

PLANNING COMMITTEE

Monday 3 December 2012

Present:

Councillor Bialyk (Chair)
Councillors Lyons, Denham, Edwards, Mrs Henson, Owen, Prowse, Spackman and Sutton

Apologies:

Councillors Donovan, Mitchell, Morris and Winterbottom

Also Present:

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

Also Present

J Hulland, Transportation Studies Manger, Devon County Council

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DECLARATIONS OF INTEREST

Members declared the following interests:-

COUNCILLOR	MINUTE
Councillor Prowse	124 (Member of Devon County Council)
Councillor Mrs Henson	125 and 126 (knows resident of Pinn Lane)

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PLANNING APPLICATION NO.12/0472/01 - LAND TO NORTH, WEST AND SOUTH OF MET OFFICE OFF, HILL BARTON ROAD, EXETER, EX2

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

The Assistant Director City Development presented the application for a mixed use scheme comprising up to 750 dwellings, a local centre (A1, D1, D2), public open space, landscaping, highway access to Hill Barton Road, demolition of existing buildings and associated infrastructure works (all matters reserved for future consideration apart from access) at land to north, west and south of Met Office, off Hill Barton Road, Exeter.

He set out the planning background covering:

- the planning strategies for the area
- the open space/green infrastructure, transport and low carbon policies and developer concerns
- the general context and approach to unresolved issues on these complex applications.

in respect of this and the following two applications.

Members were circulated with an update sheet - attached to minutes. A further letter of objection was circulated from the owner of 129 Hill Barton Road expressing concerns about the proposed access into the development off Hill Barton Road because of the proximity to and impact on his property. The Assistant Director

reported a proposed addition to the Section 106 Agreement to secure rights to provide the appropriate district heating pipework for the development and the adjoining development together with conditions.

Mr Hulland, Transportation Studies Manager, Devon County Council detailed the reasons for the County Council seeking a further access point off either Oberon Road and Fitzroy Road as it was considered that the most the Hill Barton Road junction could accommodate was a maximum of 400 dwellings and that a second connection was therefore required. He also responded to the points raised by the owner of 129 Hill Barton Road.

Having had regard to the Environmental Impact Assessment submitted with the application and the representations made about the environmental effects of the development, it was recommended that the application be delegated to the Assistant Director City Development in consultation with the Chair of the Planning Committee to approve, subject to details, a Section 106 Agreement and the conditions (with any necessary amendments) as set out in the report.

Mr Lloyd (representing a local landowner) spoke against the application. He raised the following points:-

- applicant has not confirmed a safe access proposal for consideration. The current Transport Assessment is flawed as aim is to secure as many houses as possible off one access at Hill Barton Road
- analysis of the original signal design at Hill Barton Road confirmed only 200 houses could be built. Since then various safety features that protected pedestrian and cyclists such as green man signal crossings have been deliberately removed in an attempt to increase capacity
- inappropriate for this road to bear the impact of this major development alone when alternative access points can be delivered at an early stage
- no safety audit had been undertaken. An independent safety audit highlighted eight separate safety requirements for pedestrians and cyclists. This route is used by school children and is a strategic cycle corridor. The junction should be redesigned with appropriate safety features as recommended in the safety audit
- no evidence provided to confirm that the junction can take a capacity of 400 dwellings as recommended by the County Council
- the land owner to the south can deliver a third access from Fitzroy Road. However, the timing of this can not be relied upon and therefore access onto Oberon road should be properly developed.
- no analysis for a connection for up to 880 homes has been completed for the junction at Fitzroy Road or Honiton Road
- a revised condition 25 should ensure that a safe junction is delivered and that only 200 homes are built off the one access at Hill Barton Road before the Oberon Road Link is delivered.

