

## **PLANNING COMMITTEE**

Monday 16 April 2012

### Present:

Councillor Bialyk (Chair)  
Councillors Macdonald, Clark, Edwards, Mrs Henson, Mrs Morrish, Newby, Prowse, Spackman, Sutton and Winterbottom

### Apologies:

Councillors P J Brock and Denham

### Also Present:

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

40

### **DECLARATIONS OF INTEREST**

Members declared the following personal interests:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Mrs Henson	46 (lives in the vicinity)
Councillor Macdonald	45 (member of Sustrans and the RSPB)
Councillor Newby	42 (Chair of the Steering Group for the Newcourt Area)

41

### **PLANNING APPLICATION NO.12/0332/03 - UNIVERSITY OF EXETER SPORTS PARK, STOCKER ROAD, EXETER, EX4 4QN**

The Senior Area Planner presented the application for the covering of the outdoor tennis/netball courts, relocation of existing multi use games area, provision of changing pavilion with 84 seat viewing balcony next to all weather pitches and associated works at University of Exeter Sports Park, Stocker Road, Exeter.

Members were circulated with an update sheet giving details of late consultation responses from Sport England and the Police Architectural Liaison Officer, a statement from the applicant's lighting engineers and details of additional visual material.

Members were advised that modifications were proposed to condition eight and two additional conditions (9 and 10) in view of concerns about the impact of lighting on local amenity. Much of the information required by proposed condition nine had already been supplied, but the condition would provide additional control over any future problems that may arise.

The recommendation was for approval, subject to the conditions as set out in the report and as amended and additional conditions as reported at Committee.

During discussion Members raised the following points:-

- light did spill out from the site at the moment and this proposal would not increase that pollution but should improve it

- concern whether there would be enough low level lighting when lights go off at 10.00pm; this could cause health and safety issue
- concern that there would not be adequate parking on site
- could not see any evidence of a wildlife report
- was there a lighting report?
- the fabric tennis court building would emit a glow
- the University had a positive approach to bio-diversity
- modern lighting systems had built in timers.

A Local Ward Member raised local residents' concerns regarding the long standing light pollution problems in the area and the need to ensure that the lighting was controlled by conditions, as there had been times when the lights had been left on all night.

In response to Members, the Senior Area Planner confirmed that there were two different types of lighting; the flood light for the sports facilities, and low level ground lighting for safety purposes. The amount of parking on site would remain the same; the applicants had submitted a technical lighting plan; the cover for tennis courts was fabric to allow the use of natural light during the day. The latter point was welcomed by Members as an energy efficient approach.

**RESOLVED** that planning permission for covering of the outdoor tennis/netball courts, relocation of existing multi use games area, provision of changing pavilion with 84 seat viewing balcony next to all weather pitches and associated works be **approved** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C36 - No Trees to be Felled
- 5) C38 - Trees - Temporary Fencing
- 6) Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays. Reason: In the interests of local residential amenity.
- 7) The development shall not include an external tannoy or other system for the electronic amplification of sound. Reason: In the interests of local amenity.
- 8) The illumination of sports pitches/courts hereby approved shall not be operated between the hours of 10.00pm and 9.00am.  
**Reason:** So as not to detract from the amenities of residential property.
- 9) Prior to the start of development on the site, an external lighting scheme shall be submitted for the consideration and written approval of the Local Planning Authority. The scheme shall take into account all of the lighting needs associated with the development during operational hours and shall be the minimum required to perform the relevant lighting task. It shall be specifically designed to minimise the risk of light spillage beyond the development site boundary and into the sky. The scheme shall include:
  - A report, prepared by a lighting engineer, setting out the technical details of the luminaires and columns, including their location, type, shape, dimensions and,

expected luminance output and specifically explaining what design attributes have been chosen to minimise light pollution.

- A plan illustrating illuminance levels across the development site and at the boundary of the site. The level of illuminance should be appropriate to the character of the surrounding area as a whole. The design will show that control of overspill light is limited to the level required by the particular environmental setting.
- A plan illustrating illuminance levels beyond the boundary of the site, together with the downward light output ratio of the lights.
- A statement which demonstrates how the lighting scheme will be viewed against the wider landscape and, where appropriate, the potential role of landscaping in minimizing the day and night-time visual impact of the installation.
- An *operational statement*, the purpose of which is to ensure that the developer and the lighting designer have considered operational regimes that can provide energy savings.

