

PLANNING COMMITTEE

Monday 1 October 2012

Present:

Councillor Lyons (Chair)
Councillors Donovan, Edwards, Mrs Henson, Morris, Owen, Prowse, Spackman and Sutton

Apologies:

Councillors Bialyk, Denham, Mitchell and Winterbottom

Also Present:

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

101

DECLARATIONS OF INTEREST

Members declared the following personal interests:-

COUNCILLOR	MINUTE
Councillor Donovan	107 (contractor at the Met Office)
Councillor Prowse	103 (member of Devon County Council) 108 (member of Devon County Council)

102

PLANNING APPLICATION NO.12/0666/02 - LAND OFF, HILL BARTON ROAD, EXETER, EX1

The Senior Area Planning Officer presented the application for 133 dwellings with associated public open space, amenity space, infrastructure and landscaping (Approval of reserved matters Ref. No. 10/1840/01 granted 7th October 2011) at land off Hill Barton Road, Exeter.

Members were circulated with an update sheet advising that there was an error in the report and three x three bed units, not two, would be wheelchair accessible. The applicant had now confirmed that there would be 1.8m high close board fence to the western site boundary with Greenpark Avenue. Members were advised that the majority of the houses now met the Council's Supplementary Planning Document (SPD) Residential Design Guide requirements on space and garden sizes.

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

In response to Members, the Senior Area Planning Officer clarified that where hedge boundaries to adjacent properties were of poor quality, 1.8 metre close board fencing would be erected, the management of the treatment of the boundaries would be looked at carefully and covered by condition. The development coming forward on the adjacent land would have its own access, although the access to this site would be available for use by the future residents of the any development on the adjacent land. Over 90% of the houses/gardens met the guidelines in the Residential Design Guide and those that did not, were very close to the requirements.

RESOLVED that planning permission for 133 dwellings with associated public open space, amenity space, infrastructure and landscaping (Approval of reserved matters Ref. No. 10/1840/01 granted 7th October 2011) be **approved** subject to the following conditions:-

- 1) C15 - Compliance with Drawings
- 2) All conditions imposed on notice of outline approval (ref no. 10/1840/01) 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) Prior to commencement of the development, a detailed scheme for 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 routes (including access points at the site boundaries), 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, including keeping them free from vegetation, unless or until they become maintainable at public expense.

Reason: To ensure that the pedestrian and cycle routes are provided, to encourage travel by sustainable means in accordance with policy T3.

- 5) Prior to commencement of the development, a scheme for on-site bus routes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-
 - (a) details of routes and stops (including shelters, seats, and signage);
 - (b) a programme for implementation synchronised with the progressive occupation of the development, road adoption programme, and/or applicable funding.

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 facilities provided in accordance with this condition shall be maintained at all times thereafter, unless or until they become maintainable by or on behalf of a public authority.

Reason: To ensure that suitable bus routes and stops are provided, to enable and encourage use of public transport in accordance with policy T3.

- 6) A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, 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 emissions of noise and dust. The CEMP should contain a procedure for handling and investigating complaints as well as provision for regular liaison with local residents, in order to disseminate information about forthcoming work and any potential environmental impact.

Reason: In the interests of local amenity and because insufficient information was included in the CEMP submitted with this application to satisfy the conditions of the outline consent.

- 7) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any Order revoking and re-enacting that Order, no extension, garages or other development shall be carried out within the curtilage of the dwelling(s) 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.

- 8) No development shall take place until the Local Planning Authority, in consultation with the Met Office, has approved in writing a detailed plan outlining how vehicles, machinery and other equipment involved in the construction phases of the scheme will be deployed and managed to prevent interference and obstruction to Met Office satellite receivers in relation to their operational schedules. Construction work will only take place in accordance with the agreed plan.

Reason: In the interests of minimising the impact of development work on the performance of the satellite receivers.

(Report circulated)

103

**PLANNING APPLICATION NO.12/0982/02 - FORMER ST LOYES COLLEGE,
TOPSHAM RD, EXETER, EX2 6EP**

Councillor Prowse declared a personal interest as a Member of Devon County Council.

The Assistant Director City Development presented the application for the redevelopment of the southern part of the site, including the demolition of existing structures to provide 58 dwellings, a children's play area, landscaping, associated roads, garaging, car parking, and bin and cycle storage at the former St Loyes College, Topsham Road, Exeter.