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

- the application was submitted after extensive consultation with Exeter City Council and Devon County Council officers following support given by the applicant at the Core Strategy Inquiry, provision of a public exhibition and pre application submission. There had been an open and collaborative approach throughout
- provision of substantial open space – 12.4% provided overall, excluding land to the north of the Met Office which, if included, would increase the total to 15%

- will help meet the strategic housing needs for next 5-10 years in accordance with the Core Strategy
- a comprehensive Section 106 Agreement is proposed to include provision for 188 affordable homes
- the development will create significant jobs for local and regional economy and therefore meet social and economic needs
- the Hill Barton consortium believe that the objections from the landowner affected by the development is purely on commercial grounds
- do not accept Devon County Council stance that the maximum number of dwellings that the Hill Barton Road access can accommodate would be 400.

Responding to Members' questions, he confirmed that, as a result of the County Council assessment that access off Hill Barton Road would only accommodate 400 homes on the site, all options for the proposed signal controlled access would be reconsidered. This would also take into account the views and concerns of the owner of 129 Hill Barton Road.

In light of the applicant's intention to reconsider the access options off Hill Barton Road, Members proposed that consideration of the application be deferred. They did not wish to consider the principle of the proposal in isolation from the access issue.

RESOLVED that planning permission for mixed use scheme comprising up to 750 dwellings, a local centre (A1, D1, D2), public open space, landscaping, highway access to Hill Barton Road, demolition of existing buildings and associated infrastructure works (all matters reserved for future consideration apart from access) be deferred for further consideration of options for the access of Hill Barton Road.

(Report circulated)

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PLANNING APPLICATION NO.12/0802/01 - TITHEBARN GREEN LAND AT MONKERTON, EXETER AND REDHAYES/NORTH OF BLACKHORSE, EAST DEVON

Councillor Mrs Henson declared an interest as she knew a resident of Pinn Lane.

The Assistant Director City Development presented the application for development of a site to provide up to 930 dwellings, link road, employment area (B1/B8 use classes), park and ride facility, garden centre, local retail area and community facility, health and fitness centre, creche, public and private open space and car and cycle parking, together with landscaping and associated servicing (all matters reserved except points of access) at Tithebarn Green Land at Monkerton, Exeter and Redhayes/North of Blackhorse, East Devon.

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

Mr Hlland, Transportation Studies Manager, Devon County Council advised Members of the Phase Three Access Strategy for upgrading the transport network in the area to link all elements of the East of Exeter Growth Point. This included the proposed Tithebarn Lane Link Road from Cumberland Way to Blackhorse on the old A30. The route would use the existing Tithebarn Lane bridge over the M5 Motorway, however this may require eventual improvement.

Having had regard to the Environmental Impact Assessment submitted with the application and the representations made regarding the environmental effects of the development, it was recommended that subject to amended design and access details relating to public open space; amended illustrative plan showing revised

access arrangements off the Tithebarn Link; no substantive objections being raised by East Devon District Council and no objections being raised by the Secretary of State, the application be approved subject also to the completion of a Section 106 Agreement securing the items and the conditions as set out in the report. The proposed response to East Devon District Council's consultation was that no objection be raised.

Councillor Macdonald, having giving notice under Standing Order No.44, spoke on this item. She raised the following points:-

- the development diverges from the Monkerton Master Plan. The density is too high and the area will lose its rural feel
- the scale of development proposed will introduce too much hard surface and would not leave enough open space and natural vegetation to soak rainfall away to groundwater. There would therefore be an increased risk of flooding downstream. Run off draining into the Pinbrook from the Grasslands Drive housing area is greater/faster where there is less open space and vegetation to act as a soak away. After heavy rainfall the water table is very high and much of the area looks like a classic flood plain and should not be built on. If built on it will add significantly to the flooding potential both locally and downstream.
- in an area where flood risk reduction necessitates efficient and effective management of unimpeded flow there is evidence that existing responsibilities are not acted upon or that no responsibility may exist
- the existing sewerage pumping station is too small for further development and with the applicant's acknowledging the lack of sewerage infrastructure not only locally but as far afield as the Countess Wear sewage works, the scale of the proposed development is untenable
- the proposed link road from Tithebarn Lane across the highest field, abutting the Vines property, to join with Cumberland Way will have a negative impact on an area which contains a Site of Local Importance for Nature Conservation featuring Devon hedgerows and a nature trail.
- there would be an adverse impact on the skyline.