Once approved in writing, the lighting scheme shall thereafter be operated in accordance with the approved details. The council reserves the right to require periodic testing to be conducted on the lighting installations and if it is confirmed that approved levels are being exceeded the operator of the lighting scheme will be required to implement the necessary works to bring it back within compliance within a specified time period.

**Reason:** To ensure that the council retains control over these matters, to ensure the proper implementation of the lighting proposals in the interests of the amenity of the site and the area as a whole, to prevent light pollution and to minimize energy use.

- 10) No additional lamps shall be added to the lighting hereby approved without the prior written consent of the Local Planning Authority.

**Reason:** To ensure the Local Planning Authority retains the right of control and in the interests of the amenity of neighbours.

(Report circulated)

42

**PLANNING APPLICATION NO.12/0131/02 - LAND NORTH OF NOS. 483 TO 541,  
AND SEABROOK MEWS TOPSHAM ROAD, FORMING PART OF FORMER  
RNSD SITE, EXETER, EX2**

The Assistant Director City Development presented the application for redevelopment to provide 112 dwellings, parking and associated works (approval of reserved matters on Ref.07/2169/01 granted on 17/05/10) for layout, appearance, scale, access and landscaping at land north of Nos. 483 to 541, and Seabrook Mews Topsham Road, forming part of former RNSD site, Exeter.

Members were advised that the application site comprised part of the former lower RNSD land which had outline consent for residential redevelopment. The area of land covered by this application amounted to 3.56 hectares. The site was bounded to the south-west by existing residential properties on Topsham Road, to the south-east by the 'Darts' land, and to the north-west and north-east by the remainder of the lower RNSD site.

This application was a reserved matters application for the erection of 112 dwellings with associated private gardens, parking provision, public open space, and roads. The proposal included a mix of dwelling types including flats and two, three, four and five bed houses with a relatively low density of 31 dwellings per hectare. The materials to be used were brick, render and slate. There would be 25% affordable housing on site in three separate clusters. The application achieved high compliance with the Masterplan and Design Codes for the site and the Residential Design Guide Supplementary Planning Guidance.

The Assistant Director City Development advised Members that, in light of officers being satisfied with the links being provided through to the site, the 'Darts Land', the objection from Darts Farm had now been withdrawn. One further letter of objection had been received. He clarified that the distances between the proposed dwellings and that of the existing dwellings on Topsham Road and Seabrook Mews were considered acceptable.

Members were circulated with an update sheet giving details of two further letters of representation; details of revised plans and the Building for Life evaluation which was now 'excellent'; comments from the Executive Director Environment, Economy and Culture and Devon County Council Highways; and additional conditions proposed as a result of their comments.

The recommendation was to approve the application subject to the conditions as set out in the report and the circulated update sheet.

In response to Members, the Assistant Director City Development clarified that the existing security fence would be replaced with close boarded timber fence, there would 10% open space and any play areas on the whole of the RSND site would be properly designed and adopted and maintained by the City Council.

Ms Kreft spoke against the application. She raised the following points:-

- representing residents in Topsham Road and Seabrook Mews
- the houses in Topsham Road were reverse dwellings with the living accommodation on the first floor
- the 1.8 metre fence was inadequate and there should be some major planting of semi mature and mature trees on the boundary to provide screening
- although the distances were 28 and 35 metres between properties there would be overlooking
- increased affordable housing on site from 25% to 27%
- not sure what was going to be in the south east corner of the site as this was a small narrow area within the site boundary
- revised plans had been submitted without adequate time for consultation.

In answer to Members' questions, Ms Kreft clarified that there were concerns regarding the concentration of the affordable housing in the south east corner of the site as there were eleven dwellings in one block, these changes were made at a late stage and there was not time to discuss with officers; not adverse to the affordable housing although the late notification was an issue; and better screening should be provided on the boundary.

The Assistant Director City Development clarified the location and number of affordable housing units; advised that planting of semi mature and mature trees could cause problem such as loss of light and overshadowing in future years; the Council had complied with the statutory consultation period; the small strip of land to the south east corner would be closed off and left to self vegetate.