The proposal was for a mix of two to four bedroom houses with 111 parking spaces, the development would take the form of three character areas. A play area was proposed in the western corner of the site close to Millbrook Lane which was intended to be adopted and maintained by the Council.

Members were circulated with an update sheet advising that the Highway Authority raised no objection subject to an additional condition. Members were circulated with

an email of support from a Local Councillor and had also received further information from the applicants, Linden Homes.

The Assistant Director City Development advised that, because some of the conditions on the outline application had been discharged, condition five would now become an informative on any planning approval. The building for life score was 18.5 which was in the “excellent” category.

The recommendation was for approval subject to the conditions as set out in the report, with condition five being deleted and added as an information note together with the additional condition on the update sheet as requested by the Highway Authority.

During discussion Members raised the following points:-

- concern regarding adequate play areas and its location not being overlooked
- welcomed the high building for life score
- design not imaginative enough
- highways concerns regarding the use of Millbrook Lane.

The Assistant Director City Development clarified the position with regard to play area provision; the Parks and Open Spaces Manager was satisfied with the location of the play area; the Millbrook was some distance from the play area; the balconies were useable; the Highway Authority was satisfied with Millbrook Lane being used as the access for the development.

Whilst the majority of Members supported the application, one Member had concerns regarding the design and layout of the dwellings and the location and provision of the play area.

RESOLVED that planning permission for redevelopment of the southern part of the site, including the demolition of existing structures, to provide 58 dwellings, a children's play area, landscaping, associated roads, garaging, car parking, bin and cycle storage. (Approval of reserved matters following outline consent Ref. 11/0787/01 granted 6 July 2012) be **approved**, subject to the following conditions:-

- 1) C15 - Compliance with Drawings
- 2) Prior to the occupation of any dwellings a detailed scheme which ensures the delivery of the play area indicated on the approved site plan shall be submitted to the Council for approval. Thereafter no more than 14 units should be occupied until such an agreement is in place.
Reason: To ensure a mechanism is in place for delivery of the play area.
- 3) Notwithstanding the details contained within Drawing YGSWBLIN/MILK/01 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 dwellings 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.

- 4) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in accordance with the details shown on drawing number ST-08, and the cycle parking shall be maintained thereafter.
Reason: To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.
- 5) The proposed estate roads, footways, footpaths, junctions, verges, 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 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.

Informative Note:-

All conditions imposed on notice of outline approval (ref no.11/787) 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.

(In accordance with Standing Order No. 43 Councillor Mrs Henson requested that her vote against this application be recorded)

(Report circulated)

104

PLANNING APPLICATION NO.12/0921/02 - LAND NORTH OF OLD RYDON LANE, EXETER, EX2

The Senior Area Planning Officer presented the application for redevelopment to provide 233 dwellings (approval of reserved matters on Ref.07/2169/01 granted on 17/05/10) for access, appearance, landscaping, layout and scale at land north of Old Rydon Lane, Exeter.

Members were circulated with an update sheet advising that details of the agreement in respect of layout, space standards and affordable housing provision had not been finalised and therefore it was requested that delegated authority be granted to the Assistant Director City Development in consultation with the Chair of Planning Committee to approve.

The Senior Area Planning Officer advised that the Highway Authority had no objection subject to two additional conditions and that a late representation had been received from St Bridget's Nursery raising issues of protecting the boundary for any future development; the poor layout of the north west corner of the site; and the need for a footpath to connect through to the Nursery site. Members were informed that these issues were being addressed by proposed conditions and revised plans would be submitted shortly.

The recommendation was that delegated authority be granted to the Assistant Director City Development in consultation with the Chair of the Planning Committee to approve the reserved matters application subject to receipt and consideration of revised plans to deal with the outstanding matters, to any responses to reconsultation on the revisions (if necessary), additional conditions as requested by

the Highway Authority and the conditions as set out in the report and amended if necessary.

Mrs Barrett (representing a local resident) spoke against the application. She raised the following points:-

- lived in the area since 1981
- did not dismiss the developer; they had some good developments in the area
- objected to changes to Affordable Housing allocation and site layout at the last minute
- Social Housing should be scattered more evenly across sites
- the Council's Local Plan stated that development should be height appropriate
- height of buildings should reflect the surrounding area and relate well to adjoining buildings.