Mrs Baker spoke against the application. She raised the following points:-

- have lived in the area for 35 years
- density of development is too high
- adverse impact on character of the Pinhoe neighbourhood
- Pinhoe will lose village atmosphere and the development will increase urban sprawl in the area
- the Pinhoe infrastructure will not be able to cope as school and health centre are already oversubscribed
- the development has inadequate parking facilities and there will be increased parking on surrounding roads
- main concern is potential for flooding. Existing green area can currently soak up excess water but is likely to lose this ability when the development is completed and green area concreted over. This will increase the likelihood of flooding which will impact on the development itself as well as the surrounding area
- site traffic likely to cause hazards along both Tithebarn Lane and Pinn Lane both of which will also become rat runs after completion of the development
- no protection provided for trees along the boundaries and next to houses
- the need for additional housing in the area is accepted but new build should be of benefit to the wider community. This development has been rushed with inadequate consideration of the needs of area.

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

- development is part of the overall development of Monkerton and in East Devon itself
- will provide houses for the Exeter and East of Devon growth point. It is a comprehensive scheme including affordable housing, open space and employment etc.
- development will facilitate provision of Phase 3 of transport improvements required by Devon County Council and the Highways Agency as part of the overall scheme for the growth point including the Science Park, Cranbrook and Skypark and provide good access from these areas into Exeter
- the Section 106 Agreement provides for education, open space, public transport to serve the growth point
- in line with Core Strategy
- in accordance with Government growth agenda.

In response to Members' questions, he confirmed that Pell Frishmann had been engaged to provide a flood risk assessment and that this had been to the satisfaction of the Environment Agency. The area to the north east of the site, which was most susceptible to flooding, would not be developed.

Members were advised that car parking provision met guidelines. In addition, Devon County Council had not requested to be consulted on the proposal in its capacity as a Lead Flood Authority.

RESOLVED that

- (1) having had regard to the Environmental Impact Assessment submitted with the application and the representations made about the environmental effects of the development, and subject to
 - (i) amended design and access details relating to public open space;
 - (ii) amended illustrative plan showing revised access arrangements;
 - (iii) no objections being raised by East Devon District Council;
 - (iv) no objections being raised by the Secretary of State;

planning permission for development of a site to provide up to 930 dwellings, link road, employment area (B1/B8 use classes), park and ride facility, local retail area and community facility, health and fitness centre, creche, public and private open space and car and cycle parking, together with landscaping and associated servicing (all matters reserved except points of access) be **delegated** to the Assistant Director City Development in consultation with the Chair to approve after briefing the Northern Area Working Party, subject also to the completion of a Section 106 Agreement securing the items identified in the report including securing district heating pipework and subject to the following conditions (with any necessary amendments to those conditions):-

- 1) C06 - Time Limit - Approval of Reserved Matter
- 2) C04 - Outline - Exclude Details
- 3) C07 - Time Limit - Outline

- 4) The outline planning permission hereby approves the following parameter plans together with the design principles and parameters established in the approved Design and Access Statement:
Land use – dwg no. 9607 Rev K

Plot ratio plan – dwg no. 9600 Rev K

Maximum building heights – dwg no. 9601 Rev K

Access and movement – dwg no. 9604 Rev K

Open space and retained planting/vegetation – dwg no. 9605 Rev K

Prior to the submission of any reserved matters application(s) for an agreed phase or phases of the development, a framework plan and statement on the appearance palette for the agreed phase or phases of the development shall be submitted to and approved in writing by the LPA. The framework plan(s) (1:1000) shall follow the principles established in the indicative masterplan and it shall be in accordance with the approved parameter plans. The framework plan(s) shall show the indicative location of buildings and their type, public and private open spaces and parking typologies, together with how the design principles in the approved Design and Access Statement will be applied at the more detailed level. The appearance palette shall be provided in the form of a statement providing information and guidance on building design and character, constructional materials and detailing, surface materials and their finishes, street furniture and street tree species.

The reserved matters application or applications shall adhere to the approved framework plan(s) and accompanying appearance palette relevant to that part of the site.