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

- was representing Persimmon Homes
- the outline approval had established the principal of housing development on this site
- had worked with officers to bring this application forward
- adhered to the Masterplan and Design Codes for the area

- was a high quality design with character areas
- amenity standards exceeded those specified in the Residential Design SPD
- the revisions were as result of feedback from officers and consultees
- the apartment block had been repositioned to protect adjacent residents amenity
- this would be an attractive, high quality development.

In response to Members, Mr Roberts clarified that the proposed three storey flat block would be similar in height to the adjacent existing three storey town houses. There was a landscaping condition proposed although there was sufficient distance between the existing and proposed dwellings to prevent overlooking.

During discussion, Members raised the following points:-

- concern over the mix of affordable housing, in particular was there a need for one bed flats?
- there should be reasonable screening to protect overlooking
- if the open space was adopted by the Council how would maintenance be funded?
- concern regarding accessing the garages on the properties on the entrance with Topsham Road as this would be a tight junction.

In response to Members, the Assistant Director City Development clarified that the affordable housing mix had been agreed with officers and that there was a mix of affordable housing sizes on the site; the distances between the properties were between 28 and 35 metres and there would be 1.8 metres boundary fence; the open space would be adopted by the Council and maintenance funded by a commuted sum agreed under the Section 106 Agreement on the outline permission; the garages accorded with the SPD; whilst having comments, the Highways Authority did not fundamentally object to the position of the garages on the entrance with Topsham Road.

**RESOLVED** that the application for redevelopment to provide 112 dwellings, parking and associated works (approval of reserved matters on Ref.07/2169/01 granted on 17/05/10) for layout, appearance, scale, access and landscaping be **approved** subject to the following conditions:-

- 1) C15 - Compliance with Drawings
- 2) Prior to commencement of the development, a detailed scheme for delivery of the pedestrian and cycle network shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-
  - (a) details of shared use footway/cycleways on the spine road, the link between plots [65 and 66]\*, and the link between plots [27/36 and 26/38]\*, including road crossings, surface treatments, lighting, street furniture and signage;
  - (b) a programme for implementation synchronised with the progressive occupation of the development; and
  - (c) such temporary measures as are necessary (such as ramps where routes cross unfinished roads) to ensure the routes are fully usable during the construction period.

The approved scheme shall be adhered to at all times, including (where applicable) any amendments subsequently agreed in writing by the Local Planning Authority. The routes provided in accordance with this condition shall be maintained at all times thereafter, unless or until they become maintainable at public expense. Reason - to ensure that the pedestrian and cycle routes are provided and maintained in accordance with Local Plan policy T3, to encourage travel by sustainable means.

Note – plot numbers are taken from the plan supplied by Avril Chadwick on 26

March. If these change the condition will need to be amended.

- 3) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained at all times thereafter.  
**Reason:** To ensure that cycle parking is provided, in accordance with Local Plan policy T3, to encourage travel by sustainable means.
- 4) Prior to the first occupation of the 50th dwelling within the development hereby approved the combined pedestrian/cycle path running between units 58-61 and unit 62 shall be constructed up to, and contiguous with, the boundary line dividing the application site from the land to the immediate south-east, in accordance with details to be approved pursuant to condition 19 of outline planning consent reference no. 07/2169/01.  
**Reason:** To ensure that appropriate connections are made between the site and adjoining allocated residential land in the interests of promoting the use of sustainable modes of transport in accordance with policies T1 and T3 of the Adopted Exeter Local Plan First Review 1995-2011, and policy CP17 of the Exeter Local Development Framework Core Strategy.
- 5) Prior to the first occupation of any dwelling comprised in the application hereby approved all the boundary treatments to said property shall be completely provided in accordance with the details indicated on drawing no. ....  
**Reason:** In the interests of the character and appearance of the area and the residential amenity of the occupants of proposed and existing properties.
- 6) Prior to the commencement of the development hereby approved a strategy for the provision of public art within the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall identify the overall theme shaping individual pieces of public art within the development, their location, number, maintenance arrangements and timeframe for their implementation.  
**Reason:** To ensure that the approach to the provision of public art within the development accords with the provisions set out in the approved Design Code for the development (Page 41).
- 7) The submitted landscaping scheme as set out on drawing nos. L1 Rev C, L2 Rev C and L3 Rev C is not considered acceptable and lacks the required detail set out in Condition 8 of outline planning consent reference 07/2169/01. Consequently, prior to the commencement of the development hereby approved, a detailed landscaping scheme shall be submitted to and be approved in writing by the Local Planning Authority. Such scheme shall specify types, species, size and quantity of planting, any earthworks required, and finished levels of all areas of public open space, together with a programme of planting, maintenance and the timing of the implementation of the scheme (including the timeframe for completion and transfer of any public open space to the Council).  
**Reason:** To ensure that the landscaping of the site is appropriate and that public open space is provided to an agreed standard and timeframe.
- 8) The proposed estate roads, 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.

