that ensures that no property is occupied until relevant noise impacts have been fully mitigated.

ECC Housing Enabling

Housing Enabling initially commented that the proposed development needed to accord with the various affordable housing requirements of Core Strategy Policy CP7 and the Council's Affordable Housing SPD. The applicant has since submitted a further statement committing to the policy requirements. It is now agreed that these can be secured through an appropriately worded section 106 planning obligation.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework

Exeter Local Development Framework Core Strategy

CP1 - Spatial Strategy
CP3 - Housing
CP4 - Density
CP5 - Meeting Housing Needs
CP7 - Affordable Housing
CP9 - Transport
CP10 - Meeting Community Needs
CP11 - Environment
CP13 - Decentralised Energy Networks
CP15 - Sustainable Construction
CP16 - Green Infrastructure
CP17 - Design and Local Distinctiveness
CP18 - Infrastructure
CP19 - Strategic Allocations

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development
AP2 - Sequential Approach
H1 - Search Sequence
H2 - Location Priorities
H7 - Housing for Disabled People
T1 - Hierarchy of Modes
T2 - Accessibility Criteria
T3 - Encouraging Use of Sustainable Modes
C5 - Archaeology

LS2 - Ramsar/Special Protection Area
EN2 - Contaminated Land
EN3 - Air and Water Quality
EN5 - Noise
DG1 - Objectives of Urban Design
DG4 - Residential Layout and Amenity
DG5 - Provision of Open Space and Children's Play Areas

Exeter City Council Supplementary Planning Documents

Affordable Housing SPD
Archaeology and Development SPG
Planning Obligations SPD
Public Open Space SPD
Residential Design Guide SPD
Newcourt Masterplan

OBSERVATIONS

Principle of Development

The Exeter Core Strategy includes a strategic allocation for around 3,500 dwellings alongside 16ha of Employment Land in the Newcourt area. The development of housing on the application site therefore accords with the most up to date provisions of the Exeter Core Strategy and its strategic allocation at Newcourt. The allocation is not specific about the disposition of employment and housing uses within the area. To date around 2,000 of the proposed (around) 3,500 dwellings have been granted planning permission, or have a resolution to grant.

The Council's emerging Development Delivery DPD does not propose any additional allocations on the application site (whereas it does propose employment allocations elsewhere). The implication of this is that the site is suitable for housing development.

Assessment of the Proposal

In assessing the impact of this proposal it is acknowledged that it will result in a significant change in the character of the application site. The site is currently comprised principally of agricultural fields. The proposal would result in these and many of the site's other key features being replaced with housing, roads and associated infrastructure, although it is intended that some landscape features (including hedgerows) would be retained or enhanced.

Environmental Impact Assessment (EIA)

On receipt of the planning application, the proposal was screened in accordance with the Environmental Impact Assessment Regulations and was not considered to require an Environmental Statement. Potential significant effects were identified in relation to the Exe Estuary, Dawlish Warren and East Devon Pebblebed Heaths European Sites where increased recreational pressures on the European sites (in combination with other residential development in the Exeter area) were considered likely to impact on the Sites' designated habitats. However, it was concluded that measures were in place for mitigation to be delivered through Community Infrastructure Levy (or other City Council controlled) funding. No Environmental Statement was required.

Habitat Regulations Assessment

For the same reasons, no site specific Habitat Regulations 'Appropriate Assessment' is required. Article 6 of the Habitats Directive 92/43/EEC requires development projects to be assessed in terms of impact, in isolation or combination with other projects on the (Natura

2000) European Sites but because the City Council as 'competent authority' has identified a strategic approach to mitigating recreational impacts arising from additional housing and this has been subject to a Habitat Regulations Assessment in preparation of the Core Strategy, no further Assessment is required.

Ecology

The ecological evidence indicates the presence of notable species and Priority Habitat on or using the site. Species include birds, badgers, bats, hedgehogs, amphibians and reptiles. Upon applying Natural England's Standing Advice, it is considered that an appropriately worded condition could secure suitable mitigation measures as proposed through the applicant's ecology assessment and addendums. The mitigation/compensation measures proposed (which include bird nesting boxes integrated with dwellings) are often necessarily broad and it will be important for any such planning condition to require agreement from the planning authority of a final programme of mitigation and enhancement prior to the commencement of development

Highways and Transportation

Notwithstanding the highways and transport objections received, the proposed access arrangements are considered acceptable. It is also considered that the proposed development can generally be accommodated within the existing local and strategic road network except in the case of the Clyst Road/A376 junction (north of the Blue Ball Inn).

The Highway Agency has confirmed that improvements at M5 motorway Junction 30 will enable the development to come forward alongside others that have recently been approved. Similarly, the County Council as Highway Authority has confirmed that forthcoming improvements at Bridge Road will create the capacity to accommodate the development. These conclusions accord with the Newcourt Transport Access Strategy (addendum report 2011), which formed part of the evidence base for initially identifying the land for development through the Core Strategy.

In relation to the Clyst Road/A376 junction and any requirement for a new link road and improved A379 junction, the County Council confirm that there is sufficient capacity to accommodate vehicular trips associated with approximately 150 dwellings before the link becomes operational. A suitably worded condition would be necessary to ensure that the all movements junction, the link road and an upgraded junction at the entrance to the site becomes the primary access route for the development before more than 150 dwellings are occupied. It is considered that this condition would also address concerns associated with the impacts of increased traffic on Old Rydon Lane ahead of them becoming severe.

The applicant currently proposes that the upgraded junction at the entrance to the site (initially a priority T junction) would take the form of a roundabout. It has been demonstrated that this could be delivered but a planning condition will be necessary to ensure that final details are approved by the Local Planning Authority in consultation with the Highway Authority.