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

- 5) C17 - Submission of Materials

- 6) The landscaping scheme to be submitted as part of the reserved matters specified within the outline planning permission shall follow the landscape design principles within the approved Landscape Strategy (Section 5.19) of the Design and Access Statement. The details to be submitted for the landscape scheme shall include an implementation schedule and maintenance scheme for the approved details of landscaping. The landscaping shall be provided and maintained in accordance with the approved details.

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

- 7) C37 - Replacement Planting

- 8) C38 - Trees - Temporary Fencing

- 9) C57 - Archaeological Recording

- 10) The buildings comprised in the development hereby approved shall be constructed so that their internal systems for space and water heating are capable of being connected to 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 points

on the site boundary agreed in writing by the LPA.

Reason: In the interests of sustainable development.

- 11) No dwelling hereby approved shall be occupied until the applicant has submitted a SAP calculation which demonstrates that 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.

- 12) 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. Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until an application for a Final Code Certificate has been made seeking certification that the required Code Level has been achieved and within one year of occupation of any dwelling the developer shall submit to the Local Planning Authority a Final Code Certificate to demonstrate that a Final Code Level of 3, 4 or 5 has been achieved as required above.

Reason: In the interests of sustainable development.

- 13) 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 monitoring compliance with sustainable development requirements.

- 14) No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the statement the following restrictions shall be adhered to: a) There shall be no burning on site during construction or site preparation works; b) No construction works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays; c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance. The approved Plan shall be adhered to throughout the construction period.

Reason: To protect the amenities of existing and future residents.

- 15) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local

Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason: To ensure that the site is safe for residential occupancy.

- 16) Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within all residential units will conform to the “good” design range identified by BS8233:1999 : Sound Insulation and Noise Reduction for Buildings – Code of Practice shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and be retained thereafter.

Reason: To protect the amenities of future residents from road traffic noise.

- 17) No development shall take place on site until an evaluation has been undertaken of the foul drainage provision available and the results, together with a scheme for any improvement works, has been agreed in writing by the Local Planning Authority. The scheme shall include full details of the proposed improvement works, a timescale for implementation and adoption of these works, and arrangements for maintenance of the system prior to adoption. No buildings shall be occupied unless or until the approved improvement works have been implemented in accordance with the agreed scheme.

Reason: In the interests of residential amenity.

- 18) 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.

- 19) As part of the first application for approval of reserved matters, 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.

- 20) 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.

- 21) As part of the first application for approval of reserved matters, a detailed phasing plan based on that set out on pages 123-124 of the Design and Access Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The phasing plan shall specify the proposed timing for the delivery of the areas of public open space/green infrastructure as well as the construction programme for the housing and other built elements of the development.

Reason: To ensure that the development proceeds in accordance with an agreed programme of delivery, that areas closest to existing transport services are developed first, and that within individual phases the open space associated with the development is co-ordinated with the construction of the houses which it will serve.

- 22) A comprehensive Travel Plan will be prepared and implemented for all elements of the development hereby permitted. The Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of any dwelling within the development and shall include, but not exclusively, the following elements;

- The identification of targets for trip reduction and modal shift
- The methodology to be employed to reach these targets
- The mechanisms for monitoring and review
- The mechanisms for reporting
- The failsafe measures to be applied in the event that the 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 reviews

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

Reason: To ensure that the development promotes all travel modes other than the private car and consequently reduces dependence on private car travel.

- 23) 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 have regard to the conclusions of the submitted Environmental Statement, 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.

- 24) The occupation of any part of the development authorised by this permission shall not be allowed, unless otherwise agreed by the relevant local planning authority (in consultation with the Secretary of State for Transport), until :-
- a) The local planning authority (in consultation with the local highway authority and the Secretary of State for Transport) has approved in writing a full scheme of works and improvements to provide a new vehicular transport link from the identified East of Exeter developments into Exeter via a new local distributor road over the M5 north of Junction 29. (The route and connection points indicated for this local distributor road as proposed in the planning application, are considered to meet this criteria subject to technical and capacity design approval.)
 - b) The approved works have been completed in accordance with the local planning authority's written approval (in consultation with the local highway authority and Secretary of State for Transport) and have been certified in writing as complete on behalf of the local planning authority.