- 9) No part of the development hereby approved shall be occupied until the on-site parking facilities together with any means of access shall have been provided in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for those purposes at all times.

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

- 10) The garages hereby approved shall be used solely for the storage of private motor vehicles and shall not be used in connection with any trade or business.

**Reason:** To control the character, and to minimise the volume, of traffic attracted to the site.

(Report circulated)

43 **PLANNING APPLICATION NO.11/1984/03 - FORMER ROYAL NAVAL STORE DEPOT, TOPSHAM ROAD, EXETER, EX2 7AH**

Councillor Newby declared a personal interest as the Chair of the Steering Group for the Newcourt Area.

The Assistant Director City Development presented the application for a community facilities building to include access to highway, disabled parking, visitors parking court, bins and cycle storage facilities, landscaping and engineering works at the former Royal Naval Store Depot, Topsham Road, Exeter.

Members were circulated with an update sheet advising that the applicant had now agreed to install a lift and the recommendation would now be for approval. Amended plans had now been received.

The recommendation was for approval subject to the conditions and informative note as set out on the circulated update sheet. The Assistant Director City Development explained that the granting of planning permission would not constitute approval of the proposed community building under the terms of the Section 106 obligation for this site and that the latter approval would be an entirely separate process.

In response to Members, the Assistant Director City Development clarified that the lift was 1.8 meters x 1.4 metres and there would be parking on site including disabled parking spaces.

**RESOLVED** that planning permission for a community facilities building to include access to highway, disabled parking, visitors parking court, bins and cycle storage facilities, landscaping and engineering works be **approved** subject to the following conditions:-

- 1) C05 – Time Limit – Commencement
- 2) C15 – Compliance with Drawings
- 3) C17 – Submission of Materials

- 4) C70 – Contaminated Land
- 5) No part of the development hereby approved shall be brought into its intended use until the visibility splays, access, on-site parking, turning, loading and unloading facilities have been provided in accordance with the requirements of this permission. Thereafter these features shall be retained for those purposes at all times.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.
- 6) Prior to the occupation of the development hereby permitted, cycle parking shall be provided in the location shown on the drawing number CF100 Rev C in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall thereafter be retained for that purpose at all times.  
**Reason:** To ensure that cycle parking is provided to encourage travel by sustainable means in accordance with Local Plan Policy T3.
- 7) Construction 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 Holidays or Public Holidays.  
**Reason:** In the interest of residential amenity.
- 8) Prior to the commencement of the development hereby approved, details of the timeframe for implementation of the landscaping scheme depicted on drawing number CF100 Rev C shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be completed in accordance with the approved details.  
**Reason:** In the interests of the visual amenity of the area.
- 9) The use of the building hereby approved shall not be carried on other than between the hours of 0800hrs and 2200hrs on any day.  
**Reason:** So as not to detract from the amenities of near-by residential property.

#### **Informative Note**

This approval does not constitute Council approval of the community facilities offer pursuant to the Section 106 agreement on the outline approval.

(Report circulated)

44

#### **PLANNING APPLICATION NO.12/0340/03 - LAND OFF, GRACE ROAD WEST, MARSH BARTON TRADING ESTATE, EXETER, EX2**

The Assistant Director City Development presented the application for the removal of condition 14 restricting delivery hours (Ref No 10/0908/02 granted 30 September 2010) at land off Grace Road West, Marsh Barton Trading Estate, Exeter.