The County Council has considered issues of pedestrian safety on Old Rydon Lane carefully and worked with the applicant who has proposed a separate footway from the proposed pedestrian and cycle access point at the north west of the site to, and immediately beyond, the Exmouth branch line rail bridge. In particular, this will secure step-free access to facilities to the north (in the Digby area) via Old Rydon Close and Russell Way and help to achieve traffic calming.

Whilst the principle of construction access along Old Rydon Lane is considered acceptable, a planning condition is proposed to ensure that a method statement for heavy vehicle routing, timings and management of arrivals is approved in writing by the Local Planning Authority.

A step free pedestrian and cyclist route across the rail line is essential to ensure access to public transport and other facilities to the west. Such a crossing is identified through the Exeter Core Strategy and Exeter Infrastructure Delivery Plan and has conditional planning permission. A pedestrian and cycle route that would connect with the crossing is proposed and the applicant is willing to accept a planning condition to enable connection between all constructed dwellings on the application site and all dwellings on the adjoining (Bricknells Bungalow) land before the 50th dwelling is occupied. It is considered that this will secure the permeability and sustainable access to facilities envisaged through the Core Strategy. A section 106 planning obligation will be needed to secure a contribution towards the costs of delivering the crossing.

The County Council also seek further conditions and planning obligations associated with:

- the provision of cycle parking facilities;
- the specification of the proposed internal roads, paths verges, drains and sewers. These are considered reasonable;
- the costs associated with applying a rugby match day traffic order restricting parking; and
- the costs of travel planning and travel plan implementation

All of these are considered to be reasonable and necessary.

Housing Mix and Affordable Housing

The applicant has submitted a 'masterplan' proposing a mix of dwelling types and sizes that accord with the Council's Housing Market Assessment and Core Strategy policy CP5. The applicant has also committed to providing 35% affordable housing, of which at least 70% would be for social rent and 5% of affordable homes would be wheelchair accessible in accordance with the Council's wheelchair accessible affordable housing policy (H7) as amplified through the Affordable Housing SPD 2014. The location of the affordable units and the phasing of their provision would be for determination at the 'reserved matters' stage.

Layout and Residential Amenity

As an outline application with access the only matter of detail for consideration at this stage, details of site and housing design would need to be approved at the 'reserved matters' stage. It is nevertheless important for the Council to understand whether the number of dwellings being applied for can be delivered in accordance with the Council's planning policies and amenity standards. On that basis the applicant has submitted a 'proofing layout' (drawing 14038 L01_03 Rev D) which is considered to be deliverable. The proofing layout demonstrates that 392 dwellings could be built on the application site and in accordance with the Council's development plan policies on design, as amplified through the Residential Design Guide SPD (including car parking standards).

The Proofing Layout also addresses adjoining land in the curtilage of Bricknells Bungalow, confirming that 63 dwellings could be delivered there (a total of 455 across the two sites). The drawing demonstrates a 'masterplanned approach' that the applicant refers to in a technical addendum to the application. It shows a single place with:

- Safe and convenient access to public transport
- Efficient use of land, achieving the highest appropriate density of development
- A strategic approach to open space provision (with capacity to accommodate play facilities), other green infrastructure and enhancing biodiversity on site
- A strategic approach to noise mitigation (using a bund)
- Retention of category B trees at Bricknells Bungalow

It is considered appropriate that a planning condition should be applied to secure delivery of the layout, transport links and green infrastructure proposed through the masterplan proofing

layout unless an alternative layout that delivers the same benefits and that would not compromise development on adjoining land at Bricknells Bungalow is agreed with the local planning authority.

The development proposed at Bricknells bungalow for up to 63 dwellings also relies on the same proofing layout. Were planning permission to be granted for that project, a similarly worded planning condition would be necessary to ensure that development on either site will not compromise the area wide outcomes identified above.

To ensure that the development comes forward in a coordinated manner, it is considered that a suitably worded planning condition requiring a phasing plan should also apply.

Landscape and Visual Impact

Whilst detailed housing design is not a matter for consideration at this stage, the proposal for dwellings on the site accords with the Core Strategy Newcourt Strategic Allocation. Housing development is considered acceptable in landscape and visual impact terms. Several objections have been received relating to proximity between the proposed dwellings and existing properties to the north and west of the site. However, 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.

Drainage

The applicant's Flood Risk Assessment indicates that the site could be drained through attenuation and infiltration. This would constitute Sustainable Urban Drainage (SUDS) in accordance with the Council's Core Strategy and this solution is considered acceptable by the Environment Agency. South West Water has sought a planning condition to ensure that individual dwellings are served by adequate sewerage infrastructure prior to occupation and this is considered reasonable.

Energy and Sustainability

Policies CP13 (Decentralised energy networks) is not considered applicable to this proposal. No decentralised energy networks are proposed in the area and it is not considered economic to connect into those that are proposed further away. CP15 (Sustainable construction) is relevant to this proposal and requires new dwellings whose construction commences prior to 2016 to meet Level 4 of the Code for Sustainable Homes, and those after that date to meet Code Level 5. The applicant has not submitted adequate supporting information to confirm that Code levels 4 and 5 would be achieved. Nevertheless, an appropriately worded condition could be applied to secure full compliance with the policy.

Archaeology

Survey results submitted with the application confirm that there are localised prehistoric remains within the site. However the Council's PPM (Heritage) has confirmed that they are not likely to be of high enough significance or in good enough condition to affect the principle and layout of the proposed development. It would be appropriate to secure a programme of archaeological works before development commences through a planning condition.