Reason: To ensure the safe and efficient operation of the local and strategic road network.

- 25) The proposed estate roads, footways, footpaths, junctions, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, cycle routes, 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.

- (2) no objection be raised to East Devon District Council in response to its consultation of the City Council concerning this application.

(Report circulated)

126 **PLANNING APPLICATION NO.12/0854/01 - LAND AT SANDROCK, GYPSY HILL LANE, EXETER, EX1**

Councillor Mrs Henson declared an interest as she knew a resident of Pinn Lane.

The Assistant Director City Development presented the application for the erection of up to 62 dwellings with associated public open space, infrastructure and landscaping with detailed approval for vehicle, pedestrian, and cycle access (all other matters reserved for future consideration) at land at Sandrock, Gypsy Hill Lane, Exeter. (The Assistant Director City Development advised that means of access had now been withdrawn from the application, it now related to just the principle of residential development for up to 62 homes). The Assistant Director City Development advised that Devon County Council now considered that temporary access should now be from Pinn Lane and provision for permanent access from the proposed Tithebarn Lane Link Road.

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

The recommendation was for approval to be delegated Assistant Director City Development subject to receipt and consideration of a revised illustrative layout plan and a Section 106 Agreement and conditions as set out in the report.

Councillor Macdonald, having giving notice under Standing Order No.44, spoke on this item. She raised the following points:-

- opposed to the provision of a cycle way and footpath along Gypsy Lane which should be left as a nature trail, appropriate to a SLINC
- access to the site via Gipsy Hill Lane is unsuitable. The junction of gipsy Hill Lane with Pinn Lane is narrow with poor visibility of traffic on Pinn Lane from Gipsy Hill Lane. Traffic on Pinn Lane also has poor visibility of traffic emerging from Gipsy Hill Lane. Gipsy Hill lane is an important cycle route
- Improvements to Tithebarn Lane should not impact on Gipsy Lane

RESOLVED that planning permission for the erection of up to 62 dwellings with associated public open space, infrastructure and landscaping (all other matters reserved for future consideration) be delegated to the Assistant Director City Development in consultation with the Chair of the Planning Committee and after briefing the Northern Area Working Party to **approve** subject to a Section 106 Agreement securing the matters identified in the main report, a provision securing district heating pipework, receipt of an amended illustrative plan and the following conditions (which may be varied or supplemented as appropriate):-

- 1) The development hereby approved must be begun with three years from the date of the grant of outline planning permission, or two years from the final approval of the reserved matters, whichever is the longer.
Reason: To ensure compliance with section 91 - 92 of the Town and Country Planning Act 1990.
- 2) C04 - Outline - Exclude Details
- 3) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of the permission and the development hereby permitted shall be begun before the expiration of five years from the date of the permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved whichever is the later.
Reason: To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.
- 4) C15 - Compliance with Drawings
- 5) C17 - Submission of Materials
- 6) C34 - Landscape Scheme - Outline
- 7) C37 - Replacement Planting
- 8) C38 - Trees - Temporary Fencing
- 9) C57 - Archaeological Recording
- 10) None of the dwellings shall be occupied until surface water drainage works have been completed in accordance with design details which shall have

been previously approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory drainage of the development.

- 11) The dwellings comprised in the development hereby approved shall be constructed so that their systems for space and water heating are capable of being connected to the proposed decentralised energy network. Prior to the occupation of 50% of the dwellings the necessary on site infrastructure shall be completed so the dwellings can be connected to the proposed decentralised energy network at points on the site boundary to be agreed in writing by the Council.
Reason: In the interests of sustainable development.
- 12) No dwelling hereby approved shall be occupied until the applicant has submitted a SAP calculation which demonstrates that 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.
- 13) Any individual dwelling hereby approved shall achieve Code Level 3, shall achieve Code Level 4 if commenced on or after 1st January 2013 (including a 44% CO2 emissions rate reduction from Part L 2006), and 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. Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until an application for a Final Code Certificate has been made seeking certification that the required Code Level has been achieved and within one year of occupation of any dwelling the developer shall submit to the Local Planning Authority a Final Code Certificate to demonstrate that a Final Code Level of 3, 4 or 5 has been achieved as required above.
Reason: In the interests of sustainable development.
- 14) The Local Planning Authority shall be notified in writing of the identity of all dwellings for which construction has commenced before 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 monitoring compliance with sustainable development requirements.
- 15) 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.
- 16) 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 construction and demolition phases including but not limited to site traffic, emissions of noise and dust and the phasing and timing of work. The CEMP should contain a procedure for

handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development, in order to discuss forthcoming work and its environmental impact.