Members were advised that outline planning permission was granted for Class B1, B2, B8 and A1 uses to include retail sale of bulky goods and for the construction of the Grace Road link in June 2005. A reserved matters application was approved in September 2010 for the employment/retail warehouse element on land to the north of the new link road which links Alphington Road to Marsh Green Road and east of the Sainsbury store. This proposal was for a total of four attached units for a



mixture of uses comprising of retail, business, light industrial and storage and distribution.

This application sought removal of condition 14 to allow for marketing of the site.

Members were updated on the distances, road and mound between the site and any residential development.

Members were circulated with an update sheet advising that further information in respect of noise levels from delivery traffic had been received and was considered acceptable by the Environmental Health Officer.

The recommendation was for approval.

During discussion Members raised the following points:-

- local residents had concerns regarding the current noise levels and that the planting on the Devon Bank was thin and inadequate; the removal of this condition would make matters worse
- concern regarding the bleeping noise in particular when lorries were reversing at night
- this was a suitable site for employment use and would generate jobs.

The Assistant Director City Development stated that the Devon Bank was still being established and that a condition could be placed on any planning approval requiring a management plan for the deliveries to help in controlling noise particularly at night.

**RESOLVED** that planning permission for removal of condition 14 restricting delivery hours (Ref No 10/0908/02 granted 30 September 2010) be **approved** subject to the following condition:-

- (1) Unless otherwise agreed in writing, no unit shall be occupied until a report relating to that unit is submitted and approved in writing by the Local Planning Authority detailing noise levels from deliveries and handling of these. The report shall contain details of predicted noise levels, hours of deliveries etc. The applicant should submit for approval a deliveries management plan which describes (in an enforceable manner) how the levels specified in the report will be achieved. It should be made clear in the plan that the proposals do not conflict with health and safety requirements, for example in respect of reversing beepers. Thereafter the deliveries shall be managed entirely in accordance with the approved management plan  
**Reason:** In the interests of local amenity

(Report circulated)

45

**PLANNING APPLICATION NO.11/1619/01 - LAND SOUTH OF MET OFFICE,  
FITZROY ROAD, EXETER**

Councillor Macdonald declared a personal interest as a member of Sustrans and the RSPB.

The Senior Area Planner presented the application for outline planning permission to erect a mixed use development comprising B1, B8, D1, D2, C1, A1, A3, A4 and A5 uses (means of access to be determined only) at land south of Met Office, Fitzroy Road, Exeter.

Members were circulated with an update sheet advising that; a total of twelve letters in support of the application had been received; details of letters and emails regarding the delivery of a pedestrian/cycle route to the northern boundary; advising that it had been agreed with the applicant that a vehicular link to the northern boundary could be achieved by modifications to the proposed conditions; an amendment to the transport contribution and details of all the proposed conditions.

The Senior Area Planner advised Members that there were also two additional conditions proposed regarding sustainability and the road to the northern boundary.

The recommendation was for approval subject to the completion of a Section 106 Agreement securing the matters referred in the report, the conditions as set out in the circulated update sheet and two additional conditions regarding sustainability and the road to the northern boundary.

In response to Members, the Senior Area Planner clarified that the transport contribution of £60,000 would go to Devon County Council; the proposed hotel would be a budget hotel, the interested party was Premier Inn; and the applicants had submitted a wildlife report.

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

- accords with the Core Strategy and Monkerton Masterplan
- twelve local business supported the application
- the hotel study demonstrated a need for a hotel in this area
- was a business need for a hotel in this location
- this application had support and would create new jobs.

In response to Members' questions, Mr Seaton clarified that there was no evidence of bats on the site and the railway boundary and northern boundary would not be disturbed; although the Monkerton and Hill Barton Masterplan does not specifically mention a hotel it does include facilities to cater for the business community; there would be 92 bed spaces; and the quality of the hotel would be suitable for the location.

Members felt this was a good sustainable location and would attract businesses into the City.

The Senior Area Planner clarified that officers would ensure consultation replies were received from the Devon Wildlife Trust and the RSPB when the details required by condition 27 were submitted and consulted on.