Mr Kendall (representing Barratt Homes) spoke in support of the application. He raised the following points:-

- this site had outline consent and the Section 106 agreement had been signed
- this was a Barratt and David Wilson Homes scheme
- the proposal was in accordance with the Masterplan design code
- there were open spaces on the site; hedgerows and wildlife corridors would be protected
- the height of the buildings accorded with the local area
- very close to agreement with regards to the affordable housing contribution and landscaping details
- committed to this development
- had addressed officers and objectors' concerns.

In response to Members, Mr Kendall clarified that work was ready to start on the site once a planning decision had been issued and discussion was still taking place as to the final location and mix of the affordable housing.

During discussion, Members raised the issue of the 10% open space requirement and had concerns that not enough larger open spaces were being provided on large housing developments. The provision was very piecemeal and not well thought out. Wildlife corridors were not always useable open space. Ward Councillors should be consulted on any proposed amendments.

The Senior Area Planning Officer clarified that the public open space area was 10% of the site with a further 0.54 hectares forming a wildlife corridor area.

A Member stated that the Local Ward Members had concerns regarding the lack of open space on the development.

RESOLVED that planning permission for redevelopment to provide 233 dwellings (approval of reserved matters on Ref.07/2169/01 granted on 17/05/10) for access, appearance, landscaping, layout and scale be delegated to the Assistant Director City Development in consultation with the Chair of Planning Committee and Local Ward Councillors to **approve** the application subject to receipt and consideration of revised plans to deal with the outstanding matters, to any responses to reconsultation on the revisions (if necessary), and the following conditions which may be modified if necessary:-

1) All conditions imposed on notice of outline approval (ref no. 07/2169/01) 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.

2) C15 - Compliance with Drawings

3) Unless otherwise agreed in writing, 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;
(b) the paths shown on the planning drawing 103B or any drawing superseding that drawing, the path to the north of plots 1, 8 and 9, and the route across the spine road between plots 136 and 143-148, all paths to be delivered as 3m wide pedestrian/cycle links;
(c) a link of the same standard running approximately east-west, to the north of plots 67, 57, 56 and 55 and turning south to connect with the cul-de-sac between plots 57 and 56;
(d) details of all road crossings, surface treatments, lighting, street furniture and signage;
(e) a programme for implementation synchronised with the progressive occupation of the development; and
(f) 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.

4) A pedestrian and cycle link shall be constructed up to, and contiguous with, the boundary line dividing the application site from the land to the immediate north. The link shall be located opposite plots 75/88 and completed prior to occupation of more than 200 dwellings comprised in the development, or as otherwise agreed in writing by the Local Planning Authority to co-ordinate with the timing and layout of development to the north. The link shall be constructed 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 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 first occupation of the development, bus stops shall be provided on either side of the spine road. The exact location of the stops, and details of associated shelters, seats, and signage, shall be in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The facilities provided in accordance with this condition shall be maintained at all times thereafter, unless or until they become maintainable by

or on behalf of a public authority.

Reason: To encourage travel by sustainable means, in accordance with Local Plan policy T3.

- 6) 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.

- 7) No part of the development hereby approved shall be occupied until the on-site parking facilities together with any means of access have been provided in accordance with details that shall previously 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.

- 8) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials 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 during the construction period.

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

(Report circulated)

105

PLANNING APPLICATION NO.12/0870/02 - LOWER RNSD, TOPSHAM ROAD, EXETER EX2

The Assistant Director City Development presented the application for redevelopment to provide 289 dwellings (Phase 2) (approval of reserved matters on Ref.07/2169/01 granted on 17/05/10) for access, appearance, landscaping, layout and scale at lower RNSD, Topsham Road, Exeter.

The application site comprised part of the former lower RNSD land which had outline consent for residential redevelopment. The site was bounded to the south-west by existing residential properties on Topsham Road, to the south-east by the 'Darts' land and Phase 1 of the lower RNSD, and to the north-west and north-east by Exeter Golf and Country Club. The spine road linking Topsham Road to the A379 passed through the site. The proposal included a mix of dwelling types including flats and two, three, four, and five bed houses in six character areas with a building for life score of 16.5.

Members were circulated with an update sheet advising of comments from the County Director of Environment, Economy and Culture on amendments to a condition; details of further representations received from residents on properties on Topsham Road ; further representations by the applicant and the adjoining landowner; and amendments and revisions to the conditions.