Reason: In the interests of local amenity.

- 17) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason: To ensure that the site is safe for residential occupancy.

- 18) Details of noise mitigation measures (to protect future residents from noise from surrounding land uses) shall be submitted and approved in writing prior to commencement of the development. The approved measures shall be implemented in full prior to occupation of the development.

Reason: In the interests of local amenity.

- 19) No development shall take place on site until an evaluation has been undertaken of the foul drainage provision available and the results, together with a scheme for any improvement works, has been agreed in writing by the Local Planning Authority. The scheme shall include full details of the proposed improvement works, a timescale for implementation and adoption of these works, and arrangements for maintenance of the system prior to adoption. No buildings shall be occupied unless or until the approved improvement works have been implemented in accordance with the agreed scheme.

Reason: In the interests of residential amenity.

- 20) 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.

- 21) As part of the first application for approval of reserved matters, 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.

- 22) The proposed estate roads, 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.

- 23) Travel Plan – DCC to advise on preferred form of condition.

- 24) 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.

- 25) 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.

- 26) 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.

(Report circulated)

127 **PLANNING APPLICATION NO.12/1417/02 - 58 MAIN ROAD, PINHOE, EXETER, EX4 9EY**

The Area Planner presented the application for redevelopment to provide a two and a half/three storey building comprising seven terraced houses, four flats and one duplex, parking and associated works (approval sought for reserved matters on Ref. No. 10/1353/38, granted 06 October 2010, for access, appearance, landscaping, layout and scale) at 58 Main Road, Pinhoe, Exeter.

Members were circulated with an update sheet - attached to minutes. It was acknowledged by the Area Planner that the development was not overbearing in relation to adjacent residential properties.

The recommendation was for refusal as per the reason set out in the report with an amendment to delete the second clause.

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

- the original objection to the application in respect of it being overbearing on residents at the rear due to relative heights, distances and orientation had been removed
- there has been little development in this area in the last 30 years and this site and the area generally has not been particularly attractive. It is believed that the this application will improve the quality of both the site and the area as a whole
- the application meets the authority's design guidance
- it will be a positive influence on the street scene and will help improve Pinhoe Main Road
- it will provide a rare opportunity for housing for young people in Pinhoe

Members commented that the proposal was attempting to fit too much onto the site and that the building would look incongruous in the street scene.

RESOLVED that planning permission for redevelopment to provide two and a half/three storey building comprising seven terraced houses, four flats and one duplex, parking and associated works (approval sought for reserved matters on Ref. No. 10/1353/38, granted 06 October 2010, for access, appearance, landscaping, layout and scale) be **refused** for the following reason:-

- 1) The proposal is contrary to Policy CO6 of the Devon Structure Plan 2001-2016, Policies DG1 (a, b, c, d, f, g, h and i) and DG4 (a, b and c) of the Exeter Local Plan First Review 1995-2011, Policies CP4 and CP17 of the Exeter Core Strategy, and the Council's Supplementary Planning Document 'Residential Design' because it would be an overdevelopment of the site. The proposal would, as a result of its design, position, height, scale and massing be out of character with the street scene and detract from local visual amenity.

(Report circulated)

128

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)

129

ENFORCEMENT PROGRESS REPORT

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

RESOLVED that the report be noted.

(Report circulated)

130

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(Report circulated)

131

SITE INSPECTION PARTY

It was requested that the next Site Inspection Party be moved to Tuesday 8 January 2012 at 9.30 a.m. The Councillors attending will be Bialyk, Mrs Henson and Sutton.

(The meeting commenced at 5.30 pm and closed at 8.53 pm)

Chair