Recreation and open space

The design and access statement and masterplan 'proofing layouts' for the application demonstrate that more than 10% public open space could be provided on site in accordance with policy DG5 of the Local Plan First Review. The open spaces shown on the proofing layout are of a significant scale (including a large area of land at the centre of the site of

almost 1 hectare). With links beyond the railway to the west, the open space and green infrastructure corridors proposed through the development would coordinate with and complement existing open space provision immediately opposite in the former Royal Naval Stores Depot area (also known as The Rydons).

Other Infrastructure

It is considered that adequate provision has been made for social infrastructure to serve the site. Outline planning permission has been secured for two primary schools in the local area and for shops and doctors surgery premises. A local community centre recently opened approximately 200 metres to the west of the site.

To ensure that new dwellings are able to benefit from upgrades to communications infrastructure without the need for significant intrusive engineering works, it is considered appropriate to apply a planning condition requiring installation of open access telecommunications ducting.

Financial Considerations

The proposed development could raise an estimated £1,800,000 in Community Infrastructure Levy receipts and around £3,300,000 (£2.6m to ECC and £0.7m to DCC) in New Homes Bonus. Some of these funds could be directed towards addressing the site and wider area's infrastructure needs. The Homes and Communities Agency have

Delegation Briefing

Members supported the proposal and the masterplanned approach for the area.

RECOMMENDATION

It is recommended that delegated authority be given to the Assistant Director City Development in consultation with the Chair of the Planning Committee to **APPROVE** the application subject to:

- A Section 106 Agreement to secure the matters identified above;
 - 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 within Area 1 as shown on drawing number 14038 L01_04 rev C or prior to occupation of the first dwelling in Area 2, as shown on drawing number 14038 L01_04 rev C:

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 a pedestrian and cyclist link 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 C) 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 at all times. Both connections at Points A and B shall be provided up to and contiguous with the western 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 route 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 50th 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 C) 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.

Local Government (Access to Information) 1985 (as amended).

Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223

Agenda Item 6

ITEM NO.

COMMITTEE DATE: 27 OCTOBER 2014

APPLICATION NO:

14/1714/02

APPROVAL OF RESERVED MATTERS

APPLICANT:

Linden Homes

PROPOSAL:

The erection of 57 dwellings, vehicular access from Pinn Lane, associated roads, parking and provision of public open space.

LOCATION:

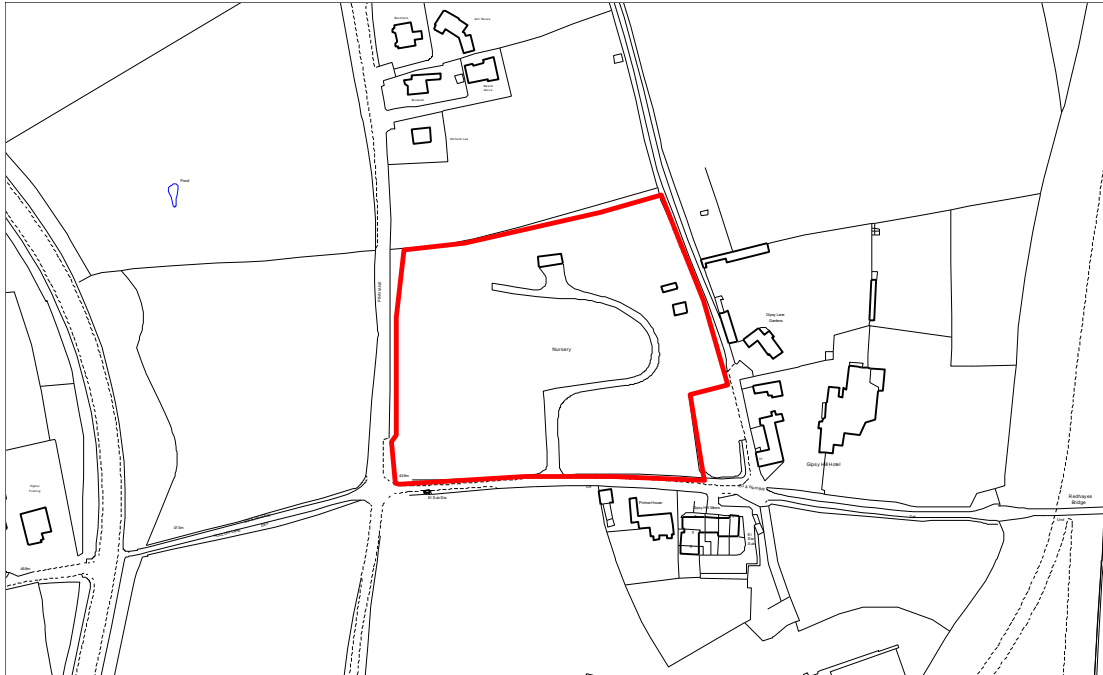
Land at Sandroock, Pinn Lane, Exeter, EX1

REGISTRATION DATE:

15/07/2014

EXPIRY DATE:

14/10/2014



Scale 1:4000

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HISTORY OF SITE

- | | | | |
|--------------|--|---------|------------|
| 12/0854/01 - | Erection of up to 62 dwellings with associated public open space, infrastructure and landscaping (all matters reserved for future consideration). | PER | 25/11/2013 |
| 14/2013/32 - | Discharge Conditions of outline permission reference 12/0854/01: Conditions 6 (Landscaping), 8 (Tree Protection), 14 (Contamination), 15 (Noise), 17 (Cycle Parking) & 23 (Wildlife Plan). | Pending | |

DESCRIPTION OF SITE/PROPOSAL

This 2.16ha site is situated between Pinn Lane, Gypsy Hill Lane and Gypsy Lane, near the Gypsy Hill Hotel. Gypsy Lane to the east is only passable on foot. Access is currently from Gypsy Hill Lane which runs along a ridge at the southern boundary of the site, and the site falls away to the north, with views across to Pinhoe. The Tithebarn Link Road, which is currently under construction, bounds the site to the north. The site is partially occupied as a nursery and has some low quality coniferous trees at its highest point. A hedgerow surrounds the perimeter of the site.