The Assistant Director City Development advised of the main issues. Firstly the provision of a acceptable access from this site to the primary school that was proposed on the adjacent 'Darts Land' site before the occupation of the ninth dwelling. Conditions four and five as amended on the update sheet proposed to

address this. In this respect he reported that a further representation had been received from the applicant's agent setting out their concerns regarding condition four. Members had also been circulated with a response from Darts Properties Ltd advising that in their view proposed conditions four and five were appropriate.

Members were updated on the second main issue, the relationship and distances of the affordable housing in the south-west corner of the site with the existing two storey properties on Topsham Road. These comprised of a three storey, nine block of flats and two, two and half storey houses. Amendments had been made to these properties to reduce the height and impact on the dwellings on Topsham Road and a 1.8 close board fence was proposed on the boundary.

The recommendation was for approval to be delegated to the Assistant Director City Development subject to clarification of the transfer of the five bed affordable house, the conditions as set out in the report and as amended in the update sheet.

Mrs Barrett (representing local residents) spoke against the application. She raised the following points:-

- the properties that Persimmon Homes had built so far were excellent
- there were better locations on the development where the three storey flat block could be sited such as the 'circus' where there were going to be two and half and three storey buildings
- her property was five metres below the proposed three storey block of flats and the neighbours four and half metres below; the plans do not show this
- the properties on Topsham Road were 'upside down' house with the living accommodation on the first floor
- the two and half storey social housing would cause overlooking to 469 and 471 Topsham Road
- at present had planting in the rear of the property; the 1.8 close board fence would not appear that high from the properties in Topsham Road because of the difference in site levels
- the three storey block of flats and the two and half storey two houses should not be built on this part of the site.

In response to Members, Mrs Barrett clarified that the land from the site steps down towards her property; would welcome being consulted on any landscaping scheme along the boundary with Topsham Road and the planting of trees to increase the privacy from plots 314 and 315; and the fence would effectively only be 1.4 high from her property.

The Assistant Director City Development clarified that there were three trees covered by a Tree Preservation Order in the rear garden of a property on Topsham Road; a 1.8 metres close board fence was proposed along the south-west boundary with additional planting; would look at improving planting to plots 314 and 315; and the close board fence would be 1.8 metres on the higher part of the ground.

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

- planning consultant for Persimmon Homes
- the approval of the outline application had established the principal of residential development on this site
- working closely with planning officers and the Highway Authority on this application
- was in accordance with the masterplan framework for the area
- high quality development with character areas
- in accordance with the Council's Residential Design Guide

- excellent building for life score
- had made amendment to address objectors concerns; had moved back from the boundary the three storey block of flats; reduced its height and removed some stair well windows
- was a minimum of 33 metres from the properties on Topsham Road
- attractive high quality proposal

In response to Members, Mr Roberts clarified that the building for life score was 16.5; proposed conditions four and five did not make sense from a build point of view as would start building from the north and south of the site and then meet in the middle although he would accept these conditions; had responded to the Council's request on the mix of Affordable Housing, and as a result, some of the properties had to be amended; and the block of flats was adjacent to a large open space.

During discussion, Members raised the following points:-

- essential that the route to the school be provided as soon as possible;
- supported conditions four and five
- creeper on the blank wall of the flats in the south-west corner would help eliminate its starkness
- landscaping and trees planting would improve the privacy to properties on Topsham Road
- because of the changes in levels and the angles involved over looking would be minimal
- Local Councillors and local residents should be consulted on the landscaping in the south-west to corner to ensure the best possible screening was provided.

RESOLVED that planning permission for redevelopment to provide 289 dwellings (Phase 2) (approval of reserved matters on Ref.07/2169/01 granted on 17/05/10) for access, appearance, landscaping, layout and scale be delegated to the Assistant Director City Development to **approve** subject to clarification of the transfer of the five bed affordable house, consultation with the Chair of Planning Committee, Local Ward Members and local residents re discharge of landscaping conditions affecting the south west corner of the site and the following conditions which may be modified if necessary:-

