

PLANNING COMMITTEE

Monday 11 February 2019

Present:-

Councillor Sutton (Chair)
Councillors Lyons, Bialyk, Edwards, Foale, Harvey, Mrs Henson, Prowse, Sheldon, Thompson and Vizard M

Apologies

Councillor Morse

Also Present

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

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MINUTES

The minutes of the meeting held on 7 January 2019 were taken as read, approved and signed by the Chair as correct.

8

DECLARATIONS OF INTEREST

A Member declared the following disclosable pecuniary interest and left the meeting during consideration of the item:-

COUNCILLOR	MINUTE
Mrs Thompson	10 - Applicant

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PLANNING APPLICATION NO. 18/0878/ECC - LAND BETWEEN 106 HAMLIN GARDENS AND 65 CARLYON GARDENS, HAMLIN LANE

The Principal Project Manager (Development) presented the application for construction of new apartment building (21 apartments) and associated landscaping, changes to highways and parking.

It was noted that, on grounds of viability, the applicant was proposing a non-policy compliant affordable housing provision comprising five shared ownership units and independent advice sought by planning officers concurred with this conclusion and that the level of provision advocated by the applicant was the maximum that was financially viable.

The recommendation was for approval, subject a Section 106 legal Agreement under the Town and Country Planning Act 1990 and to the conditions as set out in the report.

RESOLVED that planning permission for construction of new apartment building (21 apartments) and associated landscaping, changes to highways and parking subject to completion of a Section 106 Agreement under the Town and Country Planning Act 1990 in relation to affordable housing and subject also to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.
- (2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 6th June, 9th August and 17th December 2018 (including dwg. nos. E1206-GSA-HG-DRG, E1206-GSA-HG-DRG-A-300 Rev C3, LL(0)HG400 Rev PT-07, E1206-GSA-HG-DR-A-1101 Rev C3, E1206-GSA-HG-DR-A-1102 Rev C3, E1206-GSA-HG-DR-A-1103 Rev C3, E1206-GSA-HG-DR-A-1104 Rev C3, E1206-GSA-HG-DRG-A-1201 Rev C3, E1206-GSA-HG-DRG-A-1202 Rev C3, E1206-GSA-HG-DRG-A-1210 Rev C1 and E1206-GSA-HG-DRG-A-1211 Rev C1) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) **Pre-commencement condition:** A Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.
Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.
- (4) **Pre-commencement Condition:** No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.
Reason for pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.
- 5) **Pre-commencement condition:** - No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water

drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Hydrograph Storage Analysis (Winter Profile) at 2.5 l/s, HR Wallingford Greenfield Runoff Based On 0.165 ha and Drainage Layout 170501/AR/110 dated 28.08.2018.

Reason for pre-commencement condition: A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream, and to ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

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

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

7) 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.

8) No part of the development hereby approved shall be brought into its intended use until the on-site parking facilities and access thereto, have been provided in accordance with the requirements of this permission. Thereafter the said facilities shall be retained for those purposes at all times.

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

9) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided as shown on drawing no. E1206-GSA-HG-DR-A-1101 RevC3, and the cycle parking shall be maintained at all times thereafter.

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

10) The development shall be implemented in accordance with the approved remediation scheme (from South West Geotechnical Ltd Report No. 8851C, August 2018 Version 4) unless otherwise agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An updated investigation and risk assessment must be undertaken, and where remediation is necessary an updated remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

11) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

12) The development hereby approved shall be implemented in strict accordance with the assessment, recommendations and mitigation measures as set out in Section 4 of the Preliminary Ecological Appraisal prepared by Richard Green Ecology (version 1.0 dated May 2017) and submitted in support of the application.

Reason: To ensure that the development is carried out in a way that minimises the ecological impact and enhances the biodiversity interest of the site.

13) The development hereby approved shall be implemented in accordance with the provisions and recommendations contained within the submitted Framework Travel Plan dated May 2018 prepared by Trace Design Consultants Ltd (Project Ref 4291).

Reason: To encourage the adoption of sustainable modes of transport and minimise reliance on private motor vehicles.

10 **PLANNING APPLICATION NO. 18/1669/FUL - LAND REAR OF ORCHARD LEA, PINN LANE**

Councillor Mrs Thompson declared a disclosable pecuniary interest and left the meeting during consideration of this item.

The Project Manager presented the application for development of a 1.5-storey, single family, three-bedroom dwellinghouse, with associated private amenity space, off-street parking and access via St Nicholas Close.

Mitch Temple spoke in support of the application. He raised the following points:-

- have worked with the City Council planning officers throughout the process since 18 October with the design changed to deal with any potential issues in terms of privacy and daylighting;
- access to the site will be via an existing access; and
- the final design will not negatively impact the amenity of any neighbours and includes obscure glazing in the bathroom and ensuite and is neither overbearing nor overlooking and is very suitable for the site.

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

RESOLVED that planning permission for development of a 1.5-storey, single family, 3-bedroom dwellinghouse, with associated private amenity space, off-street parking and access via St Nicholas Close be **APPROVED**, subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.
- (2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on date dwg. nos. 180042.THOMPSON.04PP A Rev. A-23.01.19, 180042.THOMPSON.05PP as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8 am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.
Reason: To protect the amenity of the locality, especially for people living and/or working nearby.
- (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. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- (5) A detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no dwelling or building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- (6) 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.
- (7) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in

accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

- (8) 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.

- (9) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re enacting that Order, no extension, garages or other development or alterations shall be carried out within the curtilage of the dwellings without the formal consent of the Local Planning Authority.

Reason: In order to protect the visual and residential amenities of the surrounding area and to prevent overdevelopment.

- (10) Before the development hereby approved is brought into use the proposed rooflights in the south roofslope of the property shall be glazed with obscure glass to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, and thereafter so maintained. Furthermore, no new windows or other openings shall be inserted on the ground floor or roofslope of this elevation.

Reason: To protect the amenities of the adjoining property.

- (11) Before the development hereby approved is brought into use the proposed windows in the west elevation of the property shall be permanently fixed and glazed with obscure glass to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, and thereafter so maintained. Furthermore, no new windows or other openings shall be inserted in the ground or first floor of this elevation.

Reason: To protect the amenities of the adjoining property.

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the City Development Manager was submitted.

RESOLVED that the report be noted.

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APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

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SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday at 9.30 a.m. The Councillors attending will be Foale, Vizard and Branston.

(The meeting commenced at 5.30 pm and closed at 6.00 pm)

Chair