Outline consent (ref. 12/0854/01) for up to 62 dwellings was granted in 25 November 2013 with all matters reserved. The outline planning consent was approved, subject to conditions and following completion of a Section 106 agreement securing: Affordable housing, Housing for disabled people, Transport contribution including provision of sustainable transportation measures, A contribution towards education provision, A contribution towards community facilities, A contribution towards off-site formal sport provision, A contribution towards provision of Suitable Alternative Natural Green Space to mitigate impact on Natura 2000 sites, Provision for future management of on-site open spaces and children's play areas, Access from Pinn Lane and a requirement to utilise district heating.

This reserved matters submission seeks approval of access, appearance, landscape, layout and scale of layout for 57 dwellings.

Vehicular access is from Pinn Lane, with the existing access being stopped up with the area of the access which is highway land and which allows passing in Gypsy Hill Lane being retained. Footpath/cycle links to Gypsy Hill Lane and the link road being constructed adjacent the northern boundary of the site are proposed. Cycle and pedestrian access to Gypsy Hill Lane is retained at the current vehicular access point and provided at the south east corner. Provision for pedestrian and cycle access to the Link Road adjacent the northern boundary is made within the site.

Layout. The layout comprises buildings set fronting the vehicular access road which enters the site from the northernmost point on the eastern boundary and joins the existing track within the site. Split level dwellings, flats and one flat over garage unit help accommodate changes in levels on the northern half of the site. Retaining walls are positioned within gardens rather than fronting the street. Two small areas of open space adjoin the northern boundary, one being for SUDS purposes and the other includes the pedestrian foot path link.

Scale. Proposals comprise some single, but principally two storey buildings. Some split level buildings are proposed to help accommodate changes in levels.

Appearance. Buildings are predominantly masonry with some use of pale render and grey tile roofs, limited use of buff brick is proposed. Detailed approval of external materials is controlled by condition of the outline consent.

Landscape. The main open space is positioned on the ridgeline, in accordance with the requirements of the S106, where it can contribute to the ridge top park area. Approval of landscape plan and detailed planting is secured by conditions 6, 7, 8 and 23 of the outline consent. Coniferous trees to the south of the site are proposed to be removed, and the hedgerows around the periphery are mainly to be retained and enhanced.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The submitted application includes the following supporting information:

- Site plan.
- Site layout (proposed).
- Site access general arrangement.
- Illustrative Landscape Plan.
- Design and Access Statement.
- Site Sections.
- Building plans and elevations.
- Accommodation schedule.

REPRESENTATIONS

Objections and comments:

- 17 Letter of objection or comment have been received raising the following points.

- Closure of the passing place at the current entrance on Gypsy Hill Lane will make this route difficult for vehicles and dangerous for pedestrian and cyclists.
- Alternative pedestrian and cycle route parallel to Gypsy Hill Lane should be provided in the site.
- Proposals will increase traffic on Pinn Lane, this is inconsistent with the reason given for closing Pinn Lane.
- Removal of B bus route on closure of Pinn Lane.
- Direct vehicular connection to the Tithebarn link road should be provided.
- This will further restrict access to Gypsy Hill Hotel

A 156 signature petition has also been received objecting to the removal of the passing place offered by the entrance to the current site

Exeter Civic Society expressed disappointment that there is no reference to energy conservation

CONSULTATIONS

RSPB: Disappointed that no Wildlife Plan has been submitted. Recommendations made for the Wildlife and Landscape Plans.

Exeter International Airport: No objections subject to adherence to standard safety advice.

DCC Highways: Final comments awaited.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

NPPF - National Planning Policy Framework

Exeter Local Development Framework Core Strategy

CP1 - The Spatial Approach

CP3 - Housing Distribution

CP4 - Density

CP5 - Meeting Housing Needs

CP7 - Affordable Housing

CP10 - Meeting Community Needs

CP11 - Pollution and Air Quality

CP12 - Flood Risk

CP13 - Decentralised Energy Networks

CP14 - Renewable and Low Carbon Energy

CP15 - Sustainable Construction

CP16 - Green Infrastructure

CP17 - Design and Local Distinctiveness

CP18 - Infrastructure

CP19 - Strategic Allocations

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development

AP2 - Sequential Approach

H1 - Search Sequence

H2 - Location Priorities

T2 - Accessibility Criteria

LS1 - Landscape Setting

H7 - Housing for Disabled People

L4 - Provision of Playing Pitches

EN4 - Flood Risk

EN5 - Noise
DG1 - Objectives of Urban Design
DG4 - Residential Layout and Amenity
DG5 - Provision of Open Space and Children's Play Areas
DG6 - Vehicle Circulation and Car Parking in Residential Development
C5 - Archaeology

Exeter City Council Draft Site Allocations and Development Management Development Plan Document

DD21 – Sustainable Movement.

DD30 - Valley Parks and Landscape Setting Areas.

This draft document includes a proposal for a new Monkerton Ridge Park including an area of land including the southern part of the application site.

DD33 – Local Energy Networks

Exeter City Council Supplementary Planning Documents

Residential Design Guide (2010)

Affordable Housing SPD (2013)

Monkerton and Hill Barton Masterplan Study (2010)

OBSERVATIONS

Background

The site is identified for development in the Exeter Local Development Framework Core Strategy and the Monkerton and Hill Barton Masterplan Study. The Core Strategy states that around 2,500 houses should be built at Monkerton/Hill Barton.