- 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 14th June and 13th August 2012 (*dwg. nos. PL-01.1 Rev A, PL-03.2 Rev T, PL-04.1 Rev A, PL-05.1 Rev A, PL-06.1 Rev A, SS-02 Rev A, 2HT-P640-01 Rev A, 2HT-P640-02 Rev A, 2HT-P640-03 R4 Rev A, 2HT-P730-05 Rev A, 2HT-P893-01 Rev A, 2HT-P893-02 Rev A, 2HT-P893-03 Rev A, 2HT-P950-01 Rev A, 2HT-P950-02 Rev A, 2HT-P950-03 Rev A, 2HT-P950S-01 Rev A, 2HT-P950S-02 Rev A, 2HT-P950S-03 Rev A, 2HT-P1228-01 Rev A, 2HT-P1228S-01 Rev A, 2HT-P1228S-02, 2HT-P1443-01 Rev A, 2HT-P1443-02 Rev A, 2HT-P1443-03, 2HT-P1475-01 Rev A, 2HT-S2-01 Rev A, 2HT-S3-01 Rev A, 2HT-S3-02 Rev A, 2HT-S3-03 Rev A, 2HT-S3-04 Rev A, 2HT-S6-01 Rev A, 2HT-CC1777-01 Rev A, 2HT-CC1777-02 Rev A, 2HT-CC1804-01 Rev A, 2HT-CC1804-02 Rev A, 2HT-P1813-01 Rev A, 2HT-CC2063-01 Rev A, 2HT-CC2063-02 Rev A, 2HT-CC2063-03 Rev A, 2HT-CC2063-04 Rev A, 2HT-WP5625-01 Rev A, 2HT-WP3520A-01 Rev A, 2HT-WP3520A-02 Rev A, 2HT-WP3520C-01 Rev A, 2HT-WP3520E-01 Rev A, 2HT-WP3520C-03, 2HT-WP3520C-04, 2HT-WP4625A-02 Rev A, 2HT-WP4625A-02, 2HT-WC3B-01 Rev B, 2HT-WC4B-01 Rev A, 2HT-WC5B-01 Rev B, HT-A.3444.1 Rev B, HT-1755, HT-2067, HT-2421, HT-2443, HT-*

2443(2), HT2583, HT-3444, HT-A.3444.2 Rev B, HT-3455, HT-3477, HT-3531, 354-02, 354-03, Store_02-01(/), Store_02-02(/), Store_02-03(/), GAR-01 HT-GAR-01, HT-GAR-02, HT-GAR-03, HT-GAR-04, HT-GAR-05, HT-GAR-06, PL-08 Rev A, 010 Rev P02, 011 Rev P02, PL-06 Rev D), as modified by other conditions of this consent.

Reason: In order to ensure compliance with the approved 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) all links shown for adoption on drawing no. PL-06.1 including details of shared use footway/cycleways on the spine road, plus a link across the open space in front of plots 285/329, all 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.

- 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 9th dwelling within the development hereby approved the road connection from the existing spine road to the boundary with the adjacent development opposite plots 151/152 shall be constructed up to, and contiguous with, the boundary line dividing the application site from the immediately adjoining land, in accordance with details to be approved pursuant to condition 19 of outline planning consent reference no. 07/2169/01 and the details shown on drawing nos. PL-03.2 Rev T and PL-06.1 Rev A.

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 and access to local facilities.

- 5) The road access to the adjacent land to the east of the site, as referred to in condition 4, shall be made available without obstruction for the purposes of accessing the school site prior to the opening for use of the school.

Reason: In order to provide adequate access from the development to the new school and in the interests of securing the appropriate comprehensive planning of the Newcourt area.

- 6) Prior to commencement of the development, details of bus stops on the spine road shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:-
(a) stops near plots 123 and 186 as shown on drawing PL-06.1 Rev A together with a stop in each direction in the vicinity of plot 401, including shelters, seats, and signage;
(b) a programme for provision of the stops, synchronised with the introduction of the bus service and the progressive occupation of the development; and
(c) any temporary arrangements 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 facilities provided in accordance with this condition shall be maintained at all times thereafter, unless or until they become maintainable by or on behalf of a public authority.
Reason: To ensure that suitable stops are provided, to enable and encourage use of public transport in accordance with policy T3.
- 7) 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. BT-01.1.
Reason: In the interests of the character and appearance of the area and the residential amenity of the occupants of proposed and existing properties.
- 8) 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).
- 9) In respect of landscaping proposals for the site the submitted details are not considered acceptable and lack 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.
- 10) The proposed estate roads, footways, cycleways/footpaths, verges, bus stops, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses 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.