**RESOLVED** that planning permission for outline planning permission to erect a mixed use development comprising B1, B8, D1, D2, C1, A1, A3, A4 and A5 uses (means of access to be determined only) be **approved** subject to a Section 106 Agreement securing the matters referred to in the report and the following conditions:-

- 1) Approval of the details of the layout, scale, appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. The details of layout required under this condition shall provide details of a vehicular connection to the northern boundary of the application site.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters, and to ensure that appropriate links are made to adjoining development land.

- 2) C04 - Outline - Exclude Details
- 3) C07 - Time Limit - Outline
- 4) C06 - Time Limit - Approval of Reserved Matter
- 5) No development shall take place until a scheme for the safe management of surface waters in conformity with the submitted Flood Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details.  
**Reason:** In the interests of the safe and sustainable drainage of the site.
- 6) C15 - Compliance with Drawings
- 7) C17 - Submission of Materials
- 8) C34 - Landscape Scheme - Outline
- 9) C36 - No Trees to be Felled
- 10) C37 - Replacement Planting
- 11) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees, hedges or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.  
**Reason:** To ensure the protection of the trees during the carrying out of the development.
- 12) C57 - Archaeological Recording
- 13) C70 - Contaminated Land
- 14) Details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope, to be submitted to and approved in writing by the LPA. The predicted noise levels shall be submitted prior to commencement of the development and shall be demonstrated by measurement prior to occupation of the development.  
**Reason:** In the interests of local amenity.
- 15) The applicant shall submit for approval a management plan for the development. This should describe the steps that will be taken to ensure that noise from use of the development does not have an adverse effect on local amenity. It should include, but not be limited to, the hours of use of the development (including deliveries), supervision and any noise mitigation measures that are appropriate. The approved plan shall be implemented whenever the development is in use and shall be

reviewed as required on request of the Local Planning Authority.

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

- 16) Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interests of local amenity.
- 17) The floorspace of the pub/restaurant element of the hotel use hereby permitted shall not exceed 750m<sup>2</sup>. In addition to the pub/restaurant element of the hotel, the total amount of Class A floorspace shall not exceed 1600m<sup>2</sup>, and no more than 900m<sup>2</sup> shall be A1 or A3/A4/A5.  
**Reason:** In the interests of minimising vehicle journeys to and from the site and to protect the vitality and viability of existing retail centres.
- 18) No individual Class A unit size shall exceed 750m<sup>2</sup> in floorspace.  
**Reason:** In the interests of minimising vehicle journeys to and from the site and to protect the vitality and viability of existing retail centres.
- 19) The A3/A4/A5 uses hereby approved shall not include a drive-through element.  
**Reason:** In the interests of minimising vehicle journeys to and from the site and to protect the vitality and viability of existing retail centres.
- 20) Prior to commencement of the development, full details of pedestrian and cycle links (i) from north to south across the site, (ii) from west to east along the southern boundary of the site, and (iii) providing full permeability within the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include surface treatments, road crossings, dropped kerbs, lighting, street furniture and signage. The links shall be constructed in accordance with the approved details, and maintained at all times thereafter.  
**Reason:** To ensure that the pedestrian and cycle routes are provided and maintained in accordance with Local Plan policy T3.
- 21) The car parks for public use shall at all times be managed in accordance with details previously submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To ensure that customers are not prevented from visiting nearby premises on foot, to encourage them to park in one place and visit multiple neighbouring premises on foot rather than by car, in accordance with Local Plan policy T3.
- 22) Prior to occupation of the development hereby permitted, cycle parking for visitors and secure cycle parking, lockers and showers for staff shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking and other facilities shall be maintained at all times thereafter.  
**Reason:** To ensure that cycle parking and other facilities are provided, in accordance with Local Plan policy T3, to encourage travel by sustainable means.
- 23) A comprehensive Travel Plan will be developed for all elements of the development hereby permitted. The acceptability of the travel plan will need to be agreed in writing by the Local Planning Authority and the Local Highway Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport), in advance of the development.