The Monkerton and Hill Barton Masterplan Study illustrative masterplan shows the application site land as being residential, with lower density ridgeline plots to the southern part of the site.

This reserved matters submission seeks approval of access, appearance, landscape, layout and scale of layout for 57 dwellings.

Access

The stopping up of Pinn Lane to vehicular traffic (in accordance with the approved details of the consented Tithebarn Link road) occurs at a point immediately north of the proposed access point of this site on to Pinn Lane. The vehicular route to this site will be to the south via Pinn Lane and Grenadier Road.

The adjacent site to the west, owned by DCC, will provide a link between Pinn Lane and the Tithebarn Link Road. This would provide a route that allows traffic from this site to access the Link Road and avoid the junction of Pinn Lane and Gipsy Hill Lane. That said the proposals are considered to be acceptable on their own given the reduction in traffic that will occur on Pinn Lane when the approved Link Road is constructed.

A segregated pedestrian and cycle route parallel to Gipsy Hill Lane within the site, for the whole width of the site, is not achievable. However, such a pedestrian route will be available between the south east corner and the exiting vehicular access point. The southwest corner of the site is raised above levels in Pinn Lane and Gipsy Hill Lane and pedestrian and cycle access cannot be achieved in that corner

Provision for a pedestrian and cycle link between the site and the link road is made up to the highway boundary. This will provide access to bus services stopping on that Link Road.

Details of the design of all elements of the highways, cycleways, cycle parking and footpaths are secured to be approved by conditions 17, 18 and 19 of the outline consent.

Layout and Landscape

The layout of the site is constrained by levels, the provision of open space and the position of the access. The layout comprises a legible structure with dwellings fronting the access road and limited use of parking courts. Open spaces and public routes are fronted by buildings and well overlooked. The split level buildings are a necessity given the levels across the northern part of the site and retaining structures are largely kept away from the public realm. Overall the layout is considered to be successful given the constraints described. Open space at the ridge top of 0.49 hectares, substantially similar in shape, to the requirements of the legal agreement, is provided.

Condition 9 attached to the outline consent requires that a scheme of archaeological investigation is undertaken prior to commencement. There is a small risk to the developer that the archaeological investigation informs a revision to the submitted layout. An informative is suggested to remind the applicant of the requirements of condition 9 of the outline consent.

The layout accommodates an appropriate mix of dwellings, provision of an acceptable affordable housing offer has been reached in principle and includes a suitable plot for a disabled accessible bungalow.

Whilst some rooms do fall short of the standards set in the Residential Design Guide, the primary double and first single bedroom meet the standards in all bar one dwelling and size of buildings overall mean that the proposals are considered acceptable. Communal bin and cycle stores for the flats and on plot solutions for the dwellings are identified in the layout plans.

The Council's Draft Development Delivery Development Plan Document (DPD) identifies a new Monkerton Ridge Park based around Hollow Lane and Gipsy Hill Lane and this includes land in the southern part of this application site. Provision of open space to help deliver that aspiration was included in the outline consent and this is accommodated in the proposed layout.

Approval of landscape plan and detailed planting is secured by conditions 6, 7, 8 and 23 of the outline consent.

Scale and appearance.

Building heights and materials are considered appropriate to the location allowing dwellings to sit within the existing built and natural landscape in longer range views.

The proposals are considered to be acceptable in accordance with the requirements of policy DG1 of the Exeter Local Plan.

Other matters

Local Energy Network.

There is nothing in the proposals that precludes these dwellings being connected to district heating. The applicant is in contact with E.on who are developing the network and the current timetable for rolling out that network advanced by E.on is not considered to result in any significant delay to the occupation of dwellings on this site.

Building for Life.

The reserved matters proposals have been scored against Building for Life 12 and have rated green against nine categories with no 'red card' scores.

Sustainable Building Design.

The S106 requires dwellings on this site to be constructed to Code for Sustainable Homes Level 4 standard where commenced before January 2016 and Code Level 5 thereafter.

DELEGATION BRIEFING

Members were satisfied that the application could be dealt with under delegated powers if officers concerns about the design of the 6 flats in the north east corner of the site and the wheelchair accessible unit were resolved to officers satisfaction.

The application was subsequently requested to be determined by committee by a local member.

RECOMMENDATION

Delegated authority to **approve** the application is granted the Assistant Director City Development, in consultation with the Chair of Planning Committee, provided that no objection is made by Devon County Council as Highway Authority. Any approval subject to the conditions below, or as otherwise agreed in the aforementioned manner, and an informative reminding the applicant of the requirements of condition 9 of the outline consent.

Informative:

The work required under condition 9 of the outline planning permission (no. 12/0854/01) consists of geophysical survey followed potentially by archaeological site investigation and targeted excavation. The programme for this (the written scheme) will need to be approved by the local planning authority and the site work completed **before** any development commences on site. Depending on the significance of the results, the developer may wish to consider amending the scheme to avoid the unnecessary destruction of, and cost of excavating, any particularly significant remains

- 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 10th October 2014 as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 2) All conditions imposed on notice of outline approval (ref no. 12/0854/01) are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 3) Prior to occupation of any dwelling hereby permitted, secure cycle parking shall be provided for that dwelling 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.
- 4) Notwithstanding the approved plans. Prior to the commencement of construction of plots 42-49 and plot 53 as shown on the site layout plan, detailed plans and

elevations of those dwellings shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate standards of accessibility and amenity are achieved for these units.

Local Government (Access to Information) 1985 (as amended).
Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre,
Civic Centre, Paris Street, Exeter: Telephone 01392 265223

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ITEM NO.