- 11) 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.
- 12) 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.
- 13) Prior to the commencement of any development comprising dwellings directly abutting the boundary of the site with Exeter Golf and Country Club a scheme for boundary treatment to mitigate the effects of the housing development on the adjacent golf course shall be submitted to and agreed in writing by the Local Planning Authority. This scheme will indicate the position, design, materials and type of boundary treatment to be undertaken along the boundaries shared with Exeter Golf and Country Club. The agreed scheme of works shall then be implemented in accordance with a timetable agreed in writing with the Local Planning Authority and shall thereafter be retained in situ at all times.
Reason: To ensure that appropriate measures are put into place to minimise the potential adverse impact of the development upon the operation of the golf course, and to protect the residential amenity of future occupants of dwellings along this boundary.

(Report circulated)

106

**PLANNING APPLICATION NO.12/0988/03 - FORMER UNIVERSITY OF
PLYMOUTH, FACULTY OF ARTS & EDUCATION, EARL RICHARDS ROAD
NORTH, EXETER, EX2 6AS**

The Senior Planning Officer presented the application for redevelopment to provide 39 dwellings, parking, landscaping and associated works at the former University of Plymouth, Faculty of Arts and Education, Earl Richards Road North, Exeter.

This application was for a mix of two to five bedroom properties, the mature trees on the site to be protected with a significant amount of open space across the site extending to 0.74 hectare. There would be access from the site to a public playground which was located immediately to the south of the site.

Members were circulated with an update sheet giving details of amendments to conditions and additional conditions. Members were advised that the education contribution in the Section 106 agreement would be £102,253 and not the larger figure quoted in the report, as Devon County Council had advised that the development would only create the need for additional primary places. Secondary pupils could be accommodated by existing school capacity.

The recommendation was for approval subject to a Section 106 Agreement, conditions as set out in the report and revisions and amendments to conditions as per the update sheet.

The Assistant Director City Development clarified that the Section 106 agreement included a contribution of £675 a dwelling towards indoor sports facilities.

RESOLVED that planning permission for redevelopment to provide 39 dwellings, parking, landscaping and associated works be **approved** subject to a Section 106 Agreement as detailed in the report and the following conditions with delegated authority be given to the Assistant Director City Development to approve the final form of condition 22 and any amendments to dwelling design if necessary to comply with code for sustainable homes:-

- 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 9th July 2012 (*dwg. nos. 11009/100, 11009/101, 11009/102, 11009/103, 11009/015, 11009/104 Rev A, 11009/105, 11009/106, 11009/107, 11009/108, 11009/109, Soft Landscape Proposals Rev A, 11009/200 Rev D, 11009/201 Rev E, 11009/202 Rev D, 11009/111, 11009/209, 11009/210, 11009/211, 11009/212, 11009/213, 11009/214, 11009/215, 11009/216, 11009/217, 11009/218, 11009/219, 11009/220, 11009/221, 11009/222, 11009/223, 11009/224, 11009/225, 11009/226, 11009/227, 11009/228, 11009/229, 11009/230, 11009/232, 11009/233 and 11009/402*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) C12 - Drainage Details
- 5) C57 - Archaeological Recording
- 6) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of the dwellings, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority.
Reason: In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties
- 7) The hard/soft landscaping scheme and boundary treatments, as indicated on drawing nos. 11009/105, Soft Landscape Proposals Rev A and 11009/102 and 11009/103 respectively, shall be implemented in accordance with a phasing and time scale to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development hereby approved.
Reason: In the interests of the visual amenity of the site.
- 8) C37 - Replacement Planting
- 9) C38 - Trees - Temporary Fencing
- 10) C72 - Highway - Estate Roads etc

- 11) No part of the development hereby approved shall be occupied until the on-site parking facilities together with any means of access have been provided and surfaced 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.
- 12) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for the construction period.
Reason: To ensure that adequate on-site facilities are available for the construction traffic attracted to the site.
- 13) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in the locations shown on drawing number 11009/101, 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.
- 14) The pedestrian and cycle link to Salmon Pool Lane shown on drawing number 11009/101 shall be completed prior to occupation of plots 17 and 20, in accordance with details as to surface treatment, lighting, street furniture and signage previously submitted to and approved in writing by the Local Planning Authority.
Reason: To encourage travel by sustainable means in accordance with Local Plan policy T3.
- 15) Prior to occupation of the development hereby permitted, a travel pack shall be provided informing all residents of walking and cycling routes and facilities, and public transport routes and timetables, car sharing schemes, and the location of local and central shopping and leisure facilities, the form and content of which shall have previously been approved in writing by the Local Planning Authority.
Reason: To ensure that all occupants of the development are aware of the available sustainable travel options.
- 16) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.
Reason: In the interests of the amenity of the occupants of the building(s) hereby approved.