The Travel Plan will need to be prepared in line with prevailing policy and best practice and shall include as a minimum:

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

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

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

- 24) The building(s) comprised in the] development hereby approved shall be constructed to have all their heating systems (including space and water heating) compatible with the proposed decentralised energy network. Prior to occupation of the development, the necessary on site infrastructure shall be put in place for connection of those systems to the network at a point on the site boundary agreed in writing by the LPA.  
**Reason:** In the interests of sustainable development.
- 25) Any individual building hereby approved shall achieve a BREEAM 'very good' standard as a minimum, but shall achieve 'excellent' standard as a minimum if commenced on or after 1st January 2013, and shall achieve 'zero carbon' if commenced on or after 1st January 2016. Prior to commencement the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report, the score expected to be achieved 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. A post completion BREEAM report shall be submitted to the Local Planning Authority within 3 months of the substantial completion of the development hereby approved. The required BREEAM assessments shall be prepared, and any proposed design changes approved prior to commencement of the development, by a licensed BREEAM assessor.  
**Reason:** In the interests of sustainable development.
- 26) The Local Planning Authority shall be notified in writing of the identity of all buildings for which construction has commenced before 1st January 2013, and of the identity of all buildings for which construction has commenced thereafter but before 1st January 2016, within 10 working days following each of those dates.  
**Reason:** In the interests of monitoring the application of sustainable building principles to the development.
- 27) No development shall take place until a Wildlife Plan has been produced by the applicant and approved by the Local Planning Authority.  
**Reason:** To demonstrate how the proposed development will be managed in perpetuity to enhance wildlife.
- 28) Before the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be

implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. It shall include for the provision of a dilapidation survey of the highways adjoining the site. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

**Reason:** In the interests of minimising the impact of construction works.

- 29) No Class A or Class D unit hereby approved shall be occupied until the vehicular connection to the northern boundary of the application site (the details of which are required by condition 1 above) has been constructed in accordance with the agreed details to the adoption standards of the Highway Authority, and is available for public use.

**Reason:** To ensure that the approved facilities may be conveniently accessible from the proposed development to the north.

- 30) No building hereby approved shall be occupied until the applicant has submitted a SAP calculation which demonstrates that, through the use of decentralised energy or local energy networks and renewable or low carbon energy sources, a 10% reduction in CO2 emissions over that necessary to meet the requirements of the Building Regulations current at the time of Building Regulations approval can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site.

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

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

(Report circulated)

46

**PLANNING APPLICATION NO.11/2008/03 - UNIT 7, RYDON LANE RETAIL PARK, RYDON LANE, EXETER, EX2 7HX**

Councillor Mrs Henson declared a personal interest as she lives in the vicinity.

The Senior Area Planner presented the application for the variation of condition 6 to allow retail use (leisure/sport - Ref No. 01/0084/01 approved 06 February 2002) at Unit 7, Rydon Lane Retail Park, Rydon Lane, Exeter. The building was currently empty.

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

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

- this application would generate about 40 jobs
- already had a presence in the city centre and this would remain
- was in accordance with the National Planning Policy Framework.

**RESOLVED** that planning permission for variation of condition six to allow retail use (leisure/sport - Ref No. 01/0084/01 approved 06 February 2002) be **approved** subject to the following conditions:-

- 1) The retail warehouse units hereby permitted shall not be used otherwise than for the sale of bulky goods, and goods and services for the construction, repair, maintenance and improvement of the home, garden and motor vehicle, with the exception of sports clothing, sports footwear, sports and leisure equipment, and associated products within unit 7, and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).  
**Reason:** To enable the Local Planning Authority to retain control over the use.
- 2) Prior to the occupation of unit 7 in accordance with the development hereby permitted cycle parking facilities shall be provided outside of this unit in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. These details shall specify the number, location and design of the said cycle parking facilities. Thereafter the cycle parking facilities shall be maintained and made available for use at all times.  
**Reason:** To ensure that convenient and secure cycle parking is provided, in accordance with Local Plan policy T3, to encourage travel by sustainable means.

(Report circulated)

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

The report of the Assistant Director City Development was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

48 **APPEALS REPORT**

The Assistant Director City Development presented the schedule of appeal decisions and appeals lodged.

**RESOLVED** that the report be noted.

(Report circulated)

49 **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 8 May 2012 at 9.30 a.m.

50 **COUNCILLOR MRS J MORRISH**

On the occasion of her last Planning Committee meeting, the Committee placed on record their great appreciation for the significant contribution made by Councillor Mrs Joan Morrish.

(The meeting commenced at 5.30 pm and closed at 8.00 pm)

Chair