COMMITTEE DATE: 27 OCTOBER 2014

APPLICATION NO:

14/1993/03

FULL PLANNING PERMISSION

APPLICANT:

Mr M Edworthy
Library Lofts

PROPOSAL:

Refurbishment and extension to provide 34 student apartments and two Class A3 units.

LOCATION:

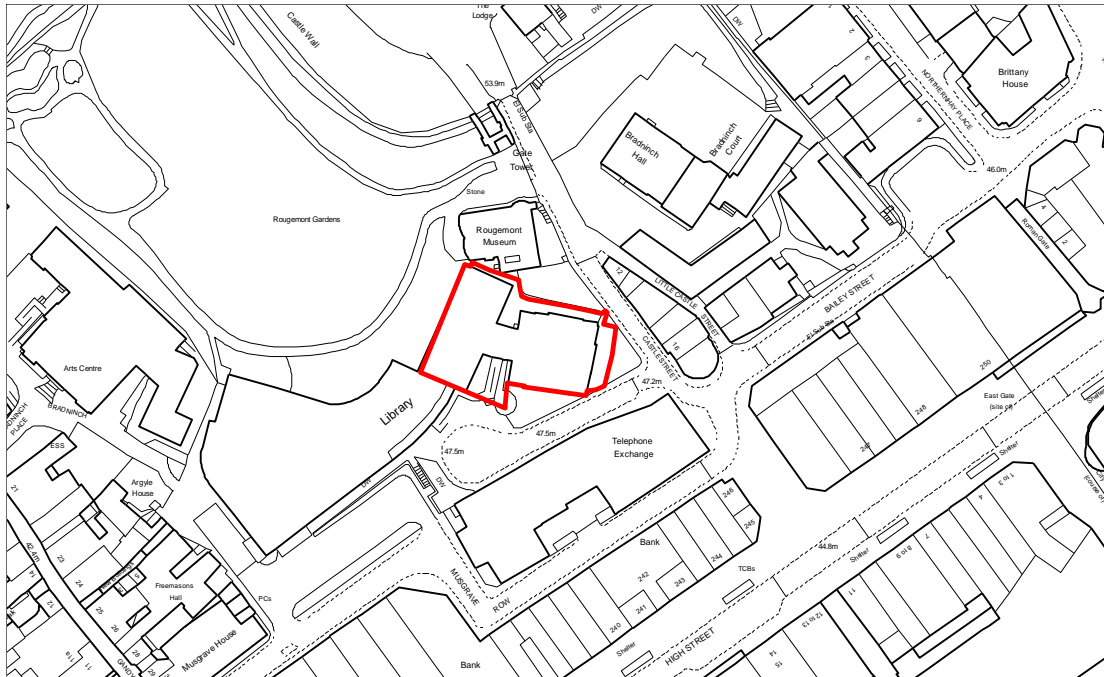
The Old City Library, Castle Street, Exeter, EX4 3PU

REGISTRATION DATE:

18/08/2014

EXPIRY DATE:

17/11/2014



Scale 1:2000

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HISTORY AND DESCRIPTION OF SITE

- Imposing 2 storey public building completed in 1930. Designed by Sidney Greenslade who was jointly responsible for the University masterplan in 1923.
- Suffered incendiary attack in the 1944 Blitz and was reduced to a shell, however continued to serve as the City library until the present library was constructed in 1965.
- The building continued to serve as book store, record office and, most recently, as the City Registry Office.
- It was sold in 2014 to the developers responsible for the Dean Clarke House student loft redevelopment for a similar scheme.

DESCRIPTION OF PROPOSAL

- Proposals are for 34 student loft apartments on the existing first and a new second floor and two ground floor A3 units.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

Heritage Statement
Planning, Design and Access Statement
Ecology Statement

REPRESENTATIONS

None

CONSULTATIONS

Highways
Environmental Health
English Heritage
Natural England

OBSERVATIONS

Principle of student accommodation on the site

In 2007 Members adopted Supplementary Planning Guidance (SPG) relating to the expansion of the University. This sets out 9 principles relevant to consideration of proposals related to the University. This proposal for student accommodation is clearly related to the University and as such those principles set out in the SPG that relate to accommodation provision are clearly material considerations to the determination of this application. The relevant principles are as follows:

- The City Council will expect 75% of additional student numbers attending the University to be accommodated within purpose-built accommodation.
- The City Council will seek the provision of as much purpose-built student housing as possible to reduce the impact on the private sector housing market.
- The City Council recognises that relatively high density managed accommodation on appropriate sites will need to make a significant contribution to meeting future [student housing] needs.
- The City Council favours provision of further student accommodation in the following general locations:- City Centre - St David's Station/Cowley Bridge Road area - more intensive use of the Duryard Campus.

The SPG also supports development in sustainable locations with no-car tenancies. Given the city centre location of the site, and the nature of the accommodation proposed, it is considered that the proposal is consistent with the principles set out in this SPG.

Impact on nearby Heritage Assets

The Old City Library lies wholly within the Central Conservation Area and is adjacent to the Grade II* Rougemont House. Furthermore, the rear section overlooks the Grade II Registered Park and Garden of Rougemont and Northernhay Gardens and it is within the setting of the Scheduled Monument of the Castle Wall.

The existing elevations will be largely unaffected by the development however the main intervention is the additional storey at roof level, which will impact on views of the building itself and of the surrounding Heritage Assets as described.

The original roof was lost during the 1944 incendiary bombing raids. The proposals seek to construct a contemporary "roof" that incorporates additional accommodation.

Highway/traffic impact

Given the central location of the site and its proximity to public transport facilities, the car free status of the development is considered appropriate. The scheme incorporates provision for 30 covered or indoor cycle parking spaces. The Highway Authority has raised no objection to the proposal on traffic generation or highway safety grounds.