- 17) A Construction and Demolition Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and adhered to during the construction period. This should include details of the monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and emissions of noise and dust. This should include details of the phasing and timing of work and measures that will minimise the impact of construction traffic on the local road network, including parking. The CEMP should contain a procedure for handling and investigation complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development, in order to discuss forthcoming work and its environmental impact.
Reason: To minimise the potential for disruption during the construction process.
- 18) 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 interest of residential amenity.
- 19) Prior to the demolition of the existing buildings on the site a detailed bat survey shall be undertaken to
- a) establish the presence or otherwise of bats within the buildings to be demolished as part of this development, and
 - b) identify any required mitigation measures to be carried out.
- Prior to the commencement of the development the results of the bat survey, and any mitigation measures required, including the timeframe for their implementation, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance the details agreed pursuant to this condition.
Reason: To ensure that any protected species present on the site are dealt with in an appropriate manner.
- 20) No development shall take place unless and until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved in writing by the Local Planning Authority. The Wildlife Plan shall take on board the summary and conclusions of the submitted Ecological Assessment, and include identification of opportunities to incorporate wildlife habitats within the buildings. Thereafter the development shall be carried out entirely in accordance with the approved plan.
Reason: To ensure that the wildlife opportunities associated with the site are maximised in the interests of biodiversity.
- 21) No dwelling hereby approved shall be occupied until the applicant has submitted a SAP calculation which demonstrates that, through the use of decentralised energy or local energy networks and/or renewable or low carbon energy sources, a 10% reduction in CO₂ emissions over that necessary to meet the requirements of the Building Regulations current at the time of Building Regulations approval can be achieved. The measures necessary to achieve this CO₂ saving shall thereafter be implemented on site.
Reason: In the interests of sustainable development.

- 22) Any individual dwelling hereby approved shall achieve a Code Level 3 (including a 25% CO2 emissions rate reduction from Part L 2006) as a minimum, but shall achieve a Code Level 4 (including a 44% CO2 emissions rate reduction from Part L 2006) if commenced on or after 1st January 2013, and a Code 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 is approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15. No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that a Final Code Level of 3, 4 or 5 has been achieved as appropriate.
Reason: In the interests of sustainable development.
- 23) The Local Planning Authority shall be notified in writing of the identity of all dwellings for which construction has commenced before 1st January 2013, and of the identity of all dwellings 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 sustainable development.
- 24) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no extension or garages shall be carried out within the curtilage of plots 1, 8, 17, 23, 24, 25, 36 and 37, without the formal consent of the Local Planning Authority. Additionally, no works as set out in Part 2 Class A or B of that Order shall be carried out within the curtilage of any 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.
- 25) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re-enacting that Order, no works as set out in Part 1 Class E shall be carried out within the curtilage of plots 29, 30, 31, 32 and 33, without the formal consent of the Local Planning Authority.
Reason: In order to protect the visual and residential amenities of the surrounding area.
- 26) The 5 metre landscape buffer to be implemented to the rear of plots 29 to 33 pursuant to condition 7 shall be permanently maintained in accordance with the approved details.
Reason: In the interests of visual amenity and ecological value of the site, and the residential amenity of the occupants of those properties.

(Report circulated)

107

**PLANNING APPLICATION NO.12/0954/02 - LAND SOUTH OF MET OFFICE,
FITZROY ROAD, EXETER, EX1**

Councillor Donovan declared a personal interest as he is a contractor at the Met Office.

The Senior Area Planning Officer presented the application for a hotel and restaurant (Approval of reserved matters following outline approval 11/1619/01 granted 19 June 2012) at land south of the Met Office, Fitzroy Road, Exeter

The application site formed part of a larger site which had been granted outline consent in June 2012 for a range of commercial uses, including a hotel and was on the corner of Fitzroy Road and Honiton Road. This was a reserved matters application for a three storey, 102-bed hotel and a separate two storey 200-cover pub/restaurant. The hotel building was of a contemporary design with a flat roof. It was faced with a combination of red bricks, white render and boarding. Close to the Fitzroy Road/Honiton Road corner was a tower feature with glazed curtain walling. The pub/restaurant building would be comparatively domestic in scale, with a combination of red brick, white render, natural finish weatherboarding facing materials, and a slate grey standing seam decorative profile roof membrane.