The site represents a highly sustainable location for this sort of development with easy access to both the main University campuses by a range of travel modes including walking, cycling and public transport. Overall the proposal is considered acceptable from a highways perspective.

Consultations

Highway Authority - requested additional cycle parking which has now been provided and agreed.

Environmental Health - requested a Noise Impact Assessment for the apartments fronting onto Castle Street and details of the potential flues and extractors for the ground floor units. These additional items have all been provided and agreed; conditions will be attached to any consent granted.

English Heritage - Consider that the additional storey is going to detrimentally alter the impact on views of the group of buildings; Rougemont House, the Norman Gatehouse, the Gardens and the Castle. Furthermore, the "slab" nature of the roof form (covering both sections of the building at the same height) was not appropriate in the setting. Following this advice, the architects amended the roof to allow a break in the narrow circulation area between the two blocks and also produced 3D images, which offer a better understanding than the orthogonal elevations. English Heritage appreciate the efforts made to reduce the impact of the roof however still consider that the roof extension is too dominant.

Natural England - referred to standing advice regarding protected species. The Ecology report submitted with the application states that there was no evidence of bats or birds found during the investigation of the building and as such it is considered unlikely that the development will impact on any protected species.

Section 106 Agreement

To provide a S106 agreement to secure a management plan and retention as student accommodation, a unilateral undertaking is being prepared by the applicant who developed a similar model of accommodation at Dean Clarke House.

Financial Contributions

The new build (roof) element of this proposal is CIL liable and this equates to approximately 670m² (£53,600.00).

The development will attract New Homes Bonus of £150,000.00 over 6 years.

SITE INSPECTION PARTY

A Member site visit was proposed for Monday 15th October. Members considered the plans and undertook to visit the site independently. There were no issues raised from this discussion.

RECOMMENDATION

Subject to the receipt of 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** the application subject 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.

Local Government (Access to Information) 1985 (as amended).
Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre,
Civic Centre, Paris Street, Exeter: Telephone 01392 265223

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PLANNING DECISIONS AND WITHDRAWN APPLICATIONS

1 WHAT IS THE REPORT ABOUT

- 1.1 This report lists planning applications determined and applications that have been withdrawn between the date of finalising the agenda of the last Planning Committee and the date of finalising this agenda. Applications are listed by ward.

2 RECOMMENDATION

- 2.1 Members are requested to advise the Assistant City Development Manager Planning (Roger Clotworthy) or City Development Manager (Andy Robbins) of any questions on the schedule prior to the meeting of the Planning Committee.
- 2.2 Members note the report.

3 PLANNING APPLICATION CODES

- 3.1 The latter part of the application reference number indicates the following type of application:

- 01 Outline Planning Permission
- 02 Approval of Reserved Matters
- 03 Full Planning Permission
- 04 Works to Tree(s) with Preservation Order
- 05 Advertisement Consent
- 06 Works to Tree(s) in Conservation Area
- 07 Listed Building Consent
- 14 Demolition in Conservation Area
- 16 Exeter City Council Regulation 3
- 17 Lawfulness of Existing Use/Development
- 18 Certificate of Proposed Use/Development
- 21 Telecommunication Apparatus Determination
- 25 County Matter Application
- 26 Devon County Council Application
- 27 Modification and Discharge of Planning Obligation Regulations
- 37 Non Material Amendment
- 38 Extension to Extant Planning Consent
- 39 Extension - Prior Approval
- 40 Office to Dwelling - Prior Approval

- 3.2 The decision type uses the following codes

- DTD Declined To Determine
- NLU Was Not Lawful Use
- PAN Prior Approval Not Required
- PAR Prior Approval Required
- PER Permitted
- REF Refuse Planning Permission
- RNO Raise No Objection
- ROB Raise Objections
- SPL Split Decision
- WDN Withdrawn by Applicant
- WLU Was Lawful Use
- WTD Withdrawn - Appeal against non-determination

RICHARD SHORT
ASSISTANT DIRECTOR CITY DEVELOPMENT

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MINCINGLAKE

Application Number: 14/2067/20 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 09/10/2014 DEL
Location: Rixlade Farm, Stoke Hill, Exeter, EX4 9JN
Proposal: Extension to existing agricultural building

Application Number: 14/0928/03 **Delegation Briefing:** 09/09/2014
Decision Type Refuse Planning Permission **Decision Date:** 22/09/2014 DEL
Location: 56 Beacon Lane, Exeter, EX4 8LL
Proposal: Proposed new detached dwelling following the demolition of an existing side extension and garage

Application Number: 14/1956/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 26/09/2014 DEL
Location: 178 Mincinglake Road, Stoke Hill, Exeter, EX4 7DS
Proposal: Replacement of existing rear extension.

NEWTOWN

Application Number: 14/1986/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 10/10/2014 DEL
Location: 81 Heavitree Road, Exeter, EX1 2LX
Proposal: Pollard Horse Chestnut Tree

Application Number: 14/1649/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 22/09/2014 DEL
Location: Kingfisher House/Stag House, Western Way, Exeter, EX1 2DE
Proposal: Various internal and external amendments, including omission of larger one bedroom studio apartments which are each replaced with two individual student studio bedrooms, resulting in an increase in the number of bedrooms from 180 to 203.
(Minor material amendment to Planning Permission Reference No. 11/0959/03, as modified by non-material amendment No. 13/4963/37, granted on 29/10/12 and 25/04/2014 respectively)

PENNSYLVANIA

Application Number: 14/2034/06 **Delegation Briefing:** 23/09/2014
Decision Type Permitted **Decision Date:** 03/10/2014 DEL
Location: 7 St. Leonards Road, Exeter, EX2 4LA
Proposal: Tree No Species Works
 T1 (rear lane) Elder Fell

Application Number: 14/2060/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 10/10/2014 PER
Location: County Hall, Topsham Road, Exeter, EX2 4QB
Proposal: Tree No Species Works
 T1 Silver Leaf Lime Fell

Application Number: 14/2000/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 13/10/2014 DEL
Location: 2 Manston Terrace, Exeter, EX2
Proposal: T1 Maple Fell

Application Number: 14/2001/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 15/10/2014 DEL
Location: Larkbeare House, Topsham Road, Exeter, EX2 4NG
Proposal: T1 Holm Oak saplings Remove
 T2 Holm Oak Fell
 T3 Robinia Fell
 T4 Wellingtonia Fell

Application Number: 14/2032/06 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 15/10/2014 DEL
Location: 10 Romsey Drive, Exeter, EX2 4PB
Proposal: Lime Crown thin by 15%
 Holly Reduce by 2.5m
 Pittisporum Reduce by 1/3

Application Number: 14/1532/03 **Delegation Briefing:** 09/09/2014
Decision Type Permitted **Decision Date:** 23/09/2014 DEL
Location: Exeter School, Victoria Park Road, Exeter, EX2 4NS
Proposal: Demolition of existing changing pavilion and creation of new indoor swimming pool and associated facilities including changing rooms, spectator area, classrooms, locker rooms, store and plant rooms and replacement rifle range.

ST LOYES

Application Number: 14/0048/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 02/10/2014 DEL
Location: 26 Garden Close, Exeter, EX2 5PA
Proposal: Front porch

Application Number: 14/2015/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 08/10/2014 DEL
Location: Unit 2, Phillip House, Honiton Road, Exeter, EX1 3RU
Proposal: Change of use from Class A1 (retail) to Class A5 (hot food takeaway) and installation of extraction/ventilation equipment

Application Number: 14/1883/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 10/10/2014 DEL
Location: Fernleigh Nurseries, Ludwell Lane, Exeter, EX2 5AQ
Proposal: Two semi-detached houses to replace two existing dwellings

Application Number: 14/1601/03 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 23/09/2014 DEL
Location: Unit 3, Rydon Lane Retail Park, Rydon Lane, Exeter, EX2
Proposal: Variation of Condition No. 6 of Planning Permission Ref. No. 01/0084/01 granted 6 February 2002 to permit the sale of toys, toiletries and non-fashion clothing.

TOPSHAM

Application Number: 14/1992/07 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 01/10/2014 DEL
Location: 39 Fore Street, Topsham, Exeter, EX3 0HR
Proposal: Insertion of two velux rooflights to existing roof and new access to courtyard

Application Number: 14/2027/05 **Delegation Briefing:**
Decision Type Withdrawn by Applicant **Decision Date:** 01/10/2014
Location: 15 Fore Street, Topsham, Exeter, EX3 0HF
Proposal: 2x Non illuminated fascia 1x Externally Illuminated heritage projection sign

Application Number: 14/1755/05 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 07/10/2014 DEL
Location: 89 Fore Street, Topsham, Exeter, EX3 0HQ
Proposal: 1 traditional hanging 2 x fascia wall signs

Application Number: 14/1900/03 **Delegation Briefing:** 09/09/2014
Decision Type Permitted **Decision Date:** 08/10/2014 DEL
Location: 36 & 36A The Strand, Topsham, Exeter, EX3 0AY
Proposal: Alterations to divide existing accommodation vertically into two dwellings.
Replacement gates and piers.

Application Number: 14/2111/37 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 13/10/2014 DEL
Location: Seabrook Orchards (Farm), Exeter Road, Topsham, Exeter, EX3
Proposal: Non-material amendment to condition 4 in recognition of the phased delivery of
the two junctions. (Non-material Amendment to Planning Permission Reference
No. 11/1291/01 granted on 15th October 2013).

Application Number: 14/1882/07 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 19/09/2014 DEL
Location: 1 The Strand, Topsham, Exeter, EX3 0JB
Proposal: Internal works to fireplace in kitchen

Application Number: 14/1769/05 **Delegation Briefing:**
Decision Type Permitted **Decision Date:** 22/09/2014 DEL
Location: The Lighter Inn, Fore Street, Topsham, Exeter, EX3 0HZ
Proposal: Replacement signage

Application Number: 14/1878/03 **Delegation Briefing:** 09/09/2014
Decision Type Permitted **Decision Date:** 24/09/2014 DEL
Location: 21 Ferry Road, Topsham, Exeter, EX3 0JW
Proposal: Proposed first floor extension to replace a roof terrace.

WHIPTON BARTON

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REPORT TO: PLANNING COMMITTEE
Date of Meeting: 27 October 2014
Report of: Assistant Director City Development
Title: Appeals Report

Is this a Key Decision?

No

Is this an Executive or Council Function?

No

1. What is the report about?

The report provides Members with information on the latest appeal decisions received and a record of new appeals submitted to the Planning Inspectorate.

2. Recommendation:

Members are asked to note the report.

3. Summary of decisions received

The following provides a summary of one decision that has been received since the last report. A copy of the decision letter is available online through searching the planning application reference number on the Council website.

3.1 Berkeley House, Dix's Field, Exeter - Application Reference: 14/0624/03

This decision was recorded last month. The application sought change of use of part of the second floor from B1 Office Use to a yoga studio with ancillary office (D2) (personal consent) only. The Inspector approved an application for costs. The Agent has now submitted an invoice for £1500 for full and final settlement.

4. New Appeals

4.1 No new appeals have been received since the last report.

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