Members were circulated with an update sheet advising that discussions had not yet been finalised in respect of east-west permeability through the site for pedestrians and cyclists and that the application be delegated to the Assistant Director City Development to approve subject to receipt and consideration of appropriate revisions (if any).

The recommendation was that the application be delegated to the Assistant Director City Development to approve subject to receipt and consideration of appropriate revisions (if any), and the conditions set out in the report.

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

- Exeter Civic Society had objected stating that the building was not a landmark building and was of bland design; this objection could not be sustained
- had taken full account of the Monkerton/Hill Barton Masterplan
- the building had strong frontage
- was a contemporary design
- these buildings had been carefully designed in consultation with officers and amendments had been made to the height
- the report stated that the buildings were considered to be of a high standard which were appropriate for this commercial location
- the Northern Area Working Area had no concerns
- the contract was worth £6.5 million and would bring jobs to the city
- asked the Committee to approve the application to avoid further delay.

In answer to a Member's question, Mr Rocke clarified that in the majority of hotels of this hotel chain the room layout and dimensions were the same, the external design and appearance would vary to take account of its location.

In response to a Member, the Senior Area Planning Officer clarified that there was a covered walkway around the side of the hotel towards the pub/restaurant with only eight metres that was not covered.

RESOLVED that planning permission for hotel and restaurant (Approval of reserved matters following outline approval 11/1619/01 granted 19 June 2012) be delegated to the Assistant Director City Development to **approve** the application subject to receipt and consideration of appropriate revisions (if any) and the following conditions:-

- 1) All conditions imposed on notice of outline approval (ref no. 11/1619/01) 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.

2) C15 - Compliance with Drawings

(Report circulated)

108

**DEVON COUNTY COUNCIL CONSULTATION NO.12/1165/26 - FORMER
KENNELS SITE, EXWICK LANE, EXETER, EX4**

Councillor Prowse declared a personal interest as a Member of Devon County Council.

The Assistant Director City Development presented the Devon County Council consultation for the demolition of existing former kennels buildings to provide a new six classroom teaching building with associated teaching accommodation, covered play area, parking and landscaping at the former kennels site, Exwick Lane, Exeter.

The site was previously used for guide dog training purpose and an application for 10 dwellings had been approved by Planning Committee in January 2012 subject to the completion of a Section 106 Agreement. This Agreement had recently been completed and the consent issued. This proposal sought to demolish the existing kennel buildings to provide a new six classroom teaching building with associated teaching accommodation and increase its current capacity from 420 places (plus nursery) to 630 places (plus nursery). There would be 20 car parking spaces including two disabled spaces. In addition, it was intended to remodel the existing school vehicular access to provide an on site turning loop.

Members were circulated with an update sheet giving details of comments from the Landscape Officer, a response from the applicant, and one letter of objection.

The recommendation was that the County Council be advised that the City Council raises no objection to the proposal subject to it taking into account comments from Assistant Director Environment, the Projects and Business Manager and the Landscape Officer, the provision of additional cycle parking and that the County Council using their best endeavours to secure the provision of a pedestrian/cycle link between Liverpool Hill and Kinnerton Way.

Members welcomed the expansion of the school although they raised concerns regarding the traffic congestion at the school at the start and end of the school day and their wish to see a pedestrian/cycle link between Liverpool Hill and Kinnerton Way.

RESOLVED that the County Council be advised that the City Council raises no objection to the demolition of existing former kennels buildings to provide a new six classroom teaching building with associated teaching accommodation, covered play area, parking and landscaping to taking into account comments from Assistant Director Environment, the Projects and Business Manager and the Landscape Officer, the provision of additional cycle parking and that the County Council use their best endeavours to secure the provision of a pedestrian/cycle link between Liverpool Hill and Kinnerton Way.

(Report circulated)

109

**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)

110

ENFORCEMENT PROGRESS REPORT

The Assistant Director City Development presented the report updating Members on enforcement matters.

RESOLVED that the report be noted.

(Report circulated)

111

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(Report circulated)

112

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 16 October 2012 at 9.30 a.m. The Councillors attending will be Donovan, Owen and Morris.

(The meeting commenced at 5.30 pm and closed at 8.05 pm)

Chair